

STATE OF INDIANA)
DELAWARE COUNTY)
) SS:
IN RE:)
PETITION TO VACATE)

BEFORE THE TOWN COUNCIL FOR THE
TOWN OF YORKTOWN, INDIANA

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

The Petitioner, Joyce A. Harman a/k/a Joyce Harman, respectfully petitions the Town Council for the Town of Yorktown, Indiana, (the “Council”), to vacate portions of the platted and unimproved street known as Madison Avenue located in Block Number Fifty-Six (56) 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, Joyce A. Harman a/k/a Joyce Harman, owns the following real estate located in the Town of Yorktown, Delaware County, Indiana, (“Parcel A”):

LEGAL DESCRIPTION: Lots 1 and 2 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana, EXCEPT that part of Lot 2 described as follows:

Beginning at the Northwest corner of Lot 2, Block 56, in Western Improvement Company's Addition to West Muncie; thence East on and along the North line of said Lot 2 Ten (10) feet; thence Southerly with a deflection angle to the right of Eighty-one degrees and fifty-three minutes (81° 53') One Hundred Fifteen (115) feet to its intersection with the Southerly line of said Lot 2; thence in a Northwesterly direction on and along the said Southerly line of said Lot 2 Twenty-six and sixty-four Hundredths (26.64) feet to the

Southwest corner of said Lot 2; thence North on and along the West line of said Lot 2 One Hundred Nine and Twenty-One Hundredths (109.21) feet to the point of beginning.

COMMON ADDRESS: 8811 West Adaline Street
Yorktown, Indiana 47353

PARCEL ID NO.: 18-10-22-251-003.000-017

which Parcel A abuts a part of the platted and unimproved street located immediately East of Parcel A and South of Adaline 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:

The West half of a street shown as Madison Street by the Plat and described as follows:

Beginning at a 5/8 inch rebar at the Southeast corner of Lot 1 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana; thence North 00 degrees 19 minutes 00 seconds West 125.00 feet to the Northeast corner of said Lot; thence North 89 degrees 35 minutes 33 seconds East 30.00 feet to a wood hub; thence South 00 degrees 19 minutes 00 seconds East 125.00 feet to a wood hub; thence South 89 degrees 35 minutes 33 seconds West 30.00 feet to the point of beginning, containing 0.09 acres, more or less.

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:

Joyce A. Harman - Petition to Vacate

Joyce A. Harman
8811 West Adaline Street
Yorktown, Indiana 47396

Julie A. and Kevin J. Vance
8901 West Adaline Street
Yorktown, Indiana 47396

Town of Yorktown, Indiana
9312 West Smith Street
Yorktown, Indiana 47396

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, Joyce A. Harman a/k/a Joyce Harman, 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: Joyce A. Harman
Joyce A. Harman
a/k/a Joyce Harman
8811 West Adaline Street
Yorktown, Indiana 47396

