

ORDINANCE NO. 2009 - 13

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 the 20th day of July, 2009, as follows:

WHEREAS, at a regular meeting of this Board held on the 22nd day of June, 2009, a Petition to Vacate was submitted by the Board of Commissioners of Huntington County, Indiana, seeking the vacation of a portion of the County Road known as West Old Wabash Road, and also known as Blue Star Highway, together with a written waiver and consent duly signed by the owners of land that abut said property proposed to be vacated namely: Philip Bitzer, and Philip L. Bitzer and Bertha A. Bitzer, waiving notice of any hearing on said petition and consenting to the adoption of an ordinance by this Board vacating said portion of West Old Wabash Road; and,

WHEREAS, at a regular meeting of the Board held on the 20th day of July, 2009, being within thirty (30) days after the filing of said petition on June 22, 2009, 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 West Old Wabash Road is not necessary due to the fact that Philip Bitzer and Philip L. Bitzer and Bertha A. Bitzer have previously filed their waivers of notice and consent; and

WHEREAS, said portion of West Old Wabash 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 West Old Wabash Road being vacated, the Board now finds that the vacation of said portion of West Old Wabash Road would not:

1. Hinder the growth or orderly development of the unit or neighborhood in which the said West Old Wabash Road 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;
4. Hinder the use of a public way by the neighborhood in which said West Old Wabash Road is located or to which said West Old Wabash Road is contiguous.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Huntington County, Indiana, as follows:

1. That the following described portion of West Old Wabash Road, also known as Blue Star Highway, be and the same is hereby vacated, to-wit:

A part of the Northwest 1/4 of section 28, T28N, R8E (Dallas Township),  
Huntington County, Indiana

Beginning at a point on the West Huntington County Line at the North

right-of-way line of West Old Wabash Road (also known as Blue Star Highway), thence Northeasterly along the Northeastern right-of-way line of said West Old Wabash Road to the South right-of-way line of US Highway 24, thence Easterly along the Southerly right-of-way line of US Highway 24 to a point on the Southeasterly right-of-way line of said West Old Wabash Road, thence Southwesterly along the Southwestern right-of-way line of the West Old Wabash Road right-of-way line to the West Huntington County Line, thence Northerly to the place of beginning.

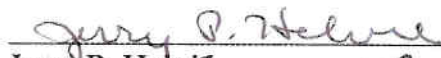
2. That the Secretary for the Board is directed to furnish a copy of this Ordinance to the Recorder of Huntington County, Indiana, for recording, and to the Auditor of Huntington County, Indiana.

Dated this 20th day of July, 2009.

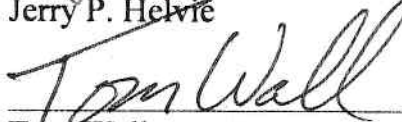
BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA



Kathryn Branham

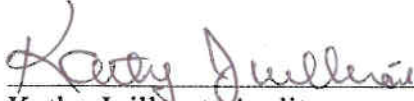


Jerry P. Helvie



Tom Wall

ATTEST:



Kathy Juillerat, Auditor