

ORDINANCE 2015- 06 -CM

AN ORDINANCE TO VACATE A PLATTED UTILITY AND DRAINAGE EASEMENT  
IN TIPPECANOE COUNTY, INDIANA

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

Section 1. That the following Platted Utility and Drainage Easement are hereby vacated:

See Exhibit B attached hereto and incorporated herein by reference.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

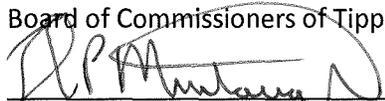
Adopted and passed by the Tippecanoe County Board of Commissioners,

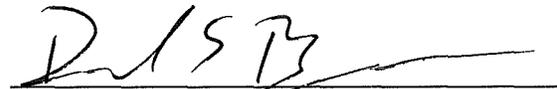
Tippecanoe County, Indiana, this 3rd day of March, 2015

1<sup>st</sup> Reading 03/02/15

VOTE:

Board of Commissioners of Tippecanoe County

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy A. Brown, Member

ATTEST:

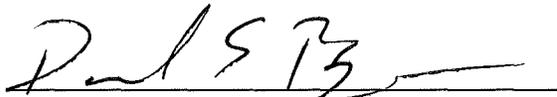
  
Robert A. Plantenga, Auditor

2<sup>nd</sup> Reading 03/02/15

VOTE:

Board of Commissioners of Tippecanoe County

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy A. Brown, Member

ATTEST:

  
Robert A. Plantenga, 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. **James J. White**

Prepared by: **James J. White**

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IN TIPPECANOE COUNTY, INDIANA

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Section 1. That the following Platted Utility and Drainage Easement are hereby vacated:

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Section 2. This Ordinance shall be in full force and effect from and after its passage.

Adopted and passed by the Tippecanoe County Board of Commissioners,

Tippecanoe County, Indiana, this 2nd day of March, 2015

1<sup>st</sup> Reading 03/02/15

VOTE:

Board of Commissioners of Tippecanoe County

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy A. Brown, Member

ATTEST:

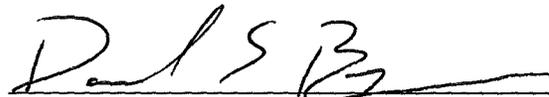
\_\_\_\_\_  
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VOTE:

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ATTEST:

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Prepared by: **James J. White**

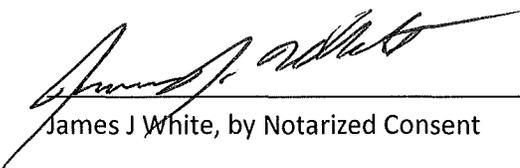
STATE OF INDIANA                    )  
  )        SS:        BEFORE THE COUNTY COMMISSIONERS,  
COUNTY OF TIPPECANOE        )        TIPPECANOE COUNTY, INDIANA

**PETITION TO VACATE A PLATTED UTILITY AND DRAINAGE EASEMENT**

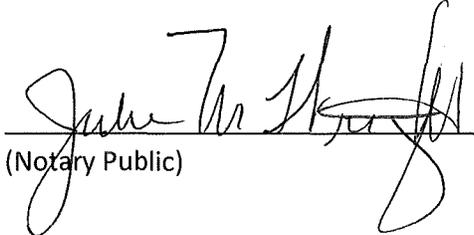
To the County Commissioners of Tippecanoe County, Indiana:  
Jeanne Warburton, represented by Vester and Associates with notarized consent, respectfully petitions the County Commissioners of Tippecanoe, Indiana and shows the following:

- 1) This petition is made pursuant to IC 36-7-3-16
- 2) Your Petitioner, Jeanne Warburton, is the owner of the land described hereto on EXHIBIT A.
- 3) Your Petitioner petitions for the vacation of a Platted Utility and Drainage Easement on the real estate described on EXHIBIT B.
- 4) Utilities have provided letters to release the area proposed to be vacated and no utility is currently in said easement.
- 5) The Petitioner owns the land on either side of the easement
- 6) This vacation is needed as a condition of the Tippecanoe County Are Plan Commission to complete the platting of Warburton Minor Subdivision as Conditionally Approved on February 4, 2015.
- 7) A proposed ordinance is attached hereto.

WHEREFORE, the Petitioner prays for an ordinance in the form attached hereto.

  
James J White, by Notarized Consent

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 24<sup>th</sup> Day of February, 2015.

  
(Notary Public)

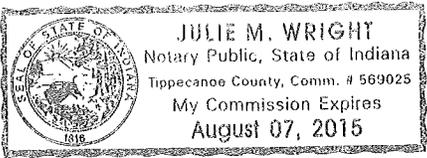


EXHIBIT A

**LEGAL DESCRIPTION (PER DEED RECORD 2014140199610)**

Lots Numbered 2 and 3 in Prophet's View Subdivision, an addition to Tippecanoe County, State of Indiana, shown as Instrument No. 01001096 in the Office of the Recorder of Tippecanoe County records, amended by Surveyor's Affidavit recorded February 14, 2001 as Instrument No. 01002899.

