

Joe Rhett
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2021R02793
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
02/23/2021 03:12 PM
REC FEE 25.00
PAGES: 5
RECORDED AS PRESENTED

ORDINANCE 2021-002

ORDINANCE VACATING PUBLIC RIGHT-OF-WAY
LOCATED IN DELAWARE COUNTY, INDIANA

WHEREAS, having received from Michael Dean Mosley a petition to vacate certain rights-of-way, the Board of Commissioners of 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 a certain public right-of-way located within Delaware County, Indiana, as illustrated in "EXHIBIT A" attached hereto (the "Vacation Area"), which said Vacation Area is generally described as follows:

A part of the Northwest Quarter of Section 12, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:

Commencing at a pipe marking the Southwest corner of the Northwest Quarter of Section 12, Township 19 North, Range 9 East; thence North 00 degrees 20 minutes 45 seconds West 381.90 feet (assumed bearing) along the West line of said Quarter section; thence South 89 degrees 27 minutes 18 seconds East 125.96 feet parallel with the South line of said Quarter section to a point on the Southeasterly right-of-way line of Former State Highway #67 being the point of beginning, said point being on a curve and being South 34 degrees 31 minutes 53 seconds East 2341.83 feet from the radius point of said curve; thence Northeasterly 174.94 feet along said curve to a 5/8 inch rebar that is South 38 degrees 48 minutes 42 seconds East 2341.83 feet from said radius point; thence South 38 degrees 48 minutes 42 seconds East 18.52 feet to a 5/8 inch rebar on the Westerly line of the Honey Creek Road; thence South 35 degrees 34 minutes 50 seconds West 111.71 feet along said Westerly line; thence North 89 degrees 27 minutes 18 seconds West 86.90 feet to the point of beginning, containing 0.12 acres, more or less, and subject to all easements of record.

WHEREAS, the notice further provided information regarding a public hearing on the proposed vacation, which said public hearing was held on January 19, 2021 consistent with, and pursuant to, Ind. Code § 36-7-3-12; and

WHEREAS, the Board of Commissioners of Delaware County, Indiana, having duly considered the proposed vacation of the right-of-way, now desires to adopt an ordinance in accordance with Ind. Code § 36-7-3-12 to formally vacate said right-of-way.

Duly Entered for Taxation
Transfer Fees \$ 10.00

FEB 23 2021

ERP

Stuart G. Cingel
Delaware County Auditor

Ordinance No. 2021-002
Page 1 of 4



NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of 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 Commissioners of Delaware County, Indiana determines the following:

A. Vacation of the Vacation Area will not hinder the growth or orderly development of unit or neighborhood in which said Vacation Area is located or to which the Vacation Area is contiguous;

B. Vacating the Vacation Area does not make access to the lands of any person by means of public way difficult or inconvenient;

C. Vacating the Vacation Area does not hinder the public's access to a church, school or other public building or place; and

D. Vacating the Vacation Area will not 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:

A part of the Northwest Quarter of Section 12, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:

Commencing at a pipe marking the Southwest corner of the Northwest Quarter of Section 12, Township 19 North, Range 9 East; thence North 00 degrees 20 minutes 45 seconds West 381.90 feet (assumed bearing) along the West line of said Quarter section; thence South 89 degrees 27 minutes 18 seconds East 125.96 feet parallel with the South line of said Quarter section to a point on the Southeasterly right-of-way line of Former State Highway #67 being the point of beginning, said point being on a curve and being South 34 degrees 31 minutes 53 seconds East 2341.83 feet from the radius point of said curve; thence Northeasterly 174.94 feet along said curve to a 5/8 inch rebar that is South 38 degrees 48 minutes 42 seconds East 2341.83 feet from said radius point; thence South 38 degrees 48 minutes 42 seconds East 18.52 feet to a 5/8 inch rebar on the Westerly line of the Honey Creek Road; thence South 35 degrees 34 minutes 50 seconds West 111.71 feet along said Westerly line; thence North 89 degrees 27 minutes 18 seconds West 86.90 feet to

the point of beginning, containing 0.12 acres, more or less, and subject to all easements of record.

SECTION 3. The vacation of the right-of-way authorized by this Ordinance is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, not limited to: water, sewer, storm water, drainage, electricity, telecommunications, natural gas and cable television, 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 to the adjacent property owner, Michael Dean Mosley, as owner of Parcel Number 18-14-12-152-001.000-021 pursuant to Deed Record 2019R04802, as follows: ✓

A part of the Northwest Quarter of Section 12, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:

New 18-14-12-152-002-000-021 (ERP)

Commencing at a pipe marking the Southwest corner of the Northwest Quarter of Section 12, Township 19 North, Range 9 East; thence North 00 degrees 20 minutes 45 seconds West 381.90 feet (assumed bearing) along the West line of said Quarter section; thence South 89 degrees 27 minutes 18 seconds East 125.96 feet parallel with the South line of said Quarter section to a point on the Southeasterly right-of-way line of Former State Highway #67 being the point of beginning, said point being on a curve and being South 34 degrees 31 minutes 53 seconds East 2341.83 feet from the radius point of said curve; thence Northeasterly 174.94 feet along said curve to a 5/8 inch rebar that is South 38 degrees 48 minutes 42 seconds East 2341.83 feet from said radius point; thence South 38 degrees 48 minutes 42 seconds East 18.52 feet to a 5/8 inch rebar on the Westerly line of the Honey Creek Road; thence South 35 degrees 34 minutes 50 seconds West 111.71 feet along said Westerly line; thence North 89 degrees 27 minutes 18 seconds West 86.90 feet to the point of beginning, containing 0.12 acres, more or less, and subject to all easements of record.

