

ORDINANCE 2016-04- CM

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

Be it ordained by the County Commissioners of Tippecanoe County, Indiana:

1. That the following public way is hereby vacated:

A part of Lot Sixty-Five (65) in Mason's Ridge Subdivision, recorded as Instrument Number 05-015555 in the Office of the Recorder of Tippecanoe County, Indiana and located in part of the Southeast Quarter of Section Sixteen (16), Township Twenty-Two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana; said part being described as follows: COMMENCING at the southwestern corner of said Lot 65, thence along the south line of said lot, North 88°17'01" East, 112.46 feet to the southern extension of a twenty-five (25) foot wide drainage and utility easement and building setback line depicted along the east line of said lot on said subdivision final plat; thence along said extension, North 00°43'42" West, 10.00 feet to the POINT OF BEGINNING; thence continuing along said easement and setback line, North 00°43'42" West, 185.56 feet to a twenty-five (25) foot wide drainage and conservation easement and building setback line depicted along the north line of said lot on said plat; thence North 89°16'18" East, 15.00 feet; thence parallel with and 15.00 easterly of said drainage and utility easement and building setback line, South 00°43'42" East, 185.56 feet; thence South 89°16'18" West, 15.00 feet to the POINT OF BEGINNING, containing 0.06 acres, more or less.

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 1st day of FEBRUARY, 2016 ON FIRST READING.

VOTE

y

y

y

BOARD OF COMMISSIONERS OF THE
COUNTY OF TIPPECANOE

D. S. B.
President

T. R. B.
Vice President

J. P. M.
Member

ATTEST:

M. S. M.
Auditor, Tippecanoe county, Indiana

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 1st day of FEBRUARY, 2016, by the following vote:


VOTE

y

y

y

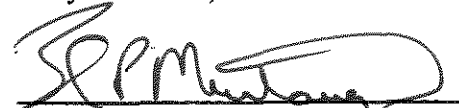
BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY



David S. Byers, President



Tracy A. Brown, Vice President



Thomas P. Murtaugh, Member

ATTEST:

Robert Plantenga, Auditor of Tippecanoe County

STATE OF INDIANA)
COUNTY OF TIPPECANOE)
JASON SCHEUMANN and)
ERICA SCHEUMANN,)
Petitioners.)

BEFORE THE BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

NOTICE OF HEARING ON A
PETITION FOR PARTIAL VACATION OF A PUBLIC WAY
(UTILITY AND DRAINAGE EASEMENT)

Notice is hereby given that the Commissioners of Tippecanoe County, Indiana will hold a public hearing on the Petition of Jason Scheumann and Erica Scheumann to vacate a portion of a public way described as follows:

A part of Lot Sixty-Five (65) in Mason’s Ridge Subdivision, recorded as Instrument Number 05-015555 in the Office of the Recorder of Tippecanoe County, Indiana and located in part of the Southeast Quarter of Section Sixteen (16), Township Twenty-Two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana; said part being described as follows:

COMMENCING at the southwestern corner of said Lot 65, thence along the south line of said lot, North 88°17’01” East, 112.46 feet to the southern extension of a twenty-five (25) foot wide drainage and utility easement and building setback line depicted along the east line of said lot on said subdivision final plat; thence along said extension, North 00°43’42” West, 10.00 feet to the POINT OF BEGINNING; thence continuing along said easement and setback line, North 00°43’42” West, 185.56 feet to a twenty-five (25) foot wide drainage and conservation easement and building setback line depicted along the north line of said lot on said plat; thence North 89°16’18” East, 15.00 feet; thence parallel with and 15.00 easterly of said drainage and utility easement and building setback line, South 00°43’42” East, 185.56 feet; thence South 89°16’18” West, 15.00 feet to the POINT OF BEGINNING, containing 0.06 acres, more or less.

Said hearing will be conducted at 10:00 a.m on the 1st day of February,

2016, at the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana.

ATTEST:


Auditor, Tippecanoe County, Indiana

STATE OF INDIANA) BEFORE THE BOARD OF COMMISSIONERS
)SS: OF TIPPECANOE COUNTY
COUNTY OF TIPPECANOE)
JASON SCHEUMANN and)
ERICA SCHEUMANN,)
Petitioners.)

