



ORDINANCE NO. G-2014-18 INTRODUCED BY: John Friend  
PETITIONERS: Barrel Company Investments, LLC

AN ORDINANCE TO VACATE A PORTION OF AN EXISTING 30 FOOT EASEMENT LYING ON THE EAST SIDE OF LOT 31 IN EASTSIDE INDUSTRIAL PARK, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK L, PAGE 44:

WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS 5500 OLD BOONVILLE HWY. 47715

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to MCE Section 12.05.450, a sworn petition, was presented to the Common Council of the City of Evansville, requesting that the platted right-of-way described in Section III, below, be vacated by the City of Evansville.

Section II. That after due and proper notice, a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interests to be subserved are such as to warrant the vacation of that part of the platted RIGHT-OF-WAY described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

Part of Lot 31 in Eastside Industrial Park, as per plat thereof, recorded in Plat Book L, Page 44 in the office of the Recorder of Vanderburgh County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of said Lot 31; thence along the east line of said Lot 31, South 00 degrees 00 minutes 37 seconds West 371.43 feet; thence North 89 degrees 59 minutes 23 seconds West 25.00 feet to the point of beginning; thence North 89 degrees 36 minutes 49 seconds West 5.00 feet to a point on the west line of an existing 30 foot Easement per said Eastside Industrial Park; thence along said west line, North 00 degrees 00 minutes 37 seconds East 40.00 feet; thence South 89 degrees 36 minutes 49 seconds East 5.00 feet; thence South 00 degrees 00 minutes 37 seconds West 40.00 feet to the point of beginning containing 200 square feet.

Section IV. That the vacation of said public way described in Section III, above will be subject to the following commitment between the Evansville City Engineer and the petitioner or a subsidiary of the petitioner:

I affirm, under the penalties for perjury, that I have taken reasonable care to read each Social Security number in this document, unless it is required by law.

*[Signature]*  
Name

DULY ENTERED FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER

**FILED**

AUG 14 2014

JUL 16 2014

*[Signature]*  
AUDITOR

*[Signature]*  
CITY CLERK

"January 23, 2014

Pat Keeper  
City Engineering Office

Dear Pat:

Per a meeting that I had with Mr. Cris Cotton on January 15, 2014 at your office, I am writing to confirm our commitment to improving the drainage concerns at our 5501 Old Booneville Highway site. It is our understanding that improvements are underway for drainage issues at the northern end of this subdivision. Once the City project is substantially complete and after Parson Adhesives has brought their system into compliance, O'Bryan Barrel will bring our system into compliance within 6 months (assuming good weather). We will hire Morley and Associates to review the existing site to determine runoff subbasins, review original drainage plan compliance, and determine if existing pipes and swales need to be replaced or cleaned. The need for on-site storm water detention will also be assessed based on the Vanderburgh County Drainage Ordinance procedures. We will have the hired engineers submit their findings to you for approval, prior to the start of construction.

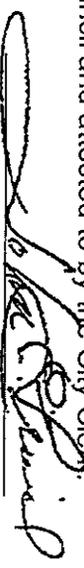
The drainage easement in conflict with the proposed building will be reconfigured to eliminate the conflict by appropriate vacation and dedication procedures. The easement conflict shall be resolved by May 1, 2014.

Sincerely,

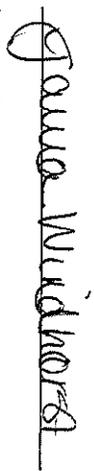
Tim O'Bryan"

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described PUBLIC RIGHT-OF-WAY is no longer required for public use, and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate the PUBLIC RIGHT-OF-WAY described in Section III, above, subject to the terms and conditions as stated in this Ordinance.

PASSED by the Common Council of Evansville, Indiana, on this 11 day of August, 2014, and on said day signed by the President of said Common Council and attested to by the City Clerk,  
ATTEST:

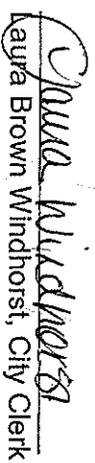


John Friend, President



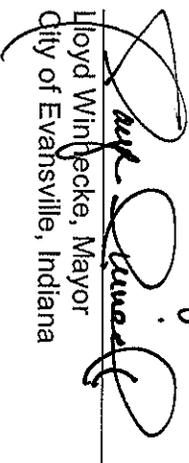
Laura Brown Windhorst, City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 12 day of August, 2014.



