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AN ORDINANCE VACATING AN ALLEY ADJACENT TO LOTS 7 AND 8 IN THE JANNIE WARRENS SUBDIVISION NO. 4 ON DIAMOND LAKE, KOSCIUSKO COUNTY, INDIANA

## ORDINANCE NUMBER <u>25.62-25-00 \</u>

WHEREAS, Kevin Hohman, has filed a petition to vacate an unimproved alley lying between Lots 7 and 8 in the Jannie Warrens Subdivision No. 4 on Diamond Lake; and,

WHEREAS, the petition to vacate the alley, and notice thereof, as well as of the notice of the hearing on February 11, 2025 were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and

WHEREAS, on February 11, 2025 the Petitioner has appeared and presented his Petition to vacate the alley and street, and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrances or objections by persons aggrieved by the proposed vacations (as defined by statute) and the areas sought to be vacated are not necessary to the growth of any municipality, do not make access to the lands of any person by means of public way impossible, do not eliminate the public's access to a church, school or other public building or place, and do not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and,

WHEREAS, it is proper and appropriate that the undeveloped alley should be vacated;

NOW, THEREFORE, be it ordained by the County Commissioners of Kosciusko County, Indiana, that:

- 1. The County Commissioners of Kosciusko County, Indiana now find that there are no statutory reasons, nor any other valid reason, why said undeveloped alley described in the Petition should not be vacated and the County Commissioners further find that the alley should, THEREFORE, be vacated.
  - 2. The following described real estate situated in the Kosciusko County, Indiana, described as follows:
  - A. All of the unimproved alley lying between Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, specifically beginning at the Southeast corner of Lot 8, thence Westward along the South line of Lot 8 a distance of 100 feet; thence Southernly a distance of 20 feet to the Northwest corner of Lot 7; thence Easternly along the North property line of said Lot 7 a distance of 100 feet to the Northeast corner of Lot 7; thence Northward 20 feet to the point of beginning. This description is intended to include all of the platted alley lying between the original plat of Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4.

should be and are now hereby vacated.

Done this 11th day of February, 2025

RECEIVED

FEB 2 5 2025

Auditor of Kosciusko County

Groninger, President

1 / 1 1 / 1

Robert Conley

Attest:

liussa Schmucker

This Ordinance prepared by Rockhill Pinnick LLP, Scott E. Reust, 105 East Main Street, Warsaw, IN 46580.

STATE OF INDIANA KOSCIUSKO COUNTY SS:

## BEFORE THE KOSCIUSKO COUNTY COMMISSIONERS

IN RE: THE PETITION OF

KEVIN HOHMAN

## PETITION TO VACATE UNIMPROVED ALLEY IN THE JANNIE WARREN'S SUBDIVISION NO. 4 ON DIAMOND LAKE

The undersigned Petitioner is the owner of real estate in Jannie Warrens Subdivision No. 4, on Diamond Lake, Kosciusko County, Indiana, and by reason of that ownership interest is entitled to bring this Petition with regard to a portion of adjacent alley all as follows:

- 1. The undersigned Petitioner is the owner of the following property:
- a. Lot No. 7 in the Jannie Warren Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana; commonly known as Lot South of 5344 W. Warren Ave. Silve Lake 46982;
  - b. A tract of land adjoining Lot No. 7 in the Jannie Warren Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, and extending in a Northeasterly direction as follows:

Beginning at the most easterly corner of Lot #7, thence Northeasterly 70 feet to an iron pipe on the property line, thence North on the property line 83.4 feet to an iron pipe, thence Southwesterly 102.0 feet to an iron pipe, the Northeast corner of Lot #8, thence Southeasterly 74.4 feet along the Northeast border of Lot #7, the point of beginning. Commonly known as Lot Southwest of 5344 W. Warren Ave., Silver Lake 46982.

c. Commonly known as 5344 W. Warren Ave., Silver Lake, IN 46982:

Tract I: Lot Numbered Eight (8) in Jannie Warren's Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana.

Tract II: A tract of ground in the Northwest Quarter of the Southeast Quarter of Section 26, Township 31 North Range 5 East, more particularly described as follows:

Beginning at the most Easterly corner of Lot Number 8 in Janne Warren's Subdivision No. 4 on Diamond Lake, running thence in a Northwesterly direction along the Northeasterly line of said Lot 50 feet to the most Northerly corner of said Lot Number 8: thence in a Northeasterly direction on the extension of the Northwesterly line of said Lot Number 8 at is original bearing, 122.6 feet, more or less, to the East line of said Quarter Quarter Section; - thence South on the East

line of said Quarter Quarter Section, 58 feet; thence in a Southwesterly direction 102 feet more or less, to the Place of Beginning.

