

ORDINANCE NO. 873

**ORDINANCE TO VACATE TO VACATE A PART OF WESTERN IMPROVEMENT COMPANY'S ADDITION TO THE VILLAGE OF WEST MUNCIE BEING PARTS OF LOTS, STREETS, AND ALLEYS LOCATED IN THE TOWN OF YORKTOWN, DELAWARE COUNTY, INDIANA**

**WHEREAS**, The Townsend Corporation petitioned the Plan Commission and Town Council of the Town of Yorktown, Delaware County, Indiana, and represented as follows:

1. That, The Townsend Corporation is the owner and/or principal of a part of the Northeast Quarter of Section 22, Township 20 North, Range 9 East, being parts of Blocks 18, 19, 28, 29, 30, 42, 43 and 44 of the Western Improvement Co's Addition to the Village of West Muncie, now Yorktown as shown by the Records of Delaware County, Indiana, described as follows:

Commencing at a 5/8 inch rebar marking the Northeast corner of the Northeast Quarter of Section 22, Township 20 North, Range 9 East; thence South 00 degrees 20 minutes 58 seconds East 1329.93 feet (assumed bearing) along the East line of said Northeast Quarter; thence South 89 degrees 35 minutes 25 seconds West 1540.00 feet along the North line of Adaline Street to the point of beginning at the center line of Edith Street as shown by the Western Improvement Company's Addition to the Village of West Muncie; thence South 89 degrees 35 minutes 25 seconds West 847.65 feet to a point 1.2 feet West of a 5/8 inch rebar; thence North 24 degrees 33 minutes 54 seconds West 521.44 feet to a 5/8 inch INDOT rebar; thence North 46 degrees 22 minutes 09 seconds East 377.19 feet along the Southeasterly right-of-way line on State Highway No. 32 to a 5/8 inch rebar; thence South 47 degrees 35 minutes 21 seconds East 5.02 feet to a 5/8 inch rebar; thence North 46 degrees 42 minutes 50 seconds East 452.50 feet along said right-of-way line to a 5/8 inch rebar; thence South 43 degrees 37 minutes 51 seconds East 134.45 feet along the centerline of Linden Street to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 91.25 feet along said centerline to a 5/8 inch rebar; thence South 00 degrees 20 minutes 58 seconds East 15.00 feet to a 5/8 inch rebar; thence South 10 degrees 36 minutes 31 seconds East 418.24 feet to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 165.51 feet along the South line of a tract of ground described by Instrument Number 2012R07206, Records of Delaware County, Indiana, to a 5/8 inch rebar; thence South 00 degrees 20 minutes 58 seconds East 220.50 feet along the West line of vacated Edith Street to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 30.00 feet to a 5/8 inch rebar at the intersection of the centerline of Katherine Street with the centerline of Edith Street; thence South 00 degrees 20 minutes 58 seconds East 295.00 feet to the point of beginning, containing 16.90 acres, more or less, and subject to all easements of record.

That they petitioned the Plan Commission and Town Council of the Town of Yorktown, Indiana to vacate part of the lots, streets, and alleys located within the above description, which are known as follows:

- Lots 1-20 inclusive in Block numbered 18.
- Parts of Lots 7, and 8 in Block numbered 19.
- Lots 6-12 inclusive and parts of Lots 1-5 inclusive in Block numbered 28.

- Lots 1-14 inclusive in Block numbered 29.
- Lots 1-8 inclusive, Lots 10-17 inclusive, and parts of Lots 9, 18, and 19 in Block numbered 30.
- Lots 1-6 inclusive, Lots 11-14 inclusive, and parts of Lots 7, 9, and 10 in Block numbered 42.
- Lots 1-14 inclusive in Block numbered 43.
- Lots 1-12 inclusive in Block numbered 44.
- The alleys located in Blocks numbered 18, 28, 29,43, and 44.
- Parts of the alleys located in Blocks numbered 19, 30, and 42.
- Parts of Linden Street, State Street, Katherine Street, Muncie Avenue, Heath Street, and Edith Street.

All being a part of the Western Improvement Company's Addition to the Village of West Muncie, now Yorktown as shown by the Records of Delaware County, Indiana

The drawing and description depicting the area to be vacated are shown in the attached Exhibit A.

**WHEREAS**, that these segments of streets and alleys described above are platted as public ways; that they were never paved or improved to provide access to the lots located within said blocks that these public ways adjoin in said addition;

**WHEREAS**, that the vacation will not hinder the growth or orderly development of the neighborhood in which it is located; it will not make access to the lands of any person by a public way difficult or inconvenient; it will not hinder the public's access to any church, school or other public building or place; and it will not hinder the use of any public way by the neighborhood in which it is located or to which it is contiguous.

