

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, Bobby Westrater, respectfully petitions the Town Council for the Town of Yorktown, Indiana, (the "Council"), to vacate the 50-foot-wide street between Lots Numbered 55 and 56 of Yorkshire Addition Section "C," an addition to 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, Bobby Westrater, owns the following real estate located in the Town of Yorktown, Delaware County, Indiana, ("Parcel A"):

LEGAL DESCRIPTION: Lot Numbered Fifty-Six (56) in Yorkshire Addition, Section "C", an Addition to the Town of Yorktown, Indiana, a plat of which is recorded in Plat Book 13, page 108 - 109 of the Records of Plats of Delaware County, Indiana.

COMMON ADDRESS: 2801 South Walnut Street
Yorktown, Indiana 47396

PARCEL ID NO.: 18-10-22-375-003.000-017

which Parcel A abuts a part of the platted and unimproved street located immediately North of Parcel A and West of Walnut 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:

Beginning at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street; thence South 71 degrees 59 minutes 20 seconds West 21.28 feet to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3340.34 feet from the radius point of said curve; thence Westerly 67.95 feet along said curve to a point that is North 18 degrees 58 minutes 19 seconds West 3340.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.38 feet to the Southwest corner of said Lot 55, said corner being on a curve and being North 19 degrees 03 minutes 15 seconds West 3365.26 feet from the radius point of said curve; thence Easterly 73.28 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West 3365.26 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 15.93 feet to the point-of-beginning, containing 0.05 acres, more or less.

Also:

Commencing at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street being the point-of-beginning; thence South 29 degrees 56 minutes 06 seconds East 9.90 feet to the point-of-beginning of a curve, said point being North 60 degrees 04 minutes 57 seconds East 1086.90 feet from the radius point of said curve; thence Southeasterly 15.67 feet along said curve to the Northeast corner of Lot 56 in said addition and being North 60 degrees 54 minutes 03 seconds East 1086.91 feet from the radius point of said curve; thence South 71 degrees 59 minutes 20 seconds West 26.53 feet along the North line of said Lot to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3315.34 feet from the radius point of said curve; thence Westerly 62.59 feet along said curve to the Northwest corner of said lot being North 18 degrees 58 minutes 19 seconds West 3315.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.47 feet to a point in the center of a 50-foot-wide street, said point being North 18 degrees 58 minutes 19 seconds West 3340.34 feet from the radius point of said curve; thence Easterly 67.95 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West

3340.34 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 21.28 feet to the point-of-beginning, containing 0.05 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:

BOBBY WESTRATER
8564 W COUNTY ROAD 950 N
MIDDLETOWN, IN 47356

MOLLIE M JOHNSON
2709 S WALNUT ST
YORKTOWN, IN 47396

BRIAN L & RACHEL K NIXON
3700 S COUNTY ROAD 550 W
YORKTOWN, IN 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, Bobby Westrater, 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: Bobby Westrater
Bobby Westrater
8564 W County Road 950 N
Middletown, Indiana 47356

