

ORDINANCE NO. 31-19

**AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY
OF OLD MCCORMICK ROAD WITHIN THE CITY OF WEST
LAFAYETTE**

WHEREAS, that portion of Right of Way of Old McCormick Road (the “Right of Way”) to be vacated is described in Exhibit A, attached hereto and made a part hereof;

WHEREAS, the “Right of Way” to be vacated is located between and contiguous to lots with Key Numbers 79-06-11-200-009.00-029, 79-06-11-200-013.000-029, 79-06-11-200-015.000-029 in the City of West Lafayette, Indiana, together with any public easements therein, as shown on Exhibit B, attached and incorporated herein;

WHEREAS, the abutting property to said area to be vacated is the property of one sole owner, Franciscan, petitioner for the vacation of the “Right of Way,” as shown on Exhibit C, attached and incorporated herein,

WHEREAS, Franciscan, petitioner for the vacation of the “Right of Way”, has complied with the provisions of IC 36-7-3;

WHEREAS, Franciscan, petitioner for the vacation of the “Right of Way” requests that the title to the Right of Way be transferred to the abutting landowner abovementioned;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of West Lafayette, Indiana, that:

Section 1. Effective immediately, the Right of Way running between and contiguous to lots with Key Numbers 79-06-11-200-009.00-029, 79-06-11-200-013.000-029, 79-06-11-200-015.000-029 in the City of West Lafayette, Indiana, together with any public easements therein, as described in Exhibit A and shown on Exhibit B, is hereby vacated.

Section 2. The “Right of Way” as described in Exhibit A and shown on Exhibit B, is hereby conveyed to the abutting landowner, Franciscan Alliance, Inc.,

Section 3. This ordinance will be in full force and effect from and after its passage and signing by the Mayor and notice, as provided by law.

INTRODUCED ON FIRST READING ON THE 7 DAY OF October, 2019.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR DeBoer.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 9 DAY OF December, 2019, HAVING BEEN PASSED BY A VOTE OF 8 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich			✓	
Jones	✓			
Keen	✓			
Leverenz	✓			
Sanders	✓			
Thomas	✓			
Wang	✓			

Peter Bunder
Peter Bunder, Presiding Officer

Attest:

Sana G. Booker
Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 11 DAY OF December, 2019.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 11 DAY OF December, 2019.

John R. Dennis
John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk



EXHIBIT A
LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED

A part of the Old McCormick Right of Way passing through the West Half of the Northeast Quarter of Section 11, Township 23 North, Range 5 West being part of the property described in a Limited Warranty Deed, document #201616012747, recorded July 19, 2016, and in Trustee's Deed, document #201414014267, recorded August 20, 2014, and in a Quit Claim Deed, document #201717022199, recorded November 14, 2017, the parcels recorded in the Office of the Recorder of Tippecanoe County, State of Indiana, to wit:

A part of the West Half of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being a part of the grantor's land lying outside the right-of-way lines depicted on the Right-of-Way Parcel Plat marked Exhibit "B", set forth in Quit Claim Deed dated December 9, 2015 and recorded December 16, 2015 as Document No. 201515023140, described as follows: Beginning at the northwest corner of said quarter section, said northwest corner being designated as point "210" on said plat; thence North 88 degrees 40 minutes 36 seconds East 8.28 feet along the north line of said section to the southwestern boundary of McComick Road; thence along the boundary of said McCormick Road Southeasterly 83.57 feet along an arc to the left and having a radius of 430.31 feet and subtended by a long chord having a bearing of South 18 degrees 39 minutes 38 seconds East and a length of 83.44 feet; thence South 24 degrees 13 minutes 27 seconds East 837.04 feet along said boundary to point "1056" designated on said plat; thence North 86 degrees 45 minutes 20 seconds West 114.44 feet to point "1057" designated on said plat; thence North 31 degrees 22 minutes 00 seconds West 173.52 feet to point "1058" designated on said plat; thence Northwesterly 454.25 feet along an arc to the right having a radius of 1,467.02 feet and subtended by a long chord having a bearing of North 22 degrees 29 minutes 46 seconds West and a length of 452.44 feet to the west line of said quarter section; thence North 0 degrees 09 minutes 22 seconds West 269.56 along said west line to the point of beginning and containing 2.148 acres, more or less.

