

July 5, 2022

ORIGINAL

ORDINANCE NO.: 2022-019

ORDINANCE TO VACATE

A PART OF UNIMPROVED ELM STREET, UNIMPROVED BLUE JAY DRIVE FORMERLY KNOWN AS MULBERRY STREET, AND UNIMPROVED ALLEYS IN OAKVILLE, MONROE TOWNSHIP, DELAWARE COUNTY, INDIANA

WHEREAS, **Orville Linville** (“Petitioner”) , filed his Petition for vacation of a part unimproved Elm Street, unimproved Blue Jay Drive, formerly known as Mulberry Street, and certain unimproved alleys in Oakville, Monroe Township, Delaware County, Indiana; and

WHEREAS, Petitioner is proposing to vacate the following described parts of unimproved Elm Street, unimproved Blue Jay Drive, formerly known as Mulberry Street, and certain unimproved alleys in Oakville, Monroe Township, Delaware County, Indiana:

A part of Elm Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 20 in said Plat, then running east 132 feet along the south line of Lot 20 in said Plat; then 60 feet to the northeast corner of Lot 21 in said Plat, then running west 132 feet to the northwest corner of Lot 21 in said Plat; then north 60 feet to the southwest corner of Lot 20 in said Plat.

A part of Mulberry Street renamed Blue Jay Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the northeast corner of Lot 9 in said Plat, then running east 60 feet to the northwest corner of Lot 21 in said plat; then running south 175.22 feet along the east line of Lot 21, Lot 22 and part of Lot 23 in said Plat; then running west 60 feet west to the end line of Lot 11 in said Plat; the running north 174.44 feet along the east line of Lot 11, Lot 10 and Lot 9 to the northeast corner of Lot 9 in said Plat.

A part of a public alley way as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 10 in said Plat; then running east 132 feet along the south line of Lot 10 to the southeast corner of Lot 10 in said plat; then south 15 feet to the northeast corner of Lot 11 in said plat; then running west 132 feet along the north line of Lot 11 to the northwest corner of Lot 11 in said plat; then north 15 feet to the southwest corner of Lot 10 in said plat.

A part of a public alley way as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 22 in said Plat; then running east 132 feet along the south line of Lot 22 to the southeast corner of Lot 22 in said plat; then south 15 feet to the northeast corner of Lot 23 in said plat; then running

west 132 feet along the north line of Lot 23 to the northwest corner of Lot 23 in said plat; then north 15 feet to the southwest corner of Lot 22 in said plat.

Which portions of Elm Street, Blue Jay Drive and the alleyways are all abutting the petitioner's property a shown in Exhibit A; and

WHEREAS, a public hearing was held, after due notice was given as required by the law, on _____; 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 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 public in 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. That the public ways more particularly described as follows:

A part of Elm Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 20 in said Plat, then running east 132 feet along the south line of Lot 20 in said Plat; then 60 feet to the northeast corner of Lot 21 in said Plat, then running west 132 feet to the northwest corner of Lot 21 in said Plat; then north 60 feet to the southwest corner of Lot 20 in said Plat.

A part of Mulberry Street renamed Blue Jay Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the northeast corner of Lot 9 in said Plat, then running east 60 feet to the northwest corner of Lot 21 in said plat; then running south 175.22 feet along the east line of Lot 21, Lot 22 and part of Lot 23 in said Plat; then running west 60 feet west to the end line of Lot 11 in said Plat; the running north 174.44 feet along the east line of Lot 11, Lot 10 and Lot 9 to the northeast corner of Lot 9 in said Plat.

A part of a public alley way as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 10 in said Plat; then running east 132 feet along the south line of Lot 10 to the southeast corner of Lot 10 in said plat; then south 15 feet to the northeast corner of Lot 11 in said plat; then running west 132 feet along the north line of Lot 11 to the northwest corner of Lot 11 in said plat; then north 15 feet to the southwest corner of Lot 10 in said plat.

