

CITY CLERK

2019 AUG 19 A 9:09

CINDY MURRAY

ORDINANCE NO. 2019-23

AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT IN
Twykenham commercial subdivision phase 2, lots 2 and 3

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
LAFAYETTE, INDIANA:**

Section I: That the Easement along and across the following described
real estate is hereby vacated:

See attached Exhibit A

Section II: That a plat of such easement is attached hereto as Exhibit B.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
LAFAYETTE, INDIANA, THIS DAY OF _____, 20____.**

_____, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day of
_____, 20____.

Cindy Murray City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 20____.

ATTEST:

Tony Roswarski, Mayor

Cindy Murray, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION: UTILITY, DRAINAGE & C.A.T.V EASEMENT TO BE VACATED

The entire portion of the 20 foot wide Utility, Drainage, and C.A.T.V. Easement located upon parts of Lots Numbered 2 and 3 in Twyckenham Commercial Subdivision, Phase Two as depicted on the plat thereof, recorded in Plat Cabinet D, Slide 124 as Instrument Number 199209210553 in the Office of the Tippecanoe County Recorder, being more particularly described as follows:

BEGINNING at the southeasterly corner of said Lot 3; thence along the westerly bounds of said easement, North 23°47'05" East, 145.09 feet, more or less, to a point of intersection with a variable width Utility, Drainage, and C.A.T.V. Easement; thence South 64°08'11" East, 20.01 feet, more or less, to a point of intersection among a variable width Utility, Drainage, and C.A.T.V. Easement and the easterly bounds of said 20 foot wide Utility, Drainage, and C.A.T.V. Easement; thence along said easterly bounds, South 23°47'05" West, 145.33 feet, more or less, to the southerly bounds of said Lot 2; thence along said southerly bounds, along a non-tangent curve concave northeasterly, having a radius of 725.00 feet and chord bearing North 63°25'53" West, 20.02 feet, an arc distance of 20.02 feet to the POINT OF BEGINNING, containing 2,905 square feet, more or less.

Located in a part of the East Half of Section 5, Township 22 North, Range 04 West, Wea Township, Tippecanoe County, Indiana.

Sponsored by Ed Chosnek

STATE OF INDIANA) BEFORE THE CITY OF LAFAYETTE
) SS CITY COUNCIL
COUNTY OF TIPPECANOE) CASE NUMBER: _____

**PETITION TO VACATE
DRAINAGE, SEWER, AND LANDSCAPE EASEMENT**

COME NOW Christian J. Mazur and Trevor L. Murray (collectively, "Petitioners"), who respectfully request that a certain platted drainage, sewer, and landscape easement in Twyckenham Commercial Subdivision Phase 2 Lots 2 and 3, Tippecanoe County, Indiana more particularly described herein, be vacated and that the proper authorities schedule a public hearing on this petition, give proper notice of said public hearing at the expense of the Petitioners, and duly adopt an ordinance in the form and substance submitted herewith, and in support thereof states as follows:

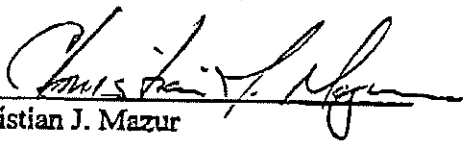
1. This petition is filed pursuant to Indiana Code § 36-7-3-12 and Indiana Code § 36-7-3-16.
2. The Petitioners are owners of proposed Lot 1 and 2 in Twyckenham Commercial Subdivision Phase 2 more particularly described in the attached **Exhibit C** ("Petitioner Real Estate"), pursuant to Indiana Code § 36-7-3-12(a)(1).
3. The Petitioner Real Estate is subject to a platted drainage, sewer, and landscape easement ("**Proposed Vacated Easement**"), which said Proposed Vacated Easement is more particularly described in the attached **Exhibit A** and shown in the drawing prepared by T Bird Design Corporation and attached hereto as **Exhibit B**.
4. The Proposed Vacated Easement is a part of Twyckenham Commercial Subdivision Phase 2 commonly known as Lot 2 and 3 more particularly described in the attached **Exhibit D**. The remainder of the platted drainage, sewer and landscape easement will not be affected by the vacation of the Proposed Vacated Easement.
5. The Petitioners hereby request that the Proposed Vacated Easement located on the Petitioner Real Estate be vacated.
6. The following is a list of the names and addresses of all owners of land abutting the Proposed Vacated Easement: **See Exhibit E**
7. Upon vacation of the Proposed Vacated Easement the vacated drainage, sewer, and

landscape easement will become part of the Petitioner Real Estate.


