

STATE OF INDIANA) BEFORE THE TOWN COUNCIL
) SS: OF THE TOWN OF ZIONSVILLE,
COUNTY OF BOONE) INDIANA

PETITION FOR VACATION OF DRAINAGE EASEMENT

Daniel Towriss (“Petitioner”), by counsel, Roger L. Burrus, for his Petition for Vacation of Drainage Easement, states as follows:

1. Petitioner is the owner of two (2) adjoining parcels of real estate commonly known as 19 Lost Run Lane and 20 Lost Run Lane, Zionsville, Boone County, Indiana, the legal description of which is:

Lots numbered 19 and 20 in Lost Run Farm, a subdivision in the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded on July 26, 2004, in Plat Book 15, page 8, as Instrument No. 0409452 and Certificate of Correction recorded November 23, 2004 as Instrument No. 0414448, in the Office of the Recorder of Boone County, Indiana.

2. Petitioner’s residence is on Lot 20. Lot 19 is currently unimproved except for a stone aggregate driveway. Petitioner plans to construct and install landscaping including plantings and pathways and other amenities on Lot 19, extending across the common boundary line. Petitioner is also filing a petition with the Zionsville Plan Commission to re-plat Lots 19 and 20 into combined lot “20-R.”

3. Pursuant to the Plat for Lost Run Farm, there exists, on both sides of the common boundary line between Lots 19 and Lot 20, platted but unused drainage easements, 7.5’ in width on each side of the common boundary line (the “Drainage Easements”).

4. Under Indiana Code 36-7-3 et. seq., and IC 6-7-4-711, the Plan Commission has exclusive jurisdiction of the vacation of all or parts of a plat, but the Town Council has jurisdiction and authority over vacation of a public way or place or platted easements. See IC 36-7-3-12, IC 36-7-3-16(a), and Section 5.2 of the Zionsville Subdivision Control Ordinance.

5. The streets in Lost Run Farm subdivision are privately owned and maintained; therefore, the Drainage Easements are not needed for street or other common area drainage.

6. Lot 19 adjoins a retention pond for the Lost Run Farm subdivision, which serves as an outlet for surface water drainage from both Lots 19 and 20. Petitioner is not materially changing the surface water drainage of such lots.

7. Petitioner’s counsel has discussed this petition with the management company for the Lost Run Farm Homeowners Association, which indicated they would have no objection to the re-plat or the vacation of the Drainage Easements so long as Petitioner continues to pay lot dues

and assessments for two (2) lots.

8. There are no other property owners abutting the Drainage Easements are there are private roadways at both ends of such easements.

9. To Petitioner's knowledge, the Drainage Easements contain no other easements or municipal utilities. If any public utility is occupying and using all or part of the Drainage Easements, Indiana Code Section 36-7-3-16 provides for the continued use thereof.

10. The Subdivision Control Ordinance requires disposition of this petition prior to the Plan Commission's consideration of the petition to re-plat Lots 19 and 20.

11. Vacation of the Drainage Easements will be of benefit to the Town and Petitioner in that Petitioner will be able to construct additional improvements on his property, adding to the assessed valuation, without any impact on the drainage of such lots.

WHEREFORE, the Petitioner respectfully requests that the Town Council for the Town of Zionsville vacate the Drainage Easements in accordance with Indiana Code Section 36-7-3-12, and for all other proper relief.

Respectfully submitted,

BURRUS & SEASE LLP

By 
Roger L. Burrus
Attorney for Petitioner

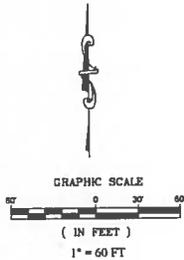
BURRUS & SEASE LLP
410 W. Oak Street
Zionsville, IN 46077
(317) 873-2150
rburrus@burrusandsease.com



STOEPPEL WERTH & ASSOCIATES, INC.
 THIS INSTRUMENT PREPARED BY
 DENNIS D. OLAMSTEAD
 7963 E. 106TH STREET
 FISHERS, INDIANA 46038
 PHONE: (317) 849-3933

THIS INSTRUMENT PREPARED FOR:
 DANIEL TOWRISS
 20 LOST RUN LANE
 ZIONSVILLE, IN 46077
 CONTACT: ROGER L. BURRUS, ATTORNEY
 317-873-2150
 rburruo@burrusandsons.com

