

CITY CLERK

2022 MAR 29 P 1:26

CINDY MURRAY

Ordinance No. 2022-09

**AN ORDINANCE TO VACATE EASEMENTS
IN THE CITY OF LAFAYETTE, INDIANA**

Be it ordained by the Common Council of the City of Lafayette, Indiana:

- Section 1: That the easements described and/or depicted in EXHIBIT 1 attached hereto and made a part hereof are hereby vacated.
- Section 2: That this ordinance is contingent upon, and will not take effect until, the final plat which contains the new easements which fully replace the easements being vacated is recorded with the Tippecanoe County Recorder. Upon such recordation, this Ordinance will be in full force and effect without further action needed.

Finally passed and adopted by the Common Council of the City of Lafayette, Indiana upon this ____ day of _____, 2022.

_____, Presiding Officer

ATTEST:

Cindy Murray, Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the ____ day of _____, 2022.

Cindy Murray, Clerk

This Ordinance approved and signed by me on this ____ day of _____, 2022.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, Clerk

Council Sponsor: Eileen Hession-Weiss

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE)

BEFORE THE COMMON COUNCIL
OF LAFAYETTE, TIPPECANOE COUNTY,
INDIANA

**PETITION TO VACATE EASEMENTS
IN THE CITY OF LAFAYETTE, INDIANA**

COME NOW Hidden Ridge, LLC (the "Petitioner"), and hereby respectfully petitions the Common Council of the City of Lafayette, Indiana ("Council") to vacate certain easements located in Lafayette, Tippecanoe County, Indiana, more particularly described herein, and in support state as follows:

1. This petition is filed pursuant to Indiana Code § 36-7-3-16 which states that platted easements may be vacated in the same manner as public ways and public places pursuant to Indiana Code § 36-7-3-12.

2. The Petitioners are the owners of the property described in **EXHIBIT A** attached hereto and made a part hereof and having State Identification Nos. 79-11-05-251-005.000-032, 79-11-05-400-001.000-032, and 79-11-05-400-002.000-032 (collectively, the "Petitioner Real Estate").

3. Attached hereto and made a part hereof as **EXHIBIT B** is a drawing showing the locations of existing platted easements on the Petitioner Real Estate (collectively, the "Existing Easements"). The Existing Easements are labeled and depicted with hashmarks.

4. The Existing Easements are located within the boundaries of the City of Lafayette, Indiana.

5. The Petitioners hereby request that the Existing Easements be vacated to allow for the redevelopment of the Petitioner Real Estate. The Existing Easements will be replaced with the easements depicted and labeled on **EXHIBIT C** attached hereto and made a part hereof (collectively, the "Replacement Easements").

6. It is the Petitioners' understanding that there are no public infrastructures that will need to be altered or moved if the Existing Easements are vacated.

7. The following is a list of the names and addresses of all owners of land abutting the Petitioner Real Estate:

- a. CITY OF LAFAYETTE
20 N 6th STREET, LAFAYETTE, IN 47901;
- b. LAFAYETTE LEASED HOUSING ASSOCIATES II LIMITED PARTNER
2905 NORTHWEST STE 150 BLVD
PLYMOUTH, MN 55441;
- c. BOOKER TREKA M

190 KINKAID DR
LAFAYETTE, IN 47909;

- d. MCCAULEY AMY L
179 KINKAID
LAFAYETTE, IN 47909;
- e. TIPPECANOE LAND HOLDING INC
420 S 1ST ST
LAFAYETTE, IN 47905;
- f. SUCKOW CHRISTOPHER & FIGUEIREDO MARXA
2124 SUNRISE AVE
LAFAYETTE, IN 47904;
- g. GREGORY TIMOTHY & LINDA
233 DUKE LN
LAFAYETTE, IN 47909;
- h. FORTNER DAVID M & PEGGY K
126 KENSAL CT
LAFAYETTE, IN 47909;
- i. RUSSELL ERIC S
130 KENSAL CT
LAFAYETTE, IN 47909;
- j. MUFFOLETTO TONY J III
134 KENSAL CT
LAFAYETTE, IN 47909;
- k. PEREZ RICARDO D & KRUPINSKI MICHELE A
138 KENSAL CT
LAFAYETTE, IN 47909;
- l. BRIER KACY NICOLE
142 KENSAL CT
LAFAYETTE, IN 47909;
- m. UERKWITZ SHANNA D
210 KENSAL CT
LAFAYETTE, IN 47909;
- n. TULLY MARGARET A
214 KENSAL CT
LAFAYETTE, IN 47909;
- o. TWYCKENHAM LLC
C/O COX, OAKES & ASSOCIATES, LTD
1051 PERIMETER DR STE 550
SCHAUMBURG, IL 60173;

