



**ORDINANCE NO. 08-2016**  
**TOWN OF PLAINFIELD, INDIANA**  
**AN ORDINANCE VACATING CERTAIN DRAINAGE**  
**AND UTILITY EASEMENTS**  
**OF A PART OF FINAL PLAT OF PLAZA NORTH I**

WHEREAS, the Indiana General Assembly has authorized the Town of Plainfield to vacate all or any part of a public way or public place within its municipal boundaries and;

WHEREAS, Eden Court Capital, LLC, have petitioned the Town of Plainfield to vacate certain drainage and utility easements specifically being as being labeled as "U & DE & SSE" located along the eastern lines of Lot 102 of the original Final Plat of Plaza North I, recorded per instrument number 97-00002998 in the Office of the Recorder of Hendricks County, Indiana, as shown on the attached Exhibit "A". Said Lot 102 was re-configured as part of the Re-Plat of Lot 101 and Part of Lot 102, Plaza North I, as recorded as instrument number 2001-00005920, with said easement remaining as originally recorded (Exhibit B) and;

WHEREAS, notice of publication has been given as prescribed by 1. C. 5-3-1, and the proof of publication having been filed with the Clerk-Treasurer of the Town of Plainfield of Hendricks County, Indiana, and;

WHEREAS, the members of the Town Council of the Town of Plainfield of Hendricks County, Indiana, having held a public hearing to vacate certain drainage and utility easements as cited above and shown on the attached Exhibits "A" and "B" on March 28, 2016; and

WHEREAS, after reviewing all of the pertinent facts relative to vacation of certain drainage and utility easements as cited above and shown on the attached Exhibits "A" and "B" and all interested persons having had an opportunity to be heard at the public hearing,

BE IT ORDAINED by the Town Council of the Town of Plainfield, Hendricks County, Indiana that:

That the following easements as cited above and shown on the attached Exhibits "A" and "B" heretofore platted are hereby VACATED. Exhibit "C" represents the lots with the easements vacated.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

5+4  
23-

PASSED AND ADOPTED this <sup>25<sup>th</sup></sup> ~~11<sup>th</sup>~~ day of April, 2016.

TOWN COUNCIL, TOWN OF PLANIFIELD  
HENDRICKS COUNTY, INDIANA

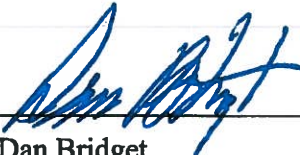
\_\_\_\_\_  
Robin G. Brandgard, President



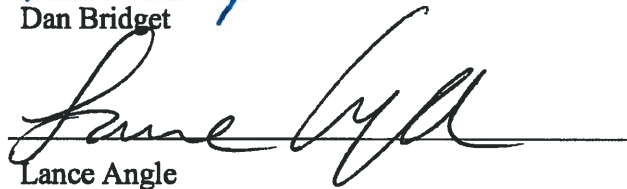
\_\_\_\_\_  
Kent McPhail



\_\_\_\_\_  
Bill Kirchoff



\_\_\_\_\_  
Dan Bridget



\_\_\_\_\_  
Lance Angle

ATTESTED BY:



\_\_\_\_\_  
Wesley R. Bennett, Clerk-Treasurer of  
the Town of Plainfield, Indiana

# FINAL PLAT OF PLAZA NORTH I

PART OF THE N.W. QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 2 EAST, GUILFORD TOWNSHIP  
AND PART OF THE S.W. QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 2 EAST, WASHINGTON TOWNSHIP  
TOWN OF PLAINFIELD, HENDRICKS COUNTY, INDIANA

SHEET 1 OF 2

MATCH LINE SEE SHEET 2 OF 2

EXHIBIT A

**NOTES:**  
Lot 103 of the real estate shown and described herein, is subject to restrictive covenants and easements recorded in Deed Book 355, Pages 589-600, in the Office of the Recorder, Hendricks County, Indiana.