- 8. It is proposed that a replacement Easement will be granted to substitute for the Vacated Easement. See Exhibit F
- 9. Petitioners have provided a copy of this Petition to the City Engineers Office.

WHEREFORE, all of the above is requested for the good and benefit of the City of Lafayette, Indiana.

Respectfully submitted,



 Christian J. Mazur



 Trevor L. Murray

STATE OF INDIANA)
) SS:
 COUNTY OF TIPPECANOE)

Before me, a Notary Public in and for said County and State, personally appeared Christian J. Mazur, who acknowledged the execution of the foregoing Petition To Vacate Drainage, Sewer, And Landscape Easement, and who, having been duly sworn, stated that any representations therein contained are true, this 25th day of July, 2019.

My Commission Expires:
April 19, 2023



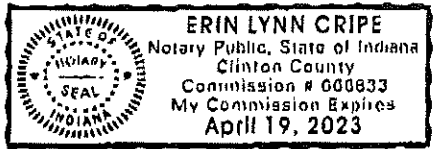
Printed: Erin Lynn Cripe
 Notary Public, Residing in Clinton County, IN
 Commission No. 666833

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me, a Notary Public in and for said County and State, personally appeared Trevor L. Murray, who acknowledged the execution of the foregoing Petition To Vacate Drainage, Sewer, And Landscape Easement, and who, having been duly sworn, stated that any representations therein contained are true, this 25th day of July, 2019

My Commission Expires:
April 19, 2023

[Signature]
Printed: Erin Lynn Cripe
Notary Public, Residing in
Clinton County, IN
Commission No. 666833



This instrument prepared by:
Joseph T. Bumbleburg of the firm:
BALL EGGLESTON PC
201 Main Street, Suite 810
P.O. Box 1535
Lafayette, Indiana 47902
Telephone: 765.742.9046
Facsimile: 765.742.1966
E-mail: jbumbleburg@ball-law.com
Attorney Number: 2987-79

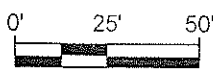
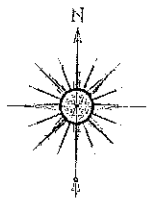
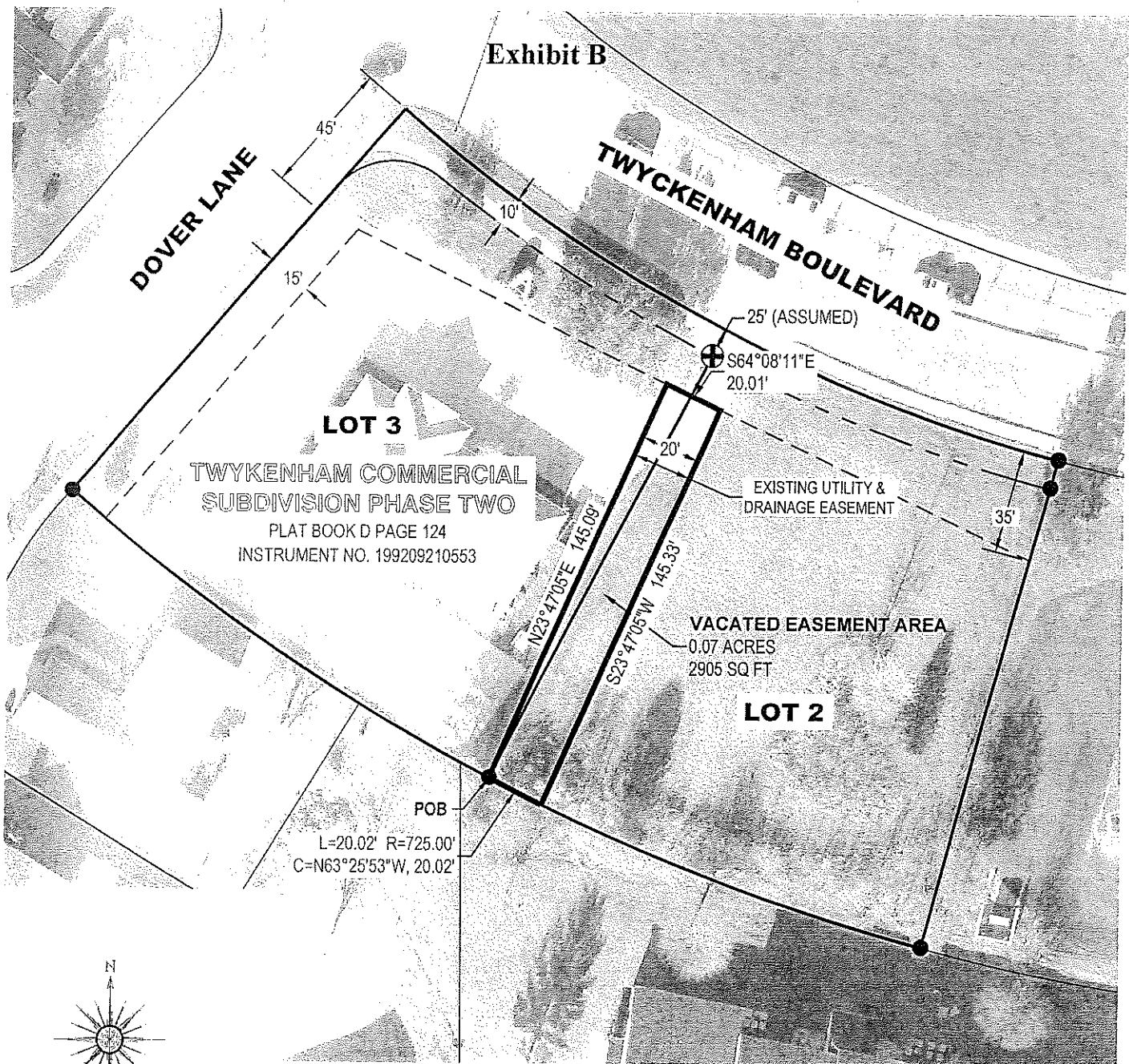
EXHIBIT "A"