p. SUMMIT MADISON LLC ETAL
C/O SUMMIT EQUITY INVESTMENTS INC
13063 VENTURA BOULEVARD SUITE 200
STUDIO CITY, CA 91604

8. The following is a list of the names and addresses of utility companies serving the City of Lafayette, Indiana and who may have an interest in this petition:

Duke Energy
3395 Greenbush Street
Lafayette IN 47905

City of Lafayette, Indiana
20 N 6th Street
Lafayette, IN 47901

Vectren Energy Delivery
3419 Rascal Drive
Lafayette, IN 47909

Frontier
3216 Imperial Parkway
Lafayette, IN 47909

Comcast
325 S Creasy Lane
Lafayette, IN 47905

Metronet Inc.
414 N. Earl Avenue
Lafayette, IN 47904

9. The proposed vacation of the Existing Easements will not hinder the growth or orderly development of the neighborhood in which the Existing Easements are located or any property to which the Existing Easements are contiguous.

10. The proposed vacation of the Existing Easements will not make access to any lands by means of public way difficult or inconvenient.

11. The proposed vacation of the Existing Easements will not hinder the public's access to any church, school, or other public building or place.

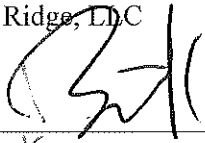
12. The proposed vacation of the Existing Easements will not hinder the use of a public way by the neighborhood in which the Existing Easements are located or to which they are contiguous.

13. Upon vacation of the Existing Easements, Petitioner shall remain the owner of the real estate upon which the Existing Easements are located.

14. A proposed ordinance is attached hereto as **EXHIBIT D.**

WHEREFORE, the Petitioner prays for an ordinance vacating the Existing Easements in the form attached hereto.

Hidden Ridge, LLC



Brian Keene, Member

STATE OF INDIANA)
)SS:
COUNTY OF TIPPECANOE)

Before me, the undersigned, a Notary Public in and for said County and State, this 29th day of March, 2022, personally appeared Hidden Ridge, LLC by Brian Keene, its member, and acknowledged the execution of the foregoing instrument.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.



My Commission Expires:
June 21, 2028

Jennifer L. Landes
(written)
Jennifer L. Landes
(printed) NOTARY PUBLIC
Resident of Tippecanoe County

This instrument prepared by:
Ryan C. Munden
Reiling Teder & Schrier, LLC
250 Main Street, Suite 601
P.O. Box 280
Lafayette, IN 47902-0280
Telephone: (765) 423-5333
Facsimile: (765) 423-4564
E-mail: rcm@rtslawfirm.com

EXHIBIT A

[Legal Description – attached]

EXHIBT A

**Legal Description – J-S-D Estates Lots III, IV, and remaining unplatted land
(Tax ID# 79-11-05-400-002.000-032 & 79-11-05-251-005.000-032 & 79-11-05-400-001.000-032)**

