

WHITELAND TOWN COUNCIL
ORDINANCE NO. 2014-14
AN ORDINANCE TO VACATE A PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to Indiana Code 36-9-2-5 and I.C. 36-7-3-12, the Town of Whiteland, Indiana (the "Town") received a Petition to Vacate Public Right-of-Way, filed on November 4, 2014, and signed by Christopher Phillips and Steven Ridge (the "Vacation Petition"), to which this ordinance has been prepared (the "Vacation Ordinance"); and

WHEREAS, the public right-of-way requested to be vacated (the "Right-of-Way") is an unimproved street located between Lots 214 and 215 of the Chad Lo Manor, Phase II subdivision; and

WHEREAS, I.C. 36-7-3-12 provides that the vacation of a public way must be authorized by an ordinance of the legislative body of the municipality; and

WHEREAS, the Town has held a duly noticed public hearing on the Vacation Petition and Ordinance on December 8, 2014, as required by I.C. 36-7-3-12; and

WHEREAS, the Town Council, having duly considered the vacation of the Right-of-Way, now desires to adopt an ordinance in accordance with I.C. 36-7-3-12.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The Right-of-Way described on Exhibit A attached hereto is vacated.

Section 2. The vacation of right-of-way authorized by this Ordinance is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, but not limited to: water, sewer, drainage, electricity, telecommunications, natural gas, and cable television, which existing easement rights shall survive the vacation.

Section 3. The Clerk-Treasurer of the Town of Whiteland is hereby directed to furnish the Vacation Ordinance to the Johnson County Recorder for recording and to the Johnson County Auditor, as required by I.C. 36-7-3-12.

Section 4. This Ordinance shall be in full force and effect from and after its passage.

(Remainder of this page intentionally left blank)

PASSED AND ADOPTED by the Town Council of the Town of Whiteland, Indiana, this _____ day of _____, 201__.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

YES

NO

Robert Zehr, President

Robert Zehr, President

Kent Beeson, Vice President

Kent Beeson, Vice President

Chris Hadley

Chris Hadley

Roger Ford

Roger Ford

S. Ed Tichenor

S. Ed Tichenor

ATTEST:

Michelle R. Richards, Clerk-Treasurer
Town of Whiteland, Indiana

This document prepared by: Stephen K. Watson, Williams Barrett & Wilkowski, LLP, 600 North Emerson Ave, Greenwood, IN 46142, 317-888-1121

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stephen K. Watson.

Exhibit A

The right-of-way to be vacated is described as follows:

The entirety of the "Future Road Right-of-Way" located adjacent to and between Lot 214 and Lot 215 as identified and platted in the "Chad-Lo Manor Phase Two" subdivision, recorded in Plat Book C, Pages 540A and 540B of the Johnson County Recorder.