

ORDINANCE NO. 1995- 09

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
MARTIN COUNTY, INDIANA VACATING A PUBLIC WAY  
IN MARTIN COUNTY, INDIANA AND DECLARING THAT  
CERTAIN LOTS, ALLIES AND STREETS IN THE  
UNINCORPORATED TOWN OF BURNS CITY, PERRY  
TOWNSHIP, MARTIN COUNTY BE VACATED**

WHEREAS, Carvel Wikle, Carol Wikle, Virgil W. Schultz, and Betty Schultz filed with the Board of Commissioners of Martin County, Indiana, a petition for the vacation of a part of a certain public roadway located in Perry Township in Martin County, Indiana, more particularly described as:

Williams Street from its intersection with the West lines of Lot #18 and Lot #19 in Williams Addition to Burns City, Indiana to the Southeast corner of Lot #25 and the Northeast corner of Lot #12 all in Williams Addition to Burns City, Indiana; also an alley whose East line is the West line of Lot #13 and whose West line is the East line of Lot #14, all in Williams Addition to Burns City, Indiana; also an alley whose West line begins at the Northwest corner of Lot #5 and also the Southwest corner of Lot #14; thence Easterly to the East line of Lot #9 all of said lots being in Williams Addition to Burns City, Indiana as platted in Deed Record 81, page 404, and

WHEREAS, a declaration of vacation of certain lots, alleys and streets in the unincorporated Town of Burns City, Perry Township, Martin County, Indiana was also filed with the Board of Commissioners of Martin County, Indiana seeking the vacation of the following described lots, alleys and streets:

Commencing at the Northeast corner of Lot #9 at Williams Addition to Burns City, Indiana; thence West to the Northwest corner of Lot #5 in said Williams Addition; thence North 20 feet to the Southwest corner of Lot #14 in said Williams Addition; thence West to the Southwest corner of Lot #15 in said Williams Addition; thence North to the Northwest corner of Lot #15 in said Williams Addition; thence West to the Northwest corner of Lot #18 in Williams Addition; thence North to the Northwest corner of Lot #19 in said Williams Addition; thence East to the Northeast corner of Lot #25 in said Williams Addition; thence South to the Southeast corner of said Lot #25 in said Williams Addition; thence Southeasterly to the Northeast corner of Lot #12 in

said Williams Addition; thence South to the Southeast corner of Lot #12 in said Williams Addition; thence Southeasterly to the point of beginning, containing 1.60 acres, more or less.

WHEREAS, notice of this petition and of the time and place of hearing thereon was published, in the manner prescribed by I.C. 5-3-1, in the Loogootee Tribune on May 25, 1995 and in the Shoals News on May 24, 1995, two newspapers of general circulation in Martin County, Indiana; and

WHEREAS, all owners of land abutting the property proposed to be vacated have joined in the petition or have consented to this petition, and

WHEREAS, at the hearing on this matter before the Board of Commissioners of Martin County, Indiana, held the 17th day of June, 1995, said Board found as follows:

1. Stephen J. Petit, Carvel H. Wickle, Carol Wickle, Virgil W. Schultz and Betty L. Schultz are the owners of all the real property which is contiguous to that part of the roadway sought to be vacated and being a roadway as described hereinabove in the unincorporated Town of Burns City, Perry Township, Martin County, Indiana.

2. Said roadway is a public highway located entirely within Martin County, Indiana.

3. The vacation of said public highway or part thereof described as:

Williams Street from its intersection with the West lines of Lot #18 and Lot #19 in Williams Addition to Burns City, Indiana to the Southeast corner of Lot #25 and the Northeast corner of Lot #12 all in Williams Addition to Burns City, Indiana; also an alley whose East line is the West line of Lot #13 and whose West line is the East line of Lot #14, all in Williams Addition to Burns City, Indiana; also an alley whose West line begins at the Northwest corner of Lot #5 and also the Southwest corner of Lot #14; thence Easterly to the East line of Lot #9 all of said lots being in Williams Addition to Burns City, Indiana as platted in Deed Record 81, page 404

is in the best interests of the Petitioners and of Martin County, Indiana.

