

# WESTFIELD PUBLIC WORKS



ACTING TOWN MANAGER/  
DIRECTOR OF PUBLIC WORKS  
BRUCE A. HAUK

TOWN COUNCIL  
ANDREW COOK  
JOHN DIPPEL  
JACK HART  
ROBERT HORKAY  
JOSEPH PLANKIS  
ROBERT J. SMITH  
RONALD W. THOMAS

CLERK-TREASURER  
CINDY J. GOSSARD

## Memorandum

To: Westfield Town Council  
From: Kurt J. Wanninger  
CC: Bruce A. Hauk  
Date: September 30, 2007  
Re: Public Works Department Matters

Dear Members of Council, I would like to take this opportunity to update you regarding some of the activities that have taken place within the Public Works Department over the last month.

### **Fees Collected**

(See Attachment 1)

### **Department Safety Statistics**

(See Attachment 2)

### **HNTB Progress Report**

(See Attachment 3)

### **Employee of the Month**

The department's Employee of the Month selection for June 2007 was Carrie Cason. Carrie has been with the Westfield Public Works Department since March of 2005. Carrie is the Public Relation Coordinator within the Administration Division. Please join me in congratulating Carrie on this significant achievement.

# ATTACHMENT #1

## Yearly Permit Fees-2007

Type of Fees	January	February	March	April	May	June	July	August	September	October	November	December
Encroachment Permits	\$ 1,943.00	\$ 175.00	\$ 1,130.00	\$ 2,275.00	\$ 2,765.00	\$ 3,325.00	\$ 3,325.00	\$ 3,065.00				
Sewer Availability Fees	\$ 159,225.00	\$ 17,900.00	\$ 21,880.00	\$ 126,635.00	\$ 162,165.00	\$ 51,641.00	\$ 4,325.00	\$ 20,000.00				
Sewer Tap Fees	\$ 255,710.00	\$ 20,760.00	\$ 61,880.00	\$ 48,180.00	\$ 12,228.00	\$ 26,174.00	\$ 18,660.00	\$ 43,200.00				
Subsequent Sewer Connection	\$ 843.60	\$ 10,079.68	\$ 3,374.40	\$ 760.00	\$ 615.60	\$ 3,473.20	\$ 2,429.00	\$ 2,429.00				
Water Availability Fees	\$ 39,680.40	\$ 42,467.50	\$ 21,343.50	\$ 71,420.40	\$ 131,564.70	\$ 23,454.70	\$ 56,928.40	\$ 14,333.04				
Water-3/4" Tap Fees	\$ 219,280.00	\$ 9,525.00	\$ 23,960.00	\$ 24,340.00	\$ 8,995.00	\$ 14,165.00	\$ 26,354.00	\$ 20,184.00				
Water-1" Tap Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750.00	\$ -				
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Lawn Irrigation Fees	\$ 225.00	\$ -	\$ 200.00	\$ -	\$ 1,650.00	\$ 875.00	\$ -	\$ 900.00				
Road Impact Fees	\$ 34,196.42	\$ 3,150.00	\$ 19,676.64	\$ 19,676.64	\$ 11,048.00	\$ 10,530.00	\$ 14,400.00	\$ 51,820.00				
Plan Review Fees	\$ 10,555.00	\$ 4,576.00	\$ 2,340.00	\$ 2,340.00	\$ 6,130.00	\$ 8,875.00	\$ 6,650.00	\$ 3,255.00				
Inspection Fees	\$ 4,896.21	\$ 10,323.00	\$ 8,563.61	\$ 5,234.02	\$ 4,810.00	\$ 7,807.00	\$ 7,162.46	\$ 8,173.55				
Map Fees	\$ 37.50	\$ -	\$ 700.00	\$ -	\$ -	\$ 37.50	\$ -	\$ 18.75				
Erosion Control Appl. Fees	\$ 1,500.00	\$ 1,700.00	\$ 1,500.00	\$ 3,100.00	\$ 3,200.00	\$ 4,300.00	\$ 2,700.00	\$ 4,000.00				
Erosion Control Penalty Fees	\$ 700.00	\$ 350.00	\$ 2,300.00	\$ 3,000.00	\$ 3,000.00	\$ 1,800.00	\$ 900.00	\$ 900.00				
Sanitary Sewer Permit Fees	\$ -	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00				
Water Permit Fees	\$ -	\$ -	\$ 600.00	\$ 600.00	\$ 600.00	\$ 300.00	\$ 1,800.00	\$ 300.00				
Water Service Line Protection	\$ 480.00	\$ -	\$ 96.00	\$ -	\$ -	\$ 96.00	\$ -	\$ 96.00				
<b>Totals per Month</b>	<b>\$ 159,421.13</b>	<b>\$ 120,904.19</b>	<b>\$ 190,889.65</b>	<b>\$ 307,380.42</b>	<b>\$ 345,817.30</b>	<b>\$ 159,158.00</b>	<b>\$ 142,050.70</b>	<b>\$ 173,964.34</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

