

**ORIGINAL**

ORDINANCE NO: 2024-001

**ORDINANCE TO VACATE A PART OF A 12 FOOT WIDE ALLEY WAY DEDICATED  
BY THE ROYERTON PLAT, ADJOINING LOTS 1 AND 2 IN BLOCK 3  
AND ADJOINING LOT 35 BY PLAT ON THE SOUTH AND THE  
NORTH LINE OF LOT 4 IN RARICK'S ADDITION.**

WHEREAS, Gary W. Benedict, has filed a petition with the Board of Commissioners, Delaware County, Indiana, to vacate a part of an alley way, more specifically described as follows:

A portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition.

WHEREAS, the vacation shall reserve an easement for existing public utilities to construct, add to, maintain, replace and renew any facilities which are now located in the area vacated with the same rights with respect to said facilities as if this vacation proceeding had not been had and shall be subject to restrictions of record;

WHEREAS, Petitioner and Michelle Dossous are the sole owners of the land that abuts the alleys sought to be vacated;

WHEREAS, notice of the following petition and date of hearing on said petition have been published as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood in which it is located;

WHEREAS, the vacation will not make access to the lands of any person by a public way difficult or inconvenient; and will instead benefit the neighbors of the said property.

WHEREAS, the vacation will not hinder the public access to any church, school or other public building or place.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Delaware County, Indiana, as follows:

Section 1. The public way more accurately described as follows:

A portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition

is hereby vacated subject to subject to reserving an easement for existing public utilities to construct, add to, maintain, replace and renew any facilities which are now located

in the area vacated with the same rights with respect to said facilities as if this vacation proceeding had not been had and shall be subject to restrictions of record.

Section 2. The following described portion of said vacated alley is hereby transferred to Gary W. Benedict:

A vacation of a 12-foot-wide alley in Block 3 of the Town of Royerton as shown by the Records of Delaware County, Indiana, as described as follows:

Beginning at the Southeast corner of Lot 1, Block 3 of the Town of Royerton; thence South 00 degrees 21 minutes 10 seconds East 6.00 feet (assumed bearing) along the West line of Williams Street; thence South 88 degrees 38 minutes 50 seconds West 138.00 feet along the center of a 12-foot-wide alley; thence North 00 degrees 21 minutes 10 seconds West 6.00 feet to the center of a 12-foot-wide alley running North and being along the West side of Lot 2 of Block 3; thence North 88 degrees 38 minutes 50 seconds East 138.00 feet to the point of beginning.

subject to reserving an easement for existing public utilities to construct, add to, maintain, replace and renew any facilities which are now located in the area vacated with the same rights with respect to said facilities as if this vacation proceeding had not been had and shall be subject to restrictions of record.

Section 3. The following described portion of said vacated alley is hereby transferred to Michelle Dossous:

A vacation of a 12-foot-wide alley in Block 3 of the Town of Royerton as shown by the Records of Delaware County, Indiana, as described as follows:

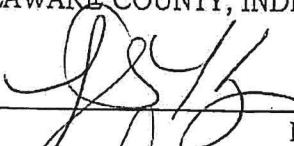
Beginning 6 feet South of the Southeast corner of Lot 1 in Block 3 of the Town of Royerton; thence South 00 degrees 21 minutes 10 seconds East 6.00 feet (assumed bearing) along the West line of Williams Street to the Northeast corner of Lot 35 of said town; thence South 88 degrees 38 minutes 50 seconds West 138.00 feet along the North line of said Lot 35; thence North 00 degrees 21 minutes 10 seconds West 6.00 feet; thence North 88 degrees 38 minutes 50 seconds East 138.00 feet to the point of beginning.

subject to reserving an easement for existing public utilities to construct, add to, maintain, replace and renew any facilities which are now located in the area vacated with the same rights with respect to said facilities as if this vacation proceeding had not been had and shall be subject to restrictions of record.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Delaware County, Indiana and such publication as required by law.

Passed by the Board of Commissioners of Delaware County, Indiana, this 16 day of January, 2023.

