

ORDINANCE NO. 2016-07-CM

AN ORDINANCE TO VACATE A PORTION OF
THE PUBLIC WAY IN
THE COUNTY OF TIPPECANOE, INDIANA

Be it Ordained by the
Board of Commissioners of
Tippecanoe County, Indiana:

Section 1. That the public way along the following described real estate is
hereby vacated:

See Exhibit B attached hereto and Incorporated herein by reference

Section 2. That an illustration survey of said vacation is attached hereto.

See Exhibit A attached.

Section 3. This ordinance shall be in full force and effect immediately upon passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana,

and approved on first reading this 7th day March, 2016 by

the following vote:

Vote

y

David S. Byers
David S. Byers, President

y

Tracy A. Brown
Tracy A. Brown, vice-President

y

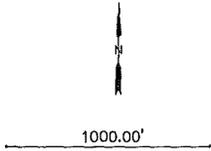
Thomas P. Murtaugh
Thomas P. Murtaugh, Member

ATTEST:

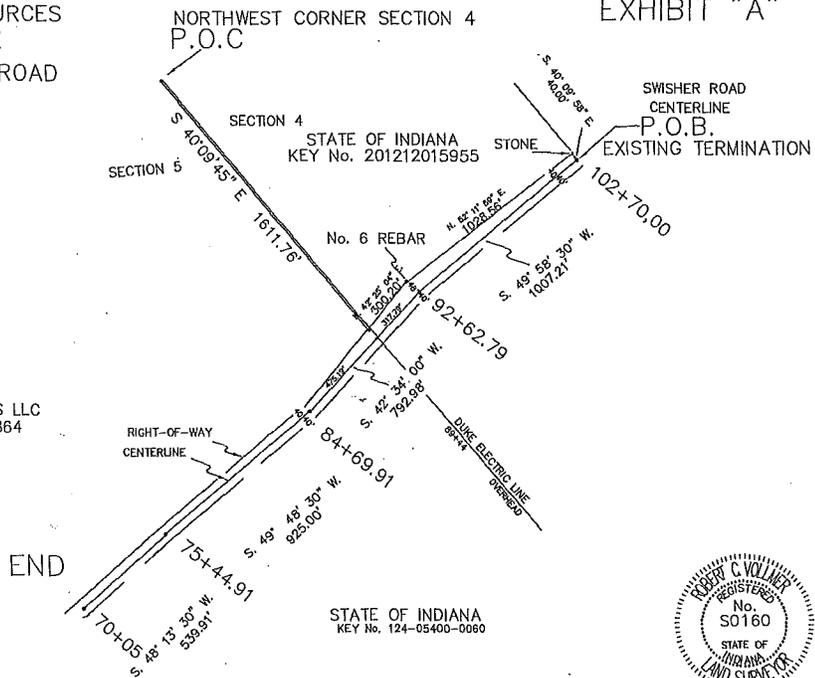
Robert Plantenga
Robert Plantenga, Auditor of Tippecanoe County

INDIANA DEPT. OF NATURAL RESOURCES
 PROPHETSTOWN STATE PARK
 VACATION OF PART OF SWISHER ROAD
 CENTERLINE DESCRIPTION
 SECTIONS 4 AND 5
 T.24 N., R.4 W.

EXHIBIT "A"



HERITAGE AGGREGATES LLC
 KEY No. 201111019864



STATE OF INDIANA
 KEY No. 124-05400-0060

ROBERT C. VOLLMER
 REGISTERED
 No. 50160
 STATE OF INDIANA
 LAND SURVEYOR
 Robert C. Vollmer
 2/21/19, 2016

NOTE: ALL STATIONS ARE COMPATABLE WITH
 THOSE INDICATED ON THE INDIANA STATE HIGHWAY
 COMMISSION PROJECT No. 154(6), 1971.