	1st Qtr Total	2nd Qtr Total	3rd Qtr Total	4th Qtr Total
Encroachment Permits	\$ 3,248.00	\$ 8,965.00	\$ 4,930.00	\$ -
Sewer Availability Fees	\$ 55,305.00	\$ 340,441.00	\$ 24,325.00	\$ -
Sewer Tap Fees	\$ 103,150.00	\$ 66,592.40	\$ 61,860.00	\$ -
Subsequent Sewer Connection	\$ 14,297.68	\$ 4,948.80	\$ 2,429.00	\$ -
Water Availability Fees	\$ 103,481.40	\$ 226,440.00	\$ 71,261.28	\$ -
Water-3/4" Tap Fees	\$ 55,414.00	\$ 47,500.00	\$ 46,538.00	\$ -
Water-1" Tap Fees	\$ -	\$ 500.00	\$ 750.00	\$ -
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 425.00	\$ 3,225.00	\$ 1,250.00	\$ -
Road Impact Fees	\$ 59,342.06	\$ 41,254.00	\$ 66,220.00	\$ -
Plan Review Fees	\$ 26,665.00	\$ 17,345.00	\$ 9,005.00	\$ -
Inspection Fees	\$ 23,785.82	\$ 17,851.02	\$ 16,896.01	\$ -
Map Fees	\$ 75.00	\$ 1,075.00	\$ 18.75	\$ -
Erosion Control Appl. Fees	\$ 4,700.00	\$ 10,600.00	\$ 6,700.00	\$ -
Erosion Control Penalty Fees	\$ 3,500.00	\$ 2,400.00	\$ 1,800.00	\$ -
Sanitary Sewer Permit Fees	\$ 600.00	\$ 1,500.00	\$ 3,000.00	\$ -
Water Permit Fees	\$ 600.00	\$ 2,700.00	\$ 3,000.00	\$ -
Water Service Line Protection	\$ 576.00	\$ 96.00	\$ 182.00	\$ -
<b>Totals per Quarter</b>	<b>\$ 460,014.96</b>	<b>\$ 812,353.72</b>	<b>\$ 316,015.04</b>	<b>\$ -</b>

Yearly Totals	8 months - 2006
Encroachment Permits	\$ 16,543.00
Sewer Availability Fees	\$ 470,071.00
Sewer Tap Fees	\$ 256,592.40
Subsequent Sewer Connection	\$ 21,579.48
Water Availability Fees	\$ 401,162.68
Water-3/4" Tap Fees	\$ 143,435.00
Water-1" Tap Fees	\$ 1,250.00
Water-1 1/2" or Greater	\$ -
Lawn Irrigation Fees	\$ 5,800.00
Road Impact Fees	\$ 165,816.06
Plan Review Fees	\$ 53,915.00
Inspection Fees	\$ 56,572.85
Map Fees	\$ 201.25
Erosion Control Appl. Fees	\$ 22,000.00
Erosion Control Penalty Fees	\$ 7,500.00
Sanitary Sewer Permit Fees	\$ 2,400.00
Water Permit Fees	\$ 3,600.00
Water Service Line Protection	\$ 864.00
<b>Gross Total for 2007</b>	<b>\$ 1,568,388.72</b>

Type of Fees	August
Encroachment Permits	\$ 1,500.00
Sewer Availability Fees	\$ 250,125.00
Sewer Tap Fees	\$ 111,804.00
Subsequent Sewer Connection	\$ 4,663.40
Water Availability Fees	\$ 230,414.40
Water-3/4" Tap Fees	\$ 112,379.50
Water-1" Tap Fees	\$ -
Water-1 1/2" or Greater	\$ -
Lawn Irrigation Fees	\$ 240.00
Road Impact Fees	\$ 135,097.22
Plan Review Fees	\$ 20,140.00
Inspection Fees	\$ 1,258.00
Map Fees	\$ -
Erosion Control Appl. Fees	\$ 8,304.00
Erosion Control Penalty Fees	\$ 2,200.00
Sanitary Sewer Permit Fees	\$ 300.00
Water Permit Fees	\$ 300.00
Water Service Line Protection	\$ -
<b>Total</b>	<b>\$ 895,795.52</b>

Type of Fees	2006 Totals	2005 Totals	2004 Totals
Encroachment Permits	\$ 23,536.30	\$ 12,772.10	\$ 7,351.80
Sewer Availability Fees	\$ 1,426,546.60	\$ 3,040,562.50	\$ 1,777,782.50
Sewer Tap Fees	\$ 712,284.00	\$ 825,796.00	\$ 731,820.00
Subsequent Sewer Connection	\$ 54,840.61	N/A	N/A
Water Availability Fees	\$ 1,300,543.26	\$ 2,122,061.95	\$ 1,427,085.51
Water-3/4" Tap Fees	\$ 42,037.40	\$ 442,330.00	\$ 2,70,070.00
Water-1" Tap Fees	\$ -	\$ 59,581.17	\$ 63,264.10
Water-1 1/2" or Greater	\$ -	\$ 1,500.00	\$ 41,690.00
Lawn Irrigation Fees	\$ 4,490.00	\$ 4,200.00	\$ 2,700.00
Road Impact Fees	\$ 909,894.76	\$ 909,091.95	\$ 596,203.98
Plan Review Fees	\$ 138,015.00	\$ 30,075.00	\$ 24,300.00
Inspection Fees	\$ 93,523.38	\$ 10,536.97	\$ 616.77
Map Fees	\$ 525.00	\$ 104.90	N/A
Erosion Control Appl. Fees	\$ 26,904.00	N/A	N/A
Erosion Control Penalty Fees	\$ 13,300.00	N/A	N/A
Sanitary Sewer Permit Fees	\$ 2,200.00	N/A	N/A
Water Permit Fees	\$ 3,000.00	N/A	N/A
Water Service Line Protection	\$ 3,648.00	N/A	N/A
<b>Gross Total</b>	<b>\$ 5,228,125.50</b>	<b>\$ 7,438,570.94</b>	<b>\$ 4,933,609.66</b>

