

ORDINANCE NO. 841

**ORDINANCE TO VACATE AN UNIMPROVED PLATTED STREET IN THE TOWN  
OF YORKTOWN, DELAWARE COUNTY, INDIANA**

*WHEREAS*, Bobby Westrater (the "Petitioner"), having filed their Petition to Vacate an Unimproved Platted Street in the Town of Yorktown, Delaware County, Indiana (the "Petition"), the Town Council for the Town of Yorktown, Indiana, has provided notice pursuant to Ind. Code § 36-7-3-12(c) and Ind. Code § 5-3-1 stating that it now desires to vacate the Vacation Area, as described in the Petition and as illustrated in "EXHIBIT A" attached hereto, which said Vacation Area is legally described as follows:

Beginning at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street; thence South 71 degrees 59 minutes 20 seconds West 21.28 feet to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3340.34 feet from the radius point of said curve; thence Westerly 67.95 feet along said curve to a point that is North 18 degrees 58 minutes 19 seconds West 3340.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.38 feet to the Southwest corner of said Lot 55, said corner being on a curve and being North 19 degrees 03 minutes 15 seconds West 3365.26 feet from the radius point of said curve; thence Easterly 73.28 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West 3365.26 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 15.93 feet to the point-of-beginning, containing 0.05 acres, more or less.

Also:

Commencing at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street being the point-of-beginning; thence South 29 degrees 56 minutes 06 seconds East 9.90 feet to the point-of-beginning of a curve, said point being North 60 degrees 04 minutes 57 seconds East 1086.90 feet from the radius point of said curve; thence Southeasterly 15.67 feet along said curve to the Northeast corner of Lot 56 in said addition and being North 60 degrees 54 minutes 03 seconds East 1086.91 feet from the radius point of said curve; thence South 71 degrees 59 minutes 20 seconds West 26.53 feet along the North line of said Lot to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3315.34 feet from the radius point of said curve; thence Westerly 62.59 feet along said curve to the Northwest corner of said lot being North 18 degrees 58 minutes 19 seconds West

3315.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.47 feet to a point in the center of a 50-foot-wide street, said point being North 18 degrees 58 minutes 19 seconds West 3340.34 feet from the radius point of said curve; thence Easterly 67.95 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West 3340.34 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 21.28 feet to the point-of-beginning, containing 0.05 acres, more or less.

*WHEREAS*, the notice further provided information regarding a public hearing on the proposed vacation, which said public hearing was held on November 20, 2023, consistent with, and pursuant to, Ind. Code § 36-7-3-12, which said hearing date was no more than thirty days from the date the Petition was received; and

*WHEREAS*, the Petitioner owns land which abuts the Vacation Area, together with Mollie M. Johnson and Brian L. & Rachel K. Nixon, respectively; and

*WHEREAS*, the Town Council for the Town of Yorktown, Indiana, having duly considered the proposed vacation of the Vacation Area, as stated in the Petitioner's Petition, now desires to adopt an ordinance in accordance with Ind. Code § 36-7-3-12 to formally vacate said Vacation Area as requested in Petitioner's Petition.

***NOW THEREFORE, BE IT ORDAINED*** by the Town Council for the Town of Yorktown, Delaware County, Indiana, acting according to the authority granted to it pursuant to Ind. Code § 36-7-3-12, as follows:

**SECTION 1.** The Town Council for the Town of Yorktown, Indiana finds and determines that vacating the Vacation Area will not:

- A. Hinder the growth or orderly development of the unit or neighborhood in which said Vacation Area is located or to which the Vacation Area is contiguous;
- B. Hinder the public's access to a church, school, or other public building or place;

- C. Make access to the lands of any person by means of public way difficult or inconvenient; or
- D. Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

**SECTION 2.** The following described Vacation Area located within the boundaries of the Town of Yorktown, Delaware County, Indiana, is hereby vacated:

Beginning at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street; thence South 71 degrees 59 minutes 20 seconds West 21.28 feet to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3340.34 feet from the radius point of said curve; thence Westerly 67.95 feet along said curve to a point that is North 18 degrees 58 minutes 19 seconds West 3340.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.38 feet to the Southwest corner of said Lot 55, said corner being on a curve and being North 19 degrees 03 minutes 15 seconds West 3365.26 feet from the radius point of said curve; thence Easterly 73.28 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West 3365.26 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 15.93 feet to the point-of-beginning, containing 0.05 acres, more or less.

