

ORDINANCE #2022-11

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, INDIANA UPON THE APPLICATION OF: SHAWN T. COOK AND JAMES TOUT

AN ORDINANCE VACATING EASEMENTS WITHIN THE R.R. KINTON SUBDIVISION, A SUBDIVISION LOCATED IN JEFFERSON TOWNSHIP MORGAN COUNTY, INDIANA

WHEREAS, a public hearing was held on the 5th day of July, 2022, with notice given as required by law upon the application of Shawn T. Cook and James Tout for the vacation of an easement within the jurisdiction of Morgan County, Indiana;

WHEREAS, the Petitioner presented evidence at the said public hearing in which they are owner of property depicted in attached Exhibit A;

WHEREAS, pursuant to Indiana Code 36-7-3-12 the Petitioner made valid application to the Board of County Commissioners of Morgan County stating they are owners of property within Morgan County, stated the circumstances of their request for vacation of easements, that they specifically described the property proposed to be vacated, and they provided proof that they are the owners of land that adjoins the property proposed to be vacated, and all notices according to law were made;

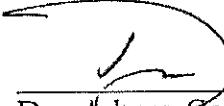
WHEREAS, the Board of County Commissioners, after diligent review of the matter pertaining to the vacation, such review having occurred at the public hearing held on the 5th day of July, 2022;

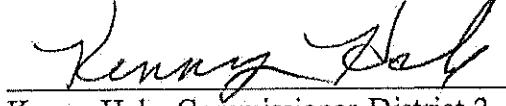
WHEREAS, the Board of County Commissioners now finds that it is in the best interest for the easements between lots 41 through 34 within Block D of the subdivision; between Lots 23 through 20 and 1 through 2 of Block A of the subdivision; between Lots 1 through 7 within Block B and Lots 1 through 11 within Block C of the subdivision,

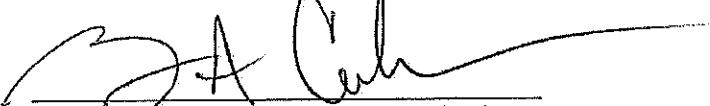
between Lots 1 through 6 and 7 through 9 of Block F of the subdivision; and between Lots 1 through 4 and 7 through 9 of Block F in R. R. Kinton's Subdivision be vacated and the easement areas go to Shawn T. Cook and James Tout, as their respective interests are owned.

NOW, THEREFORE, BE IT ORDAINED, that the easement identified above, shall be vacated, and, shall from this date forward be considered private property of the applicants.

Dated this 5 day of July, 2022.

Don Adams
Don Adams, Commissioner District 3

Kenny Hale
Kenny Hale, Commissioner District 2

Bryan Collier, Commissioner District 1

ATTEST:

Dan Bastin
Dan Bastin, Auditor

This Instrument prepared by:
Dale S. Coffey #18582-55
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PETITION TO VACATE EASEMENT WITHIN R.R. KINTON'S SUBDIVISION
A SUBDIVISION LOCATED IN JEFFERSON TOWNSHIP,
MORGAN COUNTY, INDIANA

Comes now Shawn T. Cook and James Tout, by counsel, Dale S. Coffey, and file their Petition to Vacate Easement located in R.R. Kinton's Subdivision, a subdivision located in Jefferson Township, Morgan County, Indiana, and in so doing respectfully requests as follows:

1. That Shawn T. Cook owns Lots 1, 2, 3, 5, 6, 7 within Block B of the R. R. Kinton's Subdivision; Lots 41, 42, 43, 44 within Block D of the R. R. Kinton's Subdivision; Lots 20, 21, 22, 23, 32, 33 and 34 within Block A of the R. R. Kinton's Subdivision; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, within Block C of the R.R. Kinton's Subdivision, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, within Block F of the R.R. Kinton's Subdivision.
2. That James Tout owns Lots 1, 2, 3, 4, 5, 13, 14, 15, within Block F of the R.R. Kinton's Subdivision.
3. That when the subdivision was originally developed by way of its plat, recorded in Deed Record 110, Page 182 in the Office of the Morgan County Recorder, an easement was dedicated to the public and platted in between Lots 41 through 34 within Block D of the subdivision; 23 through 20 and 1 through 2 of Block A of the subdivision; Lots 1 through 7 within Block B and Lots 1 through 11 within Block C of the subdivision; Lots 1 through 6 and 7 through 9 of Block F of the subdivision; and Lots 1 through 4 and 7 through 9 of Block F of the subdivision. A drawing outlining the easements is attached to this Petition as Exhibit A.

4. That the easement was never developed as a roadway, and has never been used as such, and currently trees, large ravines travel through its location, and it is no practical use to anyone except for the landowners who own land on both sides of the easement.