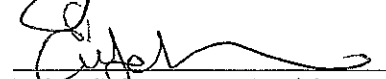
PETITION FOR PARTIAL VACATION OF PUBLIC WAY
(UTILITY AND DRAINAGE EASEMENT)


Jason Scheumann and Erica Scheumann respectfully petition for the vacation of part of a certain easement along the East line of lot 65, Mason’s Ridge Subdivision, Wea Township, Tippecanoe County, Indiana, as follows:

1. Petitioners own Lot 65 in Mason’s Ridge Subdivision, located in Wea Township, Tippecanoe County, Indiana.
2. The legal description for the portion of the utility and drainage easement that Petitioners are requesting to be vacated is attached hereto as Exhibit A, and is accompanied by a drawing marked as Exhibit B.
3. A list of the adjacent landowners is attached as Exhibit C.
4. The utilities that may have rights to the said easement, namely Tippecanoe County Surveyor, Vectren, Frontier Communications, Comcast, and Tipmont REMC, have consented to this petition, as evidenced by their consents attached as Exhibit D.
5. This partial vacation will not be detrimental to the public welfare, no person other than Petitioners will be directly affected by this vacation, and no person will be adversely affected thereby.

Petitioners therefore respectfully request that the Board of Commissioners of Tippecanoe County vacate the portion of the utility and drainage easement as shown on Exhibits A and B.


Jason Scheumann, Petitioner


Erica Scheumann, Petitioner

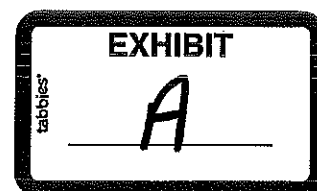
 For JLW
30207-41

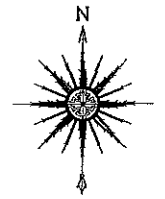
Jerome L. Withered (1321-79)
WITHERED BURNS, LLP
8 North Third Street, Suite 401
P.O. Box 499
Lafayette, IN 47902-0499
Telephone: (765) 742-1988
Fax No.: (765) 742-8774
E-mail: jwithered@witheredlaw.com
Attorneys for Petitioners

Legal Description – Easement Vacation

A part of Lot Sixty-Five (65) in Mason's Ridge Subdivision, recorded as Instrument Number 05-015555 in the Office of the Recorder of Tippecanoe County, Indiana and located in part of the Southeast Quarter of Section Sixteen (16), Township Twenty-Two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana; said part being described as follows:

