

COUNTY OF WELLS, INDIANA

ORDINANCE NO. 2023- 06

AN ORDINANCE VACATING A PORTION OF A PLATTED PUBLIC
WAY IN THE TOWN OF BANNER CITY, WELLS COUNTY, INDIANA

WHEREAS, David F. Driscoll and Heidi C. Driscoll, husband and wife, Theodore B. Mitchell, and Travis Searles (hereinafter “Petitioners”) have filed a Petition to Vacate a Portion of a Public Way (hereinafter the “Petition”) to vacate a portion of a platted public way as more particularly set forth in the Petition pursuant to Indiana Code 36-7-3-12, by delivery to the Wells County Attorney and Auditor of Wells County on or about May 10, 2023; and

WHEREAS, the Board of Commissioners of the County of Wells (hereinafter “Board”), in its legislative role, determined to hear this matter at a public hearing on June 5, 2023 pursuant to Ind. Code 36-7-3-12(c) (hereinafter the “Hearing”); and

WHEREAS, the Board, via the Wells County Auditor, have given the public notice and opportunity to be heard at the Hearing concerning the Petition as per legal notice appearing in the Bluffton News-Banner on May 25, 2023, which was delivered to the statutory recipients by certified mail on May 24, 2023 and May 26, 2023; and

WHEREAS, the Board did not receive any remonstrance or objection permitted under Ind. Code 36-7-3-13 prior to the public hearing; and

WHEREAS, the Board, has at the Hearing considered the Petition and the comments in relation thereto by all interested parties, including members of the community; and has determined that it is appropriate to grant the Petitioners’ request; and

WHEREAS, it appears that all other requirements of Indiana law, both common law and statute, have been met;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS, INDIANA, THAT:**

Section 1. The following described portion of a platted public way in Banner City, Wells County, Indiana, (hereinafter "the Street") be vacated, to-wit:

A part of the alleys in Banner City being located on the southeast quarter of Section 34, Township 28 North, Range 11 East, Union Township, Wells County, Indiana, described as follows:

Beginning at the southwest corner of Lot 33; thence west, 20 feet to the southeast corner of Lot 34; thence north, 150 feet to the northeast corner of Lot 34; thence west, 150 feet to the northwest corner of Lot 36; thence north 20 feet to the north line of an alley; thence east, 150 feet to a corner of an alley being located 20 feet north of the northeast corner of said Lot 34; thence north, 150 feet to a corner of an alley being located 20 feet west of the northwest corner of Lot 39; thence east 20 feet to the northwest corner of Lot 39; thence south, 150 feet to the southwest corner of Lot 37; thence east, 150 feet to the southeast corner of said Lot 37; thence south, 20 feet to the northeast corner of Lot 31; thence west 150 feet to the northwest corner of said Lot 33; thence south, 150 feet along the west line of said Lot 33 to the place of beginning.

Section 2. This vacation of the Street does not deprive any public utility, if any, that is occupying and using all or part of the Street for the location and operation of its facilities, from the use of all or any part of the Street.

Section 3. The Petitioners shall reimburse the County for all costs incurred in providing the statutorily required notice of the Hearing to the Auditor.

Section 4. This Ordinance shall be in full force and effect upon passage by the Board of Commissioner of the County of Wells, subject to the rights of any aggrieved person to appeal the Ordinance pursuant to Ind. Code 36-7-3-12(f).

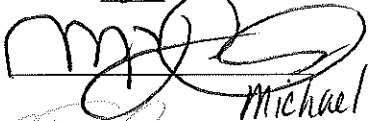
Passed by the Board of Commissioners of the County of Wells County, Indiana, this 5th

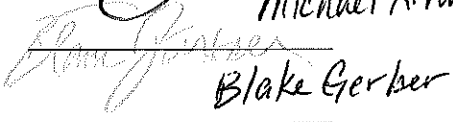
day of June, 2023, by the following vote:

AYES 2, to-wit:

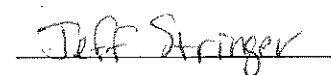
NAYES , to-wit:

ABSENT 1, to-wit:




Michael K. Vanover


Blake Gerber

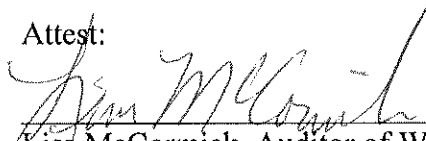


Jeff Stringer



Michael K. Vanover, President of the Board of
Commissioners of the County of Wells, Indiana

Attest:



Lisa McCormick, Auditor of Wells County

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.
Lisa McCormick

PREPARED BY:

Theodore T. Storer