

RESOLUTION NO. 2007.019  
COMMISSIONERS OF DELAWARE COUNTY

ORIGINAL

WHEREAS, IC §8-12-4-9 authorizes the abandonment of surplus rights-of-way by the Indiana Department of Transportation; and

WHEREAS, IC §8-23-2-6 authorizes the Commissioners to abandon and dispose of property and to execute all instruments to carry out their responsibilities; and

WHEREAS, certain parcels at the intersection of SR-332 and Delaware County Road 600 West were acquired by the Commissioners for construction of roadways and/or utilities; and

WHEREAS, the certain portions of those parcels will not be needed for roadway or utility purposes incidental thereto, now or within a reasonable time in the future; and

WHEREAS, a certain Limited Access Line was established based on those now unneeded purposes; and

WHEREAS, the said Limited Access Line may be moved and reestablished to certain points closer to SR 332; and

WHEREAS, the Delaware Board of County Commissioners are the sole owners of said parcels; and

WHEREAS, those areas of the parcels being abandoned of interests and rights and the reestablishment of portions of Limited Access control line are shown on the attached exhibits;

THEREFORE BE IT HEREBY RESOLVED that the Commissioners shall abandon all interests and rights in those parcels indicated on that attached exhibits and hereby request that the Indiana Department of Transportation also abandon its interest and rights in such parcels.

DELAWARE COUNTY COMMISSIONERS

By: John H. Brooke  
John H. Brooke, President

By: Larry Bledsoe  
Larry Bledsoe, Vice President

By: Tom Bennington  
Tom Bennington, Member

ATTEST:

Judy Rust  
Judy Rust, Delaware County Auditor

6/18/2007

# EXHIBIT "A" (Page 1 of 2)

## GRAPHIC SCALE

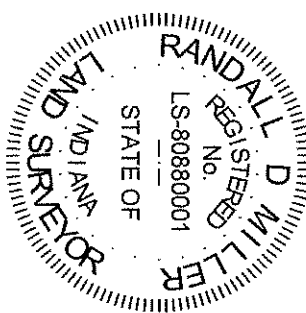


( IN FEET )  
1 inch = 200 ft.

