

ORDINANCE NO. G - 2016 - 09

INTRODUCED BY: JONATHAN WEAVER
COMMITTEE: PUBLIC WORKS

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS THE RIGHT-OF-WAY OF 5TH STREET, IN THE CITY OF EVANSVILLE, INDIANA.

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, et seq., a sworn petition was presented to the Common Council of the City of Evansville, Indiana, requesting that the public place or public way described in Section III below be vacated by the City of Evansville, Indiana.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council of the City of Evansville, Indiana, 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, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached as Exhibit A, which is made a part of this Ordinance:

That portion of Fifth Street being 60.00 feet in width and running from the southeasterly right-of-way of Walnut Street in a southeasterly direction 198.60 feet, bordered by Lots 1,8,9 and 10 of Hunnells County, Indiana, recorded in Plat Book C, page 280 to the southwest; Lot 239 of Donation Enlargement as per plat thereof recorded in Plat Book E, pages 6 and 7; and Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement of the City of Evansville, as per plat thereof recorded in Deed Record E, pages 415 and 416 and transcribed of record in Plat Book A, pages 142, 143 and 144 and re-transcribed of record in Plat Book E, pages 16, 17 and 18 Vanderburgh County, Indiana, in the office of the Recorder of Vanderburgh County, Indiana, all of which is more particularly described by metes and bounds as follows:

FILED

FEB 01 2016

Anna Madhore
CITY CLERK

Beginning at the westerly-most corner of Lot 1 in Block 25, also being the southeast corner of the intersection formed by Walnut Street and Fifth Street; thence South 32 degrees 25 minutes 11 seconds East 198.60 feet along the northeasterly right-of-way of Fifth Street, also being the southwesterly line of Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement to the southwest corner of Lot 8 in said Block 25; thence South 57 degrees 36 minutes 24 seconds West 60.00 feet to a point on the northeasterly line of Lot 239 of Donation Enlargement; thence North 32 degrees 25 minutes 11 seconds West 198.60 feet along the northeasterly line of Lot 239 of Donation Enlargement and Lots 1,8,9 and 10 of Hunnells Subdivision to the northerly-most corner of Lot 1 in Hunnells Subdivision, which forms the southwest corner of the intersection of Fifth Street and Walnut Street; thence North 57 degrees 36 minutes 17 seconds East 60.00 feet along the southeasterly right-of-way of Walnut Street to the POINT OF BEGINNING

(the "Public Way")

Section IV. That the vacation of the public way described in Section III above shall be subject to the following easements::

A. Evansville Water and Sewer Utility – A 12' water line centered over the existing waterline;

B. WOW! – An easement for the placement and maintenance of telecommunications facilities that lie within they Public Way;

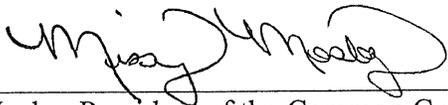
C. AT&T–Indiana Bell Telephone Company, Incorporated – A non-exclusive easement within the Public Way in favor of Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana, an Indiana coronation, and its affiliates and licensees, successors and assigns, in, under, over, upon and across the Public Way, for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provisions of communications, video and/or information services and/or any other services or uses for which such facilities may be used, including, but not limited to, equipment cabinets or enclosures and support posts or pads, cables,, wires, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the Public Way to provide service to such facilities, the right to remove or trim trees or brush as is necessary to exercise the rights conveyed herein, and the right of ingress and egress across the property and the Public Way;

D. Southern Indiana Gas & Electric Co., d/b/a Vectren Energy Delivery of Indiana, Inc. (the "Company") – An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities or above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked "Exhibit A",

together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strip of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or public place 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 that portion of the public way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 22 day of February, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.



Missy Mosby, President of the Common Council,
City of Evansville, Indiana

ATTEST: Laura Windhorst
Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 24 day of February 2016, at 3:00 o'clock P.m. for his consideration and action thereon.

Laura Windhorst
Laura Windhorst, City Clerk
City of Evansville, Indiana

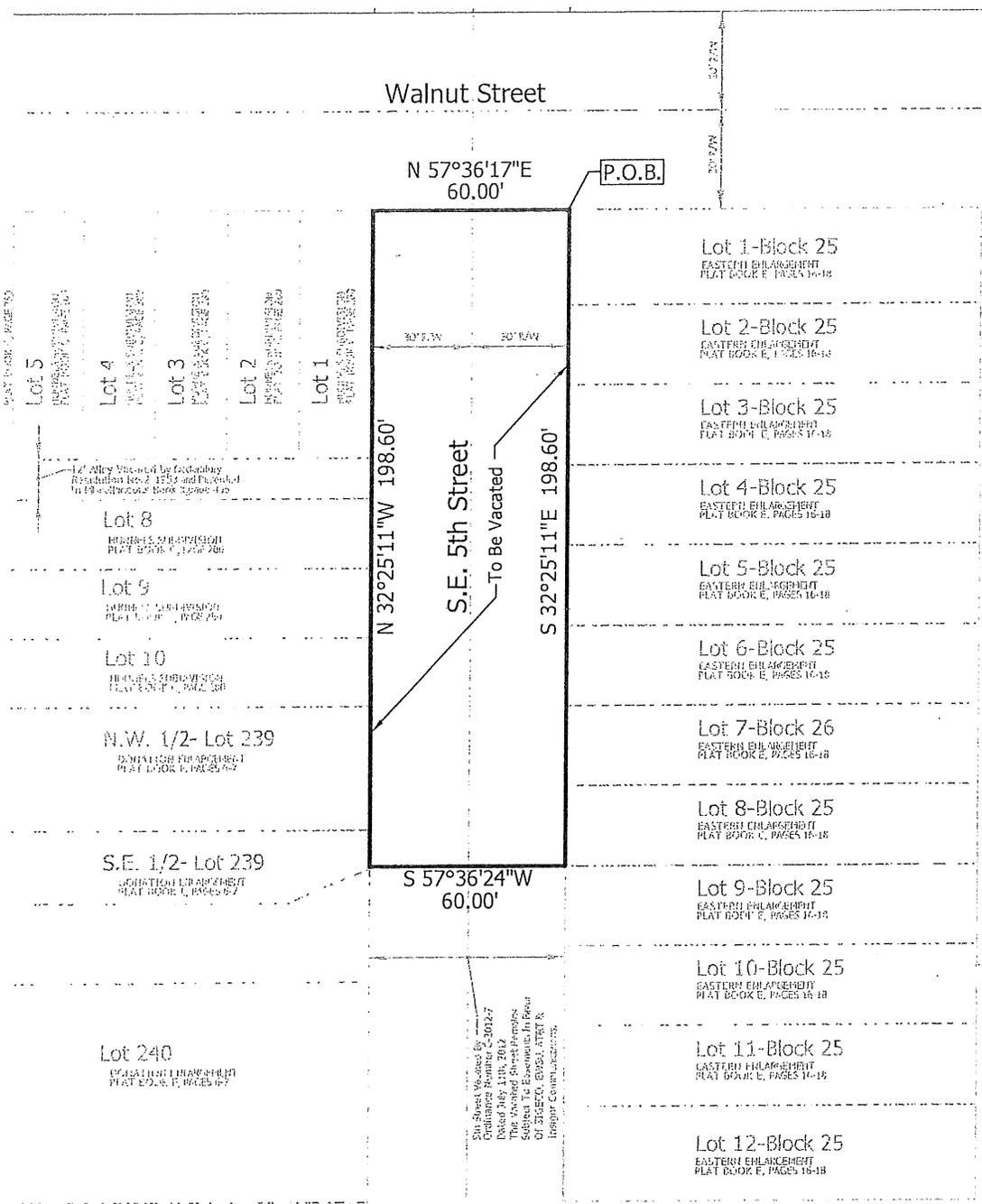
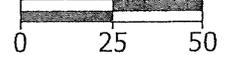
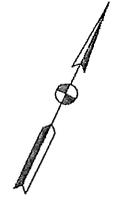
Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 25th day of FEBRUARY, 2016, at 10:00 o'clock A.m.



