

THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

RESOLUTION NO. 85- /0 , 2010

AGREEING TO FURNISH STEEL STRINGERS FOR PRIVATE CROSSING

WHEREAS, in 1933, there was an existing county highway on the south line of Section ten (10), Township twenty-eight (28) North, Range six (6) east, about one-half (1/2) mile in length, on real estate then owned by Mabel C. Hoover.

WHEREAS, the County needed to needed to widen said county highway and move a then existing ditch to the north, which required use of the following described real estate, also then owned by Mabel C. Hoover, to wit:

The west half of the west half of the southwest quarter of Section number ten (10) in Township twenty-eight (28) north, Range six (6) east; also the east half of the southwest quarter of Section number ten (10) in Township twenty-eight (28) North, Range six (6) east, now commonly known as 2488 W 400 N, Wabash, Indiana ("Real Estate").

WHEREAS, Mabel C. Hoover executed and delivered her consent to the County allowing use of the Real Estate to widen the county highway; said consent was dated December 27, 1933, and recorded April 14, 1949, in Miscellaneous Record 19, page 248, in the office of the Recorder of Wabash County, Indiana, and was conditioned upon the County constructing a crossing over the relocated ditch ("Crossing.")

WHEREAS, the Crossing has since fallen into disrepair and the present owner of the Real Estate has inquired about the County's obligation to maintain and repair said Crossing.

WHEREAS, inasmuch as the consent described above does not impose upon the County a perpetual duty to maintain and repair said Crossing, said Crossing is located entirely upon private land outside of the County's right-of-way, said Crossing has never been maintained by the County, and said Crossing has never appeared on the County's list of bridges for which the County has responsibility, the County declines to accept responsibility for the current or future maintenance or repair of the Crossing.

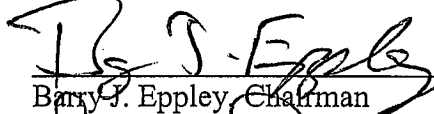
WHEREAS, notwithstanding the above recitals, the County is willing to provide to the present owner of the Real Estate with steel stringers to permit repair or reconstruction of the Crossing.

BE IT RESOLVED, that Wabash County, Indiana, at its sole expense, shall provide to the present owner of the Real Estate steel stringers to permit repair or reconstruction of the Crossing, with the balance of all costs associated with repair or reconstruction of the Crossing to be paid by the Owner.

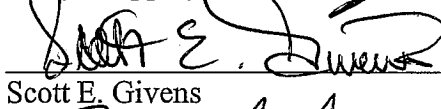
BE IT FURTHER RESOLVED, that Wabash County, Indiana, shall have no further obligation to maintain, repair, or reconstruct the Crossing, in any manner whatsoever.

Adopted this 28th day of June, 2010.

BOARD OF COMMISSIONERS
OF WABASH COUNTY



Barry J. Eppley, Chairman



Scott E. Givens



Brian K. Haupt

ATTEST:



Jane Ridgeway, Wabash County Auditor