FILED

AUG 31 2020

Belinda Munson
MUNCIE CITY CLERK

MUNCIE CITY COUNCIL

ORDINANCE 30 -20

TO AMEND ORDINANCE 28-19 ENTITLED AN ORDINANCE TO VACATE WADE [SIC] AVENUE IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA

WHEREAS, the Common Council of the City of Muncie adopted Ordinance 29-19 on the 7th day of October, 2019, vacating a portion of Waid Avenue in Whitely's Second Addition to the City of Muncie; and

WHEREAS, the Delaware County Auditor's Office has requested clarification as to the legal descriptions of the vacated street and the tax identified parcels to which such vacated alleys and streets will attach; and

WHEREAS, Muncie Sanitary District filed its petition with the City of Muncie, Indiana, to vacate a portion of the public street, more specifically described as follows:

A part of Rochester and Muncie Land Company's Subdivision of the Muncie Land Company's Addition to the City of Muncie, Indiana, as recorded in Plat Book I, page 55 in the Office of the Recorder of Delaware County, Indiana, more particularly described as follows: Beginning at the southeast comer of Lot 7 of Block 9 of Rochester and Muncie Land Company' s Addition to the City of Muncie, Indiana; thence South 0 degrees 43 minutes 44 seconds West (assumed bearing) 60.00 feet, along the prolonged east line of said Lot 7 to the northeast comer of Lot I of Block 18 of said Subdivision; thence North 89 degrees 42 minutes 07 seconds West 272.00 feet along the north line of said Block 18 to the northwest comer of said Lot 14; thence North 0 degrees 43 minutes 44 seconds East 60.00 feet, along the prolonged west line of said Lot 14 to the southwest corner of Lot 8 of said Block 9; thence South 89 degrees 42 minutes 07 seconds East 272.00 feet along the south line of said Block 9 to the Point of Beginning and containing 16,320 square feet, more or less.

all as shown on the legal description prepared by Dewey L. Witte, RLS dated August 18, 2020, attached hereto as Exhibit A, reserving, however, an easement for existing public utilities and subject to restrictions of record; and

WHEREAS, Muncie Sanitary District is the owners of all of the land adjoining on all sides the public street as described above sought 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 parties, 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:

Section 1. Ordinance 28-19 is hereby amended as provided herein.

Section 2. The following described portion of the public street laid out and platted as public rights-of-way in the City of Muncie, Indiana, to-wit:

A part of Rochester and Muncie Land Company's Subdivision of the Muncie Land Company's Addition to the City of Muncie, Indiana, as recorded in Plat Book I, page 55 in the Office of the Recorder of Delaware County, Indiana, more particularly described as follows: Beginning at the southeast comer of Lot 7 of Block 9 of Rochester and Muncie Land Company' s Addition to the City of Muncie, Indiana; thence South 0 degrees 43 minutes 44 seconds West (assumed bearing) 60.00 feet, along the prolonged east line of said Lot 7 to the northeast comer of Lot I of Block 18 of said Subdivision; thence North 89 degrees 42 minutes 07 seconds West 272.00 feet along the north line of said Block 18 to the northwest comer of said Lot 14; thence North 0 degrees 43 minutes 44 seconds East 60.00 feet, along the prolonged west line of said Lot 14 to the southwest corner of Lot 8 of said Block 9; thence South 89 degrees 42 minutes 07 seconds East 272.00 feet along the south line of said Block 9 to the Point of Beginning and containing 16,320 square feet, more or less.

is hereby vacated, reserving an easement for existing public utilities and subject to restrictions of record.

Section 3. The public street so vacated shall become the property of the adjoining owner, Muncie Sanitary District, in accordance with the drawing by Beam Longest Neff dated August 12, 2020, attached as Exhibit B, and a part of the tax identified parcels as shown on the parcel key list attached as Exhibit C. The Auditor of Delaware County, Indiana, shall enter upon

his records the vacation of such alleys and streets and attach the same to the tax identified parcels as shown in these exhibits.

Section 4. This ordinance shall become effective on the date of passage.

Passed by the Common Council of the City of Muncie, Indiana, this ____ day of _____, 2020.

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Ray Dudley	_____	_____	_____	_____
Bradley Polk	_____	_____	_____	_____
Jerry D. Dishman	_____	_____	_____	_____
Anitra Davis	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Troy A. Ingram	_____	_____	_____	_____
Richard M. Ivy	_____	_____	_____	_____

_____
President
City Council, City of Muncie

Presented by me to the Mayor for his approval, this _____day of _____, 2020.

