

ORDINANCE NO. 022122B
AN ORDINANCE VACATING A PORTION OF AN EASEMENT
IN THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, Envoy 106 Fishers, LLC and/or its assigns (collectively “Envoy 106”) is in the process of developing a mixed-use development on 10.85 acres the intersection of E 106th Street and Lantern Road, Parcel No. 15-14-12-00-21-005.000 (“Project”) and Envoy 106 is the owner of the property affected by the vacation, and more specifically described in Exhibit A, attached hereto and incorporated herein (the “Real Estate”);

WHEREAS, to complete the project as currently designed a portion of a Drainage Utility (D.U.), Sanitary Sewer Easement (S.S.E.) and Pedestrian Access Easement (P.A.E.) within the Re-Plat of Delaware Park (Plat Cabinet 5, Slide 494, Instrument No. 2016-022718) must be vacated;

WHEREAS, the Council now desires to vacate the areas of the easement depicted in Exhibit B attached hereto and incorporated herein (“Vacation Area”);

WHEREAS, a public hearing on this matter has been held consistent with and pursuant to Ind. Code § 36-7-3-16; and

WHEREAS, no remonstrance or objection to this matter has been filed by any party.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana acting pursuant to the authority granted to it by Ind. Code § 36-7-3-16 as follows:

1. The Council hereby determines the following:
 - (a) vacation of the proposed Vacation Area will not hinder the growth or orderly development of the unit or neighborhood in which the Vacation Area is located or to which the Vacation Area is contiguous; and
 - (b) vacating the proposed Vacation Area does not make access to the lands of any person by means of public way difficult or inconvenient; and vacating the proposed Vacation Area does not hinder the public’s access to a church, school, or other public building or place.
2. The Vacation Area is hereby vacated.
3. This Ordinance shall be in full force and effect upon adoption.
4. This Ordinance shall be recorded in the Office of the Hamilton County, Indiana Recorder.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 21st day of February 2022.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

022122B

YAY

NAY

ABSTAIN

YAY		NAY	ABSTAIN
	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the __21st__ day of February 2022, at _____ m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

February 21, 2022
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"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." Christopher P. Greisl

EXHIBIT A

Legal Description
Sheet 1 of 2

VACATION OF PART OF PLATTED D.U., S.S. E. & P.A.E.
RE-PLAT OF DELAWARE PARK
Instrument No. 2016-022718
Plat Cabinet 5, Slide 494

South of Instrument No. 1996-052266 (Non-Exclusive Utility Easement)

Part of the Northeast Quarter of Section 12, Township 17 North, Range 4 East, Delaware Township, also Part of Block 'B-4' in the Re-Plat of Delaware Park, recorded as Instrument No. 2016-022718, Plat Cabinet 5, Slide 494, in the Office of the Recorder Hamilton County, Indiana, described as follows:
Commencing at Railroad Spike at the Southeast Corner of the Northeast Quarter of Section 12, Township 17 North, Range 4 East; thence North 00 degrees 03 minutes 19 seconds East (State Plane Bearing Indiana East Zone NAD83), along the East line 1,232.79 feet; thence North 89 degrees 56 minutes 41 seconds West, 50.00 feet to the West right-of-way of Lantern Road and the Southeast corner of Block 'B-4' in said re-plat, (all quoted Instruments and Plats in the Office of the recorder Hamilton County, Indiana); thence North 00 degrees 03 minutes 19 seconds East, along said west right-of-way 268.03 feet; thence North 89 degrees 56 minutes 41 seconds West, 289.98 feet; thence North 00 degrees 03 minutes 19 seconds East, 142.31 feet; thence North 89 degrees 56 minutes 41 seconds West, 400.13 feet; thence North 46 degrees 08 minutes 23 seconds West, 171.00 feet to the Easterly right-of-way of Kincaid Drive in said re-plat; thence North 43 degrees 13 minutes 13 seconds East 56.21 feet; thence South 46 degrees 46 minutes 47 seconds East 15.00 feet to the POINT OF BEGINNING of this description; thence North 43 degrees 13 minutes 13 seconds East, 146.97 feet to a curve to the left, having a radius of 550.00', concave northwesterly; thence along said curve 248.55 feet, and subtended by chord bearing of North 30 degrees 16 minutes 26 seconds East, 246.44 feet to the southerly line of Instrument No. 1996-052266 (Non-Exclusive Utility Easement); thence along said line South 73 degrees 55 minutes 05 seconds East 15.00 feet to the easterly line of platted 30 foot D.U., S.S. E. & P.A.E., and to a non-tangent curve to the right, having a radius of 565.00 feet, concave northwesterly; thence along said curve and westerly line 255.66 feet, and subtended by chord bearing of South 30 degrees 15 minutes 26 seconds West, 253.48 feet; thence South 43 degrees 13 minutes 13 seconds West 146.96 feet; thence North 46 degrees 46 minutes 47 seconds West 15.00 feet to the point of beginning, containing 5,986 square feet, 0.137 acres, more or less.