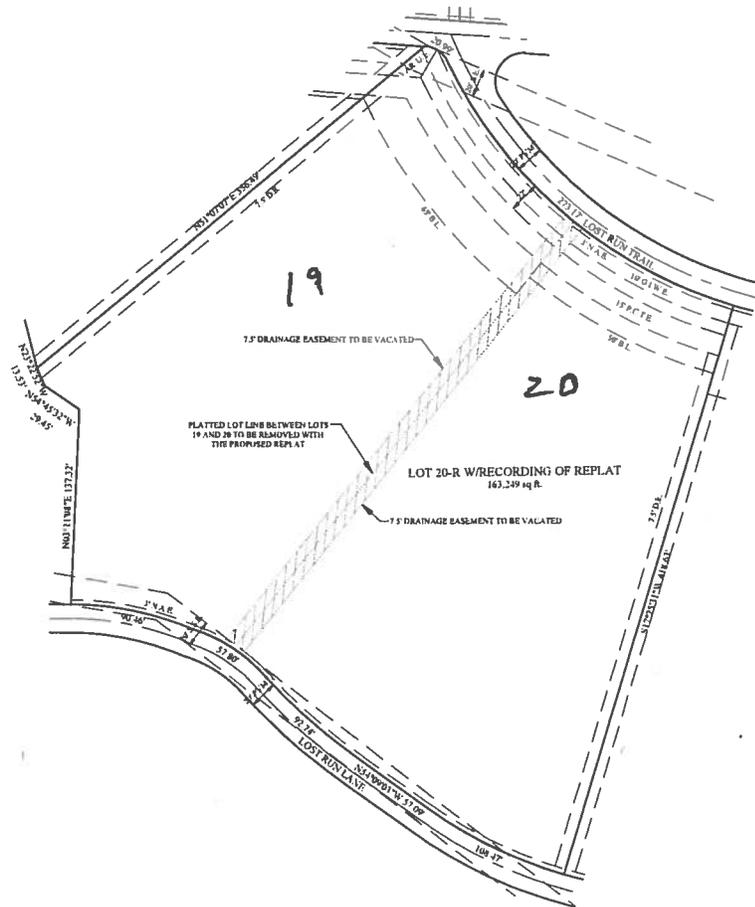
LOTS 19 AND 20 IN LOST RUN FARM EXHIBIT



- LEGEND**
- N.A.E. NON-ACCESS EASEMENT
 - B.L. BUILDING LINE
 - P.C.T.E. POWER, CABLE AND TELEPHONE EASEMENT
 - S.S.E. SANITARY SEWER EASEMENT
 - D.E. DRAINAGE EASEMENT
 - G.I.W.E. GAS AND INDIANAPOLIS WATER EASEMENT
 - V.A.R. U.E. VARIABLE UTILITY EASEMENT



VICINITY MAP
 NOT TO SCALE



LRF 19 20



03/30/2018

Legal Descriptions of Lots 19 and 20 in Lost Run Farm

Lot 19, Parcel 0191825019, Address 19 Lost Run Lane, Zionsville

LOT NUMBER 19 IN LOST RUN FARM, A SUBDIVISION OF EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED ON JULY 26, 2004 IN PLAT BOOK 15, PAGE 8, AS INSTRUMENT NO. 0409452 AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 23, 2004 AS INSTRUMENT NO. 0414448, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA.

Lot 20, Parcel 0191825020, Address 20 Lost Run Lane, Zionsville

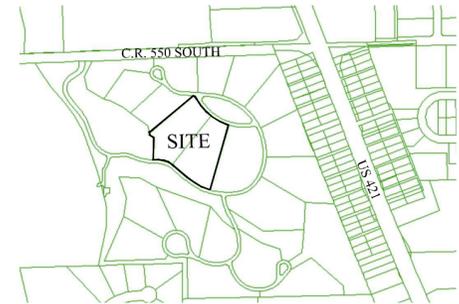
LOT NUMBER 20 IN LOST RUN FARM, A SUBDIVISION IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED JULY 26, 2004 IN PLAT BOOK 15, PAGES 8-16 AS INSTRUMENT NO. 0409452, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA.



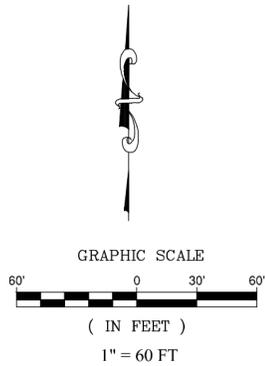
STOEPPELWERTH & ASSOCIATES, INC.
 THIS INSTRUMENT PREPARED BY:
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REPLAT OF LOTS 19 AND 20 LOST RUN FARM

(PREVIOUSLY RECORDED AS INSTRUMENT #0409452, BOOK #15, PAGES #8-16,
 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA)