A part of the East Half of Section Five (5), Township Twenty-two (22) North, Range Four (4) West, of the Second Principal Meridian, Wea Township, City of Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Northeast Quarter of said Section 5; thence North 89°01'15" East along the Southern Line of said Northeast Quarter, 30.00 feet to the east line of Lot III of J-S-D Estates as per the plat thereof, Plat Cabinet "F", Slide 63, Instrument No. 199909901844, recorded January 21, 1999, in the Office of the Recorder of said county, and the Point of Beginning of the herein-described tract; thence along the bounds of said Lot III the following four (4) courses: (1) North 00°54'00" West, 297.89 feet; (2) North 90°00'00" East, 192.24 feet; (3) North 00°37'17" West, 64.12 feet; (4) North 89°36'20" East, 53.99 feet to the western line of Lot V of J-S-D Estates as per the plat thereof, Plat Cabinet "E", Slide 131, Instrument No. 199609620299, recorded September 27, 1996, in said Recorder's Office; thence along the bounds of said Lot V the following four (4) courses: (1) South 00°23'40" East, 221.01 feet; (2) North 89°36'20" East 47.00 feet; (3) South 00°23'40" East 99.50 feet; (4) North 89°36'20" East 217.60 feet to the western line of Twyckenham Apartments as per the plat thereof, Plat Cabinet "A", Slide 169, Instrument No. 198108102116, recorded March 27, 1981, in said Recorder's Office; thence South 00°16'10" West along the western line of said Twyckenham Apartments 409.93 feet to the north line of Twyckenham Estates, Phase III as per the plat thereof, Plat Cabinet "E", Slide 197, Instrument No. 199709724848, recorded November 21, 1997, in said Recorder's Office; thence South 89°54'38" West along the north line of said Twyckenham Estates, Phase III, 498.96 feet to the southwest corner of Lot IV of J-S-D Estates as per the plat thereof, Plat Cabinet "F", Slide 81, Instrument No. 199909920554, recorded August 04, 1999, in said Recorder's Office; thence North 01°03'30" West along the west line of said Lot IV, 367.11 feet to the Point of Beginning, containing 6.36 acres, more or less.

EXHIBIT B

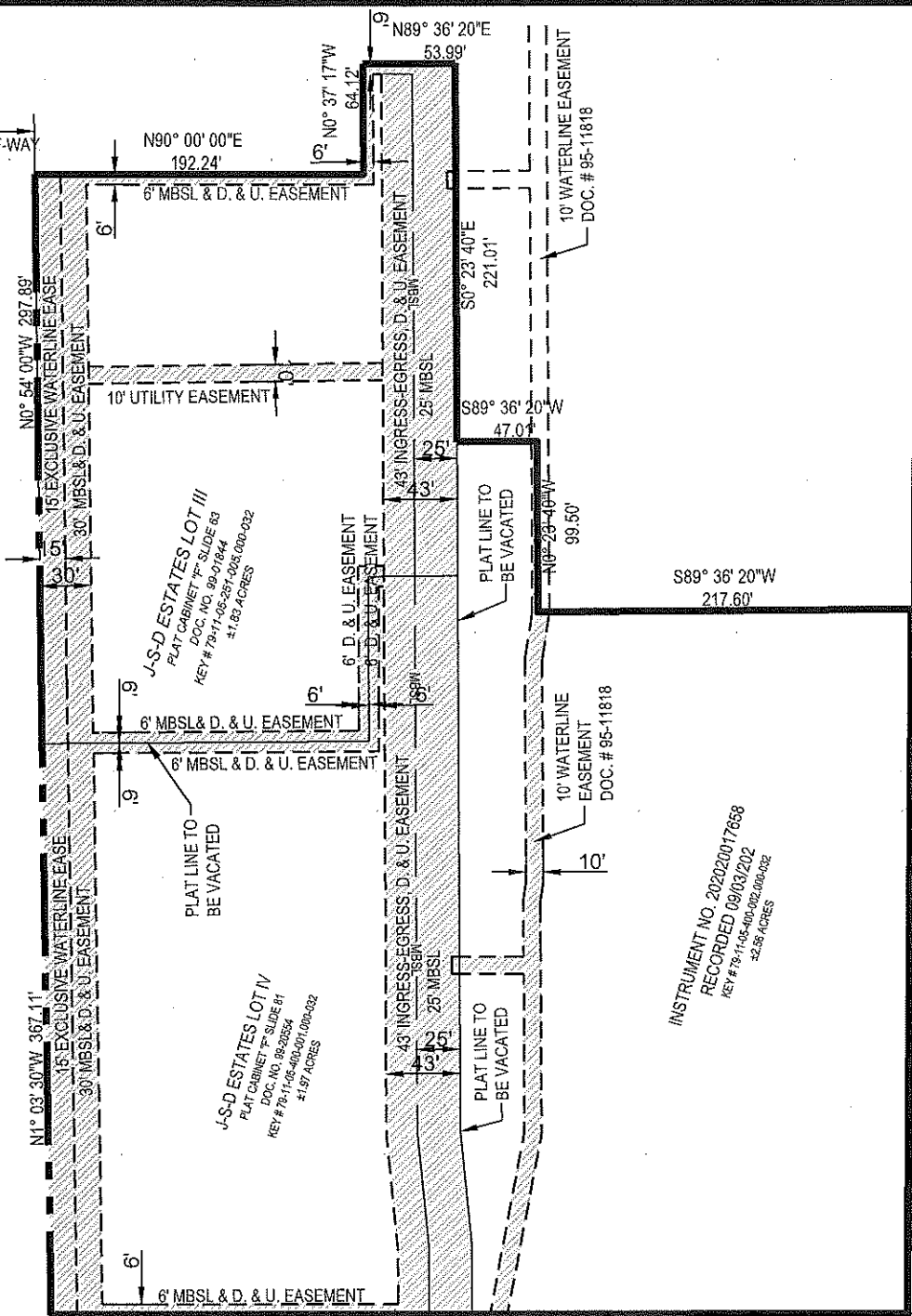
[Existing Easements – attached]