Lloyd Winnecke, Mayor
City of Evansville, Indiana

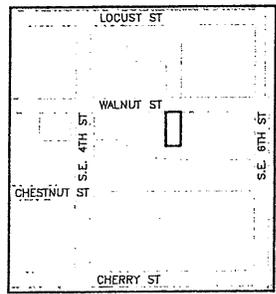
APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATION COUNSEL

EXHIBIT "A"



1/2 Acre Vacated by Cook County Resolution No. 2-1153 and Repealed in Cook County Cook County 4-12

This Sheet Vacated By Ordinance Number C-2012-7 This Ordinance Is In Effect This Ordinance Is Subject To Exemption In Favor OF STATE, FEDERAL, AND Regular Communications



ISSUED	0		
REVISION	NO.	DATE	

**VACATION OF 5th STREET DRAWING
198.60 FOOT FROM WALNUT STREET TO
VACATED 5th STREET (PER ORD. No. G-2012-7)**



6200 Vogel Road Evansville, Indiana 47715
Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY: D.A.G.	DATE: 3/24/15
CHECKED BY: J.A.F.	SCALE: 1"=50'
LOCH. GROUP PROJECT NO. 114-0070	

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH)

SS:

ORDINANCE NO. G-2016- 09

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA

IN THE MATTER OF THE PETITION FOR VACATION OF
A PLATTED PUBLIC WAY OR PLACE

PETITION FOR VACATION OF RIGHT-OF-WAY

Evansville HealthRealty, L.L.C., by counsel, hereby petitions the Common Council of the City of Evansville, Indiana, pursuant to the provisions of Section 12.05.450, et seq., of the Municipal Code of Evansville, to vacate the public right-of-way of 5th Street, as described below, in the City of Evansville, Indiana (the "Public Way"). In support of this Petition, Evansville HealthRealty, L.L.C. states as follows.

1. Evansville HealthRealty, L.L.C., is an Indiana limited liability company. The names and mailing addresses of its Manager is set forth on Exhibit "A."
2. Evansville HealthRealty, L.L.C., owns the real estate adjacent to the Public Way and has plans to construct a medical school and related facilities on the property.
3. The Public Way is currently used and maintained as a public road or right-of-way.
4. The legal description of the Public Way, signed and certified by an Indiana registered surveyor, is attached hereto and incorporated herein as Exhibit "B."
5. The correct names, addresses and zip codes of all abutting owners of land are shown on Exhibit "C," attached hereto.
6. A site plan and location map showing the general location, the existing conditions and proposed changes with the Public Way marked "TO BE VACATED" is attached hereto and made a part hereof as Exhibit "D."

7. The following utilities have consented to the proposed vacation and do not require easements as evidenced by the letters attached hereto as Exhibit "E":

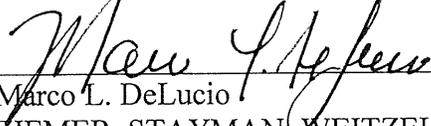
- City Engineer's Office and Department of Transportation Services
- Evansville Fire Department
- Time Warner Cable

8. The following utilities/departments have consented to the proposed vacation provided they are granted easements within the vacated Public Way as evidenced by their letters attached hereto as Exhibit "F":

- WOW!
- Southern Indiana Gas & Electric Company, d/b/a Vectren Energy Delivery of Indiana, Inc.
- Evansville Water and Sewer Utility
- AT&T

WHEREFORE, Evansville HealthRealty, L.L.C., respectfully requests the Common Council of the City of Evansville, Indiana to vacate the Public Way.

EVANSVILLE HEALTHREALTY, L.L.C.



Marco L. DeLucio
ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
P. O. Box 916
Evansville, Indiana 47706-0916
Phone: 812-424-7575
Fax: 812-421-5089

Attorney for Petitioner

APPROVED AS TO FORM

[Signature]
Fred C. Ziemer, Jr.

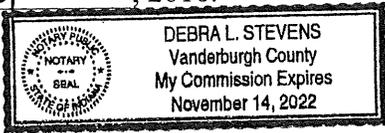
ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
P. O. Box 916
Evansville, Indiana 47706-0916
Phone: 812-424-7575
Fax: 812-421-5089

STATE OF INDIANA)

SS:

COUNTY OF VANDERBURGH)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 3rd day of January, 2016.



