

ORDINANCE NO. 78-2

ORDINANCE to correct Ordinance Number 71-01 adopted January 4, 1971; and

WHEREAS, on January 4, 1971, Ordinance Number 71-01 was adopted to rezone certain real estate in Tippecanoe Township, Tippecanoe County, Indiana; and

WHEREAS, said Ordinance failed to include the legal description of the property being rezoned; and

WHEREAS, it is our desire to correct said Ordinance by adding thereto the legal description of the property being rezoned.

NOW THEREFORE, BE IT ENACTED that Ordinance Number 71-01 be, and the same hereby is, amended as follows:

- 1. The following legally described property is rezoned R-1:

SEE EXHIBIT A

- 2. The following described property is rezoned R-3:

SEE EXHIBIT B

Except as so amended said Ordinance Number 71-01 is hereby reenacted and remains in full force and effect.

Dated this 16 day of January, 1978.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE.

BY: William G. Vanderveen  
William G. Vanderveen, President

Bruce V. Osborn  
Bruce Osborn

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Robert F. Fields

John Mc Cord

## LEGAL DESCRIPTIONS OF REAL ESTATE TO BE REZONED R-1 AS SHOWN ON REZONING FLAT.

JOHN W. VANETTEN, JR.  
ANNIE L. VANETTEN

An individual one half interest in and to all of Section One (1) in Burnett's Reserve at the mouth of the Tippecanoe River in Township Twenty-four (24) North, Range Three (3) West, containing six hundred seventy and 69/100 (670.69) acres, more or less:

EXCEPT a part of Section One (1) Burnett's Reserve located in Township Twenty-four (24) North, Range Three (3) West, described as follows: Beginning on the southwesterly line of Tippecanoe River at low water line, at a point five hundred fifty (550) feet northwesterly from the intersection of the said southwesterly line of the Tippecanoe River with the northerly line of the Wabash River (at low water line); thence South 50 degrees West a distance of two hundred and fifteen (215) feet; thence North 33 degrees West a distance of two thousand four hundred ninety (2490) feet; thence North 50 degrees East a distance of one thousand two hundred six (1206) feet; thence South 33 degrees East to the said southwesterly line of the Tippecanoe River a distance of six hundred ninety-two (692) feet; thence southerly along the southwesterly line of the Tippecanoe River to the place of beginning, containing 40 acres, more or less.

ANNIE L. VANETTEN

A part of Section One (1) Burnett's Reserve located in Township Twenty-four (24) North, Range Three (3) West, described as follows: Beginning on the southwesterly line of Tippecanoe River at low water line, at a point five hundred fifty (550) feet northwesterly from the intersection of the said southwesterly line of the Tippecanoe River with the northerly line of the Wabash River (at low water line); thence South 50 degrees West a distance of two hundred and fifteen (215) feet; thence North 33 degrees West a distance of two thousand four hundred ninety (2490) feet; thence North 50 degrees East a distance of one thousand two hundred six (1206) feet; thence South 33 degrees East to the said southwesterly line of the Tippecanoe River a distance of six hundred ninety-two (692) feet; thence southerly along the southwesterly line of the Tippecanoe River to place of beginning, containing 40 acres, more or less.

LEWIS T. WIREMAN

A part of fractional Section eighteen (18) in Township Twenty-four (24) North, Range Three (3) West, described as follows: Commencing at the Northwest corner of the said fractional Section and running thence east with the north line thereof, one hundred and 25/100 (100.25) rods; thence south parallel with the west line of said Section one hundred and twenty-nine (129) rods to a point on the northwest boundary line of Burnett's Reservation; thence South (50) degrees West along said Reserve line and along the center of a public highway one hundred twenty-eight and 80/100 (128.80) rods to a point of intersection with the west line of said fractional Section eighteen (18); thence North along said west line and along the center of a public highway two hundred ten and 50/100 (210.50) rods to the place of beginning, containing one hundred six and 35/100 (106.35) acres.

