ZIONSVILLE
FOR ALL THE RIGHT REASONS

MEMORANDUM

TO: Town of Zionsville Town Council

FROM: Wayne DeLong, AICP, CPM, Director of Planning and Economic Development

RE: Vacation Request of two 7.5 feet wide drainage easements located on each side of the shared lot line between Lots 19 & 20 in Lost Run Farm Subdivision.

History

The Petition for Vacation was submitted by Daniel Towriss ("Petitioner"). The Petitioner owns both parcels, Lots 19 & 20, and seeks to combine them into a single lot (see Exhibit 2). Petitioner's primary residence is located on Lot 19. The Secondary Plat for Lost Run Farm Subdivision, establishing the subject lots and drainage easements, was recorded on July 26, 2004 (see Exhibit 3).

Analysis of Current Request

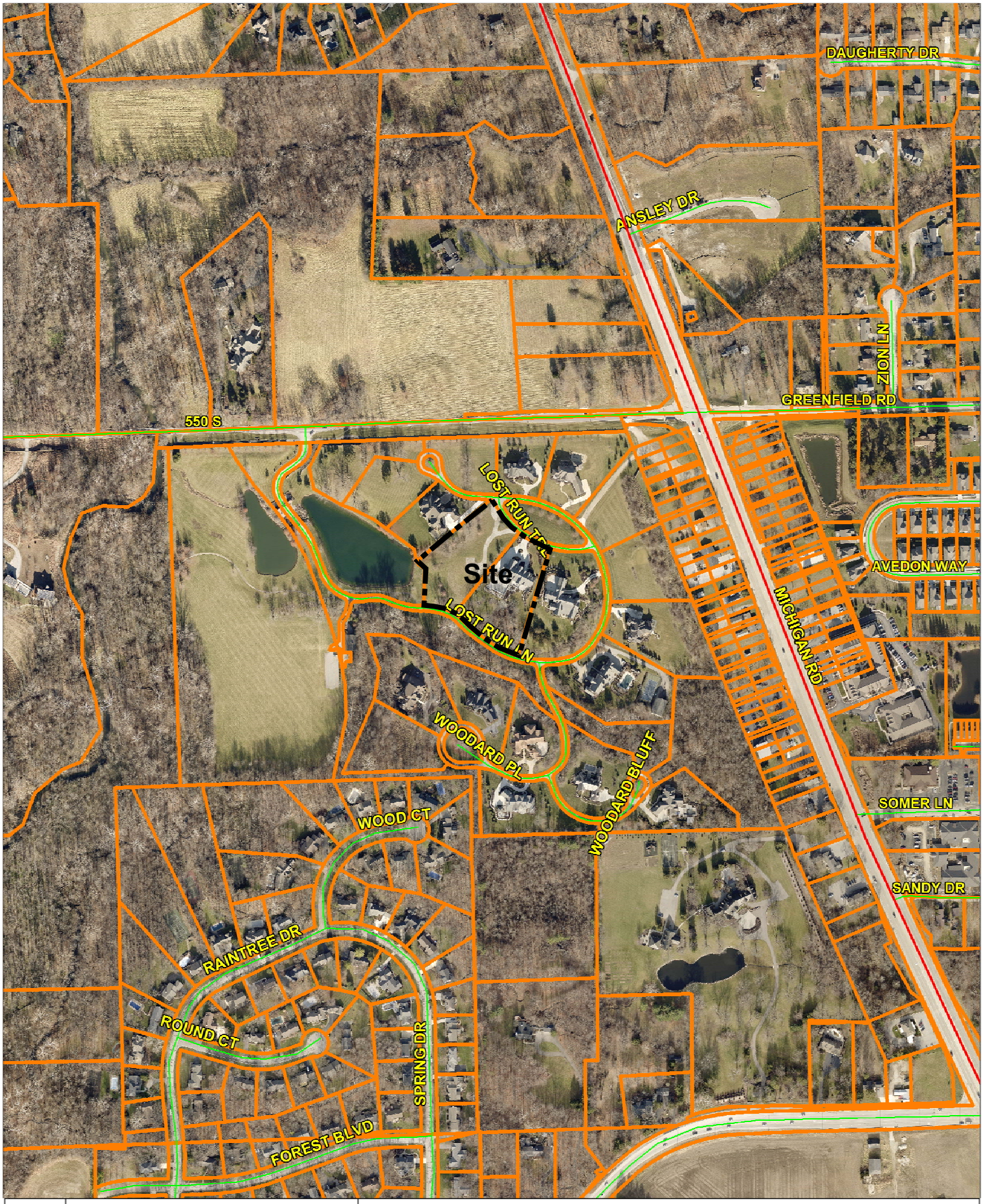
The request is to vacate two 7.5 feet wide drainage easements located on each side of the shared lot line between Lots 19 & 20 in Lost Run Farm Subdivision. According to Indiana State Law, these drainage easements are considered "Public Ways" and the authority to Vacate a Public Way is delegated to the Town Council. A related Re-plat Petition to remove the existing lot line between Lots 19 & 20 has been filed and is scheduled to be heard by the Plan Commission at their meeting on September 21, 2020. State Law gives the authority for this re-platting to the Plan Commission.