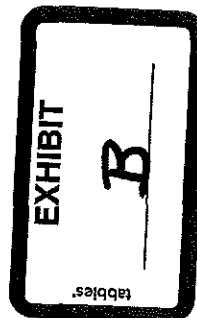
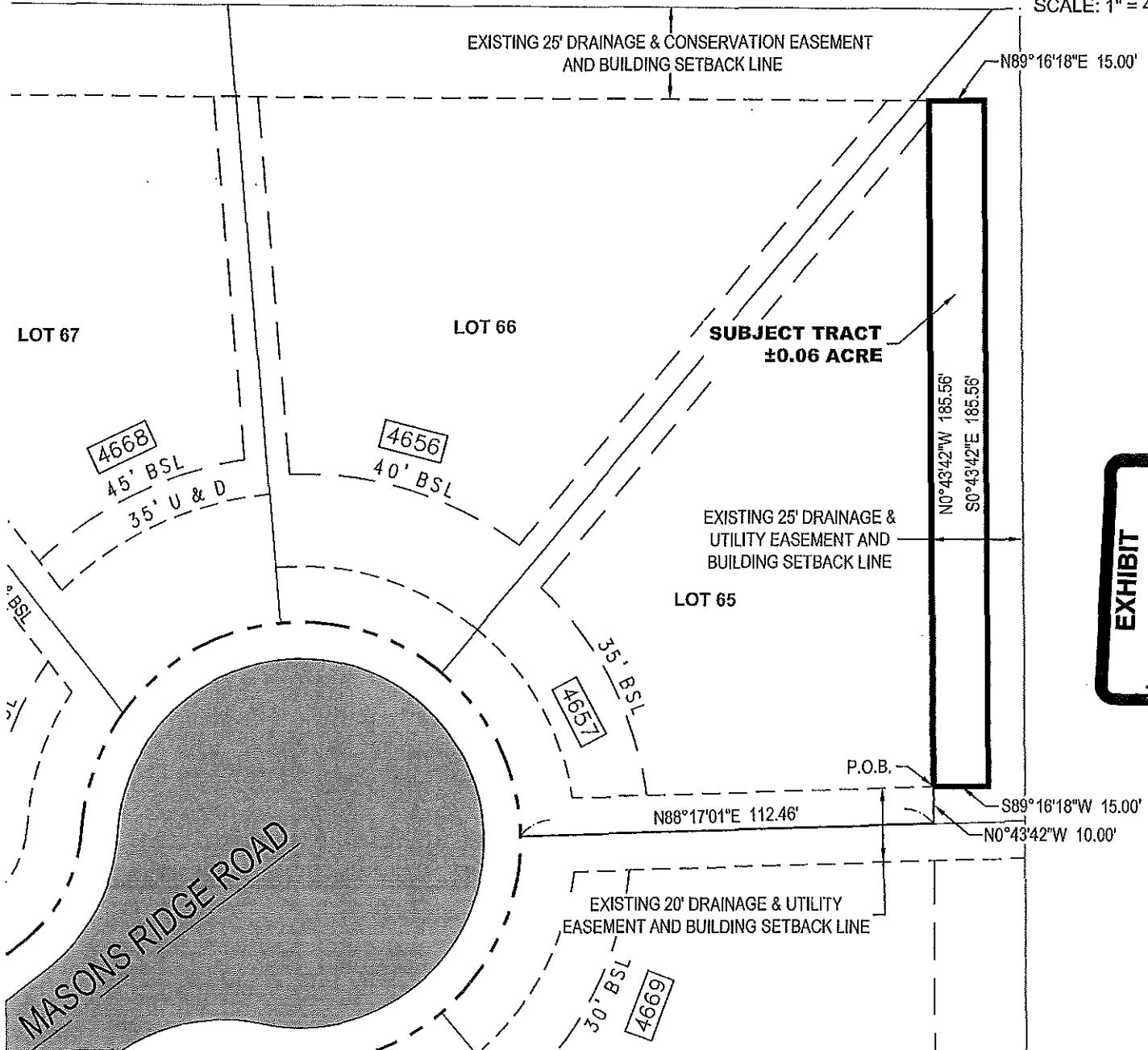
COMMENCING at the southwestern corner of said Lot 65, thence along the south line of said lot, North 88°17'01" East, 112.46 feet to the southern extension of a twenty-five (25) foot wide drainage and utility easement and building setback line depicted along the east line of said lot on said subdivision final plat; thence along said extension, North 00°43'42" West, 10.00 feet to the POINT OF BEGINNING; thence continuing along said easement and setback line, North 00°43'42" West, 185.56 feet to a twenty-five (25) foot wide drainage and conservation easement and building setback line depicted along the north line of said lot on said plat; thence North 89°16'18" East, 15.00 feet; thence parallel with and 15.00 easterly of said drainage and utility easement and building setback line, South 00°43'42" East, 185.56 feet; thence South 89°16'18" West, 15.00 feet to the POINT OF BEGINNING, containing 0.06 acres, more or less.





0' 20' 40'

SCALE: 1" = 40'



TBIRD
Design Services Corporation
Engineering • Surveying • Environmental
Construction Management
106 NORTH 10TH STREET • LAFAYETTE, INDIANA
phone: (765) 742-1900 • fax: (765) 742-1905
www.tbirddesign.com

LEGAL DESCRIPTION EXHIBIT

PART OF LOT 65 IN MASON'S RIDGE SUBDIVISION

IN THE SE QUARTER OF SECTION 16, TOWNSHIP
22 NORTH, RANGE 4 WEST, WEA TOWNSHIP,
TIPPECANOE COUNTY, INDIANA

PROJECT: 15109	DATE: 12/29/2015	CHECKED BY: CSK	DRAWN BY: TVL	DRAWING FILE: 15109-LOT 65 - MASON'S RIDGE.DWG	SHEET: 1 of 1
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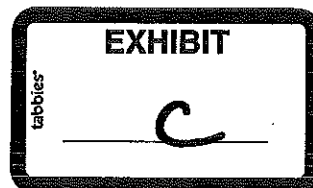
Exhibit C

