

ORDINANCE NO. 2012-25

AN ORDINANCE VACATING A CERTAIN PUBLIC-WAY LOCATED
IN HUNTINGTON COUNTY, INDIANA.

An ordinance adopted by the Board of Commissioners of Huntington County, Indiana, and meeting duly assembled of the 30th day of July, 2012, as follows:

WHEREAS, at the regular meeting of this Board, held on the 30th day of July, 2012, the Board considered a Petition to Vacate that was filed by Janet Sue Heaston seeking vacation of a portion of an unimproved, platted 40' wide street and unimproved, platted 14' wide alleys. Said portion of the unimproved, platted 40' wide street to be vacated lies between lots Numbered 5, 9, 12, 15, 18, 21, 24, and 27 in Edwin T. Brown's South Side City Park Addition to the City of Huntington, Huntington Township, in Huntington County, Indiana. Said portion of the unimproved, platted 14' wide alley to be vacated is that portion between lots Numbered 1-5, and lots 8-9, between lots Numbered 8, 11, 14, 17, 20 and lots Numbered 91, 12, 15, 18, 21, and between lots Numbered 20 and 23, and between lots Numbered 21 and 24, and between lots Numbered 23 and 26 and lots Numbered 24 and 27 in Edwin T. Brown's South Side City Park Addition to the City of Huntington, Huntington Township, in Huntington County, Indiana.

WHEREAS, a regular meeting of this Board, held on the 30th day of July, 2012, being within thirty (30) days after the filing of said petition on July 23, 2012, this Board conducted a public hearing on said petition;

WHEREAS, due notice of said public hearing was published according to law pursuant to the provisions of I.C. 36-7-3-12(c)(1); and

WHEREAS, due notice of said public hearing to all other owners of land abutting said portion of the platted street and alley was sent via certified mail to the abutting land owners; and

WHEREAS, said portion of the unimproved platted street and alley sought to be vacated are located in Huntington County, Indiana, and outside the corporate boundaries of any municipality, and this Board has proper jurisdiction over the proceedings herein; and

WHEREAS, there being no objectors or remonstrators to said petition, that portion of the unimproved platted street and alley being vacated, the Board now finds that the vacation of said street and alley would not:

1. Hinder the growth or orderly development of the unit or neighborhood in which said unimproved platted street and alley is located;
2. Make access to the lands of any person by means of public-way difficult or inconvenient;

3. Hinder the public's access to a church, school, or other public building or place; or
4. Hinder the use of a public-way by the neighborhood of which said unimproved platted street and alley are located or to which they are contiguous.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Huntington County, Indiana, as follows:

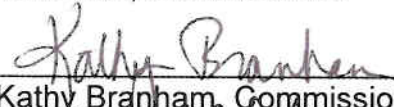
That the following described portion of an unimproved, platted 40' wide street and unimproved, platted 14' wide alleys be vacated: Said portion of the unimproved, platted 40' wide street between lots Numbered 5, 9, 12, 15, 18, 21, 24, and 27 in Edwin T. Brown's South Side City Park Addition to the City of Huntington, Huntington Township, in Huntington County, Indiana. Said portion of the unimproved, platted 14' wide alley between lots Numbered 1-5, and lots 8-9, between lots Numbered 8, 11, 14, 17, 20 and lots Numbered 91, 12, 15, 18, 21, and between lots Numbered 20 and 23, and between lots Numbered 21 and 24, and between lots Numbered 23 and 26 and lots Numbered 24 and 27 in Edwin T. Brown's South Side City Park Addition to the City of Huntington, Huntington Township, in Huntington County, Indiana.

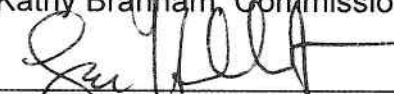
That the Secretary of the Board is instructed to furnish a copy of this ordinance to the Recorder of Huntington County, Indiana, for recording, and to the Auditor of Huntington County, Indiana.

Dated this 30th day of July, 2012.

The Board of Commissioners
Huntington County, Indiana:


Tom Wall, Commissioner


Kathy Branham, Commissioner


Leon Hurlburt, Commissioner

Attest:


Cindy Yeiter, Auditor of Huntington County, Indiana.

