

ORDINANCE NUMBER 2022-12

VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS, K & HC Properties, LLC, an Indiana limited liability company, has filed its Petition to Vacate Public Right-of-Way as attached and incorporated as Exhibit "A" with the Common Council of the City of Columbia City, Whitley County, Indiana; and

WHEREAS, Indiana Code §36-7-3-12 provides the process for a vacation of a public way or place; and

WHEREAS, a hearing on said Petition was held on March 8, 2022 at 6:00 p.m. and notice of said hearing was received by adjacent property owners and was published in the *Columbia City Post & Mail* as required by law; and

WHEREAS, Petitioner is the owner of 368 N. Oak Street and N. Oak Street, both in Columbia City, Indiana, which properties are adjacent to the public way to be vacated, and which public way is described as follows, to-wit:

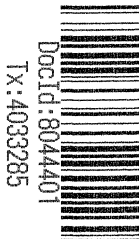
The alley lying between Lots Numbered 4 and 5 in Clugston's First Addition to the City of Columbia City, as shown by the Plat of said Addition in Deed Record 19, pages 429-430 in the Office of the Recorder of Whitley County, Indiana (this description prepared by Kevin R. Michel, LS80870006, as part of original description RO-143 completed by J.K. Walker and Associates, P.C., dated November 17, 2021), being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of said Lot Number 4, thence East, on and along the South line of said Lot Number 4, to the Southeast corner of said Lot Number 4; thence South to the Northeast corner of said Lot Number 5; thence West, on and along the North line of said Lot Number 5, to the Northwest corner of said Lot Number 5; thence North to the point of beginning.

WHEREAS, vacation of that portion of the public way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous, will not make access to the lands of any person by means of the public way difficult or inconvenient, will not hinder the public's access to a church, school, or other building or place and will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the Common Council of the City of Columbia City, Whitley County, Indiana, has jurisdiction to vacate the public way described in said Petition and has determined that the vacation is in the public interest; and

WHEREAS, the Petitioner is the owner of both sides of said public way requested to be vacated.



NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbia City, Whitley County, Indiana and pursuant to Indiana Code §36-7-3-12, that the public way described as follows:

The alley lying between Lots Numbered 4 and 5 in Clugston's First Addition to the City of Columbia City, as shown by the Plat of said Addition in Deed Record 19, pages 429-430 in the Office of the Recorder of Whitley County, Indiana (this description prepared by Kevin R. Michel, LS80870006, as part of original description RO-143 completed by J.K. Walker and Associates, P.C., dated November 17, 2021), being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of said Lot Number 4, thence East, on and along the South line of said Lot Number 4, to the Southeast corner of said Lot Number 4; thence South to the Northeast corner of said Lot Number 5; thence West, on and along the North line of said Lot Number 5, to the Northwest corner of said Lot Number 5; thence North to the point of beginning,

is now vacated.

Be it further Ordained that the recitals shall be incorporated as if fully set forth herein.

This Ordinance shall be in full force and effect from and after its passage.

*Signature Page to follow*

ORDAINED AND PASSED this 24 day of May, 2022.

COMMON COUNCIL OF THE CITY OF  
COLUMBIA CITY, INDIANA:

By: Walter C. Crowder  
Walter C. Crowder

By: \_\_\_\_\_  
Theodore J. Varga, Jr.

By: \_\_\_\_\_  
Daniel Weigold

By: Jennifer B. Zartman-Romano  
Jennifer B. Zartman-Romano

By: Jennifer Middleton  
Jennifer Middleton

Approved this 24 day of May, 2022.

Ryan Daniel  
Ryan Daniel, Mayor

Attest:

Rosie Coyle  
Rosie Coyle, Clerk/Treasurer

**DESCRIPTION**

The alley lying between Lots Numbered 4 and 5 in Clugston's First Addition to the City of Columbia City, as shown by the Plat of said Addition in Deed Record 19, pages 429-430 in the Office of the Recorder of Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original description RO-143 completed by J.K. Walker and Associates, P.C., dated November 17, 2021), being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of said Lot Number 4; thence East, on and along the South line of said Lot Number 4, to the Southeast corner of said Lot Number 4; thence South to the Northeast corner of said Lot Number 5; thence West, on and along the North line of said Lot Number 5, to the Northwest corner of said Lot Number 5; thence North to the point of beginning.

For: K & HC Properties, LLC  
RO-143