

STATE OF INDIANA        )  
                                  )SS:  
DELAWARE COUNTY        )

BEFORE THE TOWN COUNCIL OF  
THE TOWN OF YORKTOWN, INDIANA

IN RE:

TOWN OF YORKTOWN, INDIANA,

Petitioner.

**PETITION TO VACATE A CERTAIN ALLEY IN THE DOWNTOWN OF THE TOWN  
OF YORKTOWN, INDIANA**

Comes now the Petitioner, the Town of Yorktown, Indiana, and respectfully petitions the Town Council of the Town of Yorktown, Indiana to vacate a portion of the public alley, previously platted as an alley of in the Original Plat to the Town of Yorktown, Indiana. In support thereof the Petitioner states and references the property to be vacated, as follows:

**I. VACATION OF PORTION OF ALLEY**

1. Petitioner seeks the vacation of a portion the alleyway running north and south from Smith Street to an unnamed alley between lots 26 and 27 in the Original Plat to the Town of Yorktown, all as described in the attached Exhibit "A," and as shown on the survey drawing attached hereto as Exhibit "B".

2. The portions of said alley to be vacated, and the abutting parcels to which they shall be joined, are legally described as follows:

The following portion of the alley running north and south as described above, subject to all easements of existing public utilities and restrictions of record, and joined to Parcel No. 18-10-22-155-008.000-017, owned by the Town of Yorktown, and Parcel No. 18-10-22-155-009.000-017, owned by Speedway LLC :

A vacation of a sixteen and one-half (16.5) foot wide alley running north and south between platted lots 26 and 27 from W. Smith Street one half block to an unnamed alley in the Original Plat to the Town of Yorktown, Indiana, described as follows:

Beginning at the Southwest corner of Lot 27; thence South 69 degrees 53 minutes 21 seconds West (bearings based on a Boundary Survey recorded among the records of Delaware County as Instrument Number 2018R05824) along the northern line of Smith Street 16.50 feet to the southeast corner of said Lot 26; thence north 20 degrees 20 minutes 39 seconds West along the eastern line of said Lot 26, 131.95 feet to the northeast corner thereof; thence North 69 degrees 55 minutes 24 seconds East

16.50 feet to the northwest corner of said Lot 27; thence South 20 degrees 20 minutes 39 seconds East along the western line of said Lot 27, 131.94 feet to the point of beginning and containing 2,177 square feet, more or less.

3. The Petitioner is the owner of the western lot of real estate adjacent to the portion of the alley sought to be vacated by this Petition.

4. Speedway LLC is the owner of the eastern lot of real estate adjacent to the portion of the alley sought to be vacated by this Petition.

5. There are no other entities with an ownership interest in the surrounding property excluding the Town of Yorktown, Indiana, and any utilities with easements in the streets and alleys to be vacated, if any.

6. A survey drawing showing the streets and alleys which the Petitioners seek to vacate is attached hereto, made a part hereof, and marked "Exhibit B."

7. No person nor municipality nor utility will suffer by reason of the vacation of the said streets and alleys.

8. The proposed vacation of the streets and alleys will not make access to the lands of any person or entity difficult or inconvenient.

9. The proposed vacation will not damage the neighborhood in which it has been platted.

10. The vacation will not hinder the public access to any church, school or other public building or place nor will the vacation hinder the growth and/or orderly development of the neighborhood or the Town of Yorktown, Indiana.

11. Any vacation shall be subject to the rights of existing utilities, if any shall exist.

12. The Clerk of the Town of Yorktown shall give notice of the petition and of the time and place of public hearing in the manner prescribed in IC 5-3-1.

WHEREFORE, the Petitioner requests that the above-described alley be vacated by ordinance of the Town Council of the Town of Yorktown, Indiana.

The undersigned, on behalf of the Town of Yorktown, Indiana, affirms under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.

## **TOWN OF YORKTOWN**

By: \_\_\_\_\_  
Pete Olson, Town Manager

## **EXHIBIT "A"**

Project: Yorktown Downtown Redevelopment  
16.5-Foot Alley Vacation

Sheet: 1 of 1

The alley adjoining Lots 26 and 27 in the Original Plat of Yorktown, Delaware County, Indiana, more particularly described as follows:

Beginning at the southwest corner of said Lot 27; thence South 69 degrees 53 minutes 21 seconds West (bearings based on a Boundary Survey recorded among the records of Delaware County as Instrument Number 2018R05824) along the northern line of Smith Street 16.50 feet to the southeast corner of said Lot 26; thence North 20 degrees 20 minutes 39 seconds West along the eastern line of said Lot 26, 131.95 feet to the northeast corner thereof; thence North 69 degrees 55 minutes 24 seconds East 16.50 feet to the northwest corner of said Lot 27; thence South 20 degrees 20 minutes 39 seconds East along the western line of said Lot 27, 131.94 feet to the point of beginning and containing 2,177 square feet, more or less.

