

ORIGINAL

AMENDED ORDINANCE NO. 2017.004 A

**ORDINANCE TO VACATE A PART OF A PUBLIC WAY
PLATTED AS A PART OF MALISSA AVENUE AND AN EAST/WEST ALLEY
BETWEEN LOTS 2 AND 3 IN BLOCK 3 OF THE ORIGINAL PLAT OF COWAN,
MONROE TOWNSHIP, DELAWARE COUNTY, INDIANA**

WHEREAS, Fred J. Carter and Robin E. Carter has filed this petition with the Board of Commissioners of Delaware

County, Indiana, to vacate a part of a public way, more specifically described as follows:

18-15-16-204-010.000-012 KRV

The vacation of a 15 foot wide alley running East and West between Lots 2 and 3 in Block 3 of the Original Plat of the Town of Cowan as shown by the records of Delaware County Indiana described as follows: Beginning at the Southwest corner of Lot 2 in Block 3 of the Original Plat of the Town of Cowan; thence North 89 degrees 16 minutes 49 seconds East 132.00 feet (assumed bearing) to the Southeast corner of said lot; thence South 00 degrees 44 minutes 07 seconds East 15.00 feet to the Northeast corner of lot 3 in said block; thence South 89 degrees 16 minutes 49 seconds West 132.00 feet to the Northwest corner of said lot 3; thence North 00 degrees 44 minutes 07 seconds West 15.00 feet to the place of beginning.

18-15-16-204-012.000-012 KRV

The vacation of Malissa Avenue in Block 3 of the Original Plat of the Town of Cowan, as shown by the Records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 4 Block 3 of the Original Plat of the Town of Cowan; thence North 89 degrees 16 minutes 49 seconds East 143.00 feet (assumed bearing) to the East line of a platted alley; thence South 00 degrees 44 minutes 07 seconds East 18.98 feet on the southern extension of the east line of said alley; thence South 89 degrees 31 minutes 42 seconds East 8.50 feet; thence South 00 degrees 36 minutes 31 seconds East 41.02 feet; thence South 89 degrees 16 minutes 49 seconds West 171.32 feet along the south line of Malissa Avenue; thence North 00 degrees 44 minutes 07 seconds West 17.38 feet; thence South 89 degrees 31 minutes 42 seconds East 19.91 feet; thence North 00 degrees 44 minutes 07 seconds West 43.02 feet to the point of beginning.

WHEREAS, that this segment of Malissa Avenue and the East/West Alley in Block 3 are platted as a public way; that was never paved or improved to provide access to Lots 2, 3 and 4 in Block 3 in said addition;

WHEREAS, Fred J. Carter and Robin E. Carter are the owner and/or principal of Lots 2, 3, and 4 in Block 3 in the Original Plat of Cowan; and

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, 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

2017R03681
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
03/27/2017 10:42 AM
REC FEE: 25.00
PAGES: 5

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.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Delaware County, Indiana, as follows:

Section 1. The public way more accurately described as follows:

The vacation of a 15 foot wide alley running East and West between Lots 2 and 3 in Block 3 of the Original Plat of the Town of Cowan as shown by the records of Delaware County Indiana described as follows: Beginning at the Southwest corner of Lot 2 in Block 3 of the Original Plat of the Town of Cowan; thence North 89 degrees 16 minutes 49 seconds East 132.00 feet (assumed bearing) to the Southeast corner of said lot; thence South 00 degrees 44 minutes 07 seconds East 15.00 feet to the Northeast corner of lot 3 in said block; thence South 89 degrees 16 minutes 49 seconds West 132.00 feet to the Northwest corner of said lot 3; thence North 00 degrees 44 minutes 07 seconds West 15.00 feet to the place of beginning.

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is hereby vacated, subject to the right of any and all 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 the vacated street shall become a part of the abutting lots to the north being Lot 4 Block 3 in the Original Plat of Cowan as recorded in Plat Book Records of Delaware County, Indiana.


Section 4. That this Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Delaware County, Indiana, and such publication as required by law.

This Document is amended to add Robin E. Carter to the Vacation Ordinance.


ORIGINAL

DATED this 20 day of March, 2017.


**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**



President

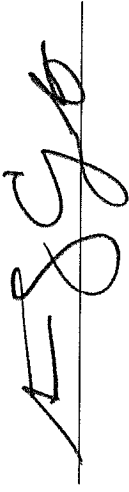


Member



Member

ATTEST:

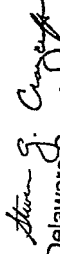


Auditor, Delaware County, Indiana

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.

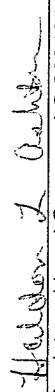
This instrument was prepared by: Fred J. Carter.

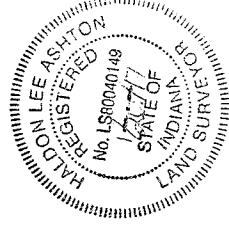
Duly Entered for Taxation
Transfer Fees \$ 1022
MAR 27 2017 ERP


Delaware County Auditor

The vacation of a 15 feet wide alley running East and West between Lots 2, and 3 in Block 3 of the Original Plat of the Town of Cowan as shown by the records of Delaware County Indiana described as follows: Beginning at the Southwest corner of Lot 2 in Block 3 of the Original Plat of the Town of Cowan thence North 89 degrees 16 minutes 49 seconds East 132.00 feet (assumed bearing) to the Southeast corner of said lot ; thence South 00 degrees 44 minutes 07 seconds East 15.00 feet to the Northeast corner of lot 3 in said block; thence South 89 degrees 16 minutes 49 seconds West 132.00 feet to the Northwest corner of said lot 3; thence North 00 degrees 44 minutes 07 seconds West 15.00 feet to the place of beginning.

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 Registered Land Surveyor LS 80040149
 Haldon L. Ashton



Revisions

Date:
Reason:

Date:
Reason:

Drawn: KLM
 Date: 1/13/17
 Job: 2016-617
 Client: JAY CARTER
 Crew: EA
 Field Date:

VACATION OF ALLEYS &
 MALISSA STREET IN
 COWAN, INDIANA



175 West Washington Street, Room 101, Ellettsville, IN 47404
 Tel: (317) 838-1000 Fax: (317) 838-1001
 Email: info@ashtonland.com

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).