Draw reference to Owner's record source of 686 is hereby made in Deed Record 345, Pages 284 and Deed Record 347, Pages 155-158, and Deed Record 355, Pages 589-600, in the Office of the Recorder, Hendricks County, Indiana.

Cross reference is hereby made to prior recorded survey of property recorded in Misc. Record 151, Pages 279-281, and a unrecorded survey performed by Lewis Engineering, Inc., Lewis Engineering job no. 95-273, dated 7-5-95.

- LEGEND**
- BUILDING SETBACK LINE
  - - - EASEMENT LINE
  - - - EASEMENT LINE AND BUILDING SETBACK LINE WHERE COINCIDENT
  - 5/8" REBAR WITH A YELLOW CAP STAMPED "SCHNEIDER ENG. FIRM 0001" UNLESS NOTED OTHERWISE
  - U & D.E. UTILITY AND DRAINAGE EASEMENT
  - S.S.E. SANITARY SEWER EASEMENT
  - 1/2 EASEMENT CROSS/EGRESS EASEMENT
  - B.S.L. BUILDING SETBACK LINE

### CERTIFICATE OF APPROVAL

After having given public notice of the time, place and nature of hearing on the application for primary approval of this subdivision by publication in the Highland Flyer more than ten (10) days before the date set for hearing thereon, under authority provided by Chapter 138, Acts 1957, enacted by the General Assembly of the State of Indiana, and all acts supplemental and amendatory thereof, this plat was given primary approval by a majority of the members of the Plainfield Plat Commission at a meeting held on 5<sup>TH</sup> day of SEPTEMBER 1996.

PLAINFIELD PLAT COMMISSION

BY Mitchell P. Hoese  
President  
Mitchell P. Hoese

ATTEST  
Richard A. Coruca  
Secretary  
Richard A. Coruca



TOWN OF PLAINFIELD PLAT TAXATION

FEB 19 1997

SP COR. D.R. 346, PAGES 284-285

This Instrument Prepared By:

Richard H. Miller 1-26-97  
Richard H. Miller, PLS - Indiana 060001



S.E.C. 208 NO 1087-05



2-19-97

A Professional Survey with Boundaries, Easements & Interests, Incorporated

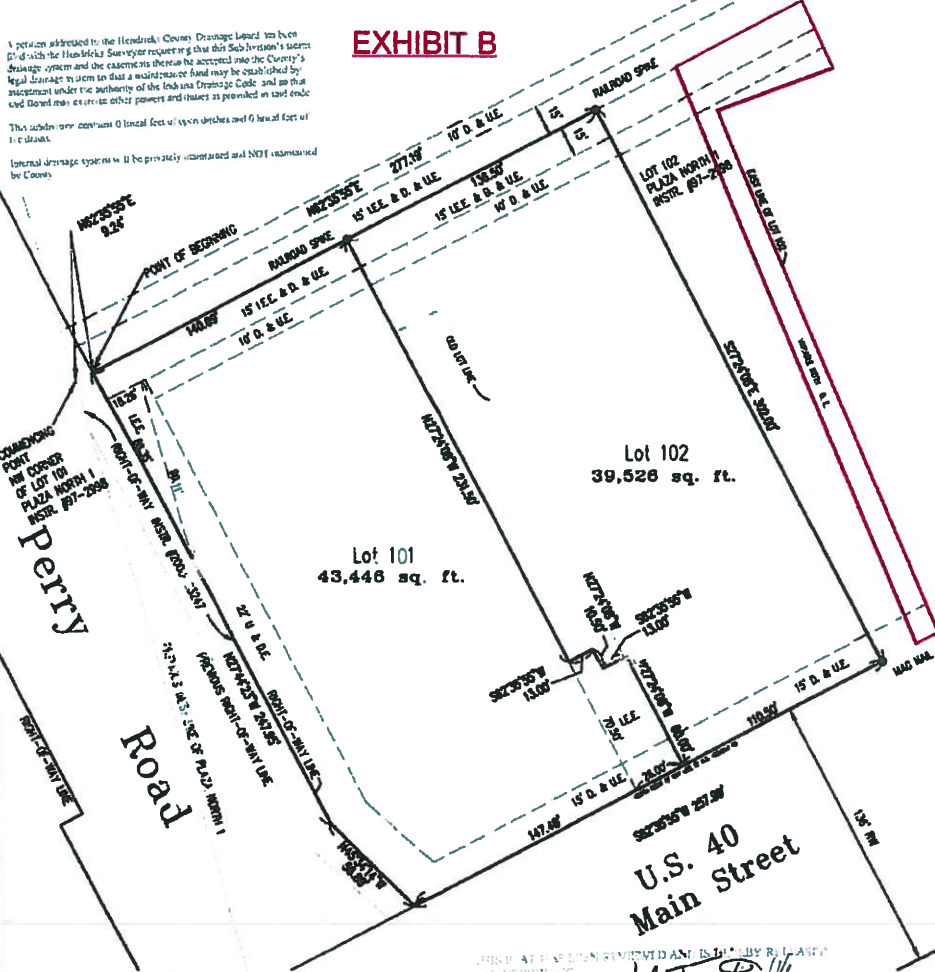
# Re-Plat of Lot 101 and Part of Lot 102, Plaza North 1 PART OF THE N 1/2 OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 2 EAST TOWN OF PLAINFIELD, GUILFORD TOWNSHIP, HENDRICKS COUNTY, INDIANA