5. That the Petitioners are the landowners on both sides of the various easements.

6. That the easement areas between the above designated Lots would benefit Shawn T. Cook and James Tout only.

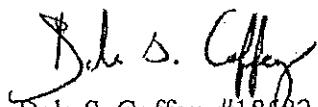
7. The easement as platted is 50 feet wide and would travel the length as outlined above and as depicted in Exhibit A.

8. That the Patton Lake Homeowners Association Board has been notified of this Petition, and the Board has no objections.

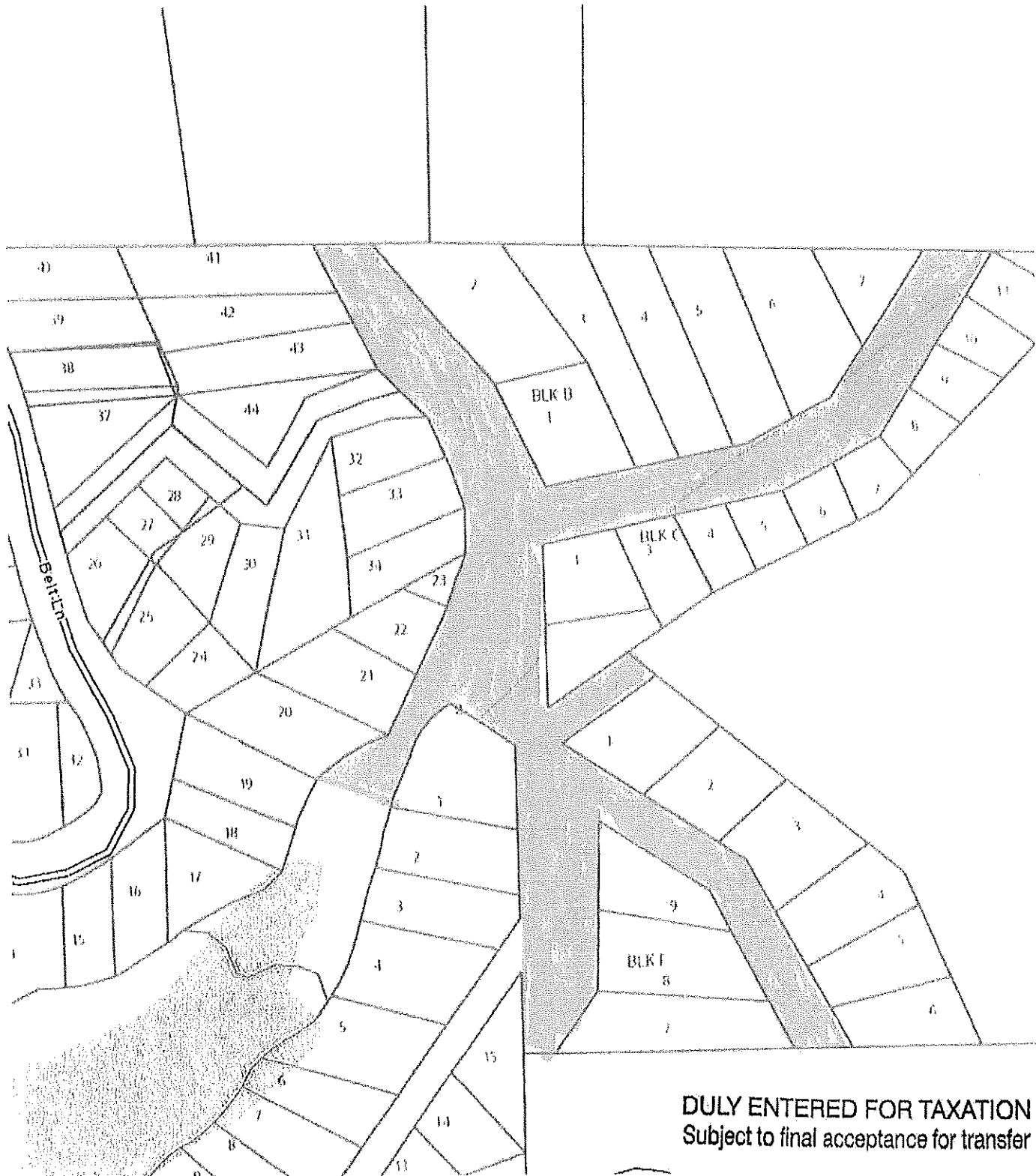
Wherefore, the Petitioners, by counsel, respectfully request the Commissioners hold a public hearing on this matter, and after hearing evidence, approve the vacation of the public easements according to the specifications outlined in the Petition, and to allocate half the easement to the adjoining landowners on both sides, those being the Petitioners, and for all other relief just and proper in the premises.

Respectfully Submitted,

BOREN, OLIVER & COFFEY, LLP


Dale S. Coffey, #18582-55
Attorney for Petitioners

Dale S. Coffey
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Telefax: 765-342-7322



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUL 06 2022

Dave Burk
MORGAN COUNTY AUDITOR

EXhibit A