COPPER GATE APARTMENTS
LAFAYETTE LEASED HOUSING ASSOCIATES II LIMITED PARTNER
3100 COPPERGATE CIRCLE
LAFAYETTE, IN 47909
KEY # 79-11-05-176-003-000-033
DOC. NO. 97-11722

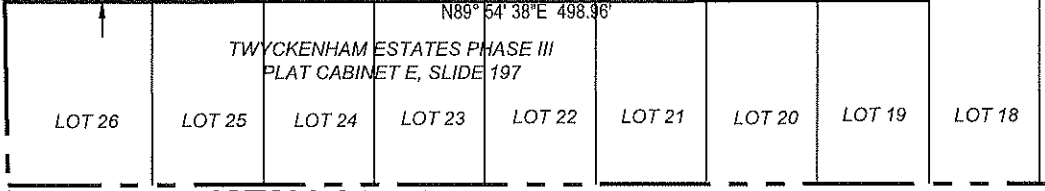
BRISTOL PARK PLANNED DEVELOPMENT
DOC. NO. 01-015657
LOT 63

SCALE: 1 IN. = 100 FT.
50' 100' 200'

OUTLOT A
POLAND HILL ROAD (CR 50 EAST)



TWYCKENHAM APARTMENTS
TWYCKENHAM, LLC
3100 QUARRY DR
LAFAYETTE, IN 47909
KEY # 79-11-05-251-001-000-032
PLAT CABINET "A", SLIDE 168



KENSAL COURT

LEGEND

- = MINIMUM BUILDING SETBACK LINE TO BE VACATED
- = EASEMENT TO BE VACATED
- = AREA TO BE VACATED

FISHER ENGINEERING
Affiliate of Chastain & Associates LLC
625-A South Earl Avenue, Lafayette, Indiana 47904-3602
Office (765) 448-1535 | www.fisher-assoc.net

EXHIBIT "B"

A PART OF THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP,
TIPPECANOE COUNTY, INDIANA

DATE: 03/14/2022
JOB NO.: 7726.00
DRAWN BY: TLP
CHECK BY: KKB
SCALE: 1" = 100'
SHEET: 1 of 2

EXHIBIT C

[Replacement Easements – attached]

COPPER GATE APARTMENTS
LAFAYETTE LEASED HOUSING ASSOCIATES II LIMITED PARTNER
3100 COPPERGATE CIRCLE
LAFAYETTE, IN 47909
KEY # 79-11-05-176-000-000-033
DOC. NO. 97-11722

