

ORDINANCE NO. 017

**ORDINANCE TO VACATE A PART OF AN UNIMPROVED PLATTED STREET
IN DELAWARE COUNTY, INDIANA**

WHEREAS, Joshua A. Strong and Rachel A. Strong, husband and wife (the “Petitioners”), having filed their Petition to Vacate an Unimproved Platted Street in Delaware County, Indiana (the “Petition”), the Board of County Commissioners for Delaware County, 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 on “EXHIBIT A” attached hereto, which said Vacation Area is legally described as follows:

Beginning at the Southwest corner of Lot 57 in Oaklawn Addition, Section C; thence South 88 degrees 14 minutes 54 seconds West 52.40 feet (assumed bearing) to the Southeast corner of Lot 56 in said Addition; thence North 15 degrees 39 minutes 11 seconds East 15.67 feet along the West line of Meadow View Lane to the point-of-beginning of a curve, said point being South 74 degrees 20 minutes 49 seconds East 579.07 feet from the radius point of said curve; thence Northerly 163.75 feet along said curved West line of Meadow View Lane to a point, said point being North 89 degrees 27 minutes 04 seconds East 579.07 feet from said radius point; thence North 89 degrees 27 minutes 04 seconds East 50.00 feet to the Northwest corner of said Lot 57 and being on a curve and being North 89 degrees 27 minutes 04 seconds East 629.07 feet from the radius point of said curve; thence Southerly 177.88 feet along the curved Easterly line of Meadow View Lane to the point-of-beginning, said point being South 74 degrees 20 minutes 49 seconds East 629.07 feet from said radius point, containing 0.22 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 July 15, 2024, 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 Petitioners submitted their Petition; and

WHEREAS, the Petitioners own land which abuts the Vacation Area, together with Stephen Frederick Burt, who also owns land which abuts the Vacation Area; and

WHEREAS, the Board of County Commissioners for Delaware County, Indiana, having duly considered the proposed vacation of the Vacation Area, as stated in the Petitioners’ 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 Petitioners’ Petition.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners for Delaware County, Indiana, acting according to the authority granted to it pursuant to Ind. Code § 36-7-3-12, as follows:

SECTION 1. The Board of County Commissioners for Delaware County, 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 Delaware County, Indiana, is hereby vacated:

The vacation of a part of Meadow View Lane as shown by the plat of Oaklawn Section C, a subdivision in Hamilton Township, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 57 in Oaklawn Addition, Section C; thence South 88 degrees 14 minutes 54 seconds West 52.40 feet (assumed bearing) to the Southeast corner of Lot 56 in said Addition; thence North 15 degrees 39 minutes 11 seconds East 15.67 feet along the West line of Meadow View Lane to the point-of-beginning of a curve, said point being South 74 degrees 20 minutes 49 seconds East 579.07 feet from the radius point of said curve; thence Northerly 163.75 feet along said curved West line of Meadow View Lane to a point, said point being North 89 degrees 27 minutes 04 seconds East 579.07 feet from said radius point; thence North 89 degrees 27 minutes 04 seconds East 50.00 feet to the Northwest corner of said Lot 57 and being on a curve and being North 89 degrees 27 minutes 04 seconds East 629.07 feet from the radius point of said curve; thence Southerly 177.88 feet along the curved Easterly line of Meadow View Lane to the point-of-beginning, said point being South 74 degrees 20 minutes 49 seconds East 629.07 feet from said radius point, containing 0.22 acres, more or less.

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 Joshua A. Strong and Rachel A. Strong, husband and wife:

Beginning at the Southwest corner of Lot 57 in Oaklawn Addition, Section C; thence South 88 degrees 14 minutes 54 seconds West 52.40 feet (assumed bearing) to the Southeast corner of Lot 56 in said Addition; thence North 15 degrees 39 minutes 11 seconds East 15.67 feet along the West line of Meadow View Lane to the point-of-beginning of a curve, said point being South 74 degrees 20 minutes 49 seconds East 579.07 feet from the radius point of said curve; thence Northerly 163.75 feet along said curved West line of Meadow View Lane to a point, said point being North 89 degrees 27 minutes 04 seconds East 579.07 feet from said radius point; thence North 89 degrees 27 minutes 04 seconds East 50.00 feet to the Northwest corner of said Lot 57 and being on a curve and being North 89 degrees 27 minutes 04 seconds East 629.07 feet from the radius point of said curve; thence Southerly 177.88 feet along the curved Easterly line of Meadow View Lane to the point-of-beginning, said point being South 74 degrees 20 minutes 49 seconds East 629.07 feet from said radius point, containing 0.22 acres, more or less.

Parcel Nos.: 18-07-23-278-001.000-006
18-07-23-276-008.000-006

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 Board of County Commissioners for Delaware County, Indiana, publication as required by law, and recording in the Office of the Recorder of Delaware County, Indiana.

Ordinance No. 2024-017.

DULY ADOPTED by the Board of County Commissioners for Delaware County, Indiana,
at a regularly scheduled public meeting held on this, the 22 day of July, 2024.

BOARD OF COUNTY COMMISSIONERS
FOR DELAWARE COUNTY, INDIANA

James King, President

Sherry Riggan, Commissioner

Shannon Henry, Commissioner

ATTEST:

Edward E. Carroll, Jr., 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 prepared by
and please return original to:*

DEFUR VORAN LLP
Joseph I. Rhettts
400 South Walnut Street
Suite 200
Muncie, Indiana 47305

JOSEPH I. RHETTS #32733-24
ATTORNEY AT LAW

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