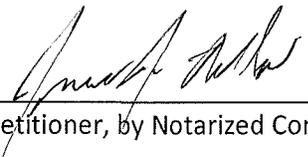
EXHIBIT B

**LEGAL DESCRIPTION FOR PLATTED UTILITY AND DRAINAGE EASEMENT:**

Six foot either side of the property line between lots numbered 2 and 3 as platted in Prophet's View Subdivision, an addition to Tippecanoe County, State of Indiana, shown as Instrument No. 01001096 in the Office of the Recorder of Tippecanoe County records, amended by Surveyor's Affidavit recorded February 14, 2001 as Instrument No. 01002899, except the easements along the front and rear lot line.

WAIVER OF PUBLIC HEARING WITHIN 30 DAYS

I, Jeanne Warburton, represented by Vester and Associates, Inc by Notarized Consent, hereby waive my right under Indiana Code 36-7-3-16 to a public hearing within 30 days of filing of my Petition to Vacate a Platted Utility and Drainage Easement and agree that the Board of County Commissioners of Tippecanoe County may hold such public hearing at its next regularly scheduled County Commissioners of Tippecanoe County meeting on MARCH 2, 2015.

  
\_\_\_\_\_  
Petitioner, by Notarized Consent

2-24-2015  
Date

Warburton Minor Subdivision

Interested Parties

124-05304-0023, 124-05304-0034

Jeanne Warburton

104 Wendover Avenue

Las Vegas, Nevada 89110

Yellowknife Drive, Battle Ground, IN

Tippecanoe County Highway Department

20 N. Third Street

Lafayette, IN 47901

EXHIBIT B

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*Battle Ground Water District*

*P.O. Box 303*

*Battle Ground IN 47920*

*Email: [water@battleground.in.gov](mailto:water@battleground.in.gov)*

***James J. White***

***Chief of Crews***

**VESTER & ASSOCIATES, INC.**

Jim,

Battle Ground Water Conservancy doesn't require the need for the easement between lots 2 & 3 of Prophet's View Subdivision. You can vacate the easement.

If you need additional information, please contact me.

Sincerely,

*Daniel Gemmecke*

Water Works Superintendent.

765-567-4020

**TIPPECANOE COUNTY SURVEYOR**  
TIPPECANOE COUNTY OFFICE BUILDING  
20 NORTH 3<sup>RD</sup> STREET  
LAFAYETTE, INDIANA 47901  
Tel. (765) 423-9228 Fax (765) 423-9241  
surveyor@tippecanoe.in.gov

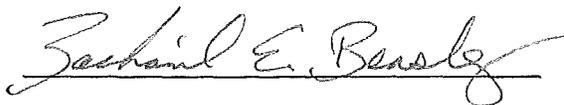
February 13, 2015

Regarding the Release of a Drainage Easement in Prophets View Subdivision

To whom it may concern:

The Tippecanoe County Surveyor, Zachariah E. Beasley, on behalf of the Tippecanoe County Drainage Board, has no objection to the permanent Release of the Drainage Easement along the common line between Lots 2 and 3 of Prophet's View Subdivision as depicted on the Recorded Final Plat of said Subdivision dated January 18, 2001 in the Office of the Tippecanoe County Recorder. All other adjoining Drainage Easements shall remain as shown on said Plat.

Signed



Zachariah E. Beasley, P.L.S. / M.S.

Tippecanoe County Surveyor

ZB/ds

Cc: Vester & Associates, file



January 26<sup>th</sup>, 2015

Mrs. Jeanne Warburton  
104 Wendover Ave  
Las Vegas, Nevada 89110

Dear Mrs. Warburton,

This letter is to advise that Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana has reviewed your requested release of the utility easement being located between Lot 2 and Lot 3, Prophet's View Subdivision, property known as 6683 Yellowknife Ct., Lafayette, Indiana.

After review of the aforementioned utility easement we find that our company presently maintains no facilities in said utility easement strip. Therefore Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana grants a release of any rights to said utility easement located between Lot 2 and Lot 3, Prophet's View Subdivision, property known as 6683 Yellowknife Ct., Lafayette, Indiana.

If you need additional assistance please call me.

Sincerely,

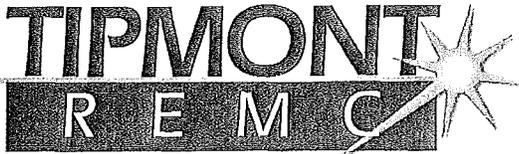


Ron Barker

from the desk of...