## EXHIBIT B

A petition addressed to the Hendricks County Drainage Board, Inc. has been filed with the Hendricks Surveyor requesting that this Sub-Plat be placed on the County's drainage system and the easements thereon be accepted into the County's drainage system so that a maintenance fund may be established by legal drainage system in that a maintenance fund may be established by legal drainage system under the authority of the Indiana Drainage Code and so that said Board may exercise its powers and duties as provided in said code.

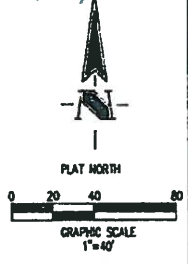
This Sub-Plat covers approximately 0.125 acres of land and is located on the east side of Perry Road, north of the intersection of Perry Road and U.S. 40 Main Street.

Local drainage systems will be previously maintained and NOT maintained by County.



### LEGEND

- 5/8" IRON NAIL WITH YELLOW CAP STAMPED "CORNER" OR "P.M." POINT BEARING NOTED OTHERWISE
- B.S.L. BOUNDARY SURVEY LINE
- S.E. SECTION EASEMENT
- S.E. SEWER EASEMENT
- S.E. WATER / SEWER EASEMENT
- S.E. & J.E. SEWER, DRAINAGE AND UTILITY EASEMENT
- S.A. & J.E. SEWER, DRAINAGE AND UTILITY EASEMENT
- EASEMENT LINE
- BOUNDARY SURVEY LINE
- DEDICATION STATEMENT



We, the undersigned, do hereby certify that we are the Owners of the real property located in the Town of Plainfield, Hendricks County, Indiana, according to Deed Book 345, pages 264-265, Deed Book 347, pages 155-158 and Instrument # 99-9905 of the official records of the Recorder of Hendricks County, Indiana and further described as follows:

### LAND DESCRIPTION

Lot 101 and part of Lot 102 in the First Plat of Plaza North 1, as recorded in Instrument 97-2998 and filed in Plat Cabinet 4, Side 65, pages 1 and 2 in the Office of the Recorder of Hendricks County, Indiana, described as follows:

Commencing at the northwest corner of said Lot 101, thence North 82 degrees 35 minutes 55 seconds East along the north line of said Lot 101 a distance of 77.84 feet to the Point of Beginning; thence bearing North 62 degrees 35 minutes 55 seconds East along the north lines of Lots 101 and 102 a distance of 277.19 feet to a railroad spine; thence South 27 degrees 24 minutes 08 seconds East parallel with the west line of Lot 102 a distance of 102.00 feet to a Mag Wall on the south line of Lot 102; thence South 62 degrees 35 minutes 55 seconds West along the south lines of Lots 102 and 101 a distance of 257.60 feet; thence, the next two courses being parallel with the west lines of said Lot 101, North 48 degrees 09 minutes 12 seconds West a distance of 59.07 feet, thence North 27 degrees 44 minutes 23 seconds West a distance of 250.51 feet to the Point of Beginning, containing 1.91 acres more or less.