- 2. The following described alley adjacent to the real estate of the Petitioner should be vacated. The right-of-way to be vacated is described in two parts, as follows:
  - A. All of the unimproved alley lying between Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, specifically beginning at the Southeast corner of Lot 8, thence Westward along the South line of Lot 8 a distance of 100 feet; thence Southernly a distance of 20 feet to the Northwest corner of Lot 7; thence Easternly along the North property line of said Lot 7 a distance of 100 feet to the Northeast corner of Lot 7; thence Northward 20 feet to the point of beginning. This description is intended to include all of the platted alley lying between the original plat of Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4.
- 3. The owners of the property abutting the public way are as follows:
  - a. Larry and Debra Smith, 5333 W. Warren Ave., Silver Lake, IN 46982;
  - b. Mark and Donna Pollard, 5323 W. Warren Ave., Silver Lake, IN 46982;
  - c. Elizabeth and James Glasson, 5313 W. Warren Ave., Silver Lake, IN 46982.
- 4. The areas proposed to be vacated and described in paragraph 2, above, are platted as an alley but is undeveloped and unimproved and have never been developed or improved since the recording of the original Plat on the 5th day of April, 1957.
- 5. The right-of-way for which vacation is sought has never been opened, developed, maintained, or used as a public way and not believed to contain any public utilities.
- 6. To the knowledge of Petitioner, no utility easements exist in the area to be vacated; in the event that any utility easement does exist, Indiana law requires that those easements remain, even if the vacation is granted.
- 7. The area sought to be vacated is not necessary to the growth of any municipality; is not necessary for any person to have access to such persons= lands; will not eliminate the public access to a church, school or other public building or place; and will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.
- 8. The area to be vacated has not been regularly used by the public for any purpose and have been utilized by the Petitioner and his predecessor owners as a part of their lawn and yard.

THEREFORE, Petitioner respectfully requests the Board of Commissioners of Kosciusko County, Indiana, schedule a proper hearing, conduct a hearing and approve this Petition, and introduce and pass an ordinance providing for the vacation of the areas sought to be vacated, and for all other relief proper in the premises and consistent with this Petition.

Dated: January <u>20</u>, 2025.

#### **VERIFICATION**

The undersigned affirms, under the penalties for perjury, that the above and foregoing representations are true to the best of my knowledge and belief this day of January 2025.

Kevin Hohman

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.

Denise Keller

### NOTICE OF PUBLIC HEARING STATE OF INDIANA KOSCIUSKO COUNTY SS:

BEFORE THE COUNTY COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA IN RE: THE PETITION OF KEVIN HOHMAN
TO VACATE AN ALLEY IN THE JANNIE WARREN'S SUBDIVISION NO. 4 ON DIAMOND LAKE, KOSCIUSKO COUNTY, INDIANA

#### TO THE CITIZENS OF KOSCIUSKO COUNTY INDIANA

YOU ARE HEREBY NOTIFIED that a Petition has been filed with the Board of Commissioners of Kosciusko County, Indiana, by Kevin Hohman, requesting the vacation by ordinance of an alley in the Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, more particularly described as follows:

A. All of the unimproved alley lying between Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, specifically beginning at the Southeast corner of Lot 8, thence Westward along the South line of Lot 8 a distance of 100 feet; thence Southernly a distance of 20 feet to the Northwest corner of Lot 7; thence Easternly along the North property line of said Lot 7 a distance of 100 feet to the Northeast corner of Lot 7; thence Northward 20 feet to the point of beginning. This description is intended to include all of the platted alley lying between the original plat of Lot 7 and Lot 8 in the Jannie Warrens Subdivision No. 4.

YOU ARE HEREBY NOTIFIED that the Board of Commissioners of Kosciusko County, Indiana, has set the Petition for hearing at 9:30 a.m. on February 11, 2025, at the Courthouse, 100 West Center Street, Warsaw, Indiana 46580.

Any person may appear and be heard upon the Petition at the time, date and place above scheduled for hearing and/or may send written comments or response to the Auditor of Kosciusko County, Indiana at 100 West Center Street, Warsaw, IN 46580.

After hearing, the Petition may be granted, denied or continued and an ordinance may be introduced and passed according to law, providing for the vacation of said alley and street.

Witness my hand this 21 day of January 2025.

