

**Ordinance No. 09-09**

**AN ORDINANCE VACATING A PORTION OF SOUTH CHAUNCEY AVENUE  
IN THE CITY OF WEST LAFAYETTE, INDIANA**

**WHEREAS**, that portion of South Chauncey Avenue (“Street”) to be vacated is approximately eighty (80) feet in width and the legal description is marked as Exhibit “A” attached hereto and made a part hereof;

**WHEREAS**, the Street to be vacated is located between and contiguous with Lots in the Ellsworth Addition to the Town of Chauncey, City of West Lafayette, Indiana with Key Numbers 164-03300-0021 and 164-03300-0219 in the City of West Lafayette, Indiana, together with any public easements therein, as shown in a drawing prepared by Vester & Associates, Inc., marked as Exhibit “B”, attached hereto and incorporated herein;

**WHEREAS**, the contiguous property to said area to be vacated is the property of the abutting landowners, FRP Holding Company, LLC, an Indiana limited liability company (“FRP”) and James L. and Sheila A. Cochran (“Cochran”);

**WHEREAS**, FRP, petitioner for the vacation of the Street, has complied with the provisions of the Indiana Code; and

**WHEREAS**, FRP, petitioner for the vacation of the Street requests that the title to the Street be transferred equally to the abovementioned abutting landowners.

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

Section 1. The Street, which is approximately eighty (80) feet in width and running between and contiguous with Lots in the Ellsworth Addition to the Town of Chauncey, City of

West Lafayette, with Key Numbers 164-03300-0021 and 164-03300-0219 in the City of West Lafayette, together with any easements therein, as shown as Exhibit "A" and "B" is hereby vacated.

Section 2. The Street as described in Exhibit "A" and "B" is hereby conveyed equally to the abutting landowners, FRP and Cochran.

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

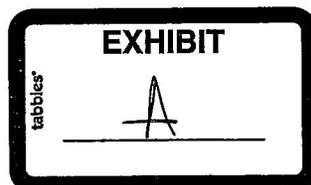
The jurat on this document was not printed on discussion copies, in order to save paper and copying resources. If you would like to have the entire ordinance, please contact Office of the Clerk-Treasurer at [clerk@westlafayette.in.gov](mailto:clerk@westlafayette.in.gov).  
Thank you.

