

STATE OF INDIANA	}	BEFORE THE TOWN COUNCIL FOR THE
DELAWARE COUNTY	}	TOWN OF YORKTOWN, INDIANA
	}	SS:
IN RE:	}	
PETITION TO VACATE	}	

**PETITION TO VACATE UNIMPROVED PLATTED ALLEYS
IN THE TOWN OF YORKTOWN, DELAWARE COUNTY, INDIANA**

The Petitioner, Zina Lee Bartle, respectfully petitions the Town Council for the Town of Yorktown, Indiana, (the “Council”), to vacate portions of the platted and unimproved alleys located in Block Number Fifty-Two (52) of the Western Improvement Company’s Addition to the Village of West Muncie, located in the Town of Yorktown, Delaware County, Indiana, as more specifically described herein, and in support thereof, state and reference the property to be vacated as follows:

1. Petitioner, Zina Lee Bartle, owns the following real estate located in the Town of Yorktown, Delaware County, Indiana, (“Parcel A”):

LEGAL DESCRIPTION: Beginning Lots Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14) in Block number Fifty-two (52) and all that part of Lot Twelve (12) in Block number Fifty-three (53) lying East of the Straw Board Switch in the Western Improvement Company's Addition to the Village of West Muncie. ALSO, all that part of heretofore vacated Edith Street lying between Lot Twelve (12) in Block Fifty-three (53) and Lot Eleven (11) in Block Fifty-two (52).

COMMON ADDRESS: 8510 West Weller Street
Yorktown, Indiana 47353

PARCEL ID NO.: 18-10-22-254-008.000-017

which Parcel A abuts a part of the platted and unimproved alleys located immediately North of Weller Street and East of Russ/Edith Street (the “Vacation Area”).

2. Petitioner seeks to vacate said Vacation Area in the Town of Yorktown as shown on the survey drawing attached hereto as **EXHIBIT A**, and to have such Vacation Area revert according to the laws of the State of Indiana.

3. The aforementioned area which Petitioner seeks to vacate is legally described as follows:

Alley 1 –

A portion of a 15-foot-wide east/west alley east of Edith Street from heretofore vacated Edith Street to the first 15-foot-wide north/south alley east of said Edith Street in the Western Improvement Company's Addition to the Village of West Muncie, as shown by the plat of said Addition, recorded in Plat Book Two (2) at page 136 of the records of Delaware County, Indiana, more particularly described as follows:

BEGINNING at the northwest corner of Lot 11 in Block 52 of said Plat, thence North 89° 35' 25" East 180.00 feet along the north lines of Lots 11, 12, 13, and 14 in Block 52 of said Plat; thence North 00° 23' 18" West 15.00 feet; thence South 89° 35' 25" West 180.00 feet along the south lines of Lots 7, 8, 9, and 10 in Block 52 of said Plat; thence South 00° 23' 18" East 15.00 feet to the point of beginning.

Alley 2 –

A portion of a 15-foot-wide north/south alley north of Weller Street from Weller Street to the north line of the first 15-foot-wide east/west alley north of said Weller Street in the Western Improvement Company's Addition to the Village of West Muncie, as shown by the plat of said Addition, recorded in Plat Book Two (2) at page 136 of the records of Delaware County, Indiana, more particularly described as follows:

BEGINNING at the southeast corner of Lot 14 in Block 52 of said Plat, thence North 89° 35' 25" East 15.00 feet to the southwest corner of Lot 6 in Block 52 of said Plat; thence North 00° 23' 18" West 132.50 feet along the west lines of Lots 4, 5, and 6 in Block 52 of said Plat; thence South 89° 35' 25" West 15.00 feet to a point 7.5 feet north of the northeast corner of Lot 14 in Block 52 of said Plat; thence South 00° 23' 18" East 132.50 feet along the east line of Lot 14 in Block 52 of said Plat to the point of beginning.

4. The Vacation Area is unimproved.

5. The following names and mailing addresses are all of the owners of land that abuts the Vacation Area:

Zina Lee Bartle
1111 Stanley Way
Seguin, Texas 78155

Jerry Kay Davis
8551 West Adaline Street
Yorktown, Indiana 47396

Ernest N. Hogue &
Connie Jo Davis
Post Office Box 41
Yorktown, Indiana 47396-0041

6. The vacation of the Vacation Area is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, but not limited to water, storm water, drainage, electricity, telecommunications, natural gas, cable television, and internet, which existing easement rights shall survive the vacation.

7. The vacation of the Vacation Area will not:

- (a) hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- (b) make access to the lands of any person by means of public way difficult or inconvenient;
- (c) hinder the public's access to a church, school, or other public building or place; or
- (d) hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

WHEREFORE, the Petitioner, Zina Lee Bartle, respectfully requests that the above-described Vacation Area be vacated and revert according to the laws of the State of Indiana, by ordinance of the Town Council for the Town of Yorktown, Delaware County, Indiana.