VICINITY MAP
 NOT TO SCALE



LEGEND

- N.A.E. NON-ACCESS EASEMENT
- B.L. BUILDING LINE
- P.C.T.E. POWER, CABLE AND TELEPHONE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- D.E. DRAINAGE EASEMENT
- G.I.W.E. GAS AND INDIANAPOLIS WATER EASEMENT
- VAR. U.E. VARIABLE UTILITY EASEMENT
- VAR. I.E.E. VARIABLE INGRESS/EGRESS EASEMENT

SUBDIVISION MONUMENTATION

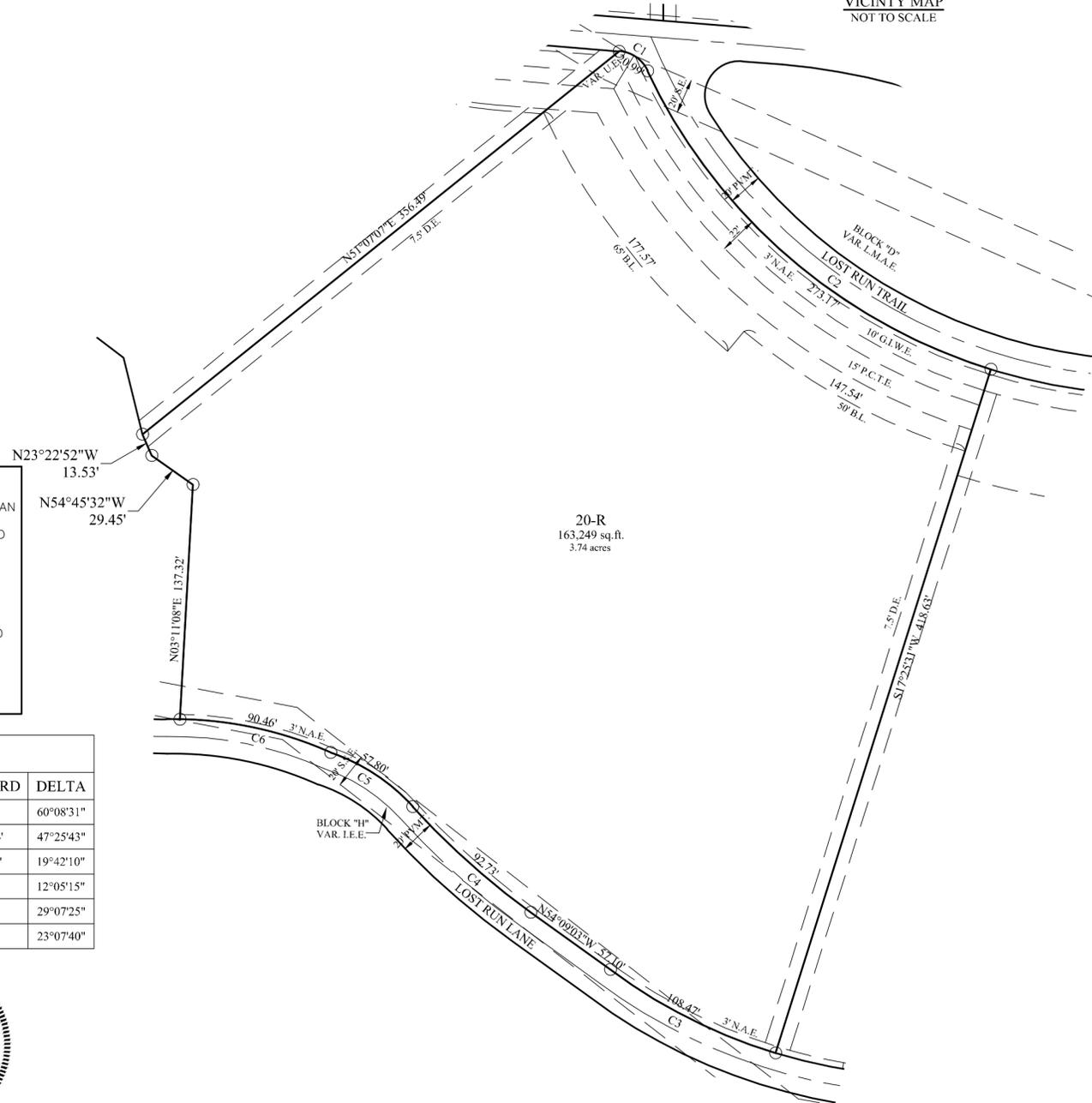
PER INDIANA ADMINISTRATIVE CODE (IAC), TITLE 865 IAC 1-12-18, AN AFFIDAVIT, CROSS-REFERENCED TO THIS PLAT, WILL BE RECORDED AFTER THE SUBDIVISION MONUMENTATION HAS BEEN COMPLETED AND MAY BE DELAYED FOR UP TO TWO YEARS FROM THE DATE OF RECORDATION OF THIS PLAT.

