

## ORDINANCE 2023-2 A

### AN ORDINANCE VACATING OPERATION AND MAINTENANCE OBLIGATIONS OF A PUBLIC WAY

WHEREAS, on the 7th day of February 2023, the Board of Commissioners received a request to Vacate Operation and Maintenance Obligations of a Public Way, from a contiguous landowner, RaceTrac, Inc.,

WHEREAS, Indiana Code § 36-7-3-12 grants the Board of Commissioners of Hancock County, Indiana, the right to vacate a public way described on Exhibit A, attached hereto (the "Public Way"); and

WHEREAS, Hancock County, Indiana was granted rights of operation, maintenance and liability for the Public Way by the Indiana Department of Transportation ("INDOT") under a Memorandum of Agreement, dated September 19, 2008, and recorded July 30, 2009, as Instrument 090008360 in the Hancock County Recorder's Office (the "Transfer Agreement");

WHEREAS, the vacation of maintenance and operation of the Public Way by Hancock County is a prerequisite of the vacation of the Public Way by INDOT;

WHEREAS, RaceTrac, Inc. is the only abutting landowner to the Public Way, however notice of a hearing on the vacation of operation and maintenance obligations of the Public Way was published in the Daily Reporter pursuant to Indiana Code §5-3-1 *et. seq.* and by certified mail at least ten (10) days before the public hearing thereon;

WHEREAS, the public hearing pursuant to Indiana Code §5-14-1.5 was properly held on the 7th day of February 2023, and all interested persons were given the opportunity to participate.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, that:**

**Section 1.** The request of RaceTrac, Inc. to vacate operation and maintenance obligations of the Public Way, as described on Exhibit A attached hereto, is hereby granted. Effective as of the date hereof, Hancock County vacates any and all rights granted for the Public Way under the Transfer Agreement.

**Section 2.** A certified copy of this Ordinance shall be provided to INDOT to evidence the vacation and/or relinquishment of any control of this Public Way by Hancock County.

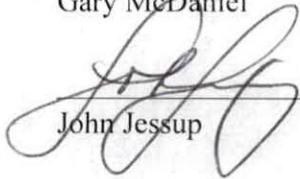
Section 3. This Ordinance is adopted on this 7<sup>th</sup> day of February 2023

**THIS ORDINANCE is of full force and effect upon its passage and recording in the Office of the Hancock County Recorder.**

Adopted this 7th day of February 2023.

  
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Bill Spalding

  
\_\_\_\_\_  
Gary McDaniel

  
\_\_\_\_\_  
John Jessup

ATTEST:

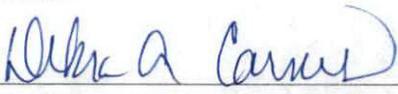
  
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Debra Carnes, Hancock County Auditor.