**LEGAL DESCRIPTION – CHAUNCEY AVENUE VACATION**

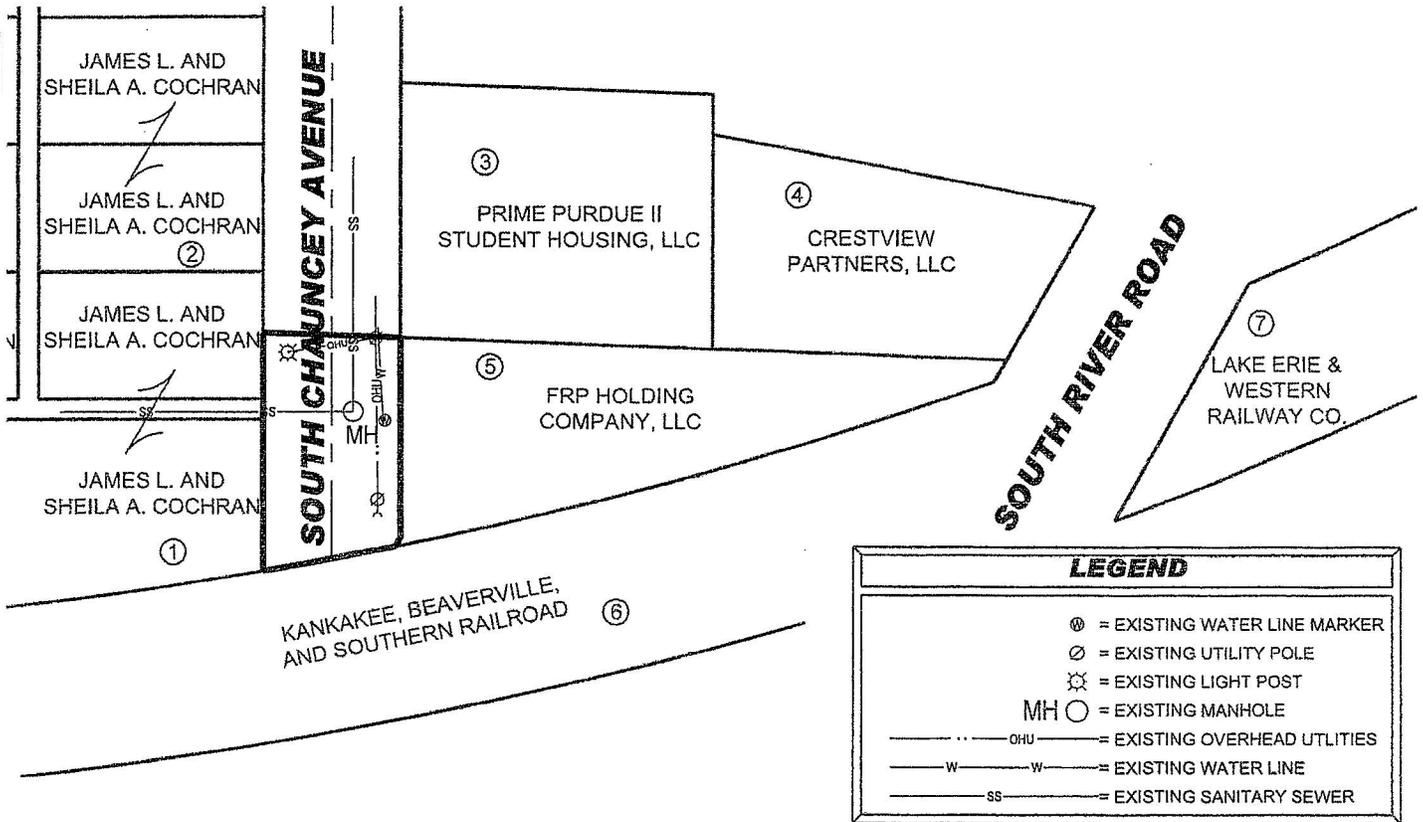
A part of the southeast quarter of Section Nineteen (19), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being a part of Chauncey Avenue as platted as part of Ellsworth Subdivision of the Town of Chauncey, recorded in Book 55 Page 430, recorded on the 13th of May, 1870 in the Office of the Recorder of Tippecanoe County, being more completely described as follows, to-wit:

Beginning at the northwest corner of Lot 72 of said Ellsworth Subdivision, said point being marked by a rebar; thence along the west line of said Lot 72, South 00°01'06" East, 117.00 feet to the southwest corner of said Lot 72, said southwest corner being marked by a rebar with a plastic cap stamped "RWG 880043"; thence along the west line of Lot 35 of the Town of Chauncey as recorded in Book 41 Page 344-345, recorded on the 26th of November, 1861 in said Recorder's office, South 25°52'54" West, 5.81 feet to the north line of the Kankakee, Beaverville, & Southern Railroad, being marked by a rebar with a plastic cap stamped "RWG 880043"; thence along side north line, along a non-tangent curve to the right (said curve having a radius of 2509.72 feet and a chord bearing South 79°24'56" West, 78.80 feet) an arc distance of 78.80 feet to the west line of Chauncey Avenue of said Ellsworth Subdivision; thence along said west line, North 00°01'06" West, 136.67 feet; thence North 89°58'55" East, 80.00 feet to the point of the beginning, containing 0.24 acres, more or less.

**SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD**



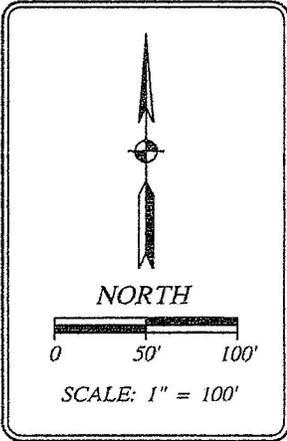
JOB # 09066



**LEGEND**

- ⊗ = EXISTING WATER LINE MARKER
- ⊙ = EXISTING UTILITY POLE
- ⊛ = EXISTING LIGHT POST
- MH ⊙ = EXISTING MANHOLE
- OHU --- = EXISTING OVERHEAD UTILITIES
- W --- W --- = EXISTING WATER LINE
- SS --- = EXISTING SANITARY SEWER