List of Adjacent Landowners

Shawn and Brenda Hill
4669 Masons Ridge Road
Lafayette, IN 47909
Lot 64

Donna Yost
4656 Masons Ridge Road
Lafayette, IN 47909
Lot 66

Jason and Erica Scheumann
4657 Masons Ridge Road
Lafayette, IN 47909
Lots 44, 45



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

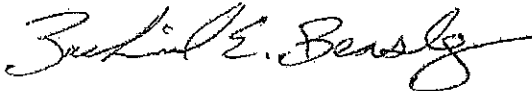
December 10, 2015

Dear Mr. Scheumann,

This letter is to advise you that the Tippecanoe County Surveyor has reviewed your request to reduce the current 25' Drainage Easement to a 10' Drainage Easement on the eastern side of Lot 65 in Mason's Ridge Subdivision located in the SE ¼ of Section 16, Twp 22 N, Range 4 W, also known as 4657 Mason's Ridge Road, Lafayette, Indiana. After review, this Office has no objection to your proposed reduction of the aforementioned Easement.

Please contact the Surveyor's Office if you need additional information.

Sincerely,



Zachariah E. Beasley P.S. M.S.
Tippecanoe County Surveyor





December 1, 2015

Mr. Jason Schumann
4657 Ridge Road
Lafayette, Indiana 47909

Dear Mr. Schumann,

This letter is to advise that Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana has reviewed your request to reduce the current 25' wide utility easement at the rear of your property to a 10' wide utility easement on lot number 65, in the Mason Ridge Subdivision, located in the SE Quarter of Section 16, Township 22 N, Range 4 W Lafayette, Indiana.

After review of the aforementioned utility easement we find that our company presently maintains no facilities in the area of this utility easement where you propose to reduce the width to 10' and therefore has no objection to your moving forward in reducing this 25' utility easement to a 10' width.

If you need additional assistance please call me.

Sincerely,


Ron Barker

From the desk of...

Ronald R. Barker, SR/WA
Land Services
Indiana Gas Company, Inc. d/b/a
Vectren Energy Delivery of Indiana
2345 East Main Street
Danville, IN 46122

812-231-6437

e-mail: rbarker@vectren.com

Jason.Scheumann

From: Foster, Edward <Ted.Foster@ftr.com>
Sent: Friday, December 04, 2015 9:16 AM
To: Jason Scheumann
Subject: RE: scheumann



December 4, 2015

Good morning Jason,

Per your request regarding the 25' easement along the eastern side of lot 65, 4657 Mason's Ridge Road, in the Mason's Ridge subdivision, Frontier Communications agrees to vacate a portion of the easement 15' wide for the length of the easement. The remaining 10' will remain available for future access by Frontier.

Please let me know if I can provide anything further.

Sincerely,

Ted A. Foster

Specialist Engineer -
Network Engineering

Frontier Communications
765 423-3531 (o)
765 423-3570 (f)
ted.foster@ftr.com



"I can help you!"

Like us on:

<http://www.Facebook.com/FrontierMidwest>

Follow us:

<http://www.Twitter.com/FrontierMidwest>



Comcast
720 Taylor Street
Fort Wayne, IN. 46802

Jason Scheumann
4657 Masons Ridge Road
Lafayette, IN. 47909

Mr. Scheumann,


Comcast has no objections to the reduction of 25' easement down to 10' easement at the rear of Lot 65 - 4657 Mason's Ridge Road.

Sincerely,

John Gayday

A handwritten signature in black ink, appearing to read "John Gayday", written over the printed name.