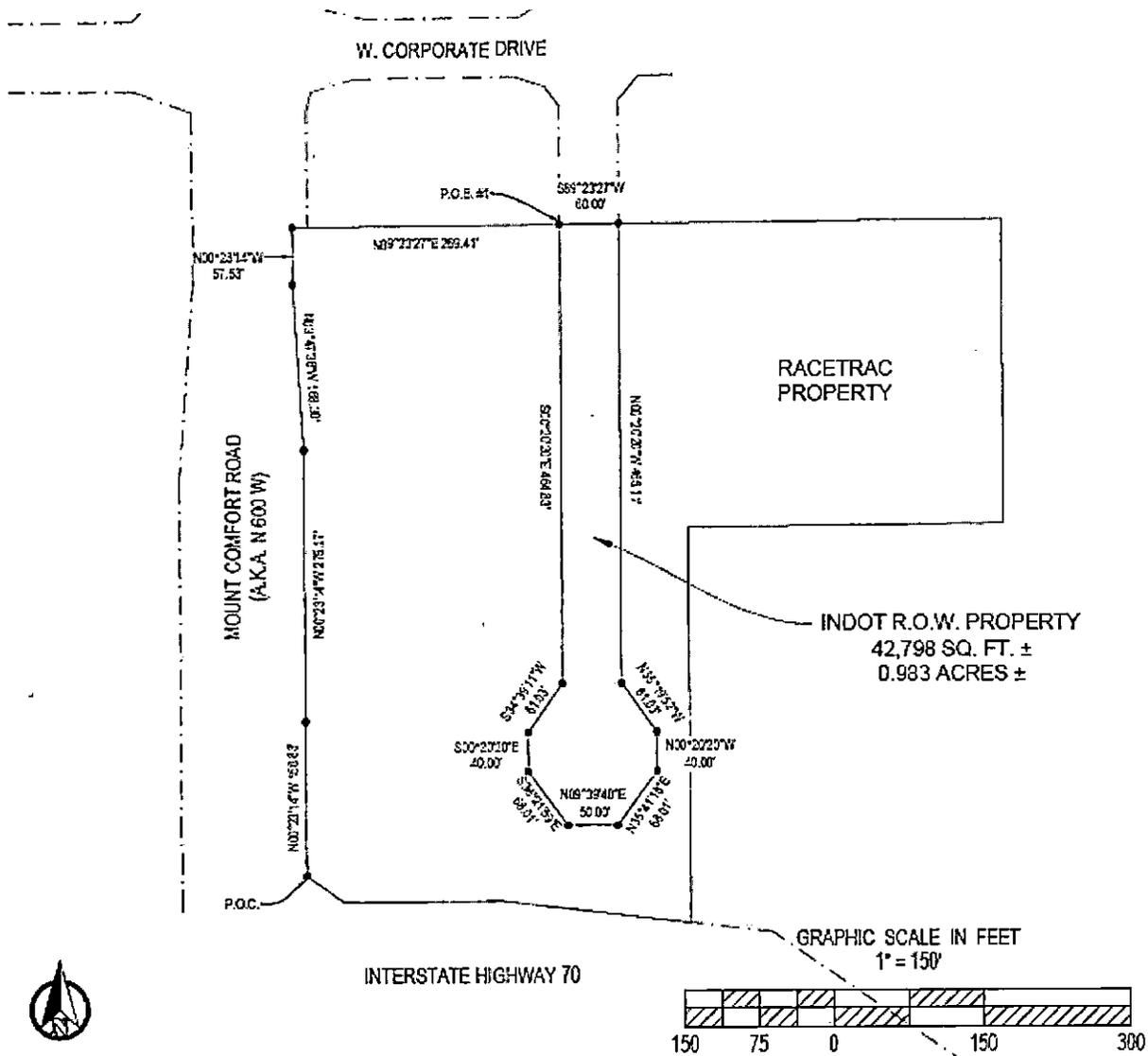
EXHIBIT A  
Legal Description

THE INDOT R.O.W. PROPERTY AS OUTLINED IN RED AND MADE A PART HEREOF IS LOCATED IN HANCOCK COUNTY, INDIANA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT BEING THE NORTHEASTERN INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 70 AND THE EASTERLY RIGHT OF WAY LINE OF MOUNT COMFORT ROAD (ALSO KNOWN AS N 600 W); THENCE RUN NORTH 00°23'14" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF MOUNT COMFORT ROAD (ALSO KNOWN AS N 600 W) FOR 156.83 FEET TO A POINT; THENCE CONTINUE NORTH 00°23'14" WEST FOR 275.17 FEET TO A POINT; THENCE RUN NORTH 03°47'38" WEST FOR 168.30 FEET TO A POINT; THENCE RUN NORTH 00°23'14" WEST FOR 57.53 FEET TO A POINT; THENCE RUN NORTH 89°23'27" EAST, LEAVING SAID RIGHT OF WAY LINE, FOR 269.41 FEET TO THE POINT OF BEGINNING #1 (P.O.B. #1); THENCE RUN SOUTH 00°20'20" EAST FOR 464.83 FEET TO A POINT; THENCE RUN SOUTH 34°39'11" WEST FOR 61.03 FEET TO A POINT; THENCE RUN SOUTH 00°20'20" EAST FOR 40.00 FEET TO A POINT; THENCE RUN SOUTH 36°21'59" EAST FOR 68.01 FEET TO A POINT; THENCE RUN NORTH 89°39'40" EAST FOR 50.00 FEET TO A POINT; THENCE RUN NORTH 35°41'18" EAST FOR 68.01 FEET TO A POINT; THENCE RUN NORTH 00°20'20" WEST FOR 40.00 FEET TO A POINT; THENCE RUN NORTH 35°19'52" WEST FOR 61.03 FEET TO A POINT; THENCE RUN NORTH 00°20'20" WEST FOR 465.11 FEET TO A POINT; THENCE RUN SOUTH 89°23'27" WEST FOR 60.00 FEET TO THE POINT OF BEGINNING #1 (P.O.B. #1);

CONTAINS 0.983 ACRES OR 42,798 SQUARE FEET, MORE OR LESS; ALL BEING SUBJECT TO A CURRENT AND ACCURATE SURVEY.

# EXHIBIT "A"



# EXHIBIT "A"