| ADJOINER'S TABLE |   |  |                                 |                |
|------------------|---|--|---------------------------------|----------------|
| ITEM             | NAME  | ADDRESS                                | CITY / STATE                    | KEY NO.        |
| 1                | JAMES L. & SHEILA A. COCHRAN                                  | 229 W. FOWLER ST.                      | WEST LAFAYETTE, INDIANA, 47906  | 164-03300-0219 |
| 2                | JAMES L. & SHEILA A. COCHRAN                                  | 229 W. FOWLER ST.                      | WEST LAFAYETTE, INDIANA, 47906  | 164-03300-1033 |
| 3                | PRIME PURDUE II STUDENT HOUSING LLC                           | 333 SKOKIE BLVD. STE. 113              | NORTHBROOK, ILLINOIS, 60062     | 164-03300-0989 |
| 4                | CRESTVIEW PARTNERS LLC  | 270 LITTLETON ST.                      | WEST LAFAYETTE, INDIANA, 47906  | 164-03300-0032 |
| 5                | FRP HOLDING COMPANY LLC<br>% TONI WALTER FLEISCHHAUER RENTALS | 121 N. SALISBURY                       | WEST LAFAYETTE, INDIANA, 47906  | 164-03300-0021 |
| 6                | KANKAKEE, BEAVERVILLE<br>AND SOUTHERN RAILROAD                | 2347 NORTH US ROUTE 52<br>P.O. BOX 119 | IROQUOIS, ILLINOIS, 60945       | N/A            |
| 7                | LAKE ERIE & WESTERN RAILWAY CO.<br>% NORFOLK & SOUTHERN CORP. | P.O. BOX 8944                          | PHILADELPHIA, PA, 19135-0944    | 164-03100-0111 |
| UTILITY          | VECTREN ENERGY DELIVERY                                       | P.O. BOX 209                           | EVANSVILLE, INDIANA, 47702-0209 | N/A            |
| UTILITY          | VERIZON COMMUNICATIONS  | 3216 IMPERIAL PKWY.                    | LAFAYETTE, INDIANA, 47909       | N/A            |
| UTILITY          | DUKE ENERGY   | 526 SOUTH CHURCH ST.                   | CHARLOTTE, NC, 28202            | N/A            |
| UTILITY          | COMCAST   | 325 S. CREASY LANE                     | LAFAYETTE, INDIANA, 47905       | N/A            |
| UTILITY          | WEST LAFAYETTE WASTEWATER TREATMENT                           | 500 S. RIVER RD.                       | WEST LAFAYETTE, INDIANA, 47906  | N/A            |
| UTILITY          | INDIANA-AMERICAN WATER COMPANY                                | 555 EAST COUNTY LINE RD.               | GREENWOOD, INDIANA, 46143       | N/A            |



## PARK PLACE APARTMENTS

PART OF THE SOUTH HALF OF THE SOUTHEAST  
QUARTER, OF SECTION 19, TOWNSHIP 23  
NORTH, RANGE 4 WEST, WABASH TOWNSHIP,  
TIPPECANOE COUNTY, INDIANA.

**EXHIBIT**

B

**AV**  
**Vester and Associates Inc.**  
LAND SURVEYING AND ENGINEERING • PATRICK N. CUNNINGHAM, PRESIDENT

309 COLUMBIA STREET, SUITE 101  
LAFAYETTE INDIANA, 47901  
PHONE (765) 742-6479 / FAX (765) 742-5271

DRAWN BY: BMH, KJS      CHECKED BY: PNC      DRAWING DATE: 04/20/09  
FIELD BOOK #: SB 603      F:\PROJECTS\09\XXX\09066\dwg\09066-ADJOINERS.dwg

NOTE:  
ADJOINER  
INFORMATION  
OBTAINED FROM  
TIPPECANOE COUNTY'S  
GIS WEBSITE

**PETITION TO VACATE A PORTION OF CHAUNCEY AVENUE**

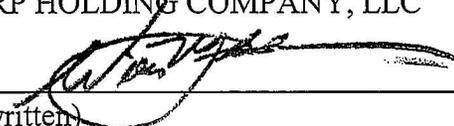
Comes now petitioner, FRP Holding Company, LLC, an Indiana limited liability company (“FRP”), who respectfully requests that a portion of Chauncey Avenue in the City of West Lafayette, together with any public easements therein, situated upon said real estate be vacated under the procedures set forth 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 form and substance submitted herewith.