[Signature]
_____, Notary Public

County of Residence

My Commission Expires

EXHIBIT "A"

The applicant is:

Evansville HealthRealty, LLC
401 NW First Street
Evansville, IN 47708

The sole manager of Evansville HealthRealty, LLC is:

US HealthRealty, LLC
5000 Meridian Blvd, Suite 100
Franklin, TN 37064

EXHIBIT "B"
LEGAL DESCRIPTION

SEE FOLLOWING PAGE

VACATION OF 5TH STREET DESCRIPTION
198.60 FOOT FROM WALNUT STREET TO VACATED 5TH STREET (PER ORD. No. G-2012-7)
MARCH 24, 2015

That portion of Fifth Street being 60.00 feet in width and running from the southeasterly right-of-way of Walnut Street in a southeasterly direction 198.60 feet, bordered by Lots 1, 8, 9 and 10 of Hunnells Subdivision of Lots 237 and 238 in Donation Enlargement of the City of Evansville, Vanderburgh County, Indiana, recorded in Plat Book C, page 280 to the southwest; Lot 239 of Donation Enlargement as per plat thereof recorded in Plat Book E, pages 6 and 7; and Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement of the City of Evansville, as per plat thereof recorded in Deed Record E, pages 415 and 416 and transcribed of record in Plat Book A, pages 142, 143 and 144 and re-transcribed of record in Plat Book E, pages 16, 17, and 18 Vanderburgh County, Indiana, in the office of the Recorder of Vanderburgh County, Indiana, all of which is more particularly described by metes and bounds as follows:

BEGINNING at the westerly-most corner of Lot 1 in Block 25, also being the southeast corner of the intersection formed by Walnut Street and Fifth Street; thence South 32 degrees 25 minutes 11 seconds East 198.60 feet along the northeasterly right-of-way of Fifth Street, also being the southwesterly line of Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement to the southwest corner of Lot 8 in said Block 25; thence South 57 degrees 36 minutes 24 seconds West 60.00 feet to a point on the northeasterly line of Lot 239 of Donation Enlargement; thence North 32 degrees 25 minutes 11 seconds West 198.60 feet along the northeasterly line of Lot 239 of Donation Enlargement and Lots 1, 8, 9 and 10 of Hunnells Subdivision to the northerly-most corner of Lot 1 in Hunnells Subdivision, which forms the southwest corner of the intersection of Fifth Street and Walnut Street; thence North 57 degrees 36 minutes 17 seconds East 60.00 feet along the southeasterly right-of-way of Walnut Street to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.



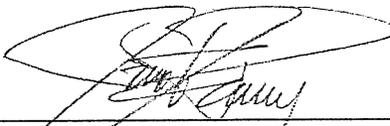

James A. Farny, P.S.
Indiana Registration No. S80040051

EXHIBIT "C"

PROPERTY OWNERS WITHIN 200 FEET

SEE FOLLOWING PAGE

I U Medical - Alleys Street Vacations
 Abutting Property Owners
 January 29, 2016

Owner	Mailing Address	City	Zip	Property Address	Parcel No.
Alley Vacation between 4th/5th & Locust/Walnut					
Alley Vacation between Lots in Hallock/Stoddard					
Fifth Street Vacation between 4th & 6th S of Walnut St					
1	Chestnut Street Properties I LLC	Evansville	IN 47713	215 SE 4th Street	82-06-30-020-020.004-029
02	HTA Evansville Fourth LLC	Scottsdale	AZ 85254	16435 N Scottsdale Rd-Ste 320	212 SE Fourth St 82-06-30-020-030.018-029
03	HTA Evansville Main LLC	Scottsdale	AZ 85254	16435 N Scottsdale Rd-Ste 320	216 SE Fifth St 82-06-30-020-032.015-029
04	HTA Evansville Main LLC	Scottsdale	AZ 85254	16435 N Scottsdale Rd-Ste 320	421 Chestnut St 82-06-30-020-030.001-029
5	Crow, Robert T	Evansville	IN 47715	5815 Madison Ave	318 Walnut St 82-06-30-020-019.016-029
6	Reising, Raymond F	Evansville	IN 47713	1311 SE 2nd St	102-104 SE Fourth St 82-06-30-020-029.009-029
6a	Reising, Raymond F	Evansville	IN 47713	1311 SE 2nd St	112-122 SE Fourth St 82-06-30-020-029.015-029
7	Holwegger Mgt Partnership LP	Evansville	IN 47714	955 A S Hebron Ave	508 Locust St 82-06-30-020-034.014-029
8	Hands On Discovery Inc	Evansville	IN 47701	P.O. Box 122	22 SE Fifth St 82-06-30-020-034.017-029
9	City of Evansville Dept of Redevelopment	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 304	15 SE Fifth St 82-06-30-020-028.018-029
10	City of Evansville Dept of Redevelopment	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 306	22 SE Fourth St 82-06-30-020-028.001-029
11	Evansville Redevelopment Authority	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 306	601 Main St 82-06-30-020-040.001-029
12	City of Evansville Dept of Redevelopment	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 306	Pt Arena Tract 82-06-30-020-041.017-029
13	City of Evansville Dept of Redevelopment	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 306	614 Walnut St 82-06-30-020-041.010-029
14	HCW Evansville Hotel LLC, Attn: Richard Huffman	Branson	MO 65616	153 S. Payne Stewart Dr	601 Walnut St 82-06-30-020-106.001-029
15	City of Evansville Dept of Redevelopment	Evansville	IN 47708	1 NW MLK Jr Blvd-Rm 306	225 SE MLK Jr Blvd 82-06-30-020-106.002-029
25	Rennie, Douglas A & Maria J Nichols-Rennie H/W	Evansville	IN 47714	527 S Villa Dr	100 SE Fourth St 82-06-30-020-029.007-029
26	Luxury Leasing LLC	Evansville	IN 47715	5701 Washington Ave	411-413 Locust St 82-06-30-020-029.010-029
27	LOML Properties LLC	Evansville	IN 47708	101 SE Fourth St	101-105 SE Fourth St 82-06-30-020-019.007-029
28	Goldman, Robert T	Evansville	IN 47708	107 SE Fourth St	107 SE Fourth St 82-06-30-020-019.008-029
29	Kissel, Matthew J	Evansville	IN 47713	219 Oak Street Rear	113 SE Fourth St 82-06-30-020-019.010-029
30	Grampp, Glenn A	Evansville	IN 47733-3401	P.O. Box 3401	115-117 SE Fourth St 82-06-30-020-019.011-029
31	Dodd, Jaya C	Evansville	IN 47708	119 SE Fourth St	119 SE Fourth St 82-06-30-020-019.012-029
32	Dodd, Jaya C	Evansville	IN 47708	119 SE Fourth St	123 SE Fourth St 82-06-30-020-019.013-029
36	New Odyssey Investments, LLC	Evansville	IN 47715	200 N Green River Rd	201 SE Fourth St 82-06-30-020-020.001-029
37	Marshall, Shelby & Theresa	Evansville	IN 47702	P.O. Box 252	211 SE Fourth St 82-06-30-020-020.003-029

EXHIBIT "D"

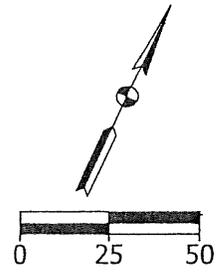
SITE PLAN/LOCATION MAP

SEE FOLLOWING PAGE

Walnut Street

N 57°36'17"E
60.00'

P.O.B.