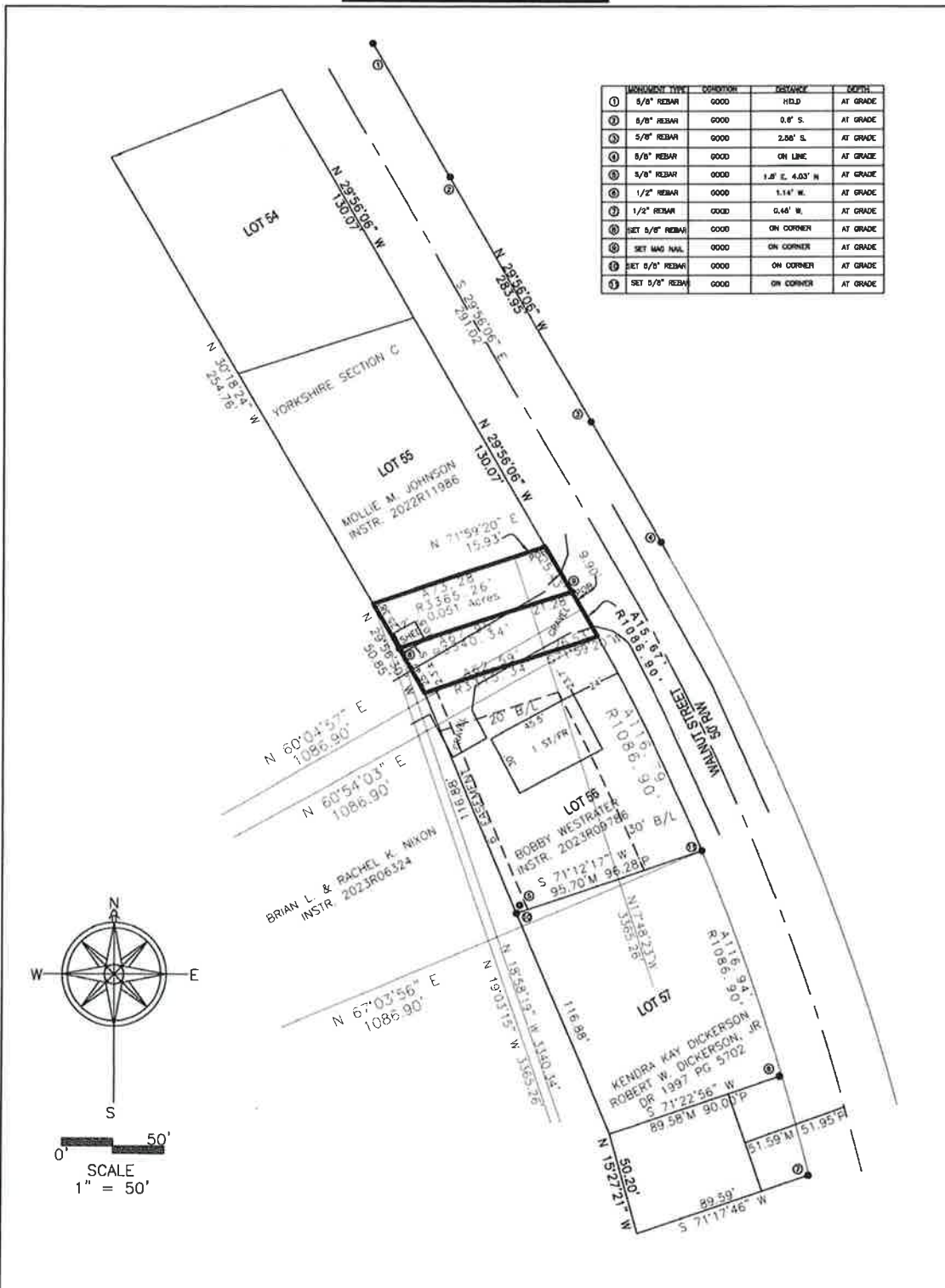
DATED: 11-3-2023

For office use only.

The foregoing Petition to Vacate was received by the Town of Yorktown, Delaware County, Indiana on the 6th day of NOVEMBER, 2023.

By: [Signature]
Its: ASSISTANT TOWN MANAGER

EXHIBIT A



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

Revisions	
Date:	Reason:
Date:	Reason:
Drawn: KLM Date: 10/12/2023 Job: 2023576 Client: BOBBY WESTRATER Owner: BOBBY WESTRATER Crew: EHA Electronic Field Book Field Date: 9/23/2023 IUPPS REF. #	

VACATION OF STREET
2801 S. WALNUT STREET
YORKTOWN, INDIANA

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

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).

545 West Walnut Street, Muncie, IN 47302
 PH: (317) 289-1550 FAX: (317) 289-1552
 EMAIL: info@ashtonlss.com

Sheet 2 OF 2

Mollie M. Johnson

A vacation of the 50-foot-wide street between Lots 55 and Lot 56 of Yorkshire Addition Section "C," an addition to the Town of Yorktown, as shown by the Records of Delaware County, Indiana, described as follows:

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Bobby Westrater

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Dated: October 11, 2023

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report

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



2. Flood Zone:
3. 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: 7/4/2011).
4. The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated:
5. Ownership shown herein is per County Records or as indicated in title work provided by others.

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

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315 West Washington Street, Suite 100, Yorktown, IN 47385
Tel: 317.238.1504 Fax: 317.238.1504
Email: info@ashtonlandsurveyors.com