

ORDINANCE NO. 2013-24

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

An Ordinance adopted by the Board of Commissioners of Huntington County,
Indiana, in a meeting duly assembled on November 18, 2013, as follows:

WHEREAS, at the regular meeting of this Board, held on September 23,
2013, a Petition to Vacate was filed by Lori I. Nave seeking vacation of a portion of an
unimproved platted street in Idle Hour Park located in Huntington County, Indiana, more
particularly described as that portion of the 50' wide platted street between Lots 61 and 62.

WHEREAS, at a regular meeting of this Board, held on November 4,
2013, being within thirty (30) days after the filing of said petition on September 17, 2013, and
continued subsequently thereto, this Board conducted a public hearing on said Petition;

WHEREAS, due notice of said public hearing was published according to law
pursuant to the revisions of I.C. §36-7-3-12(c)(1) and I.C. § 5-3-1-2; and

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

WHEREAS, said portion of the unimproved platted street sought to be vacated is 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, the objections to said Petition having been heard and considered concerning
that portion of the unimproved platted street being vacated, the Board now finds that the vacation
of said street would not:

1. Hinder the growth or orderly development of the unit or neighborhood in which said

unimproved platted street 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 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 the unimproved platted street in Idle Hour Park located in Huntington County, Indiana would be, and the same is hereby vacated, to-wit: the portion of the unimproved platted 50' wide street between Lots numbered 61 and 62, which are more specifically described on the attached Exhibit "A".

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: November 18, 2013.

THE BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA


Tom Wall, Commissioner


Larry Buzzard, Commissioner


Leon Harlburt, Commissioner

STATE OF INDIANA
COUNTY OF HUNTINGTON, SS:

BEFORE THE BOARD OF COMMISSIONERS
OF HUNTINGTON COUNTY, INDIANA.

IN RE THE MATTER OF THE)
PETITION OF LORI I. NAVE)
F/K/A LORI I. EARHART)
TO VACATE A CERTAIN PORTION)
OF AN UNIMPROVED PLATTED)
STREET IN THE TOWN)
OF HUNTINGTON,)
SUPERIOR STREET "EXTENDED",)
IN HUNTINGTON COUNTY, INDIANA)

PETITION TO VACATE PUBLIC WAY

COMES NOW Petitioner, Lori I. Nave, by Counsel, Justin R. Wall, and petitions the Board of Commissioners of Huntington County, Indiana to vacate a section of the unimproved portion of Superior Street, located in Huntington County, Indiana and in support thereof states that:

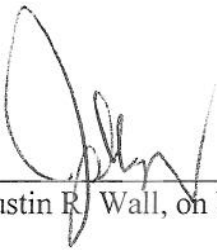
1. Petitioner, Lori I. Nave, is the fee simple owner of Lots 62 and 63 in Idle Hour Park, located in Huntington County, Indiana as demonstrated in attached Exhibit "A".
2. Jeffrey A. Shipbaugh is the fee simple owner of Lots 57, 58, 59, 60 and 61 in Idle Hour Park, located in Huntington County, Indiana as demonstrated in attached Exhibit "B".
3. That directly between the parcels owned by the Petitioner, Lori I. Nave, and Jeffrey A. Shipbaugh there is an unimproved platted 50' wide street named "Superior Street." Said portion of the unimproved platted 50' wide street to be vacated is the 100' portion of Superior Street between Lots 61 and 62 and is best shown in attached Exhibit "C".
4. That the property proposed to be vacated is specifically described as shown in attached Exhibit "D".

5. The names and addresses of all owners of land that abut that part of the unimproved platted street to be vacated are as follows:
 - a. Jeffery A. Shipbaugh, 2180 Superior Street, Huntington, IN 46750.
 - b. Raymond L. Shaw, 232 Watson Street, Huntington, IN 46750.
 - c. Earl Ernest & Carlene Shipbaugh, 2180 Superior Street, Huntington, IN 46750.
 - d. Irving Materials, Inc, 8032 North State Road 9, Greenfield, IN 46140.
 - e. Beulah J. Tobin, 2124 E. State Street, Huntington, IN 46750.
6. The vacation of said unimproved platted street would not hinder the growth or orderly development of Huntington County or the neighborhood in which the same is located or to which the same are contiguous.
7. The vacation of said unimproved platted street would not hinder the use of a public-way by the neighborhood in which the same is located or to which the same is contiguous.
8. That no adjoining or nearby property owner or other persons who have a need for the use of said portion of the unimproved platted street, or any part thereof, for ingress or egress to their respective properties or to any public street or right-of-way will be made difficult or inconvenient by reason of vacating said portion of said unimproved platted street.
9. That no person or persons or other public at large will be damaged by the vacation of said portion of the unimproved platted street.
10. That there is no church, school, or other public building or place to which access by the public would be eliminated or hindered by reason of vacating said portion of the

unimproved platted street.

