

**NOTICE OF FILING AND PENDENCY OF  
PETITION TO VACATE A PORTION OF A UTILITY EASEMENT  
IN THE CITY OF BERNE, INDIANA**

To The Citizens of the City of Berne, Indiana and all Other Persons Concerned:

Notice is hereby given that David N. Baumgartner and Tanya L. Baumgartner, Husband and Wife, have filed with the Common Council of the City of Berne, Indiana, and the same is now pending before said legislative body, their petition for the vacation of a portion of a platted utility easement as set out in the recorded plat of Lot #35 in Forest Hills Section IV, recorded in Plat Record 12, pages 184-197 in the Office of the Recorder of Adams County, Indiana, which portion of the utility easement is described as follows:

Commencing at the northeast corner of Lot Number 35 in Forest Hills Section IV to the City of Berne, according to the plat thereof, recorded in Plat Record 12, pages 184-197 in the Office of the Recorder of Adams County, Indiana; thence southerly on the east line of said lot a distance of six (6) feet to the true place of beginning; thence southerly on and along the east line of said lot 35 to the southeast corner of said Lot 35; thence southwesterly on the south line of said Lot 35 to the east line of a platted twelve (12) foot platted easement; thence northerly parallel with the east line of said Lot 35 on and along the west line of said platted easement to a point which is six (6) feet south of the north line of said Lot 35; thence easterly to the point of beginning.

The petitioners are the owners of all real estate that abut that portion of the utility easement proposed to be vacated. Said Petition sets forth that said portion of the utility easement to be vacated is not of public utility and benefit and not necessary to the growth of the City of Berne, that vacation of said portion of said utility easement will not leave any owner of real estate within the City of Berne without access to lands by means of public way and will not cut off the public access to any church, school or other public building or place. There are no public utilities occupying and using any part of the platted utility easement as above described.

The Common Council of the City of Berne shall hold a hearing on said petition on December 13, 2021 at the hour of 6:40 o'clock P.M. at the City Hall, Berne, Indiana during a regular meeting of the Common Council of the City of Berne, Indiana, at which time the Petitioners' petition will be heard and determined by the legislative body of the City of Berne, Indiana. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by I.C. 36-7-3-13.

Gwen Maller, Clerk-Treasurer  
City of Berne, Indiana