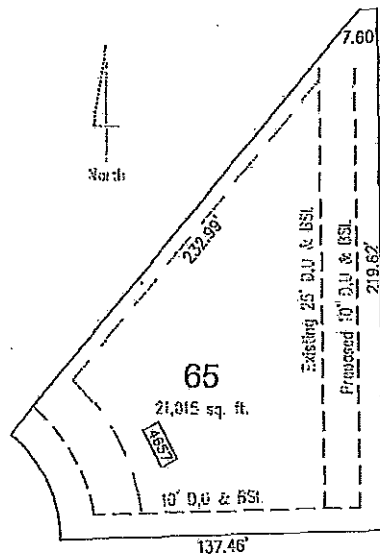
Your Touchstone Energy[®]
Cooperative 

403 S MAIN ST | PO BOX 20 | LINDEN IN 47955

800.726.3953 | Fax 765.339.3243 | www.tipmont.org

To Whom it may Concern,

At the request of property owner Jason Scheumann, located at 4657 Masons Ridge Road, otherwise known as lot 65 Masons Ridge. Tipmont REMC is not opposed to the reduction of an easement located at the rear of said property. The existing utility easement is currently 25' and proposed easement would be 10' as show:



The reduction of said easement would not affect Tipmont REMC at this time nor in the foreseen future, as our facilities are located near the front of the property or as shown the western edge.

If there are any further questions regarding this, please feel free to contact me.

Thanks
Joseph Kline
Engineering Supervisor
Tipmont REMC
756-426-6170
jkline@tipmont.org

11/25/2015

PUBLISHER'S AFFIDAVIT

STATE OF INDIANA)
County of Tippecanoe,) ss:

\$ 239.44

Personally appeared before me, a notary public in and for said county and state, the undersigned Rafatou Apoudjak who, being duly sworn, says that he/she is a clerk of the Lafayette Journal & Courier a newspaper of general circulation printed and published in the English Language in the City of Lafayette in state and county afore-said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 3 time(s), the date(s) of publication as follows: 12/31/15, 1/7/16 & 1/14/16.

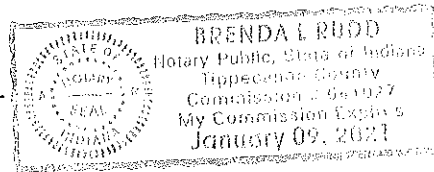
Acct# LAF-99690 Order#000987732

Rafatou Apoudjak

STATE OF INDIANA) BEFORE THE BOARD OF
) SS: COMMISSIONERS OF
COUNTY OF TIPPECANOE) TIPPECANOE COUNTY
JASON SCHEUMANN and ERICA SCHEUMANN, Petitioners.)
NOTICE OF HEARING ON A PETITION FOR PARTIAL VACATION
OF A PUBLIC WAY (UTILITY AND DRAINAGE BASEMENT)
Notice is hereby given that the Commissioners of Tippecanoe
County, Indiana will hold a public hearing on the Petition of Jason
Scheumann and Erica Scheumann to vacate a portion of a public
way described as follows:
A part of Lot Sixty-Five (65) in Mason's Ridge Subdivision, recorded
as Instrument Number 05-015555 in the Office of the Recorder of
Tippecanoe County, Indiana and located in part of the Southeast
Quarter of Section Sixteen (16), Township Twenty-Two (22) North,
Range Four (4) West, Wea Township, Tippecanoe County, Indiana;
said part being described as follows:
COMMENCING at the southwestern corner of said Lot 65, thence
along the south line of said lot, North 88°17'01" East, 112.46 feet
to the southern extension of a twenty-five (25) foot wide drainage
and utility easement and building setback line depicted along the
east line of said lot on said subdivision final plat; thence along said
extension, North 00°43'42" West, 10.00 feet to the POINT OF
BEGINNING; thence continuing along said easement and setback
line, North 00°43'42" West, 185.56 feet to a twenty-five (25) foot
wide drainage and conservation easement and building setback
line depicted along the north lien of said lot on said plat; thence
North 89°16'18" East, 15.00 feet; thence parallel with and 15.00
easterly of said drainage and utility easement and building setback
line, South 00°43'43" East, 185.56 feet; thence South 89°16'18"
West, 15.00 feet to the POINT OF BEGINNING, containing 0.06 acres,
more or less.
Said hearing will be conducted at 10:00 a.m. on the 1st day of
February, 2016, at the Tippecanoe County Office Building, 20 North
3rd Street, Lafayette, Indiana.
ATTEST: Bob Plantenga
Auditor, Tippecanoe County, Indiana
(LJC - 1/14/16 - 0000987732)

