

ORDINANCE NO. 839

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

WHEREAS, Joyce A. Harman a/k/a Joyce Harman (the “Petitioner”), having filed their Petition to Vacate an Unimproved Platted Street 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:

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.

WHEREAS, the notice further provided information regarding a public hearing on the proposed vacation, which said public hearing was held on August 21, 2023, 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, together with Julie A. and Kevin J. Vance and the Town of Yorktown, Indiana, respectively; 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:

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.

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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 Joyce A. Harman a/k/a Joyce Harman:

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.

Parcel No. 18-10-22-251-003.000-017

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.

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DULY ADOPTED by the Town Council for the Town of Yorktown, Indiana at a regularly scheduled public meeting held on this, the _____ day of _____, 2023.

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

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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.

*This instrument prepared by
and please return original to:*

JOSEPH I. RHETTS #32733-24
ATTORNEY AT LAW

DEFUR VORAN LLP
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400 South Walnut Street
Suite 200
Muncie, Indiana 47305