

**ORDINANCE #2021- 14**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, INDIANA UPON THE APPLICATION OF: DANIEL L. BORITZKI AND TRACY A. BORITZKI REVOCABLE LIVING TRUST, AND SHAWN T. COOK

**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 1<sup>st</sup> day of November, 2021, with notice given as required by law upon the application of Daniel L. Boritzki and Tracy A. Boritzki Revocable Living Trust, and Shawn T. Cook 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 described 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 1<sup>st</sup> day of November, 2021;

WHEREAS, the Board of County Commissioners now finds that it is in the best interest for the easements between lots 37, 26, 27, and 28 in R. R. Kinton's Subdivision

be vacated and the easement area go to Daniel L. Boritzki and Tracy A. Boritzki and the easement area between lots 44, 29, 30, 31 and 32 be vacated and go to Shawn T. Cook.

That the distance to be vacated on this easement would be beginning at the corner of Lot 37 and Lot 26, and traveling 166 feet to the northwest corner of Lot 44, and then from Lot 44 a distance of 124 feet, making a sharp right turn, and a distance of 193 feet to the intersection of the easement area and a roadway northwest.

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 15th day of November, 2021.

  
Don Adams, Commissioner District 3

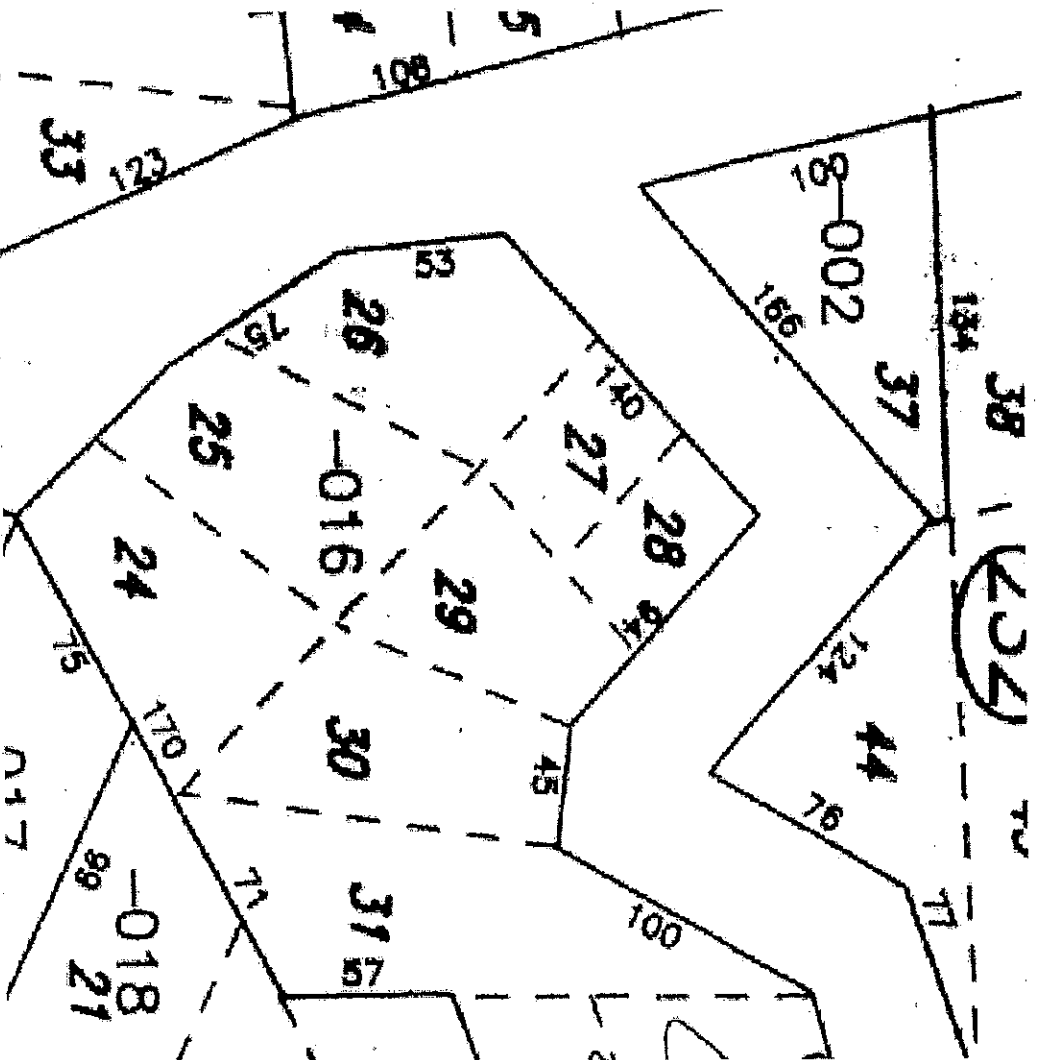
  
Kenny Hale, Commissioner District 2

  
Bryan Collier, Commissioner District 1

ATTEST:

  
Dan Bastin, Auditor

This Instrument prepared by:  
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R, R Kinton's Subdivision  
 LOTS 26, 27, 28, and 37

Daniel L. Boritzki and  
 TRACY A. Bortitzi Revocable  
 Living Trust

R. R. Kinton's Subdivision  
 LOTS 44, 29, 30, 31, & 32

Shawn T. Cook