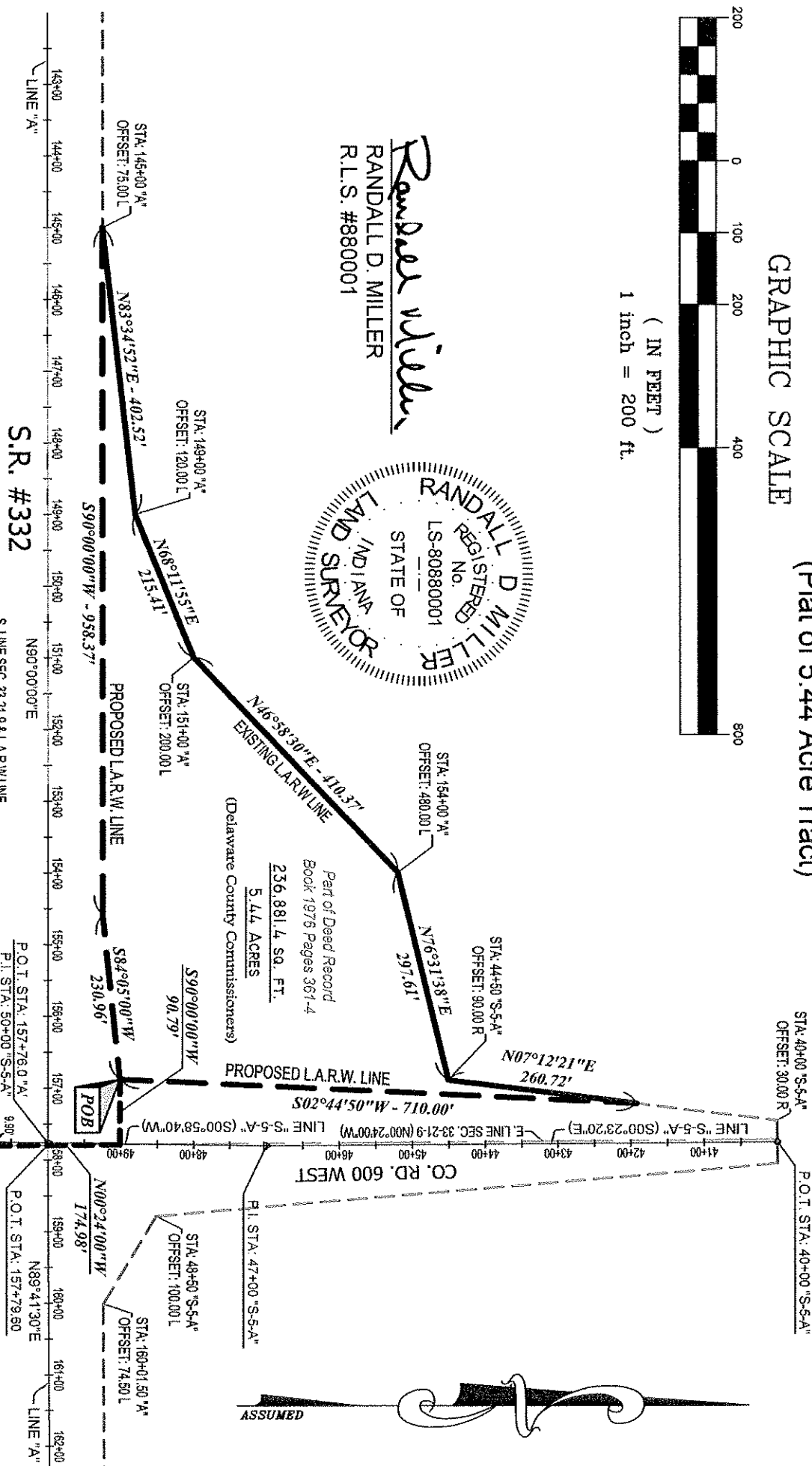
(Plat of 5.44 Acre Tract)

REVISIONS			NO.	DATE	DESCRIPTION	BY
1	6-13-07	Changes to labels and line types per Delaware County Engineer's instructions	A.B.			

*Randall Miller*  
RANDALL D. MILLER  
R.L.S. #880001



Part of Deed Record  
Book 1976 Pages 361-4  
236,881.4 SQ. FT.  
5.44 ACRES  
(Delaware County Commissioners)



**Randall Miller & Associates, Inc.**  
*Land and Construction Surveys*

145 E. Third Street Marion, IN 46952  
Ph: (765) 662-1284 FAX: (765) 868-7412  
Email: millerassoc@sbcglobal.net

108 E. Washington St., Ste #5 Muncie, IN 47305  
Ph: (765) 286-1917 Fax: (765) 286-1931  
Email: abmiller@survey@sbcglobal.net

JOB NO: 06-02-029  
PAGE 1 OF 2

DATE: 03/13/06  
DRAWN BY: A.B.

58 W. Market Street, Ste. J Wabash, IN 46992  
Ph: (260) 563-4467 Fax: (260) 563-0462  
Email: strance@kconline.com

### NOTES:

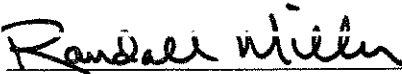
- 1) This drawing is not intended to be represented as a retracement or original survey, a route survey or a surveyor location report and is based on INDOT Project #ST-4218(C), fiscal year 1994. No field survey was performed.
- 2) Any possible US Army Corps of Engineers (USACE) flowage easement or other USACE easement affecting the subject property is not shown on this survey. A search was not completed for any such easement nor was the property inspected for visible signs of such easement. The USACE should be consulted to identify whether any flowage or other easements exist. This survey is subject to any documents identifying any flowage or other easements related to the USACE.
- 3) No county regulated drains in the form of open ditches or drainage tiles were observed on or near the subject parcel upon visual inspection of the premises. No warranty is explicit or implied. The county surveyor should be consulted.