Now therefore know all persons by these presents that we do hereby lay off, plat and subdivide said Plat Estate in accordance with the within Plat, and also hereby release and waive the easements and lot lines of the Original Plat of Plaza North 1.

This Subdivision shall be known as the First Plat of Lot 101 & Part of Lot 102, Plaza North 1, an addition to the Town of Plainfield, Hendricks County, Indiana.

All streets, ways and public open spaces shown on the within Plat not heretofore dedicated to the public are hereby dedicated to the Town of Plainfield for public use and maintenance, save and except for those streets, ways and open spaces specifically identified as private on the plat and approved by the Plan Commission to be privately owned, operated and maintained.

Front building setback lines are hereby established as shown on the within Plat, between which lines the street right-of-way line to building or structure shall be erected or maintained.

All storm water, drainage, water, and sanitary sewer easements shown on this Plat are hereby dedicated to the Town of Plainfield, save and except for those storm water, drainage, water, and sanitary sewer easements specifically identified as private on the plat and approved by the Plan Commission to be privately owned, operated and maintained. All other easements, no structure, planting or other material shall be placed or permitted which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot shall be continuously maintained as a yard area by the Owner of the Lot, except for those improvements which are the responsibility of a public authority or utility to maintain.

When drainage easements, no structure, planting or other material shall be placed or permitted to remain which may change the direction of flow or drainage channels in the easements or which may obstruct or reduce the flow of water through drainage channels in the easements. The drainage easement of each lot and all improvements in the drainage easement, including slope and drainage pattern, shall be continuously maintained as a yard area by the Owner of the Lot, except for those improvements which are the responsibility of a public authority or utility to maintain.

The first (1) foot of any utility easement which is located along a street right-of-way shall be reserved for use as a Town of Plainfield utility easement for sewer and water, and shall be used for the installation and maintenance of the hydraulic, water pipe, and similar apparatus approved by the Town Engineer. All other utility easements shall have the right to cross the first (1) foot of said utility easement of any person or persons. No other utility easements thereon shall be maintained, installed, or placed on the plat without the written approval of the Town Engineer.

In Witness whereof, Owner has executed this instrument this 2<sup>nd</sup> day of March, 2001

Signature: *C. West*  
Printed: Christopher P. West  
Title: President

State of Indiana )  
County of Marion )

Before me, a notary public in and for said County and State, personally appeared Christopher P. West, the President of Premier Ventures, LLC, an owner of the Plat Estate, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and notarial seal this 2<sup>nd</sup> day of March, 2001

Signature: *Elizabeth M. Sanchez*  
Printed: Elizabeth M. Sanchez

County of Residence: *Houston*  
My Commission Expires: *06/20/07*



In Witness whereof, Owner has executed this instrument this 1<sup>st</sup> day of MARCH 2001

Signature: *James Silvausk*  
Printed: JAMES SILVAUSK  
Title: ESQ. JAMES SILVAUSK

State of ARIZONA )  
County of MARICOPA )

Before me, a notary public in and for said County and State, personally appeared JAMES SILVAUSK, the Esq., who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and notarial seal this 1<sup>st</sup> day of MARCH 2001

Signature: *Stephanie Hoffman*  
Printed: Stephanie Hoffman

County of Residence: *Maricopa*  
My Commission Expires: *12/1/02*



The Director of the Department of Planning and Zoning has reviewed this Plat for technical conformity with the standards found in the Plainfield Zoning Ordinance and the Plainfield Subdivision Control Ordinance and hereby certifies that this Plat meets all of the minimum requirements of the applicable ordinance and is in conformity with the standards of the Town of Plainfield, Hendricks County, Indiana.