Legals

STATE OF INDIANA) BEFORE THE
BOARD OF COMMISSIONERS) COUNTY
OF HUNTINGTON,) SS:;) OF HUNTING-
TON COUNTY, INDIANA.) IN RE THE
MATTER OF THE PETITION OF JANET
SUE HEASTON TO VACATE A CERTAIN
PORTION OF AN UNIMPROVED PLAT-
TED STREET AND ALLEY IN HUNTING-
TON TOWNSHIP PERPENDICULAR TO
EVERGREEN STREET AND TAYLOR
STREET IN HUNTINGTON COUNTY, IN-
DIANA)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Commissioners of Huntington County, Indiana, on Monday, the 30th day of July, 2012 at 8:30 o'clock a.m. in the County Commissioner's room, first floor, Huntington County Courthouse, Huntington, Indiana, will hold a public hearing on the petition of Janet Sue Heaston to vacate a portion of an unimproved, platted 40' wide street and unimproved, platted 14' wide alleys. Said portion of the unimproved, platted 40' wide street to be vacated lies between lots Numbered 5, 9, 12, 15, 18, 21, 24, and 27. Said portion of the unimproved, platted 14' wide alley to be vacated is that portion between lots Numbered 1-5, and lots 8-9, between lots Numbered 8, 11, 14, 17, 20 and lots Numbered 91, 12, 15, 18, 21, and between lots Numbered 20 and 23, and between lots Numbered 21 and 24, and between lots Numbered 23 and 26 and lots Numbered 24 and 27 in Huntington Township, in Huntington County, Indiana.

Any person aggrieved by the proposed vacation may file a remonstrance or raise an objection with the Board of Commissioners of Huntington County, Indiana, at or before such hearing.

The Board of Commissioners
Huntington County, Indiana:

Tom Wall, Commissioner
Kathy Branham, Commissioner
Leon Hurburt, Commissioner
July 26, 2012

STATE OF INDIANA
COUNTY OF HUNTINGTON, SS:

BEFORE THE BOARD OF COMMISSIONERS
OF HUNTINGTON COUNTY, INDIANA.

IN RE THE MATTER OF THE)
PETITION OF JANET SUE HEASTON)
TO VACATE A CERTAIN PORTION)
OF AN UNIMPROVED PLATTED)
STREET AND ALLEY IN)
HUNTINGTON TOWNSHIP)
PERPENDICULAR TO EVERGREEN)
STREET AND TAYLOR STREET)
IN HUNTINGTON COUNTY, INDIANA)

AFFIDAVIT AND PROOF OF NOTICE

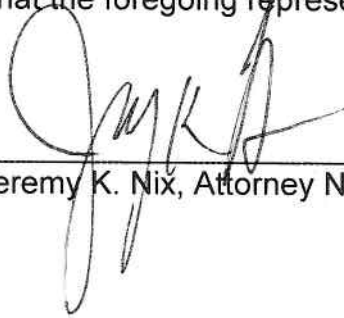
COMES NOW Jeremy K. Nix, counsel for Janet Sue Heaston, and being duly sworn states that:

1. I am an attorney at law duly admitted to the bar and authorized to practice law in the State of Indiana and have personal knowledge of all matters asserted herein.
2. That pursuant to I.C. 36-7-3-12, notice of the petition and of the time and place of the hearing concerning said petition shall be given by certified mail to each owner of land that abuts the property proposed to be vacated.
3. That I provided a copy of the Notice of Public Hearing, attached hereto as Exhibit A, to the following owners of land that abut the property to be vacated:

B&T Real Estate, P.O. Box 903, 805 E. Taylor Street, Huntington, IN 46750.
4. That the return receipts from said certified mailings are attached hereto as Exhibit B.
5. The acts of the affiant herein represent the affiant's inquiry to identify and

efforts to notify those owners of land that abut the property to be vacated of the hearing scheduled in this matter and of their right to file a remonstrance or objection to the proposed vacation as provided by I.C. 36-7-3-13.

I affirm under penalties for perjury that the foregoing representations are true.



Jeremy K. Nix, Attorney No. 24330-35

Jeremy K. Nix
Matheny, Hahn, Denman & Nix, L.L.P.
45 West Market Street
P.O. Box 191
Huntington, IN 46750
Telephone: (260) 356-7030
Facsimile: (260) 356-7033

Attorney for Petitioner,
Janet Sue Heaston

Ex B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

B&T Real Estate
P.O. Box 903
805 E. Taylor Street
Huntington, IN 46750

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) Stephen E. Hays Date of Delivery 2/11/04
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number
(Transfer from service label)

7011 2000 0001 7736 5246

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Ex A

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 1.10
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.40

Postmark
Here

Sent to B&T Real Estate
P.O. Box 903
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4
805 E. Taylor Street
Huntington, IN 46750

PS Form 3800, August 2005

See Reverse for Instructions

7011 2000 0001 7736 5246