



Ordinance 2024— 7

**An Ordinance of the Fountain County Board of Commissioners  
Vacating a Public Way in an Unincorporated Area of Fountain  
County—Alley West of Lots 21 and 22 and East of Lots 27 and 28 in  
the Original Plat of the Town of Cates.**

Whereas, Jeffrey Marquez, contract owner of real property located at 3566 South First Avenue, Kingman, Indiana, made an appropriate request under Indiana Code 36-7-3-12 to vacate an alley west of Lots 21 and 22 and east of Lots 27 and 28 in the Original Plat of the Town of Cates in Fountain County, Indiana;

Whereas, (a) the alley is not used as an access; (b) the alley has not been maintained as a public access; (c) the alley has been mowed and maintained by the affected property owner or resident;

Whereas, Marquez desires to acquire the alley for the purpose of joining his adjacent properties;

Whereas, proper notice was provided to adjacent landowners and the County conducted a public hearing to vacate said alley, with notice of hearing having been provided as required by law and public comment having been received; and,

Whereas, the Board of Commissioners has found that said alley ought to be vacated and ownership returned to the appropriate adjacent property owner pursuant to Indiana law;

Now therefore, be it ordained by the Board of Commissioners of Fountain County, Indiana, following public hearing and the consideration required by law, that:

**Section 1.** The alley located west of Lots 21 and 22 and east of Lots 27 and 28 in the Original Plat of the Town of Cates in Fountain County, Indiana, shall be vacated.

**Section 2.** Title to the vacated alley shall vest between the abutting property owner, subject to all other private easements, and a public easement running under, over, across, or through this real estate, and currently exist, which shall not be affected by this Ordinance, but remain in full effect, with all applicable rights and privileges.

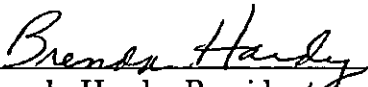
**Section 3.** The alley at issue shall be vacated with the lands thereunder added, as by Indiana law, to the abutting property owner.


**Section 4.** This Ordinance shall become effective upon passage subject to Indiana Code § 36-7-3-12's terms.

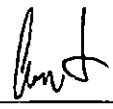
**Section 5.** The Auditor shall enter this ordinance on her records for purposes of taxation and deliver the ordinance to the County Recorder for recording at Petitioner's expense.

Adopted and passed this 16 day of December, 2024  
by the Board of Commissioners of Fountain County, Indiana.

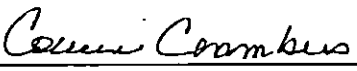
A MAJORITY OF THE  
FOUNTAIN COUNTY BOARD OF  
COMMISSIONERS

  
Brenda Hardy, President

  
Tim Shumaker, Member

  
Aaron Fruits, Member

Attest:

  
Colleen Chambers, Auditor

"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."

NAME: Jeffrey Marquez

J. Kent Minnette, Indiana Supreme Court #21362-54, Taylor, Minnette,  
Schneider & Clutter P.C., 312 4th Street, Covington, Indiana 47932,  
telephone 765-814-2001, prepared this document.