The requested vacation is a street that is approximately eighty (80) feet in width and running between and contiguous with Lots through Ellsworth Addition to the Town of Chauncey, City of West Lafayette, Indiana, owned by FRP with Key Number 164-03300-0021, c/o Toni Walter Fleischhauer Rentals, 121 N. Salisbury, West Lafayette, IN 47906, and James L. and Sheila A. Cochran (“Cochran”) with Key Number 164-03300-0219, 229 W. Fowler St., West Lafayette, IN 47906, together with any public easements therein, included in and shown in a drawing of said Lots prepared by Vester and Associates Inc., a copy of which is attached hereto and incorporated herein. It is further requested that legal title to the vacated street be transferred equally to FRP and Cochran, the abutting landowners.

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

Respectfully Submitted,  
FRP HOLDING COMPANY, LLC

By:

  
\_\_\_\_\_  
(written)

**William Fleischhauer** **OWNER**  
\_\_\_\_\_  
(printed) (title)

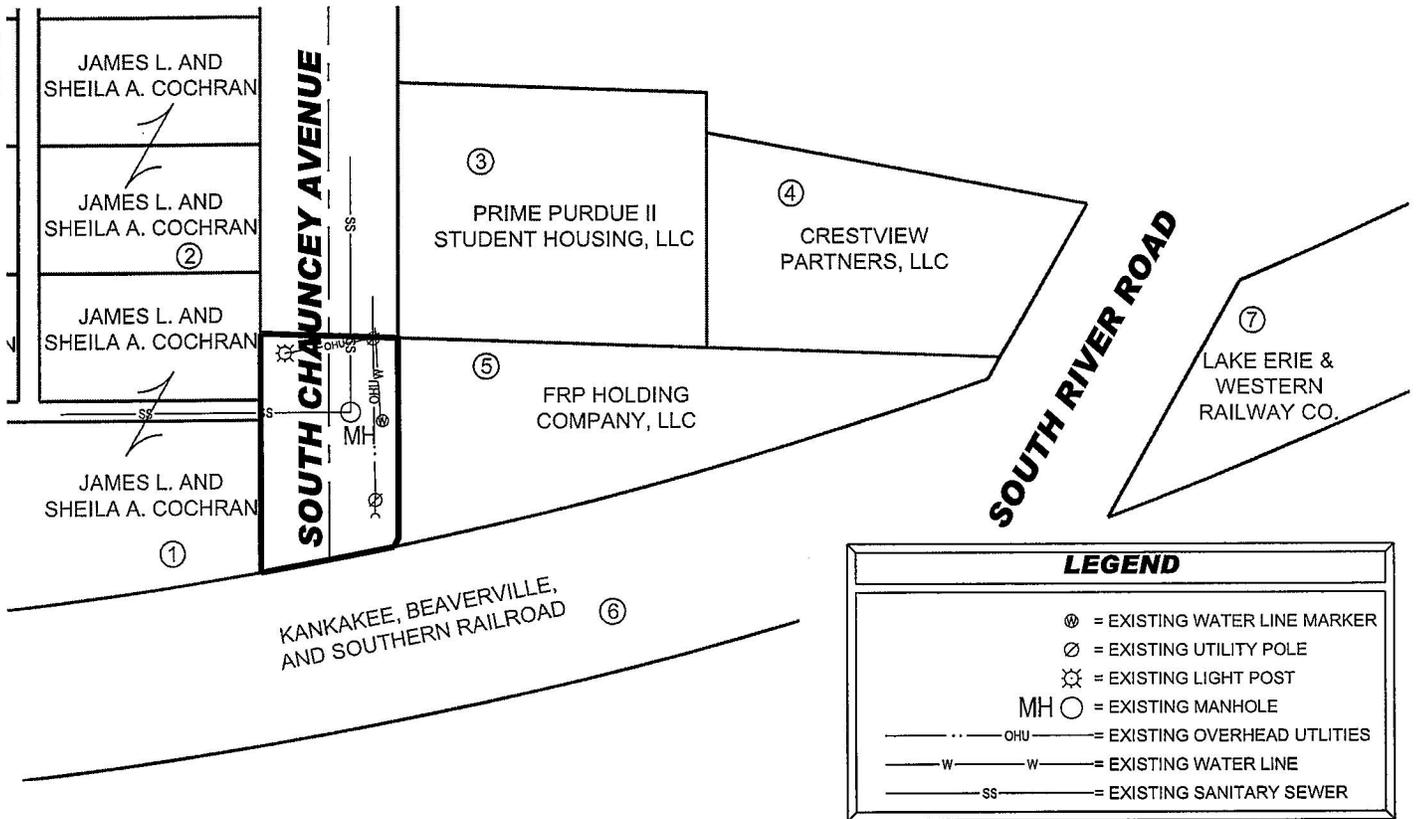
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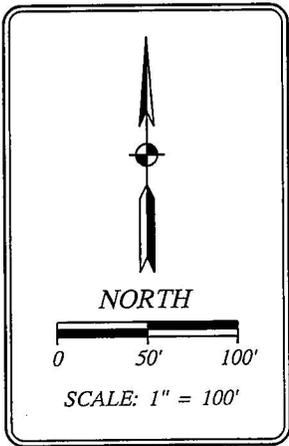
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NOTE:  
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GIS WEBSITE

