

Brooko/Stevens
JP

ORIGINAL

ORDINANCE 2021-022

ORDINANCE VACATING PUBLIC RIGHT-OF-WAY
LOCATED IN DELAWARE COUNTY, INDIANA

WHEREAS, having received from Co-Alliance Cooperative, Inc., an Indiana agricultural cooperative, a petition to vacate certain rights-of-way, the Board of Commissioners of Delaware County, Indiana, has provided notice, pursuant to Ind. Code § 36-7-3-12(c) and Ind. Code § 5-3-1 stating that it now desires to vacate a certain public right-of-way located within Delaware County, Indiana, as illustrated in "EXHIBIT A" attached hereto (the "Vacation Area"), which said Vacation Area is generally described as follows:

A vacation of Bridle Lane being that portion 50-feet-wide between Lot 4, Block 2, and Lot 1, Block 3, in Turner H. Johnson's Addition to the Town of Oakville as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 4, Block 2, in Turner H. Johnson's Addition to Oakville; thence North 00 degrees 38 minutes 56 seconds West 50 feet (assumed bearing) to the Southwest corner of Lot 1, Block 3, in said Addition; thence North 89 degrees 28 minutes 32 seconds East 107.3 feet to the Southeast corner of said Lot 1; thence South 00 degrees 38 minutes 56 seconds East 50 feet to a nail at the Northeast corner of said Lot 4; thence South 89 degrees 28 minutes 32 seconds West 107.3 feet to the point of beginning, containing 0.12 acres, more or less.

ALSO, A vacation of an alley being 14-feet-wide and located along the South side of Lot 3, Block 2, in Turner H. Johnson's Addition to the Town of Oakville as shown by the Records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 2, Block 2, in Turner H. Johnson's Addition to the Town of Oakville; thence North 00 degrees 38 minutes 56 seconds West 14 feet (assumed bearing) to the Southwest corner of Lot 3, Block 2, in said addition; thence North 89 degrees 28 minutes 32 seconds East 107.3 feet to the Southeast corner of said Lot 3; thence South 00 degrees 38 minutes 56 seconds East 14 feet to the corner of Lot 1, Block 2; thence South 89 degrees 28 minutes 32 seconds West 107.3 feet to the point of beginning, containing 0.03 acres, more or less.

WHEREAS, the notice further provided information regarding a public hearing on the proposed vacation, which said public hearing was held on June 21, 2021 consistent with, and pursuant to, Ind. Code § 36-7-3-12; and

2021R11174
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
07/07/2021 03:44 PM
REC FEE 25.00
PAGES: 5
RECORDED AS PRESENTED



WHEREAS, the Board of Commissioners of Delaware County, Indiana, having duly considered the proposed vacation of the right-of-way, now desires to adopt an ordinance in accordance with Ind. Code § 36-7-3-12 to formally vacate said right-of-way.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Delaware County, Indiana, acting according to the authority granted to it pursuant to Ind. Code § 36-7-3-12, as follows:

SECTION 1. The Board of Commissioners of Delaware County, Indiana finds and determines the following:

A. Vacation of the Vacation Area will not hinder the growth or orderly development of unit or neighborhood in which said Vacation Area is located or to which the Vacation Area is contiguous;

B. Vacating the Vacation Area does not make access to the lands of any person by means of public way difficult or inconvenient;

C. Vacating the Vacation Area does not hinder the public's access to a church, school or other public building or place; and

D. Vacating the Vacation Area will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

SECTION 2. The following described Vacation Area located within the boundaries of Delaware County, Indiana is hereby vacated:

A vacation of Bridle Lane being that portion 50-feet-wide between Lot 4, Block 2, and Lot 1, Block 3, in Turner H. Johnson's Addition to the Town of Oakville as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 4, Block 2, in Turner H. Johnson's Addition to Oakville; thence North 00 degrees 38 minutes 56 seconds West 50 feet (assumed bearing) to the Southwest corner of Lot 1, Block 3, in said Addition; thence North 89 degrees 28 minutes 32 seconds East 107.3 feet to the Southeast corner of said Lot 1; thence South 00 degrees 38 minutes 56 seconds East 50 feet to a nail at the Northeast corner of said Lot 4; thence South 89 degrees 28 minutes 32 seconds West 107.3 feet to the point of beginning, containing 0.12 acres, more or less.

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SECTION 3. The vacation of the right-of-way authorized by this Ordinance is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, not limited to: water, sewer, storm water, drainage, electricity, telecommunications, natural gas and cable television, which existing easement rights shall survive the vacation.