Laura Brown Windhorst, City Clerk

Having examined the foregoing Ordinance, I do now as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return; same to the City Clerk this 13<sup>th</sup> day of August, 2014 at 8:00 A.m.



Lloyd Winjecke, Mayor  
City of Evansville, Indiana

APPROVED AS TO FORM:  
Ted Ziemer-Corporate Counsel

This instrument was prepared by Bret A. Semmersheim of Morley and Associates, Inc., 4800 Rosebud Lane, Newburgh, Indiana 47630

Petitioner's Mailing Address:  
Barrel Company Investments LLC  
5501 Old Boonville Hwy  
Evansville, IN 47715

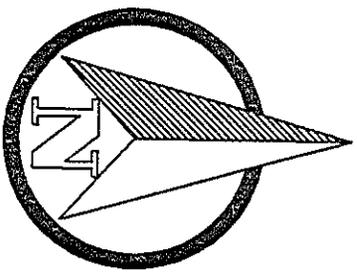
"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Bret Semmersheim



Bret Alan Semmersheim

February 4, 2014

Lot 32



SCALE 1" = 60'

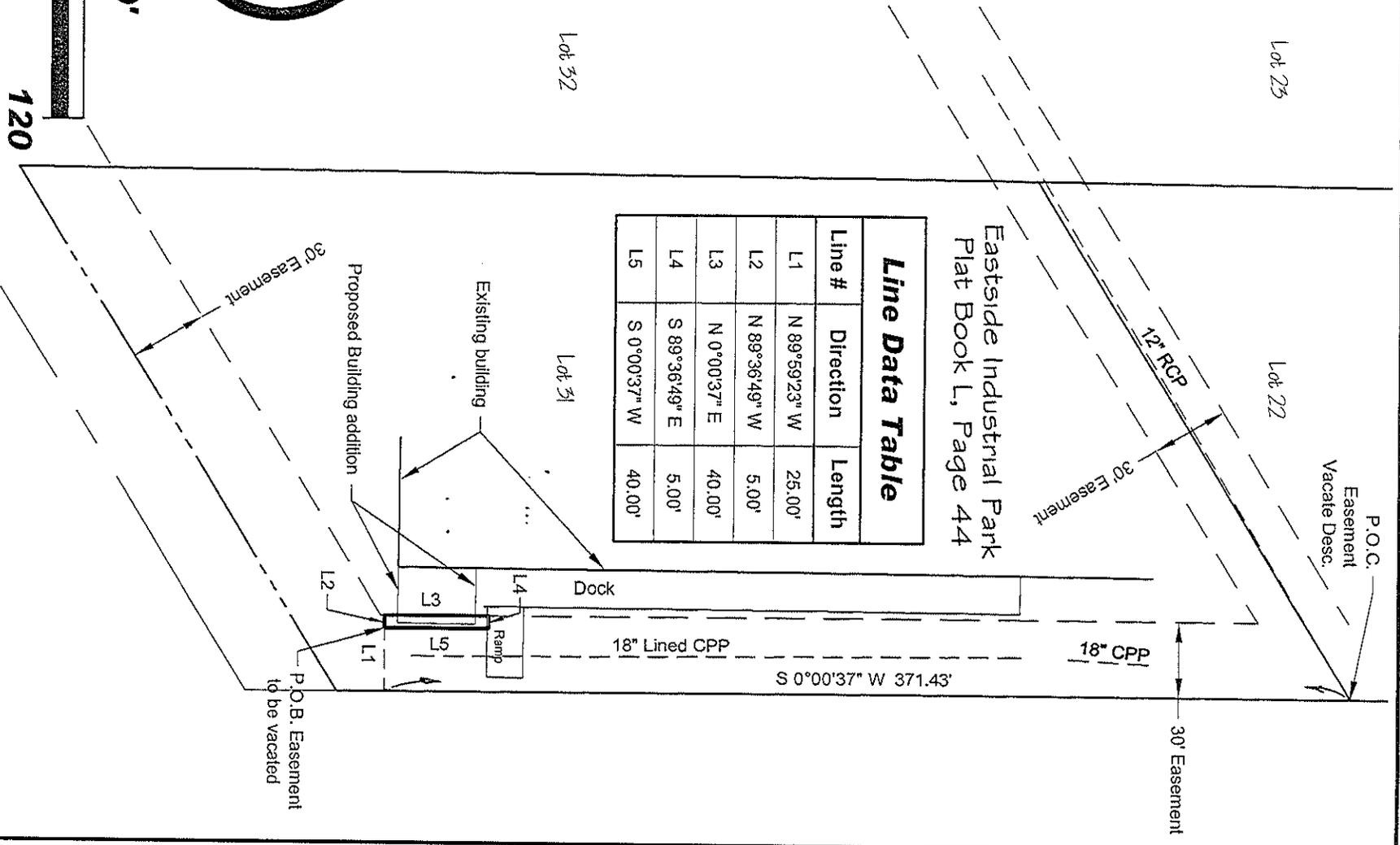


Engineering  
Surveying  
Architecture  
Construction Management

4800 Rosebud Lane  
Newburgh, IN 47630  
(812) 464-9585  
www.morleyandassociates.com

Eastside Industrial Park  
Plat Book L, Page 44

Line #	Direction	Length
L1	N 89°59'23" W	25.00'
L2	N 89°36'49" W	5.00'
L3	N 0°00'37" E	40.00'
L4	S 89°36'49" E	5.00'
L5	S 0°00'37" W	40.00'



Easement Vacate Exhibit  
Part of Lot 31 - Eastside Ind. Pk.  
5501 Old Boonville Hwy.

Exhibit "B"

Designed By	Job Number
Drawn By	83194.001A
Checked By	Date
BAS	2/04/2014
Filename	
8319esmt\vacate.dwg	

**SWORN PETITION FOR VACATION** of a portion of an existing 30 foot easement lying on the east side of Lot 31 in Eastside Industrial Park, as per plat thereof, recorded in Plat Book L, Page 44:

Regarding the vacation of a portion of an existing 30 foot easement lying on the east side of Lot 31 in Eastside Industrial Park, as per plat thereof, recorded in Plat Book L, Page 44:

Barrel Company Investments, LLC (the Petitioner), files this Sworn Petition for Vacation of a portion of an existing 30 foot easement lying on the east side of Lot 31 in Eastside Industrial Park, as per plat thereof, recorded in Plat Book L, Page 44 to the Common Council of the City of Evansville, Indiana, in accordance with the Municipal Code of Evansville, Subchapter 12.05.450 et. seq. (the code), as follows:

1. Name and address of Petitioner: Barrel Company Investments, LLC  
5501 Old Boonville Hwy.  
Evansville, IN 47715

By: Arthur O'Bryan Its: Member

By: \_\_\_\_\_ Its: \_\_\_\_\_  
Principal place of business:  
Evansville, IN  
Phone: (812) 479-6741

2. Circumstances: Petitioners seek the vacation of the above noted right of way because of new construction that is to be placed within the easement area to be vacated.

3. Legal Description of the right-of-way proposed to be vacated:

Part of Lot 31 in Eastside Industrial Park, as per plat thereof, recorded in Plat Book L, Page 44 in the office of the Recorder of Vanderburgh County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of said Lot 31; thence along the east line of said Lot 31, South 00 degrees 00 minutes 37 seconds West 371.43 feet; thence North 89 degrees 59 minutes 23 seconds West 25.00 feet to the point of beginning; thence North 89 degrees 36 minutes 49 seconds West 5.00 feet to a point on the west line of an existing 30 foot Easement per said Eastside Industrial Park; thence along said west line, North 00 degrees 00 minutes 37 seconds East 40.00 feet; thence South 89 degrees 36 minutes 49 seconds East 5.00 feet; thence South 00 degrees 00 minutes 37 seconds West 40.00 feet to the point of beginning containing 200 square feet.

4. Names, addresses, and zip codes of all owners of land within 200 feet of the right-of-way to be vacated.

See attached Exhibit "A".