The two drainage easements to be vacated do not include any physical infrastructure and were intended to provide routing of surface drainage for Lots 19 & 20. The submitted Vacation Petition and supporting documentation was distributed to the Town's departments and members of the Technical Advisory Committee (including utility providers) for their review and comment. no concerns or objections were expressed by any department.

Staff is in support of the Vacation Petition to vacate two 7.5 feet wide drainage easements located on each side of the shared lot line between Lots 19 & 20 in Lost Run Farm Subdivision.

If there are any questions as to the content, please do not hesitate to contact our office.

Respectfully submitted,
Wayne DeLong, AICP, CPM



N W E S

0 455 910

1" – 455ft

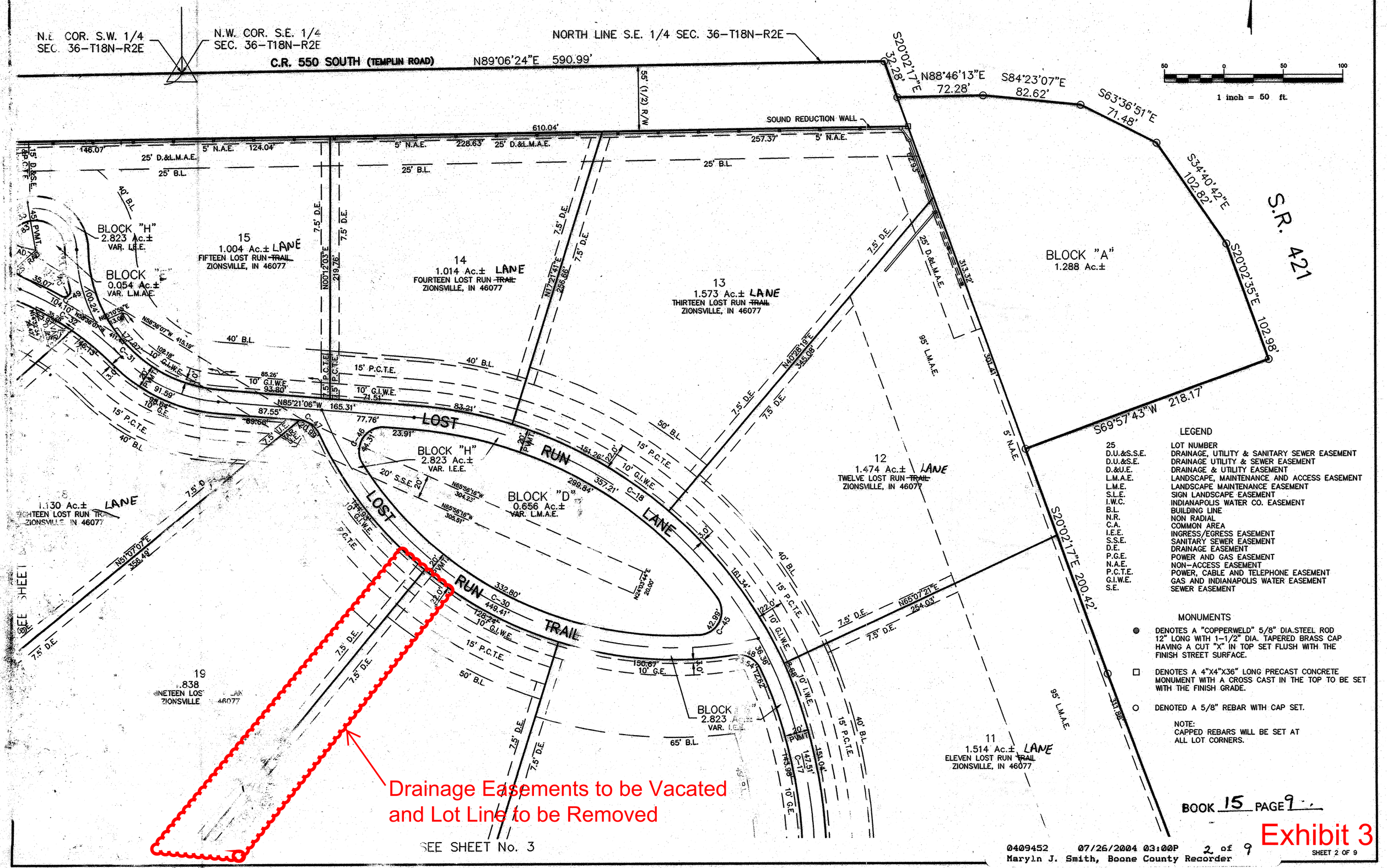
2020-31-RP: Location Map - Exhibit 2

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWERTH AND ASSOCIATES INC.
9940 ALLISONVILLE ROAD
FISHERS, INDIANA 46038
PHONE: (317)-849-5935
FAX: (317)-849-5942

Developed by:
HIGH GROVE DEVELOPMENT, INC.
10333 N. MERIDIAN ST.
INDIANAPOLIS, IN 46290

LOST RUN FARM

SECONDARY PLAT



LEGEND

25	LOT NUMBER