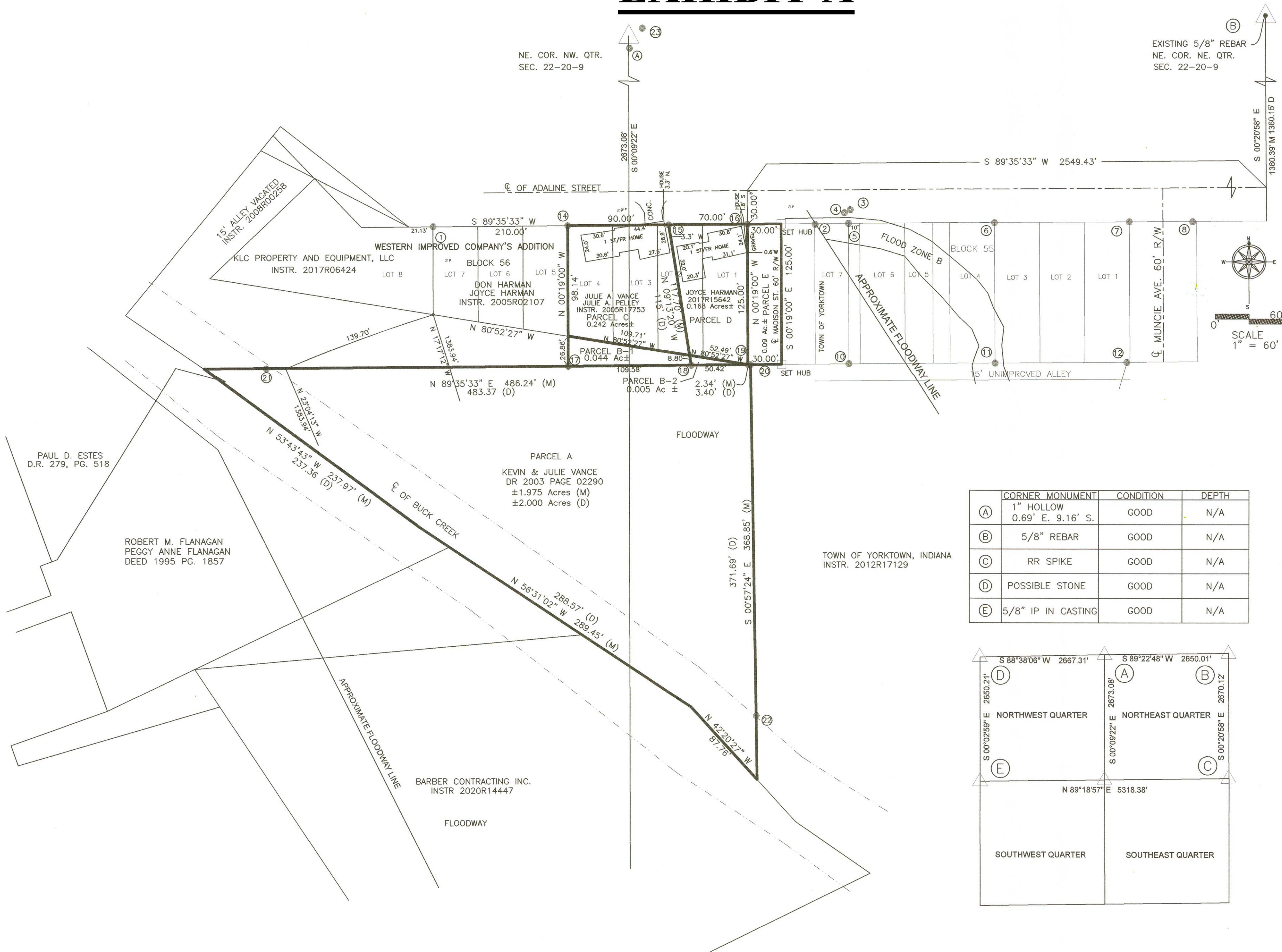
DATED: 8/4/23

For office use only.

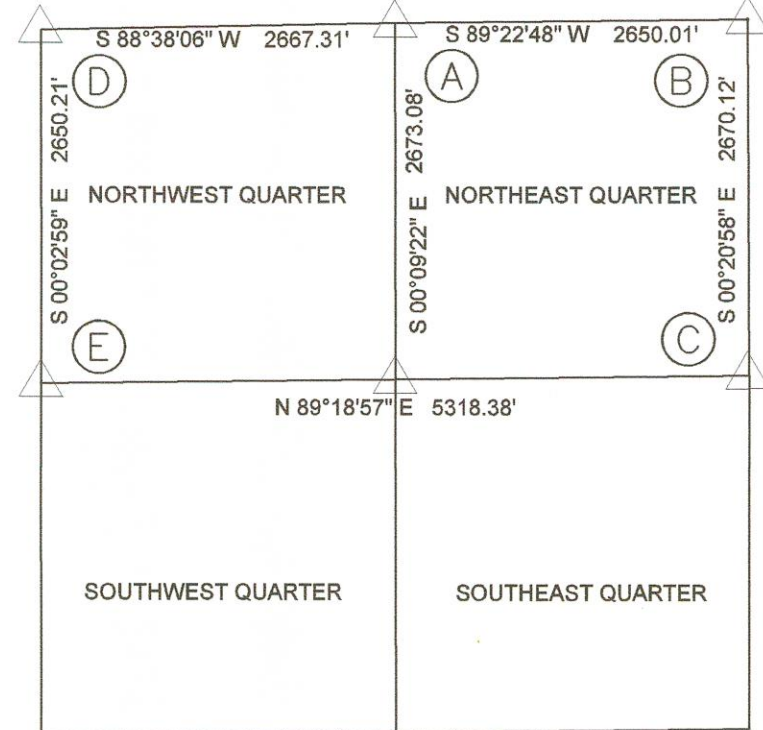
The foregoing Petition to Vacate was received by the Town of Yorktown, Delaware County, Indiana on the _____ day of _____, 2023.

