

ORDINANCE NO. 2024-022

**ORDINANCE TO VACATE A PART OF A PUBLIC WAY
PLATTED WEST RIGDON STREET, DELAWARE COUNTY, GASTON, INDIANA**

WHEREAS, Francis G. Simmons 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:

Parcel A

The West half of a 60 foot wide road in the Southeast Quarter of the Northeast Quarter of Section 14, Township 22 North, Range 9 East, Delaware County, Indiana, described as follows:

Beginning at a 5/8 inch rebar marking the Northeast corner of Lot 20 in James S. Rigdon's Addition; thence North 88 degrees 31 minutes 53 seconds East 30.00 feet; thence South 01 degrees 34 minutes 50 seconds East 150 feet; thence South 88 degrees 31 minutes 53 seconds West 30.00 feet to the Southeast corner of Lot 20; thence North 01 degrees 34 minutes 50 seconds West 150 feet to the point of beginning, containing 0.10 acres, more or less, and subject to all easements of record.

Parcel B

The East half of a 60 foot wide road in the Southeast Quarter of the Northeast Quarter of Section 14, Township 22 North, Range 9 East, Delaware County, Indiana, described as follows:

Commencing at a 5/8 inch rebar marking the Northeast corner of Lot 20 in James S. Rigdon's Addition; thence North 88 degrees 31 minutes 53 seconds East 30.00 feet to the point of beginning; thence North 88 degrees 31 minutes 53 seconds East 30 feet to the Northwest corner of Lot 19 in said addition; thence South 01 degrees 34 minutes 50 seconds East 150.00 feet to the Southwest corner of said Lot 19; thence South 88 degrees 31 minutes 53 seconds West 30 feet; thence North 01 degrees 34 minutes 50 seconds West 150.00 feet to the point of beginning, containing 0.10 acres, more or less, and subject to all easements of record.

WHEREAS, that this segment of West Rigdon Street is platted as a public way but it was never paved, improved or otherwise developed;

WHEREAS, Francis G. Simmons is the owner and/or principal of Lots 20 and 21 and Sheryll L. Trump and Shepard V. Welton are the owners of Lots 16 through 19; 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 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:

Parcel A

The West half of a 60 foot wide road in the Southeast Quarter of the Northeast Quarter of Section 14, Township 22 North, Range 9 East, Delaware County, Indiana, described as follows:

Beginning at a 5/8 inch rebar marking the Northeast corner of Lot 20 in James S. Ridgdon's Addition; thence North 88 degrees 31 minutes 53 seconds East 30.00 feet; thence South 01 degrees 34 minutes 50 seconds East 150.00 feet; thence South 88 degrees 31 minutes 53 seconds West 30.00 feet to the Southeast corner of Lot 20; thence North 01 degrees 34 minutes 50 seconds West 150.00 feet to the point of beginning, containing 0.10 acres, more or less, and subject to all easements of record.

Parcel B

The East half of a 60 foot wide road in the Southeast Quarter of the Northeast Quarter of Section 14, Township 22 North, Range 9 East, Delaware County, Indiana, described as follows:

Commencing at a 5/8 inch rebar marking the Northeast corner of Lot 20 in James S. Ridgdon's Addition; thence North 88 degrees 31 minutes 53 seconds East 30.00 feet to the point of beginning; thence North 88 degrees 31 minutes 53 seconds East 30.00 feet to the Northwest corner of Lot 19 in said addition; thence South 01 degrees 34 minutes 50 seconds East 150.00 feet to the Southwest corner of said Lot 19; thence South 88 degrees 31 minutes 53 seconds West 30.00 feet; thence North 01 degrees 34 minutes 50 seconds West 150.00 feet to the point of beginning, containing 0.10 acres, more or less, and subject to all easements of record;

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 Parcel A of the vacated street shall become a part of the abutting lots to the west being Lots 20 and 21 in James Ridgdon's First Addition to the Town of Wheeling as shown by the Records of Delaware County, Indiana.

Section 3. That Parcel B of the vacated street shall become a part of the abutting lots to the east being Lots 19 through 16 in James Ridgdon's First Addition to the Town of Wheeling as shown by the 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.

DATED this 4 day of November, 2024.

**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**

President
Benny Riggins

Member
John [unclear]

Member

ATTEST:

Edward W. Carroll, Jr.

Edward W. 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 was prepared by: David J Karnes, Attorney-at-Law