D.U.&S.S.E.	DRAINAGE, UTILITY & SANITARY SEWER EASEMENT
D.U.&S.E.	DRAINAGE UTILITY & SEWER EASEMENT
D.&U.E.	DRAINAGE & UTILITY EASEMENT
L.M.A.E.	LANDSCAPE, MAINTENANCE AND ACCESS EASEMENT
L.M.E.	LANDSCAPE MAINTENANCE EASEMENT
S.L.E.	SIGN LANDSCAPE EASEMENT
I.W.C.	INDIANAPOLIS WATER CO. EASEMENT
B.L.	BUILDING LINE
N.R.	NON RADIAL
C.A.	COMMON AREA
I.E.E.	INGRESS/EGRESS EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
D.E.	DRAINAGE EASEMENT
P.G.E.	POWER AND GAS EASEMENT
N.A.E.	NON-ACCESS EASEMENT
P.C.T.E.	POWER, CABLE AND TELEPHONE EASEMENT
G.I.W.E.	GAS AND INDIANAPOLIS WATER EASEMENT
S.E.	SEWER EASEMENT

MONUMENTS

● DENOTES A "COPPERWELD" 5/8" DIA.STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP SET FLUSH WITH THE FINISH STREET SURFACE.

□ DENOTES A 4"X4"X36" LONG PRECAST CONCRETE MONUMENT WITH A CROSS CAST IN THE TOP TO BE SET WITH THE FINISH GRADE.

○ DENOTED A 5/8" REBAR WITH CAP SET.

NOTE:
CAPPED REBARS WILL BE SET AT ALL LOT CORNERS.

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Exhibit 3

LOST RUN FARM

SECONDARY PLAT

Drainage Easements to be Vacated & Lot Line to be Removed

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50 0 50 100

1 inch = 50 ft.