A part of a public alley way as platted in Pleasant Hill and Offerdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 22 in said Plat; then running east 132 feet along the south line of Lot 22 to the southeast corner of Lot 22 in said plat; then south 15 feet to the northeast corner of Lot 23 in said plat; then running west 132 feet along the north line of Lot 23 to the northwest corner of Lot 23 in said plat; then north 15 feet to the southwest corner of Lot 22 in said plat.

Are hereby vacated as public ways.

Section 2. That the vacated parts of Elm Street, Blue Jay Drive, and those unimproved allays in Oakville, Monroe Township, Delaware County, Indiana described herein shall be subject to the right of any public utilities to construct, add to, maintain, replace and renew any facilities as if this vacation proceeding had not been had.

Section 3. That the entirety of the vacated portions of Elm Street, Blue Jay Drive and the alleys shall become a part of the Petitioner's abutting real estate as follows:

That the north half of vacated Elm Street shall become a part of Lot 20, Parcel # 1521481004000;

That the south half of vacated Elm Street shall become a part of Lot 21, Parcel # 1521484001000;

That the north half of the vacated alley between Lots 10 and 11 shall become a part of Lot 10, Parcel # 1521483001000;

That the south half of the vacated alley between Lots 10 and 11 shall become a part of Lot 11, Parcel # 1521483002000;

That the north half of the vacated alley between Lots 22 and 23 shall become a part of Lot 22, Parcel # 1521484001000;

That the south half of the vacated alley between Lots 22 and 23 shall become a part of Lot 23, Parcel # 1521484005000;

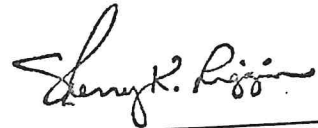
That the east half of vacated Blue Jay Drive, formerly known as Mulberry Street, shall become a part of the abutting Lots 21 and 22, Parcel # 1521484001000 and also the abutting part of Lot 23, Parcel # 1521484005000;

That the west half of vacated Blue Jay Drive, formerly known as Mulberry Street, shall become a part of the abutting Lots 9 and 10, Parcel # 1521483001000 and also the abutting part of Lot 11, Parcel # 1521483002000.

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 is required by law.

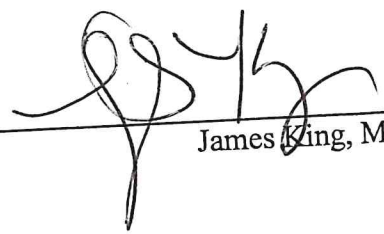
Section 5. That this ordinance is hereby passed the 5 day of JULY 2022