Alyssa Schmucker, Auditor Kosciusko County, Indiana

ROCKHILL PINNICK, LLP By Scott E. Reust 105 East Main Street Warsaw, Indiana 465880 574-267-6116 Attorneys for Petitioner

### STATE OF INDIANA KOSCIUSKO COUNTY SS:

## BEFORE THE KOSCIUSKO COUNTY COMMISSIONERS

IN RE: THE PETITION OF KEVIN HOHMAN

### AFFIDAVIT OF NOTICE OF PUBLIC HEARING TO ADJACENT PROPERTY OWNER

The undersigned, Scott E. Reust, does now certify that actual notice of the public hearing by the County Commissioners of Kosciusko County, Indiana, regarding the above petition to vacate an alley in the Jannie Warren's Subdivision No. 4 on Diamond Lake, Kosciusko County, Indiana, has been given to each of the adjacent owners who abut or touch the property to be vacated, in addition to the Petitioner, including the following:

- a. Larry D and Debra L Smith, 5333 W. Warren Ave, Silver Lake, IN 46982;
- b. Mark and Donna Pollard, 5323 W. Warren Ave, Silver Lake, IN 46982;
- c. Elizabeth and James Glasson, 5313 W. Warren Ave., Silver Lake, IN 46982;

Except for the Petitioner, the notices were served by Certified Mail.

Respectfully submitted this \_\_\_\_ day of January, 2025.

Respectfully submitted,

ROCKHILL PINNICK LLP

Scott E. Reust 105 East Main Street Warsaw, IN 46580 574-267-6116 Attorney for Petitioner

STATE OF INDIANA	
COUNTY OF KOSCIUSKO	
Subscribed and sworn to before	me, a Notary Public in and for said County and State this
day of January 2025.	•
	Mary Porter
My Commission Expires:	
County of Residence: Kosciusko	

### ALERT: WILDFIRES AND EMERGENCY EVENTS IN THE LOS ANGELES METRO AREA U.S. M...

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State of Indiana )  NOTICE OF PUBLIC HEARING STATE OF INDIANA KOSCIUSKO COUNTY, SS. BEFORETHE COUNTY, COMMISSIONERS OF STATE OF INDIANA LIN RE THE PETITION OF KEVIN, HOHMAN SO VACATE AN ALLEY IN THE JANNIE WARREN'S SUBDIVIS NO. 4 ON DIAMOND LAKE KOSCIUSKO COUNTY, INDIANA TO THE CITIZENS OF KOSCIUSKO COUNTY, INDIANA DU ARE HEREEY INOTIFIED that a petition has been filed with missioners of Kosciusko County Indiana, by Weint Hohman, cation by Ordinance of an alley in the Jannie Warren's Subdivision No. 4 On Diamond Lake, Kosciusko County Indiana, proceeding at the Souther County Indiana, specifically beginning at the Souther County, Indiana, has set the Petition for hearing at the Souther Street Warsan County, Indiana, has set the Petition for hearing at Souther Street Warsan in Processing County, Indiana, has set the Petition for hearing at Souther Street Warsan in Processing August 1000 County, Indiana, has set the Petition for hearing at Souther Street Warsan in Processing August 1000 County, Indiana, has set the Petition for hearing at Souther Street Warsan in Processing August 1000 County, Indiana, has set the Petition for hearing at Souther Street Warsan in Processing August 1000 County Indiana, has set the Petition for hearing at Souther Street Warsan in Processing	Titlepublisher  PUBLISHER'S AFFIDAVIT  a notary public in and for said county and state, the undersigned being duly sworn, says that he ispublisher general circulation printed and published in the English languages in state and county aforesaid, and that the printed matter which was duly published in said paper for times, the county is a set to the county aforesaid.  Beauty and the county aforesaid, and that the printed matter which was duly published in said paper for times, the county is a set to the county aforesaid, and that the printed matter which was duly published in said paper for times, the county is a set to the county aforesaid, and that the printed matter which was duly published in said paper for times, the county aforesaid, and that the printed matter which was duly published in said paper for times, the county aforesaid, and that the printed matter which was duly published in said paper for
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State of Indiana )  NOTICE OF PUBLIC HEARING  STATE OF INDIANAY  KOSCIUSKO COUNTY, INDIANA  IN RETHERETITION OF KEVIN HOMANA  NO. 4 ON DIAMOND LAKE  KOSCIUSKO COUNTY, INDIANA  IN RETHERETITION OF KEVIN HOMANA  O VACATE AN ALLEY IN THE JANNIE WARREN'S SUBDIVES  NO. 4 ON DIAMOND LAKE  KOSCIUSKO COUNTY, INDIANA  TO THE CITIZENS OF KOSCIUSKO COUNTY, INDIANA  OU ARE HEREBY, INOTIFIED that a petition has been filed with in manisoiners of Kosciusko County, Indiana, by Kevin Lichman, recision by Roginance of a recision by Roginance of the Roginal Bulley and the Jannie Warrens Subdivision, No. 4 and 10 the unimproved alley, lying between Lot 7, 2nd, Lot 8 the Jannie Warrens Subdivision, No. 4 and 10 the Northwest corner of Lot 7, thence Easternly along the North property line, of said, Lot, 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along to the Northwest corner of Lot 7, thence Easternly along the Morthwest corner of Lot 7, thence Easternly along the Morthwest corner of Lot 7, thence Easternly along the Morthwest corner of Lot 7, thence Easternly along the Morthwest corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest Corner of Lot 7, thence Easternly along the Morthwest C	Titlepublisher  PUBLISHER'S AFFIDAVIT  a notary public in and for said county and state, the undersigned being duly sworn, says that he ispublisher general circulation printed and published in the English languages in state and county aforesaid, and that the printed matter which was duly published in said paper for time, the said paper for