LEGAL DESCRIPTION: UTILITY, DRAINAGE & C.A.T.V. EASEMENT TO BE VACATED

The entire portion of the 20 foot wide Utility, Drainage, and C.A.T.V. Easement located upon parts of Lots Numbered 2 and 3 in Twyckenham Commercial Subdivision, Phase Two as depicted on the plat thereof, recorded in Plat Cabinet D, Slide 124 as Instrument Number 199209210553 in the Office of the Tippecanoe County Recorder, being more particularly described as follows:

BEGINNING at the southeasterly corner of said Lot 3; thence along the westerly bounds of said easement, North 23°47'05" East, 145.09 feet, more or less, to a point of intersection with a variable width Utility, Drainage, and C.A.T.V. Easement; thence South 64°08'11" East, 20.01 feet, more or less, to a point of intersection among a variable width Utility, Drainage, and C.A.T.V. Easement and the easterly bounds of said 20 foot wide Utility, Drainage, and C.A.T.V. Easement; thence along said easterly bounds, South 23°47'05" West, 145.33 feet, more or less, to the southerly bounds of said Lot 2; thence along said southerly bounds, along a non-tangent curve concave northeasterly, having a radius of 725.00 feet and chord bearing North 63°25'53" West, 20.02 feet, an arc distance of 20.02 feet to the POINT OF BEGINNING, containing 2,905 square feet, more or less.

Located in a part of the East Half of Section 5, Township 22 North, Range 04 West, Wea Township, Tippecanoe County, Indiana.



SCALE: 1" = 50'


	<h2 style="margin: 0;">Tbird</h2> <p style="margin: 0;">Design Services Corporation Engineering • Surveying • Environmental Construction Management</p> <p style="margin: 0; font-size: small;">105 NORTH 10TH STREET • LAFAYETTE, INDIANA phone: (765) 742-1900 • fax: (765) 742-1905 www.tbirddesign.com</p>	<h2 style="margin: 0;">EXHIBIT B</h2> <p style="margin: 0;">ALLURE DENTAL THE SPIRE GROUP</p> <p style="margin: 0; font-size: small;">PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA</p>			
	PROJECT:	DATE:	CHECKED BY:	DRAWN BY:	DRAWING FILE:
18015	5/28/2019	PEW	MBH	18015-EASEMENT EXHIBIT.DWG	1 of 1

Exhibit C

Twyckenham Commercial Subdivision Phase 3, Lot 2 and 3, City of Lafayette, County of Tippecanoe, Indiana

