

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.

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**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
_____ Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
_____ Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Tom Smith	_____ Tom Smith	_____ Tom Smith
_____ Rob Stokes	_____ Rob Stokes	_____ 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 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify that 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 I hereby VETO ORDINANCE 10-29
this _____ day of _____, 2010. this _____ day of _____, 2010.

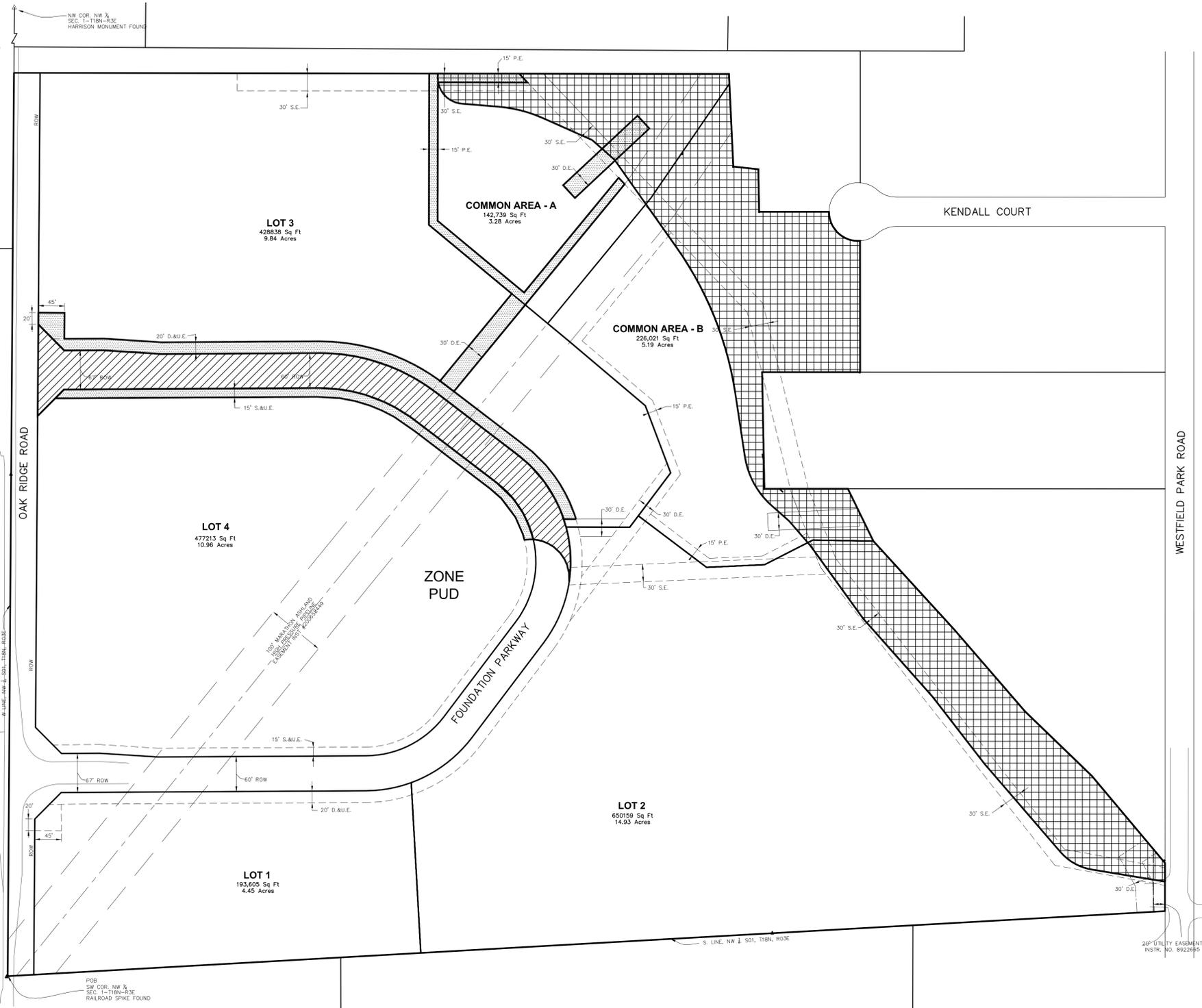
J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

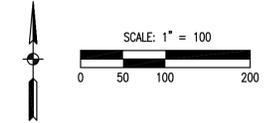
Cindy Gossard, Clerk Treasurer

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 | | |



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