

RESOLUTION NO. BW 2014-4

CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND SAFETY

Purdue Research Foundation, Petitioner
State Property Identification No.: 79-06-01-126-005.000-034

ORDER AND RESOLUTION GRANTING PETITION FOR DISANNEXATION

On December 9, 2014, the Board of Public Works and Safety of the City of West Lafayette (“Board”) conducted a hearing on a Petition for Disannexation filed by the Purdue Research Foundation (“Petitioner”). Petitioner was represented at the hearing by Kevin Riley, Reiling Teder & Schrier, LLC. After hearing evidence the Board FINDS the following:

Findings

1. Petitioner owns real estate having Key No. 170-06300-0041 and State Identification No. 79-06-01-126-005.000-034 (“Real Estate”). The Real Estate is more particularly described in the record as Exhibit A of the Petition for Disannexation and is depicted in Exhibit B of the Petition for Disannexation.
2. At the present time, the Real Estate is not located in an addition or subdivision and is not platted.
3. The Real Estate is at least (1) acre of contiguous territory located wholly within the corporate boundaries of the City of West Lafayette. At least one boundary of the contiguous territory forms part of the corporate boundary of the City of West Lafayette.

4. Petitioner filed a petition with the Board, seeking disannexation of the Real Estate. In doing so, the Petitioner properly followed the requirements of Indiana Code subsection 36-4-3-17(a).
5. Petitioner anticipates the Real Estate will be sold to Solbuen, LLC (“Developer”), and that the Developer will develop the Real Estate into a multi-lot residential subdivision. Petitioner submitted a preliminary plat of the subdivision as Exhibit C of the Petitioner for Disannexation.
6. Notice of the petition was given in a manner prescribed by Indiana Code chapter 5-3-1.
7. Subsection 36-4-3-17(b) allows certain land owners to file a remonstrance against the granting of a disannexation petition. The Board did not receive a remonstrance against the granting of the petition in the instant case.

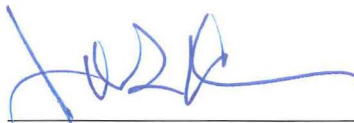
Conclusion

Under the authority of subsection 36-4-3-17(c) the Board of Public Works and Safety now GRANTS the petition for disannexation as to the real estate having Key No. 170-06300-0041 and State Identification No. 79-06-01-126-005.000-034.

APPROVED:

DATE: 12/09/2014

CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND SAFETY



John R. Dennis, Mayor



Brooke E. Folkers, Member

ABSENT

Sana G. Booker, Member



Tanuja R. Sheth, Member



Jonathan C. Speaker, Member

Attest:



Clerk-Treasurer Judith C. Rhodes

PETITION FOR DISANNEXATION

THIS PETITION FOR DISANNEXATION ("Petition") is filed with the Board of Public Works and Safety ("Board") of the City of West Lafayette, Indiana ("City") by Purdue Research Foundation, an Indiana corporation (formed and existing under the Indiana Foundation or Holding Companies Act, Acts of 1921, ch. 246) ("Owner"), as the owner of certain real estate located in West Lafayette, Tippecanoe County, Indiana, more particularly described in Exhibit A attached hereto and made a part hereof, and having Key No. 170-06300-0041 and State Identification No. 79-06-01-126-005.000-034 ("Real Estate"). Owner requests and petitions for the disannexation of the Real Estate from the City of West Lafayette, Indiana. Owner further affirms and represents pursuant to Indiana Code § 36-4-3-17(a) that:

1. Owner is the owner of fifty-one percent (51%) or more in number of the lots in an addition or subdivision to a municipality or contiguous territory within the corporate boundaries of the City of West Lafayette, Indiana constituting not less than one (1) entire block, if platted, and not less than one (1) acre, if not platted; and
2. A boundary of the addition, subdivision, or contiguous territory forms part of the corporate boundary of the City of West Lafayette, Indiana.

The Real Estate is depicted on Exhibit B attached hereto and made a part hereof.

It is anticipated that the Real Estate will be sold to Solbuen, LLC ("Developer") and that Developer will develop the Real Estate into a multi-lot residential subdivision ("Subdivision"). A copy of the Preliminary Plat for the Subdivision is attached hereto and made a part hereof as Exhibit C.

As part of this petition, Owner further requests that the City waive its right to provide sanitary sewer service to the Subdivision and permit the Developer to contract with American Suburban Utilities for such service.

The Owner has discussed this Petition with the City of West Lafayette Engineering Department ("Department") and the Department has not indicated any concerns about or objections to the Petition.

EXHIBIT A

Legal Description of Real Estate

A part of the Northwest Quarter of Section 1, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, as depicted on a plat of survey performed by Vester & Associate, Job No. E-94069, dated December 23, 1994 and an ALTA/ACSM Land Title Survey performed by TBIRD Design Services Corp., Project No. 14035; and being more completely described as follows:

BEGINNING at a Berntsen monument marking the northeast corner of said Northwest Quarter; thence along the north line of said quarter, North 89°41'15" West, 30.93 feet to a Berntsen monument; thence continue along said north line, North 89°43'01" West, 1328.56 feet to the center line of Morehouse Road; thence along said centerline, South 1°47'00" West, 963.58 feet; thence parallel with said north line and along the south line of the Purdue Research Foundation property as described in Deed Book 263, Page 581 in the office of the Tippecanoe County Recorder, South 89°43'01" East, 1404.47 feet to a ¾" rebar with aluminum cap stamped "Vester & Assoc." marking the east line of said quarter; thence along said east line, North 0°53'30" West 963.44 feet to the POINT OF BEGINNING, containing 30.56 acres, more or less.