Signature: *J. Higley*  
Printed: J. Higley  
Director, Department of Planning and Zoning  
Date: 3/2/2001

We, the undersigned, do hereby certify that said plat is hereby provided by the Indiana Planning Law, IC 36-7-4, et. seq., enacted by the General Assembly of the State of Indiana, and all other applicable laws, the Plat depicted hereon is in the Plat which was given approval by the Town of Plainfield Plan Commission at a meeting held on the 2<sup>nd</sup> day of September 1998.

Witness by signature this 2<sup>nd</sup> day of March, 2001

TOWN OF PLAINFIELD PLAN COMMISSION  
Signature: *Richard A. Carlson*  
Printed: Richard A. Carlson  
Title: Secretary

### NOTES

- Cross reference is hereby made to owner's record source of title recorded in Bl. 345, pg. 264-265, Bl. 347, pg. 155-158 and Instrument # 99-9905 in the Office of the Recorder of Hendricks County, Indiana.
- Cross reference is hereby made to a prior recorded survey recorded in Miscellaneous Record 151, pages 279-291 in the Office of the Recorder, Hendricks County, Indiana.



Engineering  
Surveying  
Landscape Architecture  
GIS / LIS  
Geology

DULY ENTERED  
FOR TAXATION  
MAR 07 2001

Signature: *EVAN J. EVANS*  
Printed: Evan J. Evans  
Registered Land Surveyor - Indiana - # 910024



Setback lines are not shown on the plat. The property is subject to current setback ordinances as required by the local zoning ordinance.

**OWNER/SUBDIVIDER**

PLAINFIELD RETAIL CENTER LTD OWNER  
5171 S COUNTY ROAD 500 W  
TRAFALGAR, IN 46181

# RE-PLAT OF PART OF LOT 102 OF PLAZA NORTH I

PART OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 2 EAST  
TOWN OF PLAINFIELD, GUILFORD TOWNSHIP, HENDRICKS COUNTY, INDIANA

THIS INSTRUMENT WAS PREPARED  
BY DAVID B. QUINN  
PROFESSIONAL LAND SURVEYOR  
INDIANA - 80040352  
7474 NOEL ROAD  
INDIANAPOLIS, INDIANA 46278  
(317) 251-1738