LEGEND

25	LOT NUMBER
D.U.&S.S.E.	DRAINAGE, UTILITY & SANITARY SEWER EASEMENT
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G.I.W.E.	GAS AND INDIANAPOLIS WATER EASEMENT
S.E.	SEWER EASEMENT

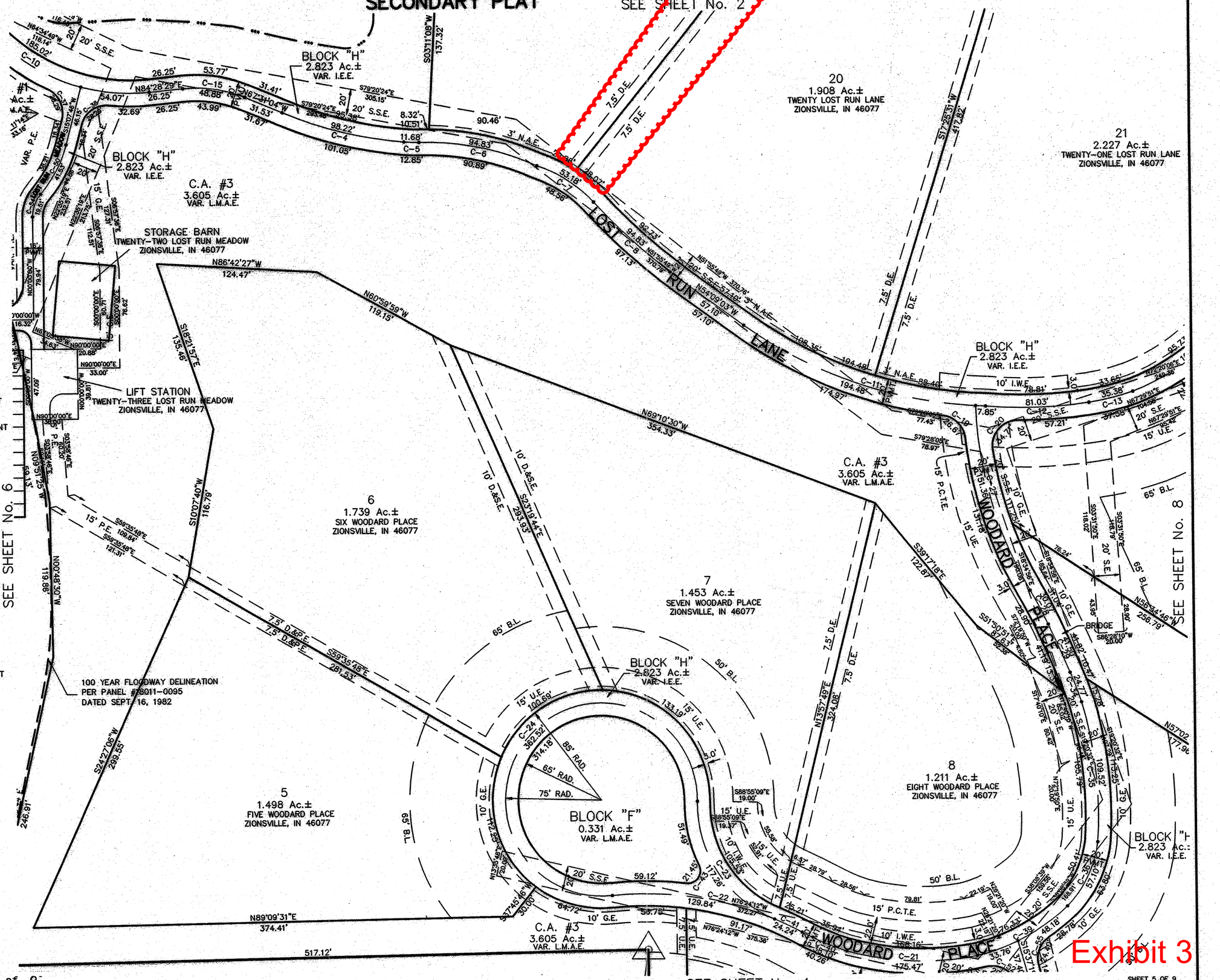
MONUMENTS

● DENOTES A "COPPERWELD" 5/8" DIA.STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP SET FLUSH WITH THE FINISH STREET SURFACE.

□ DENOTES A 4"X4"X36" LONG PRECAST CONCRETE MONUMENT WITH A CROSS CAST IN THE TOP TO BE SET WITH THE FINISH GRADE.

○ DENOTED A 5/8" REBAR WITH CAP SET.

NOTE:
CAPPED REBARS WILL BE SET AT ALL LOT CORNERS.



