

ORDINANCE 4-C-24

Synopsis: This ordinance, if adopted, would vacate a 15' platted easement located on Lots 2 & 3 in Bowen Professional Park (2871 Northpark Avenue), within the City of Huntington.

AN ORDINANCE VACATING A PLATTED EASEMENT WITHIN THE CITY OF HUNTINGTON, INDIANA

WHEREAS, on the 27th day of February, 2024, The Bippus State Bank ("Applicant") filed a petition, pursuant to I.C. 36-7-3-16, to vacate a platted easement located upon Lots 2 & 3 in Bowen Professional Park (Recorded in Plat Book M Page 161), within the City of Huntington, Indiana and more particularly originally described as follows:

That 15 foot platted Utility Easement running Northwest-Southeast that lies along the common boundary line of Lots 2 & 3 in Bowen Professional Park and runs from the Northerly boundary line of said Lots 2 & 3 along the Southerly right-of-way line of Bowenpark Avenue to the Northerly line of the 15 foot Utility & Drainage Easement running along the Southerly boundary line of said Lots 2 & 3.

WHEREAS, the Applicant propose to vacate the original platted easement;

WHEREAS, a map showing the easement proposed to be vacated is attached and incorporated herein as Exhibit "A";

WHEREAS, appropriate notice has been given, and a public hearing has been held within thirty (30) days after the filing of that petition, all in the manner provided by law; and

WHEREAS, all utilities have been provided notice of the petition and consented to the vacation request.

NOW THEREFORE, THIS COUNCIL FINDS that the vacation of the platted easement as described in Exhibit "A" easement will not be a detriment to the health, safety, and general welfare of the citizens of the City of Huntington, Indiana, and that such vacation will not:

1. make access to any other parcels of land impossible;
2. eliminate the public's access to a church, school or other public building or place;
3. hinder the growth or orderly development of the City of Huntington, Indiana;
4. hinder the use of any street, alley or public way;
5. be of any detriment to the health, safety and general welfare of the citizens of the City of Huntington, Indiana.

NOW, THEREFORE, BE IT ORDAINED that the platted easement as described above is hereby partially vacated.

BE IT FINALLY ORDAINED that this ordinance shall be in full force and effect following its adoption and in accordance with applicable law and the Clerk-Treasurer is directed to furnish a copy of this Ordinance to the County Auditor and County Recorder for recording as provided by applicable law, which shall be conclusive evidence of the partial vacation of the easement as described in this Ordinance.

This Instrument prepared by Bryn Keplinger, Director of Community Development & Redevelopment, City of Huntington, Indiana, City Building, 300 Cherry Street, Huntington, Indiana 46750.

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

[Signature Block Next Page]

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A motion to consider for final adoption on the same day of introduction was NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of ___ in favor and ___ in opposition.

Duly adopted on first reading this 26 day of March, 2024, by a vote of 5 in favor and 0 in opposition. 1=abstain, Rensberger

Duly adopted on final reading this 9 day of April, 2024, by a vote of ___ in favor and ___ in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

[Signature]

remote

[Signature]

[Signature]

absent

abstain

Voting in Opposition:

Dwight Brautigam

Charles Chapman
(President)

PJ Felton

Dave Funk

Todd Johnson

Paul Pike

Andrew Rensberger

Attest:

Christi McElhaney

Christi A. McElhaney
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 9 day of April, 2024.

Christi McElhaney
Christi A. McElhaney
City Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 9 day of April, 2024.

[Signature]
Mayor of the City of Huntington, Indiana