

ORDINANCE NO. 2025-02 **A**  
AN ORDINANCE OF  
THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARROLL  
STATE OF INDIANA

**ORDINANCE VACATING PUBLIC RIGHTS OF WAY IN CUTLER**

**Findings**

The Board of Commissioners of the County of Carroll, State of Indiana, (the "Board") convened its hearing on July 21, 2025, at 9:15 a.m. during a regular meeting of the Board in the commissioners meeting room, 2<sup>nd</sup> floor, Courthouse, 101 W. Main St., Delphi, Indiana on the proposed vacation of certain public rights of way in the original plat of the town of Cutler, Carroll County, Indiana. Notice of the proposed vacation of public rights of way was duly given by publication and was given as well as by mail to the owners of all parcels abutting either of rights of way proposed to be vacated. No objections or remonstrances to the proposed vacation of public rights of way were received. Upon consideration of this matter and being duly advised, the Board finds as follows:

1. The Board has jurisdiction of this matter, the vacation of public rights of way in unincorporated areas of Carroll County, Indiana, pursuant to Indiana Code § 36-7-3-12.
2. The Board initiated this proceeding by its resolution number 2025-03.
3. The alley which is located between lots numbered 17 and 18 and lots numbered 19 and 20 is an unimproved and unused alley ("the alley").
4. The strip ten feet in uniform width off of each side of Mill Street from the intersection of said strips with Center street to the intersection of said strips with Main Street ("excess street rights of way"), if vacated, will leave a platted street width of forty (40) feet, and is unused, with the exception of the alley running Northwesterly and Southeasterly through the center of the block.
5. Vacation of the alley and the excess street rights of way will not hinder growth or development of the town or neighborhood in which they are located, nor hinder the public's access to a church, school or other public building or place, nor hinder the use of a public way by the neighborhood in which they are located or to which they are contiguous.
6. The attached Exhibits A and B show the location of the rights of way to be vacated and the owners of the parcels of real estate which abut one or both rights of way.
7. The vacation of the alley and excess street rights of way are both in the public interest.

**NOW, THEREFORE, IT IS ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARROLL, STATE OF INDIANA, AS FOLLOWS:**

1. The following public rights of way in the original plat of the town of Cutler, Democrat Township, Carroll County, Indiana are hereby vacated:


**The alley abutting the northwesterly property lines of lots numbered 20 and 17 and the southeasterly property lines of lots numbered 19 and 18.**

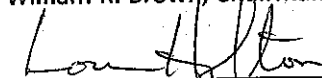
**Also, a strip ten feet in uniform width off of each side of Mill Street, from the southerly right of way line of Center Street to the northerly right of way line of Main Street, excepting the alley running Northwesterly and Southeasterly through the center of the block.**

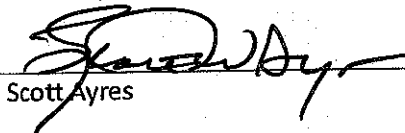
2. There is hereby reserved to any public utility company with underground utility plant located within the area herein vacated, and to its successors in interest, a permanent easement for the maintenance, reconstruction, and replacement of said underground utility plant.

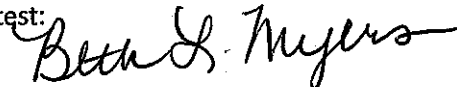
DATED this 4<sup>th</sup> day of August, 2025.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF CARROLL, STATE OF INDIANA**

  
\_\_\_\_\_  
William R. Brown, Chairman

  
\_\_\_\_\_  
Loren Hylton, Vice Chairman

  
\_\_\_\_\_  
Scott Ayres

Attest:   
\_\_\_\_\_  
Beth L. Myers, Auditor of Carroll County

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Ted Johnson, Carroll County Attorney



**Exhibit B**

**Alley**

Lot 18 Mummert, John T. & Betty J.  
4810 S 15 W  
Cutler, IN 46920

Lot 19 Mummert, John T. & Betty J.  
4810 S 15 W  
Cutler, IN 46920

**Alley & Mill St.**

Lot 20 Mummert, John T. & Betty J.  
4810 S 15 W  
Cutler, IN 46920

Lot 17 Miller, Diane  
6863 S 200 E  
Cutler, IN 46920

**Mill St.**

Lot 4 Miller, Diane  
6863 S 200 E  
Cutler, IN 46920

Lot 21 Dymek, Michael S. & Kimberly K.  
4815 S 15 W  
Cutler, IN 46920

Lot 16 Dymek, Michael S. & Kimberly K.  
4815 S 15 W  
Cutler, IN 46920

Lot 5 Smith, Robert C. & Teresa E.  
167 W 485 S  
Cutler, IN 46920