STATE OF INDIANA
BOARD OF COUNTY COMMISSIONERS
OF
VERMILLION COUNTY, INDIANA
AMENDED
ORDINANCE No. 2014-005

ORDINANCE VACATING A PUBLIC WAY:

WITNESSETH:

WHEREAS, Rodney Pugh is the owner of Lots 69 and 70 in Collett's Third Addition to the Town of Eugene, and

WHEREAS, Rodney Pugh is the owner of Lots 71 and 72 in Collett's Third Addition to the Town of Eugene, and

WHEREAS, Rodney Pugh is the owner of certain improvements on Lots 69 and 70 in **Collett's Third Addition** to the Town of Eugene, Indiana, and

WHEREAS, pursuant to I.C. 36-7-3-12(b)(3) petitioner Rodney Pugh has shown that he is the only owner of land abutting the public way to be vacated, and

WHEREAS, There is a dedicated Eighteen foot (18') wide north-south public way (alley) dividing Lot 70 from Lot 71 and running east 165 feet from the east edge of High Street to the east end of Lots 70 and 71 in the aforesaid addition, and

WHEREAS, That the aforesaid Eighteen foot (18') wide property is not now, nor to the knowledge of the undersigned County Commissioners, ever been improved or otherwise used for a public way, and

WHEREAS, Rodney Pugh, the petitioner herein, has requested that the aforesaid public way be vacated and nine feet (9') of even width off of the south side of said public

way, be added to the north side of Lot 70 and nine feet (9') of even width off of the north side of said public way, be added to the south side of Lot 71, and

WHEREAS, The vacating the public way would not hinder the growth or orderly development of the Town of Eugene or neighborhood, and

WHEREAS, the vacating of the public way would not hinder access to the land of any other person nor access to any church, school, cemetery or other public building or place.

THEREFORE, the Board of Commissioners of Vermillion County in a duly advertised meeting and action now **ORDAINS** as follows:

1. That the dedicated eighteen foot (18') wide north-south public way dividing Lot 70 from Lot 71 and running east 165 from the east edge of High Street to the east end of Lots 70 and 71 in Collett's Third Addition to the Town of Eugene, Indiana, is hereby vacated as a public way.
2. That the North one-half, being nine feet (9') of even width of the vacated public way, be added, by operation of law, to the south side of Lot Seventy One (71) and the South one-half, being nine feet (9') of even width of the vacated public way, be added, by operation of law, to the north side of Lot Seventy (70) as laid out and platted on October 18th, 1829 and as shown in Deed Record 47, Page 458 in the office of the Recorder of Vermillion County, Indiana.
3. That upon passage of this Ordinance, Lots Seventy (70)

and Seventy-One (71) in Collett's Third Addition are extended, by operation of law, to include Lots' 70 and 71 proportionate part of the public way vacated as set forth above.

4. That pursuant to I.C. 36-7-3-12(e), the Auditor of the Vermillion County, Indiana, shall transfer the aforesaid vacated alley on the Auditor's records to **Rodney Pugh,** P. O Box 484, Cayuga, Indiana 47928, as hereinabove set forth and shall furnish a duly signed copy of this Vacating Ordinance to the **Vermillion County Recorder** for recording, who in turn, upon recording, shall deliver said copy forthwith to: **Rodney Pugh, P. O. Box 484, Cayuga, Indiana.**

PASSED by the Board of County Commissioners of Vermillion County, Indiana on the 26th day of August, 2014.

Tim J Wilson Commissioner
Tim Wilson

Harry L Crossley Commissioner
Harry Crossley

Russell A Hall Commissioner
Russell Hall

ATTEST:

Phyllis Orman
Phyllis Orman, Auditor

State of Indiana
Board of County Commissioners of
Vermillion County Indiana
ORDINANCE 2014-005

Petition to Vacate Public Alley/Street

Come now the undersigned and respectfully petition the Board of County Commissioners of Vermillion County, Indiana, pursuant to I.C. 36-7-3-12

The petitioner Rodney Pugh is the owner of the following described real estate in Eugene Township, Vermillion County to-wit:

1) Petitioner owns Eugene Colletss 3rd Add Lots 69, 70, 71 & 72
2) That the Petitioner wishes to vacate the 8' in width between lots 70 & 71 in Eugene Collets 3rd addition.
3) That the above described public alley is not now and has never been used as a public right-of-way.
4) That no present access road improvements and utilities have ever been or presently installed.
5) The vacating of the public alley would not hinder the growth or orderly development of the surrounding neighborhood.
6) The vacating of the public alley would not hinder access to the land of any other person, firm, or corporation.
7) The vacating of the public alley will not endanger the public health, safety, morals, comfort, or general welfare.
8) Half the right-of-way of the vacated public alley, by operation of law, shall revert back to each adjoining property owner.

Wherefore, petitioners request that the above-described public alley/street be vacated and the land upon which public alley is situated become the property of the respective adjoining property owners.

Therefore, the Board of Commissioners of Vermillion County, Indiana, now ordains as follows,

1) Half of the width of the right-of-way of the vacated public alley, by operation of law, shall revert back to each adjoining property owner.
2) Upon passage of this ordinance, pursuant to I.C. 36-7-3-12 (e), the Clerk of the Board of Commissioners of Vermillion County, Indiana shall furnish a duly signed copy of this vacation ordinance to the Petitioner. The Petitioner shall file this ordinance along with a new legal description and/or survey with the Auditor and Recorder. The Assessor may also require a form be filed.

Passed by the Board of County Commissioners of Vermillion County, Indiana, on the 12th day of August 2014.

Tim Wilson Commissioner

Harry Crossley Commissioner

Russell Hall Commissioner

Attest: Phyllis Orman, Aud
Phyllis Orman, Auditor