EQUATION: THE END POINT OF THIS PROPOSED
 VACATION DESCRIPTION, STATION No. 70+05
 EQUALS STATION No. 52+75.74 ON THE RECENT
 PATRICK K. WOODEN PROJECT No. E030289,
 DATED 8/28/2015

80' RIGHT-OF-WAY
 40' EACH SIDE CL.
 EXCEPT AS SHOWN



PROPHETSTOWN STATE PARK
 VACATION OF SWISHER ROAD
 INDIANA DEPARTMENT OF NATURAL RESOURCES
 3545 SWISHER ROAD
 WEST LAFAYETTE, INDIANA 47906

STATE OF INDIANA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF ENGINEERING
 ENGINEERING REGISTRATION BOARD
 200 N. MERIDIAN AVENUE, SUITE 100
 WEST LAFAYETTE, INDIANA 47907
 TEL: 317/487-1300 FAX: 317/487-1301

Project Name: _____
 Project Number: _____
 Date: 11-19-15
 Revision: AS NOTED
 Scale: _____
 Title: _____
 No. 034-028
SUR - 1

Jan 13, 2016 - 12:01 PM: EXACT COPY PROJECT STATE PARKS/STATE PROPHETSTOWN SWISHER ROAD VACATION - DINGELA - DINGELA/DAN SWISHER ROAD/DAWG

PROPHETSTOWN STATE PARK

EXHIBIT "B"

VACATION DESCRIPTION

FOR PART OF SWISHER ROAD RIGHT-OF-WAY

Part of Sections 4 and 5 in Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, and more particularly described as follows:

Commencing at the Northwest Corner of Section 4 in Burnett's Reserve; thence S. $40^{\circ} 09' 45''$ E. along the western line of said Section 4 a distance of 1611.76 feet to a mag nail on the northwesterly Swisher Road Right-Of-Way ; thence following said Right-Of-Way N. $42^{\circ} 25' 04''$ W. a distance of 300.20 feet to a No. 6 rebar; thence N. $52^{\circ} 11' 59''$ E. a distance of 1028 feet to a STONE on the southeast corner of a 52.66 acre tract conveyed to the State of Indiana by the Swisher Road Development, recorded July 24, 2012 ; thence S. $40^{\circ} 09' 58''$ E. a distance of 40 feet to the CENTERLINE of Swisher Road, the TRUE POINT OF BEGINNING, also being the existing northeast termination of said Swisher Road and known as Station No. 102+70 on Indiana State Highway Project No. 154(8), 1971:

Thence following the existing Swisher Road Centerline the following five calls;

S. $49^{\circ} 58' 30''$ W., 1007.21 feet;

S. $42^{\circ} 34' 00''$ W., 317.79 feet to the westerly line of Section 4 and the easterly line of Section 5;

S. $42^{\circ} 34' 00''$ W., 475.19 feet ;

S. $49^{\circ} 48' 30''$ W., 925.00 feet;

S. $48^{\circ} 13' 30''$ W., 539.91 feet to the END of this Vacation description called Station No. 70+05 on said Indiana Highway Project No. 154(8) and also called Station No. 52+75.74 on the recent Patrick K. Wooden design project No. E030289, 8/28/2015.

The total length of this Vacation description is 3265.10 feet.

Basis of bearings are taken from the Indiana State Highway Commission Project No. S-154(8), approved Feb. 8, 1971


Robert C. Vollmer

L.S. No. S0160

“This is an exempt transaction and the sales disclosure 46021 (R8/7-08) is not required”

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.



Opal Kuhl, P.E., Executive Director
Tippecanoe County Highway Department

This instrument prepared by: David W. Luhman, 8939-79, Hoffman, Luhman, & Mason, PC
200 Ferry Street, Suite C, P.O. Box 99, Lafayette, IN 47902, Telephone (765) 423-5404

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE) SS:

Before me, a Notary Public in and for said County and State, personally appeared
Cameron R. Clark who acknowledged the execution of the above and foregoing
Petition for Vacation of a Public Way and the truth of the facts stated therein.

Witness my hand and seal this 8th day of February, ___ 2016.

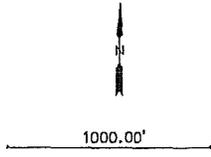
My Commission Expires:

