

TOWN COUNCIL AGENDA REQUEST



61 North Green Street | Brownsburg, Indiana 46112
Tel 317.852.1128 | Fax 317.852.1134

DATE: 6/2/2011	REFERENCE NO. Ord. 2011-11	SUBJECT: Easement Vacation
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SUMMARY OF REQUEST:
 This is a request to vacate an existing Drainage and Utility Easement on property owned by Joseph A. and Virginia Phillips, as a result of utility improvements the Town has completed which requires the easement to be relocated on their property. This easement was established by plat for Section 9 of the Northridge Subdivision, as a Drainage and Utility Easement. During the development of this subdivision, a storm sewer was installed within the easement however the outlet of this line was not adequately sized to handle the storm drainage flows it receives.

This property is located at 17 Carnaby Dr.

FINANCIAL SUMMARY:		
Budget Funds Available: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES, Amount: \$		
Budget Fund Information:	Line Item Name	Line Item Number
Recommended Bid/Contract Amount:		\$
Estimated Project Costs: (whole numbers)	Architecture/Engineering	\$
	Construction/Procurement	\$
	Contingency	\$
	Miscellaneous Costs	\$
	TOTAL ESTIMATE	\$
	Future Expenses (if any)	\$
Revenue Generated (if any)	\$	
Department Head Approval:	<i>Zedd A. Bar</i>	
Assistant Town Manager Approval:		

SUPPORTING DOCUMENTATION:

Ordinance 2011-11 is attached, along with the parcel plat, Exhibit A, and an aerial photo of the property from GIS.

This is an ADVERTISED PUBLIC HEARING pursuant to Indiana law.

ACTION(S) REQUESTED:

Staff is seeking Unanimous Consent and approval on 1st, 2nd, and 3rd readings of the proposed vacation ordinance in order to finalize the execution of the relocated easement.

TOWN MANAGER'S OFFICE:

Approved for Town Council Meeting on:

**STATE OF INDIANA
TOWN OF BROWNSBURG**

ORDINANCE NO. 2011-11

AN ORDINANCE VACATING A PUBLIC WAY (DRAINAGE & UTILITY EASEMENT)

BE IT ORDAINED BY the Town Council of the Town of Brownsburg, Indiana, as follows:

Section I.

WHEREAS, there is platted, a thirty (30) foot wide drainage and utility easement ("Easement") within the boundaries of Lot Numbered 128 in Northridge Subdivision, Section Nine, recorded as Plat Book 10, Page 115 in the Office of the Recorder of Hendricks County, Indiana, as described and generally depicted on Exhibit "A", attached; and

WHEREAS, the Town of Brownsburg has determined that the Easement is no longer useful to the public in its current location; and

WHEREAS, the Town Council of the Town of Brownsburg, Indiana, has determined as follows:

- a. That the Easement which was proposed to be vacated now provides no use as a public way as it was originally intended to do;
- b. That the vacation of said Easement is in the best interest of all the abutting property owners;
- c. That public notice was given by publication in the Hendricks County Flyer of the public hearing on this cause one time at least ten (10) days before the date of the hearing;
- d. That the vacation of the Easement would cause no problems with regard to access by any persons because of its use as a public way since it is not being used as a public way and its loss would provide no difficulty or inconvenience;
- e. That the vacation of said Easement would not hinder the public's access to a church, school or other public building or place;

- f. That the vacation of said Easement would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

NOW THEREFORE, by the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, and pursuant to the provisions of I.C. 36-7-3-12, it is hereby ordered and ordained that the Easement hereinabove described be, and the same is now vacated and returned to the respective owner of Lot Numbered 128 in Northridge Subdivision, Section Nine.

Section II. All prior ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

This Ordinance is hereby passed and adopted at a regular meeting of the Town Council for the Town of Brownsburg, Indiana held on this ____ day of _____, 2011.