[Signature]

Subscribed and sworn to before me, this
14 day of January, 2016



My commission expires: _____

POSTAGE WILL BE PAID BY ADDRESSEE

U.S. CERTIFIED MAIL
Domestic Return Receipt

SENDER: COMPLETE THIS SECTION
 ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 x *Shawn Hill* Addressee
 B. Received by (Printed Name) *Shawn Hill* C. Date of Delivery *1-14-16*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:
 Return (Endorsen)
 Restricted (Endorsen)
 Total Po
 Sent To
 Mr. and Mrs. Shawn Hill
 4669 Masons Ridge Road
 Lafayette IN 47909
 City, State
 Laf. IN

2. Article Number
 (Transfer from service label) **7014 2870 0000 4354 9365**

ard Street, Suite 401
 P.O. Box 499
 Indiana 47902-0499
 988 Fax (765) 742-8774
 witheredlaw.com

PS Form 3811, July 2013 Domestic Return Receipt

Mr. and Mrs. Shawn Hill
 4669 Masons Ridge Road
 Lafayette, IN 47909
Certified Mail

Dear Mr. and Mrs. Hill:

This firm represents your neighbors, Jason and Erica Scheumann. The Scheumanns wish to vacate 15 feet of the 25 foot easement at the back of their property so they can put in a swimming pool.

I am enclosing a copy of the petition and Notice of Hearing. All the utilities have consented to this vacation. Hearing on the Scheumanns' request is scheduled for Monday, February 1, 2016 at 10 a.m. before the Tippecanoe County Commissioners.

If you have any questions, the Scheumanns or I would be happy to answer them. If you are willing to consent in writing to this petition, please notify the Scheumanns or me. Thank you.

Sincerely,

Jerome L. Withered

JLW:br
 enclosures
 xc: Mr. and Mrs. Jason Scheumann

TO: Tippecanoe County Board of Commissioners

I have received the petition of Jason and Erica Scheumann for partial vacation of a public way/drainage and utility easement, and have also received the Notice of Hearing on their petition which is scheduled for February 1, 2016.

I hereby consent to the petition, and the partial vacation of the drainage and utility easement as requested by Jason and Erica Scheumann.

1/23/16
Date



Shawn Hill



Brenda Hill

4669 Masons Ridge Road
Lafayette, IN 47909

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Donna Yost
 4656 Masons Ridge Road
 Lafayette IN 47909

2. Article Number

(Transfer from service label)

7014 2870 0000 4354 9372

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
- Registered Return Receipt for Merchandise
- Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

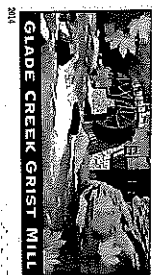
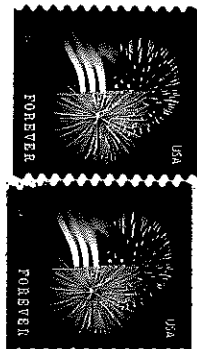
7014 2870 0000 4354 9372



YOST655 1479093031-1116
 YOST, DONNA
 RETURN TO SENDER
 TEMPORARILY AWAY
 RETURN TO SENDER
 01/16/15

Ms. Donna Yost
 4656 Masons Ridge Road
 Lafayette, IN 47909

Return Receipt Requested



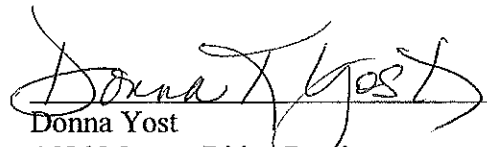
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TO: Tippecanoe County Board of Commissioners

I have received the petition of Jason and Erica Scheumann for partial vacation of a public way/drainage and utility easement, and have also received the Notice of Hearing on their petition which is scheduled for February 1, 2016.

I hereby consent to the petition, and the partial vacation of the drainage and utility easement as requested by Jason and Erica Scheumann.

1/18.16
Date


Donna Yost
4656 Masons Ridge Road
Lafayette, IN 47909