2004

2005

2006

## ATTACHMENT #2

### WESTFIELD PUBLIC WORKS MONTHLY ACCIDENT STATISTICAL REPORT FOR AUGUST 2007

Location	# of employees	# of Hours Worked	Employee Accidents/ Month	Disabling Accidents/ Month	Lost Work Days	Restricted Work Days	OSHA Recordable Accidents	# of Vehicles	# of Miles Driven	# of Vehicle Accidents for the Month	Chargeable Accidents for the Month
Administrative	11	1380	0	0	0	0	0	5	3942	0	0
CSC	5	652.5	0	0	0	0	0	1	186	0	0
Water	7	973	0	0	0	0	0	7	6659	0	0
Wastewater	8	1078.25	0	0	0	0	0	6	3817	0	0
Street-G/M	17	2032.5	0	0	0	0	0	16	9987	1	1
GIS	4	476.25	0	0	0	0	0	2	2055	0	0
Dev/Con-Eng	9	1021.5	0	0	0	0	0	6	2676	1	1
Inst & Controls	1	144	0	0	0	0	0	1	905	0	0
	62	7758	0	0	0	0	0	44	30427	2	2
<b>2006</b>	<b>51</b>	<b>8417</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>39</b>	<b>25614.5</b>	<b>0</b>	<b>0</b>

\*Dev/Con-Eng on 8/2/07 Randy Kenner ran over a valve key that was left in the road causing approximately \$500 damage to the front right fender of vehicle 137

Street-On 8/22/07 Matt McDole backed vehicle 135 into a fire hydrant post causing \$700 damage to the right rear quarter panel.

## **ATTACHMENT #3**

### **WESTFIELD TOWN COUNCIL MEETING September 10, 2007**

#### ***Progress Report Executive Summary***

1. TIF Projects – The 146<sup>th</sup> Multi-Use Path, Greyhound Pass and Western Way, 151<sup>st</sup> Street and East Side Access Road. The design of 151<sup>st</sup> Street between Carey Road and Setters Road has continued. Preliminary plans will be submitted August 31, 2007 for Town review. This project is scheduled for 2008 construction. Regarding Western Way and Greyhound Pass, as a result of the June 28, 2007 Town Council meeting and subsequent July 30, 2007 meeting with the Town, HNTB has prepared two exhibits for Councilor Cook to discuss with the Town Council. The first exhibit details the proposed widening for the 2008 construction and the second exhibit details how the Western Way / Greyhound Pass intersection can be converted in the future to allow the Western Way extension to the north into Greyhound Pass as the *through movement*. Regarding the 147<sup>th</sup> Street signal at Greyhound Pass, the ornamental poles and new signal heads have been ordered by the Town and are to arrive in late August or early September. After the Notice to Proceed is issued in mid-September, the installation of the poles and signals will be followed by resurfacing, which shall occur in September through October 2007.
2. Traffic Impact Fee Study. A meeting will be scheduled with WPWD during September 2007 to discuss anticipated future road network conditions and recommended improvement projects.
3. River Road Water Treatment Plant Expansion. Contractor Shook Construction has begun constructing the foundation for the new Chlorine Building. The first construction meeting was held on August 2, 2007 to review the project schedule and upcoming activities. Three new wells north of the River Road WTP site are being planned for inclusion in this project.
4. Westside Interceptor. The Contractor has completed the majority of the clearing and easement staking to identify construction limits. Dewatering has started with the anticipation of pipe installation occurring by late August. The first progress meeting is schedule for September 12, 2007.
5. Public Works Department Facilities Expansion. The Town's contract with Browning Construction, Inc. for the Public Works Department Expansion project continues on schedule. Salt Storage Barn foundation work and building design are under way.
6. Sycamore/Birch Storm Sewers. After a final field visit by the Town and HNTB, storm sewer design documents are nearing completion. Following expected resolution of a sewer alignment issue, plans and specifications for bidding should be ready in September 2007.

**TOWN OF WESTFIELD**

**PROGRESS REPORT  
for**



**September 10, 2007 COUNCIL MEETING**

The following covers HNTB activities for August 2007.

1. TIF Projects – The 146<sup>th</sup> Multi-Use Path, Greyhound Pass and Western Way, 151<sup>st</sup> Street and East Side Access Road

The design of 151<sup>st</sup> Street between Carey Road and Setters Road has continued. Preliminary plans will be submitted August 31, 2007 for Town review. Afterwards, preliminary plans will be sent to the utility companies to begin their relocation plans. Right-of-way engineering has continued. The proposed right-of-way has been set. The Throgmartin plat and legal description has been completed early for the Town to quickly move forward with this parcel. Appraising will follow and offers are anticipated to go out before the end of the year for the remaining three parcels. This project is scheduled for 2008 construction.

Regarding Western Way and Greyhound Pass, the Town requested an alternative to HNTB's final design. As a result of the June 28, 2007 Town Council meeting and subsequent July 30, 2007 meeting with the Town, HNTB has prepared two exhibits for Councilor Cook to discuss with the Town Council. The first exhibit details the proposed widening for the 2008 construction and the second exhibit details how the Western Way / Greyhound Pass intersection can be converted in the future to allow the Western Way extension to the north into Greyhound Pass as the *through movement*. HNTB continues to proceed with the appraisals for this project as currently designed. Appraisals are scheduled for completion over the next two months. Offers are anticipated to be made before the end of the year.

Regarding the 147<sup>th</sup> Street signal at Greyhound Pass, the ornamental poles and new signal heads have been ordered by the Town and are scheduled for arrival in late August or early September. HNTB scheduled a preconstruction meeting on August 28, 2007 and a Notice to Proceed (NTP) will be issued the second week of September. After the NTP is issued, the installation of the poles and signals will be followed by resurfacing, which shall occur in the September to October 2007 timeframe.

2. Traffic Impact Fee Study

Analysis of existing traffic conditions is complete. Calibration of the study area travel demand model against existing traffic patterns is also complete. A coordination meeting between WPWD and HNTB was held during August to discuss existing conditions, future land use and assumptions for future committed roadway improvements. A forecast of 2017 land-use development in the study area was completed during August and was utilized in the travel demand model to forecast 2017 traffic demand on the road network. Forecasts of 2017 road network traffic volumes have been developed both with and without US 31 as a freeway. Analysis of 2017 traffic conditions is underway in order to identify future road improvement needs. A meeting will be scheduled with

WPWD during September 2007 to discuss anticipated future road network conditions and recommended improvement projects.