ALSO

A part of the East half of the Northwest Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being a part of the grantor's land lying outside the right-of-way lines depicted on Right-of-Way Parcel Plat, marked EXHIBIT "B", set forth in Quit Claim Deed dated December 9, 2015 and recorded December 16, 2015 as Document No. 201515023140, described as follows: Beginning at the northeast corner of said quarter section, said northeast corner being designated as point "210" on said plat; thence South 0 degrees 09 minutes 22 seconds East 269.56 feet along the east line of said quarter section; thence Northwesterly 271.96 feet along an arc to the right and having a radius of 1,467.02 feet and subtended by a long chord having a bearing of North 8 degrees 18 minutes 53 seconds West and a length of 271.57 feet to the north line of said section; thence

North 88 degrees 45 minutes 03 seconds East 38.55 feet to the point of beginning and containing 0.145 acres, more or less.

A part of the Northeast Quarter of Section 11, Township 23 North, Range 5 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows:

Commencing at the Northwest Corner of said Quarter Section; thence along the north line of the Northwest Quarter of said Northeast Quarter North 88 degrees 31 minutes 46 seconds East (Bearing is geodetic north) 30.77 feet to the Point of Beginning; thence continuing along the north line of said Quarter Section North 88 degrees 31 minutes 46 seconds East 1149.00 feet; thence parallel with the east line of the lands conveyed to the F. Lynn Cason, Jr. Marital Trust as described in Record #200909025624 in said Recorder's office, South 00 degree 21 minutes 08 seconds West 898.01 feet; thence perpendicular to the north line of the lands conveyed to the County of Tippecanoe as described in Record #201010023048 in said Recorder's office South 31 degrees 22 minutes 03 seconds East 341.06 feet to said north line; thence along said north line and along the north line of the lands conveyed to the State of Indiana as described in Record #201010002815 in said Recorder's office South 58 degrees 37 minutes 57 seconds West 436.00 feet, the following six courses are along the remaining courses of the said State of Indiana; South 66 degrees 14 minutes 21 seconds West 311.76 feet; thence North 31 degrees 21 minutes 51 seconds West 119.51 feet; thence South 89 degrees 30 minutes 42 seconds West 24.58 feet; thence North 08 degrees 20 minutes 11 seconds West 65.08 feet to the point of curvature of a curve concave westerly having a radius of 748.85 feet, the radius point of said curve bears South 81 degrees 39 minutes 50 seconds West from said point; thence Northwesterly along said curve 207.55 feet to the point of tangency which bears North 65 degrees 47 minutes 02 seconds East from the radius point; thence North 24 degrees 12 minutes 58 seconds West 343.94 feet; thence North 24 degrees 13 minutes 49 seconds West 836.84 feet to a point on a curve concave northeasterly having a radius of 408.31 feet, the radius point of said curve bears North 65 degrees 46 minutes 11 seconds East from said point; thence Northerly along said curve 74.83 feet to the place of beginning, which bears South 76 degrees 16 minutes 14 seconds West from the radius point, containing 28.30 acres, more or less, subject to easements and rights of way.

Also A part of the West Half of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being that part of the grantor's land depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northwest corner of said quarter section designated as point "210" on said plat; thence South 0 degrees 09 minutes 22 seconds East 269.56 feet along the west line of said quarter section to the eastern boundary of U.S. 231 designated as point "1338" on said plat; thence along said eastern boundary Southeasterly 452.25 feet along an arc to the left and having a radius of 1467.02 feet and subtended by a long chord having a bearing of South 22 degrees 29 minutes 46 seconds East and a length of 452.44 feet to the

point designated "1058" on said plat; thence South 31 degrees 22 minutes 00 seconds East 173.52 feet along the northeastern boundary of said U.S. 231 to the point designated "1057" on said plat and the point of beginning of this description: thence South 86 degrees 45 minutes 20 seconds East 114.44 feet along the northern boundary of said U.S. 231 to the point designated "1056" on said plat, which point is on the southwestern boundary of McCormick Road; thence South 24 degrees 13 minutes 27 seconds East 214.48 feet along the southwestern boundary of said McCormick Road to a point on the north line of a 3.450-acre tract as described in Instrument Number 200909020014 in the Office of the recorder of said county, which point is designated "1346" on said plat; thence South 23 degrees 55 minutes 35 seconds East 130.78 feet along said southwestern boundary to the point designated "1210" on said plat; thence along the western boundary of said McCormick Road Southeasterly 203.13 feet along an arc to the right and having a radius of 789.36 feet and subtended by a long chord having a bearing of South 16 degrees 54 minutes 25 seconds East and a length of 202.57 feet to the point designated "1211" on said plat; thence North 31 degrees 22 minutes 00 seconds West 603.65 feet to the point of beginning and containing 0.437 acres, more or less in Parcel 17, and containing 0.338 acres, more or less in Parcel 18; and containing in all 0.775 acres, more or less.