BOOK 15 PAGE 12

Exhibit 3

S:\42015S1\dwg\B001-Plat.dwg, Sheet 5, 7/22/2004 4:53:13 PM, bhuff, 1:1

THIS INSTRUMENT PREPARED BY:
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9940 ALLISONVILLE ROAD
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Developed by:
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INDIANAPOLIS, IN 46290

LOST RUN FARM

I, the undersigned Registered Land Surveyor hereby certify that the included plat correctly represents a subdivision as a part of the Southwest and Southeast Quarter of Section 36, Township 18 North, Range 2 East, Eagle Township, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter Section; thence North 89 degrees 01 minutes 28 seconds East (assumed bearing) along the North line of said Quarter Section 1,524.56 feet to the POINT OF BEGINNING of this description; thence continuing North 89 degrees 01 minutes 28 seconds East along said North line 1,138.84 feet to the Northeast corner of said Southwest Quarter, said point also being the Northwest corner of the said Southeast Quarter Section; thence North 89 degrees 06 minutes 24 seconds East along the North line of the said Southeast Quarter Section 590.99 feet; thence South 20 degrees 02 minutes 17 seconds East 32.28 feet; thence North 88 degrees 46 minutes 13 seconds East 72.28 feet; thence South 84 degrees 23 minutes 07 seconds East 82.62 feet; thence South 63 degrees 36 minutes 51 seconds East 71.48 feet; thence South 34 degrees 40 minutes 42 seconds East 102.82 feet; thence South 20 degrees 02 minutes 35 seconds East 102.98 feet; thence South 69 degrees 57 minutes 43 seconds West 218.17 feet; thence South 20 degrees 02 minutes 17 seconds East 200.42 feet; thence South 20 degrees 21 minutes 17 seconds East 437.59 feet; thence South 21 degrees 11 minutes 07 seconds East 667.79 feet; thence South 89 degrees 37 minutes 19 seconds West 1,162.24 feet to a point on the West line of said Southeast Quarter, said point also being on the East line of Raintree Place, Section Two B recorded in Plat Book Six, Page Three, in the Office of the Recorder of Boone County, Indiana, the following two (2) courses on and along the northern boundary of said Raintree Place Section 2B; (1) North 00 degrees 20 minutes 46 seconds West along the West line of said Quarter Section, 221.94 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 36; (2) South 89 degrees 09 minutes 31 seconds West along the North line of the Southeast Quarter of the Southwest Quarter of said Section 36, 1,325.54 feet to the Northwest corner of the Southeast Quarter of the Southwest Quarter; thence South 00 degrees 36 minutes 44 seconds East along the West line of the Southeast Quarter of said Southwest Quarter Section 767.82 feet; thence North 89 degrees 34 minutes 25 seconds West 514.33 feet to a point on the thread-line of Little Eagle Creek, the following Sixteen (16) calls being on said thread-line; (1) North 05 degrees 22 minutes 21 seconds West 249.25 feet; (2) North 08 degrees 07 minutes 53 seconds East 221.53 feet; (3) North 12 degrees 51 minutes 18 seconds West 120.46 feet; (4) North 00 degrees 04 minutes 56 seconds East 50.76 feet; (5) North 49 degrees 34 minutes 43 seconds East 34.68 feet; (6) South 70 degrees 34 minutes 33 seconds East 31.21 feet; (7) South 50 degrees 16 minutes 46 seconds East 60.11 feet; (8) South 68 degrees 07 minutes 10 seconds East 57.66 feet; (9) North 50 degrees 31 minutes 49 seconds East 61.84 feet; (10) North 20 degrees 35 minutes 49 seconds East 124.34 feet; (11) North 49 degrees 19 minutes 55 seconds East 137.08 feet; (12) North 67 degrees 27 minutes 30 seconds East 71.75 feet; (13) North 32 degrees 07 minutes 45 seconds East 143.60 feet; (14) North 10 degrees 15 minutes 40 seconds West 118.21 feet; (15) North 17 degrees 57 minutes 58 seconds West 157.04 feet; (16) North 00 degrees 08 minutes 50 seconds West 69.50 feet; thence North 90 degrees 00 minutes 00 seconds East 40.07 feet; thence North 11 degrees 08 minutes 40 seconds East 294.89 feet; thence North 28 degrees 15 minutes 27 seconds East 274.05 feet to the said thread-line of Little eagle Creek, the following Two (2) calls being on said thread-line; (1) North 34 degrees 01 minutes 12 seconds East 65.09 feet; (2) North 05 degrees 03 minutes 41 seconds East 185.28 feet to the place of beginning, containing 80.917 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.