April 14, 2017

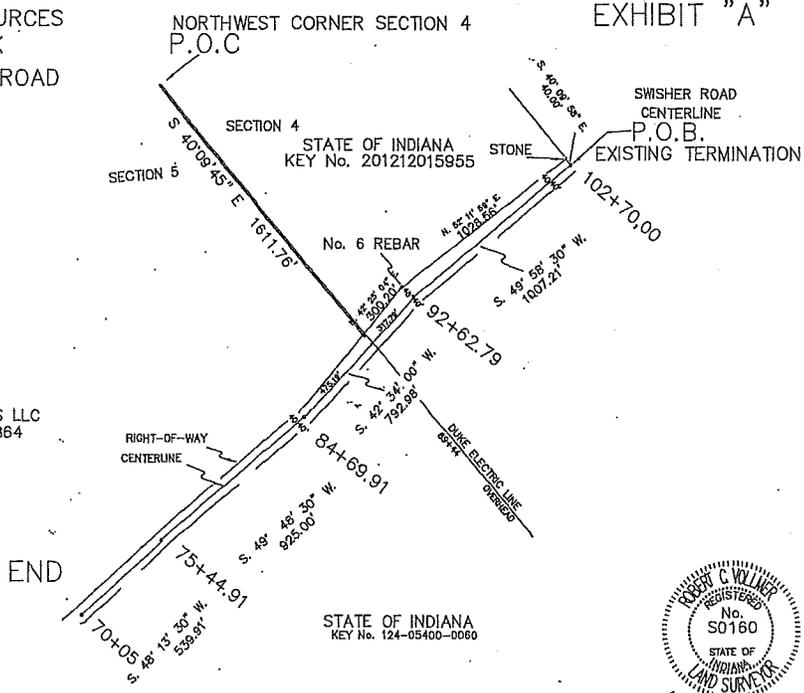
Cheryl Ann Hampton
Notary Public
Printed: Cheryl Ann Hampton
Residing in Morgan County, Indiana

INDIANA DEPT. OF NATURAL RESOURCES
 PROPHETSTOWN STATE PARK
 VACATION OF PART OF SWISHER ROAD
 CENTERLINE DESCRIPTION
 SECTIONS 4 AND 5
 T.24 N., R.4 W.

EXHIBIT "A"



HERITAGE AGGREGATES LLC
 KEY No. 201111019884



STATE OF INDIANA
 KEY No. 124-05400-0060

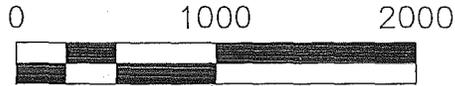


Robert C. Williams
 8/24/19, 2016

NOTE: ALL STATIONS ARE COMPATIBLE WITH
 THOSE INDICATED ON THE INDIANA STATE HIGHWAY
 COMMISSION PROJECT No. 154(B), 1971.

EQUATION: THE END POINT OF THIS PROPOSED
 VACATION DESCRIPTION, STATION No. 70+05
 EQUALS STATION No. 52+75.74 ON THE RECENT
 PATRICK K. WOODEN PROJECT No. E030289,
 DATED 8/28/2015

80' RIGHT-OF-WAY
 40' EACH SIDE CL
 EXCEPT AS SHOWN



PROPHETSTOWN STATE PARK VACATION OF SWISHER ROAD INDIANA DEPARTMENT OF NATURAL RESOURCES 5945 SWISHER ROAD WEST LAFAYETTE, INDIANA 47906	
STATE OF INDIANA DEPARTMENT OF NATURAL RESOURCES DIVISION OF ENGINEERING 500 WEST WASHINGTON AVENUE, SUITE 1000 WEST LAFAYETTE, INDIANA 47906 TELEPHONE: 317/497-1313	
Project Name:	Projects:
Project Number:	Requisitions:
Date:	01-19-16
Title:	AS NOTED
Scale:	AS NOTED
File Number:	034-028
Drawing Number:	SUR - 1
Date:	8/24/16

PROPHETSTOWN STATE PARK

EXHIBIT "B"

VACATION DESCRIPTION

FOR PART OF SWISHER ROAD RIGHT-OF-WAY

Part of Sections 4 and 5 in Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, and more particularly described as follows:

Commencing at the Northwest Corner of Section 4 in Burnett's Reserve; thence S. $40^{\circ} 09' 45''$ E. along the western line of said Section 4 a distance of 1611.76 feet to a mag nail on the northwesterly Swisher Road Right-Of-Way ; thence following said Right-Of-Way N. $42^{\circ} 25' 04''$ W. a distance of 300.20 feet to a No. 6 rebar; thence N. $52^{\circ} 11' 59''$ E. a distance of 1028 feet to a STONE on the southeast corner of a 52.66 acre tract conveyed to the State of Indiana by the Swisher Road Development, recorded July 24, 2012 ; thence S. $40^{\circ} 09' 58''$ E. a distance of 40 feet to the CENTERLINE of Swisher Road, the TRUE POINT OF BEGINNING, also being the existing northeast termination of said Swisher Road and known as Station No. 102+70 on Indiana State Highway Project No. 154(8), 1971:

Thence following the existing Swisher Road Centerline the following five calls;

S. $49^{\circ} 58' 30''$ W., 1007.21 feet;

S. $42^{\circ} 34' 00''$ W., 317.79 feet to the westerly line of Section 4 and the easterly line of Section 5;

S. $42^{\circ} 34' 00''$ W., 475.19 feet ;

S. $49^{\circ} 48' 30''$ W., 925.00 feet;

S. $48^{\circ} 13' 30''$ W., 539.91 feet to the END of this Vacation description called Station No. 70+05 on said Indiana Highway Project No. 154(8) and also called Station No. 52+75.74 on the recent Patrick K. Wooden design project No. E030289, 8/28/2015.

