



ORDINANCE NO. 6 - 23

**ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN
THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA**

WHEREAS, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc. have filed their petition with the City of Muncie, Indiana, to vacate a portion of a the right of way of North Walnut Street in the City of Muncie, as more particularly described hereinafter; and

WHEREAS, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc. are or will be the owners of all of the land adjoining those the portion of the alley to be vacated; and

WHEREAS, notice of the filing of the petition and date of hearing on said petition has been given to all interested persons, or waived, and published as required by law; and

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or the City of Muncie; and

WHEREAS, the vacation will not hinder the use of any public way by the neighborhood in which it is located; and

WHEREAS, the vacation will not make access to the lands of any person difficult or inconvenient; and

WHEREAS, the vacation will not hinder the public's access to any church, school or other public building or place.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana, as follows:

1. The following portion of the right of way of North Walnut Street to the City of Muncie, is hereby vacated, subject to all easements of existing public utilities and restrictions of record, if any, and joined to Parcel No 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), currently owned by Muncie Community School Corporation and/or Young Men's Christian Association of Muncie, Indiana, Inc.:

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet (State Plane Coordinates 83 – Indiana, East) along the centerline of said Walnut Street; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.69 feet a point on the projected North line of Columbus Avenue as laid out in Whitely's 2nd Addition to the City of Muncie, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 949.65 feet to the point of beginning, and containing 0.87 acres more or less.

2. A survey of the right of way vacated hereby is attached hereto as Exhibit A.

3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Muncie, Indiana.

ORDINANCE No. U-23

	Yeas	Nays	Abstained	Absent
Jeff Green	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Isaac Miller	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Roger Overbey	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Roza Selvey	_____	_____	_____	_____
Troy Ingram	_____	_____	_____	_____

Passed by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2023.

Jeff Robinson, President
Common Council, City of Muncie

This ordinance presented by me, the Clerk of the City of Muncie, Indiana to the Mayor for his approval this _____ day of _____, 2023.

Belinda Munson
Clerk of the city of Muncie, Indiana

This ordinance signed and approved by me, the Mayor of the City of Muncie, Indiana, this _____ day of _____, 2023.

Dan Ridenour, Mayor of the City of Muncie, Indiana

ATTEST:

Belinda Munson, Clerk
of the city of Muncie, Indiana

This ordinance is proposed by council member Jerry Dishman: _____

This ordinance is approved in form by legal counsel: _____

[For Purposes of Recording in Real Estate Records]

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. Name: _____

EXHIBIT A

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:
Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysox Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet along the centerline of said Walnut Street; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.65 feet a point on the projected North line of Columbus Avenue as laid out in Whiteley's 2nd Addition to the City of Muncie, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 949.65 feet to the point of beginning, and containing 0.87 acres more or less.

Dated: January 27, 2023

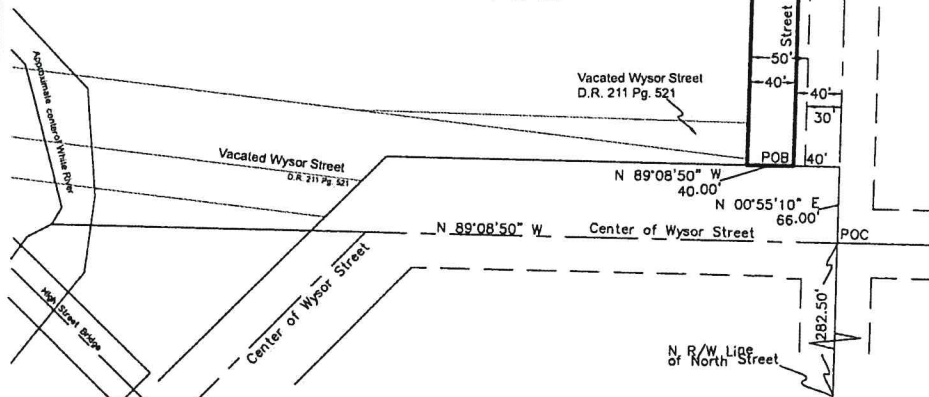
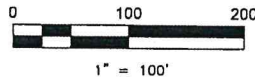
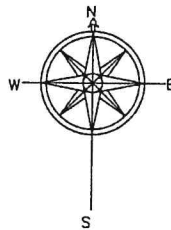
PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report

Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton

2. Flood Zone:
3. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C02340 of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011).
4. The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated: 01/27/2023
5. Ownership shown herein is per County Records or as indicated in title work provided by others.

