

ORDINANCE NO. 05-08-23-0017

AN ORDINANCE OF THE KOSCIUSKO COUNTY COMMISSIONERS  
VACATING A PUBLIC WAY

WHEREAS, Ronald L. Baumgartner and Gloria K. Baumgartner, husband and wife, filed 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 23rd day of August, 2005, at 9:30 a.m., in the Commissioners' Room in the Old Court Room located on the third floor of the Kosciusko County Courthouse at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times-Union* was published on the 11th day of August, 2005, and which notice in *The Mail Journal* was published on the 10th day of August, 2005, 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 it is 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 site in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

That real estate situated in Kosciusko County, State of Indiana, bordered on the North by the Northern Portion of the real estate 7073 Eli Lilly Road, bordered on the South by the East Half of Lot 8, all of Lot 9, and the West Half of Lot 10 of Wright Place, bordered on the East by the East Half of Lot 10 of Wright Place and tract North of lot 10 and partially vacated roadway, and bordered on

the West by the West Half of Lot 8 and by the tract North of the West Half of Lot 8 of Wright Place as recorded in Plat Book 2, Page 238, in the office of the Recorder of Kosciusko County, Indiana.

And which public way is also identified as an unimproved tract of land lying in the real estate commonly known as 7073 Eli Lilly Road, Syracuse, Indiana;

And which public way lies between those lots identified by Key Number 7-38-69, Key Number 7-38-68, and Key Number 7-38-67;

IS NOW HEREBY VACATED.

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

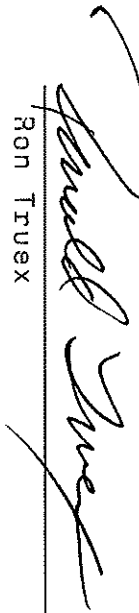
Upon unanimous vote of all Commissioners present, the same being more than three-fourths (3/4) of the duly elected Commissioners of Kosciusko County, Indiana, this ordinance was considered for final passage upon its first presentation.

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 23rd day of August, 2005.

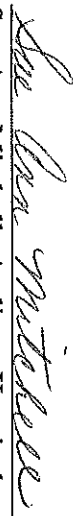
KOSCIUSKO COUNTY COMMISSIONERS

  
BRAD JACKSON

  
DAVID HUNTER

  
RONALD TRUEX

Attest:

  
Sue Ann Mitchell, Auditor, Kosciusko County