

ORDINANCE NO. 2008-08-CM

**AN ORDINANCE VACATING RIGHT-OF-WAY
IN SHELBY TOWNSHIP, TIPPECANOE COUNTY, INDIANA**

WHEREAS, O'Malley & O'Malley, an Indiana limited liability company, have petitioned the Board of Commissioners of Tippecanoe County to vacate the right-of-way granted to Tippecanoe County, Indiana in the Final Plat of Applewood Subdivision, Section 2, prepared by The Schneider Corporation, Dale Grimes, L.S., and recorded June 5, 2001 as Document #01-013787, Book 6, Page 169, more particularly described as follows:

A part of the West Half of the Southeast Quarter of Section 6, Township 23 North, Range 5 West, Tippecanoe County, Indiana, being part of the right-of-way of Apple Lane in Applewood Subdivision, Section 2, as per the plat thereof, recorded in Document Number 01013787, in the Tippecanoe County Recorder's Office; being more completely described as follows:

Commencing at the northeast corner of the west half of said southeast quarter; thence along the bounds of said Applewood Subdivision, Section Two for the following eight (8) courses: (1) North 88°20'03" West, along the north line of the west half of said southeast quarter, 189.40 feet; (2) South 24°59'50" West, 24.42 feet; (3) South 65°00'10" East, 35.90 feet; (4) South 64°19'24" East, 55.87 feet to the POINT OF BEGINNING of the herein described tract; (5) South 25°40'36" West, 62.07 feet; (6) along a tangent curve to the left (said curve having a radius of 130.00 feet and a chord bearing South 05°14'44" East, 133.61 feet) an arc distance of 140.32 feet; (7) South 36°10'05" East, 100.28 feet; (8) along a tangent curve to the left (said curve having a radius of 70.00 feet and a chord bearing South 18°10'53" East, 43.23 feet) an arc distance of 43.95 feet; thence along a non-tangent curve to the left (said curve being concave westerly, having a radius of 190.00 feet, and a chord bearing North 11°14'31" West, 72.82 feet) an arc distance of 73.27 feet; thence North 22°17'22" West, 95.15 feet; thence along a tangent curve to the right (said curve having a radius of 130.00 feet and a chord bearing North 05°48'23" West, 73.77 feet) an arc distance of 74.80 feet; thence North 10°40'36" East, 72.82 feet to the south right-of-way of Jackson Highway; thence North 64°19'24" West, along said south right-of-way, 15.24 feet to the point of beginning, containing 0.19 acres, more or less.

WHEREAS, the proposed right-of-way is more particularly described as follows:

A part of the West Half of the Southeast Quarter of Section 6, Township 23 North, Range 5 West, Tippecanoe County, Indiana, being part of Outlot A in

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

MAR 2 1 2008

AUDITOR OF TIPPECANOE CO.
Jeannette Watson

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Jeannette Watson

Applewood Subdivision, Section 2, as per the plat thereof, recorded in Document Number 01013787, in the Tippecanoe County Recorder's Office; being more completely described as follows:

Commencing at the northeast corner of the west half of said southeast quarter; thence South $00^{\circ}11'38''$ East, along the east line of said west half, 112.32 feet to the northeast corner of said Outlot A; thence along the northern line of Outlot A for the following two (2) courses: (1) North $64^{\circ}19'24''$ West, 52.61 feet to the POINT OF BEGINNING of the herein described tract; (2) continuing North $64^{\circ}19'24''$ West, 17.35 feet to the easterly right-of-way of Apple Lane as per the plat of said Applewood Subdivision; thence along said easterly right-of-way for the following four (4) courses: (1) South $25^{\circ}40'36''$ West, 62.07 feet; (2) along a tangent curve to the left (said curve having a radius of 70.00 feet and a chord bearing South $05^{\circ}14'43''$ East, 71.94 feet) an arc distance of 75.56 feet; (3) South $36^{\circ}10'05''$ East, 100.28 feet; (4) along a tangent curve to the right (said curve having a radius of 130.00 feet and a chord bearing South $18^{\circ}10'53''$ East, 80.29 feet) an arc distance of 81.62 feet to the east line of said west half; thence along a non-tangent curve to the left (said curving being concave westerly, having a radius of 250.00 feet, and a chord bearing North $11^{\circ}14'31''$ West, 95.81 feet) an arc distance of 96.41 feet; thence North $22^{\circ}17'22''$ West, 95.15 feet; thence along a tangent curve to the right (said curve having a radius of 70.00 feet and a chord bearing North $05^{\circ}48'23''$ West, 39.72 feet) an arc distance of 40.28 feet; thence North $10^{\circ}40'36''$ East, 56.74 feet to the point of beginning, containing 0.15 acres, more or less.

