

ORDINANCE NO. 05-08-23-002 V

AND ORDINANCE OF THE KOSCIUSKO COMMISSIONERS
VACATING A PUBLIC WAY

WHEREAS, Brent and Nancy Stewart, 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 Mail Journal and Warsaw times-Union 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 am., in the Commissioners' Room in the Old Court Room, located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the Mail Journal and Warsaw Times-Union was published on or before the 10th day of August, 2005, which notice was published more than ten (10) days prior to the hearing, and

WHEREAS, one-half of the below described public way attains to Lot 4 in the Third Addition to Rummels Haven on Chapman Lake owned by Ronald K. Brown, jointly in common with Gilford L. Brown (Tax Key #029-095-005.E), and

WHEREAS, the public way subject to this petition will be preserved as a public access easement

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 was established for the exclusive and unobstructed access to Lot 5 in the Third Addition to Rummels Haven on Chapman Lake, 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 contiguous, nor will result in the creation of any difficulty or inconvenience to the access of any land 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 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 situated in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

A tract of land in the Third Addition to Rummels Haven on Chapman Lake as recorded in Plat book 6, Page 13 in the Office of the Recorder, located in the West Half of the Southwest Quarter of Section 24, Township 33 North, Range 6 East, Kosciusko, County, Indiana.

Beginning at a point located at the Southeast corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, thence west on and along the south line of Lot 6, said line also being the north line of a private access easement (EMS C3 LN), a distance of 85 feet (more or less) to a point, said point being the Southwest corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, said point also being the point of beginning (POB); thence West a distance of 20 feet (more or less) to a point located on the East line of Lot 4 in the Third Addition to Rummels Haven on Chapman Lake, thence North on along the aforementioned East property line, said line also being the West line of a private access easement a distance of 22.3 feet (more or less) to a point, said point being

the Southeast corner of Lot 5 in the Third Addition to Rummels Haven on Chapman Lake, thence East a distance of 20 feet (more or less) to a point on the West line of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, thence South a distance of 22.3 (more or less) to point, said point being the Southwest corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, said point also being the point of beginning, described tract containing 446 square feet (more or less).

and which public way is also identified as an unimproved tract of land lying within the real estate commonly known as 56 EMS C3 LN, Warsaw, Indiana.

and which public way lies within the lots identified by Key Number 029-095-005.C owned by Brent and Nancy Stewart and Key Number 029-095-005.E owned by Ronald K. Brown, jointly in common with Gifford Brown.

IS NOW VACATED AND PRESERVED AS A PUBLIC ACCESS EASEMENT

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 ___ ayes and ___ nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 6th day of September, 2005.


KOSCIUSKO COUNTY COMMISSIONERS


Ronald Truex


Bradford Jackson


Avis Gunter

Attest:


SUE ANN MITCHELL, AUDITOR
KOSCIUSKO COUNTY