3. River Road Water Treatment Plant Expansion

Contractor Shook Construction has begun the construction of the Chlorine Building and yard piping. The first construction meeting was held on August 2, 2007 to review the past and upcoming construction activities. HNTB is continuing shop drawing review as they are submitted by the Contractor.

HNTB is preparing an amendment to design improvements consisting of the addition of three new wells to the Town raw water supply. It is anticipated that the wells will be added to the current construction project. Once design is complete, a construction price will be requested from the Contractor.

4. Westside Interceptor

HNTB is continuing to review shop drawings as they are submitted by the contractor, Atlas Excavating, Inc. The Contractor has completed the majority of the route clearing and easement staking to identify construction limits. Dewatering has started near the wastewater treatment plant and near State Road 32 in anticipation of pipe installation starting by late August. The first progress meeting with the Contractor is scheduled for September 12, 2007. Contractor progress meetings will occur on the second Wednesday of each month until the project is complete.

5. Public Works Department Facilities Expansion

The Town is under contract with Browning Construction, Inc. for the Public Works Department Expansion project. Browning's work continues on schedule and now includes foundation construction for the Salt Storage Barn and design work for other buildings. Monthly status meetings with the design/build team and Town staff are held to review progress and discuss project details. Discussions are occurring regarding the use of a possible *geothermal* HVAC system for the building.

6. Cherry Tree Raw Water Main

The new Cherry Tree Raw Water Main continues in operation, having been substantially complete since May 25, 2007. Pumps at Well Nos. 6 and 7 have been modified to match the lower pumping head. Punch list items such as route grading and seeding are to be completed in September. Retainage will be held until their satisfactory completion.

7. Sycamore/Birch Storm Sewers

HNTB staff met with the Town of Westfield staff to review the 50% design sheets and conduct a final field visit. The 50% design was refined and the design sheets and specifications are at the

90% stage. There is a remaining issue to be resolved with regard to the final alignment of the storm sewer and the Town is getting in touch with the affected home owner. HNTB carried out a QA/QC on the hydrological and hydraulic analysis that went into the storm sewer design. The modeling is now complete. It is expected that the design phase will be completed in early September.

8. US 31 / SR 32 Signal Pre-emption

Regarding Opticom signals at ten state intersection locations, plans, specifications and preemption tables are complete. Final quantities are being developed. Final plans, specifications and preemption tables will be submitted to INDOT August 31, 2007.

9. Miscellaneous Assistance

- a. HNTB assisted WPWD with developer permitting for water and sewer including Westside Interceptor Sewer and Oak Manor Section III.
- b. HNTB prepared an August 20, 2007 letter outlining recommendations for items to be covered for a traffic study of the Walgreens development located at the southeast quadrant of 161<sup>st</sup> Street and Springmill Road.
- c. Proposed plantings along SR 32 west of US 31 will now be dealt with as a WPWD project separate from the road improvement project. Landscaping will not be shown on INDOT plans, but will be included in separate documents for a bid or quote solicitation.
- d. Construction for the added Westside Wastewater Treatment Facility adding office and lab space by contractor Patterson Horth is proceeding. Current work includes placement of foundation and floor slab. HNTB is providing assistance as needed during construction.
- e. The Town's National Pollutant Discharge Elimination System (NPDES) permit is due to expire in 2008. The renewal application is due in October 2007. The renewal application was prepared at the request of the wastewater staff and is now under their review.

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This portion of the Progress report covers Bowen Engineering (BEC) / HNTB activities within the Performance Contracting (or Utility Energy Efficiency) Project. The only active project is the Greyhound Pass Water Treatment Plant. WPWD personnel have continued suspension of operation of the refurbished Greyhound Pass WTP while the new 300,000 gallon Greyhound Pass WTP storage reservoir is completed. WPWD is providing water distribution from alternate facilities during this period of service suspension at Greyhound Pass WTP.

**Action Item #1 First Reading – Ordinance 07-18 Amendment to Ordinance 07-12 Traffic Regulations**

**Speed limit on Springmill Road 50 mph to 45 mph**

The Westfield Public Works Department has conducted a speed study of Springmill Road from 146<sup>th</sup> to SR 32. The results of this speed study indicated the motorists traveling this section of Springmill Road fall within the 85<sup>th</sup> percentile of the posted speed limit. Meaning that 85 percent of the motorists drive at a speed limit that is within +/- 5 mph of the posted 50 mph speed limit, which is within the guidelines for the warranted speed on that section of road.

However, the Westfield Public Works Department when conducting a speed limit study look at other factors that have an impact on speed such as traveling lane road widths, setbacks, obstructions in the right of way, number of driveway entrances, sight distances and the profile of the road.

This study by the Westfield Public Works Engineering Division revealed that the traveling lane width of 10 feet, the set back requirements, and the obstructions in the right of way warranted that the current speed of 50 mph should be reduced to 45 mph.

**Downtown Parking Regulations**

On August 20<sup>th</sup> of 2007 the Town of Westfield started the implementation and the enforcement of the 2 Hour Parking Restrictions in the downtown area. Since the implementation some motorists have been removing the identifying chalk mark that is placed on the tire of parked cars by law enforcement to identify the start of the beginning of the 2 hour time limit. Additionally, some motorists have been observed moving their car one or two spaces after the 2 hour time limit or 4 hour special time limit period. Both of these occurrences are an attempt to elude this ordinance and make it difficult for law enforcement to effectively and consistently enforce this section of the ordinance.

Additionally, at the request of the Town Council, an amendment to the section that will appoint and authorize one member of the Town Council to waive any fees or penalties that are assessed as part of this section of Parking Penalties.

Therefore the department, along with the Westfield Police Department, are recommending the following statements be added to the Parking Regulations Ordinance:

Any motorist that attempts to elude this ordinance by either moving their vehicle throughout the day or removing the identifying mark placed on the vehicle by law enforcement to indicate the time the vehicle was marked is in direct violation of the ordinance and subject to the penalties of this section.