**WHEREAS**, notice of the filing of the petition and the date of the hearing on said petition have been given to all interested persons and published, as required by law; and

**WHEREAS**, that the area to be vacated is subject to the right of any and all existing public utilities and drainage facilities to construct, add to, maintain, replace and renew any facilities in the area proposed to be vacated with the same rights with respect to said facilities as if a vacation proceeding had not been had.

**WHEREAS**, that record of partial vacations of the land herein described has been found, but due to erroneous descriptions and insufficient recording of said records, this petition contains all lots, streets, and alleys as if they have not been previously vacated. This is being done to ensure there is clear title to all of the land herein described.

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council and Plan Commission of the Town of Yorktown, Indiana, as follows:

**Section 1.** The parts of lots, streets, and alleys more accurately described as follows:

A part of the Northeast Quarter of Section 22, Township 20 North, Range 9 East, being parts of Blocks 18, 19, 28, 29, 30, 42, 43 and 44 of the Western Improvement Co's Addition to the Village of West Muncie, now Yorktown as shown by the Records of Delaware County, Indiana, described as follows:

Commencing at a 5/8 inch rebar marking the Northeast corner of the Northeast Quarter of Section 22, Township 20 North, Range 9 East; thence South 00 degrees 20 minutes 58 seconds East 1329.93 feet (assumed bearing) along the East line of said Northeast Quarter; thence South 89 degrees 35 minutes 25 seconds West 1540.00 feet along the North line of Adaline Street to the point of beginning at the center line of Edith Street as shown by the Western Improvement Company's Addition to the Village of West Muncie; thence South 89 degrees 35 minutes 25 seconds West 847.65 feet to a point 1.2 feet West of a 5/8 inch rebar; thence North 24 degrees 33 minutes 54 seconds West 521.44 feet to a 5/8 inch INDOT rebar; thence North 46 degrees 22 minutes 09 seconds East 377.19 feet along the Southeasterly right-of-way line on State Highway No. 32 to a 5/8 inch rebar; thence South 47 degrees 35 minutes 21 seconds East 5.02 feet to a 5/8 inch rebar; thence North 46 degrees 42 minutes 50 seconds East 452.50 feet along said right-of-way line to a 5/8 inch rebar; thence South 43 degrees 37 minutes 51 seconds East 134.45 feet along the centerline of Linden Street to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 91.25 feet along said centerline to a 5/8 inch rebar; thence South 00 degrees 20 minutes 58 seconds East 15.00 feet to a 5/8 inch rebar; thence South 10 degrees 36 minutes 31 seconds East 418.24 feet to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 165.51 feet along the South line of a tract of ground described by Instrument Number 2012R07206, Records of Delaware County, Indiana, to a 5/8 inch rebar; thence South 00 degrees 20 minutes 58 seconds East 220.50 feet along the West line of vacated Edith Street to a 5/8 inch rebar; thence North 89 degrees 35 minutes 25 seconds East 30.00 feet to a 5/8 inch rebar at the intersection of the centerline of Katherine Street with the centerline of Edith Street; thence South 00 degrees 20 minutes 58 seconds East 295.00 feet to the point of beginning, containing 16.90 acres, more or less, and subject to all easements of record.

are hereby vacated, subject to the right of any and all existing public utilities and drainage facilities to construct, add to, maintain, replace and renew any facilities in the area proposed to be vacated with the same rights with respect to said facilities as if a vacation proceeding had not been had.

**Section 2.** That this Ordinance shall be in full force and effect from and after its passage by the Plan Commission and Town Council of the Town of Yorktown, Indiana, and such publication as required by law.

**DATED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Approved by the Plan Commission of the Town of Yorktown this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Greene

\_\_\_\_\_  
Nanci Perry

\_\_\_\_\_  
Jason Gasaway

\_\_\_\_\_  
Jerry Hoffman

\_\_\_\_\_  
Dan MacDonald

\_\_\_\_\_  
Eric Scholer

\_\_\_\_\_  
Trevor Oetting

Approved by the Town Council of the Town of Yorktown, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jason Gasaway- President

\_\_\_\_\_  
Nanci Perry- Vice President

\_\_\_\_\_  
Marta Guinn

\_\_\_\_\_  
Carolyn Gant

\_\_\_\_\_  
Chris Greene

\_\_\_\_\_  
Nicole Rector

\_\_\_\_\_  
Bryan Smith

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 was prepared by: Thomas Mulhem