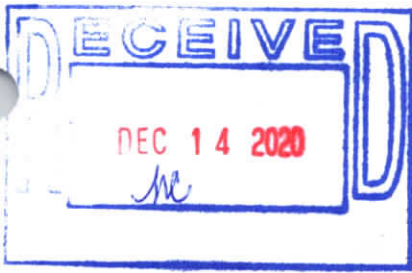


ORDINANCE # ML - 2020 - 13



**ORDINANCE VACATING PUBLIC WAY IN
UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA**

A Petition having heretofore been filed with the Millersburg Town Council of Elkhart County, Indiana on the 9th day of December, 2020, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: (H.I.); and the public hearing before the Elkhart County Plan Commission and before the Millersburg Town Council of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 12th day of November, 2020, and the hearing before the Millersburg Town Council of Elkhart County having been held on the 9th day of December, 2020; and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication as to said hearing having been published in The Goshen News on the 30th day of October, 2020, and in the Middlebury Independent on the 28th day of October, 2020, advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: (H.I.); and the Millersburg Town Council, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted

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the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.

2. The vacation of the public way in question would not hinder the growth or orderly development of Elkhart County, Indiana, or the neighborhood in which it is located or to which it is contiguous.

3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult or inconvenient.

4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be it Ordered, Adjudged and Decreed by the Board of Commissioners of Elkhart County, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.

2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described as follows: See **“Attachment A.”**

ORDINANCE # ML - 2020 - 13

3. That title in fee simple to the above vacated property shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated.

4. That these proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 9th day of December, 2020.

MILLERSBURG TOWN COUNCIL,
INDIANA

By  _____

James Winkler

By  _____

Dean Smith

By _____

Austin Turner

Attest:



Mackenzie Taylor, Clerk-Treasurer

Prepared and affirmed by, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by laws. Mae Kratzer, 4230 Elkhart Rd., Goshen, IN 46526

Attachment A

LEGAL DESCRIPTION

A PART OF THE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 3, 4, 5 AND 6 OF MYERS FIRST ADDITION TO THE TOWN OF MILLERSBURG, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 3, PAGE 148 OF THE RECORDS IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, SURVEYED BY RONNIE L. JUSTICE, REGISTRATION NUMBER 80900004, WITH ADVANCED LAND SURVEYING OF NORTHERN INDIANA. INC., AS SHOWN ON PROJECT NUMBER 200905 CERTIFIED ON SEPTEMBER 18, 2020, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (BEARINGS IN THIS DESCRIPTION ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH RANGE 7 EAST HAVING A BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST);

BEGINNING AT A REBAR FOUND AT THE NORTHEAST CORNER OF LOT NUMBER 4 OF SAID MYERS FIRST ADDITION TO THE TOWN OF MILLERSBURG; THENCE NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST, 16.50 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 5 OF SAID MYERS FIRST ADDITION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF LOTS NUMBER 5 AND 6 OF SAID MYERS FIRST ADDITION, 99.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 00 SECONDS WEST, 16.50 FEET TO A POINT ON THE EAST LINE OF LOT NUMBER 3 OF SAID MYERS FIRST ADDITION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF LOTS NUMBER 3 AND 4 OF SAID MYERS FIRST ADDITION, 99.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.04 ACRES (1633.5 SQUARE FEET) MORE OR LESS.