The Town Council President may appoint and authorize one member of the Town Council to void or waive any fees or penalties that are assessed as part of this section of Parking Penalties.

**Action Item #2 - Ordinance 07- 19 Vacating of Easement**

This Ordinance is being presented for a First Reading.

This Ordinance (See Exhibit 1) is being brought forth to vacate a Sanitary Sewer and Telecommunications Easement that was purchased on May 11, 2007 as part of the Westside Interceptor Sewer Project across the Wilfong Development Company property located west of Little Eagle Creek Avenue. Since that time, Wilfong Development Company has requested that some changes be made in the location of the Sanitary Sewer Interceptor across their property. Since these requested changes had no affect on the function of the sanitary sewer the Public Works Department made the requested changes to the easement.

The Public Works Department, in anticipation of vacating the first easement that was acquired on May 11, 2007, the Public Works Department has obtained an executed second easement from the Wilfong Development Company with the requested changes with the understanding that the first easement will be vacated when the Vacation of Easement Ordinance is recorded at the Hamilton County Recorders Office and the second easement will recorded at that time.

Therefore, the Westfield Public Works Department recommends that the Westfield Town Council to consider this ordinance for a First Reading, and recommends that the Council suspend the rules and adopt at this meeting.

**“EXHIBIT 1”**

**ORDINANCE 07- 19**

**AN ORDINANCE VACATING AN EASEMENT  
WITHIN THE TOWN OF WESTFIELD, INDIANA**

WHEREAS, the Town is in possession of easements across property for the purpose of providing access across a property for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.; and,

WHEREAS, there no longer remains any public need or necessity for the below describes easement due to an alternate being proposed; and,

WHEREAS, upon due consideration, the Town Council of the Town of Westfield has determined that the vacation of said easement will not hinder the growth or orderly development of the area; will not deny or deprive access to adjacent lands; will not hinder public access to public facilities and will not hinder or prevent the use of any public way; and,

WHEREAS, the vacation of this easement shall be conditioned upon the execution of an alternate easement for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF WESTFIELD, INDIANA:**

**SECTION 1.** The easement described in Exhibit “A” attached hereto and made a part hereof is hereby vacated.

**SECTION 2.** The Clerk-Treasurer is directed to record a copy of this Ordinance in the office of the Recorder of Hamilton County, Indiana.

**SECTION 3.** This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law.

ALL OF WHICH IS ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2007.  
WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Andy Cook

\_\_\_\_\_  
Andy Cook

\_\_\_\_\_  
Andy Cook

\_\_\_\_\_  
John Dippel

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John Dippel

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John Dippel

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Jack Hart

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Robert Horkay

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Robert Horkay

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Joseph Plankis

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Joseph Plankis

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Joseph Plankis

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Ron Thomas

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Ron Thomas

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Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:  
Brian J. Zaiger  
Krieg DeVault, LLP

"EXHIBIT A"

SANITARY SEWER AND TELECOMMUNICATIONS EASEMENT

FILE COPY

THIS INDENTURE, made this 11<sup>th</sup> day of May, 2007, by and between Wilfong Development Company, LLP hereinafter referred to as the "Grantor" and THE TOWN OF WESTFIELD, Indiana, having an office for the transaction of business at 130 Penn Street, Westfield, IN, 46074, hereinafter referred to as the "Grantee."

WITNESSETH

The Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant and convey unto the Grantee, its successors and assigns, forever, a perpetual easement and right of way in, under, across and over the real estate of the Grantor, situated in Hamilton County, Indiana, more particularly described on Exhibit A and as shown on the sketch, Exhibit B, both attached hereto and made a part hereof, for the purpose of constructing, operating, maintaining, repairing, replacing, or removing and adding to from time to time (i) sanitary sewer lines together with all necessary manholes, air release structures and appurtenances and attached facilities, including service laterals and connections for the collection and conveyance of wastewater (the "Sewer Facilities"), and (ii) telephone lines, including but not limited to fiber optic cables, together with all attached and associated facilities and systems, for the conveyance and transmission of telecommunications services, including but not limited to voice, data and video traffic (the "Telecom Facilities") (the Sewer Facilities and the Telecom Facilities, together the "Utility Facilities"). The Grantor also does hereby give, grant and convey unto the Grantee, a temporary construction easement in, under, across and over the real estate of the Grantor, more particularly described on Exhibit A and as shown on Exhibit B, for any and all activities necessary, incidental or related to the construction of the Utility Facilities. The temporary construction easement shall expire and terminate upon completion of the original construction.

Together with the right to the Grantee, its successors and assigns, to (i) enter in and upon the real estate described above with men and machinery, vehicles and material at any and all times for the purpose of maintaining, repairing, renewing or adding to the Utility Facilities, (ii) remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein, and (iii) for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.

2007043504 EASEMENTS \$35.00  
08/02/2007 09:31:00A 12 PGS  
Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

The right of the Grantor to freely use and enjoy its interest in the real estate is reserved to Grantor, its successors and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of the Utility Facilities, except that no building, structure or similar improvements shall be erected within said easement, nor shall the grade or ground cover over the Utility Facilities be substantially altered, without the consent of the Grantee. Notwithstanding the foregoing, no potable water pipes or conduits shall be placed within ten (10) feet, measured horizontally, from the said sanitary sewer pipes except pipes crossing same at right angles, in which latter case, a minimum distance of two (2) feet shall be maintained between the pipes. All sewer pipe shall be laid below any potable water pipes. No excavation or blasting shall be carried on which in any way endangers or might endanger the Utility Facilities.

TO HAVE AND TO HOLD the above granted easement unto the same Grantee, its successors and assigns forever.