This subdivision consists of 21 lots numbered 1-21 (both inclusive), 4 Common Areas labeled C.A.#1-4, and 8 Blocks labeled "Block A-H" (both inclusive). The size of lots and width of streets are shown in feet and decimal parts thereof.

I, the undersigned, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana and that the within plat represents a subdivision of the lands surveyed within the cross referenced survey plat, and that to the best of my knowledge and belief there has been no change from the matters of the survey revealed by the cross-reference survey on any lines that are common with the new subdivision.

Witness my signature this 22ND day of JULY, 2004.

S/42015/legal/summe south
November 25, 2002
(R) KRG (F) GDK
Revised: January 31, 2003
Revised: June 2, 2003
BAH(R) EEF(F)
Revised: June 17, 2004
BAH(R) BMK(F)
Revised: July 15, 2004
BAH(R) EEF(F)

Dennis D. Olmstead
Registered Land Surveyor
No. 900012

DENNIS D. OLMSTEAD REGISTERED No. 900012 STATE OF INDIANA LAND SURVEYOR

PLAN COMMISSION APPROVAL

The Building Commissioner of the Town of Zionsville has reviewed this Plat for technical conformity with the standards fixed in the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance and hereby certifies that this Plat meets all of the minimum requirements of the applicable ordinances and requirements of the Town of Zionsville, Boone County, Indiana.

By: Lana Funkhouser
Printed: LANA FUNKHOUSER

Date: 7/26/04

We, the undersigned, do hereby certify that under authority provided by the Indiana Planning Law, IC 36-7-4, et. seq., enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, the Plat depicted herein is the Plat which was given approval by the Town of Zionsville Plan Commission at a meeting held on the 21st day of April, 2004.

Witness by signature this 26 day of July, 2004

TOWN OF ZIONSVILLE PLAN COMMISSION

Signature: Lana Funkhouser
Printed: LANA FUNKHOUSER
Title: President

Signature: [illegible]
Printed: TERRY J. JONES
Title: Secretary

SURVEYOR CERTIFICATION

I, Dennis D. Olmstead, hereby certify that:

The within Plat is a representation of the lands surveyed, subdivided and platted under my direct supervision and control and that it is true and correct to the best of my knowledge and belief;

This Subdivision consists of 21 lots, numbered 1 through 21, together with Common Areas, Streets, and Easements as shown on the within Plat;

The size of the Lots, Common Areas and Widths of Streets and Easementare shown in figures denoting feet and decimal parts thereof;

All monuments shown on the within Plat actually exist and their location, size, type and material are accurately shown;

The boundary survey of this plat is in conformity with 865 IAC 1-12; and,

The within Plat complies with the provisions of the Town of Zionsville Subdivision Control Ordinance.

Witness by signature this 22ND day of JULY, 2004

Dennis D. Olmstead
Registered Land Surveyor
No. 900012

DENNIS D. OLMSTEAD REGISTERED No. 900012 STATE OF INDIANA LAND SURVEYOR

DULY ENTERED FOR TAXATION
7-26-04
Gretchen Smith
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

BOOK 15 PAGE 16

0409452 07/26/2004 03:00P 9 of 9
Maryln J. Smith, Boone County Recorder

DEDICATION STATEMENT

We Highgrove Development, Inc. and Lost Run Farms, LLC (jointly and severally, the "Declarant"), do hereby certify that we are the Owner(s) of the real estate property located in the Town of Zionsville, Boone County, Indiana, according to deed recorded in Book ____ Page ____, of the official records of the Recorder of Boone County Indiana, and further described as follows:

Now therefore know all persons by these presents that we do hereby lay off, plat and subdivide said Real Estate in accordance with the within Plat.

This Subdivision shall be known as Lost Run Farm, an addition to the Town of Zionsville, Boone County, Indiana.

All streets, alleys, ways and public open spaces shown on the within Plat, other than Templin Road, are designated as private on the plat and as approved by the Plan Commission shall be privately owned, operated and maintained.