WHEREFORE, your Petitioner prays that after due notice of these proceedings and herein thereon, this Board adopt an ordinance vacating said portion of the unimproved portion of Superior Street located in Huntington County, Indiana and for all other relief just and proper in the premises.

Dated: September 17, 2013

A handwritten signature in black ink, appearing to read 'Justin R. Wall', is written over a horizontal line.

Justin R. Wall, on behalf of Lori I. Nave, Petitioner

Mail tax bills to:

BOOK 275 PAGE 543

105937

WARRANTY DEED

Tax Key No.: 4:17 P.M.

DEC 17 1985

This indenture witnesseth that Carl K. Slusser, unmarried, being of full legal age, and being the surviving spouse of Nina J. Slusser, deceased,

of Huntington County in the State of Indiana

Convey and warrant to Lori I. Earhart

EXHIBIT
"A"

of Huntington County in the State of Indiana
for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration
the receipt whereof is hereby acknowledged, the following Real Estate in Huntington County
in the State of Indiana, to wit:

Lots Nos. 62 and 63 in Idle Hour Park First Dubdivision to the City of Huntington, Indiana.

Grantor states that he and Nina Slusser took title to the above described real estate as husband and wife, and that they remained husband and wife, having never been divorced, until the death of the said Nina Slusser. That Nina Slusser died on the 16th day of October, 1984, a resident of Huntington County, Indiana. That by reason of the death of the said Nina Slusser, title to the above described real estate passed to grantor herein, Carl K. Slusser.

That Nina J. Slusser and Nina Slusser are in fact one in the same person.

Duty entered for taxation this 17th
Day of December 1985

Bonnie S. Ostrow AUDITOR
HUNTINGTON CO. IND.

RECEIVED FOR RECORD

RECORDER, HUNTINGTON CO., IN

State of Indiana, Huntington County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 16th day of December 1985 personally appeared:

Carl K. Slusser, unmarried, being of full legal age, and being the surviving spouse of Nina J. Slusser, deceased, who subscribed and swore to the above statements,

Dated this 16th Day of December 1985

Carl K. Slusser
(Carl K. Slusser)

Seal

Seal

Seal

Seal

Seal

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires October 11, 1989

Thomas M. Hakes
(Thomas M. Hakes) Notary Public

Resident of Huntington County.

This instrument prepared by Thomas M. Hakes,
14 W. Market St., Huntington, IN 46750 Attorney at Law

Mail tax bills to:

91429

WARRANTY DEED

BOOK 230 PAGE 374

JUL 2 21982 12:40 PM

This indenture witnesseth that Carl Kenneth Slusser, a married man, being of full legal age,

of Huntington County in the State of Indiana

Convey and warrant to Jeffery A. Shipbaugh

of Huntington County in the State of Indiana
for and in consideration of Ten Dollars (\$10.00) and other good & valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Huntington County in the State of Indiana, to wit:

Lots Nos. 57, 58, 59, 60, and 61 in Idle Hour Park Subdivision to the City of Huntington, Indiana.

Duly assessed for taxation this 22nd day of July 1982

Bonnie S. Ostrow AUDITOR
HUNTINGTON CO. IND.

State of Indiana, Huntington County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this 28th day of April 1980 personally appeared:

Carl Kenneth Slusser, a married man, being of full legal age,

Dated this 28th Day of April 1980

Carl Kenneth Slusser Seal

CARL KENNETH SLUSSER Seal

RECEIVED FOR RECORD Seal

James R. Jones Recorder, HUNTINGTON CO., IN. Seal

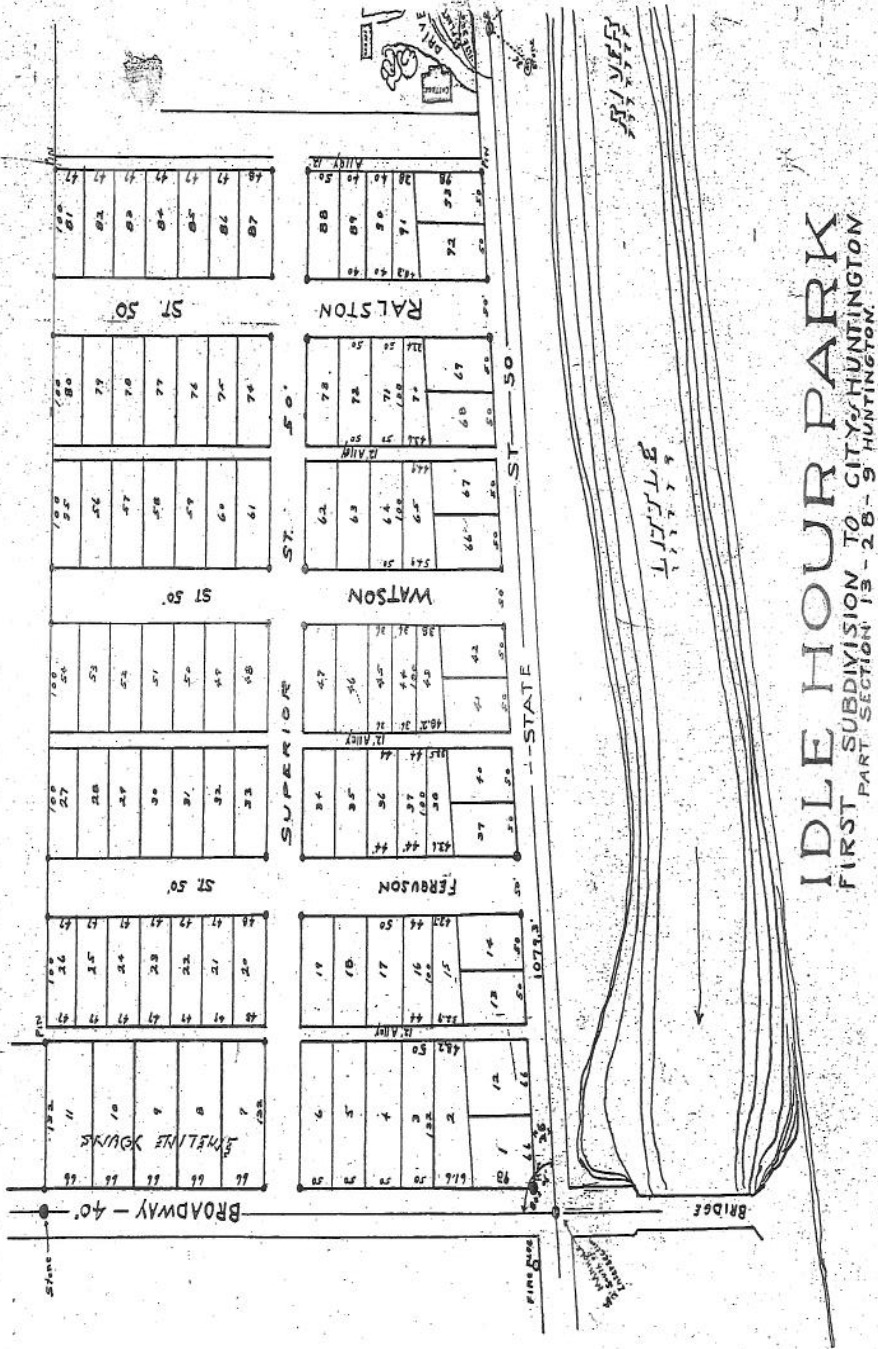
And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires February 1 1982

Dorothy E. McCurley Notary Public

Resident of Huntington County.

This instrument prepared by Mark A. McIntosh Attorney at Law

EXHIBIT
"B"



IDLE HOUR PARK
 FIRST SUBDIVISION TO CITY OF HUNTINGTON
 PART SECTION 13-28-9 HUNTINGTON

EXHIBIT
 "C"



RUSSELL ENGINEERING ASSOCIATES, INC.

STEVEN A. MAXWELL P.E. & R.L.S.

2527 SCOTSWOLDE DRIVE
FT. WAYNE, INDIANA 46808
(260) 482-5300 FAX 482-5901

LEGAL DESCRIPTION

PORTION OF SUPERIOR STREET TO BE VACATED

A part of the Northwest Quarter of Section 13, Township 28 North, Range 9 East located in a part of Idle Hour Park First Subdivision, Huntington County, Indiana more particularly described as follows:

Beginning at the Northeast corner of Lot Number 62 in the Plat of Idle Hour Park First Subdivision as recorded in the Huntington County Recorder's Office; thence Westerly on the North line of said Lot Number 62 a distance of 100 feet to the Northwest corner of said Lot Number 62; thence northerly a distance of 50 feet to the Southwest corner of Lot Number 61 in said Plat of Idle Hour Park First Subdivision; thence Easterly on the South line of said Lot Number 61 a distance of 100 feet to the Southeast corner of said Lot Number 61; thence Southerly a distance of 50 feet to the Point of Beginning.