Muncie Community Schools
Instr. 2015R04974



This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Revisions	
Date:	Reason:
Date:	Reason:
Drawn: SMK	
Date: 01/27/23	
Job: 20230388	
Client: Cole Brunton	
Owner: Muncie Community Schools	
Crew: EA	
Electronic Field Book	
Field Date: 01/26/23	
UPPS REF. #	

Street Vacation
609 North Walnut Street
Muncie, IN

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE (AST) ZONE (NORTH AMERICAN DATUM OF 1983, GRS 96 (NAD 2002.000))

I HEREBY UNDERTAKE TO MAINTAIN FOR MYSELF, MY EMPLOYER, AND MY SUCCESSORS, A RECORD OF THIS SURVEY, AND TO MAINTAIN THE SAME IN THE RECORDS OF THE COUNTY CLERK OF DELAWARE COUNTY, INDIANA.





STATE OF INDIANA)
)SS:
DELAWARE COUNTY)

BEFORE THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA

IN RE: MUNCIE COMMUNITY SCHOOL CORPORATION,
 YOUNG MEN'S CHRISTIAN ASSOCIATION OF MUNCIE, INDIANA, INC

Petitioners.

**PETITION TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY
IN THE CITY OF MUNCIE, INDIANA**

Comes now the Petitioners, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc., and respectfully petition the Common Council of the City of Muncie, Indiana to vacate a portion of the right of way of North Walnut Street. In support thereof the Petitioner states and references the property to be vacated, as follows:

I. VACATION OF RIGHT OF WAY

1. Petitioners seeks the vacation of a portion of the right of way of North Walnut Street in City of Muncie, all as described herein, and as shown on the survey drawing attached hereto as Exhibit "A".

2. The portions of said right of way to be vacated, and the abutting parcels to which they shall be joined, are legally described as follows:

The following portion of right of way of North Walnut Street, subject to all easements of existing public utilities and restrictions of record, and joined to the adjacent Parcel No. 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), which parcel is currently owned by the Muncie Community School Corporation:

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet (State Plane Coordinates 83 – Indiana, East) along the centerline of said Walnut Street; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.69 feet a point on the projected North line of Columbus Avenue as laid out in Whitely's 2nd Addition to the City of Muncie, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 949.65 feet to the point of beginning, and containing 0.87 acres more or less.

3. The Petitioners are the owner of all real estate adjacent to the portion of the right of way

sought to be vacated by this Petition.¹

4. There are no other entities with an ownership interest in the surrounding property excluding the City of Muncie, Indiana, and any utilities with easements in the streets and alleys to be vacated, if any.

5. A survey drawing showing the right of way which the Petitioners seek to vacate is attached hereto, made a part hereof, and marked "Exhibit A."

6. No person nor municipality nor utility will suffer by reason of the vacation of the said streets and alleys.

7. The proposed vacation of the streets and alleys will not make access to the lands of any person or entity difficult or inconvenient.

8. The proposed vacation will not damage the neighborhood in which it has been platted.

9. The vacation will not hinder the public access to any church, school or other public building or place nor will the vacation hinder the growth and/or orderly development of the neighborhood or the City of Muncie, Indiana.

10. Any vacation shall be subject to the rights of existing utilities, if any shall exist.

11. The Clerk of Common Council of the City of Muncie shall give notice of the petition and of the time and place of public hearing in the manner prescribed in IC 5-3-1.

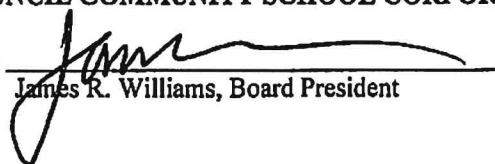
WHEREFORE, the Petitioners request that the above-described alley be vacated by ordinance of the Common Council of the City of Muncie, Indiana.

The undersigned, on behalf of Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc., affirm under the penalties of perjury that the foregoing representations are true to the best of their knowledge and belief.

¹ Please note there is a pending application to subdivide a lot from this parcel which will be conveyed to the Young Men's Christian Association of Muncie, Indiana, Inc.

