

ORDINANCE NUMBER 2026-6

VACATION OF PUBLIC WAY

Whereas, Trier Properties II, LLC, of the State of Indiana has filed This Petition to Vacate Alley with the Common Council of the City of Columbia City, Whitley County, Indiana; and

WHEREAS, a hearing on said Petition was held on February 10, 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 property located at Whitley Street, Columbia City, IN which property is adjacent to the public way to be vacated, and which public way is described as follows, to-wit:

Part of an alley lying between Lots Numbered 2 and 3 in Block 16, in the First Addition to the Town of Columbia now Columbia City, Whitley County, Indiana as follows:

Commencing at a 5/8-inch iron pin capped "Walker" found at the Northeast corner of said Lot Number 3; thence $S00^{\circ}-46'-15''E$, on and along the East line of said Lot Number 3, a distance of 31.38 feet to the point of intersection with the Southerly right-of-way line of the former Pennsylvania Railroad, also being at the Southeast corner of a certain tract of land recorded as Parcel One in Document Number 20190800371 in the records of Whitley County, Indiana, said corner further being situated 0.5 feet South of a 5/8-inch iron pin capped "Walker", said corner also further being at the POINT of BEGINNING; thence continuing $S00^{\circ}-46'-15''E$, on and along said East line, a distance of 117.12 feet to a 5/8 -inch iron pin capped "Walker" at the Southeast of said Lot Number 3; thence $N89^{\circ}-03'-12''E$ a distance of 16.50 feet to a 5/8-inch iron pin capped "Walker" at the Southwest corner of said Lot Number 2; thence $N00^{\circ}-46'-15''W$, on and along the West line of said Lot Number 2, a distance of 122.43 feet to a 5/8-inch iron pin capped "Walker" at the point of intersection with said Southerly right-of-way line, said iron pin being at the Southwest corner of a certain tract of land recorded as Parcel Two in said Document Number 2019080371, said iron pin further being situated $S00^{\circ}-46'-15''E$, a distance of 26.07 feet from the Northwest corner of said Lot Number 2; thence $S71^{\circ}-13'-13''W$, a distance of 17.35 feet to the point of beginning, containing 0.05 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.

WHEREAS, vacation of said 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 the jurisdiction to vacate the public way described in said Petition and has determined that the vacation is in the public interest; and

WHEREAS, there are utility poles, guy wires and overhead utility lines on the property and the Petitioner will work with the companies owning such lines to create an easement or easements for the access and maintenance of such lines, which easement/s the Petitioner shall provide to the City upon execution and recording and which easement/s shall then be preserved pursuant to IC 36-7-3-16.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbia City, Whitley County, Indiana that the public way described as follows: Part of an alley lying between Lots Numbered 2 and 3 in Block 16, in the First Addition to the Town of Columbia now Columbia City, Whitley County, Indiana, being more particularly described as follows, to wit: Commencing at a 5/8-inch iron pin capped "Walker" found at the Northeast corner of said Lot Number 3; thence $S00^{\circ}-46'-15''E$, on and along the East line of said Lot Number 3, a distance of 31.38 feet to the point of intersection with the Southerly right-of-way line of the former Pennsylvania Railroad, also being at the Southeast corner of a certain tract of land recorded as Parcel One in Document Number 20190800371 in the records of Whitley County, Indiana, said corner further being situated 0.5 feet South of a 5/8-inch iron pin capped "Walker", said corner also further being at the POINT of BEGINNING; thence continuing $S00^{\circ}-46'15''E$, on and along said East line, a distance of 117.12 feet to a 5/8 -inch iron pin capped "Walker" at the Southeast of said Lot Number 3; thence $N89^{\circ}-03'-12''E$ a distance of 16.50 feet to a 5/8-inch iron pin capped "Walker" at the Southwest corner of said Lot Number 2; thence $N00^{\circ}-46'-15''W$, on and along the West line of said Lot Number 2, a distance of 122.43 feet to a 5/8-inch iron pin capped "Walker" at the point of intersection with said Southerly right-of-way line, said iron pin being at the Southwest corner of a certain tract of land recorded as Parcel Two in said Document Number 2019080371, said iron pin further being situated $S00^{\circ}-46'-15''E$, a distance of 26.07 feet from the Northwest corner of said Lot Number 2; thence $S71^{\circ}-13'-13''W$, a distance of 17.35 feet to the point of beginning, containing 0.05 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.

Be it further ordained that such vacation shall be subject to an easement (or easements) in favor of the utilities owning utility poles and overhead wire (for the purpose of access and maintenance of such lines pursuant to IC 36-7-3-16 and, in furtherance thereof, the Petitioner, including its successors in interest, shall have no right or authority to improve or place any structures on the area to be vacated which would interfere with the easement rights of such utilities. Such utility easement/s shall run with the land.

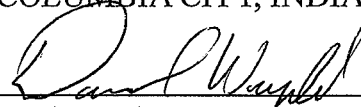
Be it further Ordained that the recitals shall be incorporated as if fully set forth herein.

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


Signature Page to follow

ORDAINED AND PASSED THIS 24th DAY OF February, 2026.

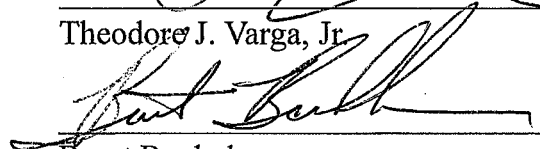
COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA:



Daniel Weigold




Theodore J. Varga, Jr.



Brent Bockelman

Jennifer B. Zartman-Romano



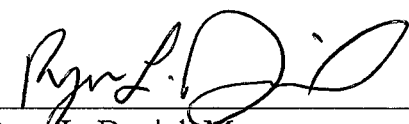
Ryan Adamson

Attest:



Leslee R. Robinson, Clerk-Treasurer

APPROVED THIS 24th DAY OF February, 2026



Ryan L. Daniel, Mayor
City of Columbia City