PLAT BOOK & PAGE NO

Lot 5
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 4
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 3
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 2
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 1
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

N 32°25'11"W 198.60'

S.E. 5th Street

To Be Vacated

S 32°25'11"E 198.60'

Lot 1-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 2-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 3-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 4-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 5-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 6-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 7-Block 26
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 8-Block 25
EASTERN ENLARGEMENT
PLAT BOOK C, PAGES 16-18

Lot 9-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 10-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 11-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 12-Block 25
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 8
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 9
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 10
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

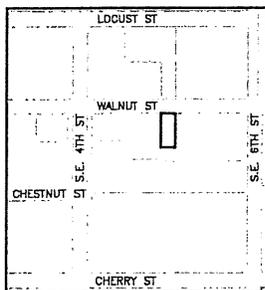
N.W. 1/2- Lot 239
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

S.E. 1/2- Lot 239
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

Lot 240
EASTERN ENLARGEMENT
PLAT BOOK E, PAGES 16-18

S 57°36'24"W
60.00'

This site is subject to the
City of Evansville
Ordinance, Ordinance 2-2007,
Ordinance 307, 11/19, 2012
The 75' wide 5th Street Frontage
Subject To Easements In Favor
Of SISECO, INC./AT&T, AT&T R.
Insight Communications.



VACATION OF 5th STREET DRAWING
198.60 FOOT FROM WALNUT STREET TO
VACATED 5th STREET (PER ORD. No. G-2012-7)

ISSUED	0	
REVISION	NO.	DATE

LOCHMUELLER GROUP
6200 Vogel Road Evansville, Indiana 47715
Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY: D.A.G.	DATE: 3/24/15
CHECKED BY: J.A.F.	SCALE: 1"=50'
LOCH. GROUP PROJECT NO. 114-0070	

EXHIBIT "E"

UTILITY/DEPARTMENT LETTERS – NO EASEMENT REQUIRED



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

August 14, 2015

Marco L. Delucio
Ziemer, Stayman, Weitzel & Shoulders
20 NW First Street, 9th Floor
PO Box 916
Evansville, IN 47706

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Delucio;

We recognize & acknowledge request for Vacation Right-of-way of SE Fifth Street referenced on the Vacation of 5th Street Drawing, Vacation Documents, Vanderburgh County, Indiana.

- 1) Existing easement for SE Fifth Street, running southeast from Walnut Street, approx. 198.60' at a dimension of 60.00' in width. This roadway dead ends into a previously vacated section now known as Deaconess Clinic Parking Lot.

Existing Conditions: Street/Roadway

Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.

Sincerely,

Dan Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428





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

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

August 11, 2015

Marco L. DeLucio
Ziemer Stayman Weitzel Shoulders LLP
20 NW First Street
Ninth Floor, PO Box 916
Evansville, IN 47706-0916

Re: 5th Street - Proposed Vacation of Public Way, Evansville Health Realty, LLC

Dear Mr. DeLucio,

In regards to your letter dated August 11, 2015, the supplied legal description executed March 25, 2015, and the supplied drawing dated 3/24/15 (all attached for reference), the following comments are provided:

Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation. Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", enclosed within a large, loopy circular flourish.

By: Chris Weil, P.E.
Assistant City Engineer

Attachments

Cc: File

Debbie Stevens

From: Cruse, Jim
Sent: Wednesday, August 12, 2015 8:35 AM
To: Debbie Stevens
Cc: jfarny@lochgroup.com; Schmitt, Brent A.
Subject: RE: IU Med Center

Debbie,

You will receive a response letter from the City Engineering Department which will also cover the Traffic Engineering Department.

Thanks,
Jim

From: Debbie Stevens [<mailto:dstevens@zsws.com>]
Sent: Tuesday, August 11, 2015 4:37 PM
To: Cruse, Jim
Cc: jfarny@lochgroup.com
Subject: IU Med Center

Mr. Cruse,

As you know, we represent Evansville Health Realty L.L.C. the developer for the IU Med School (the "Med School Project"). We are in the process of vacating a street and two (and maybe three) alleys for the Med School Project which will be accomplished by filing 3 (maybe 4) separate Petitions to Vacate. Attached is a letter requesting your input as required by the City Code for the vacation request. We would like to be in position to file this Petition by August 17. As such, your prompt attention to this matter would be appreciated

Please feel free to contact me with any questions you may have.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS & ASSOCIATES, P.C.
ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

PHONE (812)424-7575 | FAX (812)421-5089 | ZSWS.COM

This e-mail message is for the sole use of the intended recipient(s), and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.



ZIEMER STAYMAN
WEITZEL SHOULDERS LLP
ATTORNEYS AT LAW

20 NW FIRST STREET NINTH FLOOR PO BOX 916
EVANSVILLE INDIANA 47706-0916
PHONE 812 424 7575 FAX 812 421 5089
ZSWS.COM

Writer's E-mail: MDeLucio@zsws.com

August 11, 2015

VIA E-MAIL – baschmitt@evansville.in.gov

Brent A. Schmitt, P.E., City Engineer
Room 321
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – 5th Street

Dear Mr. Schmitt:

A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as 5th Street, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please review the same for any impact from the standpoint of the City Engineer's office as to public safety and tender your findings to me in writing.

Please do not hesitate to contact me via email or telephone with any questions.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

A handwritten signature in black ink, appearing to read 'M. DeLucio', written over a faint, larger signature.