_____
Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2020.

_____
Dan Ridenour, Mayor

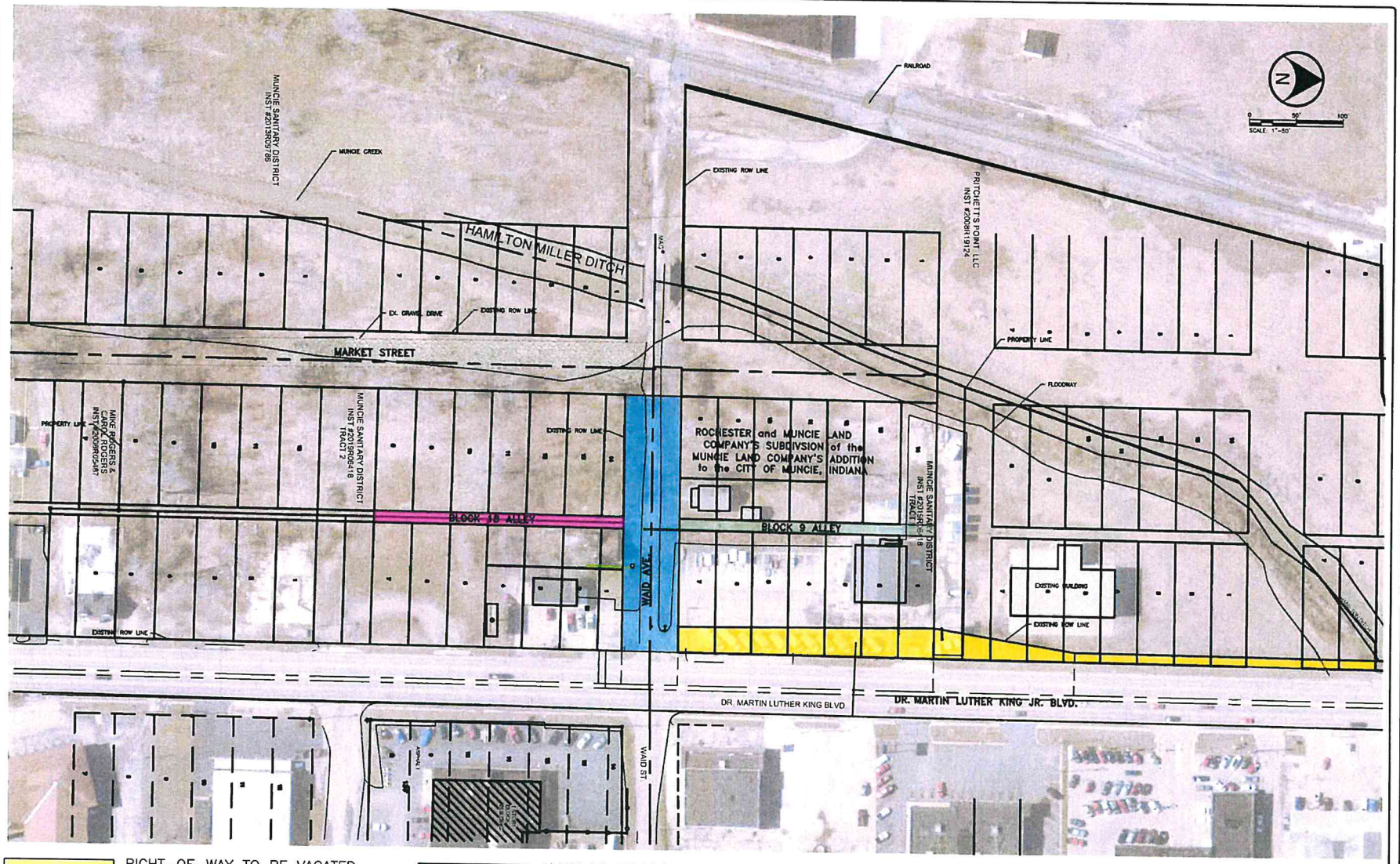
ATTEST:

_____
Belinda Munson, City Clerk

This ordinance is proposed by Council Member _____.

This ordinance is approved in form by Controller _____.

This ordinance is approved in form by Legal Counsel _____.



RIGHT-OF-WAY TO BE VACATED DR. MLK JR. BLVD.