LEWIS T. WIREMAN (Cont'd)

Also a part of Section Two (2) in Burnett's Reservation; the same being in Township Twenty-four (24) North, Range Three (3) West described as follows: Commencing at the northern corner of said Section Two (2) and running South fifty (50) degrees West along said Section line and along the center of a public highway on the Reservation line a distance of fifty-three (53) rods; thence South forty and  $3/4$  ( $40-3/4$ ) degrees East, ninety-three and  $40/100$  (93.40) rods; thence North forty-nine and  $1/4$  ( $49-1/4$ ) degrees East, fifty-one and  $80/100$  (51.80) rods to a point on the northeast line of said Section Two (2); thence North forty (40) degrees West, ninety-four and  $10/100$  (94.10) rods to the place of beginning, containing thirty and  $70/100$  (30.70) acres, containing in all one hundred thirty-seven and  $05/100$  (137.05) acres, more or less, but subject to all legal highways.

CORNELIA G. BAER

The east half of the south half of the southwest fractional quarter of the said Section 7, described as follows: Commencing at the northeast corner of the said south half and running thence west along the north line thereof 22.90 chains; thence south 20.96 chains; thence east 22.78 chains; thence north 20.26 chains to the place of beginning, containing 47.07 acres.

Also the following described tracts being part of the north fractional half of Section 18, Township 24 North, Range 3 West.

A part of the northwest fractional quarter of the said fractional Section 18, commencing at the northeast corner thereof, said point being identical with the south half mile corner of the above mentioned Section 7, and running thence west 20.68 chains; thence south 32.16 chains to the Reserve line; thence northeasterly along said Reserve line 26.40 chains to the east line of said northwest fraction; thence north along said east line 15.78 chains to the place of beginning, containing 48.96 acres.

MRS. PRESTON H. KELSEY  
(MARY V. GOODWIN)

The following described tracts of land being part of the south fractional half of Section 7, Township 24 North, Range 3 West, more particularly described as follows:

The southwest fractional quarter of the southeast fractional quarter of said Section 7, excepting therefrom a strip off of the west side thereof, 1.12 chains in width and containing 38.13 acres.

A part of the southeast fractional quarter of the southeast fractional quarter of said Section 7, described as follows: Commencing at the northwest corner of said southeast fraction and running thence south with the west line thereof 7.80 chains; thence north 72 degrees east 7 chains; thence north  $29-3/4$  degrees west 6.42 chains to the north line of tract; thence west along said north line 3.58 chains to place of beginning, containing 3.60 acres.

MRS. FRESTON H. KELSEY  
(MARY V. GOODWIN) (Cont'd)

A strip of ground 1.12 chains in width off of the entire west side of the southwest fractional quarter of the southeast fractional quarter of said Section 7, containing 2.27 acres. Also a strip of ground 1.12 chains in width off the west side of the northeast fraction of said Section 18, described as follows: Commencing at the northwest corner of said fractional quarter and running thence south along the west line thereof, 15.78 chains to the Reserve line; thence northeasterly along said Reserve line 1.47 chains; thence north parallel with the west line 14.84 chains to the north line of tract; thence west 1.12 chains to the place of beginning, containing 1.70 acres.

A part of the northeast fraction of said Section 18 described as follows: Commencing at a point on the north line thereof 1.12 chains east of the northwest corner of said fraction, and running thence south parallel with the west line 14.84 chains to the Reserve line; thence northeasterly along said Reserve line 24.53 chains to the point of intersection with the north line of the aforesaid northeast fraction; thence west along said north line 18.98 chains to place of beginning, containing 13.36 acres.

Also the following described tract of land designated as 20.75 acres off of the south end of the east fraction of the southeast quarter of Section 7, Township 24 North, Range 3 West; except a 3-1/4 acre tract of land out of the northwest corner of said 20.75 acres described as follows: Beginning at the northwest corner of said southeast quarter of the southeast quarter of Section 7, and running thence east along the north line of said southeast quarter of the southeast quarter of said Section 7 aforesaid, a distance of 236 feet; thence south 29-3/4 degrees east of distance of 424 feet; thence south 72 degrees west 462 feet to the west line of said southeast quarter of the southeast quarter of said Section 7; thence north along the west line 515 feet to the place of beginning, said excepted tract containing 3-1/4 acres; leaving in the tract hereby described after said exception, 17-1/2 acres.

