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2018002236

HUNTINGTON, IN RECORDER
05/29/2018 10:21:13AM10

ORDINANCE NO. 2018-5

**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 29th day of May, 2018, as follows:

WHEREAS, at the regular meeting of this Board, held on the 29th day of May, 2018, the Board considered a Petition to Vacate that was filed by Cathy S. Bartrom and Tracy A. Bartrom, seeking vacation of an unimproved, platted 50' wide portion of Bracken Road, and an unimproved, platted 10' wide alley in Warren Township, in Huntington County, Indiana.

WHEREAS, a regular meeting of this Board, held on the 29th day of May, 2018, being within thirty (30) days after the filing of said petition on May 9, 2018, 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 roadway and alley was sent via certified mail to the abutting land owners; and

WHEREAS, said portion of the unimproved platted roadway 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 roadway being vacated, the Board now finds that the vacation of said roadway would not:

Hinder the growth or orderly development of the unit or neighborhood in which said unimproved platted roadway and alley is located;

Make access to the lands of any person by means of public-way difficult or inconvenient;

Hinder the public's access to a church, school, or other public building or place; or

Hinder the use of a public-way by the neighborhood of which said unimproved platted roadway and alley is located or to which they are contiguous.

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

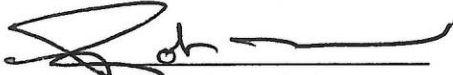
That an unimproved, platted 50' wide portion of Bracken Road and an unimproved, platted


10' wide alley located within Warren Township, in Huntington County, Indiana, be vacated.

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 29th day of May, 2018.

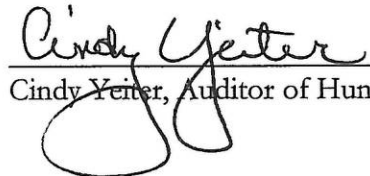
The Board of Commissioners
Huntington County, Indiana:


Rob Miller, Commissioner


Larry Buzzard, Commissioner


Tom Wall, Commissioner

Attest:


Cindy Yeiter, Auditor of Huntington County, Indiana.

Maxwell Surveying & Engineering

STEVEN A. MAXWELL P.E. & R.L.S.
R.L.S. NO. 29900007

P.O. BOX 5068
HUNTINGTON, IN 46750
260-224-6813

LEGEND:

(555) - SURVEY REPORT REFERENCE
XXX.X - FLOOD PROTECTION GRADE

MONUMENT SYMBOLS

X - CALCULATED POINT (c)
O - FOUND MONUMENT (f)
● - SET MONUMENT (s)
△ - SECTION CORNER

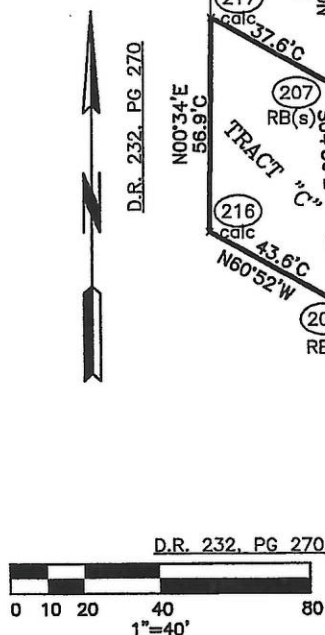
MONUMENT TYPES

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: Apr 24, 2018 - 7:54am



CERTIFICATION IN LIEU OF FORM 170
I, THE HEREON SIGNED REGISTERED LAND SURVEYOR, DO HEREBY AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. [IC 36-2-11-15(d)]

STEVEN A. MAXWELL

SEE SHEET 2 FOR
LEGAL DESCRIPTION
SEE SHEET 3 FOR
SURVEYOR'S REPORT.

NOTE:

NO APPARENT UTILITIES EXIST WITHIN THE BOUNDARY OF THE PROPOSED VACATION EXCEPT THOSE SERVING THE BUILDINGS LOCATED ON LOTS 14 & 15 AND 16

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION, AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

THIS SURVEY VALID ONLY WITH ORIGINAL HAND AND/OR SEAL AND PAYMENT OF INVOICE.
THIS SURVEY MUST HAVE ALL PAGES INCLUDING SURVEYOR'S REPORT TO BE COMPLETE.

FIELD WORK COMPLETED ON 4/23/18 AND CERTIFIED THIS 4/23/18 BY:

JOB NO. 1804-003B FOR TRACI & CATHY BARTROM

CONTRACT NO. 1804-003B FOR TRACI & CATHY BARTROM

NE COR., NE/4,
SEC. 9-T29N-R8E

D.R. 232, PG 270

DOC #2018000739

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10'P

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LEGAL DESCRIPTION

TRACT "A"

Description of vacated portion of a 10 foot alley as shown on the Plat of Claysville, Huntington County, Indiana

Beginning at the Southeast corner of Lot 11 as shown on the Plat of Claysville, as recorded in the Office of the Recorder, Huntington County, Indiana; thence South a distance of 10 feet to the Northeast corner of Lot 12 in said Plat; thence West on the North line of Lot 12 and 14 in said Plat a distance of 132 feet to the Northwest corner of said Lot 14; thence North a distance of 10 feet to the Southwest corner of said Lot 11; thence East on the South line of said Lot 11 a distance of 132 feet to the point of beginning.

Containing 0.03 acres, more or less.