EXHIBIT
"D"

Job #1308-005a

For: City of Huntington/Earhart

August 27, 2013

Sheet 1 of 2

CIVIL ENGINEERS * LAND SURVEYORS * LAND PLANNERS

LEGEND:

(555) - SURVEY REPORT REFERENCE

XXX.X - FLOOD PROTECTION GRADE

MONUMENT SYMBOLS

X — CALCULATED POINT (c)

○ — FOUND MONUMENT (I)

● - SET MONUMENT (s)

△ - SECTION CORNER

MONUMENT TYPES

HAR. M. — HARRISON MON.

RR — RAILROAD SPIKE

ANG - ANGLE IRON

JCK - JACKSTAND

SPN - SPIKE NAIL

PK - P-K NAIL

MG - MAG NAIL

IP - IRON PIN

RB - REBAR

ST - STONE

PP - PIPE

BOUNDARY

(C) — CALCULATED

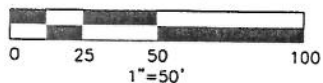
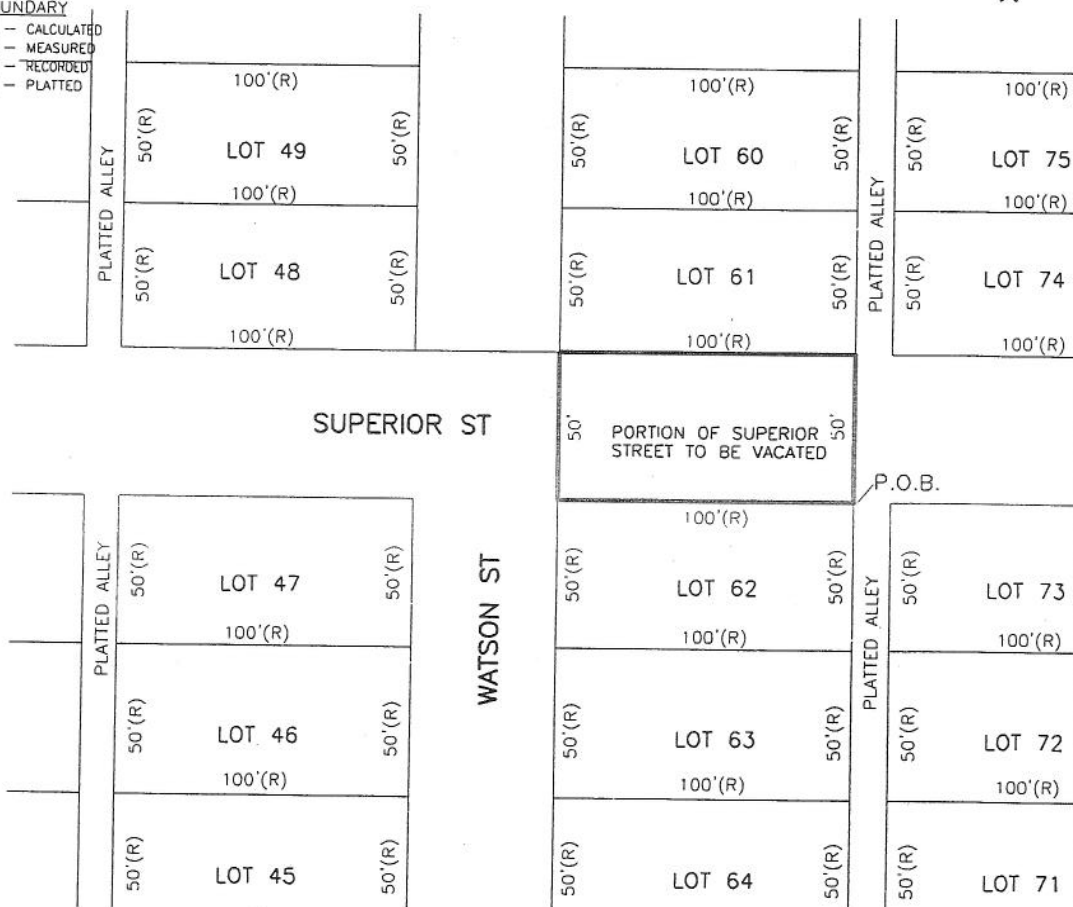
(M) — MEASURED

(R) - ~~RECORDED~~

(P) - PLATTED

Date: Aug 27, 2013 - 6:00am

EXHIBIT FOR
VACATION OF PORTION OF
SUPERIOR STREET
HUNTINGTON COUNTY, INDIANA



NOTES:

1. ALL PARCEL DIMENSIONS ARE PER RECORDED INFORMATION.