EXHIBIT B
DRAWING OF RIGHT OF WAY TO BE VACATED

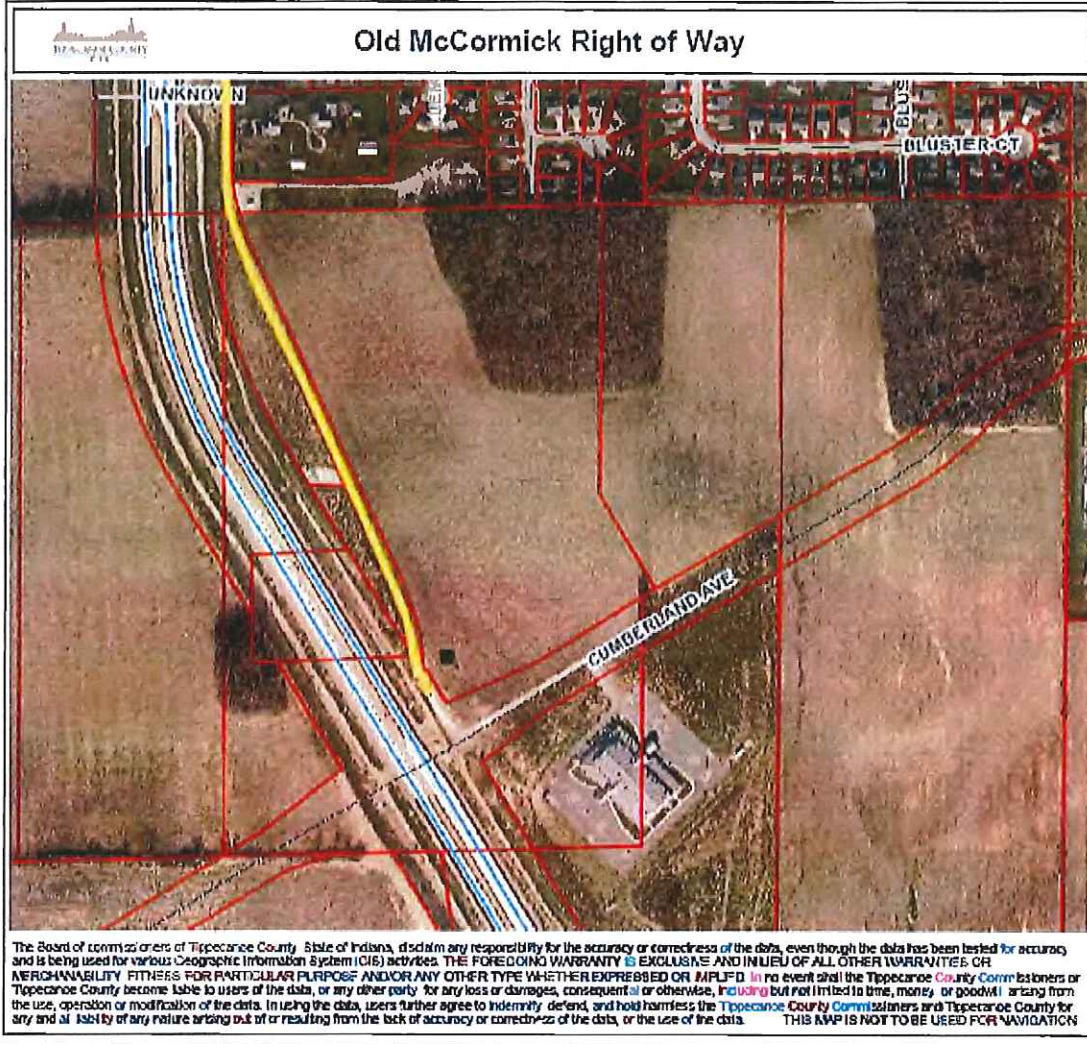


EXHIBIT C
LIST OF ABUTTING LANDOWNERS

Indicate names and addresses of owners of property and the COUNTY AUDITOR'S KEY NUMBER of that property adjacent to and across the right-of-way of old McCormick Road.

KEY NUMBER	OWNER'S NAME	ADDRESS
79-06-11-200-009.000-029	Franciscan Alliance, Inc.	McCormick, Road, West Lafayette
79-06-11-200-013.000-029	Franciscan Alliance, Inc.	McCormick, Road, West Lafayette
79-06-11-200-015.000-029	Franciscan Alliance, Inc.	US 231, West Lafayette

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