Exhibit D

LEGAL DESCRIPTION: SANITARY SEWER EASEMENT

A 10 foot wide Sanitary Sewer Easement located upon parts of Lots Numbered 2 and 3 in Twyckenham Commercial Subdivision, Phase Two as depicted on the plat thereof, recorded in Plat Cabinet D, Slide 124 as Instrument Number 199209210553 in the Office of the Tippecanoe County Recorder, being more particularly described as follows:

COMMENCING at the southwesterly corner of said Lot 2; thence along the southerly bounds of Lot 2, along a curve concave northeasterly, having a radius of 725.00 feet and chord bearing South 62°44'48" East, 2.70 feet, an arc distance of 2.70 feet to the POINT OF BEGINNING; thence continue along said southerly bounds, along a tangent curve to the left, having a radius of 725.00 feet and chord bearing South 63°14'56" East, 10.01 feet, an arc distance of 10.01 feet; thence North 24°14'41" East, 22.87 feet; thence North 56°21'50" West, 161.96 feet to the easterly bounds of a 15 foot wide Utility, Drainage, and C.A.T.V. Easement; thence along said easterly bounds, South 40°40'02" West, 10.08 feet; thence South 56°21'50" East, 154.71 feet; thence South 24°14'41" West, 13.95 feet to the POINT OF BEGINNING, containing 1,768 square feet, more or less.

Located in a part of the East Half of Section 5, Township 22 North, Range 04 West, Wea Township, Tippecanoe County, Indiana.

EXHIBIT E

Karen L. Mulder
3103 Dover Ln.
Lafayette, IN 47909
79-11-05-427-013.000-032

Lafayette Housing Associates LP
941 N Meridian St.
Indianapolis, IN 46204
79-11-05-427-004.000-032
79-11-05-427-003.000-032

Peach Properties
PO Box 707
Monticello, IN 47960
79-11-05-427-002.000-032

Twyckenham Village, INC
PO Box 498
Lafayette, IN 47902
79-11-05-276-004.000-032
79-11-05-276-005.000-032

EXHIBIT F

LEGAL DESCRIPTION: SANITARY SEWER EASEMENT

A 10 foot wide Sanitary Sewer Easement located upon parts of Lots Numbered 2 and 3 in Twyckenham Commercial Subdivision, Phase Two as depicted on the plat thereof, recorded in Plat Cabinet D, Slide 124 as Instrument Number 199209210553 in the Office of the Tippecanoe County Recorder, being more particularly described as follows:

COMMENCING at the southwesterly corner of said Lot 2; thence along the southerly bounds of Lot 2, along a curve concave northeasterly, having a radius of 725.00 feet and chord bearing South 62°44'48" East, 2.70 feet, an arc distance of 2.70 feet to the POINT OF BEGINNING; thence continue along said southerly bounds, along a tangent curve to the left, having a radius of 725.00 feet and chord bearing South 63°14'56" East, 10.01 feet, an arc distance of 10.01 feet; thence North 24°14'41" East, 22.87 feet; thence North 56°21'50" West, 161.96 feet to the easterly bounds of a 15 foot wide Utility, Drainage, and C.A.T.V. Easement; thence along said easterly bounds, South 40°40'02" West, 10.08 feet; thence South 56°21'50" East, 154.71 feet; thence South 24°14'41" West, 13.95 feet to the POINT OF BEGINNING, containing 1,768 square feet, more or less.

Located in a part of the East Half of Section 5, Township 22 North, Range 04 West, Wea Township, Tippecanoe County, Indiana.

STATE OF INDIANA)
) SS BEFORE THE CITY OF LAFAYETTE
) CITY COUNCIL
COUNTY OF TIPPECANOE) CASE NUMBER: 2019 - 23

NOTICE OF HEARING ON VACATION

Notice is hereby given that on the 7th day of Oct, 2019 at 630 p.m. the City Council of Lafayette, Indiana will hear the Petition of Christian J. Mazur and Trevor L. Murray, to vacate a portion of an easement on Twykenham Commercial Subdivision Phase 2, Lots 2 and 3 in Fairfield Township, Tippecanoe County, Indiana. Any interested party may attend and be heard.

The hearing will take place in the City Council Chambers of the City Office Building, 20 North 6th Street, Lafayette, Indiana.

City Council of Lafayette

Attest: Cindy Murry, Clerk

Joseph T. Bumbleburg
BALL EGGLESTON PC
201 Main Street Suite 810
P.O. Box 1535
Lafayette, Indiana 47902-1535
765. 742.9046
jbumbleburg@ball-law.com