The Grantee agrees, by the acceptance of this easement that, upon any opening made in connection with any of the purposes of this easement, said opening shall be backfilled and resurfaced to as nearly as possible the same condition as existed when said opening was made, provided that Grantee shall not be obligated to restore landscaping, other than reseeding any grass which was removed upon entry, all such work to be done at the expense of the Grantee. Any damages to the crops, fences, tile or roads of Grantor caused by Grantee in the construction and installation of the Utility Facilities or in the maintenance, operation, repair, inspection, removal or replacement thereof shall be promptly paid by Grantee, provided written notice thereof is given to Grantee at its Public Works offices (or such other place as Grantee may designate in writing), within thirty (30) days after the occurrence of such damage. Damage for crops shall be based on the amount of affected acreage, the average yield of Grantor's farmland or similar farmland and the market rate for the affected crop at the time of the damage.

And the said Grantor does covenant with the said Grantee as follows:

1. That the Grantor is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing easement, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the easement hereby granted against all claims. In accordance with Ind. Code 32-23-2-5(a) Grantor acquired said real estate by deed dated January 20, 2006, and recorded in the Office of the Recorder of Deeds of Hamilton County, Indiana,

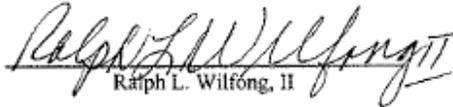
in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, or as Instrument No. 200600004408,

on the 27<sup>th</sup> day of January, 2006.

- 2. That the Grantee shall quietly enjoy the said easement.
- 3. That the real estate hereby subjected to said easement is subject to no mortgages except Community Bank Loan #00900696.9427-3. (If none, state "No Exceptions.")

IN WITNESS WHEREOF, the Grantor has duly executed this INDENTURE, all as of the day and year first above written.

Wilfong Development Company, LLP a(n) Indiana Limited Liability Partnership

  
 Ralph L. Wilfong, II

MANAGING PARTNER  
 (Title)

STATE OF Indiana )

) SS:

COUNTY OF Hamilton )

Before me, a Notary Public in and for said County and State, personally appeared Ralph L. Wilfong, II as Partner of Wilfong Development Company, LLP, who having been duly sworn upon his/her oath acknowledged the execution of the foregoing easement for and on behalf of the said partnership.

Witness my hand and Notarial Seal this 21<sup>ST</sup> day of May, 2007.



(Signature)



(Printed Name) Douglas D. Elmore

Notary Public residing in Hendricks County

My Commission Expires: July 10, 2008

This instrument prepared by:

Brian J. Zaiger, Attorney at Law  
 CHURCH, CHURCH, HITTLE & ANTRIM  
 938 Conner Street, P. O. Box 10  
 Noblesville, IN 46060  
 (317) 773-2190

## EXHIBIT "A"

Project: Westfield Westside Interceptor                      Sheet 1 of 2  
Parcel: 5 Permanent Easement for Sanitary Sewer  
          and Telecommunications

A part of the Northeast Quarter of Section 5, Township 18 North, Range 3 East, Hamilton County, Indiana and being that part of the grantor's land lying within the permanent easement lines depicted on the attached Easement Parcel Plat, marked "EXHIBIT B", described as follows: Beginning on the east line of said section North 0 degrees 11 minutes 56 seconds East 8.27 feet (along said east line) from Station 98+86.03, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence North 90 degrees 00 minutes 00 seconds West 37.09 feet to point "818" designated on said parcel plat; thence South 0 degrees 00 minutes 00 seconds West 257.76 feet to point "816" designated on said parcel plat; thence South 18 degrees 40 minutes 04 seconds West 212.10 feet to point "576" designated on said parcel plat; thence North 80 degrees 14 minutes 55 seconds West 542.90 feet to point "575" designated on said parcel plat; thence South 23 degrees 15 minutes 07 seconds West 286.61 feet to point "574" designated on said parcel plat; thence South 36 degrees 38 minutes 11 seconds West 503.85 feet to point "573" designated on said parcel plat; thence South 45 degrees 42 minutes 38 seconds West 404.03 feet to point "814" designated on said parcel plat; thence South 0 degrees 00 minutes 00 seconds East 37.73 feet to the south line of said quarter section; thence South 89 degrees 25 minutes 38 seconds West 5.00 feet along said south line to Station 76+21.80, said Line "A"; thence continuing South 89 degrees 25 minutes 38 seconds West 25.00 feet along said south line; thence North 0 degrees 00 minutes 00 seconds West 50.67 feet to point "815" designated on said parcel plat; thence North 45 degrees 42 minutes 38 seconds East 414.30 feet to point "517" designated on said parcel plat; thence North 36 degrees 38 minutes 11