# EXHIBIT "A" (Page 2 of 2)

(Description of 5.44 Acre Tract)

## DESCRIPTION OF REAL ESTATE:

That portion of land situate in the Southeast Quarter of Section 33, Township 21 North, Range 9 East of the Second Principal Meridian in Delaware County, Indiana being more particularly described as follows: Considering the East line of the Southeast Quarter as bearing North 00°24'00" West with all other bearings herein contained relative thereto; Commencing at the Southeast corner of the said Southeast Quarter; thence on said East line North 00°24'00" West 174.98 feet; thence South 90°00'00" West 90.79 feet to the Point of Beginning; thence South 84°05'00" West 230.96 feet; thence South 90°00'00" West 958.37 feet; thence North 83°34'52" East 402.52 feet; thence North 68°11'55" East 215.41 feet; thence North 46°58'30" East 410.37 feet; thence North 76°31'38" East 297.61 feet; thence North 07°12'21" East 260.72 feet; thence South 02°44'50" West 710.00 feet to the Point of Beginning; containing 5.44 Acres, more or less.

  
RANDALL D. MILLER  
R.L.S. #880001

 **RMA**  
**Randall Miller & Associates, Inc.**  
*Land and Construction Surveys*

JOB NO: 06-02-029

DATE: 03/13/06

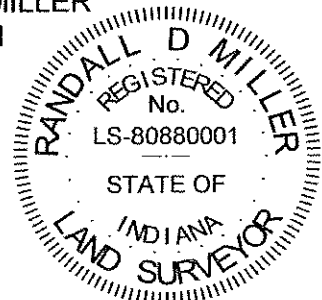
PAGE 2 OF 2

DRAWN BY: A R

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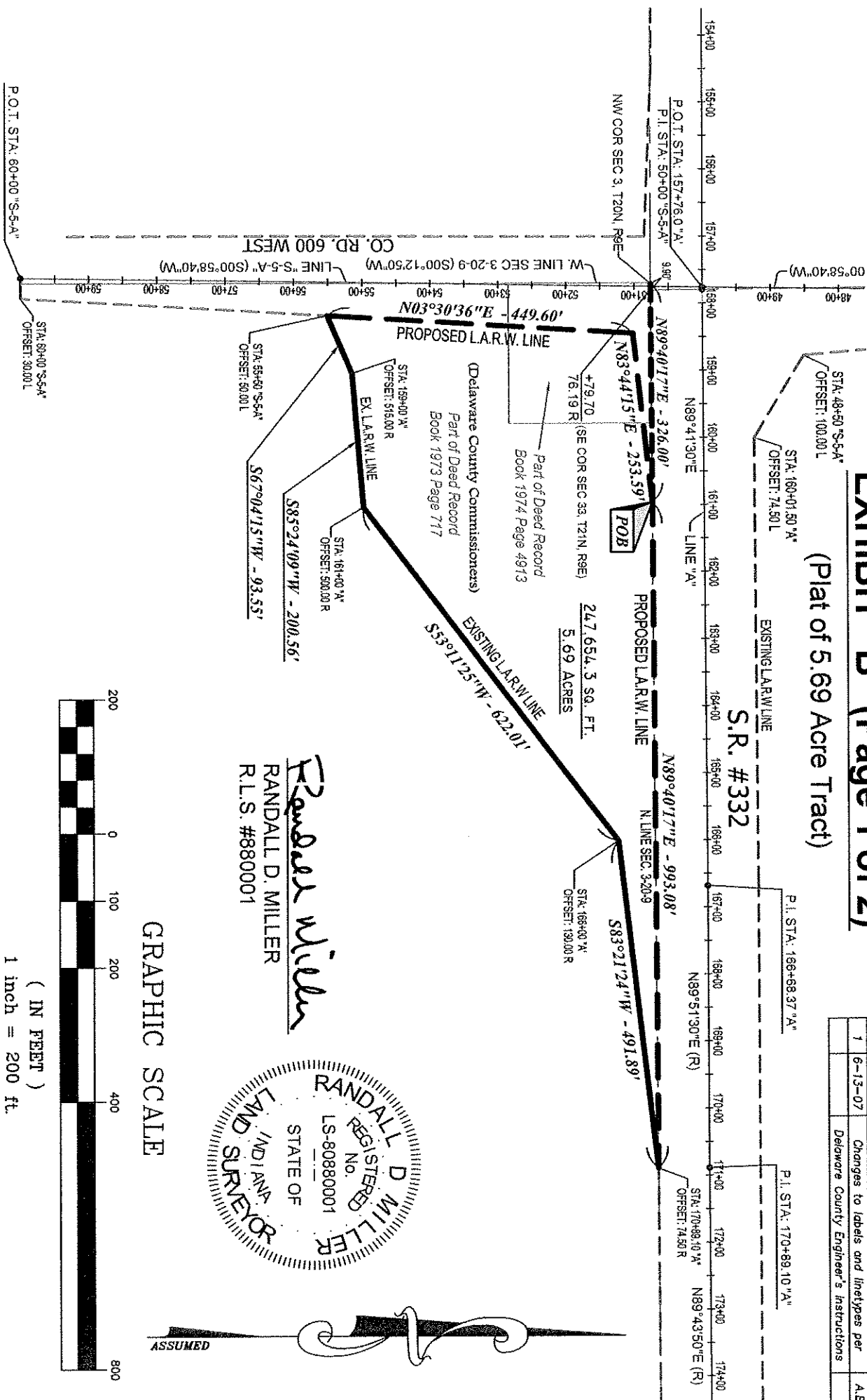
58 W. Market Street, Ste. J Wabash, IN 46992  
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# EXHIBIT "B" (Page 1 of 2)

