

ORDINANCE NO. 09-11-10-001 ✓

AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS
VACATING A PUBLIC WAY

WHEREAS, Donyel Byrd, tiled a Petition to Vacate a Public Way with the Kosciusko County Commissioners, and

WHEREAS, notice was published as required by law in the Warsaw Times-Union, and The Mail-Journal, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 10th day of November, 2009, at 9:15 a.m., in the Commissioners' Room in the Old Court Room located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the Warsaw Times-Union was published on the 31st day of November, 2009, and which notice in The Mail Journal was published on the 28th day of October, 2009, both of which notices were published more than ten (10) days prior to the hearing, and

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated herein, other than the petitioners, and

WHEREAS, the Kosciusko County Commissioners have determined, after hearing, that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or development of the neighborhood in which it is located or to which it is contiguous, nor will it result in the creation of any difficulty or inconvenience to the access of any lands by means of a public way, will not hinder the public's access to a church, school, or other public building place, will not hinder the use of a public way by the neighborhood in which is it located or to which it is contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA, AS FOLLOWS:

Section 1: That the following public way and Lot in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

Lot Description:

Lot number Fifty-seven (#57) in the plat of "The Replat of Lots 56 & 57 and Part of Constitution Drive" being in "Country Club Acres, Phase-II" as recorded in Plat Book 12, page 4 in the office of the Recorder of Kosciusko County, Indiana.

Public Way Description:

All that part of "Future Road" now known as "Constitution Drive" which lies between Lots numbered Fifty-six (#56) and Fifty-seven (#57) in the plat of "The Replat of Lots 56 & 57 and Part of Constitution Drive" being in "Country Club Acres, Phase-II" as recorded in Plat Book 12, page 4 in the office of the Recorder of Kosciusko County, Indiana, more

Particularly described as follows:

RECEIVED

NOV 13 2009

Deborah M. A. Wright
AUDITOR OF KOSCIUSKO COUNTY

2009110574 ORDINANCE
11/13/2009 01:24:55P 2 PGS
Deborah A. Wright
Kosciusko County Recorder IN
Recorded as Presented

Beginning at the Southwest corner of said Lot #56; thence North 36°47'00" West, along the Southwesterly right-of-way of Constitution Drive, 72.34 feet to a point; thence along said right-of-way on a non-tangent curve to the left, 17.18 feet, said curve having a radius of 204.05 feet with a chord bearing of North 89°01'31" West and a chord length of 17.18 feet to the point of intersection with the Westerly right-of-way of Future Road; thence along said Westerly right-of-way on a non-tangent curve to the left, 28.49 feet, said curve having a radius of 20.00 feet with a chord bearing of North 47°45'12" East and a chord length of 26.14 feet; thence North 06°56'40" East, along said Westerly right-of-way, 71.19 feet to a point; thence continuing along said Westerly right-of-way on a curve to the right, 165.95 feet, said curve having a radius of 125.00 feet, with a chord bearing of North 44°58'35" East and a chord length of 154.03 feet; thence North 83°00'30" East, along the Northerly right-of-way of said Future Road, 114.11 feet to a point; thence South 06°59'30" East, along the Easterly right-of-way of said Future Road, 50.00 feet to a point; thence South 83°00'37" West, along the Southerly right-of-way of said Future Road, 114.11 feet to a point; thence along the Southeasterly right-of-way of said Future Road on a curve to the left, 99.57 feet, with a radius of 75.00 feet, said curve having a chord bearing of South 44°58'35" West and a chord length of 92.42 feet; thence South 06°56'40" West, along the Easterly right-of-way of said Future Road, 141.47 feet to the Point of Beginning, containing 0.42 acres, more or less.

and which public way is also identified as an unimproved tract of land lying between the real estate commonly known as 8241 E Constitution Dr., Syracuse, Indiana 46567.
and which public way lies between those lots identified by Key Number 007-043-070.PL
IS NOW HEREBY VACATED

Section 2: This Ordinance shall be in full force and effect upon its adoption

Upon unanimous vote of all Commissioners present, the same being more than three-fourths (3/4) of the duly elected Commissioners of Kosciusko County, Indiana.
this Ordinance was considered for final passage upon its first presentation)

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays,
the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its
regular meeting this 10th day of Nov, 2009

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.

Ray Shuman

KOSCIUSKO COUNTY COMMISSIONERS

Robert Conley
Robert Conley
Bob Truex
Bob Truex

Brad Jackson

Attest:

Marsha McSherry

MARSHA McSHERRY, AUDITOR
KOSCIUSKO COUNTY