Rev 4-7-05

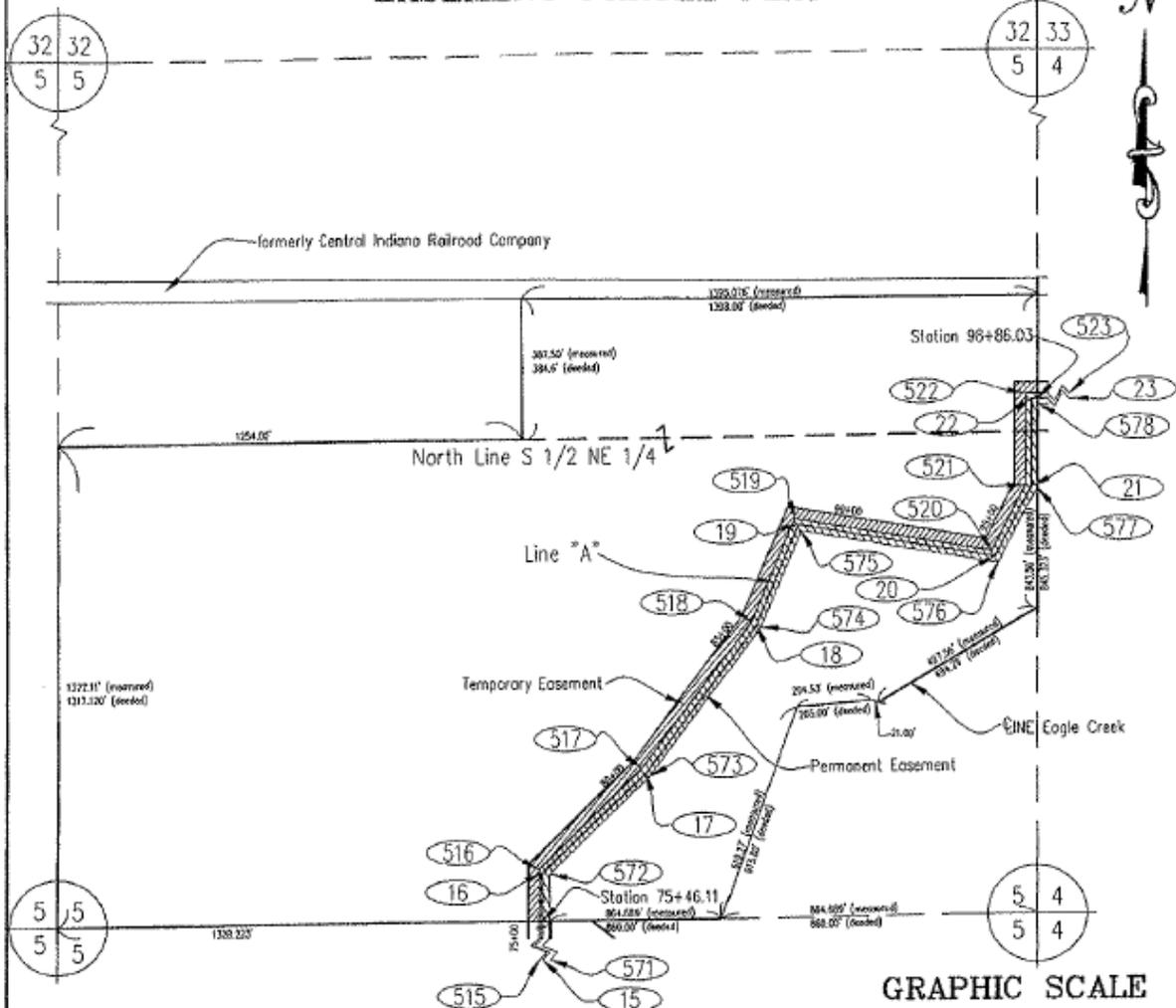






**EXHIBIT "B"**  
**EASEMENT PARCEL PLAT**

SHEET 1 OF 3



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 400 ft.

 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER:	BOYCE LAND CO., INC.	DRAWN BY:	NATHAN A. GOINS 05/11/04
PARCEL:	5	CHECKED BY:	JEFFERY A. MYERS 05/12/04
CODE:	36753	INSTRUMENT NO. 9219188 , DATED 05/14/92	
TOWN:	WESTFIELD		
COUNTY:	HAMILTON		
PROJECT:	WESTSIDE INTERCEPTOR		
SECTION:	5		
TOWNSHIP:	18N	Dimensions shown are from the above listed Record Documents.	
RANGE:	3E		

**EXHIBIT "B"**  
**EASEMENT PARCEL PLAT**

PARCEL COORDINATE CHART			
NUMBER	LINE	STATION	OFFSET
515	Line "A"	72+66.77	8.99 Lt.
516	Line "A"	76+87.8 Bt	9.04 Lt.
517	Line "A"	80+73.19	17.11 Lt.
518	Line "A"	85+75.19	16.63 Lt.
519	Line "A"	88+81.93 Bt	15.00 Rt.
520	Line "A"	94+03.40	14.26 Lt.
521	Line "A"	96+25.97	15.00 Lt.
522	Line "A"	96+25.97	15.00 Rt.
523	Line "A"	103+43.82	15.00 Lt.
571	Line "A"	70+33.73	12.91 Rt.
572	Line "A"	72+68.87 Bt	12.91 Rt.
573	Line "A"	80+72.98 Bt	12.76 Rt.
574	Line "A"	85+74.66 Bt	12.89 Rt.
575	Line "A"	88+58.11	14.87 Rt.
576	Line "A"	94+25.57 Bt	15.72 Rt.
577	Line "A"	96+33.09 Bt	15.00 Rt.
578	Line "A"	98+85.99	15.00 Rt.

*See Location Control Route Survey Plat for Points:  
15, 16, 17, 18, 19, 20, 21, 22, & 23*

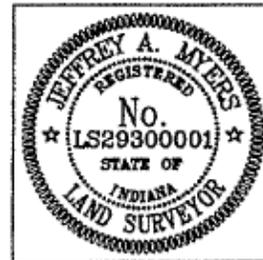
**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200400036801 in the Office of the Recorder of Hamilton County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).