5. Location Map and Site Plan  
See attached Exhibit "B"

**FILED**

JUL 16 2014

*Paula Anderson*  
CITY CLERK

6. Copies of letters from Vectren, AT&T, Time Warner Cable, WOW Communications, Evansville Water and Sewer Utility, the Evansville City Engineer, and the Evansville Fire Department are attached as Exhibits "C" through "I", inclusive.

That none of the above noted utility companies or entities object to the vacation of that part of the easement to be vacated. However, the Evansville City Engineer and the Petitioner, or a subsidiary of the petitioner, have negotiated commitments to drainage and vacation a portion of the specified easement, and said commitment is noted below:

January 23, 2014

Pat Keeper  
City Engineering Office

Dear Pat:

Per a meeting that I had with Mr. Cris Cotton on January 15, 2014 at your office, I am writing to confirm our commitment to improving the drainage concerns at our 5501 Old Booneville Highway site. It is our understanding that improvements are underway for drainage issues at the northern end of this subdivision. Once the City project is substantially complete and after Parson Adhesives has brought their system into compliance, O'Bryan Barrel will bring our system into compliance within 6 months (assuming good weather). We will hire Morley and Associates to review the existing site to determine runoff subbasins, review original drainage plan compliance, and determine if existing pipes and swales need to be replaced or cleaned. The need for on-site storm water detention will also be assessed based on the Vanderburgh County Drainage Ordinance procedures. We will have the hired engineers submit their findings to you for approval, prior to the start of construction.

The drainage easement in conflict with the proposed building will be reconfigured to eliminate the conflict by appropriate vacation and dedication procedures. The easement conflict shall be resolved by May 1, 2014.

Sincerely,

Tim O'Bryan

IN WITNESS THEREOF, the undersigned has caused this petition to be executed this 17<sup>th</sup> day of June, 2014.

Barrel Company Investments, LLC

By: *Arthur J. DiBryan*

Printed: Arthur J. DiBryan

Its: Member

State of Indiana

County of Vanderburgh )  
 ) ss

Before me, the undersigned Notary Public in and for said county and state, personally appeared the above named Arthur J. DiBryan and

\_\_\_\_\_ they being first duly sworn by me upon their oath, says

that the facts alleged in the foregoing Affidavit are true.

Signed and sealed this 17<sup>th</sup> day of June, 2014

*Yvonne A. Silke*

Notary Public

Patricia J. Silke

(printed name)

My commission expires:

01-19-2017

The county of my residence is Warrick County, Indiana

82-06-13-017-170.029-027  
Vaughan, Jerry S.  
PO Box 8221  
Evansville, IN 47716

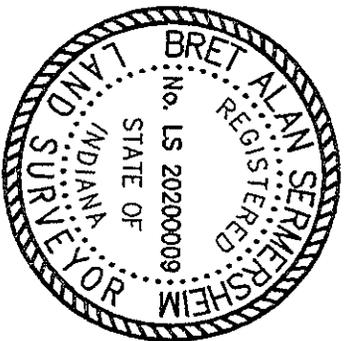
82-06-13-014-194.002-027  
82-06-13-014-194.003-027  
Hoosier Bluegrass LLC  
4763 Rosebud Lane  
Newburgh, IN 47630

82-06-13-017-158.006-027  
Indiana Bell Tele Co. % SBC  
Communications Inc.  
One Bell Center RM 36-M-01  
Saint Louis, MO 63101

82-06-13-017-170.017-027  
BDM Capital One LLC  
4122 Candlewood PL  
Newburgh, IN 47630

## EXHIBIT "A"

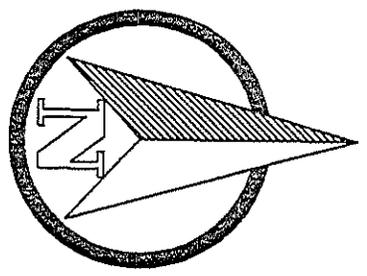
Adjoiners' List  
8319.4.002 A  
Easement Vacate  
March 13, 2014



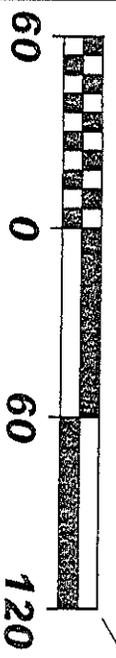
Bret Alan Sermersheim

February 4, 2014

Lot 32



SCALE 1" = 60'