Except that part of the south half of the southeast quarter of said Section 7 and that part of the northeast quarter of said Section 18, lying east of the highway running north through the southwest quarter of the southeast quarter of said Section 7 and Northwest of the Battle Ground highway which runs along the north line of Section 1 of Burnett's Reserve;

AND ALSO,

A part of the Northwest fraction of the Southwest fractional quarter of Section eight (8), in Township Twenty-four (24) North, Range Three (3) West and described as follows:

MRS. PRESTON H. KELSEY  
(MARY V. GOODWIN) (Cont'd)

Beginning at the intersection of the West line of Burnett's Reserve running from thence North fifty degrees East with said line twenty-one and ninety hundredths (21.90) chains; thence North sixty-nine and one-half (69.50) degrees West ten and fifty hundredths (10.50) chains; thence South seventy-one (71) degrees West four and fifty hundredths (4.50) chains; thence North seventy-one (71) degrees West two and eighty-eight hundredths (2.88) chains to the West line of said tract; thence South with said West line seventeen and twenty-two hundredths (17.22) chains to the place of beginning containing fifteen and sixty-one hundredths (15.61) acres to be the same more or less, See Surveyor's Record Book B, Page 496;

AND ALSO,

Forty (40) acres off of the North end of the East fraction of the South East quarter of Section seven (7), in Township twenty-four (24) North, Range three (3) West.

EXCEPT that part of said land that lies West of the Public Highway crossing the North West corner thereof:

ALSO

All that part of the North West quarter of the South East quarter of Section seven (7), in Township Twenty-four (24) North, Range Three (3) West, that lies East of the Public Highway, running through said land, containing two (2) acres, more or less.

ROBERT D. FRANKLIN and DORTHEA MAE FRANKLIN

A part of Section Two (2) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West, in Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the northern corner of Section 2 of Burnett's Reservation; thence South  $40^{\circ}$  East, along the section line between sections 1 and 2 of said reserve, a distance of 1552.65 feet to the point of beginning of the herein described tract; thence continuing South  $40^{\circ}$  East along said line a distance of 4319.76 feet to a point on the northern bank of the Wabash River; thence following the meanderings of said bank a distance of 3872.5 feet to a point on the northeastern boundary of the Stingley Subdivision; thence North  $40^{\circ}$  West along the northeastern boundary of said subdivision and the northeastern boundary of the L. A. Krug property (Deed Record 280, page 163) a distance of 1943.20 feet; thence North  $50^{\circ}$  East a distance of 52.70 feet to a point on the northeastern boundary of the Lucille Banes property (Deed Record 197, page 116); thence North  $40^{\circ}$  West along the northeastern boundary of said Banes a distance of 1400.88 feet; thence North  $50^{\circ}$  East a distance of 2018.5 feet; thence North  $40^{\circ}$  West a distance of 308.1 feet; thence South  $61^{\circ}-37'$  West a distance of 800.4 feet; thence North  $40^{\circ}$  West a distance of 1759.5 feet to a point on the northwestern boundary of said Reserve; thence North  $50^{\circ}$  East along said northwestern boundary a distance of 1647.2 feet; thence South  $40^{\circ}$  East a distance of 1552 feet; thence North  $50^{\circ}$  East a distance of 874.5 feet to the point of beginning, containing 388.4 acres, more or less.

E. E. AND FRANCES W. FRANKLIN

A part of Section Two (2) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West, in Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the Western corner of Section 2 of Burnett's Reservation; thence North  $50^{\circ}$  East along the northwestern boundary of said reservation a distance of 1409.1 feet to the northern corner of the Lucille Banes property (Deed Record 197, page 116) and the point of beginning of the herein described tract; thence continuing North  $50^{\circ}$  East along said reserve line a distance of 1234.5 feet; thence South  $40^{\circ}$  East a distance of 1759.5 feet; thence North  $61^{\circ}-37'$  East a distance of 800.4 feet; thence South  $40^{\circ}$  East a distance of 308.1 feet; thence South  $50^{\circ}$  West a distance of 2018.5 feet to a point on the northeastern boundary of said Banes; thence North  $40^{\circ}$  West along said Banes a distance of 2228.8 feet to the point of beginning, containing 70.16 acres.

