

STATE OF INDIANA
KOSCIUSKO COUNTY SS:

BEFORE THE BOARD OF COMMISSIONERS
OF KOSCIUSKO COUNTY

IN THE MATTER OF:
THE PETITION OF
DAVID AND RENEE BOERSTLER

2013060892 ORDN \$0.00
06/18/2013 03:00:06P 2 PGS
Deborah A. Wright
Kosciusko County Recorder IN
Recorded as Presented



AN ORDINANCE VACATING A PORTION OF THE "DRIVE" WITHIN
THE ROY HOHMAN SUBDIVISION ON YELLOW CREEK LAKE

ORDINANCE NUMBER 13-06-18-002

WHEREAS, David and Renee Boerstler have filed a petition to vacate a portion of a "Drive" in the Roy Hohman Subdivision on Yellow Creek Lake; and,

WHEREAS, the petition to vacate the right-of-way and notice thereof, as well as notice of the hearing to be held on August 17, 2010, were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and,

WHEREAS, the Petitioners have also provided notice of the public hearing to adjacent and/or affected property owners by certified mail and in accordance with the Affidavit of Notice filed herein; and,

WHEREAS, on August 17, 2010, the Petitioners have appeared, presented their petition to vacate the "Drive" and presented exhibits and factual information regarding same; and,

WHEREAS, there were no remonstrances or objections by persons 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's 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, the Petitioners have provided for, and tendered, a Deed of Dedication for "Roy Drive" where it is actually existing and utilized by the neighborhood; and,

WHEREAS, it is proper and appropriate that the undeveloped "Drive" should be vacated;

NOW, THEREFORE, be it ordained by the Board of Commissioners 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 right-of-way ("Drive") should not be vacated and it is further found that the right-of-way should, THEREFORE, be vacated.

2. That the following described real estate situate in Kosciusko County, Indiana, and particularly in the Roy Hohman Subdivision on Yellow Creek Lake, described as follows:

Part of a platted drive in the Roy Hohman Subdivision on Yellow Creek Lake, as recorded in Plat Book 4, page 5, in the records of Kosciusko County, Indiana, more particularly described as follows, to wit:

Beginning at the 5/8-inch iron pin capped "Walker" found at the Southwest corner of Lot Number 8 in said Roy Hohman Subdivision; thence N90°-00'-00"E (assumed bearing and used as the basis of bearings for this description), on and along the South line of said Lot Number 8, a distance of 37.0 feet to an iron pin found at the Southeast corner of said Lot Number 8; thence S01°-27'-00"E, a distance of 25.0 feet to an iron pipe found at the Northeast corner of Lot Number 14 in said Roy Hohman Subdivision; thence S90°-00'-00"W, on and along the North line of said Lot Number 14, a distance of 37.0 feet to a 5/8-inch iron pin capped "Walker" found at the Northwest corner of said Lot Number 14; thence N01°-27'-00"W, a distance of 25.0 feet to the point of beginning, containing 0.02 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and subject to all other easements of record.:

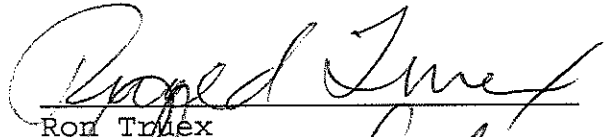
Should be and it is now hereby vacated.

Done this 18th day of June, 2013.


Brad Jackson

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.

Missy Farmer


Ron Truex

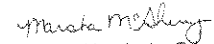

Bob Conley

Attest:

Marsha McSherry
Marsha McSherry
Auditor of Kosciusko County, IN

RECEIVED

JUN 19 2013


Auditor of Kosciusko County

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JUN 18 2013

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