Engineering  
Surveying  
Architecture  
Construction Management

4800 Rosebud Lane  
Newburgh, IN 47630  
(812) 464-9885  
www.morleyandassociates.com

Eastside Industrial Park  
Plat Book L, Page 44

Line Data Table		
Line #	Direction	Length
L1	N 89°59'23" W	25.00'
L2	N 89°36'49" W	5.00'
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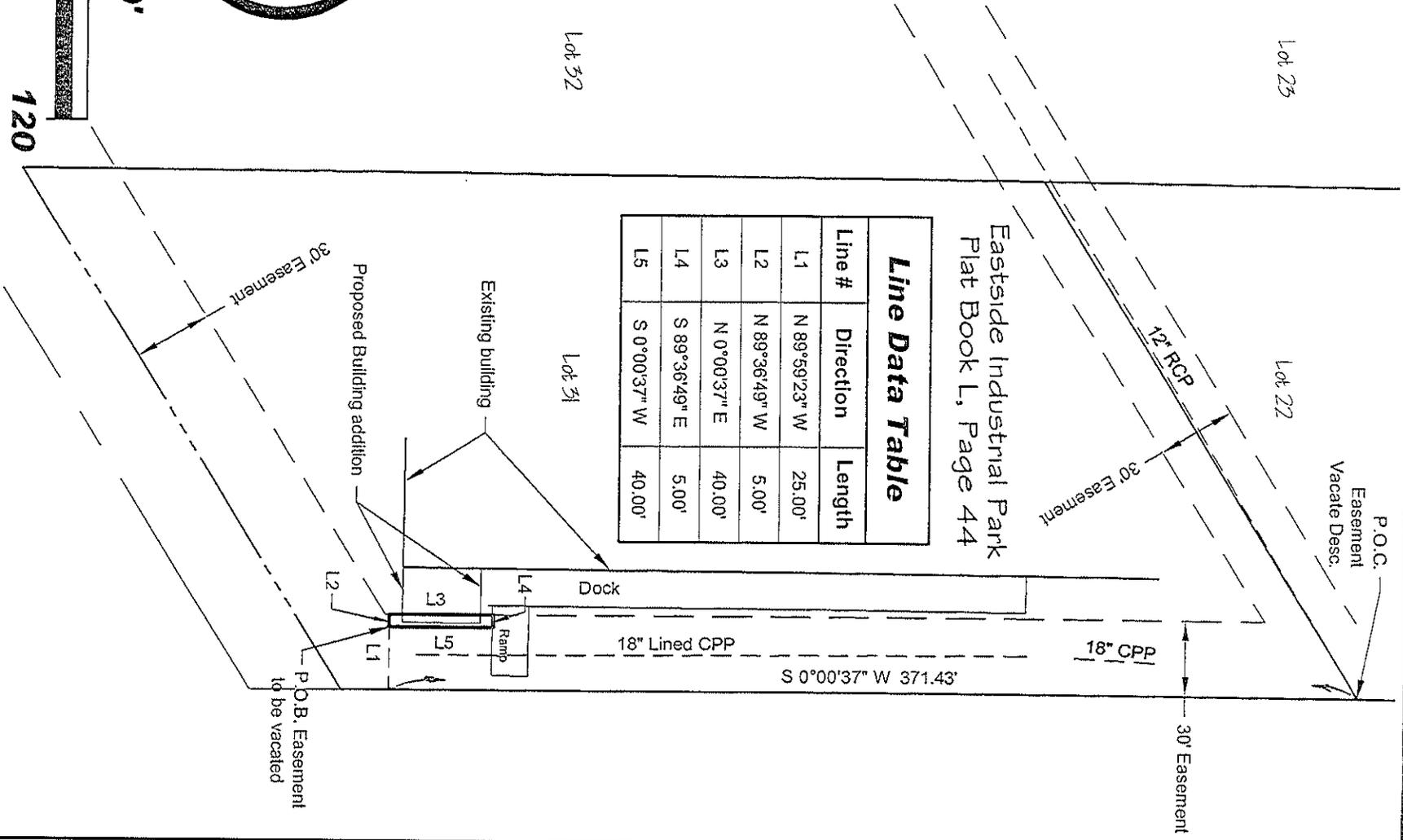


Exhibit "B"

Easement Vacate Exhibit  
Part of Lot 31 - Eastside Ind. Pk.  
5501 Old Boonville Hwy.

