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July 23, 2015

Ms. Beth Neff, Clerk/Treasurer
Town of Yorktown
9800 W. Smith Street
Yorktown, IN 47396

Mr. Matt Ray, Zoning and Building Commissioner
Town of Yorktown
9800 W. Smith Street
Yorktown, IN 47396

RE: Petition of Anthony R. Terry to vacate a portion of never-constructed Morris Street

Dear Beth and Matt:

Anthony R. Terry of 2415 S. Vine Street has requested us to help him get vacated a portion of never-constructed Morris Street located between Vine Street and Plum Street. The street was originally platted as a part of Morse's Addition to Yorktown, Indiana, a plat of which is recorded in Plat Book 3, page 10 in the records of plats of Delaware County, Indiana. I am sending each of you a copy of the Petition which Mr. Terry has signed. Exhibit A to the Petition shows the original plat of ED Morse's Addition and Exhibit B shows an aerial photo which was provided to us by the Delaware-Muncie Metropolitan Plan Commission. There are four property owners who adjoin never-constructed Morris Street. I ask Beth to see that the Petition is file-stamped and that a copy of that file-stamped Petition is returned to me in the self-addressed, stamped envelope which I have provided and a copy is delivered to Matt.

I have then prepared a Notice of Public Hearing before the Yorktown Plan Commission. Matt will need to fill in the date and time of that public hearing. Matt will then need to see that a copy of that Notice of Public Hearing is sent to Mr. and Mrs. Masters, Mr. Daugherty and American Housing Trust III. Their addresses are shown on the Notice. A copy also needs to be published in *The Star Press* no less than seven (7) days before the public hearing. I also ask Beth to send a copy of the Notice of Public Hearing to me.

Finally, I have prepared an Ordinance for the Yorktown Town Council which will, if approved, vacate the one block section of Morris Street. Please call me if you have any questions concerning the documents which I am forwarding.

Ms. Beth Neff, Clerk/Treasurer
Mr. Matt Ray, Zoning and Building Commissioner
July 23, 2015
Page 2.

Very truly yours,

DeFUR • VORAN LLP

A handwritten signature in black ink, appearing to read "Greg A. Huffman", written over a horizontal line.

Gregory A. Huffman

GAH:jak
Enclosures

cc: Mr. Anthoney R. Terry
2415 S. Vine Street
Yorktown, IN 47396

STATE OF INDIANA }
 }SS:
DELAWARE COUNTY }

BEFORE THE YORKTOWN PLAN COMMISSION
AND THE YORKTOWN TOWN COUNCIL

PETITION TO VACATE A PORTION OF NEVER-CONSTRUCTED MORRIS STREET

Comes now Anthoney R. Terry of 2415 S. Vine Street, Yorktown, IN 47396 by counsel, Gregory A. Huffman of DeFUR • VORAN LLP, 400 S. Walnut Street - Suite 200, Muncie, IN 47305 and petitions the Yorktown Plan Commission and the Yorktown Town Council to vacate a portion of never-constructed Morris Street in Yorktown, Indiana located in E.D. Morse's addition to Yorktown, Indiana, a plat of which is recorded in Plat Book 3, Page 10 in the records of the plats of Delaware County, Indiana. Said street to be vacated is designated as Morris Street between Vine Street and Plum Street in Yorktown, Indiana and more specifically described as follows, to-wit:

Beginning at the Southeast corner of Lot Number One (1) in Block Number One (1) in E.D. Morse's Addition to Yorktown, Indiana, a plat of which is recorded in Plat Book 3, page 10 in the records of plats of Delaware County, Indiana and thence Southeasterly along the West line of Vine Street to the Northeast corner of Lot Number One (1) in Block Number Five (5) in E.D. Morse's Addition to Yorktown, Indiana; thence Southwesterly along the North line of Lots Numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) in Block Number Five (5) in E.D. Morse's Addition to Yorktown, Indiana, the same being the Northwest corner of said Lot Number Seven (7); thence Northwesterly along the East line of Plum Street to the Southwest corner of Lot Number Seven (7) in Block Number One (1) in E.D. Morse's Addition to Yorktown, Indiana; thence Northeastwardly along the South line of Lots Numbered Seven (7), Six (6), Five (5), Four (4), Three (3), Two (2) and One (1) in Block Number One (1) in E.D. Morse's Addition to Yorktown, Indiana to the place of beginning.