BOARD OF COMMISSIONERS  
DELAWARE COUNTY, INDIANA

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Auditor, Delaware County, Indiana

**ORIGINAL**

**PETITION FOR VACATION PART OF A 12 FOOT WIDE ALLEY WAY DEDICATED  
BY THE ROYERTON PLAT, ADJOINING LOTS 1 AND 2 IN BLOCK 3 AND  
ADJOINING LOT 35 BY PLAT ON THE SOUTH AND  
THE NORTH LINE OF LOT 4 IN RARICK'S ADDITION.**

Whereas, Gary W. Benedict hereby petitions the Board of County Commissioners, Delaware County, Indiana to vacate a 12 Foot wide alley way dedicated by the Royerton Plat, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition, and in support says that:

1. Petitioner, Gary W. Benedict Sr., is the owner of the 2 parcels of the real estate abutting said portion of alley herein sought to be vacated which located in the Unincorporated Town of Royerton, Delaware County, Indiana, described as follows:

Lots 1 and 2 in block number 3 of the Town of Royerton as show by the Records of Delaware County, Indiana.

2. That the portion of the alley way to be vacated is described as follows:

A portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition.

3. Petitioner desires to vacate said portion of alley as above described.
4. No person will suffer any damage by reason of the vacation of said portion of alley, the vacation of the said portion of alley will benefit all owner of property abutting said portion of ally, the vacation will not make access to the land of any person difficult or inconvenient, the vacation will not hinder the use of any street or alley by the neighborhood in which is located, the vacation will not hinder the public's access to any church, school or other public building or place, nor will the vacation hinder the growth or orderly development of the neighborhood or Royerton, Indiana.
5. Said vacation shall be subject to the rights of existing utilities, if any, and shall reserve the right of public utilities to construct, ad to, maintain, replace and renew any facilities which are now located in the area vacated with the same rights with respect to said facilities as if the vacation proceeding had not been had.
6. The following individuals are owners of real estate abutting the area proposed to be vacated:

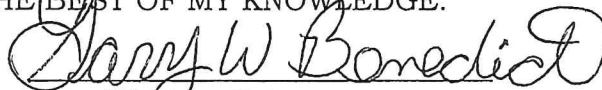
MICHELLE DOSSOUS  
8109 N. WILLIAMS ST  
MUNCIE, IN 47303

GARY W. BENEDICT, SR  
1809 E. ANN STREET  
MUNCIE, IN 47303

7. The persons or entities adjoining the portion of alley to be vacated will, upon vacation, become the owners of the vacated portion of alley adjoining that property.

WHEREFORE the Petitioner prays the above described portion of alley described as a portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition, Delaware County, Indiana be vacated by ordinance of the Board of Commissioners of Delaware County, Indiana.

I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

  
Gary W. Benedict

**ORIGINAL**

**NOTICE OF PETITION TO VACATE A PART OF AN ALLEY  
AND THE HEARING THEREON**

To: Royerton, Delaware County, Indiana and the Citizens thereof:

You are hereby notified that Gary W. Benedict has filed his Petition with the Board of Commissioners, Delaware County, Indiana to vacate a portion of a 12 foot wide alley way running east and west in Block 3 of the Town of Royerton as show by the Records of Delaware County Indiana, more specifically described as follows:

A portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition.

