

2012060244 ORDN \$26.00
06/06/2012 02:21:07P 7 PGS
Deborah R. Wright
Kosciusko County Recorder IN
Recorded as Presented

Duly Entered for Taxation Subject to
Final Acceptance for Transfer this
MAY 07 2012
Auditor of Kosciusko County

ORDINANCE NUMBER 12-4-24-001 ✓

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:

Section 1.

WHEREAS, Northeast Wawasee, LLC has filed a Petition for vacation of a portion of East Wawasee Drive located within the following described tracts in Kosciusko County, Indiana:

Parcel 1:

A part of Lot 15 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana described as follows:

Beginning at a point marking the Northeast corner of Lot 15 in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana, and running thence South 62 degrees 05 minutes 15 seconds West (assumed bearing) along the Southeasterly line of said Lot 15 a distance of 3.30 feet to a point on the Northeast right-of-way line of East Wawasee Drive as platted in said Waveland Beach; thence South 47 degrees 52 minutes 25 seconds East along the Northeasterly right-of-way line of said Drive a distance of 37.89 feet to a point on a curve having a radius of South 26 degrees 35 minutes 16 seconds West 95.00 feet; thence Westerly along said curve an arc distance of 43.05 feet to a point of tangency having a radius point of South 00 degree 37 minutes 29 seconds West 95.00 feet; thence North 89 degrees 22 minutes 31 seconds West a distance of 90.84 feet to a point of curve having a radius of North 00 degree 37 minutes 29 seconds East 55.00 feet; thence West and Northwest along said curve an arc distance of 45.94 feet to a point on the North line of said Lot 15 and being on the North line of the South Half of the Southwest Quarter of Section 13, Township 34 North, Range 7 East; thence South 88 degrees 59 minutes 11 seconds East along the North line of said Lot 15 a distance of 147.74 feet to the point of beginning.

Being a part of Lot 15 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, and containing 0.058 of an Acre, more or less.

Parcel 2:

A part of Lots 15 and 16 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana described as follows:

Beginning at a point marking the Eastern most corner of Lot 16 in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana, and running thence North 47 degrees 06 minutes 39 seconds West (assumed bearing) along the Northeasterly line of said Lot 16 a distance of 28.22 feet to a non-tangent point of curve; thence Northwesterly along said curve an arc distance of 21.50 feet to a point of tangency; thence North 89 degrees 22 minutes 31 seconds West a distance of 90.84 feet to a point of curve having a radius of North 00 degree 37 minutes 29 seconds East 95.00 feet; thence Northwesterly along said curve an arc distance of 79.80 feet to a point of a non-tangent curve having a radius of North 48 degrees 45 minutes 08 seconds East 95.00 feet and being at the Southeast corner of Lot 14 in Waveland Beach on Lake Wawasee; thence North 27 degrees 12 minutes 25 seconds West along the Northeasterly line of said Lot 14 a distance of 30.30 feet to a point of intersection with the North line of the South Half of the Southwest Quarter of Section 13, Township 34 North, Range 7 East; thence South 88 degrees 59 minutes 11 seconds East along the North line of the South Half of said Quarter Section a distance of 44.11 feet to a point on a curve with a radius of North 48 degrees 29 minutes 08 seconds East 55.00 feet; thence Southeasterly along said curve an arc distance of 45.94 feet to a point of tangency having a radius of North 00 degree 37 minutes 29 seconds East 55.00 feet; thence South 89 degrees 22 minutes 31 seconds East a distance of 90.84 feet to a point of curve having a radius point of South 00 degree 37 minutes 29 seconds West 95.00 feet; thence Southeasterly along said curve an arc distance of 43.05 feet to a point of non-tangency and having a radius point of South 26 degrees 35 minutes 16 seconds West 95.00 feet and said point being on the Southwesterly line of the George B. Huber parcel as recorded in Instrument Number 200600009501 in the Office of the Recorder of Kosciusko County, Indiana; thence South 47 degrees 52 minutes 25 seconds East along the Southwesterly line of said Huber property a distance of 41.11 feet to a point; thence South 49 degrees 52 minutes 28 seconds West a distance of 40.30 feet to the point of beginning.

Being parts of Lots 15 and 16 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, in Kosciusko County, Indiana, and containing 0.216 of an Acre, more or less.

