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SEP 15 2020

*Mitchell J. Lucette*  
Auditor of Kosciusko County

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09/15/2020 02:58:55P 3 PGS  
Joetta Mitchell  
Kosciusko County Recorder IN  
Recorded as Presented



ORDINANCE NUMBER 20-09-15-002

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

Section 1.

WHEREAS, John J. Benedetto, Jr. and Colleen R. Benedetto have filed their Petition for vacation of a portion of EMS D18A Lane, a public way located in Turkey Creek Township, Kosciusko County, Indiana, with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for July 21, 2020 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 sent by certified mail to Lonnie J. Stutzman and was continued until September 15, 2020 to allow for plan commission review; and

WHEREAS, the Kosciusko County Area Plan Commission has made no recommendation; and

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

WHEREAS, the vacation of the public way will not impair access to another's property or any public place, nor will orderly development of the area be impeded;

WHEREAS, the public way to be vacated is described as follows, to-wit:

That portion of EMS D18A Lane lying south of a line from the southwest corner of Tract 1 below to the southeast corner of Tract 2 below:

Tract 1:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 34 NORTH, RANGE 7 EAST, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 34 NORTH, RANGE 7 EAST; THENCE NORTH (ASSUMED) 774 FEET TO A POINT; THENCE NORTH 88 DEGREES EAST, 175 FEET TO A POINT; THENCE NORTH 88 DEGREES 43 MINUTES EAST, 302.12 FEET TO A POINT; THENCE SOUTH 8 DEGREES 13 MINUTES EAST, 500.68 FEET TO THE POINT OF BEGINNING; THENCE NORTH 79 DEGREES 10 MINUTES EAST, 156 FEET TO THE WATER'S EDGE (BOAT CHANNEL); THENCE ALONG THE WATER'S EDGE 50.10 FEET TO A POINT; THENCE SOUTH 79 DEGREES 10 MINUTES WEST, 152 FEET TO AN IRON PIN; THENCE NORTH 8 DEGREES 13 MINUTES WEST, 50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRE, MORE OR LESS.

Tract 2:

A tract of land located in the Northwest Quarter of the Northwest Quarter of Section 31, Township 34 North, Range 7 East, more fully described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 34 North, Range 7 East; thence North (assumed) 774 feet to a point; thence North 88 degrees East, 175 feet to a point; thence North 88 degrees 43 minutes East, 101.75 feet to a point; thence South 8 degrees 13 minutes East, 500 feet to a point of beginning; thence North 88 degrees 43 minutes East, 150 feet to an iron pin; thence South 8 degrees 13 minutes East, 50 feet to an iron pin; thence South 88 degrees 43 minutes West, 150 feet to an iron pin; thence North 8 degrees 13 minutes West, 50 feet to the point of beginning.

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition.

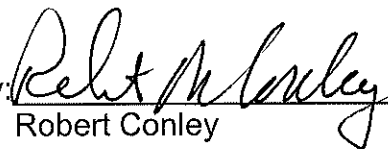
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated.

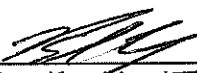
Section 2.


That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 15<sup>th</sup> day of September, 2020.

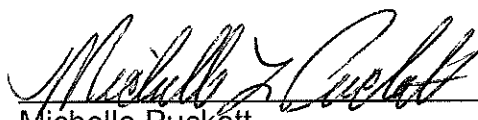
BOARD OF COMMISSIONERS  
KOSCIUSKO COUNTY,  
STATE OF INDIANA

By:   
Robert Conley

By:   
Bradford L. Jackson

By:   
Cary Groninger

Attest:

  
Michelle Puckett  
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