Designed By	2	Job Number	8319.A001A
Drawn By	BAS	Date	2/04/2014
Filename	8319esml-vacate.dwg		



**VECTREN**  
Live Smart

Energy Delivery  
P.O. Box 209  
Evansville, Indiana 47702-0209

May 14, 2014

Morley & Associates Inc  
Mr. Bret Semmersheim, P.L.S.  
4800 Rosebud Lane  
Newburgh IN 47630

Re: Vacate 5 ft of existing 30 ft easement as -shown on Exhibit

Dear Mr. Semmersheim:

Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana investigated the area proposed for vacation of 5 ft of existing 30 ft easement as shown on Exhibit "B" attached.

Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana has no facilities located within the above described location according the attached information you provided on February 4, 2014. This company, therefore, has no objection to its vacation.

The consent granted by Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana.

Please forward to me a copy of the recorded ordinance upon passing so that I may update our records. Thank you for your cooperation.

Sincerely,

Becky Merkle  
Right of Way Agent  
Vectren Energy Delivery of Indiana  
812 491 4544

Exh 10/17 "C"



at&t

134 NW Sixth Street  
Evansville, Indiana 47708

January 28, 2014

Ron London, Executive Director  
Evansville-Vanderburgh County Area Plan Commission  
1 N.W. Martin Luther King Jr. Blvd  
Civic Center Complex, Room 312  
Evansville, IN 47708

RE: O'Bryan Barrel Company, Inc.  
Lot 31 – Eastside Industrial Park Easement Release

Mr. London,

AT&T Indiana has no objection to the vacation of the western five feet of the public utility easement along the east side of Lot 31 – Eastside Industrial Park, for a distance of 40', as described in a letter dated January 22, 2014, from James Morley of Morley and Associates, Inc. (attached).

Utility locates indicate AT&T Indiana has no facilities within the aforementioned area. Please email or call me at 812/464-6050 if you have any questions.

Regards,

Marc Clark  
AT&T Design Engineer  
[mcc3429@att.com](mailto:mcc3429@att.com)

1900 N. Fares Ave  
Evansville, Indiana 47711  
Ph: (812)253-2755  
Fax: (812) 909-0293  
Cell: (812) 305-8348



January 23, 2014

Morley & Associates, Inc.  
James E. Morley  
4800 Rosebud Lane  
Newburgh, IN 47630

RE: O'Bryan Barrel Company, Inc.  
Northside of Old Boonville Highway  
Lot 31 - Eastside Industrial Park (East Line)  
M&A project #8319.4.001-A

Dear Mr. Morley,

In reference to your request to do a study regarding the above proposed vacation, Time Warner Cable has conducted a study and found we do not have facilities along the proposed vacate area.

Time Warner Cable does not oppose to the vacation of the 5' for the above mentioned area.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryl Hulsey'.

Daryl Hulsey  
Construction Technician  
Time Warner Cable

Exhibit "E"



It's that kind of experience.

May 30, 2014

Morley and Associates Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Attn: Bret Semmersheim

**RE: O'Bryan Barrel Company, Inc North Side of Old Boonville Highway Lot 31 – Eastside  
Industrial Park (east Line), M&A Project # 8319.4.001-A**

Dear Mr. Semmersheim,

The SIGECOM/WOW Outside Plant Engineering department reviewed the attached drawing. The findings of this review determined that SIGECOM/WOW does not have facilities within the western 5 foot of the existing 30' easement.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the western 5 foot of the existing 30' easement.

This letter granted by SIGECOM/WOW for said vacation is valid for ninety (90) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Rick Bowen  
Outside Construction Manager  
SIGECOM/WOW  
812-437-0395  
rick\_bowen@wideopenwest.com

Cc: file



LLOYD WINNECKE  
MAYOR

**EVANSVILLE WATER &  
SEWER UTILITY**

ALLEN R. MOUNTS  
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana. 47708  
P O Box 19, Evansville, Indiana 47740-0001  
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

February 5, 2014  
Mr. Bret Semmersheim  
Morley and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Re: Proposed Vacation – Lot 31 – Eastside Industrial Park (east line)

Mr. Semmersheim,

This letter is in response to your request to vacate a portion of the existing easement. The portion to be vacated was generally described as a 5' by 40' strip located in the southeast corner of the lot. The Utility has an existing sanitary sewer located in this easement. However due to the easement width, location of the sewer, and depth of the sewer, the Utility has no reservation to this vacation request. If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Labitzke".