The total length of this Vacation description is 3265.10 feet.

Basis of bearings are taken from the Indiana State Highway Commission Project No. S-154(8), approved Feb. 8, 1971


Robert C. Vollmer

L.S. No. S0160

EXHIBIT "C"

INTERESTED PARTIES WITHIN VACATED ROAD

U.S. Aggregates
5070 Swisher Road
West Lafayette, IN 47906

INTERESTED PARTIES BEYOND VACATED ROAD

Mr. Steven McClean
5001 Swisher Road
West Lafayette, Indiana 47906

Mr. Gary Wolfelt & Ms. Esther Chosnek
5001 Swisher Road
West Lafayette, Indiana 47906

Mr. Larry and Nancy Marshall
5033 Swisher Road
West Lafayette, Indiana 47906

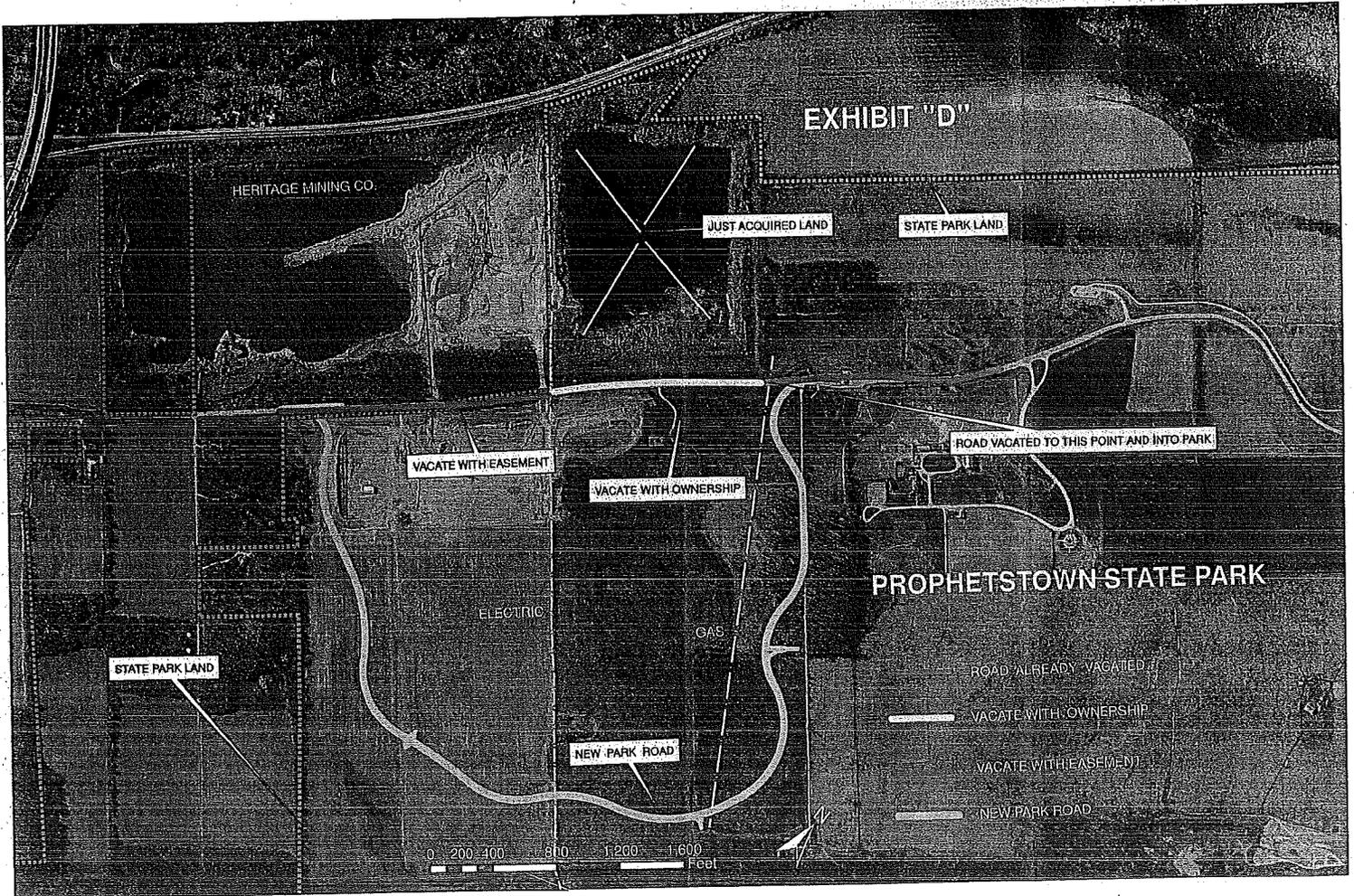
Mr. Richard and Michelle Meyer
5037 Swisher Road
West Lafayette, Indiana 47906