By: _____
Its: _____

EXHIBIT A



	CORNER MONUMENT	CONDITION	DEPTH
(A)	1" HOLLOW 0.69' E. 9.16' S.	GOOD	N/A
(B)	5/8" REBAR	GOOD	N/A
(C)	RR SPIKE	GOOD	N/A
(D)	POSSIBLE STONE	GOOD	N/A
(E)	5/8" IP IN CASTING	GOOD	N/A



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

BOUNDARY SURVEY
8905 W. ADALINE ST.
YORKTOWN, IN

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. Haldon L. Ashton

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

Revisions

No.
Date:
Reason:

Drawn: KLM
Date: 06/20/23
Job: 2023112
Client: Julie Vance
Crew: EHA/JTM
Electronic Field Book
Field Date: 03/23/23

This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Parcel A
A part of the North Half of Section 22, Township 20 North, Range 9 East, in Mount Pleasant Township, Delaware County, Indiana, more particularly described as follows: Commencing at a ¼ inch rebar at the northeast corner of the Northeast Quarter said Section; thence South 00 degrees 04 minutes 27 seconds West a distance of 1360.15 feet along the east line of said Quarter Section to a point on the centerline of Adaline Street; thence North 89 degrees 59 minutes 30 seconds West a distance of 2549.43 feet along said centerline to a P.K. nail; thence South 00 degrees 11 minutes 54 seconds West a distance of 155.00 feet along the east line of Lot 1, Block 56 of Western Improvement Company's Addition to West Muncie as recorded in Plat Book 2, page 136, in the Office of the Recorder of Delaware County Indiana, to a capped ¾ inch rebar at the southeast corner, thereof, thence South 89 degrees 59 minutes 30 seconds East a distance of 3.40 feet to a capped ¾ inch rebar; thence South 00 degrees 11 minutes 54 seconds West a distance of 371.69 feet to a point in the centerline of Buck Creek; thence North 41 degrees 11 minutes 09 seconds West a distance of 87.76 feet along said centerline; thence North 55 degrees 54 minutes 44 seconds West a distance of 288.57 feet along said centerline; thence North 52 degrees 39 minutes 25 seconds West a distance of 237.36 feet along said centerline; thence South 89 degrees 59 minutes 30 seconds East 483.37 feet along the South line of said Block 56 to the Point of Beginning, containing 2.000 acres, more or less. Subject to any easements of record.

Parcel B-1
A part of the North Half of Section 22, Township 20 North, Range 9 East in Yorktown, Delaware County, Indiana, described as follows: Commencing at the Northeast corner of Lot 1 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana; thence South 00 degrees 19 minutes 00 seconds East 125.00 feet (assumed bearing) to a ¾ inch rebar at the Southeast corner of said lot; thence South 89 degrees 35 minutes 33 seconds West 50.42 feet parallel with the North line of Lots 1 through 4 of said Block 56 to a ¾ inch rebar being the point of beginning; thence continuing South 89 degrees 35 minutes 33 seconds West 109.58 feet to a 5/8 inch rebar; thence North 00 degrees 19 minutes 00 seconds West 26.86 feet to the Southwest corner of said Lot 4 in Block 56; thence South 80 degrees 52 minutes 27 seconds East 109.71 feet; thence South 09 degrees 13 minutes 20 seconds East 8.80 feet to the point of beginning, containing 0.044 acre, more or less.