Marco L. DeLucio
Attorney for Petitioner

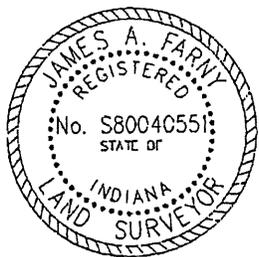
Enclosures

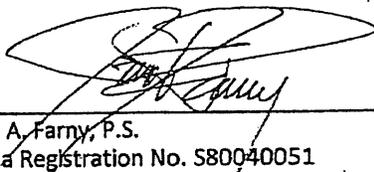
VACATION OF 5TH STREET DESCRIPTION
198.60 FOOT FROM WALNUT STREET TO VACATED 5TH STREET (PER ORD. No. G-2012-7)
MARCH 24, 2015

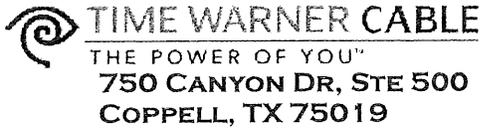
That portion of Fifth Street being 60.00 feet in width and running from the southeasterly right-of-way of Walnut Street in a southeasterly direction 198.60 feet, bordered by Lots 1, 8, 9 and 10 of Hunnells Subdivision of Lots 237 and 238 in Donation Enlargement of the City of Evansville, Vanderburgh County, Indiana, recorded in Plat Book C, page 280 to the southwest; Lot 239 of Donation Enlargement as per plat thereof recorded in Plat Book E, pages 6 and 7; and Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement of the City of Evansville, as per plat thereof recorded in Deed Record E, pages 415 and 416 and transcribed of record in Plat Book A, pages 142, 143 and 144 and re-transcribed of record in Plat Book E, pages 16, 17, and 18 Vanderburgh County, Indiana, in the office of the Recorder of Vanderburgh County, Indiana, all of which is more particularly described by metes and bounds as follows:

BEGINNING at the westerly-most corner of Lot 1 in Block 25, also being the southeast corner of the intersection formed by Walnut Street and Fifth Street; thence South 32 degrees 25 minutes 11 seconds East 198.60 feet along the northeasterly right-of-way of Fifth Street, also being the southwesterly line of Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement to the southwest corner of Lot 8 in said Block 25; thence South 57 degrees 36 minutes 24 seconds West 60.00 feet to a point on the northeasterly line of Lot 239 of Donation Enlargement; thence North 32 degrees 25 minutes 11 seconds West 198.60 feet along the northeasterly line of Lot 239 of Donation Enlargement and Lots 1, 8, 9 and 10 of Hunnells Subdivision to the northerly-most corner of Lot 1 in Hunnells Subdivision, which forms the southwest corner of the intersection of Fifth Street and Walnut Street; thence North 57 degrees 36 minutes 17 seconds East 60.00 feet along the southeasterly right-of-way of Walnut Street to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.




James A. Farny, P.S.
Indiana Registration No. S80040051



October 12, 2015

Marco L. Delucio
ZSWS
20 NW First St 9th Floor | PO Box 916
Evansville, IN 47706

SUBJECT: IU Med Center 2

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment 5th St south of Walnut near Chestnut St in Evansville, IN.

If applicable, please contact the INDIANA Excavation Safety System (INDIANA 811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,



Lisa Law

Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

EXHIBIT "F"

UTILITY/DEPARTMENT LETTERS – EASEMENTS REQUIRED

Marco DeLucio

From: Thomas Cheski
Sent: Monday, December 07, 2015 10:57 AM
To: Marco DeLucio
Cc: James Detalente; Christian Andersen
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street



It's that kind of experience.

December 7, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

Re: Evansville Health Realty L.L.C.
Petition for Vacation of Right-of-Way – 5th St.

Mr. Delucio,

The SIGECOM/WOW Outside Plant Engineering department reviewed the request for the vacation of the 5th St. right-of-way Between Walnut and Chestnut Streets as depicted on your drawing titled "Vacation of 5th Street Drawing. The findings of this review determined that SIGECOM/WOW does have aerial cabling facilities within the right-of-way of the 5th St. right-of-way Between Walnut and Chestnut Streets in Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the 5th St. right-of-way. SIGECOM/WOW will need to retain an easement granted in its favor on 5th St for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) 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,



Tom Cheski
Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com

From: Marco DeLucio [mailto:mdelucio@zsws.com]
Sent: Sunday, December 06, 2015 10:52 AM
To: Thomas Cheski
Cc: James Detalente; Christian Andersen
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street

Mr Cheski,

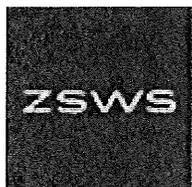
Thanks for your letter of October 28 (see below). We have a couple of requests:

First, we believe there is a typo in your letter below in the second paragraph. I have highlighted the words South Englewood Ave. I believe this should read Fifth Street. If you agree, please re-issue a corrected letter.

Second, we have also not received responses to vacation requests we sent to WOW back in August-both of which related to the same IU Medical School Project. Attached are those letters. Would you kindly let us know if WOW approves these other two vacation requests and whether any easements need to be maintained in the alleys to be vacated?

We await your response.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS LLP

ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

This e-mail message is for the sole use of the intended recipient(s), and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Thomas Cheski [<mailto:thomas.cheski@wowinc.com>]
Sent: Wednesday, October 28, 2015 10:59 AM
To: MDeLucio@zsws.com
Cc: James Detalente; Christian Andersen
Subject: Petition for Vacation of Right-of-Way – 5th Street

October 28, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

Re: Evansville Health Realty L.L.C.
Petition for Vacation of Right-of-Way – 5th St.

Mr. Delucio,

The SIGECOM/WOW Outside Plant Engineering department reviewed the request for the vacation of the 5th St. right-of-way Between Walnut and Chestnut Streets as depicted on your drawing titled “Vacation of 5th Street Drawing. The findings of this review determined that SIGECOM/WOW does have aerial cabling facilities within the right-of-way of the 5th St. right-of-way Between Walnut and Chestnut Streets in Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the 5th St. right-of-way. SIGECOM/WOW will need to retain an easement granted in its favor on South Englewood Avenue for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) 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,

A handwritten signature in black ink, appearing to read 'Tom Cheski', with a large, sweeping flourish at the end.

Tom Cheski
Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com



August 13, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First Street 9th Floor
PO Box 916
Evansville, Indiana 47706

Re: Evansville Health Realty, L.L.C.
Petition for Vacation of Right-of-Way – 5th St

Dear Mr. Delucio,

I have reviewed our records related to your request for the vacation of 5th Street right-of-way between Walnut Street and Chestnut St as depicted on your drawing titled "Vacation of 5th Street Drawing", sent to AT&T on 8/11/15.