Parcel 3:

Beginning at a point of curve at the intersection of the Southwesterly right-of-way line of East Wawasee Drive and the Northwesterly line of Lot 15 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana, said curve having a radius point of North 48 degrees 45 minutes 08 seconds East 95.00 feet; thence Southeasterly along said curve an arc distance of 79.80 feet to a point of tangency having a radius of North 00 degree 37 minutes 29 seconds East 95.00 feet; thence South 89 degrees 22 minutes 31 seconds East a distance of 85.69 feet to a point on the Northwesterly line of Lot 16 in said Waveland Beach; thence South 62 degrees 05 minutes 15 seconds West along the Northwesterly line of said Lot 16 a distance of 207.46 feet to a point at waters edge of Lake Wawasee marking the Northwest corner of said Lot 16 in said Waveland Beach; thence North 45 degrees 25 minutes 50 seconds West along the waters edge of Lake Wawasee a distance of 42.28 feet to a point at waters edge of Lake Wawasee marking the Southwest corner of Lot 15 in said Waveland Beach; thence North 64 degrees 27 minutes 54 seconds East along the Southeasterly line of Lot 15 in said Waveland Beach a distance of 97.12 feet to its intersection with the Southwesterly right-of-way line of East Wawasee Drive as platted in said Waveland Beach; thence North 27 degrees 12 minutes 25 seconds West along the Northwesterly right-of-way line of said Drive a distance of 66.20 feet to the point of beginning.

Being a part of East Wawasee Drive and an unnamed Street between Lots 15 and 16 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, and containing 0.184 of an Acre, more or less.

WHEREAS, a hearing on said Petition was set for April 24, 2012 at 9:15 a.m. and notice of said hearing was published in the *Warsaw Times Union* and The *Milford Mail-Journal* as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and

WHEREAS, Petitioner and Enchanted Hills Community Association, Inc., George B. Huber, John L. Mercer, Michael L. Hanlin and Lucita S. Hanlin are the owners of real estate adjacent to the public way to be vacated, and;

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition and has determined that no access to another's property or any public place will be impaired by the vacation of the above-described portions of East Wawasee Drive and its relocation, nor will normal development of the area be impeded.

WHEREAS, as a condition to vacation, Petitioner has agreed to relocate East Wawasee Drive as shown on the survey of Richard E. Ward dated February 29, 2012 and recorded as Instrument Number 2012060243 in the Office of the Recorder of Kosciusko County, Indiana, all at Petitioner's expense, subject to final approval by the Kosciusko County Highway Department and the Kosciusko County Surveyor.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated except for the portions of the public way located within the following two parcels:

Parcel 1:

A survey of a part of an unnamed Street between Lots 15 and 16 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana together with all attendant monuments and markers both recovered and set as indicated herein and described as follows:

Beginning at a point of intersection of the centerline of East Wawasee Drive running thru Lot 15 and the projected centerline of an unnamed Street between Lots 15 and 16 all platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana; thence South 63 degrees 21 minutes 48 seconds West (assumed bearing) along the centerline of said unnamed Street a distance of 105.47 feet to a point on the waters edge of Lake Wawasee; thence North 45 degrees 25 minutes 50 seconds West along the waters edge of Lake Wawasee a distance of 21.14 feet to a point marking the Southern most corner of Lot 15 in said Waveland Beach; thence North 64 degrees 27 minutes 54 seconds East along the Southeasterly line and Southeasterly line projected Northeast of said Lot 15, a distance of 112.13 feet, to a point in the centerline of East Wawasee Drive; thence South 27 degrees 12 minutes 25 seconds East along the centerline of said Drive a distance of 17.86 feet to the point of beginning.

Being a part of an unnamed Street between Lots 15 and 16 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, and containing 0.047 of an Acre, more or less. Subject to legal rights-of-way.

Parcel 2:

A survey of a part of Lot 15 and a part of East Wawasee Drive thru Lots 15 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana together with all attendant monuments and markers both recovered and set as indicated herein and described as follows:

Beginning at a point marking the intersection of the Southwesterly right-of-way line of East Wawasee Drive and the Northwesterly right-of-way line of an unnamed Street as platted between Lots 15 and 16 in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana; thence North 27 degrees 12 minutes 25 seconds West along the Southwesterly right-of-way line of East Wawasee Drive a distance of 66.20 feet to a point on a curve on the new Southerly right-of-way line of East Wawasee Drive, said point having a radius point of North 48 degrees 45 minutes 08 seconds East 150.00 feet; thence Southeasterly and Easterly along the new Southerly curved right-of-way of said Drive an arc distance of 79.80 feet to a point of tangency of said curve, having a radius point of North 00 degree 37 minutes 29 seconds East 150.00 feet; thence South 89 degrees 22 minutes 31 seconds East along the new South right-of-way line of said Drive a distance of 15.04 feet to a point of intersection with the Northwesterly projected right-of-way line of an unnamed Street platted between Lots 15 and 16 in said Addition; thence South 64 degrees 27 minutes 54 seconds West along the Northwesterly right-of-way line of said unnamed Street a distance of 61.14 feet to the point of beginning.

Being a part of Lot 15 and a part of East Wawasee Drive thru Lots 15 as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana, and containing 0.031 of an Acre, more or less. Subject to legal rights-of-way.