**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Sherry Riggin, President

Shannon Henry, Member



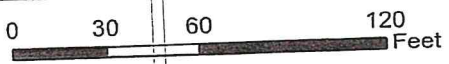
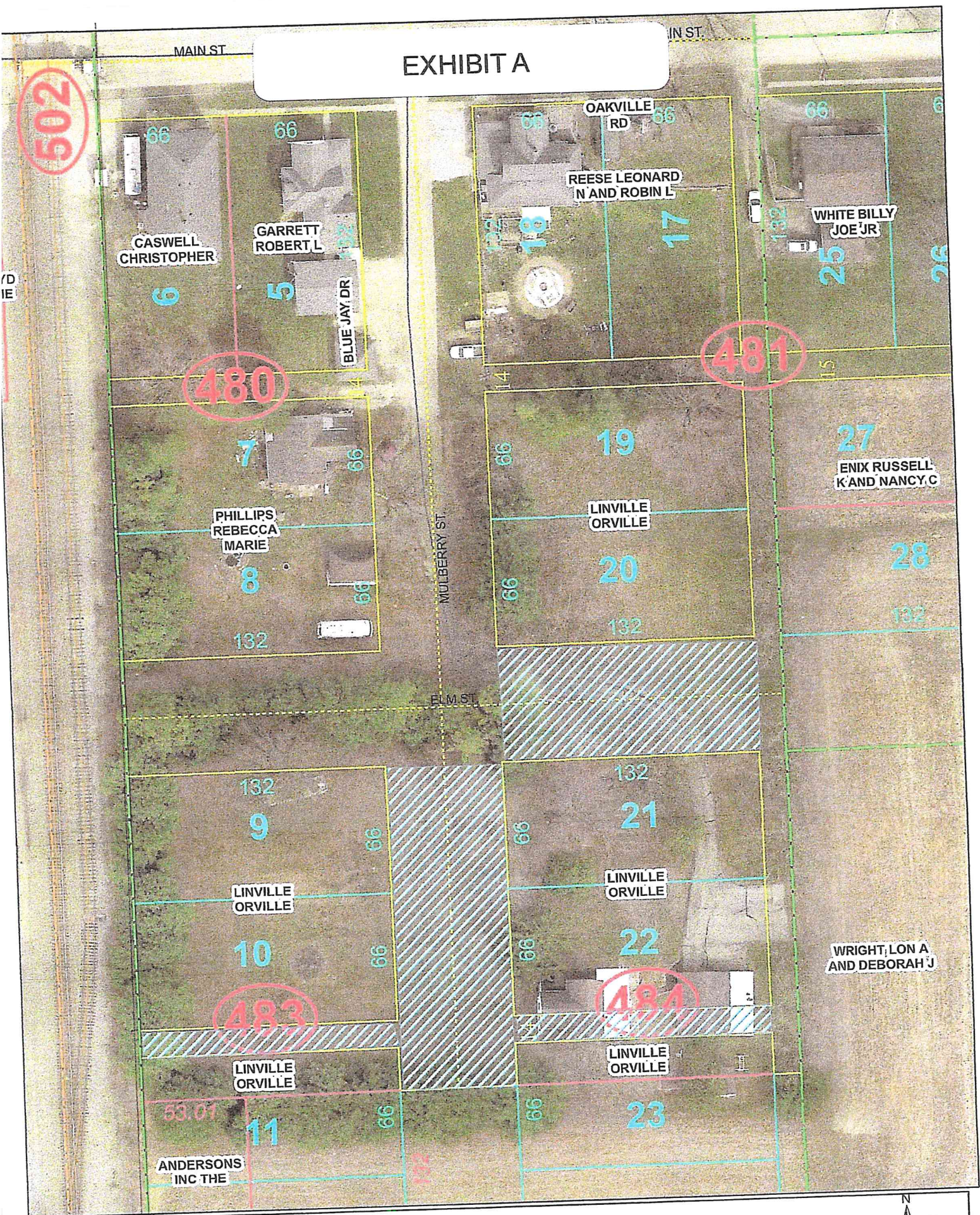
James King, Member

ATTEST:

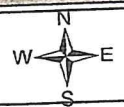


Steven G. Craycraft, Auditor
Delaware County, Indiana

EXHIBIT A



Orville Linville Petition to Vacate



2022.019

STATE OF INDIANA

}

} SS:

COUNTY OF DELAWARE

BEFORE THE BOARD OF
COMMISSIONERS,
DELAWARE
COUNTY, INDIANA

ORIGINAL

**PETITION FOR VACATION OF STREETS AND ALLEY WAYS
PLATTED IN THE PLEASANT HILL ORIGINAL TOWN AND
OFFERDINGERS ADDITION IN OAKVILLE, MONROE TOWNSHIP,
DELAWARE COUNTY, INDIANA**

Whereas, Orville Linville hereby petitions the Board of County Commissioners,
Delaware County, Indiana and represent as follows:

1. That Orville Linville is the owner of the following real estate located in Delaware
County, Indiana:

Parcel 1.

