

Ordinance #2015-04-CM

Vacating a Portion of a Public Right-of-Way

Tippecanoe Township, Tippecanoe County, Indiana

**Whereas**, The Board of Commissioners of Tippecanoe County is authorized to vacate public ways pursuant to IC 36-9-2-5; and IC 36-7-3-12.

**Whereas**, the Tippecanoe County Highway Department has requested the Board of Commissioners to vacate certain portion of Railroad Street , Washington Township, in the Town of Colburn, Tippecanoe County, Indiana, and files a Petition on behalf of Danny Pattengale with the Board of Commissioners in support of such request: and

**Whereas**, proper notice was given to all abutting land owners; and

**Whereas**, a public hearing was held on JANUARY 20, 2015 at 10:00 a.m. on the petition; and

**Whereas**, the Board of Commissioners has determined that the petition is in order and should be granted;


**Whereas**, the road and the right-of-way way had existed for many years

**Now, therefore, be it ordained** that the right-of-way of a portion of Railroad Street in the Town of Colburn as described in "Exhibit A" and highlighted in "Exhibit 1", Washington Township, Tippecanoe County, Indiana, should be, and hereby is, vacated.

This Ordinance shall be in full force and effect immediately upon its passage and signing.

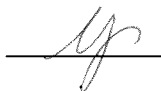
1<sup>st</sup> Reading – February 2, 2015

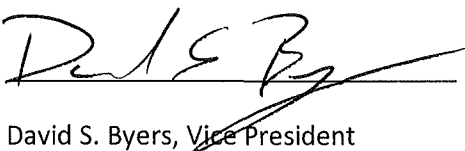
Board of Commissioners of Tippecanoe County



Thomas P. Murtaugh, President

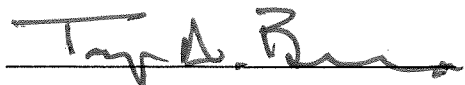
Vote



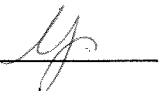


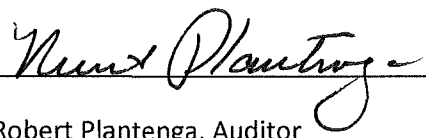
David S. Byers, Vice President





Tracy A. Brown, Member



Attest: 

Robert Plantenga, Auditor

2nd Reading – February 2, 2015

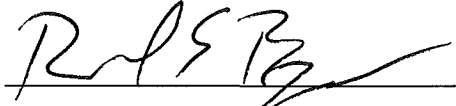
Board of Commissioners of Tippecanoe County

Vote



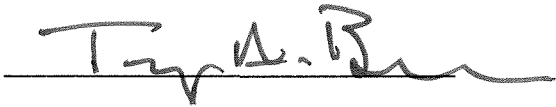


Thomas P. Murtaugh, President





David S. Byers, Vice President





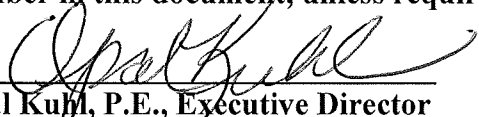
Tracy A. Brown, Member

Attest: 

