

STATE OF INDIANA  
KOSCIUSKO COUNTY SS:

BEFORE THE COUNTY COMMISSIONER OF  
THE KOSCIUSKO COUNTY, INDIANA

IN RE: THE PETITION OF  
JASON LEROY NOLLEY,  
GINA R. RUFF, AND DUSTIN E. RUFF

CR 2020061159

AN ORDINANCE VACATING AN UNDEVELOPED STREET  
IN EPWORTH FOREST, NORTH OF ASBURY LANE BETWEEN LOT 1 IN BLOCK "I" AND  
LOTS 17, 18, & 19, IN BLOCK "H" IN THE PLAT OF EPWORTH FOREST

ORDINANCE NUMBER 20-06-24-001

WHEREAS, Jason LeRoy Nolley, Gina R. Ruff, and Dustin E. Ruff have filed a petition to vacate a portion of an undeveloped street located in the Plat of Epworth Forest north of Asbury Lane and bordered on the east by Lot 1 in Block "I" and the west by Lots 17, 18, & 19 in Block "H", all in the Plat of Epworth Forest and;

WHEREAS, the petition to vacate the street right-of-way and notice, as well as notice of the hearing to be held on June 23, 2020, were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and,

WHEREAS, on June 23, 2020, the Petitioners have appeared, presented their petition to vacate the undeveloped street and presented exhibits and factual information regarding same; and,

WHEREAS, there were no remonstrances or objections by persons claiming to be aggrieved by the proposed vacation, as defined by law, and the area sought to be vacated is not necessary to the growth of any municipality, does not make access to the lands of any person by means of public way impossible, and does not eliminate the public access to a church, school or other public building or place, nor does the vacation hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and,

WHEREAS, it is proper and appropriate that the undeveloped street right-of-way should be vacated;

NOW, THEREFORE, be it ordained by the Commissioners of Kosciusko County, Indiana, Indiana, that:

1. The Commissioners of Kosciusko County now find that there is no statutory reason, nor other valid reason, why said unimproved street should not be vacated and that in fact further finds that the right-of-way for the undeveloped and unimproved street should, THEREFORE, be vacated.

2. That the following described real estate situate in Kosciusko County, Indiana, and particularly the unimproved street to be vacated is described as follows:

Part of a street lying between Lot Number 1 in Block "I" and Lots Numbered 17, 18 and 19 in Block "H", all being in Epworth Forest, as recorded in Plat Book 2, page 258 in the records of Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original survey QU-176 Tract IV completed by J.K. Walker and Associates, P.C., dated March 23, 2020), being more particularly described as follows, to wit:

2020061248 ORDN \$0.00  
06/24/2020 12:41:00P 4 PGS  
Joetta Mitchell  
Kosciusko County Recorder IN  
Recorded as Presented



RECEIVED

JUN 24 2020

*Michelle J. Ruschke*  
Auditor of Kosciusko County

Commencing at an iron pipe found at the Northeast corner of Lot Number 2 in said Block "I"; thence S88°-56'52"W (GPS Grid bearing and used as the basis of bearings for this description), on and along the North line of Lots Numbered 1 and 2 in said Block "I", a distance of 89.60 feet (platted 90 feet), to a concrete marker found at the Northwest corner of said Lot Number 1; thence SO4°-34'-52"E, on and along the Westerly line of said Lot Number 1, a distance of 5.01 feet to a 5/8-inch iron pin capped "Walker" at the POINT OF BEGINNING; thence continuing SO4°-34'-52"E, on and along said Westerly line, a distance of 53.10 feet to a 5/8-inch iron pin capped "Walker"; thence S14°-43'-03"E, on and along said Westerly line, a distance of 61.75 feet; thence S39°-37'05"E, on and along said Westerly line, a distance of 35.04 feet to the South corner of said Lot Number 1, said corner also being at the Southwest corner of said Lot Number 2, said corner being situated 0.5 feet West of and 0.5 feet South of an iron pipe found; thence S78°-15'-21"W, a distance of 55.95 feet to a 5/8-inch iron pin capped "Walker"; thence N00°-51'-54"W, a distance of 67.78 feet to a 5/8-inch iron pin capped "Walker"; thence N04°28'-12"W, a distance of 83.15 feet to a 5/8-inch iron pin capped "Walker"; thence N88°-56'-52"E, a distance of 20.01 feet to the point of beginning, containing 0.09 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

As well as

Part of a street lying between Lot Number 1 in Block "I" and Lots Numbered 17, 18 and 19 in Block "H", all being in Epworth Forest, as recorded in Plat Book 2, page 258 in the records of Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original survey QU-176 Tract V completed by J.K. Walker and Associates, P.C., dated March 23, 2020), being more particularly described as follows, to wit:

Commencing at an iron pipe found at the Northeast corner of Lot Number 2 in said Block "I"; thence S88°-56'52"W (GPS Grid bearing and used as the basis of bearings for this description), on and along the North line of Lots Numbered 1 and 2 in said Block "I", a distance of 89.60 feet (platted 90 feet), to a concrete marker found at the Northwest corner of said Lot Number 1; thence SO4°-34'-52"E, on and along the Westerly line of said Lot Number 1, a distance of 5.01 feet to a 5/8-inch iron pin capped "Walker"; thence S88°-56'-52"W, a distance of 20.01 feet to a 5/8-inch iron pin capped "Walker" at the POINT OF BEGINNING; thence continuing S88°-56'-52"W, a distance of 20.01 feet to a 5/8-inch iron pin capped "Walker" at the Northeast corner of a certain tract of land recorded in Document Number 2018020483 in the records of Kosciusko County, Indiana; thence SO4°-36'43"E, on and along the East line of said Lot Number 17, a distance of 53.10 feet to a 5/8-inch iron pin capped "Walker" found at the Southeast corner of said Lot Number 17, said iron pin also being at the Northeast corner of said Lot Number 18; thence S06°-27'-38"W, on and along the East line of said Lot Number 18, a distance of 30.26 feet to an iron pin found at the Southeast corner of said tract of land in Document Number 2018020483; thence N88°-56'-52"E, a distance of 25.63 feet to a 5/8-inch iron pin capped "Walker"; thence N04°-28'-12"W, a distance of 83.15 feet to the point of beginning, containing 0.04 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

As well as


Part of a street lying between Lot Number 1 in Block "I" and Lots Numbered 17, 18 and 19 in Block "H", all being in Epworth Forest, as recorded in Plat Book 2, page 258 in the records of Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original survey QU-176 Tract VI completed by J.K. Walker and Associates, P.C., dated March 23, 2020), being more particularly described as follows, to wit:


Commencing at an iron pipe found at the Northeast corner of Lot Number 2 in said Block "I"; thence S88°-56'52"W (GPS Grid bearing and used as the basis of bearings for this description), on and along the North line of Lots Numbered 1 and 2 in said Block "I", a distance of 89.60 feet (platted 90 feet), to a concrete marker found at the Northwest corner of said Lot Number 1; thence SO4°-34'-52"E, on and along the Westerly line of said Lot Number 1, a distance of 5.01 feet to a 5/8-inch iron pin capped "Walker"; thence S88°-56'-52"W, a distance of 20.01 feet to a 5/8-inch iron pin capped "Walker"; thence continuing S88°-56'-52"W, a distance of 20.01 feet to a 5/8-inch iron pin capped "Walker" at the Northeast corner of a certain tract of land recorded in Document Number 2018020483 in the records of Kosciusko County, Indiana; thence SO4°-36'-43"E, on and along the East line of said Lot Number 17, a distance of 53.10 feet to a 5/8-inch iron pin capped "Walker" found at the Southeast corner of said Lot Number 17, said iron pin also being at the Northeast corner of said Lot Number 18; thence S06°-27'-38"W, on and along the East line of said Lot Number 18, a distance of 30.26 feet to an iron pin found at the Southeast corner of said tract of land in Document Number 2018020483, said iron pin also being at the POINT OF BEGINNING; thence continuing S06°-27'-38"W, on and along the East line of said Lot Number 18, a distance of 30.26 feet to an iron pin found at the Southeast corner of said Lot Number 18, said iron pin also being at the Northeast corner of said Lot Number 19; thence S26°-57'-19"W, on and along the East line of said Lot Number 19, a distance of 54.55 feet to a 5/8-inch iron pin capped "Walker"; thence N78°-15'-21"E, a distance of 55.95 feet to a 5/8-inch iron pin capped "Walker"; thence N00°-51'-54"W, a distance of 67.78 feet to a 5/8-inch iron pin capped "Walker"; thence S88°-56'-52"W, a distance of 25.63 feet to the point of beginning, containing 0.06 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record,

should be and are hereby now vacated, subject to the following paragraph.

Done this 23<sup>rd</sup> day of June, 2020.

AYE:

  
Bradford Jackson

  
Cary P. Groninger

  
Robert Conley

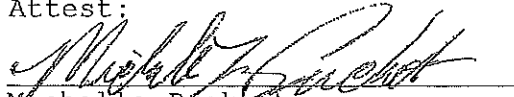
NAY:

\_\_\_\_\_  
Bradford Jackson

\_\_\_\_\_  
Cary P. Groninger

\_\_\_\_\_  
Robert Conley

Attest:



Michelle Puckett,

Auditor

Kosciusko County, Indiana

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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.

