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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 07-02

AN ORDINANCE REGARDING THE DEDICATION OF RIGHTS-OF-WAY WITHIN THE TOWN OF WESTFIELD, INDIANA

WHEREAS, the Town of Westfield, Indiana ("Town") is responsible for the streets, roadways and public ways within the Town; and

WHEREAS, improvements to these public ways are often necessary due to the rapid growth of the Town; and

WHEREAS, the right-of-way needed for such improvements is often contributed and dedicated to the Town; and

WHEREAS, the Town is desirous of developing a consistent manner in which such dedications occur;

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

Section 1. All dedications of right-of-way to the Town of Westfield, Indiana shall be completed using a form substantially similar to the form attached as Exhibit A hereto and incorporated herein.

Section 2. The Council hereby authorizes the Director of the Westfield Public Works Department to accept on behalf of the Town of Westfield and provide for the recording of Dedications of Rights of Way as deemed in the best interests of the Town.

Section 3. Any portion of this Ordinance that may later be deemed invalid shall not effect the remaining provisions.

Section 4. This Ordinance shall be in full force and effect upon its passage and publication, as provided by the laws of the State of Indiana.

ALL OF WHICH IS ORDAINED this 12 day of March, 2007.

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Andy Cook	Andy Cook	Andy Cook
John Dippel	John Dippel	John Dippel
John Hart	John Hart	John Hart
Robert Horkay	Robert Horkay	Robert Horkay
Joseph Plankis	Joseph Plankis	Joseph Plankis
Robert J. Smith	Robert J. Smith	Robert J. Smith
Ron Thomas	Ron Thomas	Ron Thomas

ATTEST:

Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Sue A. Beesley
Bingham McHale LLP

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

Signed

EXHIBIT A

Parcel No.
Book ____; Page ____ or Instrument # _____

DEDICATION OF PUBLIC RIGHT OF WAY

The undersigned being the fee simple owner of all the real estate described herein, for good and valuable consideration, does hereby grant and dedicate to the Town of Westfield, Hamilton County, Indiana, on behalf of and for the public, for use as a right-of-way for public purposes, the following described real estate situated in Hamilton County, Indiana, more particularly described on Attachment 1, and as shown on the sketch, Attachment 2, both attached hereto and made a part hereof.

This dedication is made subject to all existing easements and rights-of-way.

This conveyance of real estate is not subject to Indiana gross income tax.

The Grantor hereby covenants that it is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing right of way, and guarantees the quite possession thereof, and that Grantor will warrant and defend the Grantee's title to the right of way hereby granted against all claims.

IN WITNESS WHEREOF, Grantor has executed this Dedication as of the _____ day of _____, 20___.

FEE SIMPLE OWNER

_____
Signature

_____
Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, who acknowledged his authority and the execution of the foregoing Dedication of Public Right-of-Way.

WITNESS my hand and Notarial Seal this _____ day of _____, 20___.

_____
Signature

Printed: _____

My Commission Expires:

County of Residence:

ACCEPTANCE

WHEREAS, _____, has this day filed with the Town of Westfield, Indiana (the "Town"), its dedication of certain real estate, which Dedication is hereinabove set forth:

AND WHEREAS, the Town finds that said Dedication is desirable and necessary;

NOW THEREFORE, the Director of Public Works of the Town of Westfield, Indiana under and by virtue of the power conferred by the Town Council of the Town of Westfield (Ordinance 07-02) for and on behalf of the Town, accepts said Dedication, and orders that the Instrument of Dedication be recorded in the Recorder's Office of the County of Hamilton, State of Indiana, and said described real estate is hereby declared open and dedicated.

DATE OF ACCEPTANCE

_____

DIRECTOR OF PUBLIC WORKS

_____
Bruce A. Hauk

ATTEST:

_____
_____, Clerk-Treasurer

This instrument was prepared by: _____
_____.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

_____
_____, *Preparer*

ATTACHMENT 1

Real Estate Description

ATTACHMENT 2

Sketch of Right of Way Dedication