Front building setback lines are hereby established as shown on the within Plat, between which lines and street right-of-way lines no building or structure (except for parking areas, driveways and interior access drives) 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 Zionsville exclusively for, and limited to, storm water, drainage, water and sanitary sewer purposes, 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. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities. The easement areas of such 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 company to maintain.

Any dedication of easements to the Town of Zionsville shall be limited to the purposes set forth by specific notation on the Plat or by separate instrument, including the Declaration of Covenants and Restrictions of Lost Run Farm. The plat legend for the location of private easements and dedicated easements merely show the location of the areas for such private easements and dedicated easements on the Plat. Such areas are reserved for the use of the Declarant and for private utilities, public, quasi-public and governmental agencies as set forth in the Declaration of Covenants and Restrictions for Lost Run Farm and this Plat. Any dedication of easements shall be subject to all easements granted by the Declarant or the subsequent developer of Lost Run Farm, including, without limitation, the common service easement and restrictions to be recorded by Declarant or its assigns. In addition, any communication and common services permitted by Declarant or its assigns shall not be allowed to be installed in, over or under the dedicated easements without the prior written consent of the Declarant, or its designees, successors or assigns, which may be granted in their sole and complete discretion.

Within drainage easements, no structure, planting or other material shall be placed or permitted to remain which may change the direction of flood or drainage channels in the easements or which may obstruct or retard 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.

1-1
Town of Zionsville
The first five (5) feet of any utility easement which is located along a street right-of-way shall be reserved for use as a Town of Zionsville utility easement exclusively for sewer and water purposes, and shall be used for the installation and maintenance of fire hydrants, meter pits, and similar appurtenances approved by the Town Engineer. Any utility that has obtained an easement from Declarant or its assigns shall have the right to cross the first five (5) feet of said utility easement at or near perpendicular; provided, however, such right to cross utility easements shall be subject to all easements granted by the Declarant or its successors and assigns, including, without limitation, the common services easements and restrictions to be entered into and recorded by Declarant or its assigns. No other utilities or appurtenances thereto shall be installed within the first five (5) feet of said utility easement without the written approval of the Town Engineer and Declarant or its successors or assigns.

Title to the foregoing real estate is subject to a certain Declaration of Covenants, Conditions and Restrictions of Lost Run Farm dated July 23, 2004 as Instrument Number 0409453, in the Office of the Recorder of Boone County, Indiana, as the same may be amended or supplemented. Such Declaration and the covenants and restrictions set forth therein run with the land described herein and are incorporated herein by reference. Each Owner of the Site depicted on this Plat shall take title to such site subject to the terms and conditions of such Declaration.

In *Witness whereof*, Declarant has executed this instrument this 23rd day of July, 2004.

HIGHGROVE DEVELOPMENT, INC.

By: Richard D. Summe
Printed: Richard D. Summe
Title: President

By: R. Michael Henderson
Printed: R. Michael Henderson
Title: Secretary Treasurer

LOST RUN FARMS, LLC

By: Richard D. Summe
Printed: Richard D. Summe
Title: Member

By: R. Michael Henderson
Printed: R. Michael Henderson
Title: Member

IND501 DRW 686866v1

We hereby lay off and plat this subdivision, which shall be known and designated as Lost Run Farm in the Town of Zionsville, Boone County, Indiana.

This plat is subject to the declaration of covenants, conditions and restrictions of Lost Run Farm recorded as Instrument No. 0409453 and any amendments thereto.

In Testimony whereof, witness the signatures of Owner and Declarant this 23rd day of July, 2004.

Owner/Developer
High Grove Development, Inc.

Richard D. Summe, President

R. Michael Henderson, Secretary Treasurer

State of Indiana)
) SS
County of Marion)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard D. Summe, President, R. Michael Henderson, Secretary Treasurer of High Grove Development, Inc., and acknowledged the execution of this Instrument as his voluntary act and deed and affixed his signature thereto.

Witness my signature and seal this 23rd day of July, 2004.

Notary Public: Charlene S. Lee
Print Name: Charlene S. Lee

County of Residence: Hendricks
My commission expires: July 18, 2006

FORMS/OWNSIGN

Exhibit 3

S:\42015S1\dwg\B001-Plat.dwg, Sheet 9, 7/22/2004 4:02:53 PM, bhuff, 1:1