

## ORDINANCE 11-21

### ORDINANCE OF THE CITY OF WESTFIELD TO VACATE AN EASEMENT

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

**WHEREAS**, it is the duty and the responsibility of the Council to maintain for easements 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 an easement herein described is 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 I.C. 36-9-2-5 the City has the authority to grant and vacate public ways and now finds that the easement described on Exhibit “A”, attached hereto and incorporated by reference herein is no longer needed for the benefit of the public.

**Section 2.** That after a duly advertised and published public hearing, the Council finds that it is proper to vacate the easement described in Exhibit “A” and retain those easements also duly identified thereon.

**Section 3.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All Ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. Any portion of this Ordinance later deemed invalid shall not operate to invalidate the remaining portions.

ALL OF WHICH IS ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

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

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

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

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Robert L. Horkay

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Robert L. Horkay

\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Kenneth Kingshill

\_\_\_\_\_  
Kenneth Kingshill

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Kenneth Kingshill

\_\_\_\_\_  
Robert J. Smith

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Robert J. Smith

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Robert J. Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

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

I hereby certify that ORDINANCE 11-21 was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ m.

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

I hereby APPROVE ORDINANCE 11-21

this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

I hereby VETO ORDINANCE 11-21

this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

This document prepared by  
Brian J. Zaiger, Esq.  
KRIEG DEVAULT, LLP  
(317) 238-6266

PLOT SCALE: 1:1 EDIT DATE: 8/8/11 - 10:09 AM EDITED BY: MSMITH DRAWING FILE: P:\2011\00002\DRAWINGS\SURVEY\201100002.SV.2011-08-08.EXH.U.TIL ESMT VACA.DWG

**LEGAL DESCRIPTION (EXHIBIT A)**

Part of the West Half of the West Half of the Southeast Quarter of Section 33, Township 19 North, Range 4 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the southwest corner of said Southeast Quarter; thence North 89 degrees 50 minutes 23 seconds East along the south line of said Southeast Quarter (basis of bearings is the Indiana State Plane Coordinate System, East Zone) 661.29 feet to the east line of said West Half of the West Half; thence North 00 degrees 26 minutes 51 seconds East along said east line 1,245.50 feet to southwest corner of Lot 1 of Pinehurst Village Section One at the Villages of Pebble Brook (hereafter referred to as "Pinehurst") per plat thereof, recorded in Plat Cabinet 2, Slide 6 as Instrument Number 9709732489 in the Office of the Recorder of Hamilton County, Indiana, the following two (2) courses are along the north right-of-way line of Longview Drive as defined on said Pinehurst plat; 1)thence South 79 degrees 35 minutes 32 seconds West 166.03 feet to the point of curve of a curve concave to the northeast having a radius of 20.00 feet, the radius point of which bears North 10 degrees 24 minutes 28 seconds West; 2)thence northwesterly along said curve 30.93 feet to a point on the east right-of-way line of Pebble Brook Boulevard as defined by The Villages at Pebble Brook Section 1, per plat thereof, recorded in Plat Cabinet 1, Slide 242 as Instrument Number 9225791, on file in the Office of said Recorder, said point bears South 78 degrees 11 minutes 23 seconds West from said radius point, the following four (4) courses are along said east right-of-way line; 1)thence North 11 degrees 48 minutes 37 seconds West 15.48 feet to the point of curve of a non-tangent curve concave to the east, having a radius of 240.00 feet, the radius point of which bears North 78 degrees 11 minutes 24 seconds East; 2)thence northerly along said curve 69.11 feet to a point that bears North 85 degrees 18 minutes 42 seconds West from said radius point; 3)thence North 00 degrees 24 minutes 25 seconds East 19.45 feet to the south line of the Utility Easement described in Instrument Number 8417245, on file in the Office of said Recorder, being the POINT OF BEGINNING; 4)thence continuing North 00 degrees 24 minutes 25 seconds East 30.01 feet to the north line of said Utility Easement, the following three (3) courses are along the north and west lines of said Utility Easement; 1)thence North 88 degrees 57 minutes 25 seconds East 133.29 feet; 2)thence North 45 degrees 18 minutes 44 seconds East 43.53 feet; 3)thence North 00 degrees 25 minutes 48 seconds East 155.77 feet to the south line of Tract I as described in Instrument Number 200400005964, on file in the Office of said Recorder; thence South 89 degrees 33 minutes 09 seconds East along said south line 30.00 feet to the east line of said Utility Easement, the following three (3) courses are along the east and south lines of said Utility Easement; 1)thence South 00 degrees 25 minutes 48 seconds West 168.15 feet; 2)thence South 45 degrees 18 minutes 44 seconds West 67.93 feet; 3)thence South 88 degrees 57 minutes 25 seconds West 146.06 feet to the POINT OF BEGINNING. Containing 0.246 acres, more or less.