TRACT "B"

Description of a portion of vacated portion of Bracken Road as shown on the Plat of Claysville, Huntington County, Indiana (For Bartrom)

Beginning at the Southeast corner of Lot 13 as shown on the Plat of Claysville, as recorded in the Office of the Recorder, Huntington County, Indiana; thence South a distance of 56.9 feet to the Northeast corner of Lot 17 in said Plat; thence Northwesterly on the North line of Lot 17 and 16 in said Plat and the Northwesterly extension thereof a distance of 181.8 feet to a point located 31.5 feet Northwesterly from the Northwest corner of said Lot 16, said point also being 27.7 feet west of the Northerly extension of the West line of said Lot 16; thence Northwesterly a distance of 60.0 feet to the Southwest corner of the East Half of Lot 15 in said Plat; thence Southwesterly on the South line of Lot 15, Lot 14, and Lot 13 in said Plat a distance of 187.9 feet to the Point of Beginning

Containing 0.21 acres, more or less

TRACT "C"

Description of a portion of vacated portion of Bracken Road as shown on the Plat of Claysville, Huntington County, Indiana (For Dreyer)

Commencing at the Southeast corner of Lot 13 as shown on the Plat of Claysville, as recorded in the Office of the Recorder, Huntington County, Indiana; thence South a distance of 56.9 feet to the Northeast corner of Lot 17 in said Plat; thence Northwesterly on the North line of Lot 17 and 16 in said Plat and the Northwesterly extension thereof a distance of 181.8 feet to a point located 31.5 feet Northwesterly from the Northwest corner of said Lot 16, said point also being 27.7 feet west of the Northerly extension of the West line of said Lot 16, said point being the **POINT OF BEGINNING** for the tract herein described; thence continuing on the Northwesterly extension of the North line of said Lot 16 a distance of 43.6 feet to the Southerly extension of the West line of Lot 15 in said Plat; thence North a distance of 56.9 feet to the Southwest corner of said Lot 15; thence Southeasterly on the South line of said Lot 15 a distance of 37.6 feet to the Southwest corner of the East Half of said Lot 15; thence Southeasterly a distance of 60.0 feet to the **POINT OF BEGINNING**

Containing 0.05 acres, more or less

JOB No. 1804-003B

FOR THE USE OF: Traci and Cathy Bartrom

DATED: April 23, 2011

SHEET 2 OF 3

SURVEYORS REPORT

THE FOLLOWING OPINION IS SUBMITTED REGARDING THE RELATIVE POSITIONAL ACCURACY IN THE CORNERS AND LINES ESTABLISHED ON THE ATTACHED SURVEY AS A RESULT OF UNCERTAINTIES AND/OR AMBIGUITIES IN THE REFERENCE MONUMENTS AND DESCRIPTIONS USED TO PERFORM SAME, ALL AS REQUIRED BY THE INDIANA LAND SURVEY STANDARDS SET OUT IN TITLE 865 IAC 1-12, AND LATEST AMENDMENTS THERETO.

INTENT:

To perform a "Retracement Survey" of a portion of the Plat of Claysville, Huntington, Indiana

REFERENCES:

1. Plat of Claysville, as recorded in the Office of the Recorder, Huntington County, Indiana.
2. Document # 2017005303, Warranty Deed.
3. Document # 2018000739, Quit Claim Deed
4. Deed Record 232, page 270, Warranty Deed
5. Document # 2009003986, Warranty Deed
6. Copy of Survey of Lots 12, 13, 14, 15, 16, and 17, and portions of the Northeast Quarter of Section 9, Township 29 North, Range 8 East, - BY: Sauer Land Surveying, Inc., as Job #090-115, Dated: Jan. 21, 2009 and recorded in Document #2010002403; Job No. 090-115"A", dated Jan. 27, 2009 and recorded in Document #2010002407; and Job No. 090-115 "B" dated Feb. 6, 2009 and recorded in Document #201002376.
7. Document # 2009003987, Easement.

EXISTING MONUMENTATION:

1. 1"-iron pipe found at Point #1 and 2 accepted as the perpetuation of the Northeast and Southeast corners, respectively, of the Northeast Quarter of Section 9
2. Rebar with surveyor's identification cap stamped "Sauer" found at Point #9, 201, 202, 203, 204, 206, and 208 and accepted as the corners of the lots or tracts as shown on the Plat of Survey.
3. 5/8-inch rebar found disturbed at Point #205 and 207. These points were reset at record distance and direction from other monuments found.

MONUMENT NOTE:

All monuments were 0.1 feet below to 0.1 feet above grade unless indicated otherwise above.

CORNERS AND LINES WERE ESTABLISHED AS FOLLOWS:

1. All Corners were checked and accepted as noted above
2. Points 209, 210, 211, 216, and 217 were calculated at record distance from monuments found.
3. 5/8 inch rebar set at #209, 210, and 211.

CONCLUSIONS:

As a result of the above observation it is my opinion that maximum uncertainties in location of lines and corners established on this survey are as follows:

DUE TO VARIATION IN MONUMENTATION AND RECORDED DISTANCES:

0.6 feet in the North-South direction 0.1 feet in the East-West direction

DUE TO VARIATION IN MONUMENTATION AND LINES OF OCCUPATION:

There are no defined possession lines noted along the boundaries of the survey tracts

THE RELATIVE POSITIONAL ACCURACY FOR THIS SURVEY, DUE TO MEASUREMENT, IS CERTIFIED TO NOT EXCEED THE ACCEPTABLE ACCURACY OF A "RURAL" CLASSIFICATION AS DEFINED BY 865 IAC 1-12-7.