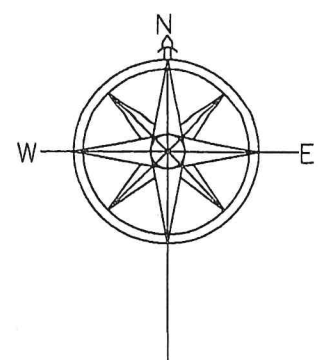
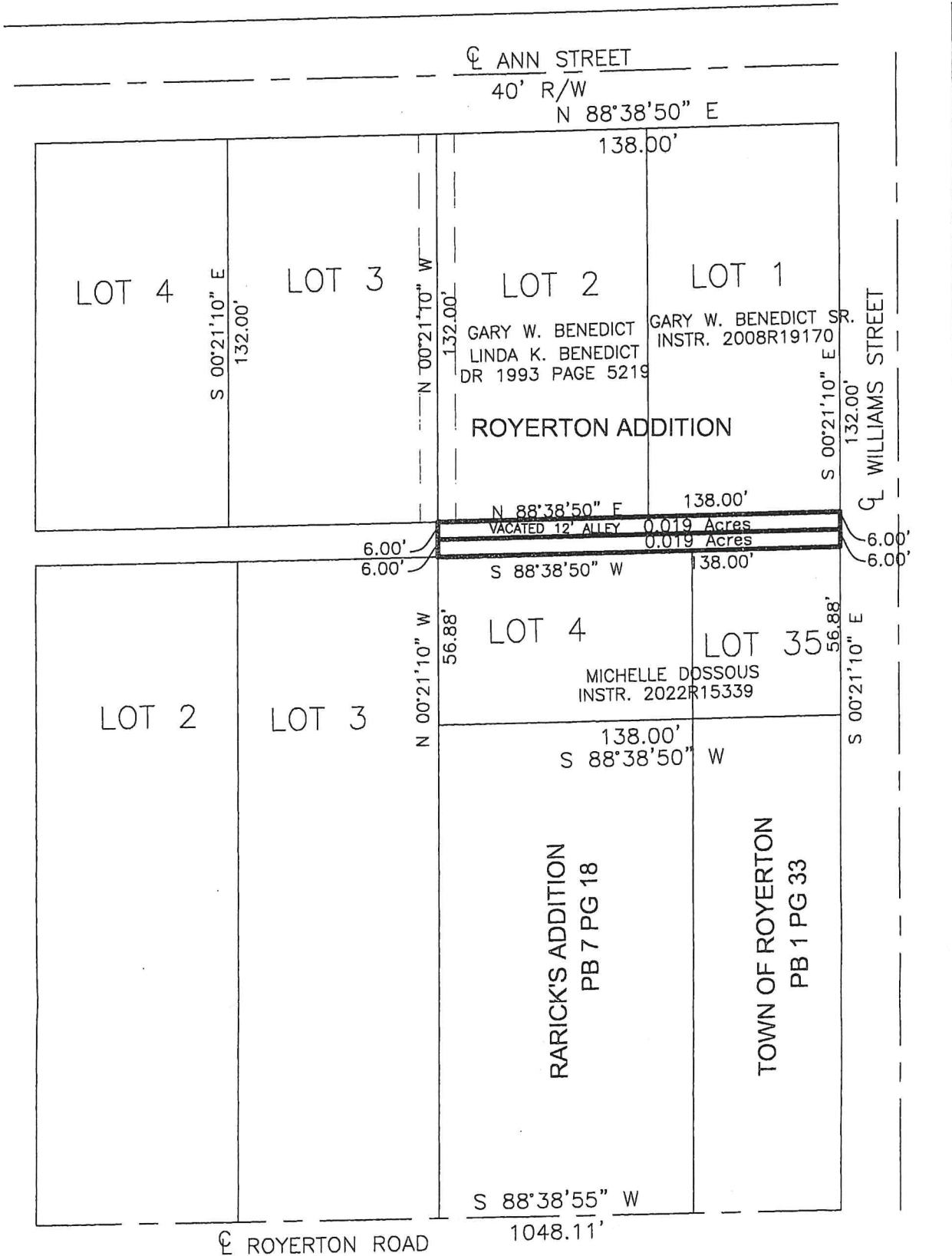
You are further notified that said Petition and the things at issue will be heard and determined by the Board of Commissioners of Delaware County, Indiana, on the \_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_:00 p.m. in the Commissioners Courtroom, Delaware County Building, 100 W. Main Street, Muncie, Indiana 47305.

Interested persons may appear to voice their opinions. Copies to vacate may be examined at the Delaware County Auditor's Office, Delaware County Building, Room 103, 100 W. Main Street, Muncie, Indiana during normal office hours.

WITNESS whereof, the Delaware County Auditor has affixed his signature and official seal this official seal this the \_\_\_ day of \_\_\_\_\_, 2023.

