

CORRECTED ORDINANCE
ORDINANCE NUMBER 2025-27

WHEREAS, the Petitioners hereinafter identified prepared an Ordinance for consideration and approval by the Common Council of the City of Columbia City, Indiana, which contained scrivener's errors in the legal description; and

WHEREAS, a correct legal description was nevertheless provided with the survey filed with the Petition and presented at the hearing; and

WHEREAS, for reasons unknown the Petitioners referenced utilities in the prior Ordinance that did not exist in the public way.

THEREFORE, the following Corrected Ordinance is submitted to the Common Council of the City of Columbia City, Indiana, for approval to replace and correct the prior Ordinance Number 2025-27.

ORDINANCE NUMBER 2025-27
VACATION OF PUBLIC WAY

Whereas, Mart E. Ballard and Sally J. Ballard, of the City of Columbia City, Whitley County, State of Indiana filed their Petition to Vacate Public Way pursuant to Indiana Code §36-7-3-12 with the Common Council of the City of Columbia City, Whitley County, Indiana on September 11, 2025; and

WHEREAS, a public hearing on said Petition was held on December 30th, 2025, 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 415 E. Hanna Street, Columbia City, Indiana, which property is adjacent to the public way to be vacated, and which public way is more particularly described as follows:

Part of Ohio Street in Swihart's Addition to the Town of Columbia, now called Columbia City, Whitley County, Indiana (This description prepared by Ryan D. Pepler, LS22300014, as part of original survey SE-149 completed by J.K. Walker and Associates, P.C., dated November 21, 2025), being more particularly described as follows, to wit:

BEGINNING at an 5/8-inch iron pin capped "Walker" at the Southeast corner of Lot Number 2 in Lovely's Addition as recorded in Document Number 87-4-321 in the records of Whitley County, Indiana; thence S72°-20'-42"E (GPS Grid bearing and used as the basis of bearings for this description), on and along the Easterly

projection of the South line of said Lot Number 2, a distance of 60.98 feet to the point of intersection with the East line of the Southwest Quarter of Section 11, Township 31 North, Range 9 East, Whitley County, Indiana; thence N02°-20'-08"E, on and along said East line, a distance of 231.11 feet to a 5/8-inch iron pin capped "Walker" at an Easterly corner of said Lot Number 2; thence S17°-38'-07"W, on and along the Southeasterly line of said Lot Number 2, a distance of 222.90 feet to the point of beginning, containing 0.16 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record; and

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 an adjacent parcel to said public way requested to be vacated and the owner of the other adjacent parcel to said public way has provided in writing a declination of interest in any portion of the public way; and

WHEREAS, in the event there are located utilities within the proposed public way to be vacated, the successor/s interest to the proposed vacated public way shall take ownership subject to such utilities and any easements shall be preserved pursuant to IC 36-7-3-16.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbia City, Indiana that the public way described as follows:

Part of Ohio Street in Swihart's Addition to the Town of Columbia, now called Columbia City, Whitley County, Indiana (This description prepared by Ryan D. Pepler, LS22300014, as part of original survey SE-149 completed by J.K. Walker and Associates, P.C., dated November 21, 2025), being more particularly described as follows, to wit:

BEGINNING at an 5/8-inch iron pin capped "Walker" at the Southeast corner of Lot Number 2 in Lovely's Addition as recorded in Document Number 87-4-321 in the records of Whitley County, Indiana; thence S72°-20'-42"E (GPS Grid bearing and used as the basis of bearings for this description); on and along the Easterly projection of the South line of said Lot Number 2, a distance of 60.98 feet to the point of intersection with the East line of the Southwest Quarter of Section 11,

Township 31 North, Range 9 East, Whitley County, Indiana; thence N02°-20'-08"E, on and along said East line, a distance of 231.11 feet to a 5/8-inch iron pin capped "Walker" at an Easterly corner of said Lot Number 2; thence S17°-38'-07"W, on and along the Southeasterly line of said Lot Number 2, a distance of 222.90 feet to the point of beginning, containing 0.16 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

is now vacated.

Be it further ordained that the vacated area shall be shown on the records of Whitley County, Indiana transferred to the owner of 415 E. Hanna Street, Columbia City, Indiana.

Be it further ordained that such vacation shall be subject to any utilities and/or easements located in the vacated area, which shall run with the land.

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

Be it further Ordained that if any section, sentence or provision of this Ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this Ordinance in which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

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

(Remainder of page intentionally left blank.)

BE IT ORDAINED THAT THIS CORRECTED ORDINANCE IS APPROVED AND PASSED
THIS 14 DAY OF April, 2026.

COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:



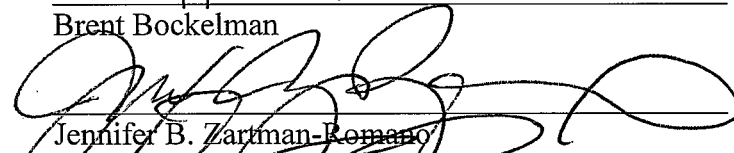
Daniel Weigold



Theodore J. Varga, Jr.

(opposed)

Brent Bockelman

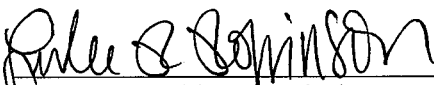


Jennifer B. Zartman-Romano



Ryan Adamson

Attest:



Leslee R. Robinson, Clerk-Treasurer

Approved this 14 day of April, 2026.



Ryan L. Daniel, Mayor
City of Columbia City