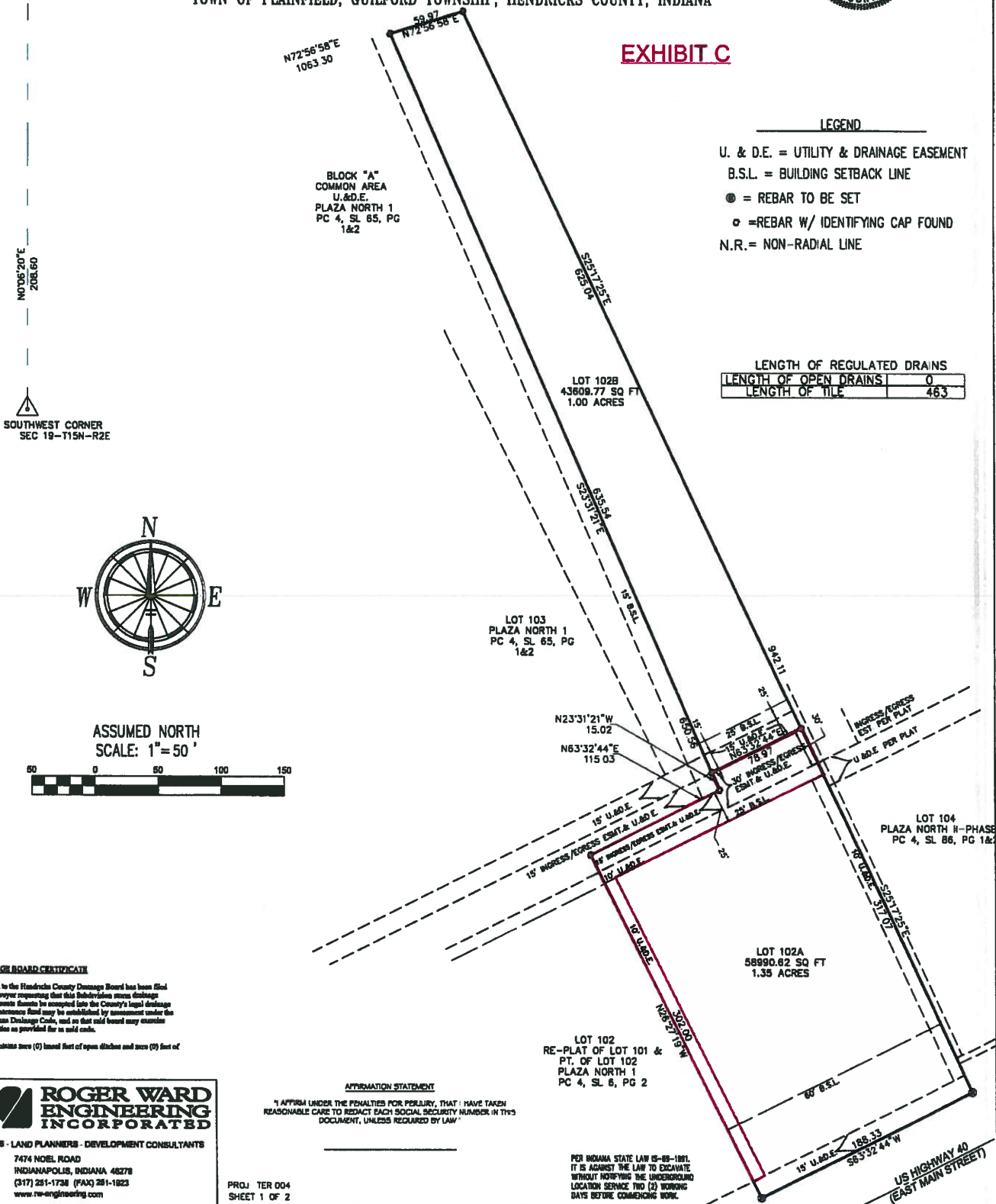


**EXHIBIT C**

**LEGEND**

- U. & D.E. = UTILITY & DRAINAGE EASEMENT
- B.S.L. = BUILDING SETBACK LINE
- ⊙ = REBAR TO BE SET
- = REBAR W/ IDENTIFYING CAP FOUND
- N.R. = NON-RADIAL LINE

LENGTH OF REGULATED DRAINS	
LENGTH OF OPEN DRAINS	0
LENGTH OF TILE	463



SOUTHWEST CORNER  
SEC 18-T15N-R2E



ASSUMED NORTH  
SCALE: 1" = 50'



**COUNTY DRAINAGE BOARD CERTIFICATE**

A petition addressed to the Hendricks County Drainage Board has been filed with the County Surveyor requesting that this Subdivision stress drainage system and the easements thereto be accepted into the County's legal drainage system so that a maintenance fund may be established by assessment under the authority of the Indiana Drainage Code, and so that said fund may exercise other powers and duties as provided for in said code.

This Subdivision contains zero (0) linear feet of open ditches and zero (0) feet of the drains.

**ROGER WARD  
ENGINEERING  
INCORPORATED**

CIVIL ENGINEERS - LAND PLANNERS - DEVELOPMENT CONSULTANTS

7474 NOEL ROAD  
INDIANAPOLIS, INDIANA 46278  
(317) 251-1738 (FAX) 251-1923  
www.rw-engineering.com

**AFFIRMATION STATEMENT**

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.

PROJ TER 004  
SHEET 1 OF 2

PER INDIANA STATE LAW 15-85-1881, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

US HIGHWAY 40  
(EAST MAIN STREET)