SECTION 4. Subject to the restrictions described in Section 3, above, relevant portions of the Vacation Area shall revert according to the laws of the State of Indiana to the adjacent property owner, Co-Alliance Cooperative, Inc., an Indiana agricultural cooperative, as owner of Parcel Nos.: 18-15-21-401-001.000-012, 18-15-21-405-001.000-012, and 18-15-21-454-005.000-012 pursuant to Deed Record 2021R05824, as follows:

A vacation of Bridle Lane being that portion 50-feet-wide between Lot 4, Block 2, and Lot 1, Block 3, in Turner H. Johnson's Addition to the Town of Oakville as shown by the records of Delaware County, Indiana, described as follows:

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SECTION 5. This Ordinance shall be furnished to the Delaware County Auditor so the Vacation Area may be duly entered for taxation and recorded in the Office of the Recorder of Delaware County, Indiana.

SECTION 6. The provisions of this Ordinance shall become effective upon adoption, publication as required by law, and recording in the Office of the Recorder of Delaware County, Indiana.

DULY ADOPTED by the Board of Commissioners of Delaware County, Indiana at a regularly scheduled public meeting held on this, the 6 day of July, 2021.


*DELAWARE COUNTY
BOARD OF COMMISSIONERS*


James King, President


Sherry Riggins, Commissioner


Shannon Henry, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

Duly Entered for Taxation
Transfer Fees \$ 3000 ERP

JUL 07 2021


Delaware County Auditor

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

This instrument prepared by:
Brooke | Stevens, P.C.
Joseph I. Rhettts
112 East Gilbert Street
Muncie, Indiana 47305


JOSEPH I. RHETTTS #32733-24
ATTORNEY AT LAW

The Star Press
345 S. High Street
Muncie, Indiana 47305
Delaware County, Indiana

BROOKE / STEVENS, P.C.
Federal Id: 35-2061385
Account #: MNI-060322
Order #: 0004770646
of affidavits: 2
Total Amount of Claim: \$64.38
This is not an invoice

BROOKE / STEVENS, P.C.
ATTN Joe Rhettts
112 E GILBERT ST
MUNCIE, IN 47305

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

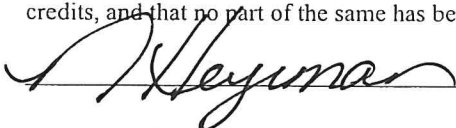
I, being duly sworn, say that I am a clerk for THE MUNCIE NEWSPAPERS a STAR PRESS newspaper of general circulation printed and published in the English language in the city of Muncie in the state of Indiana and county of Delaware, and that the printed matter attached hereto is a true copy, which was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

The insertion being on the 06/09/2021

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.



Date: 6 9, 2021 Title: Clerk

Subscribed and sworn to before me this 9 day of June, 2021



Notary Public

Notary Expires: 1-7-25

KATHLEEN ALLEN
Notary Public
State of Wisconsin

(Governmental Unit)

To: THE STAR PRESS

_____ County, Indiana _____

Muncie, IN

PUBLISHER'S CLAIM

COMPUTATION OF CHARGES

58 lines, 2 columns wide equals 116 equivalent lines at \$0.56 per line @ 1 days, \$64.38

Website Publication \$0

Acct #: MNI-060322

Ad #: 0004770646

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 \$64.38

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 PUBLIC HEARING WITH REGARD TO
PETITION TO VACATE PUBLIC WAY IN
DELAWARE COUNTY, INDIANA

A petition has been filed with the Board of Commissioners of Delaware County, Indiana seeking to have vacated a certain public way within Delaware County, Indiana, which public way includes the following property:

A vacation of Bridle Lane being that portion 50-foot-wide between Lot 4, Block 2, and Lot 1, Block 3, in Turner H. Johnson's Addition to the Town of Oakville as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 4, Block 2, in Turner H. Johnson's Addition to Oakville; thence North 00 degrees 38 minutes 56 seconds West 50 feet (assumed bearing) to the Southwest corner of Lot 1, Block 3, in said Addition; thence North 89 degrees 28 minutes 32 seconds East 107.3 feet to the Southeast corner of said Lot 1; thence South 00 degrees 38 minutes 56 seconds East 50 feet to a nail at the Northeast corner of said Lot 4; thence South 89 degrees 28 minutes 32 seconds West 107.3 feet to the point of beginning, containing 0.12 acres, more or less.

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A public hearing with regard to the Petition will be held on the 21st day of June, 2021 at 9:00 A.M. before the Board of Commissioners of Delaware County, Indiana in the Commissioners' Courtroom, Room 309A in the Delaware County Building located at 100 West Main Street, Muncie, Indiana 47305. All parties interested in, or affected by, the proposed vacation of said public way may attend the public hearing and may speak in favor of said petition, or remonstrate against the same, as provided by law. Written comments, suggestions, or objections may also be submitted to the Commissioners in person or by mail prior to the public hearing at the above-referenced address, or via email at commissioners@co.delaware.in.us. The public hearing may be continued from time to time.

Board of Commissioners of
Delaware County, Indiana

Dated: June 9, 2021

(MNI - 6/9/21 - 0004770646)

hspaxlp