AT&T has no objections to the vacation of the indicated right-of-way, subject to reservations of easement as follows:

AT&T has existing facilities - consisting of a combination of conduit and underground cables within portions of the indicated right-of-way. AT&T reserves easement rights therein for Indiana Bell Telephone Company, Incorporated dba AT&T Indiana, an Indiana Corporation, and its affiliates and licensees, successors and assigns a non-exclusive easement in, under, over, upon and across the Easement Area, for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to, equipment cabinets or enclosures and support posts or pads, cables, wires, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the Property and Easement Area to provide service to such facilities, the right to remove or trim trees or brush as is necessary to exercise the rights conveyed herein, and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the easement.

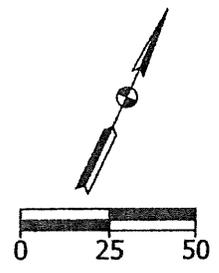
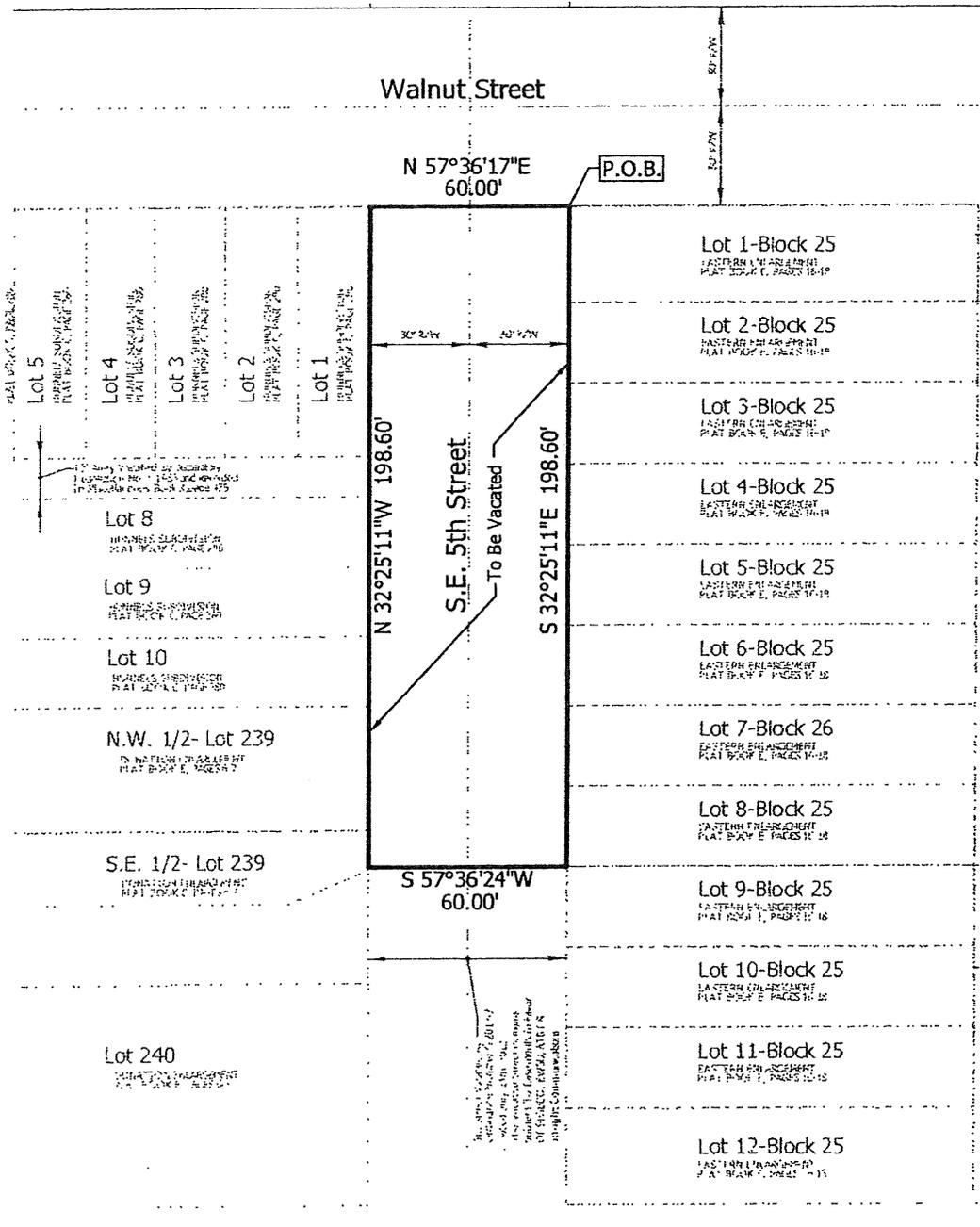
If your client will require the relocation of AT&T's facilities please contact the AT&T Custom Work Order Group (1/888/901/2779) to obtain a cost estimate.

Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink, appearing to read "Andy Polz".

Andy Polz
AT&T Engineering Department
Office: 812-464-6055
Email: af1896@att.com



Lot 5
 Lot 4
 Lot 3
 Lot 2
 Lot 1

Lot 8
 Lot 9
 Lot 10

N.W. 1/2- Lot 239
 S.E. 1/2- Lot 239

Lot 240

Lot 1-Block 25

Lot 2-Block 25

Lot 3-Block 25

Lot 4-Block 25

Lot 5-Block 25

Lot 6-Block 25

Lot 7-Block 26

Lot 8-Block 25

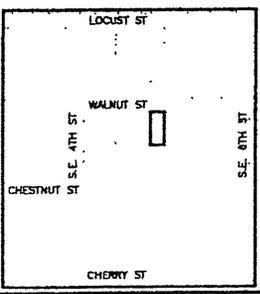
Lot 9-Block 25

Lot 10-Block 25

Lot 11-Block 25

Lot 12-Block 25

The above plat is subject to
 all other laws, ordinances, rules,
 regulations, orders, and decrees
 of the City of Evansville, Indiana,
 and the State of Indiana, and
 any other laws, ordinances, rules,
 regulations, orders, and decrees
 of the State of Indiana.