REILING TEDER & SCHRIER, LLC  
ATTORNEYS AT LAW

3<sup>rd</sup> Floor, Columbia Center  
415 Columbia Street, Suite 3000  
P. O. BOX 280  
LAFAYETTE, IN 47902-0280  
Telephone: (765) 423-5333  
Facsimile: (765) 423-4564

Robert C. Reiling Jr.  
Daniel A. Teder  
James R. Schrier  
  
Wayne T. Szulkowski  
Also admitted in Illinois  
Kevin J. Riley  
Also admitted in Tennessee  
Joshua R. Cook

NOTE: This petition was withdrawn from consideration on May 4, 2009, and assigned a new ordinance number to be heard at the June 1, 2009, West Lafayette Common Council meeting.

*Of Counsel*  
William Bonsignore, Esq.  
Also admitted in North Carolina

*Paralegals*  
Patrice E. Irvin  
Joyce A. Reeder

April 22, 2009

Vectren Energy Delivery  
P.O. Box 209  
Evansville, IN 47702-0209

Comcast  
325 S. Creasy Lane  
Lafayette, IN 47905

Verizon Communications  
3216 Imperial Pkwy.  
Lafayette, IN 47909

West Lafayette Wastewater Treatment  
500 S. River Rd.  
West Lafayette, IN 47906

Duke Energy  
526 S. Church St.  
Charlotte, NC 28202

Indiana-American Water Company  
555 East County Line Rd.  
Greenwood, IN 46143

**Re: Petition to Vacate a Portion of Chauncey Avenue in the City of West Lafayette,  
Indiana**

To Whom it May Concern:

Enclosed find copy of Petition to Vacate a Portion of Chauncey Avenue and drawing. This matter is set before the Common Council of the City of West Lafayette, Indiana on May 4, 2009 at 6:30 p.m.

Sincerely,



Daniel A. Teder

DAT/mb

Enclosure

E-MAIL ADDRESSES:

Robert C. Reiling Jr. - [rcr@rtslawfirm.com](mailto:rcr@rtslawfirm.com); Daniel A. Teder - [dat@rtslawfirm.com](mailto:dat@rtslawfirm.com); James R. Schrier - [jrs@rtslawfirm.com](mailto:jrs@rtslawfirm.com);  
Wayne T. Szulkowski - [wts@rtslawfirm.com](mailto:wts@rtslawfirm.com); Kevin J. Riley - [kir@rtslawfirm.com](mailto:kir@rtslawfirm.com); Joshua R. Cook - [jrc@rtslawfirm.com](mailto:jrc@rtslawfirm.com);  
William Bonsignore - [wb@rtslawfirm.com](mailto:wb@rtslawfirm.com)