INTERESTED PARTIES BEYOND VACATED SWISHER ROAD

Ms. Opal Hatke
515 South 9th Street
Lafayette, Indiana 47905

Mr. George Stine
PO Box 327
Battle Ground, Indiana 47920

Catholic Diocese
C/O Van Hoy Farm Management Service
PO Box 408
Oxford, Indiana 47971



STATE OF INDIANA)
)
COUNTY OF TIPPECANOE) BEFORE THE TIPPECANOE COUNTY
COMMISSIONERS OF TIPPECANOE COUNTY,
INDIANA

NOTICE OF HEARING ON A PETITION TO VACATE A PUBLIC WAY

Notice is hereby given that the Commissioners of Tippecanoe County, Indiana,
will hold a public hearing on the Petition of the State of Indiana, Department of Natural
Resources, to vacate a portion of a public way described as follows:

Part of Sections 4 and 5 in Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe Township,
Tippecanoe County, Indiana, and more particularly described as follows:

Commencing at the Northwest Corner of Section 4 in Burnett's Reserve; thence S. 40° 09' 45" E. along the
western line of said Section 4 a distance of 1611.76 feet to a mag nail on the northwesterly Swisher Road Right-
Of-Way ; thence following said Right-Of-Way N. 42° 25' 04" W. a distance of 300.20 feet to a No. 6 rebar; thence
N. 52° 11' 59" E. a distance of 1028 feet to a STONE on the southeast corner of a 52.66 acre tract conveyed to
the State of Indiana by the Swisher Road Development, recorded July 24, 2012 ; thence S. 40° 09' 58" E. a
distance of 40 feet to the CENTERLINE of Swisher Road, the TRUE POINT OF BEGINNING, also being the existing
northeast termination of said Swisher Road and known as Station No. 102+70 on Indiana State Highway Project
No. 154(8), 1971:

Thence following the existing Swisher Road Centerline the following five calls;

S. 49° 58' 30" W., 1007.21 feet;

S. 42° 34' 00" W., 317.79 feet to the westerly line of Section 4 and the easterly line of Section 5;

S. 42° 34' 00" W., 475.19 feet ;

S. 49° 48' 30" W., 925.00 feet;

S. 48° 13' 30" W., 539.91 feet to the END of this Vacation description called Station No. 70+05 on said Indiana
Highway Project No. 154(8) and also called Station No. 52+75.74 on the recent Patrick K. Wooden design project
No. E030289, 8/28/2015.

The total length of this Vacation description is 3265.10 feet.

Basis of bearings are taken from the Indiana State Highway Commission Project No. S-154(8), approved Feb. 8,
1971

Said hearing will be conducted at 10a.m. on the 15 day of February, 2016 at
the Tippecanoe County Office Building, 20 North 3rd St., Lafayette, Indiana.

ATTEST: 
Robert A. Plantenga, Auditor of Tippecanoe County

AMENDMENT TO THE PETITION FOR VACATION OF A PUBLIC WAY

Concerning Swisher Road within Prophetstown State Park, submitted February 8, 2016 to the representative of the Tippecanoe County Commissioners.

The Indiana Department of Natural Resources (IDNR) adds the following Amendment to the Petition for Vacation of the subject Swisher Road.

Duke Energy's recorded easement rights, including the electric utility facilities, which cross the proposed portions of Swisher Road to be vacated, will continue to be in effect. IDNR will furnish Duke Energy with continued access to the said easement and facilities from the existing southwest non-vacated Swisher Road and the newly constructed internal road just southwest of the gatehouse location. IDNR requests that the aforementioned provisions be included in the approved vacating ordinance.