BRISTOL PARK PLANNED DEVELOPMENT
DOC. NO. 01-015657
LOT 63

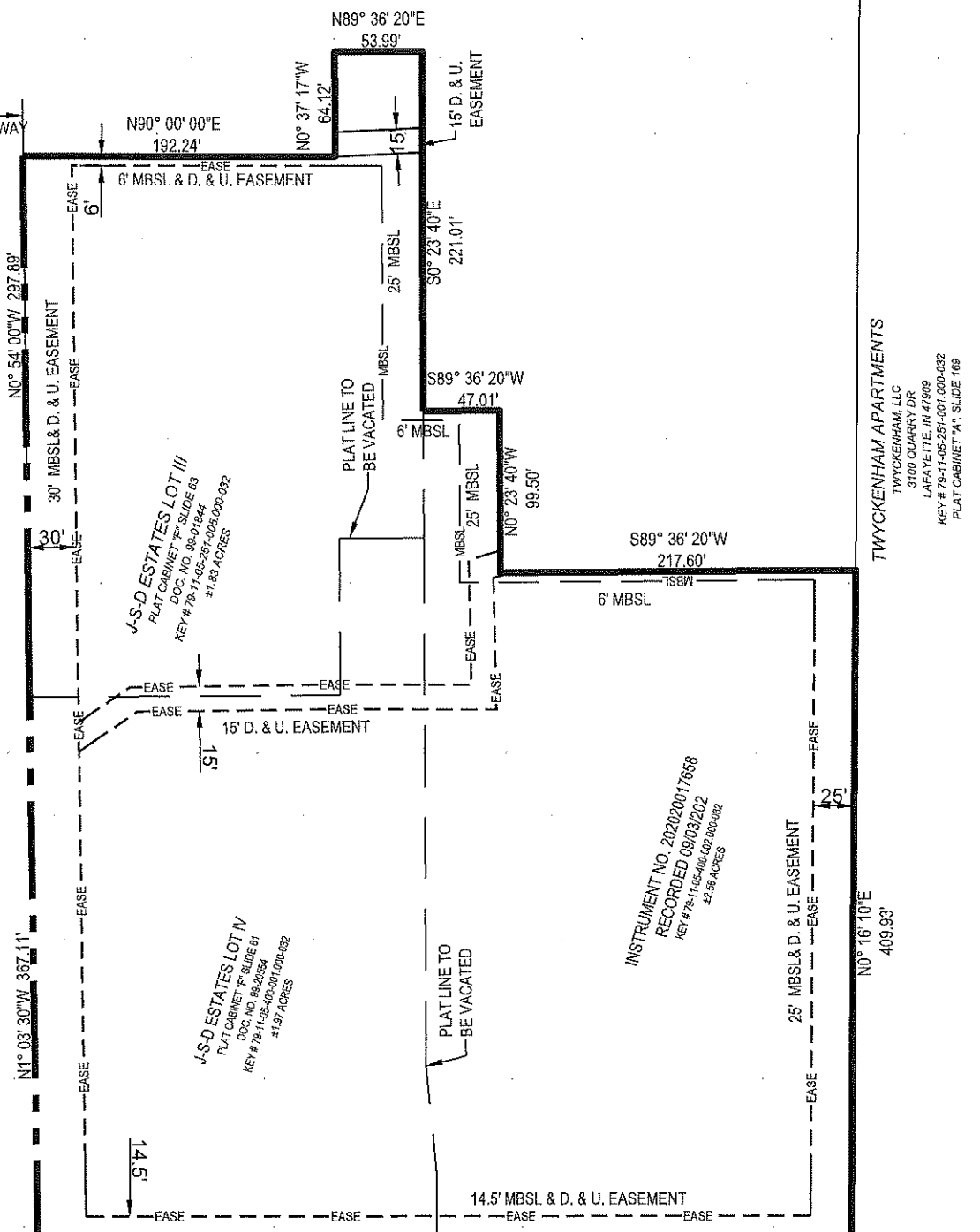
SCALE: 1 IN. = 100 FT.



LOT 1

OUTLOT A

POLAND HILL ROAD (CR 50 EAST)



TWYCKENHAM APARTMENTS
TWYCKENHAM LLC
3100 QUARRY DR
LAFAYETTE, IN 47909
KEY # 79-11-05-251-001-000-032
PLAT CABINET "A", SLIDE 169

LOT 26 LOT 25 LOT 24 LOT 23 LOT 22 LOT 21 LOT 20 LOT 19 LOT 18

KENSAL COURT

LEGEND

- MBSL — MINIMUM BUILDING SETBACK LINE TO BE PLATTED
- - - EASEMENT TO BE PLATTED



Affiliate of Chastain & Associates LLC
625-A South Earl Avenue, Lafayette, Indiana 47904-3602
Office (765) 448-1535 | www.fisher-assoc.net

EXHIBIT "C"

A PART OF THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP,
TIPPECANOE COUNTY, INDIANA

DATE: 03/14/2022
JOB NO.: 7726.00
DRAWN BY: TLP
CHECK BY: KKB
SCALE: 1" = 100'
SHEET: 2 of 2

EXHIBIT D

[Ordinance – attached]