WHEREAS,

- 1) Notice of petition has been given in the manner prescribed by I.C. 5-3-1-2 and by certified mail to each owner of land that abuts the right-of-way to be vacated;
- 2) The members of the Board of Commissioners of Tippecanoe County present at this meeting, have unanimously consented to consider this ordinance;
- 3) The right-of-way hereby sought to be vacated has never been used as a right-of-way by the County and is not necessary for use by any person as a right-of-way;
- 4) The portion of roadway hereby sought to be vacated lies within the unincorporated limits of Shelby Township;
- 5) The portion of right-of-way sought to be vacated is not necessary for the growth of Shelby Township;
- 6) The vacation will in no way leave any other real estate without a right of ingress and egress by means of a public way or street;
- 7) The vacation will not cut off the public's access to any church, school or any other public buildings or grounds; and
- 8) A two-thirds (2/3) vote of all elected members of this legislative body have voted in favor of this vacation at this meeting.

WHEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY, INDIANA:

A part of the West Half of the Southeast Quarter of Section 6, Township 23 North, Range 5 West, Tippecanoe County, Indiana, being part of the right-of-way of Apple Lane in Applewood Subdivision, Section 2, as per the plat thereof, recorded in Document Number 01013787, in the Tippecanoe County Recorder's Office; being more completely described as follows:

Commencing at the northeast corner of the west half of said southeast quarter; thence along the bounds of said Applewood Subdivision, Section Two for the following eight (8) courses: (1) North $88^{\circ}20'03''$ West, along the north line of the west half of said southeast quarter, 189.40 feet; (2) South $24^{\circ}59'50''$ West, 24.42 feet; (3) South $65^{\circ}00'10''$ East, 35.90 feet; (4) South $64^{\circ}19'24''$ East, 55.87 feet to the POINT OF BEGINNING of the herein described tract; (5) South $25^{\circ}40'36''$ West, 62.07 feet; (6) along a tangent curve to the left (said curve having a radius of 130.00 feet and a chord bearing South $05^{\circ}14'44''$ East, 133.61 feet) an arc distance of 140.32 feet; (7) South $36^{\circ}10'05''$ East, 100.28 feet; (8) along a tangent curve to the left (said curve having a radius of 70.00 feet and a chord bearing South $18^{\circ}10'53''$ East, 43.23 feet) an arc distance of 43.95 feet; thence along a non-tangent curve to the left (said curve being concave westerly, having a radius of 190.00 feet, and a chord bearing North $11^{\circ}14'31''$ West, 72.82 feet) an arc distance of 73.27 feet; thence North $22^{\circ}17'22''$ West, 95.15 feet; thence along a tangent curve to the right (said curve having a radius of 130.00 feet and a chord bearing North $05^{\circ}48'23''$ West, 73.77 feet) an arc distance of 74.80 feet; thence North $10^{\circ}40'36''$ East, 72.82 feet to the south right-of-way of Jackson Highway; thence North $64^{\circ}19'24''$ West, along said south right-of-way, 15.24 feet to the point of beginning, containing 0.19 acres, more or less.

is hereby vacated and title and ownership shall pass to the adjacent property owner, Vernon J.

and Janet Hardebeck, 3420 Apple Ln., West Lafayette, IN 47906, key number 120-06100-0015.

By virtue of a two-thirds (2/3) vote with unanimous consent of members present, this ordinance shall take effect immediately. It is finally ordered that a copy of this order be spread of record in the Office of the Auditor of Tippecanoe County, Indiana, and recorded in the Office of the Recorder of Tippecanoe County, Indiana.

Passed and adopted by the Board of Commissioners of Tippecanoe County, Indiana, this

17th day of March, 2008.

VOTE:

Yes

Yes

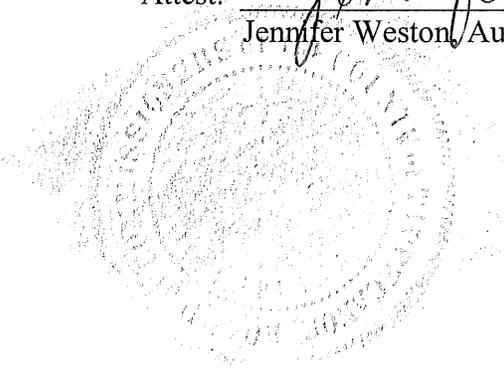
Yes

K.D. Benson
K.D. Benson, President

John L. Knochel
John L. Knochel, Vice President

Ruth E. Shedd
Ruth Shedd, Member

Attest: Jennifer Weston
Jennifer Weston, Auditor



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.

Jennifer Weston