

ORDINANCE NO. 2013-27-CM

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

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

Section 1, That the public way along and across the following described real estate  
is hereby vacated:

See Exhibit **B** attached here to and incorporated herein by reference

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

(Adopted and Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this

7<sup>th</sup> day of October, 2013.

VOTE:

Yes

Yes

Yes

David S. Byers  
President - DAVID S. BYERS

John L. Knochel  
Vice President - JOHN L. KNOCHEL

Thomas P. Mertaugh  
Member - THOMAS P. MERTAUGH

ATTEST:

Jennifer Weston

Exhibit B

**Legal Description for Easement Vacation:**

A part of Winding Creek Subdivision, Phase 4 as depicted on the Final Plat recorded on January 19, 2006 as Document Number 06-00120 in the Office of the Recorder of Tippecanoe County, Indiana. Said plat being located in Section 29, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, being more particularly described as follows, to-wit:

Beginning at the northwest corner of Lot 255 of said plat; thence South  $88^{\circ}22'13''$  East along the north line of said lot, 100.01 feet to the northeast corner of said lot; thence South  $00^{\circ}44'47''$  West along the east line of said lot, 24.00 feet; thence North  $88^{\circ}22'13''$  West, 76.01 feet; thence South  $00^{\circ}44'47''$  West, 418.61 feet; thence South  $39^{\circ}08'12''$  East, 193.54 feet to the platted right-of-way of Colonial Court; thence along the right-of-way of Colonial Court and a non-tangent curve to the left (having a radius of 50.00 feet, a chord bearing of South  $50^{\circ}51'48''$  West, and a chord length of 24.00 feet) 24.24 feet; thence North  $39^{\circ}08'12''$  West, 202.25 feet to the west line of said subdivision; thence North  $00^{\circ}44'47''$  East along said west line, 491.71 feet to the place of beginning, containing 0.397 acres, more or less.

STATE OF INDIANA )  
 )  
COUNTY OF TIPPECANOE )

BEFORE THE COUNTY COMMISSIONERS,  
SS: TIPPECANOE COUNTY, INDIANA

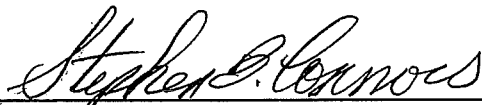
**PETITION FOR VACATION OF A PUBLIC WAY**

To the County Commissioners of Tippecanoe County, Indiana:

Steve Connors, respectfully petitions the County Commissioners of Tippecanoe County, Indiana and shows the following:

1. This Petition is made pursuant to IC 36-7-3-12.
2. Your Petitioner, Steve Connors, is the owner of the land described hereto on Exhibit A.
3. Your Petitioner petitions for the vacation of a public way on the real estate described on Exhibit B.
4. Utilities are on said area proposed to be vacated and will remain.
5. The names and addresses of abutting land owners are listed on Exhibit C.
6. This vacation is necessary for public good.
7. A proposed ordinance is attached hereto.

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

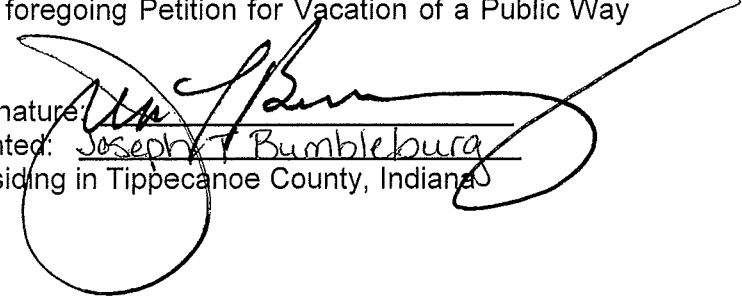
  
Signature  
*Manager Windling Creek Falls*

STATE OF INDIANA            )  
  )  
COUNTY OF TIPPECANOE )        SS:

Before me, a Notary Public in and for said County and State, appeared Steve Connors, acknowledging the execution of the above and foregoing Petition for Vacation of a Public Way 7<sup>th</sup> day of August, 2013.

My Commission Expires:

August 27, 2016

Signature:   
Printed: Joseph T Bumblebura  
Residing in Tippecanoe County, Indiana

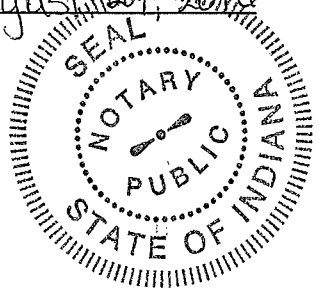


Exhibit A

Lots 225, 224 and outlot C in Winding Creek Subdivision Phase IV, together with lots 254 and 255 in Connors Minor Subdivision, as previously recorded in the final plat for Winding Creek Subdivision Phase IV

Exhibit B

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Beginning at the northwest corner of Lot 255 of said plat; thence South 88°22'13" East along the north line of said lot, 100.01 feet to the northeast corner of said lot; thence South 00°44'47" West along the east line of said lot, 24.00 feet; thence North 88°22'13" West, 76.01 feet; thence South 00°44'47" West, 418.61 feet; thence South 39°08'12" East, 193.54 feet to the platted right-of-way of Colonial Court; thence along the right-of-way of Colonial Court and a non-tangent curve to the left (having a radius of 50.00 feet, a chord bearing of South 50°51'48" West, and a chord length of 24.00 feet) 24.24 feet; thence North 39°08'12" West, 202.25 feet to the west line of said subdivision; thence North 00°44'47" East along said west line, 491.71 feet to the place of beginning, containing 0.397 acres, more or less.

Exhibit c

Winding Creek SD- Interested Parties

Winding Creek Development, LLC  
PO Box 5791  
Lafayette, IN 47903  
124-04101-0490  
124-04101-0489  
124-04101-0181

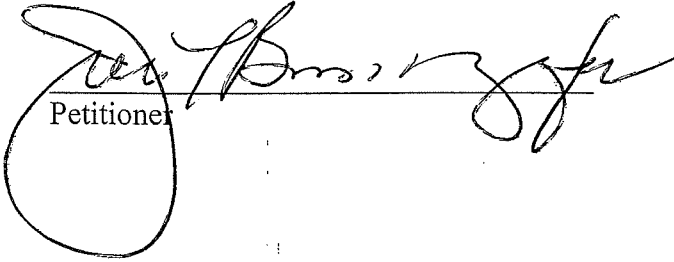
Winding Creek of Tippecanoe County  
Homeowner's Association, Inc.  
PO Box 327  
Battle Ground, IN 47920  
124-04101-0522

Victor D. Bentinganan  
815 S 5<sup>th</sup> St  
Lafayette, IN 47905  
124-04101-0071

Christopher N and Beth Shelton  
6508 Indian Bluff Rd  
Battle Ground, IN 47920  
124-04101-0192

**WAIVER OF PUBLIC HEARING WITHIN 30 DAYS**

I, Wander Creek Dev LLC [name of Petitioner(s)], hereby waive my right under Indiana Code 36-7-3-12 to a public hearing within 30 days of the filing of my Petition to Vacate a public way 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 \_\_\_\_\_.

  
\_\_\_\_\_  
Petitioner

16 Aug 2013  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date