

ORDINANCE NUMBER 20-07-21-003

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

Section 1.

WHEREAS, Wawasee Marina, Inc. has filed its Petition for vacation of a portion of public ways in the Plat of Jarrett's 1st Addition to Yacht Harbor, recorded in Plat Book 2, Page 248A in the Office of the Recorder of Kosciusko County, Indiana with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, The Kosciusko County Area Plan Commission has recommended vacation as requested with the exception of Ross Drive, the request for which has been withdrawn; and

WHEREAS, a hearing on said Petition was set for April 28, 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 served by certified mail on Marvin E. Boger; and as a result of the Covid-19 closure of county offices, the hearing was continued to May 26, 2020 at 9:15 a.m. and continued again until June 22, 2020, and continued to this date; and

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


WHEREAS, the public ways do not serve as access to any property other than the property of petitioners. There are no owners of real estate adjacent to the public ways to be vacated other than Petitioner and Marvin E. Boger. Petitioner and Marvin E. Boger have entered an agreement by which Boger will transfer by quit claim deed title to the south twelve and one-half feet (12.5') of vacated Channel Avenue adjacent to Lots 1-5 in the Plat of Jarrett's 1st Addition to Yacht Harbor, as recorded in Plat Book 2, page 248A (now renumbered to Plat Book 3, page 77) to Petitioner in exchange for his consent to this vacation and an ingress/egress easement westerly from the Boger real estate and by which Wawasee will transfer by quit claim deed title to the north Twelve and one-half feet (12.5') of vacated Channel Avenue adjacent to Lots 3-5 in the Plat of Jarrett's 1st Addition to Yacht Harbor, as recorded in Plat Book 2, page 248A (now renumbered to Plat Book 3, page 77) to Boger; and

WHEREAS, the public ways to be vacated are all located within the Plat of Jarrett's 1st Addition to Yacht Harbor, as recorded in Plat Book 2, page 248A (now renumbered to Plat Book 3, page 77) in the Office of the Recorder of Kosciusko County, Indiana and are described as follows:

Tract 1:

Greenwalt Avenue from the south right-of-way of Channel Avenue to the south right-of-way of Pike's Drive extended east, being all of Greenwalt Avenue.

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07/21/2020 01:46:36P 3 PGS
Joetta Mitchell
Kosciusko County Recorder IN
Recorded as Presented



Tract 2:

Channel Avenue from the east right-of-way of Ross Drive to the west right-of-way of Buttermilk Drive, as shown on the Plat of Buttermilk Bay Addition, recorded in Plat Book 8, Page 28 in the Office of the Recorder of Kosciusko County, Indiana.

Tract 3:

Pike's Drive from the east right-of-way of Ross Drive to the west right-of-way of Greenwalt Avenue extended south, being all of Pike's Drive.

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

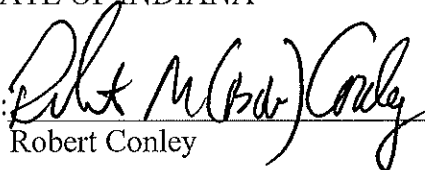
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public ways herein described are now vacated.

Section 2.

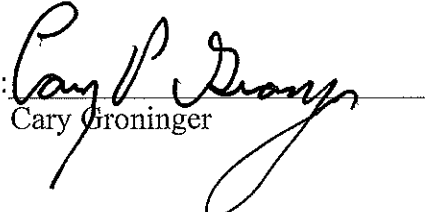
That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 21st day of July, 2020.

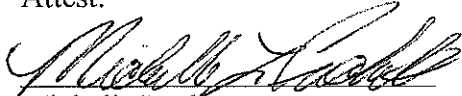
BOARD OF COMMISSIONERS
KOSCIUSKO COUNTY,
STATE OF INDIANA

By: 
Robert Conley

By: 
Bradford L. Jackson

By: 
Cary Groninger

Attest:

A handwritten signature in cursive script, appearing to read "Michelle Puckett", written over a horizontal line.

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