MUNCIE COMMUNITY SCHOOL CORPORATION

By: _____

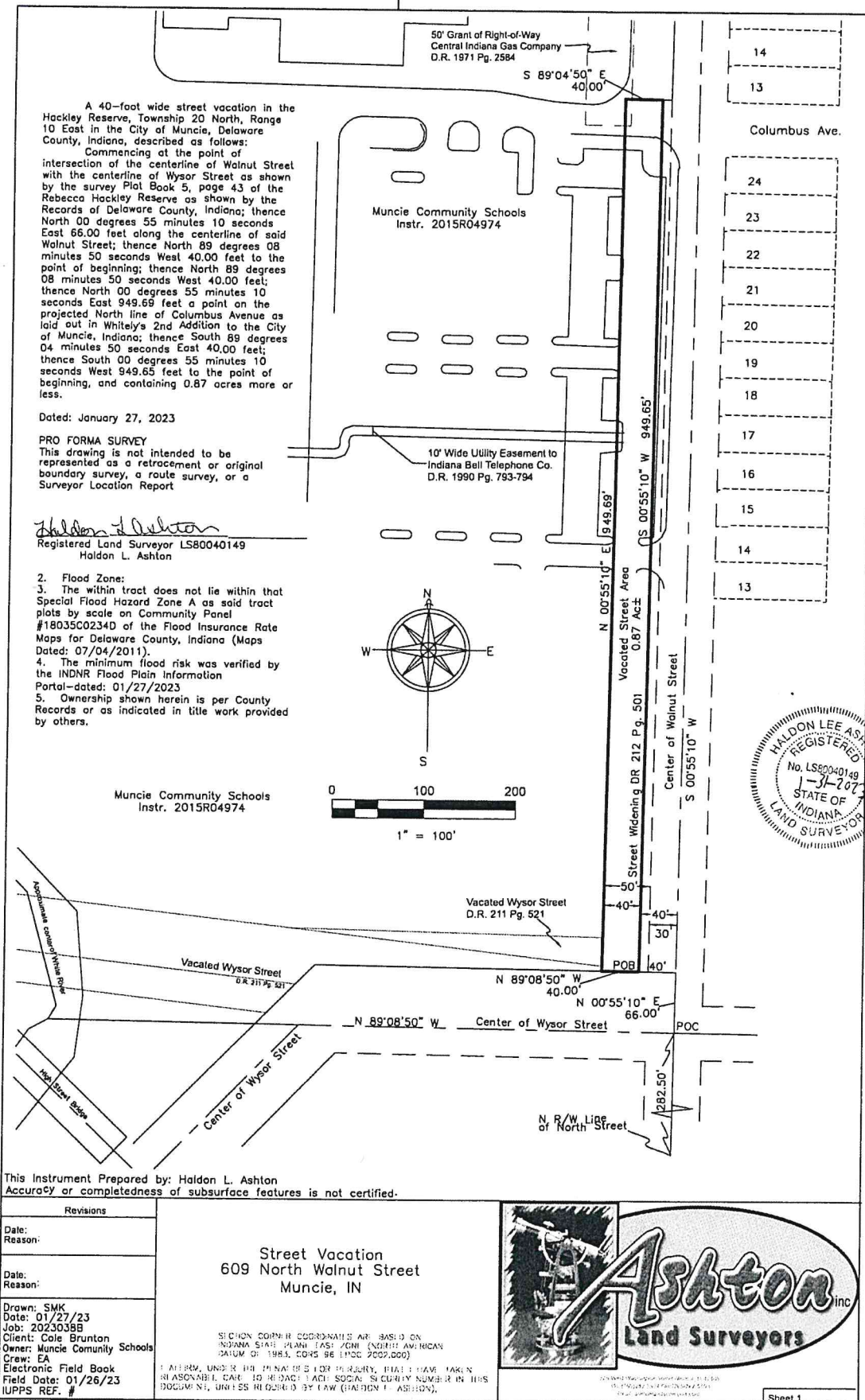

James R. Williams, Board President

YOUNG MEN'S CHRISTIAN ASSOCIATION OF MUNCIE, INDIANA, INC.

By: _____

Chad Zaucha, CEO

EXHIBIT A



PUBLIC NOTICE

You are notified that the Muncie Community School Corporation and the Young Men's Christian Association of Muncie, Indiana, Inc. have filed a Petition (Ordinance 6-23) with the Common Council of the City of Muncie vacate a portion of the right-of-way of Walnut Street, more specifically described as follows:

1. The following portion of the right of way of North Walnut Street to the City of Muncie, is hereby vacated, subject to all easements of existing public utilities and restrictions of record, if any, and joined to Parcel No 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), currently owned by Muncie Community School Corporation:

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You are further notified that said Petition and the things at issue will be heard by the Common Council of the City of Muncie, Indiana on March 6, 2023 at 6:45 PM in the City Hall Auditorium, 300 North High Street, Muncie, Indiana, 47305.

Belinda Munson
Clerk of the Common Council

MNI - 2/23/23 - 0005604657

hspaxlp