4. That the declaration of vacation of certain lots, alleys and streets in the unincorporated Town of Burns City, Perry Township, Martin County, Indiana described as follows:

Commencing at the Northeast corner of Lot #9 at Williams Addition to Burns City, Indiana; thence West to the Northwest corner of Lot #5 in said Williams Addition; thence North 20 feet to the Southwest corner of Lot #14 in said Williams Addition; thence West to the Southwest corner of Lot #15 in said Williams Addition; thence North to the Northwest corner of Lot #15 in said Williams Addition; thence West to the Northwest corner of Lot #18 in Williams Addition; thence North to the Northwest corner of Lot #19 in said Williams Addition; thence East to the Northeast corner of Lot #25 in said Williams Addition; thence South to the Southeast corner of said Lot #25 in said Williams Addition; thence Southeasterly to the Northeast corner of Lot #12 in said Williams Addition; thence South to the Southeast corner of Lot #12 in said Williams Addition; thence Southeasterly to the point of beginning, containing 1.60 acres, more or less,

is in the best interest of the Petitioners and of Martin County, Indiana.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, INDIANA:

SECTION 1.

That on or after the passage of this Ordinance, that part of a roadway located in Perry Township, Martin County, Indiana, described as:

Williams Street from its intersection with the West lines of Lot #18 and Lot #19 in Williams Addition to Burns City, Indiana to the Southeast corner of Lot #25 and the Northeast corner of Lot #12 all in Williams Addition to Burns City, Indiana; also an alley whose East line is the West line of Lot #13 and whose West line is the East line of Lot #14, all in Williams Addition to Burns City, Indiana; also an alley whose West line begins at the Northwest corner of Lot #5 and also the Southwest corner of Lot #14; thence Easterly to the East line of Lot #9 all of said lots being in Williams Addition to Burns City, Indiana as platted in Deed Record 81, page 404

is vacated as a public highway and right of way for Martin County, Indiana.

SECTION 2.

That on or after passage of this ordinance certain lots, alleys and streets in the unincorporated Town of Burns City, Perry Township, Martin County, Indiana described as:

Commencing at the Northeast corner of Lot #9 at Williams Addition to Burns City, Indiana; thence West to the Northwest corner of Lot #5 in said Williams Addition; thence North 20 feet to the Southwest corner of Lot #14 in said Williams Addition; thence West to the Southwest corner of Lot #15 in said Williams Addition; thence North to the Northwest corner of Lot #15 in said Williams Addition; thence West to the Northwest corner of Lot #18 in Williams Addition; thence North to the Northwest corner of Lot #19 in said Williams Addition; thence East to the Northeast corner of Lot #25 in said Williams Addition; thence South to the Southeast corner of said Lot #25 in said Williams Addition; thence Southeasterly to the Northeast corner of Lot #12 in said Williams Addition; thence South to the Southeast corner of Lot #12 in said Williams Addition; thence Southeasterly to the point of beginning, containing 1.60 acres, more or less.

is declared to be vacated as lots and as a public highway for Martin County, Indiana.

SECTION 3.

All prior ordinances passed and adopted which are in conflict with this Ordinance are repealed to the extent of any such conflict.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage according to law.

PASSED AND ADOPTED this 17th day of June, 1995.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF MARTIN

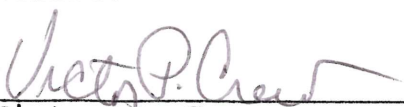
Dale E. Abel  
Dale E. Abel, President

Dale E. Brown  
Dale E. Brown, Commissioner

Randy Wininger  
Randy Wininger, Commissioner

ATTEST: Victor P. Crew, Martin County Auditor

ATTEST:

  
\_\_\_\_\_  
Victor P. Crew  
Auditor of Martin County