Also:

Commencing at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street being the point-of-beginning; thence South 29 degrees 56 minutes 06 seconds East 9.90 feet to the point-of-beginning of a curve, said point being North 60 degrees 04 minutes 57 seconds East 1086.90 feet from the radius point of said curve; thence Southeasterly 15.67 feet along said curve to the Northeast corner of Lot 56 in said addition and being North 60 degrees 54 minutes 03 seconds East 1086.91 feet from the radius point of said curve; thence South 71 degrees 59 minutes 20 seconds West 26.53 feet along the North line of said Lot to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3315.34 feet from the radius point of said curve; thence Westerly 62.59 feet along said curve to the Northwest corner of said lot being North 18 degrees 58 minutes 19 seconds West 3315.34 feet from said radius point; thence North 29 degrees 56 minutes 30

seconds West 25.47 feet to a point in the center of a 50-foot-wide street, said point being North 18 degrees 58 minutes 19 seconds West 3340.34 feet from the radius point of said curve; thence Easterly 67.95 feet along said curve to a point that is North 17 degrees 48 minutes 23 seconds West 3340.34 feet from said radius point; thence North 71 degrees 59 minutes 20 seconds East 21.28 feet to the point-of-beginning, containing 0.05 acres, more or less.

**SECTION 3.** The vacation of the Vacation Area authorized by this Ordinance is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including water, sewer, storm water, drainage, electricity, telecommunications, natural gas, cable television, and internet, which existing easement rights shall survive the vacation.

**SECTION 4.** Subject to the restrictions described in Section 3, above, relevant portions of the Vacation Area shall revert according to the laws of the State of Indiana and, more particularly, as follows:

***To Bobby Westrater:***

A vacation of the 50-foot-wide street between Lot 55 and Lot 56 of Yorkshire Addition Section "C," an addition to the Town of Yorktown, as shown by the Records of Delaware County, Indiana, described as follows:

Commencing at the Southeast corner of Lot 55 of Yorkshire Addition Section "C"; thence South 29 degrees 56 minutes 06 seconds East 25.43 feet (assumed bearing) to the centerline of a 50-foot-wide street being the point-of-beginning; thence South 29 degrees 56 minutes 06 seconds East 9.90 feet to the point-of-beginning of a curve, said point being North 60 degrees 04 minutes 57 seconds East 1086.90 feet from the radius point of said curve; thence Southeasterly 15.67 feet along said curve to the Northeast corner of Lot 56 in said addition and being North 60 degrees 54 minutes 03 seconds East 1086.91 feet from the radius point of said curve; thence South 71 degrees 59 minutes 20 seconds West 26.53 feet along the North line of said Lot to the point-of-beginning of a curve, said point being North 17 degrees 48 minutes 23 seconds West 3315.34 feet from the radius point of said curve; thence Westerly 62.59 feet along said curve to the Northwest corner of said lot being North 18 degrees 58 minutes 19 seconds West 3315.34 feet from said radius point; thence North 29 degrees 56 minutes 30 seconds West 25.47 feet to a point in the center of a 50-foot-wide street, said point being North 18 degrees 58 minutes 19 seconds West 3340.34 feet from the radius point of said curve; thence Easterly 67.95 feet along said

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Parcel No. 18-10-22-375-003.000-017

***To Mollie M. Johnson:***

A vacation of the 50-foot-wide street between Lot 55 and Lot 56 of Yorkshire Addition Section "C," an addition to the Town of Yorktown, as shown by the Records of Delaware County, Indiana, described as follows:

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Parcel No. 18-10-22-375-002.000-017

**SECTION 5.** This Ordinance shall be furnished to the Delaware County Auditor so the Vacation Area may be duly entered for taxation and recorded in the Office of the Recorder of Delaware County, Indiana.

**SECTION 6.** The provisions of this Ordinance shall become effective upon its adoption by the Town Council for the Town of Yorktown, Indiana, publication as required by law, and recording in the Office of the Recorder of Delaware County, Indiana.

Ordinance No. 841

*DULY ADOPTED* by the Town Council for the Town of Yorktown, Indiana at a regularly scheduled public meeting held on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

