

AN ORDINANCE VACATING A DRIVE BETWEEN
LOTS 12 AND 6 AND THE EAST 15 FEET BETWEEN
LOTS 11 AND 5, ALL IN THE ROY HOHMAN SUBDIVISION ON
YELLOW CREEK LAKE, KOSCIUSKO COUNTY, INDIANA

ORDINANCE NUMBER 05-07-12-001V

WHEREAS, Roger L. Clark has filed a petition to vacate an undeveloped public roadway; and WHEREAS, the petition to vacate the roadway and notice thereof, as well as notice of the hearing on July 12, 2005, were properly published in the *Warsaw Times Union* and the *Milford Mail Journal*; and,

WHEREAS, on July 12, 2005, the Petitioner has appeared, presented his petition to vacate the roadway, and presented exhibits and factual information regarding same; and,

WHEREAS, there were no remonstrances or objections by persons aggrieved by the proposed vacation, 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's access to a church, school or other public building or place; and,

WHEREAS, it is proper and appropriate that the undeveloped roadway (drive) should be vacated;

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

1. The Board of Commissioners now finds that there is no statutory reason, nor other valid reason, why said undeveloped roadway should not be vacated, and it is further found that said roadway should, THEREFORE, be vacated.

2. The following described real estate situated in Kosciusko County, in the State of Indiana, namely the undeveloped roadway labeled a "drive" and described as follows:

Part of the Plat of Roy Hohman Subdivision on Yellow Creek Lake, as recorded in Plat book 4, page 5, in the Office of the Recorder of Kosciusko County, Indiana, said part being more particularly described as follows, to wit:

Beginning at the Southeast corner in Lot 6 in that Subdivision; thence Southward along the East line of Lot 6, extended, a distance of 25 feet to the Northeast corner of Lot 12; thence West along the North line of Lot 12, extended, to a point 15 feet West of the Northwest corner of Lot 12; thence Northward 25 feet to a point on the South line of Lot 5 which is 15 feet Westward of the Southeast corner of Lot 6, on the South line of Lot 6, extended; thence Easterly along the South line of Lot 5 and 6 a distance of 55 feet to the point of beginning. (The area described is intended to be all of that part of the platted drive lying between Lot 6 and 12 as well as the Easterly 15 feet lying between Lots 5 and 6, all in the Roy Hohman's Subdivision on Yellow Creek Lake.)

should be, and it is now hereby, vacated.

Done this 12th day of July, 2005.

Duly Entered to Taxation
Subject to Final Acceptance
for Transfer this _____

AUG 04 2005 PM

[Signature]
AUDITOR OF KOSCIUSKO COUNTY

[Signature]
Ronald Truex

[Signature]
Avis Gunter

[Signature]
Bradford Jackson

Attest:

[Signature]
Sue Ann Mitchell, Auditor

This ordinance prepared by Rockhill Pinnick LLP (Richard K. Helm), 105 East Main Street, Warsaw, Indiana 46580, on behalf of the Petitioner.

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