This vacation is subject to the following conditions:

1. Petitioner, at Petitioner's sole expense, shall relocate a portion of East Wawasee Drive to the following right-of-way:

A part of Lots 15 and 16 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, Kosciusko County, Indiana described as follows:

Beginning at a point marking the Eastern most corner of Lot 16 in Waveland Beach on Lake Wawasee in Turkey Creek Township,

Kosciusko County, Indiana, the plat of which is recorded in Plat Book 3, Page 130 in the Office of the Recorder of Kosciusko County, Indiana, and running thence North 47 degrees 06 minutes 39 seconds West (assumed bearing) along the Northeastly line of said Lot 16 a distance of 28.22 feet to a non-tangent point of curve; thence Northwesterly along said curve an arc distance of 21.50 feet to a point of tangency; thence North 89 degrees 22 minutes 31 seconds West a distance of 90.84 feet to a point of curve having a radius of North 00 degree 37 minutes 29 seconds East 95.00 feet; thence Northwesterly along said curve an arc distance of 79.80 feet to a point of a non-tangent curve having a radius of North 48 degrees 45 minutes 08 seconds East 95.00 feet and being at the Southeast corner of Lot 14 in Waveland Beach on Lake Wawasee; thence North 27 degrees 12 minutes 25 seconds West along the Northeastly line of said Lot 14 a distance of 30.30 feet to a point of intersection with the North line of the South Half of the Southwest Quarter of Section 13, Township 34 North, Range 7 East; thence South 88 degrees 59 minutes 11 seconds East along the North line of the South Half of said Quarter Section a distance of 44.11 feet to a point on a curve with a radius of North 48 degrees 29 minutes 08 seconds East 55.00 feet; thence Southeasterly along said curve an arc distance of 45.94 feet to a point of tangency having a radius of North 00 degree 37 minutes 29 seconds East 55.00 feet; thence South 89 degrees 22 minutes 31 seconds East a distance of 90.84 feet to a point of curve having a radius point of South 00 degree 37 minutes 29 seconds West 95.00 feet; thence Southeasterly along said curve an arc distance of 43.05 feet to a point of non-tangency and having a radius point of South 26 degrees 35 minutes 16 seconds West 95.00 feet and said point being on the Southwesterly line of the George B. Huber parcel as recorded in Instrument Number 200600009501 in the Office of the Recorder of Kosciusko County, Indiana; thence South 47 degrees 52 minutes 25 seconds East along the Southwesterly line of said Huber property a distance of 41.11 feet to a point; thence South 49 degrees 52 minutes 28 seconds West a distance of 40.30 feet to the point of beginning.

Being parts of Lots 15 and 16 and a part of East Wawasee Drive as platted in Waveland Beach on Lake Wawasee in Turkey Creek Township, in Kosciusko County, Indiana, and containing 0.216 of an Acre, more or less.

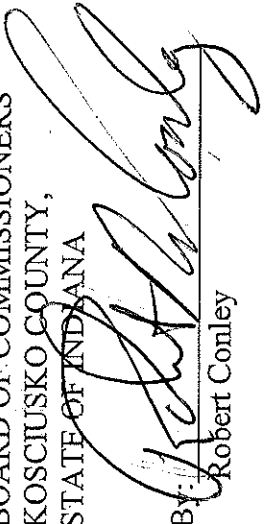
2. The construction of any new roadway shall be in accordance with the standards of the Kosciusko County Highway Department and final design shall be approved by such department prior to construction. All construction shall be coordinated with such department.
3. Final design of the new roadway shall be approved by the Kosciusko County Surveyor for drainage purposes.

Section 2.

This Ordinance shall be effective immediately, but may be rescinded by a subsequent ordinance adopted by the Board of Commissioners in the event construction of the new roadway is not completed within 36 months of the date of this Ordinance.

ORDAINED AND PASSED this 24th day of April, 2012.

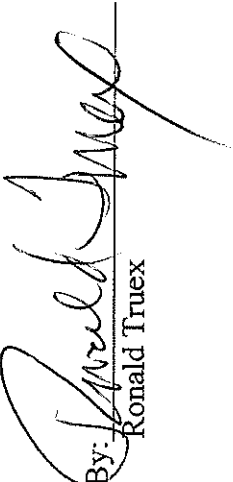
BOARD OF COMMISSIONERS
KOSCIUSKO COUNTY,
STATE OF INDIANA

By: 
Robert Conley

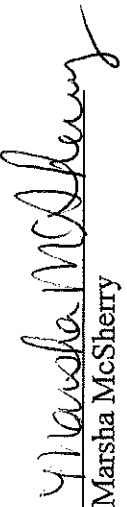
I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Missy Farmer

By: 
Bradford L. Jackson

By: 
Ronald Truex

Attest:


Marsha McSherry
Kosciusko County Auditor

"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 (Stephen R. Snyder)."

Prepared by Stephen R. Snyder, Attorney at Law, #413-43
SNYDER MORGAN LLP
200 West Main Street
Syracuse, Indiana 46567