Parcel B-2
A part of the North Half of Section 22, Township 20 North, Range 9 East in Yorktown, Delaware County, Indiana, described as follows: Commencing at the Northeast corner of Lot 1 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana; thence South 00 degrees 19 minutes 00 seconds East 125.00 feet (assumed bearing) to a ¾ inch rebar at the Southeast corner of said lot being the point of beginning; thence South 89 degrees 35 minutes 33 seconds West 50.42 feet parallel with the North line of Lots 1 through 4 of said Block 56 to a ¾ inch rebar; thence North 09 degrees 13 minutes 20 seconds West 8.80 feet; thence South 80 degrees 52 minutes 27 seconds East 52.49 feet to the point of beginning, containing 0.005 acre, more or less.

Parcel C
A certain tract or parcel of land in Delaware County, in the State of Indiana, described as follows: Lots Numbered Three (3) and Four (4) in block Number fifty-six (56) in the Western Improvement Company's Addition to West Muncie, Delaware County, Indiana, and a part of Lot Numbered Two (2) in Block Number Fifty-Six (56) in Western Improvement Company's Addition to West Muncie, more particularly described as follows, to-wit: Beginning at the Northwest corner of Lot 2, Block 56, in Western Improvement Company's Addition to West Muncie; thence East on and along the North line of said Lot 2, Ten (10) feet; thence Southerly with a deflection angle to the right of Eighty-one degrees and fifty-three minutes (81°53') One Hundred Fifteen (115) feet to its intersection with the Southerly line of said Lot 2; thence in a Northwesterly direction on and along the said Southerly line of said Lot 2 Twenty-six and sixty-four hundredths (26.64) feet to the Southwest corner of said Lot 2; thence North on and along the West line of said Lot 2 One Hundred Nine and Twenty-one Hundredths (109.21) feet to the point of beginning, containing 0.242 acres, more or less.

Parcel D
Lots 1 and 2 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana, EXCEPT that part of Lot 2 described as follows: Beginning at the Northwest corner of Lot 2, Block 56, in Western Improvement Company's Addition to West Muncie; thence East on and along the North line of said Lot 2, Ten (10) feet; thence Southerly with a deflection angle to the right of Eighty-one degrees and fifty-three minutes (81°53') One Hundred Fifteen (115) feet to its intersection with the Southerly line of said Lot 2; thence in a Northwesterly direction on and along the said Southerly line of said Lot 2 Twenty-six and sixty-four hundredths (26.64) feet to the Southwest corner of said Lot 2; thence North on and along the West line of said Lot 2 One Hundred Nine and Twenty-one Hundredths (109.21) feet to the point of beginning, containing 0.168 acres, more or less.

Parcel E
The West half of a street shown as Madison Street by the Plat. Madison Street is not vacated and it should be vacated. The house is 0.6 feet West of the right-of-way. Beginning at a ¾ inch rebar at the Southeast corner of Lot 1 of Block 56 in the Western Improvement Company's Addition to West Muncie as shown by the Records of Delaware County, Indiana; thence North 00 degrees 19 minutes 00 seconds West 125.00 feet to the Northeast corner of said lot; thence North 89 degrees 35 minutes 33 seconds East 30.00 feet to a wood hub; thence South 00 degrees 19 minutes 00 seconds East 125.00 feet to a wood hub; thence South 89 degrees 35 minutes 33 seconds West 30.00 feet to the point of beginning, containing 0.09 acres, more or less.

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 made under my supervision and completed on April 25, 2023.


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
There is a spike marking the southeast corner of the Northeast Quarter of Section 22.
There is a rebar marking the northeast corner of the Northeast Quarter.
There are rebar marking the northwest corner and the southwest corner of the East 6 feet off of Lot 7, Block 55, also a one-inch pipe at the northeast corner of Lot 1 of Block 55.
Our firm formerly staked the West side of Block 56 including parts of Lots 2 through 13.