MONUMENTS SET OR TO BE SET INCLUDE SUBDIVISION PERIMETER CORNERS, CENTERLINE INTERSECTIONS, CENTERLINE POINTS OF CURVATURE, CENTERLINE POINTS OF TANGENCY AND INTERIOR LOT/PARCEL CORNERS (INCLUDING BEGINNING AND ENDS OF CURVES AND THE INTERSECTION OF LOT/PARCEL LINES).

○ DENOTES A 5/8" DIAMETER X 30" LONG REINFORCING BAR (REBAR) WITH CAP
 STAMPED "S&A FIRM #0008" SET FLUSH WITH THE FINISH GRADE

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	20.99'	20.00'	11.58'	S55°17'06"E	20.04'	60°08'31"
C2	273.17'	330.00'	144.96'	S48°55'58"E	265.44'	47°25'43"
C3	108.47'	315.44'	54.78'	N63°08'38"W	107.94'	19°42'10"
C4	92.73'	439.56'	46.54'	N48°06'25"W	92.56'	12°05'15"
C5	57.80'	113.71'	29.54'	N56°37'30"W	57.18'	29°07'25"
C6	90.46'	224.11'	45.86'	N77°29'45"W	89.85'	23°07'40"



Dennis D. Olmstead
 Registered Land Surveyor
 No. 900012



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REPLAT OF LOTS 19 AND 20 LOST RUN FARM

(PREVIOUSLY RECORDED AS INSTRUMENT #0409452, BOOK #15, PAGES #8-16,
 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA)

DEDICATION CERTIFICATE

I, the undersigned, Daniel Towriss, owner of the Real Estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby plat and subdivide, said Real Estate in accordance with the within Plat.

This subdivision shall be known and designated as the Re-plat of Lots 19 and 20 in Lost Run Farm. The purpose of this re-plat is to combine Lots 19 and 20 to form Lot 20-R.

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, 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 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 company to maintain.

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 for sewer and water, shall be used for the installation and maintenance of fire hydrants, meter pits, and similar appurtenances approved by the Town Engineer. All other utility companies shall have the right to cross the first five (5) feet of said utility easement at or near perpendicular. 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.

Title to the foregoing real estate is subject to a certain Declaration of Covenants and Restrictions of Lost Run Farm, recorded on July 26, 2004, in the Office of the Recorder for Boone County, Indiana, as Instrument #0409453. The original Declaration has been subsequently amended on a number of occasions and ultimately replaced with the Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions for Lost Run Farm, recorded on July 12, 2018, in the Office of the Recorder for Boone County, Indiana, as Instrument #2018006153. 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 a Lot and/or Common Areas depicted on this plat shall take title to such lot subject to the terms and conditions of such declaration.

Witness our Hands and Seals this _____ day of _____, 2020

Owner: Lot 20R
 Daniel Towriss
 20 Lost Run Lane
 Zionsville, IN 46077

 Daniel Towriss
 Owner

State of Indiana)
) SS
 County of _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Daniel Towriss, owner of Lot 20R in Lost Run Farm and acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes herein expressed.

Witness my signature and seal this _____ day of _____, 2020.

County of Residence: _____
 Notary Public

My Commission Expires: _____
 Printed Name

PLAN COMMISSION APPROVAL

The Town Engineer and Building Commissioner of the Town of Zionsville have 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: _____ By: _____

Printed: _____ Printed: _____
 Building Commissioner Town of Engineer
 Town of Zionsville, Town of Zionsville,
 Boone County, Indiana Boone County, Indiana

Date: _____ Date: _____

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 _____ day of _____, _____.

Witness by signature this _____ day of _____, 2020.

TOWN OF ZIONSVILLE PLAN COMMISSION

Signature _____ Signature _____

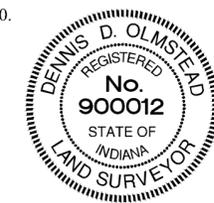
Printed _____ Printed _____

Title: President Title: Secretary

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 correctly represents a replat of a previously platted subdivision as cross-referenced herein. To the best of my knowledge and belief, the within Plat complies with the provisions of the Town of Zionsville Subdivision Control Ordinance.

Witness my signature this _____ day of _____, 2020.

 Dennis D. Olmstead
 Registered Land Surveyor
 No. 900012



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.

Dennis D. Olmstead, PLS