# RECEIVED

FEB 0 6 2025 B

Auditor of Kosciusko County

NOTICE OF PUBLIC HEARING
STATE OF INDIANA KOSCIUSKO COUNTY SS:
BEFORE THE COUNTY COMMISSIONERS OF KOSCIUSKO COUNTY,
INDIANA IN RE: THE PETITION OF KEVIN HOHMAN
TO VACATE AN ALLEY IN THE JANNIE WARREN'S SUBDIVISION NO. 4 ON
DIAMOND LAKE KOSCIUSKO COUNTY INDIANA TO THE CITIZENS OF
KOSCIUSKO COUNTY INDIANA
YOU ARE HEREBY NOTIFIED that a Petition has been filed with the
Board of Commissioners of Kosciusko County, Indiana, by Kevin
Hohman, requesting the vacation by ordinance of an alley in the
Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosciusko County,
Aindiana more particularly described as follows:
A. All of the unimproved alley lying between Lot 7 and Lot 8 in the
Jannie Warrens Subdivision No. 4 on Diamond Lake, Kosclusko County,
sindiana specifically beginning at the Southeast corner of Lot 8, thence
Westward along the South line of Lot 8 a distance of 100 feet thence
Southerniva (distance of 2017) feet to the Northwest corner of 1017)
thence Easternly along the North property line of said Lot 7 a distance
Col 100 feet to the Northeast corner of Lot 7; Thence Northward 20 feet to
Aline point of Deginning Aints description is intended to include all of the planed all by living between the confinal plan of Lot 7, and Lot 8 in the danner was a subdivision No.X4.
aplated alley living between the longinal platial Lot 7 and Lot 8 in the
Jannie Warrens Subdivision No. 4. 14 14 14 14 14 14 14 14 14 14 14 14 14
Vol) Are Herev Nouring that the Angalest commentances of Acsclusico County Indiana, has set the Petition (or hearing at 9:30 a.m. on February 11, 2025, at the Courthouse) 100, West Center Street, Warraw Indiana 46580
Nosclusko:County-Indiana-nasiser me) remonitor nearing any 30 a.m.
Convention and Aziza and Cournouse, Tub West Center Street,
Warsaw, Indianay, 6580.  Any person may appear and be heard upon the Petition at the time;
sarAny/person/may/appear/ana.de/neard/upon/me/refition/ar/itie/itile/
date (and place) above scheduled for hearing and/or may send written
comments of response to the Addition of Rescussio County, indiand at 100 West Center, Street Warraw, IN 26580
A(U) West Center Free (War aw (U) cosus.
antordinance may be introduced and passed according to law, pro-
Mantorolinarice/Indype introduced and passed according to item pro-
ividing for inevacation of add alley and street 366
Witness my hand this and day of January 2025.
Michelle/Arckert/Auditor
FOOGRHUGHING CLEBYSCOHEROUS
IDS Cost Moin Street
«Warraw, Indiana/45080s
57426750116
Anomeys for Petitioner 1998 1994 1995 1995
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#### **AFFIDAVIT**

Kosciusko County ) SS: State of Indiana )

Personally appeared before me, a notary public and for said county and state, the undersigned <u>Jessica Rodriguez</u>, who being duly sworn says that she is of competent age and is comptroller of the

### WARSAW TIMES-UNION

a daily newspaper which for at least five (5) consecutive years has been published in the city of Warsaw, county of Kosciusko, State of Indiana, and which, during that time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was published in said newspaper

times, the dates of publication being as follows:

Affiant

Subscribed and sworn to before me this Affiant

day

Subscribed and sworn to before me this  $\frac{\partial U}{\partial x}$  day of  $\frac{\partial U}{\partial y}$ ,  $\frac{\partial U}{\partial y}$ 

Notary Public

Laura Sowers

My Commission expires June 1, 2026
Resident of Kosciusko County

Printer's Fee, \$\_\_\_\_\_

TOTAL 90.00