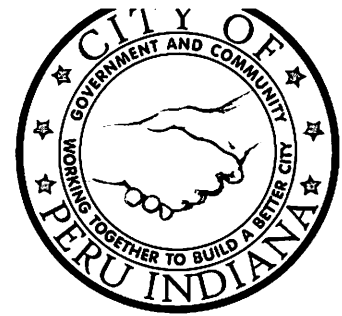


CITY OF PERU PERU PLAN COMMISSION



Peru Plan Commission
Regular Meeting
September 29, 2020
6:00PM Common Council Room

PERU PLAN COMMISSION

ROLL CALL Jason Bowman (A), James Comerford (P), Rick Day (P), Sandi Faust (P),
Joe Molyneux (P), Dave Moon (P), Jonathon Moon (P), Kathleen Plothow (A), Dennis See (P)

READING & APPROVING PREVIOUS MONTH'S MINUTES

Motion to waive the reading and accept the minute:

1st: Dave Moon 2nd: Joe Molyneux

OLD BUSINESS:

None

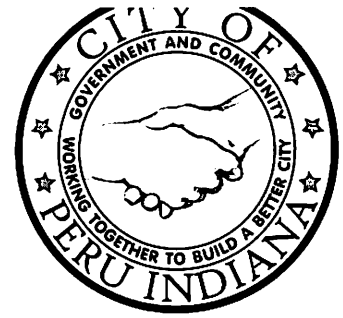
NEW BUSINESS:

- Vacate 25 ft undeveloped road between parcel 52-08-31-301-063.000-017, commonly known as 1746 S Riverview Rd, and parcel 52-08-031-301-064.000-017, commonly known as 1756 Riverview Rd within the subdivision of Wabash River Estates.

Martins spoke first about not being able to maintain the easement with the agriculture equipment that runs over it. They just repaved their driveway and the easement earlier this summer and both property owners (1746 and 1756) showed the board photos of what the driveway and easement looks like now since the farmers have been using the easement. They mentioned the Wabash Title company will not insure the farm property because of no clear access. There is an agricultural

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easement off River road. The farmer says it is too small for the farm equipment now, over grown and would take about \$50,000 to make it accessible to use.

Anthony Spahr was the attorney for the remonstrator, William McMinn Jr., the farmer and owner of the farm land. McMinn has owned and had someone farming that land for over 20 years. Spahr explained that an easement is public property. Considering it is in the deeds of both properties, there is nothing they can do to vacate the easement. Spahr sent out a demand letter in May to the Martins, because the Martins parked a truck in middle of easement where McMinn's farmer could not farm. Spahr also mentioned that because the statute says notice has to be sent out to ALL property owners adjacent to easement and everything about the public easement, the Plan Commission cannot grant the vacation of this easement that the Martins are trying to do. Spahr spoke about how the Martins were confronted by the farmer and pulled a shotgun. The Martins spoke out while in the audience saying that never happened and that was a lie.

The Martins came up for a rebuttal. Explaining what happened when they confronted the farmer and how there was no shotgun in the scenario. Mentioned again that the title company would not insure the property because of the Martin's driveway. The Martins also put up NO Trespassing signs because they were getting a lot of traffic on their property, their neighbors have a little boy that rides his bike on the easement of both properties and people were zooming back there to the property to look at it.

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There was a little discussion after the Martins sat down after their rebuttal about how the farmer does have an easement exclusively for the agricultural aspect of the property, regardless how much it will cost to make it accessible.

This is was tabled until next meeting in hopes that the Martins and McKinley's come to some sort of agreement with Mr. McMinn on the easement.

Motion to Table:

1st: Rick Day

2nd: Sandi Faust

Roll Call:

James Comerford	YES
Rick Day	YES
Sandi Faust	YES
Joe Molyneux	YES
Dave Moon	YES
Jonathon Moon	YES
Dennis See	YES

ADJOURNMENT:

1st: Rick Day 2nd: Joe Molyneux

Time: 6:46 pm

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