WAID AVE. VACATED RIGHT-OF-WAY

ALLEY TO BE VACATED BLOCK 9

ALLEY TO BE VACATED BLOCK 18

Muncie SANITARY DISTRICT

BLN BEAM·LONGEST·NEFF

NOT FOR CONSTRUCTION

PRELIMINARY PLANS FOR:
SANITATION BUILDING
2200 N DR. MLK JR. BLVD, MUNCIE, DELAWARE, INDIANA 47303
MUNCIE SANITARY DISTRICT
300 N HIGH STREET

VACATING RIGHT-OF-WAY EXHIBIT - A

PLAN DATE: 02/12/2020
DESIGN: EMM | CHECK: JCK | DRAWN: TBE
PROJECT NO: 140085
SHEET NO: EXHIBIT A

EXHIBIT A"

WAID AVENUE VACATION

A part of Rochester and Muncie Land Company's Subdivision of the Muncie Land Company's Addition to the City of Muncie, Indiana, as recorded in Plat Book 1, page 55 in the Office of the Recorder of Delaware County, Indiana, more particularly described as follows: Beginning at the southeast corner of Lot 7 of Block 9 of Rochester and Muncie Land Company's Addition to the City of Muncie, Indiana; thence South 0 degrees 43 minutes 44 seconds West (assumed bearing) 60.00 feet, along the prolonged east line of said Lot 7 to the northeast corner of Lot 1 of Block 18 of said Subdivision; thence North 89 degrees 42 minutes 07 seconds West 272.00 feet along the north line of said Block 18 to the northwest corner of said Lot 14; thence North 0 degrees 43 minutes 44 seconds East 60.00 feet, along the prolonged west line of said Lot 14 to the southwest corner of Lot 8 of said Block 9; thence South 89 degrees 42 minutes 07 seconds East 272.00 feet along the south line of said Block 9 to the Point of Beginning and containing 16,320 square feet, more or less.

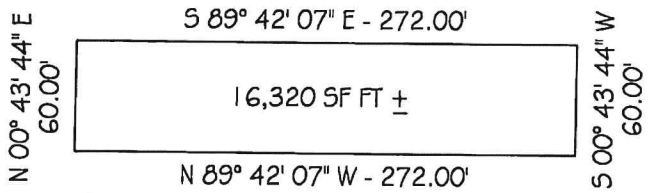
This description was prepared for the Muncie Sanitary District by Beam, Longest and Neff, L.L.C.

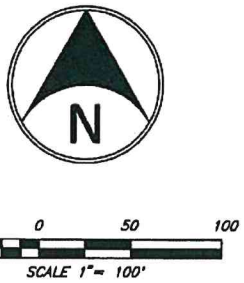
Dewey L. Witte 08/18/2020

Dewey L. Witte — Date
Indiana Registered Land Surveyor
License Number LS29800022
Revised 8-18-2020