The undersigned Petitioner affirms under the penalties of perjury that the foregoing representations are true to the best of their respective knowledge and belief.

By: Zina Lee Bartle
Zina Lee Bartle
1111 Stanley Way
Seguin, Texas 78155

DATED: April 27, 2023

For office use only.

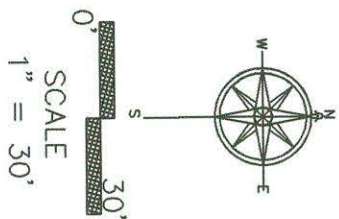
The foregoing Petition to Vacate was received by the Town of Yorktown, Delaware County, Indiana on the _____ day of _____, 2023.

By: _____
Its: _____

Addline Street 60' R/W

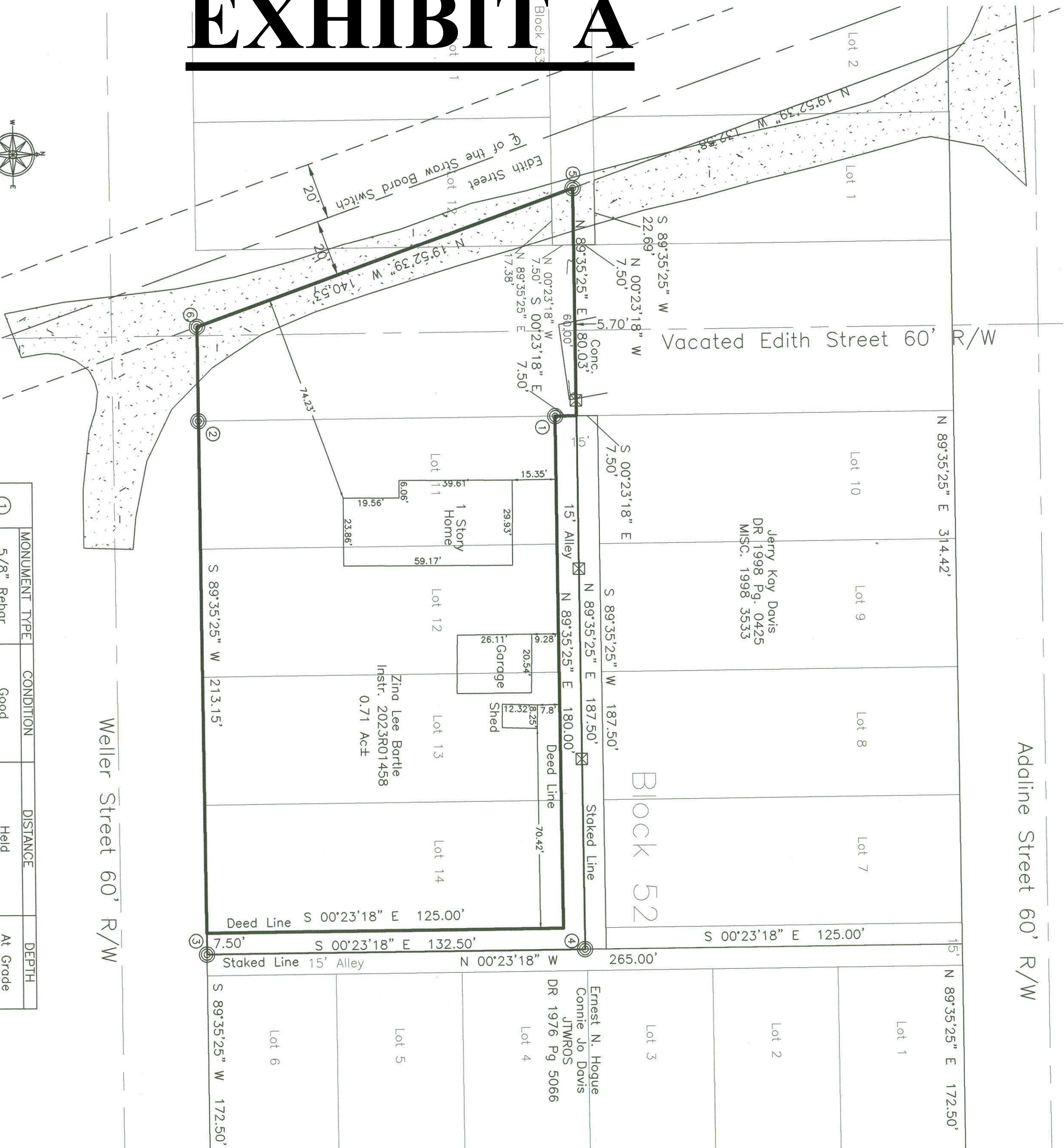
Weller Street 60' R/W

	MONUMENT TYPE	CONDITION	DISTANCE	DEPTH
①	5/8" Rebar	Good	Held	At Grade
②	5/8" Rebar	Good	Held	At Grade
③	5/8" HLA	New	N/A	At Grade
④	5/8" HLA	New	N/A	At Grade
⑤	Mag Nail	New	N/A	At Grade
⑥	Mag Nail	New	N/A	At Grade



