Ordinance No. **29-09**

**AN ORDINANCE VACATING A CERTAIN UTILITY AND DRAINAGE EASEMENT IN THE CITY OF WEST LAFAYETTE, INDIANA**

**WHEREAS,** the easement to be vacated is approximately ten (10) feet in width and its legal description is shown on Exhibit "A" attached hereto and made a part hereof;

**WHEREAS,** the Easement to be vacated is located between and contiguous with Lots 3 and 4 in the Replat of Lot 1 of McClure Park Subdivision, Part Two as per plat thereof recorded in Plat Book C, Slide C-59 in the Office of the Recorder of Tippecanoe County, Indiana, as shown in a drawing prepared by The Schneider Corporation, marked as Exhibit "A", attached hereto and incorporated herein;

**WHEREAS,** the contiguous property to said area to be vacated is the property of Fairfield Builder's Supply Co.;

**WHEREAS,** the petitioner for the vacation of the Easement has complied with the provisions of the Indiana Code with a public hearing being held; and

**WHEREAS,** the petitioner for the vacation of the Easement requests that the Easement be vacated and title to the Easement be transferred to Fairfield Builder's Supply Co.

NOW THEREFORE, BE IT **ORDAINED** by the Common Council of the City of West Lafayette that:

Section 1. The Easement, which is approximately ten (10) feet in width and running between and contiguous with Lots 3 and 4 in the Replat of Lot 1 of McClure Park Subdivision, City of West Lafayette, Indiana, as shown as Exhibit "A" is hereby vacated.

Section 2. The Easement as described in Exhibit "A" is hereby conveyed to the owner, Fairfield Builder's Supply Co.

Section 3: This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

## PETITION TO VACATE EASEMENT

Comes now petitioner, the City of West Lafayette, an Indiana Municipal Corporation with the consent of and on behalf of the owner of certain real estate and respectfully requests that a certain easement for utility and drainage purposes in the City of West Lafayette, be vacated under the procedures set forth in Indiana Code § 36-7-3-12 and that the proper authorities schedule a public hearing on this petition, give proper notice of said public hearing at the expense of the petitioner, and duly adopt an ordinance in the format and substance submitted herewith.

The requested vacation is of an easement that is approximately ten (10) feet in width and running between and contiguous with Lots 3 and 4 in the Replat of Lot 1 of the McClure Park Subdivision, City of West Lafayette, Indiana, owned by Fairfield Builder's Supply Co., P.O. Box 4437, Lafayette, IN 47903, included in and shown in a drawing of said Lots prepared by The Schneider Corporation, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

All of the above is requested for the good and benefit of the City of West Lafayette, Indiana.

Respectfully Submitted,
City of West Lafayette, IN

Dated: 9/28/09

By: _____
David Buck, City Engineer

## NOTARIZED CONSENT

West Lafayette City Council
609 W. Navajo St.
West Lafayette, IN 47906

**Dear City Council:**

Please be advised that as the owner(s) of record (as shown in Office of the County Auditor) of the land described in the **attached legal description**, I(we) hereby authorize David M. Buck, P.E.

to execute any and all documents necessary for the purpose of improvement location permit, rezoning, subdivision, special exception and/or variance applications, as per the attached petition or application. [This does not extend to subdivision final plats, which must be signed by the owner(s).]

(Owner) Fairfield Builders Supply Corp. by J. Bradley Coffin Vice Pres.

(Name Printed) Fairfield Builders Supply by J. Bradley Coffin Vice Pres.

(Owner) _____

(Name Printed) _____

STATE OF INDIANA )
) SS:
COUNTY OF TIPPECANOE)

Before me the undersigned, a Notary Public for MONTGOMERY County, State of Indiana, personally appeared _____

BRAD COFFIN, and acknowledged the
[Owner(s)' Name(s) Printed]
execution of this instrument this 28 day of Sept 2009.