Lot 9, Lot 10, Lot 19, Lot 20, Lot 21 and Lot 22 in Offerdingers Addition to Oakville,
Delaware County, Indiana. Parcel numbers: 18-15-21-481-004.000-012; 18-15-21-483-
001.000-012; 18-15-21-484-001.000-012 as recorded and located in plat book 2 page 12
in the Plat Book records of Delaware County, Indiana.

Parcel 2.

A part of lot 11 and also a part of Lot 23 in the Original Plat of Pleasant Hill, now
Oakville, Delaware County, Indiana, more particularly described as follows, to-wit:
Beginning at the Northwest corner of Lot 11 in said Original Plat of Pleasant Hill; thence
East on the North line of said Lot 11, 132.0 feet to the Northeast Corner of said Lot 11;
thence South on the East line of said Lot 11 twenty-seven and forty-four hundredths
(27.44) feet; thence West with a deflection angle to the right of 91 degrees 06 minutes 33
seconds one hundred thirty-two hundredths (132.02) feet to the West line of said Lot 11;
thence North on the West line of said Lot 11 twenty five and seventy-three hundredths
(25.73) feet to the point of beginning; Also the following, Beginning at the Northwest
Corner of Lot 23 in said Original Plat of Pleasant Hill; thence East on the North line of
said Lot 23 one hundred thirty-two (132.0) feet to the Northeast Corner of the said Lot
23; thence South on the East line of said Lot 23 twenty-nine and ninety-three hundredths
(29.93) feet; thence West with a deflection angle to the right of 91 degrees 06 minutes 33
seconds one hundred thirty-two and two-hundredths (132.02) feet to the West line of said
Lot 23; thence North on the West line of said Lot 23 twenty-eight and twenty-two
hundredths (28.22) feet to the point of beginning.

Parcel Number: 18-15-21-483-002.000-012; 18-15-21-484-005.000-012.

2. That the streets and alleys proposed by the petitioner be vacated is described as follows:

A part of Elm Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 20 in said Plat, then running east 132 feet along the south line of Lot 20 in said Plat; then 60 feet to the northeast corner of Lot 21 in said Plat, then running west 132 feet to the northwest corner of Lot 21 in said Plat; then north 60 feet to the southwest corner of Lot 20 in said Plat.

A part of Mulberry Street renamed Blue Jay Street as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the northeast corner of Lot 9 in said Plat, then running east 60 feet to the northwest corner of Lot 21 in said plat; then running south 175.22 feet along the east line of Lot 21, Lot 22 and part of Lot 23 in said Plat; then running west 60 feet west to the end line of Lot 11 in said Plat; the running north 174.44 feet along the east line of Lot 11, Lot 10 and Lot 9 to the northeast corner of Lot 9 in said Plat.

A part of a public alley way as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 10 in said Plat; then running east 132 feet along the south line of Lot 10 to the southeast corner of Lot 10 in said plat; then south 15 feet to the northeast corner of Lot 11 in said plat; then running west 132 feet along the north line of Lot 11 to the northwest corner of Lot 11 in said plat; then north 15 feet to the southwest corner of Lot 10 in said plat.

A part of a public alley way as platted in Pleasant Hill and Ofterdingers Addition and recorded in plat book 2 page 12 of the Office of the Recorder of Delaware County, Indiana, as follows: Beginning at the southwest corner of Lot 22 in said Plat; then running east 132 feet along the south line of Lot 22 to the southeast corner of Lot 22 in said plat; then south 15 feet to the northeast corner of Lot 23 in said plat; then running west 132 feet along the north line of Lot 23 to the northwest corner of Lot 23 in said plat; then north 15 feet to the southwest corner of Lot 22 in said plat.

3. That the streets and alleys described in section 2 above are unimproved.
4. That any vacations shall be subject to the right of way of any and all public utilities and drainage facilities to construct, add to, maintain replace and renew any facilities which

are now located in the area proposed to be vacated with the same rights with respect to said facilities as if any vacation proceeding had not been had.