☒ = Line Stake Set

EXHIBIT A



Lots Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14) in Block number Fifty-two (52) and all that part of Lot Twelve (12) in Block number Fifty-three (53) lying East of the Straw Board Switch in the Western Improvement Company's Addition to the Village of West Muncie. ALSO, All that part of heretofore vacated Edith Street lying between Lot Twelve (12) in Block Fifty-three (53) and Lot Eleven (11) in Block Fifty-two (52).

I hereby certify that to the best of my information, knowledge and belief the within plat represent a survey, executed according to survey requirements in 865 IAC 1-12-7 mode under my supervision and completed on March 16, 2023.

Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton

Surveyor's Note

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Suburban (more or less 0.13 feet) Survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 ("Rule 12"), the following opinions and observations are submitted regarding uncertainties in the location of the lines and corners established by this survey as a result of: a. Availability, condition and integrity of reference monuments; b. Record documents; c. Lines of occupation; and d. Measurements (Theoretical Uncertainty).

There may be unwritten rights associated with these uncertainties.

Reference Monuments

By former survey of Lots 7-10 of Block 52, there was a rebar at the center of the alley located 7.5 feet West of the Northeast corner of Lot 7 and a spike on the North line of Lot 2 of Block 53. This spike and a spike found 33.15 feet West of the Southwest corner of Lot 11 of Block 52 were found marking the Easterly line of the Straw Board railroad switch.

There is a rebar marking the Southwest corner of Lot 11. There is a rebar marking the Northwest corner of Lot 11.

Occupation

There is a 15-foot alley at the North side of Lots 11 thru 14 that has not been vacated. Consequently, the owner on the North has occupied the entire alley with a concrete pad and a small storage building. There is a public road at the West side that is partially located in vacated Edith Street and on Lot 12, Block 53.

Record Descriptions

The record does not call for Half the vacated alley East of Lot 14 for Lots 11 thru 14 of Block 52. The record description to the East Deed Record 1976 page 5066 calls for half a vacated alley, but is not specific.

The record does call a part of Lot 12 of Block 53; also, vacated Edith Street between Lot 11 of Block 52 and Lot 12 of Block 53 being that part East of the Straw Board railroad switch.

In the year 1980, our firm described the public road which encroaches the subject tract to have this road legally dedicated as a street within Yorktown. The town did not obtain the described street. It remains as an encroachment.

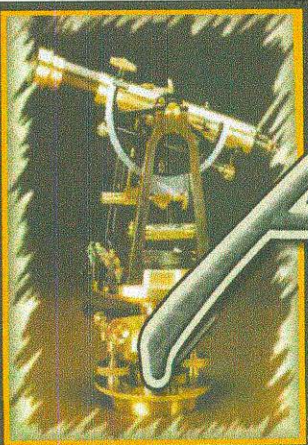
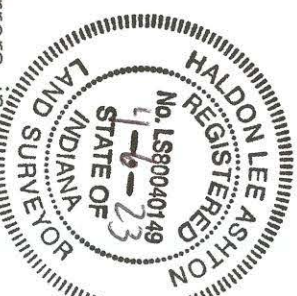
The alley running east and west may not be accessible at either end. The North adjoining tract has already occupied a portion of the alley within Edith Street. The center of the alley would be the boundary if the alley is vacated.

Stakes were placed at the centerlines of the above discussed alleys as though both were vacated, however the only evidence of vacation found was discussed above.

The bearings shown on this drawing are based on the State Plane Coordinate System, instead of assumed datum.

2. Flood Zone:

- The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0236D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011).
- The minimum flood risk was verified by the INDNR Flood Plain Information Portal--dated: March 16, 2023.
- Ownership shown hereon is per County Records or as indicated in title work provided by others.
- The within survey was performed without benefit of evidence of source of title and is subject to any statement of facts revealed by same. This qualification will be removed upon receipt and inspection of current title work and copies of Schedule B items listed herein.



325 W. Washington St.
Muncie, IN 47305
Ph: 765-282-5594
Fax: 765-282-5596
Ashton Land Surveyors, Inc.

Boundary Survey
8510 W Weller Street
Yorktown, IN

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

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CONES 96 EPC 2002.000)

Revisions

No.
Date:
Reason:

Drawn: SMK
Date: 03/21/23
Job: 2023066
Client: Zina Lee Bortle
Owner: Zina Lee Bortle
Crew: EA
Electronic Field Book
Field Date: 03/06/23
IUPPS REF. #

Sheet