

ORDINANCE NO. 786

**ORDINANCE TO VACATE A CERTAIN PUBLIC ALLEY
IN THE ORIGINAL PLAT TO THE TOWN OF YORKTOWN, DELAWARE COUNTY,
INDIANA**

WHEREAS, the Town of Yorktown, Indiana, has filed their petition with the Town Council of the Town of Yorktown, Indiana, to vacate a certain public alley in the Original Plat of the Town of Yorktown, as more particularly described hereinafter; and

WHEREAS, the Town of Yorktown is the owner of all of the western land adjoining the portion of the alley to be vacated; and

WHEREAS, Speedway LLC is the owner of all the eastern land adjoining the portion of the alley to be vacated; and

WHEREAS, notice of the filing of the petition and date of hearing on said petition has been given to all interested persons, or waived, and published as required by law; and

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or the Town of Yorktown; and

WHEREAS, the vacation will not hinder the use of any public way by the neighborhood in which it is located; and

WHEREAS, the vacation will not make access to the lands of any person difficult or inconvenient; and

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

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Yorktown, Indiana, as follows:

1. 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.

2. A survey of the alley vacated hereby is attached hereto as Exhibit A.

3. This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Yorktown, Indiana.

Passed by the Common Council of the Town of Yorktown, Indiana this ____ day of _____, 2019.

Dan Flanagan, President
Town Council, Town of Yorktown

ATTEST:

Lance Turner, Clerk
of the Town of Yorktown, Indiana

[For Purposes of Recording in Real Estate Records]:

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. Maura J. Hoff

This instrument prepared by Maura J. Hoff, DeFur Voran LLP, 400 S. Walnut Street, Suite 200, Muncie, Indiana 47305, #(765)288-3651, mhoff@defur.com.

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

EXHIBIT "A"

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.