(Plat of 5.69 Acre Tract)

REVISIONS			DESCRIPTION	BY
NO.	DATE			
1	6-13-07		Changes to labels and linetypes per Delaware County Engineer's instructions	A.B.



## NOTES:

- 1) This drawing is not intended to be represented as a retracement or original survey, a route survey or a surveyor location report and is based on INDOT Project ST-4218(C), fiscal year 1984. No field survey was performed.
- 2) Any possible US Army Corps of Engineers (USACOE) flowage easement or other USACOE easement affecting the subject property is not shown on this survey. A search was not completed for any such easement nor was the property inspected for visible signs of such easement. The USACOE should be consulted to identify whether any flowage or other easements exist. This survey is subject to any documents identifying any flowage or other easements related to the USACOE.
- 3) No county regulated drains in the form of open ditches or drainage tiles were observed on or near the subject parcel upon visual inspection of the premises. No warranty is explicit or implied. The county surveyor should be consulted.



Randall Miller & Associates, Inc.  
Land and Construction Surveys

JOB NO. 06-02-029	DATE: 03/13/06
PAGE 1 OF 2	DRAWN BY: A.B.

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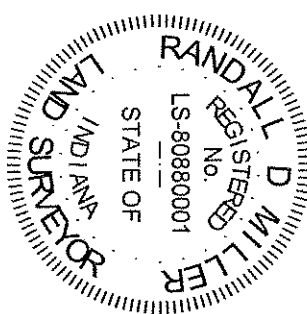
108 E. Washington St., Ste #5 Muncie, IN 47305  
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GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



ASSUMED

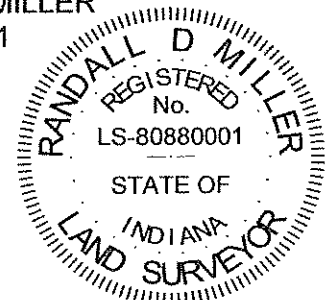
# EXHIBIT "B" (Page 2 of 2)

(Description of 5.69 Acre Tract)

## DESCRIPTION OF REAL ESTATE:

That portion of land situate in the Fractional Northwest Quarter of Section 3, Township 20 North, Range 9 East of the Second Principal Meridian in Delaware County, Indiana being more particularly described as follows:  
Considering the North line of the Northwest Quarter as bearing North 89°40'17" East with all other bearings herein contained relative thereto; Commencing at the Northwest corner of said Northwest Quarter; thence on said North line North 89°40'17" East 326.00 feet to the Point of Beginning; thence continuing on said North line North 89°40'17" East 993.08 feet; thence South 83°21'24" West 491.89 feet; thence South 53°11'25" West 622.01 feet; thence South 85°24'09" West 200.56 feet; thence South 67°04'15" West 93.55 feet; thence North 03°30'36" East 449.60 feet; thence North 83°44'15" East 253.59 feet to the Point of Beginning, containing 5.69 Acres, more or less.

