

ORDINANCE NO. 2022 – 21

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER,  
INDIANA, VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT

(KFAM Partners LLC)

WHEREAS, KFAM Partners LLC ("Petitioner") has filed, with the Common Council of the City of Jasper, Indiana, their Petition for Vacation of a Public Utility and Drainage Easement. Said Petition shall be recorded with the Recorder of Dubois County on the 17th day of August, 2022, as Document Number 2022 004504.

WHEREAS, a public hearing on said Petition was held on August 17, 2022, and notice was given as required by law;

WHEREAS, the Common Council of the City of Jasper, Indiana has jurisdiction to vacate the Public Utility and Drainage Easement described in said Petition and described herein, below.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF JASPER, INDIANA as follows:

SECTION 1. The findings of this Council are as follows:

- A. Adequate reason exists for the vacation of the public utility and drainage easement existing on the real estate owned by Petitioner.
- B. Petitioner owns real estate upon which the subject easement is located, and which is described as follows:

Commonly known as:

Lot No. 1 and Lot No. 2 Knust's 1<sup>st</sup> Addition

State Parcel ID NO.

19-11-01-800-038.001-002 (lot 1)

19-11-01-800-038.002-002 (lot 2)

See copy of plat, incorporated by reference and attached hereto as Exhibit A.

- C. The Public Utility and Draining Easement underlying the real estate is more particularly described as follows:

All Public Utility & Drainage Easements (PU&DE) located within Lot 1 and Lot 2 of Knust First Addition, as platted in Record Document 2010004396 at Plat Book 10, Page 60 in the Recorder's Office of Dubois County, Indiana.

- D. Proper notice of the hearing for the Petition for Vacation of a Public Utility and Drainage Easement was published in The Herald on August 6, 2022, and that notice by the certified mail-return receipt requested has been given to all abutting landowners, and no one has appeared to object to the vacation of the Public Utility and Drainage Easement.

- E. The public utility and drainage easement as currently exists does not contain any utilities. Furthermore, a new public utility and drainage easement shall be established when Petitioner records its replat ("University Heights"). See replat incorporated by reference and attached hereto as Exhibit B.

- F. No public benefit is derived from the continuous existence of the public utility and drainage easement.

- G. No adjacent property owner will be affected by the petitioned vacation of said public utility and drainage easement.
- H. The vacation of said public utility and drainage easement will not diminish the value of any other real estate located in the vicinity thereof.
- I. No reason exists for the continued maintenance of the subject public utility and drainage easement in its current location. The easement should now be vacated and title to said vacated public utility and drainage easement shall vest in the adjacent landowner, namely Petitioner, KFAM Partners, LLC.

SECTION 2. The Public Utility and Drainage Easement as herein described as Exhibit A shall be and is vacated.

SECTION 3. A copy of this Ordinance shall be recorded in the offices of the Auditor and Recorder of Dubois County, Indiana.

SECTION 4. Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 5. Prior Ordinances. That any ordinances and/or parts of ordinances in conflict herewith are hereby repealed

SECTION 6. Effective Date. This Ordinance shall be effective after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

**PASSED AND ADOPTED** by the Common Council of the City of Jasper, Indiana, this 17<sup>th</sup> day of August, 2022.

  
Dean Vonderheide, Presiding Officer

ATTEST:

  
Allen Seifert, Clerk-Treasurer

This Ordinance presented by me to the Mayor of the City of Jasper on this 17<sup>th</sup> day of August, 2022 at the hour of 7:24 o'clock a.m./p.m.

  
Allen Seifert, Clerk-Treasurer

This Ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana this 17<sup>th</sup> day of August, 2022, at 7:24 o'clock a.m./p.m.

ATTEST:

  
Allen Seifert, Clerk-Treasurer

  
Dean Vonderheide, Presiding Officer

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.

  
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Renee J. Kabrick, City Attorney

*This instrument was prepared by Renee J. Kabrick  
City of Jasper, 610 Main Street, Jasper IN*