Matt Bowles, President

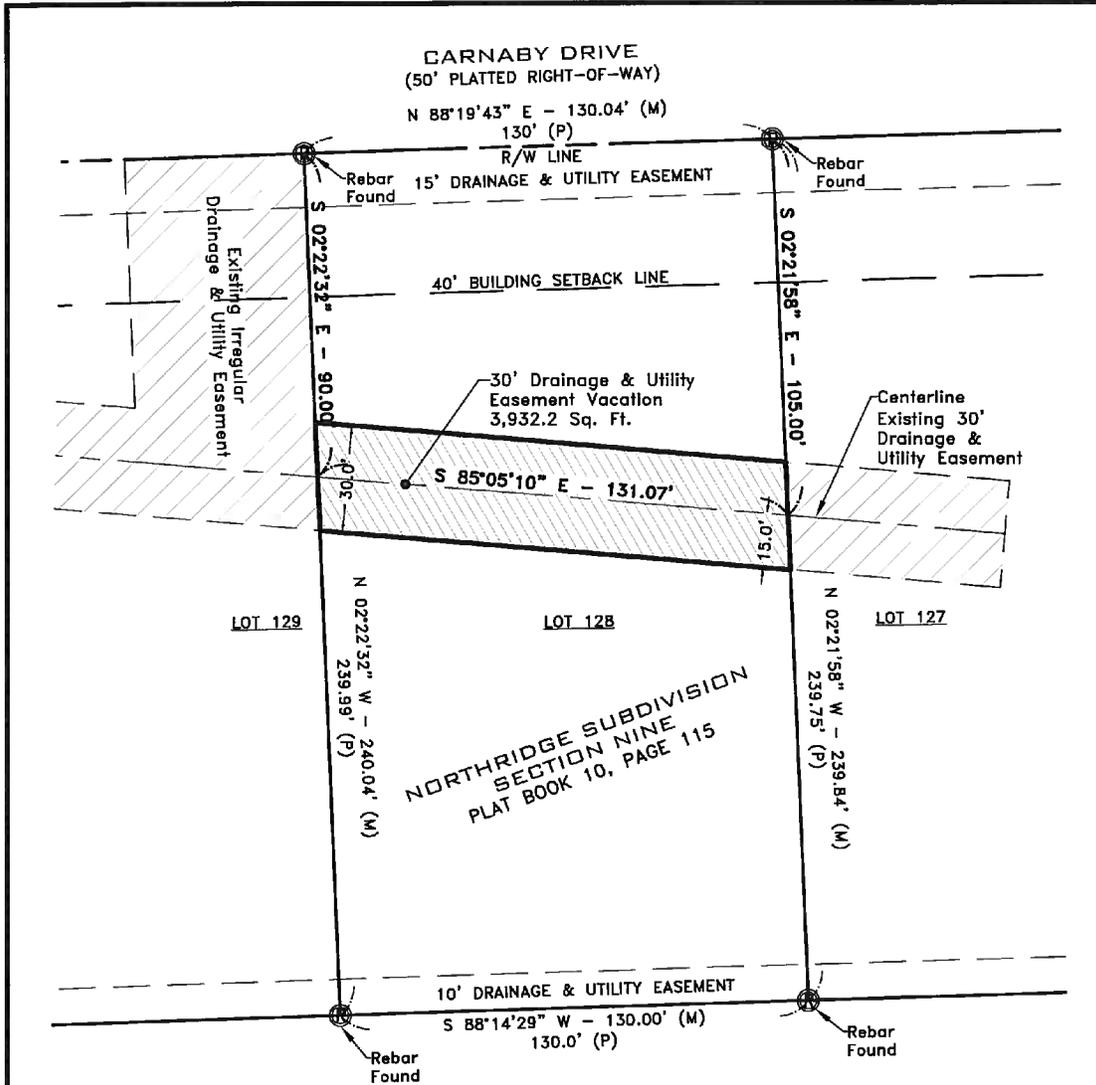
ATTEST:

Jeanette M. Brickler
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. Jonathan Blake

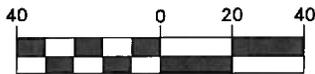
This instrument prepared by Jonathan Blake, Planning Technician, Town of Brownsburg, 61 North Green Street, Brownsburg, Indiana 46112.

EXHIBIT "A"



PARTIAL VACATION OF DRAINAGE & UTILITY EASEMENT

The entire thirty-foot-wide drainage and utility easement within the boundaries of Lot Numbered 128 in Northridge Subdivision, Section Nine, recorded as Plat Book 10, page 115 in the Office of the Recorder of Hendricks County, Indiana.



(IN FEET)
1 inch = 40 ft.

CENTRAL STATES CONSULTING, LLC

Donald R. Moisson
DONALD R. MOISSON, REGISTERED LAND SURVEYOR NO. 9600013, STATE OF INDIANA



PREPARED FOR:
THE TOWN OF BROWNSBURG, INDIANA
61 NORTH GREEN STREET
BROWNSBURG, INDIANA 46112

CENTRAL STATES CONSULTING, LLC
23-B NORTH GREEN STREET
BROWNSBURG, INDIANA 46112
PHONE: 317-858-8662 FAX: 317-858-8672



PARTIAL VACATION OF DRAINAGE & UTILITY EASEMENT
LOT 128 - 17 CARNABY DRIVE
BROWNSBURG, INDIANA 46112

DATE: 11/10/2009	PROJECT NUMBER: 09-061
DRAWN BY: NLW	
CHECKED BY: GRM	
SCALE: 1" = 40'	SHEET 1 OF 1



Parcel ID	32-07-03-495-003.000-016	Alternate ID	014-103611-495003	Owner Address	Phillips Joseph A & Virginia 17 Carnaby Dr Brownsburg, IN 46112
Sec/Twp/Rng	3-16-1	Class	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT		
Property Address	17 Carnaby Dr Brownsburg	Acreage	0.00		
District	Town Of Brownsburg				
Brief Tax Description	Lot 128 Northridge Sub Sec 9 14.149-128 (Note: Not to be used on legal documents)				

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