Robert Plantenga, Auditor

**“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.

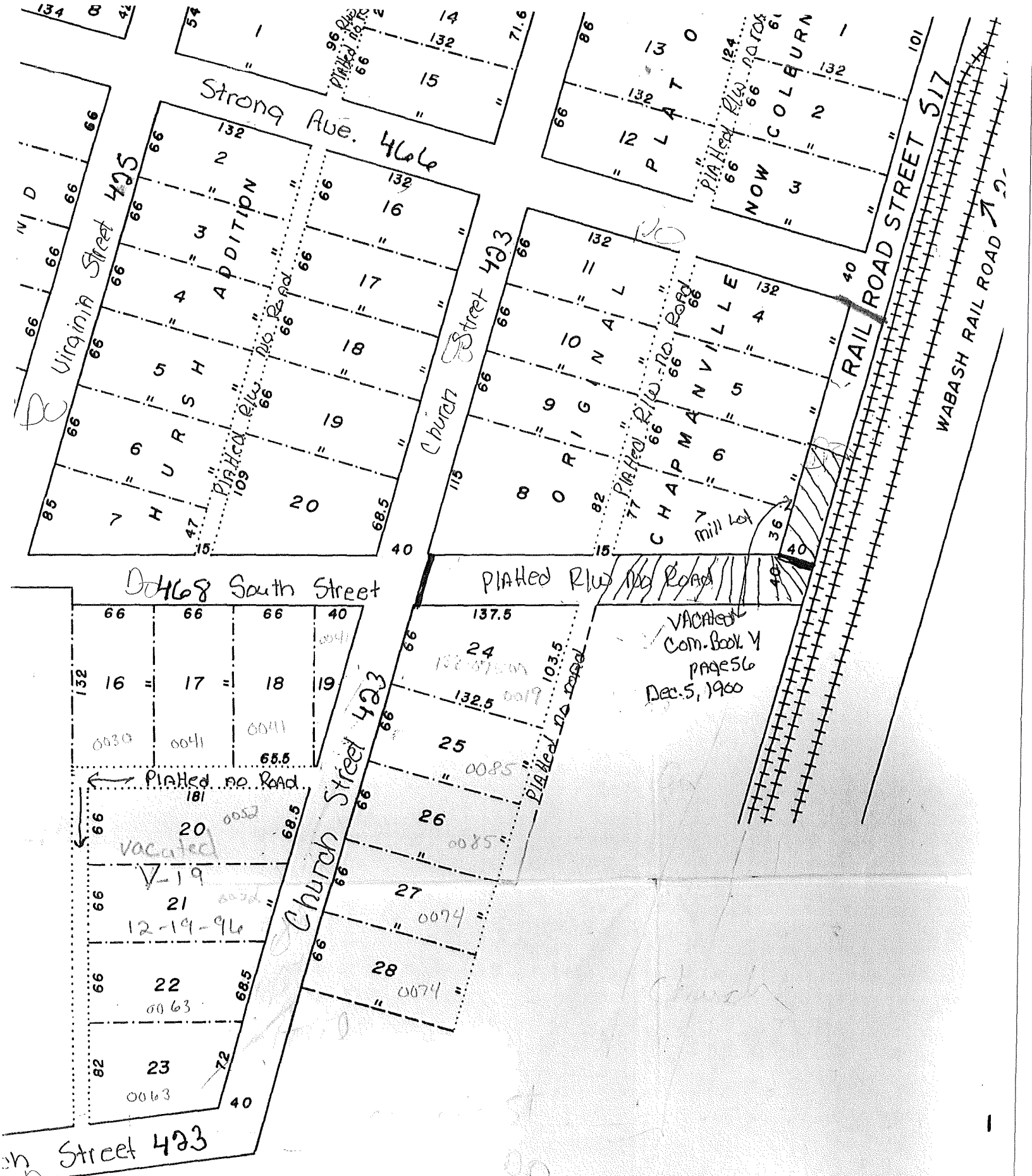


**Opal Kuhl, P.E., Executive Director  
Tippecanoe County Highway Department**

This instrument prepared by: Danny Pattengale, 6910 Railroad Street, Colburn, IN 47905, Telephone (765) 586-4006

Exhibit "A"

The right-of-way to be vacated is a part of the original Town Plat of Colburn, Indiana and is a portion of Railroad Street located in the Original Chapmanville Addition, Washington Township. The section to be vacated starts at the point of the north property line of Lot 4 which begins south of Strong Avenue, then extends southward 132', then east 40', then back north 132', and then west 40' to the point of beginning as shown on Exhibit 1.

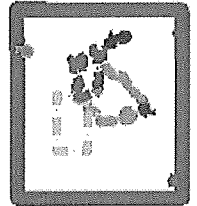


"EXHIBIT 1"

OR  
SCALE  
SU



# Tippecanoe County GIS



### Legend

- County Boundary
- Interstates, Highways, and Major Local Roads
- Interstate
- US Hwy
- State Hwy
- Major Local Road
- Local Roads
- Parcels

1: 1,128

1/16/2015 1:19:41 PM



### Notes

The Board of commissioners of Tippecanoe County, State of Indiana, disclaim any responsibility for the accuracy or correctness of the data, even though the data has been tested for accuracy and is being used for various Geographic Information System (GIS) activities. THE FOREGOING WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES OR MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE AND/OR ANY OTHER TYPE WHETHER EXPRESSED OR IMPLIED. In no event shall the Tippecanoe County Commissioners or Tippecanoe County become liable to users of the data, or any other party, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use, operation or modification of the data. In using the data, users further agree to indemnify, defend, and hold harmless the Tippecanoe County Commissioners and Tippecanoe County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data. THIS MAP IS NOT TO BE USED FOR NAVIGATION

