

ORDINANCE # 4-2011

AN ORDINANCE VACATING A STREET

WHEREAS, a petition was filed by the Batesville Community School Corporation with the common council requesting the vacation of Westwood Drive and a portion of Second Street; and

WHEREAS, pursuant to Indiana Code 36-7-3-12 notice was given and the council heard said petition on the 11th day of April, 2011;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BATESVILLE, INDIANA:

Section 1. That all of Westwood Drive and that portion of Second Street beginning where it intersects with Westwood Drive thence South until it intersects with the Northern edge of an alley that lies between First Street and Second Street which point is the Southwest corner of Lot Number 55 of Kramer's Addition to the Town (now City) of Batesville is hereby vacated.

Section 2. The land herein vacated shall revert to the adjoining landowners.

Section 3. All ordinances, or any parts thereof, previously enacted which are in conflict with the provisions of this Ordinance are hereby specifically repealed.

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

Passed and adopted by the Common Council of the City of Batesville this 11th day of April, 2011, and at second reading this 9th day of May, 2011.

Any persons aggrieved by the passing of this ordinance have thirty days from the date of publication to appeal the same to the Ripley Circuit Court.

CITYOF BATESVILLE

Richard Fledderman, Mayor

Attest:

Ronald C. Weigel, Clerk-Treasurer

C 36-7-3-12

Vacation of public way or place; petition; notice; hearing; adoption of ordinance; appeals

Sec. 12. (a) Persons who:

(1) own or are interested in any lots or parts of lots; and
(2) want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots;

may file a petition for vacation with the legislative body of:

(A) a municipality, if all or any part of the public way or public place to be vacated is located within the corporate boundaries of that municipality; or

(B) the county, if all or the only part of the public way or public place to be vacated is located outside the corporate boundaries of a municipality.

(b) Notice of the petition must be given in the manner prescribed by subsection (c).
The petition must:

(1) state the circumstances of the case;
(2) specifically describe the property proposed to be vacated; and
(3) give the names and addresses of all owners of land that abuts the property proposed to be vacated.

(c) The legislative body shall hold a hearing on the petition within thirty (30) days after it is received. The clerk of the legislative body shall give notice of the petition and of the time and place of the hearing:

(1) in the manner prescribed in IC 5-3-1; and
(2) by certified mail to each owner of land that abuts the property proposed to be vacated.

The petitioner shall pay the expense of providing this notice.

(d) The hearing on the petition is subject to IC 5-14-1.5. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by section 13 of this chapter.

(e) After the hearing on the petition, the legislative body may, by ordinance, vacate the public way or public place. The clerk of the legislative body shall furnish a copy of each vacation ordinance to the county recorder for recording and to the county auditor.

(f) Within thirty (30) days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court of the county. The court shall try the matter de novo and may award damages.

As added by Acts 1981, P.L.309, SEC.22. Amended by Acts