Ronald R. Barker, SR/WA  
Land Services Department  
Vectren Energy Delivery of Indiana  
2345 East Main Street  
Danville, Indiana 46122

812-231-6437  
Fax: 812-231-6447  
Cell: 317-997-3972  
e-mail: [rbarker@vectren.com](mailto:rbarker@vectren.com)



Your Touchstone Energy<sup>®</sup>  
Cooperative 

403 S MAIN ST | PO BOX 20 | LINDEN IN 47955  
800.726.3953 | Fax 765.339.3243 | [www.tipmont.org](http://www.tipmont.org)

Vester & Associates, Inc.  
Land Surveying and Engineering  
James J. White, Chief of Crews  
309 Columbia Street, Suite 101  
Lafayette, Indiana 47901-1315

January 27, 2015

RE: Lots 2 and 3 Prophets View Subdivision, Battle Ground, Indiana

Dear Mr. White,

Tipmont REMC is willing to vacate the six foot (6') utility easement on either side of the lot line between lots 2 and 3 in Prophets View Subdivision, Battle Ground, Indiana for the purpose of having the two lots replatted into one large lot. These lots are located on Yellow Knife Court.

If you have any questions, please contact me at 765-269-4827.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Brook".

Sandy Brook  
Tipmont REMC  
Engineering Department

## Jim White

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**From:** Reents, George A [George.A.Reents@centurylink.com]  
**Sent:** Tuesday, January 27, 2015 12:56 PM  
**To:** Jim White  
**Cc:** Emerick, Bruce A  
**Subject:** Vacate Easement from CenturyLink Telephone Company  
**Attachments:** 14234 vacate.pdf

Jim,  
CenturyLink Has no objections of the area being vacated between lots 2 & 3 on Yellowknife Court located in the Warburton Minor Subdivision.

George Reents  
514 South Railroad Street  
Monticello, in 47960  
Phone 574-583-2392

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**From:** Jim White [mailto:jim@vester.com]  
**Sent:** Friday, January 23, 2015 11:45 AM  
**To:** Reents, George A  
**Subject:** RE: Vacate Easement

Let me know if this works.

Jim

---

**From:** Reents, George A [mailto:George.A.Reents@centurylink.com]  
**Sent:** Friday, January 23, 2015 11:52 AM  
**To:** Jim White  
**Cc:** Emerick, Bruce A  
**Subject:** RE: Vacate Easement

Jim  
I have not received copy of plat.  
Can you please either e-mail or send one to me.

Address  
Att: George Reents  
CenturyLink  
514 South Railroad St  
Monticello. In 47960

---

**From:** Jim White [mailto:jim@vester.com]  
**Sent:** Friday, January 23, 2015 10:28 AM  
**To:** Reents, George A  
**Cc:** Emerick, Bruce A  
**Subject:** Vacate Easement

Greetings all,

We are working with a client that owns 2 lots in a subdivision in Tippecanoe County. They wish to replat the two lots into one lot so they can build in the center of the new lot. The subdivision plat had a note marking the side lot lines having a 6' on each side drainage and utility easement typical. In order to replat the 2 lots into 1 lot we need to vacate the

easement between Lots 2 and 3 as originally platted. I will need an authorization letter from each utility so I can petition the county to release the easement. You should have gotten a copy of the plat as a checkpoint agency, if let me know and I will send you one. If you have any questions please feel free to contact me.

Respectfully,  
Jim

**James J. White**  
**Chief of Crews**  
email: [jim@vester.com](mailto:jim@vester.com)

**VESTER & ASSOCIATES, INC.**  
**LAND SURVEYING AND ENGINEERING**  
309 Columbia Street, Suite 101  
Lafayette, Indiana 47901-1315  
Phone: (765) 742-6479  
Fax: (765) 742-5271  
[www.vester.com](http://www.vester.com)

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This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

Comcast  
1002 E. Center Road  
Kokomo, IN 46902  
765-453-3186



2/19/2015

To Whom it Concerns:

Comcast Does not object to the release of the utility easement between lots 2 & 3 in the Warburton Minor Subdivision located in Tippecanoe County Indiana

Comcast

Jerry Shutters

A handwritten signature in black ink, appearing to read "Jerry Shutters". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



Recycled paper because Comcast cares

NOTARIZED CONSENT

Area Plan Commission and/or  
Area Board of Zoning Appeals  
20 North 3rd Street  
Lafayette, IN 47901

Dear Commission and/or Board:

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 \_\_\_\_\_

Patrick N. Cunningham or James J. White of Vester & Associates, Inc.

[Petitioner(s)' Name(s) Printed]

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) Jeanne Warburton

(Name Printed) Jeanne Warburton

(Owner) \_\_\_\_\_

(Name Printed) \_\_\_\_\_

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF TIPPECANOE)

Before me the undersigned, a Notary Public for Clark County,  
State of ~~Indiana~~ <sup>Nevada</sup>, personally appeared Jeanne Warburton

\_\_\_\_\_, and acknowledged the  
(Owner(s)' Name(s) Printed)

execution of this instrument this 29<sup>th</sup> day of December 2014.

(Notary Public) Teresa Turner

(Name Printed) TERESA TURNER

My Commission expires: 12/1/2016