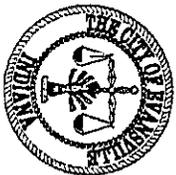
Michael D. Labitzke, PE  
Deputy Director of Utilities - Engineering

The logo for Morley and Associates, Inc., featuring a stylized 'M' and 'A' intertwined.  
MORLEY AND ASSOCIATES, INC.

FEB 06 2014

*Morley and Associates, Inc*

Exhibit "G"



City Engineer's Office  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

RECEIVED

February 12, 2014

FEB 14 2014

*Morley and Associates, Inc*

Mr. Bret A Semmersheim, P.L.S.  
Morley and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Re: Petition for Vacation of Drainage Easement  
O'Bryan Barrel  
5501 Old Boonville Highway

Dear Mr. Semmersheim :

I am writing in regards to the above referenced subject and your letter dated February 4, 2014.

The drainage and public utility easement proposed to be vacated is along the Eastern boundary of the Eastside Industrial Park Subdivision. As the City Engineering Department and O'Bryan Barrel have negotiated commitments pertaining to drainage and vacation of the specified easement as outlined in the attached January 22, 2013 letter, the City Engineering Department has no objections to the vacation.

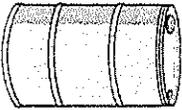
If you have any questions, please contact me at (812) 436-4990.

For the City Engineer's Office,

*J. Chris Cotton, P.E.*  
J. Chris Cotton, P.E.  
Assistant City Engineer

cc: Patrick R. Keepes, P.E., City Engineer  
File

*Exhibit "A"*



# O'BRYAN BARREL COMPANY, INC.

5501 OLD BOONVILLE HIGHWAY • EVANSVILLE, IN 47715

PHONE (812) 479-6741 • 1-800-355-3786 • FAX (812) 474-6187

WEBSITE: [www.obryanbarrel.com](http://www.obryanbarrel.com) • E-MAIL: [sales@obryanbarrel.com](mailto:sales@obryanbarrel.com)



January 23, 2014

Pat Keepes  
City Engineering Office

Dear Pat:

Per a meeting that I had with Mr. Cris Cotton on January 15, 2014 at your office, I am writing to confirm our commitment to improving the drainage concerns at our 5501 Old Booneville Highway site. It is our understanding that improvements are underway for drainage issues at the northern end of this subdivision. Once the City project is substantially complete and after Parson Adhesives has brought their system into compliance, O'Bryan Barrel will bring our system into compliance within 6 months (assuming good weather). We will hire Morley and Associates to review the existing site to determine runoff subbasins, review original drainage plan compliance, and determine if existing pipes and swales need to be replaced or cleaned. The need for on-site storm water detention will also be assessed based on the Vanderburgh County Drainage Ordinance procedures. We will have the hired engineers submit their findings to you for approval, prior to the start of construction.

The drainage easement in conflict with the proposed building will be reconfigured to eliminate the conflict by appropriate vacation and dedication procedures. The easement conflict shall be resolved by May 1, 2014.

Sincerely,



Tim O'Bryan

EXHIBIT "H"

**Bret Sermersheim**

---

**From:** Singer, Brian [Bsinger@evansvillefiredepartment.com]  
**Sent:** Friday, February 07, 2014 8:25 AM  
**To:** Bret Sermersheim  
**Subject:** O'Bryan Barrel vacation

The Evansville Fire Department has no issues with the vacation of the easement for the O'Bryan Barrel expansion project.

Brian R. Singer  
Fire Marshal  
Evansville Fire Department  
550 SE Eighth St.  
Evansville, IN 47713  
Phone: (812)436-4423  
Fax: (812)435-6248  
E-mail: [bsinger@evansvillefiredepartment.com](mailto:bsinger@evansvillefiredepartment.com)

*Exhibit "I"*