111 Monument Circle, Suite 1200  
Indianapolis, IN 46204  
(317) 636-4682  
FAX (317) 917-5211

*Jeffrey A. Myers*  
JEFFREY A. MYERS



2/12/2007

OWNER: <i>BOYCE LAND CO., INC.</i>	DRAWN BY: <i>NATHAN A. GOINS 05/11/04</i>
PARCEL: <i>5</i>	CHECKED BY: <i>JEFFERY A. MYERS 05/12/04</i>
CODE: <i>36753</i>	
TOWN: <i>WESTFIELD</i>	
COUNTY: <i>HAMILTON</i>	
PROJECT: <i>WESTSIDE INTERCEPTOR</i>	
SECTION: <i>5</i>	
TOWNSHIP: <i>18N</i>	
RANGE: <i>3E</i>	
INSTRUMENT NO. <i>9219188</i> , DATED <i>05/14/92</i>	
<small>Dimensions shown are from the above listed Record Documents.</small>	

**EXHIBIT "A"**

Project: Westfield Westside Interceptor                      Sheet 1 of 1  
Parcel: 5B Permanent Easement for Sanitary Sewer  
          and Telecommunications

A part of the Northwest Quarter Section 4, Township 18 North, Range 3 East, Hamilton County, Indiana and being that part of the grantors' land lying within the permanent easement lines depicted on the attached Easement Parcel Plat, marked "EXHIBIT B", described as follows: Beginning at Station 108+92.14, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence South 90 degrees 00 minutes 00 seconds East 17.32 feet along said north line; thence South 42 degrees 18 minutes 44 seconds West 58.23 feet to the south line of the grantors' land; thence South 89 degrees 35 minutes 29 seconds West 17.43 feet along said south line to Station 108+33.74, said Line "A"; thence continuing South 89 degrees 35 minutes 29 seconds West 23.40 feet along said south line; thence North 42 degrees 18 minutes 44 seconds East 58.62 feet to the north line of the grantors' land; thence South 90 degrees 00 minutes 00 seconds East 23.25 feet along said north line to the point of beginning and containing 0.040 acres, more or less.



Certified this 12<sup>th</sup> day of February, 2007

  
Jeffrey A. Myers, PLS  
Professional Land Surveyor No. 29300001  
State of Indiana

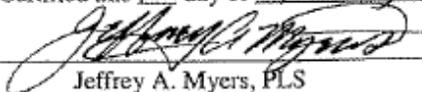
**EXHIBIT "A"**

Project: Westfield Westside Interceptor                      Sheet 1 of 1  
Parcel: 5C Temporary Easement for Sanitary Sewer Construction  
and Telecommunications

A part of the Northwest Quarter of Section 4, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning on the north line of the grantors' land North 90 degrees 00 minutes 00 seconds West 23.25 feet from Station 108+92.14, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence South 42 degrees 18 minutes 44 seconds West 58.62 feet to the south line of the grantors' land; thence South 89 degrees 35 minutes 29 seconds West 40.83 feet along said south line; thence North 42 degrees 18 minutes 44 seconds East 59.02 feet to the north line of the grantors' land; thence South 90 degrees 00 minutes 00 seconds East 40.57 feet along said north line to the point of beginning and containing 0.041 acres, more or less.

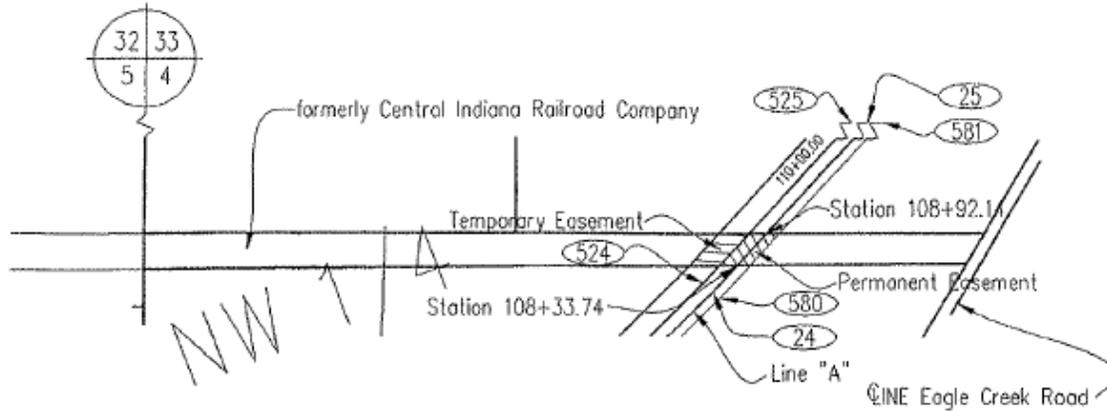


Certified this 12<sup>th</sup> day of February, 2007

  
Jeffrey A. Myers, PLS  
Professional Land Surveyor No. 29300001  
State of Indiana

**EXHIBIT "B"**  
**EASEMENT PARCEL PLAT**

SHEET 3 OF 3



PARCEL COORDINATE CHART			
NUMBER	LINE	STATION	OFFSET
524	Line "A"	107+87.26	17.19 Lt.
525	Line "A"	110+91.51	16.52 Lt.
580	Line "A"	107+87.16 Bt	12.79 Rt.
581	Line "A"	110+90.81 Bt	12.81 Rt.

*See Location Control Route Survey Plat for Points:  
24 & 25*

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 200 ft.

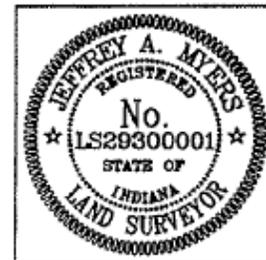
**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 20040036801 in the Office of the Recorder of Hamilton County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).



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*Jeffrey A. Myers*  
JEFFREY A. MYERS



2/12/2007

HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: **BOYCE LAND CO., INC.**  
PARCEL: **5A**  
CODE: **3675J**  
TOWN: **WESTFIELD**  
COUNTY: **HAMILTON**  
PROJECT: **WESTSIDE INTERCEPTOR**  
SECTION: **4**  
TOWNSHIP: **18N**  
RANGE: **3E**

DRAWN BY: **NATHAN A. GOINS 05/16/04**  
CHECKED BY: **JEFFERY A. MYERS 05/18/04**

INSTRUMENT NO. **9228739** , DATED **09/29/92**

Dimensions shown are from the above listed Record Documents.

## **Consent Agenda Items**

### **Maple Knoll Water Line Reimbursement**

#### **Performance Bond Release**

- None

#### **Maintenance Bond Release**

- None

#### **Change Order**

- None