DEWEY L. WITTE
REGISTERED
No.
LS29800022
STATE OF
INDIANA
LAND SURVEYOR

EXHIBIT "A"
PORTION OF WAID AVENUE VACATION



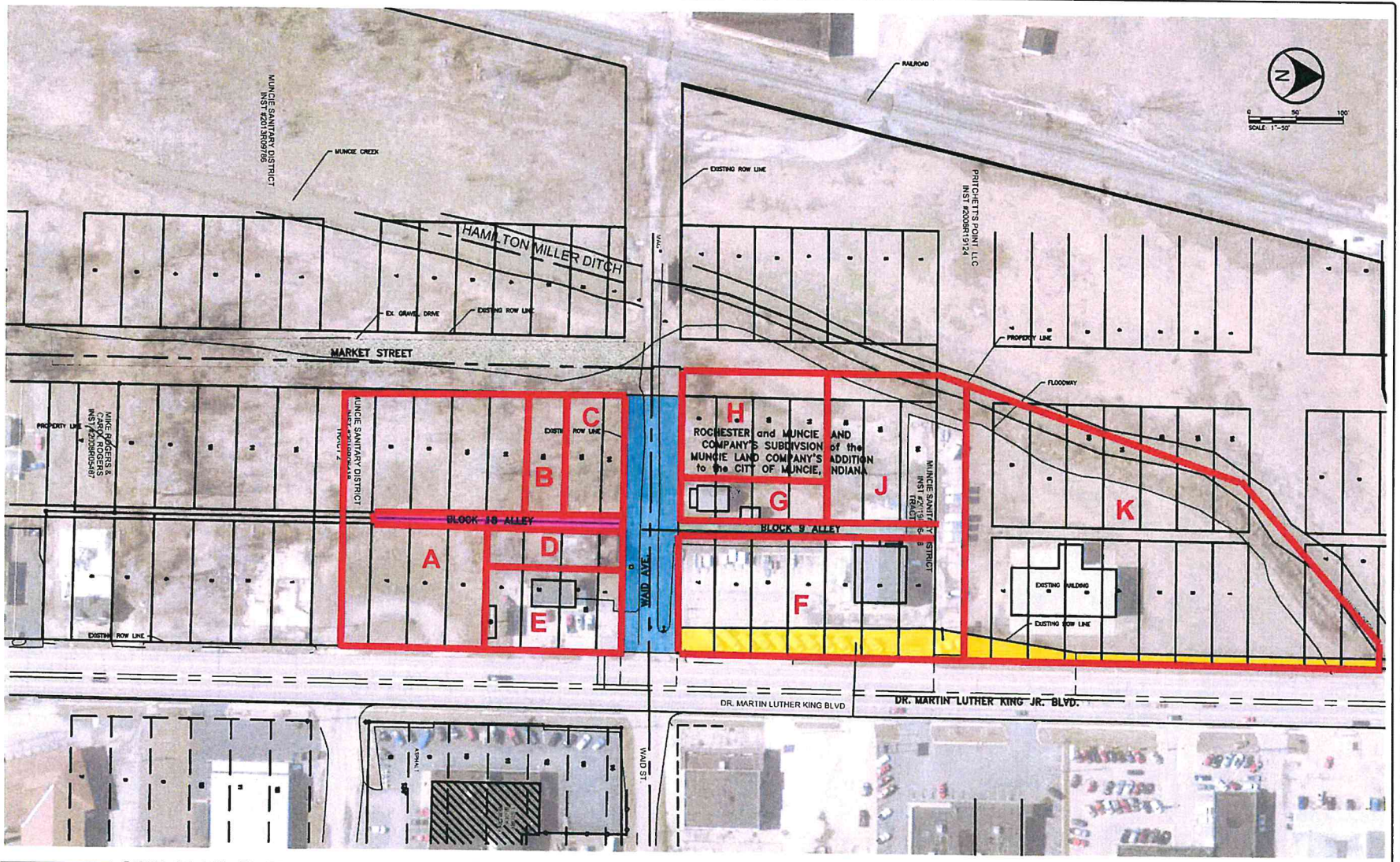


NOTE:
THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A FIELD CHECK. ITS SOLE PURPOSE IS FOR GRAPHIC REPRESENTATION AND IN NO WAY IS TO BE CONSTRUED AS A BOUNDARY SURVEY.

Dewey L. Witte 08/18/2020
Dewey L. Witte Date
Registered Land Surveyor No. LS29800022
State of Indiana

REVISED TITLE 08-18-2020 DL WITTE

BLN
BEAM·LONGEST·NEFF
8320 Craig St. Indianapolis, Indiana 46250
Telephone: (317) 849-5832
www.b-l-n.com



RIGHT-OF-WAY TO BE VACATED
DR. MLK JR. BLVD.

WAID AVE. VACATED RIGHT-OF-WAY

ALLEY TO BE VACATED
BLOCK 9

ALLEY TO BE VACATED
BLOCK 18

Muncie
SANITARY DISTRICT

BLN
BEAM·LONGEST·NEFF

REVISIONS/ISSUES	DATE	BY

NOT FOR CONSTRUCTION

PRELIMINARY PLANS FOR:
SANITATION BUILDING
2200 N DR. M.L.K. JR. BLVD, MUNCIE, DELAWARE, INDIANA 47303
MUNCIE SANITARY DISTRICT
300 N HIGH STREET

VACATING RIGHT-OF-WAY EXHIBIT B

PLAN DATE: 08/12/2020

DESIGN	CHECK	DRAWN
UAM	JCK	TBE

PROJECT NO: 140085

SHEET NO: EXHIBIT B

P:\140085 Sanitation Bldg\DWG\C3D - Drawings & Reference\Vacated Plat\140085 Sheet Vacated Plat\140085 Exhibit_C3D01 02.13.dwg Wednesday, February 12, 2020 10:22:53 AM

EXHIBIT C

ID	PARCEL #	OWNER	BLOCK	LOT #	RECORD
C	18-11-03-453-001.000-003	Muncie Sanitary District	18	13-14	INST. #2019R06418
D	18-11-03-453-044.000-003	Muncie Sanitary District	18	Part of 1-4	INST. #2019R06418
E	18-11-03-453-046.000-003	Muncie Sanitary District	18	Part of 1-4	INST. #2019R06418
F	18-11-03-409-013.000-003	Muncie Sanitary District	9	1-7	INST. #2019R06418
G	18-11-03-409-011.000-003	Muncie Sanitary District	9	Part of 8-11	INST. #2019R06418
H	18-11-03-409-007.000-003	Muncie Sanitary District	9	Part of 8-11	INST. #2019R06418