The purpose of this description is to describe the existing Easterly 15 feet of the existing platted 30 foot D.U., S.S.E. & P.A.E. in the Re-Plat of Delaware Park, for the intent of the vacation of part of said easement.

Given under my hand and seal January 4, 2022
Date



Rick L. Alexander
Registered Land Surveyor
No. 20100013
State of Indiana

Legal Description
Sheet 2 of 2

VACATION OF PART OF PLATTED D.U., S.S.E. & P.A.E.
RE-PLAT OF DELAWARE PARK
Instrument No. 2016-022718
Plat Cabinet 5, Slide 494

North of Instrument No. 1996-052266 (Non-Exclusive Utility Easement)

Part of the Northeast Quarter of Section 12, Township 17 North, Range 4 East, Delaware Township, also Part of Block 'B-4' in the Re-Plat of Delaware Park, recorded as Instrument No. 2016-022718, Plat Cabinet 5, Slide 494, in the Office of the Recorder Hamilton County, Indiana, described as follows:
Commencing at Railroad Spike at the Southeast Corner of the Northeast Quarter of Section 12, Township 17 North, Range 4 East; thence North 00 degrees 03 minutes 19 seconds East (State Plane Bearing Indiana East Zone NAD83), along the East line 1,232.79 feet; thence North 89 degrees 56 minutes 41 seconds West, 50.00 feet to the West right-of-way of Lantern Road and the Southeast corner of Block 'B-4' in said re-plat, (all quoted Instruments and Plats in the Office of the recorder Hamilton County, Indiana); thence North 00 degrees 03 minutes 19 seconds East, along said west right-of-way 268.03 feet; thence North 89 degrees 56 minutes 41 seconds West, 289.98 feet; thence North 00 degrees 03 minutes 19 seconds East, 142.31 feet; thence North 89 degrees 56 minutes 41 seconds West, 400.13 feet; thence North 46 degrees 08 minutes 23 seconds West, 171.00 feet to the Easterly right-of-way of Kincaid Drive in said re-plat; thence North 43 degrees 13 minutes 13 seconds East 56.21 feet; thence South 46 degrees 46 minutes 47 seconds East 15.00 feet; thence North 43 degrees 13 minutes 13 seconds East, 146.97 feet to a curve to the left, having a radius of 550.00', concave northwesterly; thence along said curve 273.56 feet, and subtended by chord bearing of North 28 degrees 58 minutes 18 seconds East, 270.75 feet to the northerly line of Instrument No. 1996-052266 (Non-Exclusive Utility Easement); thence continue along said curve 93.56 feet, and subtended by chord bearing of North 09 degrees 52 minutes 13 seconds East, 93.45 feet; thence North 90 degrees 00 minutes 00 seconds East 15.06 feet to the easterly line of platted 30 foot D.U., S.S.E. & P.A.E., and to a non-tangent curve to the right, having a radius of 565.00 feet, concave northwesterly; thence along said curve and westerly line 97.78 feet, and subtended by chord bearing of South 09 degrees 48 minutes 04 seconds West, 97.66 feet to said northerly line; thence North 73 degrees 55 minutes 05 seconds West 15.04 feet to the point of beginning, containing 1,437 square feet, 0.033 acres, more or less.

The purpose of this description is to describe the existing Easterly 15 feet of the existing platted 30 foot D.U., S.S. E. & P.A.E. in the Re-Plat of Delaware Park, for the intent of the vacation of part of said easement.

Given under my hand and seal January 4, 2022

Date




Rick L. Alexander
Registered Land Surveyor
No. 20100013
State of Indiana

EXHIBIT B

PARCEL:
 CODE:
 PROJECT NO.
 ROAD: KINCAID DRIVE
 COUNTY: HAMILTON
 SECTION: 12
 TOWNSHIP: 17 N
 RANGE: 4 E

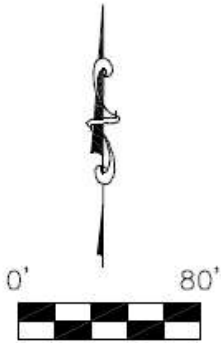
DRAWN: R. L. A.
 DATE: 12-13-2021
 CHECKED: R. L. A.
 DATE: 12-16-2021

 HATCHED AREA IS APPROXIMATE VACATION

PROPOSED EASEMENT VACATION (NORTH)

AREA 1,437 SQ. FT. (0.033 ACRES)

P.O.B. (NORTH)



RE-PLAT OF DELAWARE PARK

PART OF BLOCK B-4

Instrument No. 2016-022718

PROPOSED EASEMENT VACATION (SOUTH)

AREA 5,986 SQ. FT. (0.137 ACRES)

P.O.B. (SOUTH)



Rick L. Alexander