***VACATION EXHIBIT***



7260 SHADELAND STATION  
 INDIANAPOLIS, IN 46256-3957  
 TEL 317.547.5580 FAX 317.543.0270  
 www.structurepoint.com

DATE: 8-8-2011

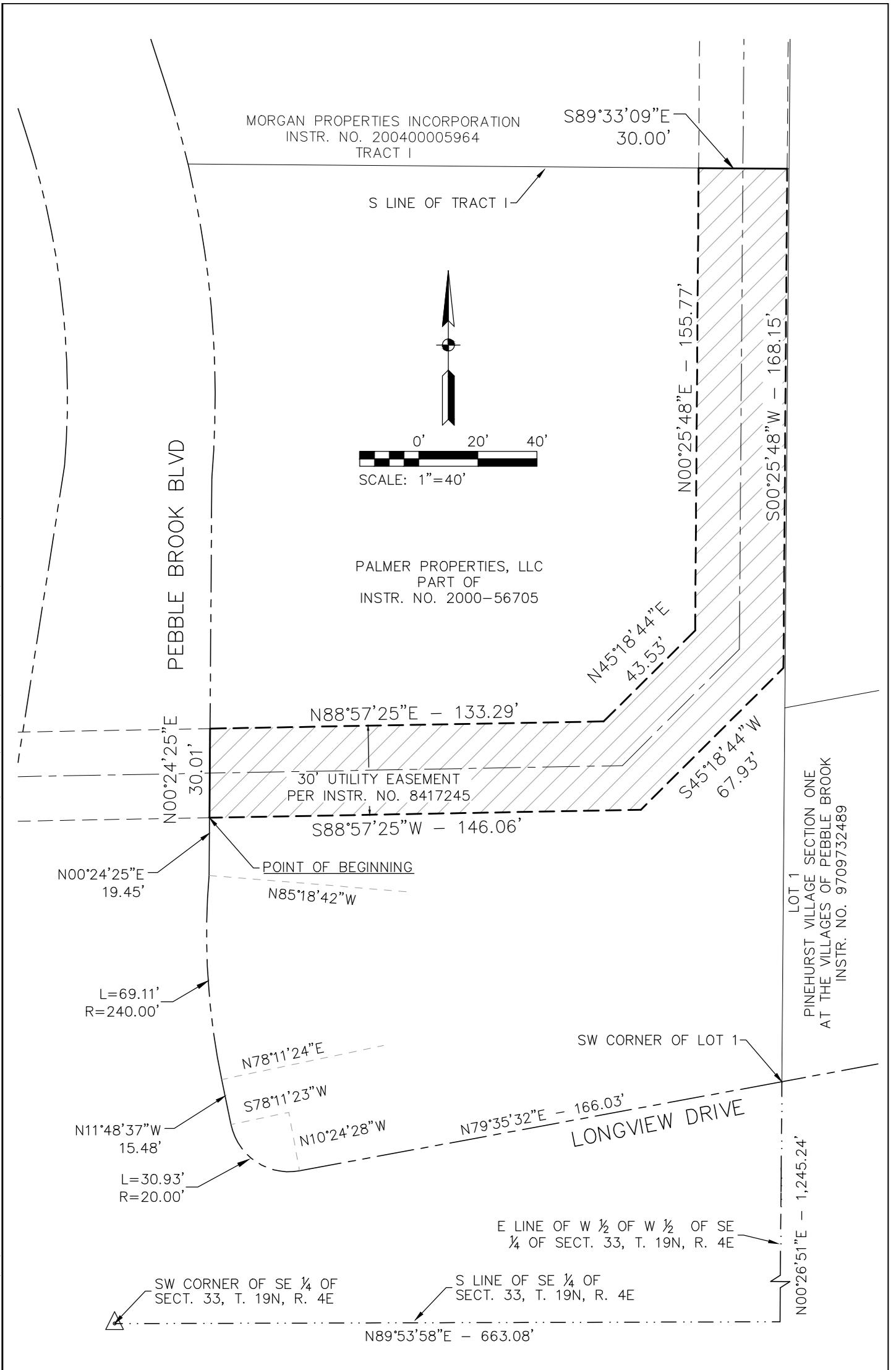
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## VACATION EXHIBIT

**AMERICAN  
STRUCTUREPOINT  
INC.**

7260 SHADELAND STATION  
INDIANAPOLIS, IN 46256-3957  
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www.structurepoint.com

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JOB NO. 11.00002

SHEET NO.

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