

# ORDINANCE NUMBER 10-29

Document Cross Reference No. 2008014611

## AN ORDINANCE OF THE CITY OF WESTFIELD TO VACATE A PUBLIC WAY, EASEMENT AND PLATTED REAL PROPERTY IN CUSTOM COMMERCE PARK SUBDIVISION

**WHEREAS**, the City of Westfield, Indiana (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”);

**WHEREAS**, it is the duty and the responsibility of the Council to maintain public rights-of-way, easements and subdivision plats for the benefit of the citizens of the City and to vacate those no longer needed for the benefit of the public; and

**WHEREAS**, it has come to the attention of the Council that the items herein described are no longer necessary as a benefit to the general public and should be vacated.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COMMON COUNCIL MEETING IN SESSION AS FOLLOWS:**

**SECTION 1.** That pursuant to Ind. Code § 36-9-2-5, the City has the authority to vacate public rights-of-way and now finds that the public right-of-way identified in Exhibit “A” , attached hereto and incorporated by reference herein is no longer needed for the benefit of the public.

**SECTION 2.** That pursuant to Ind. Code § 36-7-3-16, the City has the authority to vacate platted easements and now finds that the platted easements identified in Exhibit “A” are no longer needed for the benefit of the public.

**SECTION 3.** That pursuant to Ind. Code § 36-7-3-10, the City has the authority to vacate all or a part of a plat and now finds that the part of the plat identified in Exhibit “A” is no longer needed for the benefit of the public.

**SECTION 4.** That after a duly advertised and published public hearing, the Council finds that it is proper to vacate the public right-of-way, the easements and that certain real property all identified in Exhibit “A”.

**SECTION 5.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods and the approval of an amended

secondary plat for the residual portions of Custom Commerce Park shown in Exhibit "A", all as provided by the laws of the State of Indiana.

I hereby certify ORDINANCE 10-29 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ m.

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

I hereby APPROVE ORDINANCE 10-29  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby VETO ORDINANCE 10-29  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

