

ORDINANCE NO. 2008-07

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 meeting duly assembled on the 15th day of September, 2008, as follows:

WHEREAS, at a regular meeting of this Board, held on the 25 day of August, 2008, a Petition to Vacate was filed by Irving Materials, Inc. seeking vacation of a portion of The County Road known as Lime Kiln Road namely:

A part of the northeast and northwest quarters of Section Thirteen (13), Township Twenty-eight (28) North, Range Nine (9) East, Huntington County Indiana, more particularly as follows, to wit:

Beginning at the northwest corner of the northeast quarter of said section; thence North 89 degrees 57 minutes 19 seconds East a distance of 30 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 1020 feet to the northwest corner of a tract of land described in a Deed to Edward L. Hardacre Jr. in Deed Record 263, Page 202 in the Office of the Recorder of Huntington County, Indiana; thence South 89 degrees 57 minutes 16 seconds West, a distance of 46.5 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 237.77 feet; thence parallel with the Norfolk Southern Railroad, a distance of 17.5 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 775.5 feet to the place of beginning, said lands being the former Right-of-Way of Lime Kiln Road, containing 0.79 acres, more or less.

together with a written waiver and consent duly signed by the owner of lands that abut said property proposed to be vacated, namely: Irving Materials, Inc., waiving notice of any hearing on said Petition and consenting to the adoption of an ordinance by this Board vacating said portion of Lime Kiln Road; and

WHEREAS, at a regular meeting of this Board held on the 15 day of September, 2008, being within thirty (30) days after the filing of said Petition on August, 2008, this Board conducted a public hearing on said Petition; and

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 I.C. 5-3-1-2; and

WHEREAS, due notice of said public hearing to all other owners of land which abut said portion of Lime Kiln Road is not necessary due to the fact that Irving Materials, Inc., Petitioner, has previously filed its Waiver of Notice and Consent; and

WHEREAS, said portion of Lime Kiln Road sought to be vacated is located in Huntington County, Indiana, and outside the corporate boundaries of any municipality, and that this Board has proper jurisdiction over the proceedings herein; and

WHEREAS, there being no objectors or remonstrators to said Petition for that portion of Lime Kiln Road being vacated, the Board now finds that the vacation of said portion of Lime Kiln Road would not:

- (1) hinder the growth or orderly development of the unit or neighborhood in which said Lime Kiln Road is located or to which said Lime Kiln Road is;
- (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 in which said Lime Kiln Road is located or to which said Lime Kiln Road is contiguous.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, AS FOLLOWS:

That the following described portion of Lime Kiln Road be, and the same is hereby vacated, to-wit:

A part of the northeast and northwest quarters of Section Thirteen (13), Township Twenty-eight (28) North, Range Nine (9) East, Huntington County Indiana, more particularly as follows, to wit:


Beginning at the northwest corner of the northeast quarter of said section; thence North 89 degrees 57 minutes 19 seconds East a distance of 30 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 1020 feet to the northwest corner of a tract of land described in a Deed to Edward L. Hardacre Jr. in Deed Record 263, Page 202 in the Office of the Recorder of Huntington County, Indiana; thence South 89 degrees 57 minutes 16 seconds West, a distance of 46.5 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 237.77 feet; thence parallel with the Norfolk Southern Railroad, a distance of 17.5 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 775.5 feet to the place of beginning, said lands being the former Right-of-Way of Lime Kiln Road, containing 0.79 acres, more or less.

That the Secretary for the Board is directed 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 15 day of September, 2008.

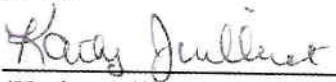
THE BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA

  
(Richard Brubaker) Commissioner (President)

  
(Jerry Helvie) Commissioner

  
(Larry Buzzard) Commissioner

Attest:

  
(Kathy Juillerat) Auditor of  
Huntington County, Indiana