EXCEPTIONS TO REZONING OF R-1

LAFAYETTE COUNTRY CLUB, INC.

Part of the west portion of Section One (1) in Burnett's Reserve at the mouth of the Tippecanoe River in Township Twenty-four (24) North, Range Three (3) West, of the second Principle Meridian, being one hundred forty-eight and 726/1000 (148.726) acres more or less of the southwest part of the six hundred seventy and 69/100 (670.69) acres more or less of Section One (1) in Burnett's Reserve. Beginning at the west corner of Section One (1) of Burnett's Reserve (on northwest side of county road) in Township Twenty-four (24) North, Range Three (3) West; thence in a southeasterly direction (south 40 degrees east) on the Reserve line dividing Section 1 and 2 (passing a stone corner at 94 poles) a total distance of two thousand nine hundred feet (2,900) to an iron stake; thence in a northeasterly direction (north 50 degrees east) at right angles with the Reserve line a distance of three hundred and seventy feet (370') to an iron stake; thence in a northeasterly direction (north 20 degrees east) a distance of three hundred feet (300') to an iron stake; thence in a northwesterly direction (north 40 degrees west) a distance of twenty-five feet (25') to an iron stake; thence in a northeasterly direction (north 50 degrees east) a distance of nine hundred and seventy-five 49/100 feet (975.49') to an iron stake; thence in a southeasterly direction (south 40 degrees east) parallel with the Reserve line a distance of two hundred eighty feet (280') to an iron stake; thence in a northeasterly direction (north 50 degrees east) a distance of six hundred seventy feet (670') to an iron stake; thence in a northwesterly direction (north 40 degrees west) a distance of three thousand and five feet (3,005') to the northwest section line of said Section One (1); thence in a southwesterly direction (south 50 degrees west) along the northwesterly section line of the Reserve two thousand two hundred seventy-five and 30/100 feet (2,275.30) more or less to the place of beginning located in Tippecanoe Township, Tippecanoe County, Indiana.

DAVID B. MCKENZIE AND JACQUELINE V. MCKENZIE

Part of the west portion of Section One (1) in Burnett's Reserve at the mouth of the Tippecanoe River in Township Twenty-four (24) North, Range Three (3) West of second Principle Meridian being one and 08/100 acres (1.08) more or less of the southwest part of the six hundred seventy and 69/100 (670.69) acres more or less of Section One (1) in Burnett's Reserve: commencing at the west corner of Section One (1) of Burnett's Reserve (on the northwest side of county road) in Township Twenty-four (24) North, Range Three (3) west; thence in a southeasterly direction (south 40 degrees east) on the Reserve line dividing section One (1) and two (2) (passing a stone corner at 94 poles a total distance of two thousand nine hundred feet (2900') to an iron stake; thence in a northeasterly direction (north 50 degrees east) at right angles with the Reserve line a distance of three hundred and seventy feet (370') to an iron stake; thence in a northeasterly direction (north 20 degrees east) a distance of three hundred feet (300') to an iron stake; thence in a northwesterly direction (north 40 degrees west) a distance of twenty-five feet (25') to an iron stake; thence in a northeasterly direction (north 50 degrees east) a distance of nine hundred seventy-five and 49/100 feet

DAVID B. MCKENZIE AND JACQUELINE V. MCKENZIE (Cont'd)

(975.49) to an iron stake; thence in a southeasterly direction (south 40 degrees east) parallel with the Reserve line a distance of two hundred eighty feet (280') to an iron stake; thence in a northeasterly direction (north 50 degrees east) a distance of four hundred fifty-nine and  $37/100$  feet (459.37') which is the point of beginning; thence continuing north (50 degrees) east a distance of eighty-two and  $03/100$  feet (82.03') to an iron stake; thence south 66 degrees east a distance of two hundred forty-two and  $42/100$  feet (242.42') to an iron stake; thence south 24 degrees west a distance of two hundred feet (200') to an iron stake; thence north 62 degrees - 1' west a distance of three hundred twenty-nine and  $79/100$  feet (329.79') more or less to an iron stake; thence north 50 degrees east a distance of one hundred fifteen (115') more or less to the place of beginning.