REVISION	NO.	DATE
ISSUED	0	

**VACATION OF 5th STREET DRAWING
198.60 FOOT FROM WALNUT STREET TO
VACATED 5th STREET (PER ORD. No. G-2012-7)**


 6200 Vogel Road Evansville, Indiana 47715
 Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY:	DATE:
D.A.G.	3/24/15
CHECKED BY:	SCALE:
J.A.F.	1"=50'
LOCH. GROUP PROJECT NO.	
114-0070	



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

August 12, 2015

Mr. Marco L. DeLucio
20 NW First Street, 9th Floor
P.O. Box 916
Evansville, IN 47706-0916

Re.: Proposed Vacation – Fifth Street from Walnut Street SE 198.60’.

Mr. DeLucio,

This letter is in response to your request to vacate existing right of way along Fifth Street from Walnut Street to the southeast 198.60 feet. The Evansville Water and Sewer Utility (EWSU) have the following requirements:

A water line exists in this corridor. The EWSU requires a 12-foot water line easement centered over the existing water line until a time the water line is relocated or the hydrant it serves southeast of the vacation is no longer necessary.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Labitzke".

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



ZIEMER STAYMAN
WEITZEL SHOULDERS LLP
ATTORNEYS AT LAW

200 W. FIRST STREET NINTH FLOOR PO BOX 916
EVANSVILLE INDIANA 47703-0916
PHONE 812 424 7575 FAX 812 421 5384
ZSWS.COM

August 11, 2015

VIA E-MAIL: mlabitzke@ewsu.com

Evansville Water / Sewer Utility
Michael D. Labitzke, P.E.
Deputy Director of Utilities – Engineering
P.O. Box 19
Evansville, Indiana 47740

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – 5th Street

Dear Mr. Labitzke:

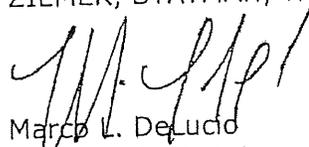
A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as 5th Street, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please let me know as soon as possible whether the above-described property to be vacated is subject to an easement in favor of Evansville Water & Sewer and if so, please provide me with the required easement language.

Should you have any questions or concerns with this matter, do not hesitate to contact me.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP


Marco L. DeLuca
Attorney for Petitioner

Enclosure

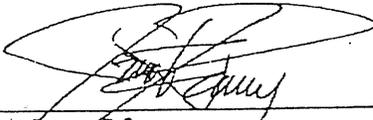
VACATION OF 5TH STREET DESCRIPTION
198.60 FOOT FROM WALNUT STREET TO VACATED 5TH STREET (PER ORD. No. G-2012-7)
MARCH 24, 2015

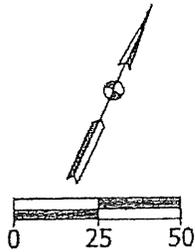
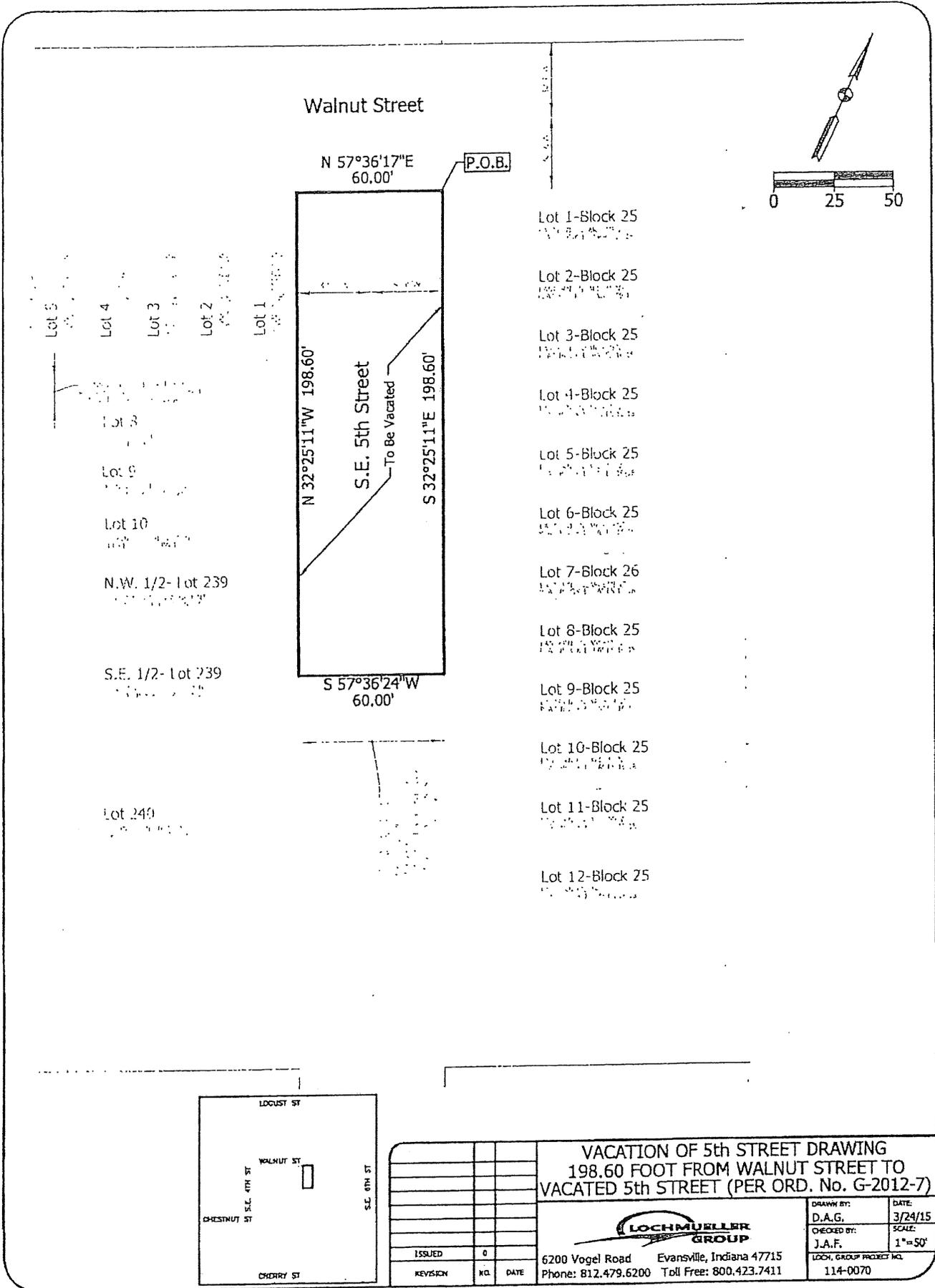
That portion of Fifth Street being 60.00 feet in width and running from the southeasterly right-of-way of Walnut Street in a southeasterly direction 198.60 feet, bordered by Lots 1, 8, 9 and 10 of Hunnells Subdivision of Lots 237 and 238 in Donation Enlargement of the City of Evansville, Vanderburgh County, Indiana, recorded in Plat Book C, page 280 to the southwest; Lot 239 of Donation Enlargement as per plat thereof recorded in Plat Book E, pages 6 and 7; and Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement of the City of Evansville, as per plat thereof recorded in Deed Record E, pages 415 and 416 and transcribed of record in Plat Book A, pages 142, 143 and 144 and re-transcribed of record in Plat Book E, pages 16, 17, and 18 Vanderburgh County, Indiana, in the office of the Recorder of Vanderburgh County, Indiana, all of which is more particularly described by metes and bounds as follows:

