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Rina E. Stuck
Wells County Recorder IN
Recorded as Presented

COUNTY OF WELLS, INDIANA

ORDINANCE NO. 2026-16

AN ORDINANCE VACATING A PORTION OF A PLATTED PUBLIC WAY
IN WELLS COUNTY, INDIANA

WHEREAS, Jason Willis (the "Petitioner") has filed a Petition to Vacate 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 September 11, 2026; 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 October 5, 2026 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 and Ossian Journal on September 17, 2026, which was delivered to the statutory recipients by mail on September 14, 2026; 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 (Ind. Code § 36-7-3-13(a)(1)-(4)), have been met in that the vacation will not:

a. hinder the growth or orderly development of a unit or neighborhood in which it is located or to which it is contiguous;

b. make access to lands by means of public way difficult or inconvenient;

c. hinder the public's access to a church, school, or other public building or place; and

d. hinder the use of a public way by a neighborhood in which it is located or to which it is contiguous.

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 at Mulberry Street in the Rockford Addition platted area, Wells County, Indiana, (hereinafter "the Street") be vacated, to-wit:

See Exhibit A for Legal Description

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 Petitioner 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 October 2026, by the following vote:

	AYE	NAY	ABSENT
Jeff Stringer, President	✓		
Michael K. Vanover, Vice President	✓		
Blake Gerber, Member	✓		

Jeff Stringer, President
Board of Commissioners of the County of Wells

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*

EXHIBIT A (legal description)

Part of Rockford Addition as shown In Plat Book 2, Page 83 in the Office of the Recorder of Wells County, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 7 in said Rockford Addition; thence Southerly, a distance of 33.00 feet along the Southerly extension of the East line of said Lot 7, being the Westerly right-of-way line of Cass Street to the South right-of-way line of Rock Street; thence Westerly, a distance of 153.00 feet along said South right-of-way line to the West right-of-way line of Mulberry Street; thence Northerly, a distance of 153.00 feet along said right-of-way line to the South line of an existing tract described in Document Number 20233412 in the Office of the Recorder of Wells County, Indiana; thence Easterly, a distance of 33.00 feet along said South line to the East right-of-way line of said Mulberry Street; thence Southerly, a distance of 120.00 feet (Deed) along said right-of-way line to the North right-of-way line of Rock Street; thence Easterly, a distance of 120.00 feet (Plat) along said right-of-way line to the Point of Beginning. Containing 0.207 acres, more or less. Subject to the rights-of-way of Mulberry Street, Rock Street, and easements of record.