

ORDINANCE NO. 850

**AN ORDINANCE TO VACATE AN UNIMPROVED
PLATTED ALLEY LOCATED IN THE TOWN OF
YORKTOWN, DELAWARE COUNTY, INDIANA**

WHEREAS, Ronald Fauquher (the “Petitioner”), having filed their Petition to Vacate an Unimproved Platted Alley in the Town of Yorktown, Delaware County, Indiana (the “Petition”), the Town Council for the Town of Yorktown, 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 the Vacation Area, as described in the Petition and as illustrated in “EXHIBIT A” attached hereto, which said Vacation Area is legally described as follows:

Beginning at the Southeast corner of Lot 113 of the Original Plat of Yorktown; thence South 19 degrees 55 minutes 57 seconds East 16.50 feet (assumed bearing) to the Northeast corner of Lot 112 in said Yorktown; thence South 70 degrees 04 minutes 03 seconds West 132.00 feet to the Northwest corner of Lot 111; thence North 19 degrees 55 minutes 57 seconds West 16.50 feet to the Southwest corner of Lot 114; thence North 70 degrees 04 minutes 03 seconds East 132.00 feet to the point of beginning, containing 0.05 acres (2178.59 square feet), more or less.

WHEREAS, the notice further provided information regarding a public hearing on the proposed vacation, which said public hearing was held on May 20, 2024, consistent with, and pursuant to, Ind. Code § 36-7-3-12, which said hearing date was no more than thirty days from the date the Petition was received; and

WHEREAS, the Petitioner owns land which abuts the Vacation Area; and

WHEREAS, the Town Council for the Town of Yorktown, Indiana, having duly considered the proposed vacation of the Vacation Area, as stated in the Petitioner’s Petition, now desires to adopt an ordinance in accordance with Ind. Code § 36-7-3-12 to formally vacate said Vacation Area as requested in Petitioner’s Petition.

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

SECTION 1. The Town Council for the Town of Yorktown, Indiana finds and determines that vacating the Vacation Area will not:

- A. Hinder the growth or orderly development of the unit or neighborhood in which said Vacation Area is located or to which the Vacation Area is contiguous;
- B. Hinder the public's access to a church, school, or other public building or place;
- C. Make access to the lands of any person by means of public way difficult or inconvenient; or
- D. 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 the Town of Yorktown, Delaware County, Indiana, is hereby vacated:

Beginning at the Southeast corner of Lot 113 of the Original Plat of Yorktown; thence South 19 degrees 55 minutes 57 seconds East 16.50 feet (assumed bearing) to the Northeast corner of Lot 112 in said Yorktown; thence South 70 degrees 04 minutes 03 seconds West 132.00 feet to the Northwest corner of Lot 111; thence North 19 degrees 55 minutes 57 seconds West 16.50 feet to the Southwest corner of Lot 114; thence North 70 degrees 04 minutes 03 seconds East 132.00 feet to the point of beginning, containing 0.05 acres (2178.59 square feet), more or less.

SECTION 3. The vacation of the Vacation Area authorized by this Ordinance is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public

utilities, including water, sewer, storm water, drainage, electricity, telecommunications, natural gas, cable television, and internet, 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 and, more particularly, as follows:

To Ronald Fauquher:

A vacation of an alley at the East side of West Street as shown by the Original Plat of Yorktown and shown by the Records of Delaware County, Indiana, described as follows:

Beginning at the Southeast corner of Lot 113 of the Original Plat of Yorktown; thence South 19 degrees 55 minutes 57 seconds East 16.50 feet (assumed bearing) to the Northeast corner of Lot 112 in said Yorktown; thence South 70 degrees 04 minutes 03 seconds West 132.00 feet to the Northwest corner of Lot 111; thence North 19 degrees 55 minutes 57 seconds West 16.50 feet to the Southwest corner of Lot 114; thence North 70 degrees 04 minutes 03 seconds East 132.00 feet to the point of beginning, containing 0.05 acres (2178.59 square feet), more or less.

Parcel Nos.: 18-10-22-153-003.000-017
18-10-22-153-013.000-017
18-10-22-153-012.000-017

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 its adoption by the Town Council for the Town of Yorktown, Indiana, publication as required by law, and recording in the Office of the Recorder of Delaware County, Indiana.

DULY ADOPTED by the Town Council for the Town of Yorktown, Indiana at a regularly scheduled public meeting held on this, the _____ day of _____, 2024.

THE TOWN COUNCIL OF THE
TOWN OF YORKTOWN, INDIANA

President

Vice President

Member

Member

Member

Member

Member

ATTEST:

Lance Turner, Clerk-Treasurer
Town of Yorktown, Indiana

Ordinance No. _____

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
and please return original to:*

JOSEPH I. RHETTS #32733-24
ATTORNEY AT LAW

DEFUR VORAN LLP
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Muncie, Indiana 47305