DR. H. T. RUSSELL

A part of the East portion of Section One (1) In Burnett's Reserve in Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana more completely described as follows, to wit:

Beginning at a railroad spike on the centerline of Pretty Prairie Road and the Northwest line of Burnett's Reserve, said point being 3334.6 feet Northeast of the West corner of said Section One (1); thence south 39 degrees 00'-00" East along a fence line a distance of 3341.7 feet to an iron pipe; thence South 50 deg. 28'30" West a distance of 541.1 feet to an iron pipe set in concrete; thence South 39 deg. 00' 00" East a distance of 1603.0 feet to an iron pipe set in concrete on the Northwest bank of the Tippecanoe River; thence Northeasterly along said bank a distance of 2930 feet having a chord with a bearing of 10 deg. 22' 00" East and a distance of 2488.4 feet to an iron pipe set in concrete; thence South 50 deg. 28' 30" West a distance of 984.0 feet to an iron pipe; thence North 18 deg. 12' 00" West a distance of 372.9 feet to an iron pipe; thence North 14 deg. 05' 00" West a distance of 560.6 feet to an iron pipe; thence North 19 deg. 14' 20" West a distance of 917.3 feet to an iron pipe; thence South 87 deg. 06' 40" West a distance of 416.7 feet to an iron pipe set in concrete; thence North 39 deg. 00' 00" West a distance of 777.3 feet to an iron pipe set in concrete; thence South 50 deg. 28' 30" West a distance of 527.9 feet to an iron pipe; thence North 39 deg. 00' 00" West a distance of 600.0 feet to a railroad spike on the centerline of Pretty Prairie Road and the Northwest line of Section One (1) of Burnett's Reserve; thence South 50 deg. 28' 30" West along said centerline and said Northwest line of Section One (1) a distance of 171.15 feet to a railroad spike and the place of beginning, containing 86.21 acres, more or less.

MR. W. LOVELL

A part of the East half ( $\frac{1}{2}$ ) of the Southeast quarter ( $\frac{1}{4}$ ) of Section Seven (7), Township Twenty-four (24) North, Range Three (3) West, Tippecanoe Township, Tippecanoe County, Indiana, and a part of the West half ( $\frac{1}{2}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section Eight (8), Township Twenty-four (24) North, Range Three (3) West, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Beginning at a point on the North line of Burnett's Reserve, said point being South 50 degrees West a distance of 1003.40 feet from the intersection of the East line of the West half the Southwest Quarter of Section 8-24-3 and the North line of Burnett's Reserve; thence North 25 degrees 15 min. West a distance of 218.65 feet to an iron pipe; thence North 62 degrees 50 min. West a distance of 163.00 feet to an iron pipe; thence South 75 degrees 06 min. West a distance of 67.00 feet to an iron pipe; thence South 64 degrees 54 min. West a distance of 225.40 feet to an iron pipe; thence South 78 degrees 39 min. West a distance of 71.80 feet to an iron pipe; thence North 85 degrees 00 min. West a distance of 166.75 feet to an iron pipe; thence North 31 degrees 32 min. West a distance of 127.80 feet to an iron pipe; thence South 62 degrees 51 min. West a distance of 112.65 feet to an iron pipe; thence South 16 degrees 22 min. West a distance of 100.40 feet to an iron pipe; thence South 13 degrees 32 min. West a distance of 309.30 feet to an iron pipe; thence South 67 degrees 13 min. East a distance of 572.90 feet to a railroad spike in the North line of Burnett's Reserve; thence North 50 degrees East along said North line of Burnett's Reserve a distance of 627.85 feet to an iron pipe and the place of beginning, containing 9.72 acres, more or less.