THE TOWN COUNCIL OF THE  
TOWN OF YORKTOWN, INDIANA

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

*ATTEST:*

\_\_\_\_\_  
Lance Turner, Clerk-Treasurer  
Town of Yorktown, Indiana

Ordinance No. 841

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

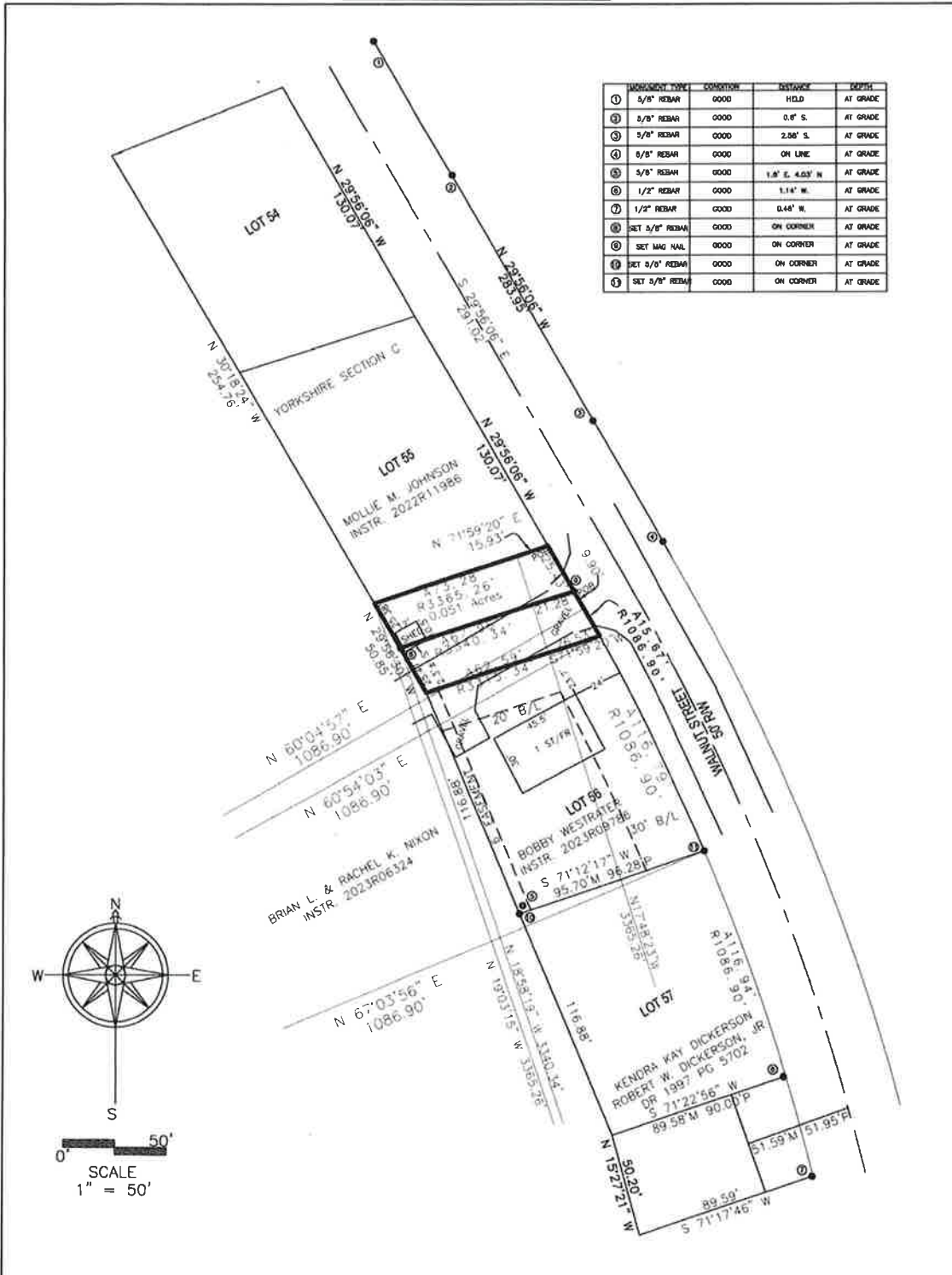
*This instrument prepared by  
and please return original to:*

---

JOSEPH I. RHETTS #32733-24  
ATTORNEY AT LAW

DEFUR VORAN LLP  
Joseph I. Rhettts  
400 South Walnut Street  
Suite 200  
Muncie, Indiana 47305

# EXHIBIT A



This Instrument Prepared by: Haldon L. Ashton  
 Accuracy or completeness of subsurface features is not certified.

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn: KLM	
Date: 10/12/2023	
Job: 2023576	
Client: BOBBY WESTRATER	
Owner: BOBBY WESTRATER	
Crew: EHA	
Electronic Field Book	
Field Date: 9/23/2023	
IUPPS REF. #	

VACATION OF STREET  
 2801 S. WALNUT STREET  
 YORKTOWN, INDIANA

SECTION CORNER COORDINATES ARE BASED ON  
 INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN  
 DATUM OF 1983, CORS 88 EPOC 2002.000)

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN  
 REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS  
 DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).

Sheet 2 OF 2



Mollie M. Johnson

A vacation of the 50-foot-wide street between Lots 55 and Lot 56 of Yorkshire Addition Section "C," an addition to the Town of Yorktown, as shown by the Records of Delaware County, Indiana, described as follows:

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Bobby Westrater

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Dated: October 11, 2023

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report

*Haldon L. Ashton*  
Registered Land Surveyor LS80040149  
Haldon L. Ashton



2. Flood Zone:
3. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0236D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 7/4/2011).
4. The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated:
5. Ownership shown herein is per County Records or as indicated in title work provided by others.

This Instrument Prepared by: Haldon L. Ashton  
Accuracy or completeness of subsurface features is not certified.

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn: KLM	
Date: 10/12/2023	
Job: 2023578	
Client: BOBBY WESTRATER	
Owner: BOBBY WESTRATER	
Crew: EHA	
Electronic Field Book	
Field Date: 9/23/2023	
IUPPS REF. #	

VACATION OF STREET  
2801 S WALNUT STREET  
YORKTOWN, INDIANA

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REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS  
DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).



115 West Washington Street, Suite 100, Ellettsville, IN 47305  
PH: 317.255.5000 FAX: 317.255.5000  
Email: info@ashtonsurveyors.com