State of Indiana )

) SS: Before the Board of Commissioners of Tippecanoe County

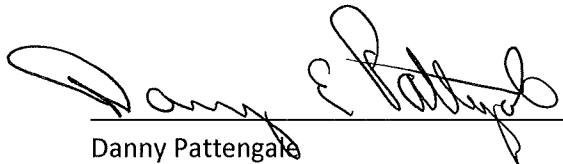
County of Tippecanoe)

**PETITION FOR VACATION OF RIGHT-OF-WAY**

Danny Pattengale respectfully petitions Tippecanoe County Board of Commissioners for the vacation of all or part of certain public way, as more fully described herein, pursuant to IC 36-9-2-5 and IC 36-7-3-12.

1. Your petitioner petitions for the vacation of the following real estate:
  - A) All of the right-of-way that is to be vacated is described in a legal description in "Exhibit A" attached and incorporated herein by reference, and highlighted in "Exhibit 1".
  - B) The adjacent land owners are described in "Exhibit B" attached hereto and incorporated herein by reference.

Respectfully submitted by:

  
\_\_\_\_\_  
Danny Pattengale

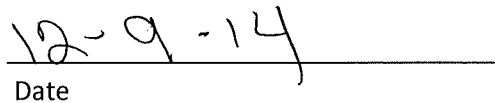
  
\_\_\_\_\_  
Date

Exhibit "B"

(Property Owners)

- Tippecanoe County Board of Commissioners  
20 North Third Street  
Lafayette, IN 47901
- Larry J. Pattengale  
5212 Railroad Street  
Colburn, IN 47905
- Norfolk & Southern Railway



County of Tippecanoe, State of Indiana  
Before The Tippecanoe County Commissioners

**NOTICE OF HEARING ON A PETITION TO VACATE A PUBIC RIGHT-OF-WAY**

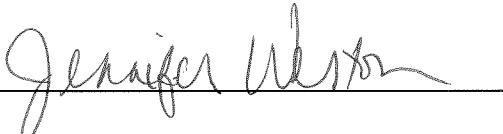
Notice is hereby given that the Board of Commissioners of Tippecanoe County, Indiana will hold a public hearing on the Petition of **Danny Pattengale** to vacate a portion of a right-of-way described as follows:

**A portion of Railroad Street in the Town of Colburn**

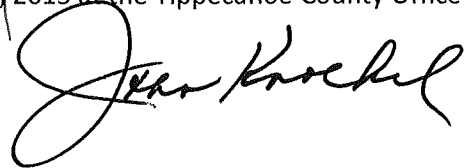
The right-of-way to be vacated is a part of the original Town Plat of Colburn, Indiana and is a portion of Railroad Street located in the Original Chapmanville Addition, Washington Township. The section to be vacated starts at the point of the north property line of Lot 4 which begins south of Strong Avenue, then extends southward 132', then east 40' , then back north 132', and then west 40' to the point of beginning as shown on Exhibit 1.

Said hearing will be conducted at 10:00 a.m. on the 20<sup>th</sup> day of JANUARY 2015 at the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Attest:



Jennifer Weston, Auditor of Tippecanoe County





**DESIGN ENGINEERING**

116 E Taylor St

Kokomo, IN 46901

765-454-4149

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RE: Request to Vacate Railroad St Colburn, IN

AT&T has no facilities and/or has no objection to the vacation of the area at 6910 Railroad St Colburn, IN per the request of Mrs. H Pattengale on 1-9-15.

Ryan McManus  
AT&T Design Engineer  
116 E Taylor St  
Kokomo, IN 46901



Duke Energy Indiana  
3395 Greenbush Street  
Lafayette, IN 47905

December 29, 2014

Tippecanoe County Highway Department  
20 North Third Street  
Lafayette, IN 47901

Mindy:

According to our records there are no overhead or underground electric lines in front of 6910 Railroad Street, Colburn, IN.

If you need anything g else please let me know.

A handwritten signature in cursive script that reads "Denise Stevenson".

Denise Stevenson  
*Duke Energy*  
Work Management Spec II  
765-446-4006