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.

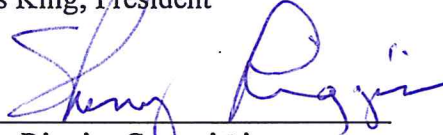
SECTION 6. The provisions of this Ordinance shall become effective upon adoption, publication as required by law, and recording in the Office of the Recorder of Delaware County, Indiana.

DULY ADOPTED by the Board of Commissioners of Delaware County, Indiana at a regularly scheduled public meeting held on this, the 1 day of February, 2021.

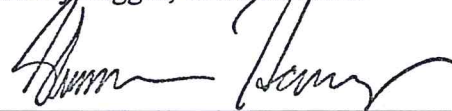
DELAWARE COUNTY
BOARD OF COMMISSIONERS



James King, President



Sherry Riggins, Commissioner



Shannon Henry, Commissioner

ATTEST:



Steven Craycraft, 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:
Brooke | Stevens, P.C.
Joseph I. Rhettts
112 East Gilbert Street
Muncie, Indiana 47305


JOSEPH I. RHETTTS #32733-24
ATTORNEY AT LAW

Alston^{INC}
Land Surveyors

15. *Journal of the American Statistical Association*, 1990, 85, 103-110.

Sheet 1 OF 2

6491 W. CR 650 SOUTH
DALEVILLE, INDIANA

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORS 95 EPOC 2002.000)

Revisions

Date: _____
Reason: _____

Date: _____
Reason: _____

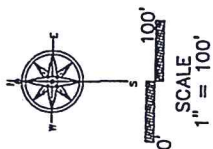
Drawn: KLM
Date: 1/4/2020
Job: 2020819
Client: JOE RHEE

Job: 2020818
Client: JOE RHETTS

N 89°27'18" W 1328.43'
S 89°27'18" E 2656.89'

SW Cor. NW Qtr.
Sec. 12-19-9
Bent Hollow Pipe

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),



Jesse Stewart
Deed 1989 Pg. 0015

N 89°27'18" W 1256.26'

N 89°27'18" W 1256.26'

De Rhetts
② 2p

COMMISSIONERS' QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA ("Grantor"), releases and quitclaims to MICHAEL DEAN MOSLEY ("Grantee"), for no consideration, the following real estate located in Delaware County, Indiana, and being legally described as follows:

STATE PARCEL ID:

New# 1B-14-12-152-002-000-021 (ERP)

LEGAL DESC.:

A part of the Northwest Quarter of Section 12, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:

2021R02794
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
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02/23/2021 03:12 PM
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Commencing at a pipe marking the Southwest corner of the Northwest Quarter of Section 12, Township 19 North, Range 9 East; thence North 00 degrees 20 minutes 45 seconds West 381.90 feet (assumed bearing) along the West line of said Quarter section; thence South 89 degrees 27 minutes 18 seconds East 125.96 feet parallel with the South line of said Quarter section to a point on the Southeasterly right-of-way line of Former State Highway #67 being the point of beginning, said point being on a curve and being South 34 degrees 31 minutes 53 seconds East 2341.83 feet from the radius point of said curve; thence Northeasterly 174.94 feet along said curve to a 5/8 inch rebar that is South 38 degrees 48 minutes 42 seconds East 2341.83 feet from said radius point; thence South 38 degrees 48 minutes 42 seconds East 18.52 feet to a 5/8 inch rebar on the Westerly line of the Honey Creek Road; thence South 35 degrees 34 minutes 50 seconds West 111.71 feet along said Westerly line; thence North 89 degrees 27 minutes 18 seconds West 86.90 feet to the point of beginning, containing 0.12 acres, more or less, and subject to all easements of record.

This Commissioners' Quitclaim Deed is being recorded for the purpose of clearing title to the above-described Property pursuant to Ordinance No. 2021-002 adopted by the Delaware County Board of Commissioners on February 1, 2021, which said Ordinance is being recorded contemporaneously herewith.

Said transfer is subject to any and all easements, covenants, declarations, and other deed restrictions and laws governing land use.


Duly Entered for Taxation
Transfer Fees \$ 10.00

FEB 23 2021

Steve J. Cingoff
Delaware County Auditor



IN WITNESS WHEREOF, the Board of Commissioners of Delaware County, Indiana, by and through its President, has executed this deed on this, the 22nd day of February, 2021.

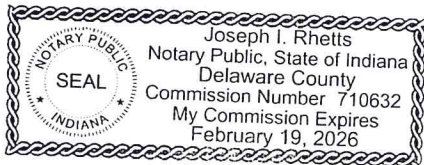


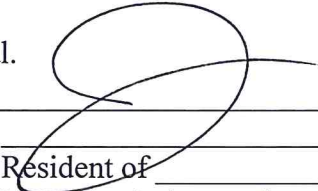
James King, President
Board of Commissioners of
Delaware County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF Delaware)

Before me, the undersigned Notary Public in and for said County and State, this 22nd day of February, 2021, James King, as President of the Board of Commissioners of Delaware County, Indiana, personally appeared and acknowledged the execution of the foregoing Commissioners' Quitclaim Deed as their voluntary act for the purposes stated therein.

WITNESS my hand and Notarial Seal.




_____, Notary Public
Resident of _____ County
My commission expires: _____

The mailing address of the Grantee and address to which statements should be mailed under IC 6-1.1-22-8.1 is:

**6491 WEST CR 550 SOUTH
DALEVILLE, INDIANA 47334**

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:*

Brooke | Stevens, PC
Joseph I. Rhett
112 East Gilbert Street
Muncie, Indiana 47305



JOSEPH I. RHETT #32733-24
ATTORNEY AT LAW