1. A plat of E.D. Morse's Addition to Yorktown, Indiana is attached hereto, made a part of hereof and marked "Exhibit A" and an aerial photo of a portion of never-constructed Morris Street prepared by Delaware-Muncie Metropolitan Plan Commission is attached hereto, made a part hereof and marked "Exhibit B."

2. Your Petitioner, Anthoney R. Terry is the owner of property adjoining never-constructed Morris Street pursuant to the terms of a certain Trustee's Deed, a copy of which Deed is attached hereto, made a part hereof, and marked "Exhibit C."

3. The Delaware-Muncie Metropolitan Plan Commission has determined that those owners of the balance of properties adjoining said never-constructed Morris Street in Yorktown, Indiana are as follows:

Anthoney R. Terry • 2415 S. Vine Street • Yorktown, IN 47396
Maurice J. Masters and Beverly Sue Masters • 290 North CR 800 West • Yorktown, IN 47396-9764
James Daugherty • 7809 Logan Drive • Yorktown, IN 47396
American Housing Trust III • 575 N. Pennsylvania Street • Indianapolis, IN 46204-1563

4. The properties adjoining never constructed Morris Street and the ownership of each property is now specifically shown on "Exhibit B."

5. Your Petitioner seeks to vacate never constructed Morris Street to eliminate all questions of ownership relating to the area originally platted in the Town of Yorktown, Indiana and never utilized for street purposes with the Petitioner to become the owner of the North half of the Street adjoining his property and with James Daugherty becoming the owner of the South half of never-constructed Morris Street to become his property; with American Housing Trust III to become the owner of the North half of vacated Morris Street adjoining its property; and with Maurice J. Masters and Beverly Sue Masters to become the owner of the South half of vacated Morris Street adjoining their property.

6. The vacation of the street will not hinder the growth or orderly development of the neighborhood in which it is located and the street vacation will not make access to the lands of any person by means of a public way difficult or inconvenient.

7. The street vacation will not hinder the public's access to a church, school or other public building or place and the street vacation will not hinder the use of a public way by the neighborhood in which it was originally platted.

WHEREFORE, Petitioners request the Yorktown Town Council vacate Morris Street from the West line of Vine Street in Yorktown, Indiana to the East line of Plum Street in Yorktown, Indiana.

DeFUR • VORAN LLP

By: 