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Edward E. Carroll, Jr., Auditor  
Delaware County, Indiana



**The Star Press**

345 S. High Street  
Muncie, Indiana 47305  
Delaware County, Indiana

**MATHEWSON LAW, P.C.**

Federal Id: 35-2061385

Account #: MNI-045243

Order #: 0005866983

# of affidavits: 1

Total Amount of Claim: \$282.28

**This is not an invoice**

MATHEWSON LAW, P.C.  
ATTN Leslie Mathewson  
625 S TILLOTSON AVE  
MUNCIE, IN 47304

**PUBLISHER'S AFFIDAVIT**

STATE OF WISCONSIN, }  
County Of Brown } **SS:**

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE MUNCIE NEWSPAPERS a STAR PRESS newspaper of general circulation printed and published in the English language in the city of Muncie in the state of Indiana and county of Delaware, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being in issue(s) dated:

Insertion being in issues dated: 12/17/2023

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

\_\_\_\_\_ *Mh*

Date: 12.17, 2023 Title: Clerk

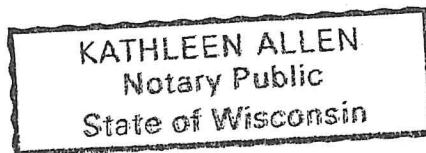
Subscribed and sworn to before me this 17 day of December, 2023

\_\_\_\_\_ *Kathleen Allen*

Notary Public

Notary Expires:

1-1-25





\_\_\_\_\_  
(Governmental Unit)  
\_\_\_\_\_  
County, Indiana

To: **THE STAR PRESS**

**Muncie, IN**

**PUBLISHER'S CLAIM**

**COMPUTATION OF CHARGES**

32 lines, 2 columns wide equals 64 equivalent lines at \$4.02 per line @ 1 days, \$257.28

Website Publication \$0

Acct #:MNI-045243  
Ad #: 0005866983

Charge for proof(s) of publication \$0.00

DATA FOR COMPUTING COST  
Width of single column 9.5 ems  
Number of insertions 1  
Size of type 7 point

TOTAL AMOUNT OF CLAIM \$282.28

Claim No. \_\_\_\_\_ Warrant No. \_\_\_\_\_  
IN FAVOR OF  
**The Star Press**  
Muncie, IN  
Delaware County  
345 S. High St. Muncie, IN 47305

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)  
(incorrect)

\$ \_\_\_\_\_  
On Account of Appropriation For

FED. ID  
#35-2061385

Allowed \_\_\_\_\_, 20\_\_\_\_

In the sum of \$ \_\_\_\_\_

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

\_\_\_\_\_, 20\_\_\_\_

**NOTICE OF PETITION TO VACATE A PART OF AN ALLEY  
AND THE HEARING THEREON**

To: Delaware County, Indiana and the Citizens thereof:  
You are hereby notified that Gary W. Benedict has filed his Petition with the Board of Commissioners, Delaware County, Indiana to vacate a portion of a 12 foot wide alley way running east and west in Block 3 of the Town of Royerton as show by the Records of Delaware County Indiana, more specifically described as follows:

A portion of a 12 Foot wide alley way dedicated to the Town of Royerton, as shown by the Records of Delaware County, Indiana, and adjoining Lots 1 and 2 in Block 3 and Adjoining Lot 35 by Plat on the South and the North Line of Lot 4 in Rarick's Addition.

You are further notified that said Petition and the things at issue will be heard and determined by the Board of Commissioners of Delaware County, Indiana, on the 2nd day of January, 2024 at 9:00 a.m. in the Commissioners Courtroom, Delaware County Building, 100 W. Main Street, Muncie, Indiana 47305.

Interested persons may appear to voice their opinions. Copies to vacate may be examined at the Delaware County Auditor's Office, Delaware County Building, Room 103, 100 W. Main Street, Muncie, Indiana during normal office hours.

WITNESS whereof, the Delaware County Auditor has affixed his signature and official seal this official seal this the 14th day of December, 2023.

Edward E. Carroll, Jr., Auditor

Delaware County, Indiana

Leslie M. Mathewson, Attorney for Gary Benedict

Mathewson Law, P.C.

625 South Tillotson Avenue

Muncie, Indiana 47304

Telephone: 765-587-4526

(MNI - 12/17/23 - 0005866983)

hspaxlp