(Notary Public) Dale Grimes

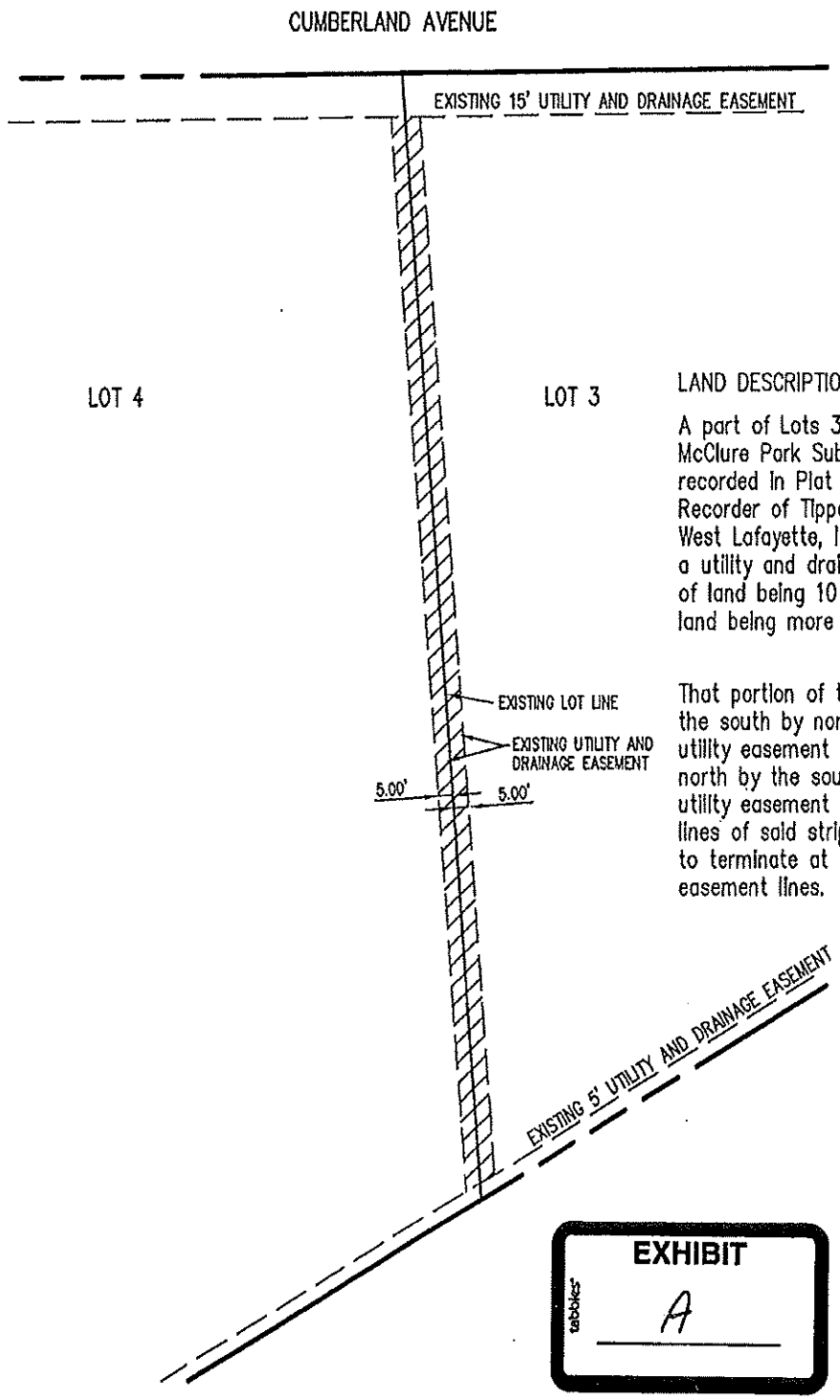
(Name Printed) DALE GRIMES

My Commission expires: 2/18/15

NOTARY PUBLIC SEAL INDIANA

LAND DESCRIPTION

Lots 3 and 4 of the Replat of Lot 1 of McClure Park Subdivision, Part Two as per plat thereof recorded in Plat Book C, Slide C-59 in the Office of the Recorder of Tippecanoe County, Indiana all in the City of West Lafayette, Indiana, containing 5.64 acres, more or less.



NOT TO SCALE

LAND DESCRIPTION

A part of Lots 3 and 4 in the Replat of Lot 1 of McClure Park Subdivision, Part Two as per plat thereof recorded in Plat Book C, Slide C-59 in the Office of the Recorder of Tippecanoe County, Indiana, all in the City of West Lafayette, Indiana, being a strip of land depicted as a utility and drainage easement on said Replat, said strip of land being 10 feet wide, the centerline of said strip of land being more particularly described as follows:

That portion of the west line of said Lot 3, bounded on the south by north line of a 5 foot wide drainage and utility easement as depicted on said Replat, and on the north by the south line of a 15 foot wide drainage and utility easement as depicted on said Replat, the side lines of said strip of land being lengthened or shortened to terminate at the respective drainage and utility easement lines.

EXHIBIT

A

2009, THE SCHNEIDER CORPORATION

Schneider

THE SCHNEIDER CORPORATION
1330 WN HENTSCHEL BLVD, SUITE 100
WEST LAFAYETTE, IN 47906-4156
TELEPHONE: 765.448.6661
FAX: 765.448.6665
www.schneidercorp.com

| DATE: 9/17/09 | PROJECT NO.: 5954.002 |
|---|---|
| DRAWN BY: JEP | CHECKED BY: BMF |
| DRAWING FILES: L:\5K\5954\002\GRAPHICS\COFFIN PLAT_082009 | |

# EASEMENT VACATION