Gregory A. Huffman, Attorney ID No. 7833-18
400 S. Walnut Street - Suite 200

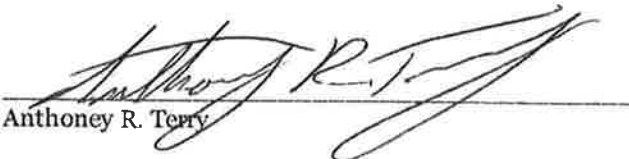
Muncie, IN 47305

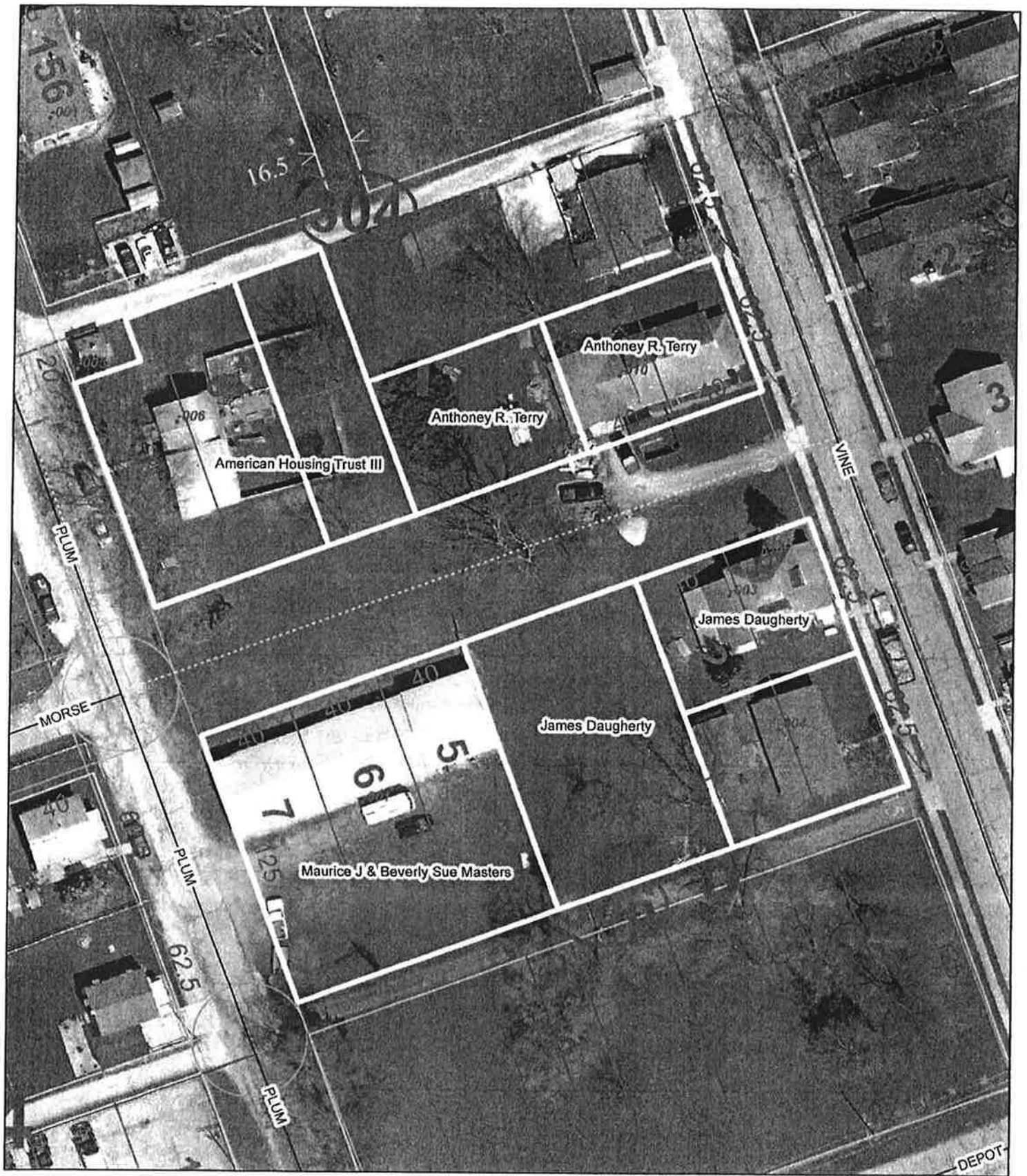
Telephone: (765) 288-3651

Facsimile: (765) 288-7068

ATTORNEYS FOR THE PETITIONERS

The undersigned Anthony R. Terry certifies that the facts set forth herein are true to his best of knowledge and belief.


Anthony R. Terry



Delaware County

Indiana

Created using Delaware County's Geographic Information System (GIS).
Map features are graphic representations only; refer to plats, deeds and surveys for official information.

0 15 30 60 90 120
Feet

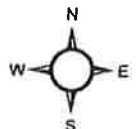


EXHIBIT B