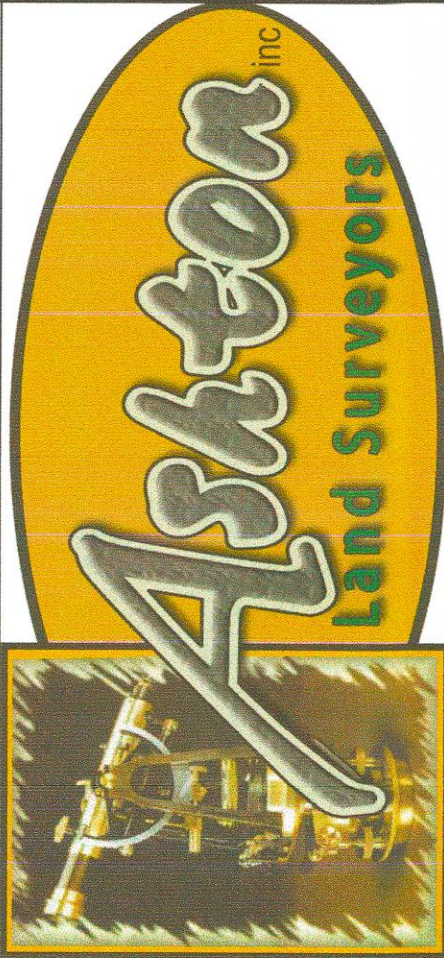
Occupation
The home on Lots 3 and 4 encroaches Adaline Street right-of-way.
The home on Lots 1 and 2 encroaches East into the unimproved street right-of-way.
Parcel A is subject to the rules for Waters of the United States.
Madison Street is not vacated, but partially occupied by the gravel parking servicing Lot 1.

Record Descriptions
Former surveys by Morrison show the South line of Block 56 to be an extension west of the South line of Block 55. Parcel A also describes that line as the South line of Block 56 by angling the South line of the lots, it creates a no-man's-land described by Parcel B.
Madison Street is not vacated but partially occupied by the dwelling on Lot 1, for this reason our Firm has described and staked the West Half of the street Parcel E, this street should be vacated.
Parcel D (Lots 1 and 2) did not describe the exception that was included with Parcel C.
The bearings shown on this drawing are based on the State Plane Coordinate System, instead of assumed datum.

2. Flood Zone:
a. The within tract does 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).
b. The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated: April 25, 2023.
3. Ownership shown hereon is per County Records or as indicated in title work provided by others.
4. 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.

This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

	MONUMENT TYPE	CONDITION	DISTANCE	DEPTH
①	R.E. WARD REBAR	GOOD	0.23' W. 0.16' N.	AT GRADE
②	5/8" REBAR HLA	GOOD	0.34' W. 0.6' S	AT GRADE
③	3/4" REBAR	GOOD	1.7' E 12.2' N.	AT GRADE
④	UNKNOWN REBAR	GOOD	3.55' W. 9.53'N.	AT GRADE
⑤	5/8" REBAR HLA	GOOD	ON CORNER	AT GRADE
⑥	MAG NAIL	GOOD	IN ROAD	AT GRADE
⑦	1" HOLLOW	GOOD	ON CORNER	AT GRADE
⑧	3/4" REBAR	GOOD	ON CORNER	AT GRADE
⑨	5/8" REBAR	GOOD	0.57' E. 0.24' S.	AT GRADE
⑩	5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑪	5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑫	5/8" REBAR	GOOD	2.87' W. 0.36' S.	AT GRADE
⑬	3/4" REBAR	GOOD	0.56' E. 0.22' S.	AT GRADE
⑭	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑮	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑯	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑰	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑱	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑲	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
⑳	SET 5/8" REBAR	GOOD	ON CORNER	AT GRADE
㉑	SET 5/8" REBAR	GOOD	54.87' E ON TOB	AT GRADE
㉒	SET 5/8" REBAR	GOOD	56.77' N ON TOB	AT GRADE
㉓	3/4" PINCH	GOOD	11.99' E, 8.56' N	AT GRADE



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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. Haldon L. Ashton



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

Revisions

No.
Date:
Reason:

Drawn: KLM
Date: 06/20/23
Job: 2023112
Client: Julie Vance
Crew: EHA/JTM
Electronic Field Book
Field Date: 03/23/23