BEGINNING at the westerly-most corner of Lot 1 in Block 25, also being the southeast corner of the intersection formed by Walnut Street and Fifth Street; thence South 32 degrees 25 minutes 11 seconds East 198.60 feet along the northeasterly right-of-way of Fifth Street, also being the southwesterly line of Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement to the southwest corner of Lot 8 in said Block 25; thence South 57 degrees 36 minutes 24 seconds West 60.00 feet to a point on the northeasterly line of Lot 239 of Donation Enlargement; thence North 32 degrees 25 minutes 11 seconds West 198.60 feet along the northeasterly line of Lot 239 of Donation Enlargement and Lots 1, 8, 9 and 10 of Hunnells Subdivision to the northerly-most corner of Lot 1 in Hunnells Subdivision, which forms the southwest corner of the intersection of Fifth Street and Walnut Street; thence North 57 degrees 36 minutes 17 seconds East 60.00 feet along the southeasterly right-of-way of Walnut Street to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.

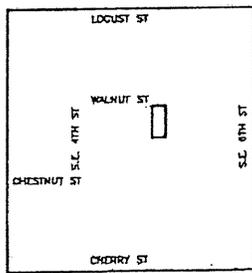



James A. Farny, P.S.
Indiana Registration No. 58004051



- Lot 1-Block 25
- Lot 2-Block 25
- Lot 3-Block 25
- Lot 4-Block 25
- Lot 5-Block 25
- Lot 6-Block 25
- Lot 7-Block 26
- Lot 8-Block 25
- Lot 9-Block 25
- Lot 10-Block 25
- Lot 11-Block 25
- Lot 12-Block 25

- Lot 5
- Lot 4
- Lot 3
- Lot 2
- Lot 1
- Lot 8
- Lot 9
- Lot 10
- N.W. 1/2- Lot 239
- S.E. 1/2- Lot 239
- Lot 240



ISSUED	NO.	DATE

**VACATION OF 5th STREET DRAWING
198.60 FOOT FROM WALNUT STREET TO
VACATED 5th STREET (PER ORD. No. G-2012-7)**



LOCHMUELLER GROUP

6200 Vogel Road Evansville, Indiana 47715
Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY: D.A.G.	DATE: 3/24/15
CHECKED BY: J.A.F.	SCALE: 1"=50'
LOCH, GROUP PROJECT NO. 114-0070	



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

August 12, 2015

Ziemer Stayman Weitzel Shoulders LLP
Attn: Marco Delucio
20 NW First St. 9th Floor – PO Box 916
Evansville, IN 47706

Re: Petition to Vacate a portion of Fifth Street lying between Walnut Street and previously vacated Fifth Street (per Ordinance #G-2012-7) in the City of Evansville, Vanderburgh County, Indiana and further described and shown on the attached exhibits.

Petitioner: Evansville Health Realty, L.L.C.

Dear Mr. Delucio:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and there are currently existing electric distribution facilities within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric line:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked "Exhibit A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris, SR/WA
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785

EXHIBIT "A"

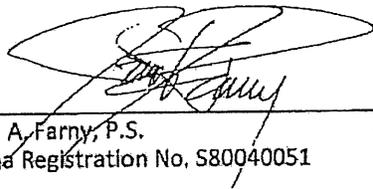
VACATION OF 5TH STREET DESCRIPTION
198.60 FOOT FROM WALNUT STREET TO VACATED 5TH STREET (PER ORD. No. G-2012-7)
MARCH 24, 2015

That portion of Fifth Street being 60.00 feet in width and running from the southeasterly right-of-way of Walnut Street in a southeasterly direction 198.60 feet, bordered by Lots 1, 8, 9 and 10 of Hunnells Subdivision of Lots 237 and 238 in Donation Enlargement of the City of Evansville, Vanderburgh County, Indiana, recorded in Plat Book C, page 280 to the southwest; Lot 239 of Donation Enlargement as per plat thereof recorded in Plat Book E, pages 6 and 7; and Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement of the City of Evansville, as per plat thereof recorded in Deed Record E, pages 415 and 416 and transcribed of record in Plat Book A, pages 142; 143 and 144 and re-transcribed of record in Plat Book E, pages 16, 17, and 18 Vanderburgh County, Indiana, in the office of the Recorder of Vanderburgh County, Indiana, all of which is more particularly described by metes and bounds as follows:

BEGINNING at the westerly-most corner of Lot 1 in Block 25, also being the southeast corner of the intersection formed by Walnut Street and Fifth Street; thence South 32 degrees 25 minutes 11 seconds East 198.60 feet along the northeasterly right-of-way of Fifth Street, also being the southwesterly line of Lots 1 through 8, inclusive, in Block 25 of the Eastern Enlargement to the southwest corner of Lot 8 in said Block 25; thence South 57 degrees 36 minutes 24 seconds West 60.00 feet to a point on the northeasterly line of Lot 239 of Donation Enlargement; thence North 32 degrees 25 minutes 11 seconds West 198.60 feet along the northeasterly line of Lot 239 of Donation Enlargement and Lots 1, 8, 9 and 10 of Hunnells Subdivision to the northerly-most corner of Lot 1 in Hunnells Subdivision, which forms the southwest corner of the intersection of Fifth Street and Walnut Street; thence North 57 degrees 36 minutes 17 seconds East 60.00 feet along the southeasterly right-of-way of Walnut Street to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.




James A. Farny, P.S.
Indiana Registration No. 580040051

