



COUNTY OF WELLS, INDIANA

ORDINANCE NO. 2023- 18

AN ORDINANCE VACATING A PORTION OF CERTAIN PUBLIC WAYS
IN THE TOWN OF PETROLEUM, IN NOTTINGHAM TOWNSHIP,
WELLS COUNTY, INDIANA

WHEREAS, Mark W. Shaffer and Karen S. Shaffer (hereinafter “Petitioners”) have filed a Petition to Vacate a Portion of a Public Way (hereinafter the “Petition”) to vacate to vacate various portions of the alleys situated in the Town of Petroleum in Nottingham Township, Wells County, Indiana 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 October 6, 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 November 6, 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 October 26, 2023, and no other direct notice appears to be necessary under the statute; 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 to vacate various portions of the alleys situated in the Town of Petroleum in Nottingham Township, Wells County, Indiana, (hereinafter "the Street") be vacated, to-wit:

The 12 foot wide alley between lots numbered Nine (9) and Ten (10) as known and designated on the recorded plat of Hoppes 2nd Addition to the Town of Petroleum.

Beginning at the Northwest corner of said lot number 9; thence South to the Southwest corner of said lot numbered 9; thence West 12 feet to the Southeast corner of lot numbered 10; thence North 150 feet to the Northeast corner of said lot numbered 10; thence East 12 feet to the place of beginning.

All as shown by Stoodly Associates, Professional Land Surveyors, on file number W-10426.

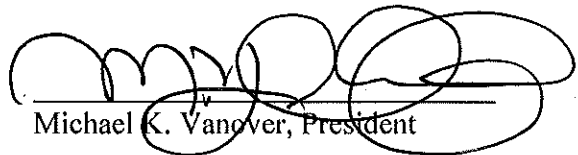
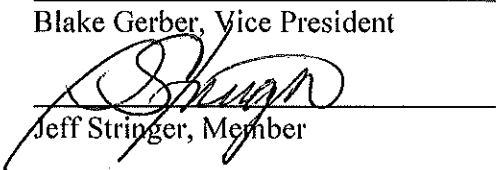
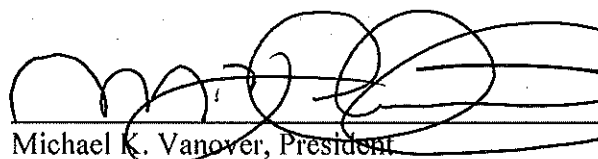
Section 2. This vacation of the Street does not deprive any public utility, if any, that is occupying and using all or part of the Street for the location and operation of its facilities, from the use of all or any part of the Street.

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

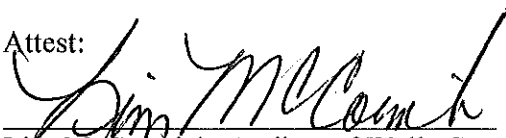
Section 4. This Ordinance shall be in full force and effect upon passage by the Board of Commissioner of the County of Wells, subject to the rights of any aggrieved person to appeal the Ordinance pursuant to Ind. Code 36-7-3-12(f).

Passed by the Board of Commissioners of the County of Wells County, Indiana, this 6th

day of November 2023, by the following vote:

	AYE	NAYE	ABSENT
 Michael K. Vanover, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blake Gerber, Vice President	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Jeff Stringer, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael K. Vanover, President Board of Commissioners of the County of Wells	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest:


Lisa McCormick, Auditor of Wells County

This instrument prepared by the Wells County Attorney, Theodore T. Storer, Attorney No. 17576-02, Attorney at Law, 110 West Berry St. Ste. 1100, Fort Wayne, IN 46802. *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. /s/ Theodore T. Storer*