

COPY JR 11/28/23

2023110367
ROSEMARY BROWN
WHITLEY COUNTY RECORDER
COLUMBIA CITY, IN
\$ 25.00 TX: 4039845
11/28/2023 08:54:55 AM
Recorded as Received

ORDINANCE NUMBER 2023-16
VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS, Community Bible Church, Inc. has filed a 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 September 12, 2023 at 5:00 p.m.; and

WHEREAS, Petitioner is the owner of 325 N. Elm Street, Columbia City, Indiana, which consists of two (2) lots which are adjacent to the public way to be vacated, and which public way is described as follows, to-wit:

An alley that runs between the following properties:

Lot Number sixty-six (66) on the Plat of Hooper's Second Addition to the Town of Columbia City, now called City of Columbia City. Also, Lot Number sixty-seven (67) in Hooper's Second Addition to Columbia City, as numbered and described on the Plat of said Addition recorded in Record "W" on pages 453 and 454 in the Recorder's Office of said Whitley County; and

WHEREAS, vacation of that portion of the public way sought to be vacated will not hinder the growth or orderly development of the 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; and

WHEREAS, an exclusive ingress/egress easement for the City of Columbia City to turn its vehicles around shall be maintained in perpetuity or until terminated by the City (such easement is set forth on the attached and incorporated Plat of Survey and Easement Exhibit, both of which are dated October 2, 2023).

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:

An alley that runs between the following properties:

Lot Number sixty-six (66) on the Plat of Hooper's Second Addition to the Town of Columbia City, now called City of Columbia City. Also, Lot Number sixty-seven (67) in Hooper's Second Addition to Columbia City, as numbered and described on the Plat of said Addition recorded in Record "W" on pages 453 and 454 in the Recorder's Office of said Whitley County,

is now vacated.



Be it further Ordained that Community Bible Church, Inc., including its successors or transferees in interest, shall maintain a perpetual, exclusive ingress and egress easement for the City of Columbia City to turn its vehicles around. Such easement is set forth on the attached and incorporated Plat of Survey and Easement Exhibit, both of which are dated October 2, 2023. Any interference or improvement placed on such easement area may be removed by the City at any time at the cost of the owner of the servient property. The City may unilaterally terminate the easement at any time. Any modifications to the easement area may only be made by mutual agreement of the parties hereto or their successors in interest. Both parties shall hold the other harmless from any damages, injuries or death to or on the subject easement area which damages, injuries or death are not the result of the actions or inactions of the other party.

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.

ORDAINED AND PASSED this 14 day of November ~~December~~, 2023.

COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA:

By: Walter Crowder
Walter C. Crowder

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

By: Daniel Weigold
Daniel Weigold

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

By: Jennifer Reffitt-Middleton
Jennifer Reffitt-Middleton

Approved this 14 day of November ~~December~~, 2023.

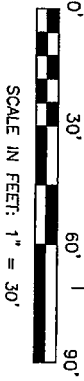
Ryan Daniel
Ryan Daniel, Mayor

Attest:
Rosie Coyle
Rosie Coyle, Clerk/Treasurer

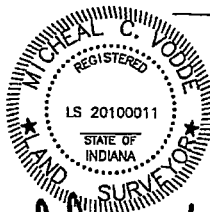
PLAT OF SURVEY Page 1 of 2

This document is a Retracement Survey of a parcel of land located in Whitley County, Indiana.
SEE PAGE 2 OF 2 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.

I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.
 Fieldwork completed on the 2nd day of OCTOBER, 2023.
 Certified this 4th day of OCTOBER, 2023.
 Prepared exclusively for: **COMMUNITY BIBLE CHURCH, INC.**
 Survey Number: **23-06-123**



ALL SHOWN MEASURED BEARINGS ARE BASED UPON THE INDIANA EAST (1301) STATE PLANE COORDINATE SYSTEM VIA THE INCORS NETWORK



Michael C. Vodde
 MICHAEL C. VODDE, LS 20100011

AS INC.
 EST. 1978
 CIVIL ENGINEERING
 LAND SURVEYING
 LAND PLANNING
 WWW.ANDERSONSURVEYING.COM

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 Indiana Land Surveying Firm Identification Number: 29A
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 Fax: (260) 482-6855

2023110367
 ROSEMARY BROWN
 WHITLEY COUNTY RECORDER
 COLUMBIA CITY, IN
 5:25:00 TR. 4039649
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