**Voting For**

**Voting Against**

**Abstain**

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

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

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

\_\_\_\_\_  
Steve Hoover

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Steve Hoover

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Steve Hoover

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Robert Horkay

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Robert Horkay

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Robert Horkay

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Kenneth Kingshill

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Kenneth Kingshill

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Kenneth Kingshill

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Bob Smith

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Bob Smith

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Bob Smith

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Tom Smith

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Tom Smith

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Tom Smith

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Rob Stokes

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Rob Stokes

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Rob Stokes

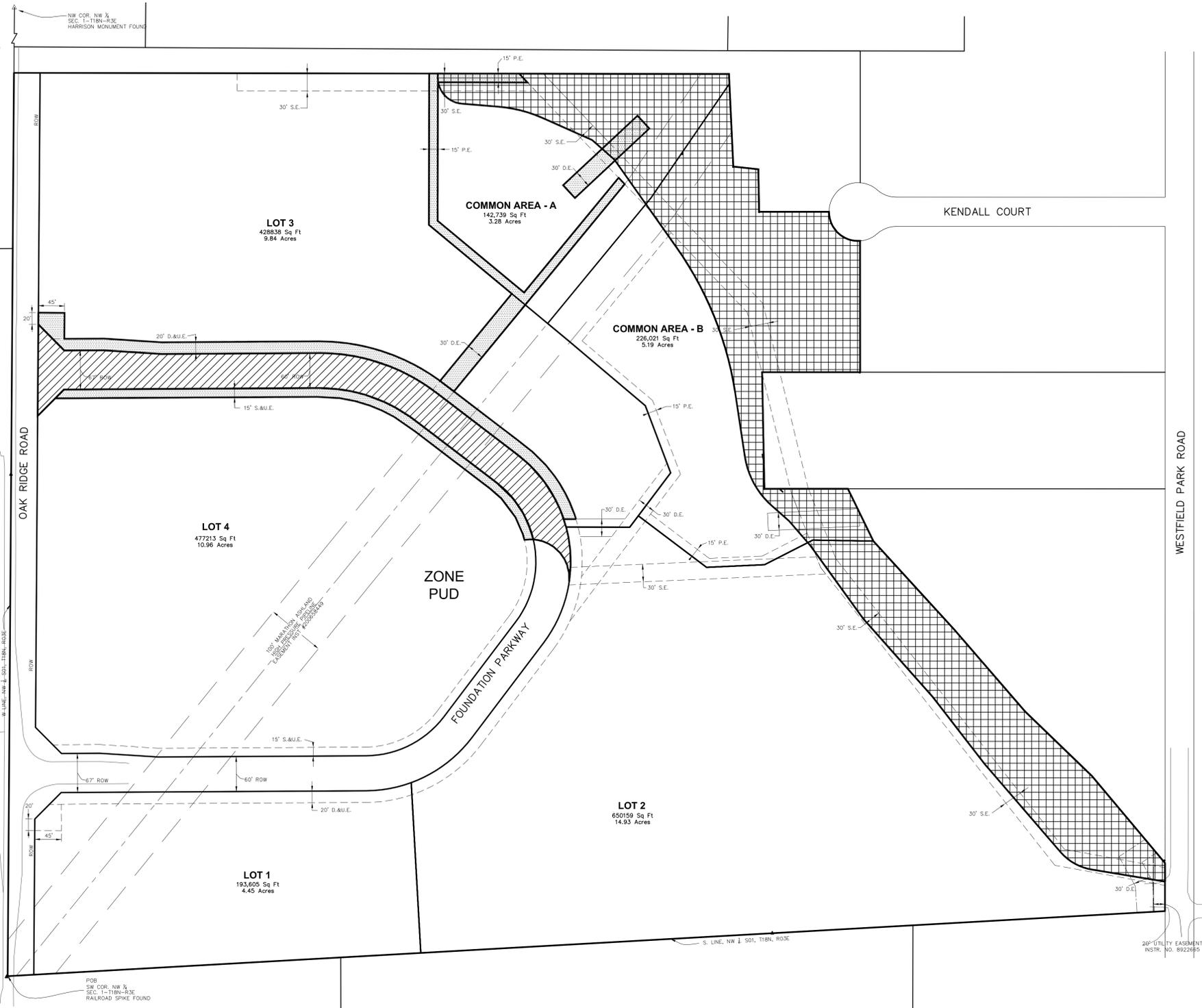
ATTEST:

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

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: Matthew S. Skelton

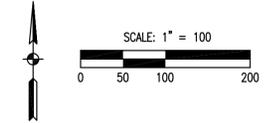
Prepared by: Matthew S. Skelton, Director of Community Development, City of Westfield, 2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804-3170.

# CUSTOM COMMERCE PARK VACATION EXHIBIT



### LEGEND

- |           |  |  |                      |
|-----------|--|--|----------------------|
| R.D.&U.E. | REGULATED DRAIN AND UTILITY EASEMENT     |  | VACATED RIGHT-OF-WAY |
| D.&U.E.   | DRAINAGE AND UTILITY EASEMENT            |  | VACATED EASEMENT     |
| S.&U.E.   | SANITARY AND UTILITY EASEMENT            |  | VACATED LAND         |
| S.D.&U.E. | SANITARY, DRAINAGE, AND UTILITY EASEMENT |  |                      |
| S.E.      | SANITARY EASEMENT                        |  |                      |
| D.E.      | DRAINAGE EASEMENT                        |  |                      |
| P.E.      | POND EASEMENT                            |  |                      |
| ROW       | RIGHT-OF-WAY LINE                        |  |                      |



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|---|--|
| THIS INSTRUMENT PREPARED BY:<br><b>BEAM, LONGEST AND NEFF, LLC</b><br>8126 CASTLETON ROAD<br>INDIANAPOLIS, IN 46250<br>TELEPHONE: (317) 849-5832<br>CONTACT: MAX MOUSER | EXISTING ZONING: <b>E1, PUD</b><br>THIS INSTRUMENT PREPARED FOR:<br><b>OAK RIDGE REAL ESTATE DEV. LLC</b><br>17241 FOUNDATION PARKWAY<br>WESTFIELD, IN 46074<br>TELEPHONE: (317) 896-2885<br>CONTACT: TIM CARR |
| DATE PREPARED:<br><b>12.07.2010</b><br>SHEET NO:<br>1 OF 1  |  |
| <b>Beam, Longest and Neff, LLC</b><br><i>Consulting Engineers and Land Surveyors</i>  |  |
| 8126 CASTLETON ROAD PHONE: 317.849.5832<br>INDIANAPOLIS, IN 46250 FAX: 317.841.4280<br>WWW.B-L-N.COM TOLL FREE: 800.382.5206  |  |