HOMER CLOUNCE

A part of the West half of the Southwest Quarter of Section Eight (8), Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana more completely described as follows, to wit:

Beginning at a point on the North line of Burnett's Reserve, said point being South 50 degrees West a distance of 802.30 feet from the intersection of the East line of the West half of the Southwest Quarter of Section 8-24-3 and the North line of Burnett's Reserve; thence South 50 degrees West along the North line of Burnett's Reserve a distance of 201.10 feet to an iron pipe; thence North 25 degrees 15 min. West a distance of 218.65 feet to an iron pipe; thence North 62 degrees 50 min. West a distance of 163.00 feet to an iron pipe; thence North 45 degrees 53 min. East a distance of 215.95 feet to an iron pipe; thence South 39 degrees 01 min. East a distance of 376.85 feet to an iron pipe and the place of beginning, containing 1.5 acres more or less.

J. W. VANETTEN AND ANNIE VANETTEN

A part of Section One (1) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the western corner of Section 1 of Burnett's Reservation; thence North  $50^{\circ}-28'-30''$  East along the northwestern boundary of said reserve a distance of 2275.30 feet to the point of beginning of the herein described tract; thence continuing North  $50^{\circ}-28'-30''$  East along said reserve line a distance of 1059.30 feet; thence South  $39^{\circ}-00'-00''$  East a distance of 900.00 feet; thence South  $50^{\circ}-28'-20''$  West a distance of 1051.45 feet; thence North  $39^{\circ}-30'-00''$  West a distance of 900.00 feet to the point of beginning, containing 21.80 acres, more or less.

LEWIS T. WIREMAN

A part of Section Two (2) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana more completely described as follows, to wit:

Beginning at the northern corner of Section Two (2) of Burnett's Reservation; thence South  $40^{\circ}-00'-00''$  East, along the line between sections 1 and 2 of said reservation a distance of 900.00 feet; thence South  $50^{\circ}-07'-55''$  West a distance of 858.62 feet; thence North  $40^{\circ}-56'-40''$  West a distance of 900.00 feet to a point on the northwestern boundary of said reserve; thence North  $50^{\circ}-07'-20''$  East along said northwestern boundary a distance of 873.45 feet to the point of beginning, containing 17.89 acres, more or less.

LEGAL DESCRIPTIONS OF REAL ESTATE TO BE REZONED R-3 AS SHOWN ON REZONING PLAT.

J. W. VAN ETTEN AND ANNIE VAN ETTEN

A part of Section One (1) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the western corner of Section 1 of Burnett's Reservation; thence North  $50^{\circ}-28'-30''$  East along the northwestern boundary of said reserve a distance of 2275.30 feet to the point of beginning of the herein described tract; thence continuing North  $50^{\circ}-28'-30''$  East along said reserve line a distance of 1059.30 feet; thence South  $39^{\circ}-00'-00''$  East a distance of 900.00 feet; thence South  $50^{\circ}-28'-20''$  West a distance of 1051.45 feet; thence North  $39^{\circ}-30'-00''$  west a distance of 900.00 feet to the point of beginning, containing 21.80 acres, more or less.

LEWIS T. WIREMAN

A part of Section Two (2) of Burnett's Reservation, Township Twenty-four (24) North, Range Three (3) West in Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Beginning at the northern corner of Section Two (2) of Burnett's Reservation; thence South  $40^{\circ}-00'-00''$  East, along the line between sections 1 and 2 of said reservation, a distance of 900.00 feet; thence South  $50^{\circ}-07'-55''$  west a distance of 858.62 feet; thence North  $40^{\circ}-56'-40''$  West a distance of 900.00 feet to a point on the northwestern boundary of said reserve; thence North  $50^{\circ}-07'-20''$  East along said northwestern boundary a distance of 873.45 feet to the point of beginning, containing 17.89 acres, more or less.