5. That the vacations would not make access to the lands of any person by public way difficult or inconvenient; that it would not hinder the public's access to any church, school or any public building or place and would not hinder the use of any public way by the neighborhood in which it is located or to which it is contiguous.

NOW, WHEREFORE, the petitioner asks that the portion of public streets and alleys as described herein be vacated as a public way, subject to the utility and access easements as set forth herein.

PETITIONER

Orville Linville
12720 S Blue Jay Street, Oakville, IN 47367

By:


Orville Linville

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

BEFORE THE BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA

IN RE: Petition to Vacate

NOTICE OF PUBLIC HEARING

On July, 205, the Board of Commissioners of Delaware County, Indiana, will hold a public hearing on the matter of a petition to vacate certain public ways filed by Orville Linville requesting vacation of a part of public ways, more particularly described as follows:

All of unimproved Elm Street lying between Lots 20 and 21 in the Original Plat of Pleasant Hill, Ofterdingers Addition in Oakville as recorded in Plat Book 2, Page 12 in the Delaware County Recorders Office; Also all of unimproved Blue Jay Drive, formerly Mulberry Street, lying between Lots 9,10, a part of 11, 21, 22, and a part of 23 in said Original Plat; Also all of the unimproved alley ways lying between Lots 10 and 11 and between Lots 22 and 23 in said Original Plat.

The public hearing will take place at 9:00 a.m on the above date, in the Commissioners Courtroom, Delaware County Building, 100 West Main Street, Muncie, Indiana. Interested persons may appear and voice their opinions. Copies of the petition to vacate may be examined at the Delaware County Auditor's Office, Delaware County Building, Room 103, 100 West Main Street, Muncie, Indiana, during normal office hours.



Auditor
Delaware County, Indiana

The Star Press
345 S. High Street
Muncie, Indiana 47305
Delaware County, Indiana

BROOKE / STEVENS, P.C.

Federal Id: 35-2061385

Account #: MNI-060322
Order #: 0005310717
of affidavits: 2

Total Amount of Claim: \$38.85
This is not an invoice

2022-019

BROOKE / STEVENS, P.C.
ATTN: Courtnay Clark
112 E GILBERT ST
MUNCIE, IN 47305

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN, }
County Of Brown } SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE MUNCIE NEWSPAPERS a STAR PRESS newspaper of general circulation printed and published in the English language in the city of Muncie in the state of Indiana and county of Delaware, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being in issue(s) dated:

Insertion being in issues dated: 06/24/2022

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Melvin Verheger

Date: June 24, 2022 Title: Clerk

Subscribed and sworn to before me this 24 day of June, 2022

Kathleen Allen
Notary Public

Notary Expires: 1-7-25

KATHLEEN ALLEN
Notary Public
State of Wisconsin

(Governmental Unit)

To: THE STAR PRESS

_____ County, Indiana _____

Muncie, IN

PUBLISHER'S CLAIM

COMPUTATION OF CHARGES

35 lines, 2 columns wide equals 70 equivalent lines at \$0.56 per line @ 1 days, \$38.85

Website Publication \$0

Acct #: MNI-060322
Ad #: 0005310717

Charge for proof(s) of publication \$0.00

DATA FOR COMPUTING COST

TOTAL AMOUNT OF CLAIM \$38.85

Width of single column 9.5 ems
Number of insertions 1
Size of type 7 point

Claim No. _____ Warrant No. _____
IN FAVOR OF
The Star Press
Muncie, IN
Delaware County
345 S. High St. Muncie, IN 47305

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

\$ _____
On Account of Appropriation For

FED. ID
#35-2061385

Allowed _____, 20____

In the sum of \$ _____

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

_____, 20____

STATE OF INDIANA
) SS:
COUNTY OF DELAWARE)

BEFORE THE BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA

IN RE: Petition to Vacate

NOTICE OF PUBLIC HEARING

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Donna Patterson
Auditor Chief Deputy
Delaware County, Indiana

(MNI - 06/24/22 - 0005310717

hspaxlp