COUNTY : DELAWARE  
SECTION : 22  
TOWNSHIP: 20 N.  
RANGE : 09 E.

## EXHIBIT "B"

CHECKED BY: BAF 08/23/2019

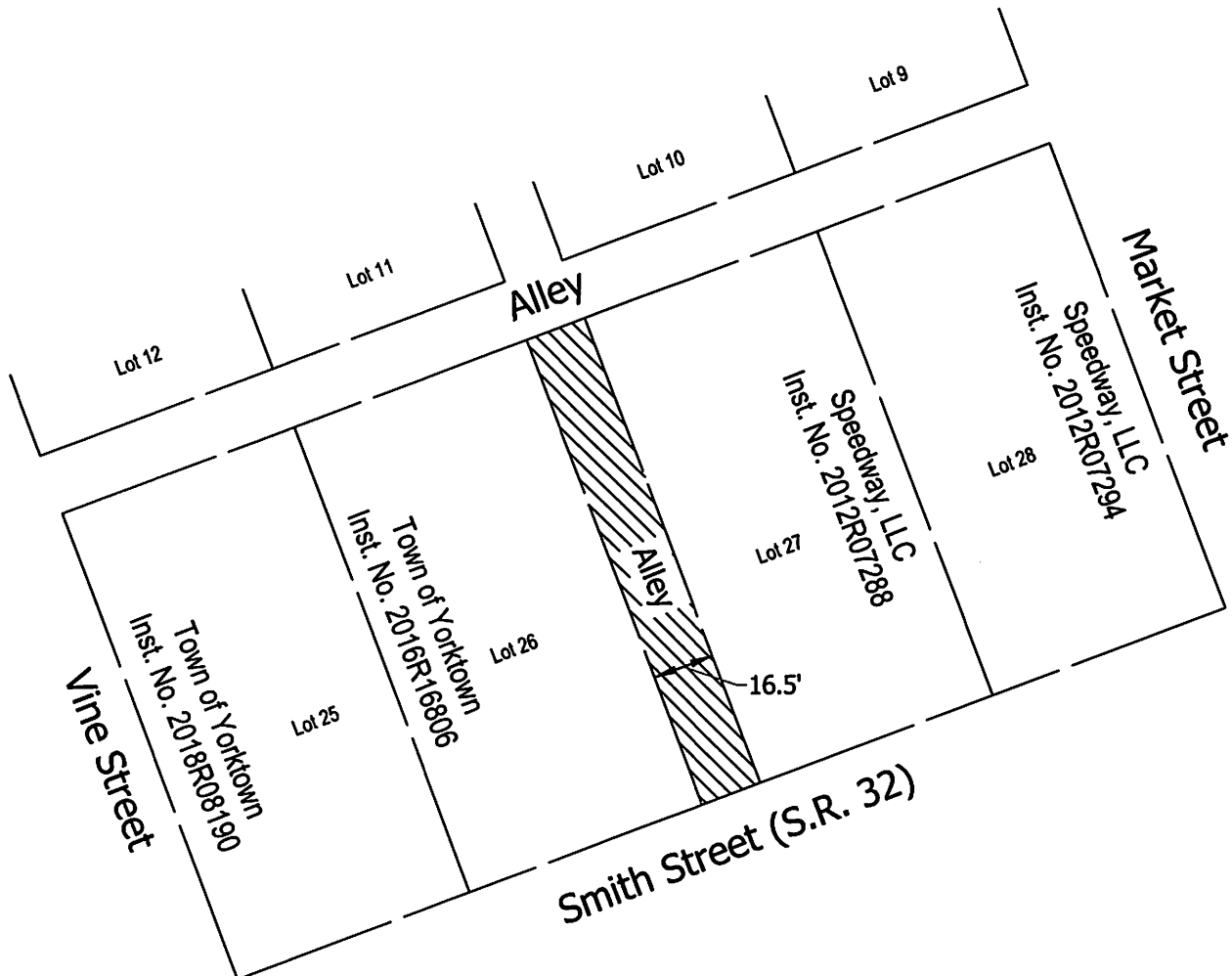
SCALE: 1"= 50'

SHEET 1 OF 1



SUBJECT AREA IS HATCHED THUS

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE  
AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.



GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