*Randall Miller*  
RANDALL D. MILLER  
R.L.S. #880001



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JOB NO. 06-02-029

DATE: 03/13/06

PAGE 2 OF 2

DRAWN BY: A.B.

ORIGINAL

**STATE OF INDIANA**

**INDIANA DEPARTMENT OF TRANSPORTATION**

**ABANDONMENT OF INTEREST AND RIGHTS AND  
REESTABLISHMENT OF PORTIONS OF LIMITED ACCESS  
CONTROL LINE AND CONSENT THERETO BY ABUTTING  
PROPERTY OWNER**

**BY ORDER OF THE CHIEF ENGINEER FOR HIGHWAY OPERATIONS:**

WHEREAS, the Indiana Code § 8-23-4-9 authorizes the abandonment of surplus right-of-way by the Indiana Department of Transportation; and

WHEREAS, IC § 8-23-2-6 authorizes the Commissioner or the Commissioner's designee to abandon and dispose of property and to execute all instruments to carry out the responsibilities of the department; and

WHEREAS, the Commissioner has, by an Order dated June 16, 2000, designated and delegated to the Chief Engineer of the Indiana Department of Transportation, the authority to execute all instruments to release and abandon property easements and rights which were originally acquired for highway purposes; and

WHEREAS, a certain Limited Access Control Line ("LA Line") was acquired for the construction of a future interchange in conjunction with the construction of SR 332, Project ST-4218(C), Code 1928, affecting three (3) parcels of land; two (2) in the southeast quadrant of SR 332 and Delaware County Road 600W, said parcels as described in Deed Record Book 1973 Page 717 and Deed Record Book 1974 Page 4913; and one (1) in the northwest quadrant of SR 332 and Delaware County Road 600 W, said parcel described in Deed Record Book 1976 Pages 361 -4, said parcels all owned by the Delaware Board of County Commissioners and all located in Delaware County, Indiana; and

WHEREAS, the LA Line, as presently located, will not be needed for highway purposes incidental thereto, now or within a reasonable time in the future, and the LA Line may be moved and reestablished to certain points closer to SR 332; and

WHEREAS, the Delaware Board of County Commissioners are the sole owners of said property affected by the said LA Line, and has requested that the LA Line be abandoned and vacated, and reestablished closer to SR-332, a request with which the Indiana Department of Transportation concurs; and

WHEREAS, the portions of the LA Line being abandoned and vacated herein are depicted on the two (2) plats marked Exhibit A and attached hereto, and more fully described in the two (2) corresponding legal descriptions marked Exhibit B and attached hereto; and

WHEREAS, the Limited Access Control Line shall be located as depicted on the plats marked Exhibit A as attached, and more fully described in the legal descriptions marked Exhibit B and attached hereto;

NOW, THEREFORE, I MARK A MILLER, P.E., CHIEF ENGINEER OF THE INDIANA DEPARTMENT OF TRANSPORTATION, by virtue of the authority vested in me by the Order of the Commissioner to act in his behalf as authorized by I.C. § 8-23-2-6, do hereby determine that the above-referenced portions of the LA Line are **EXCESS** and are not needed for highway purposes or purposes incidental thereto now or within a reasonable time in the future; that said portions of the LA Line be, and the same are hereby **ABANDONED** as authorized by I.C. § 8-23-4-9 and as described in the two (2) plats marked Exhibit A and attached hereto, and more fully described in the two (2) corresponding legal descriptions marked Exhibit B and attached hereto, and that a new Limited Access Control Line be, and the same is hereby, **REESTABLISHED** also shown and described on the Exhibits.

IN TESTIMONY WHEREOF, I have hereto set my hand and caused to affixed the seal of the Indiana Department of Transportation of the State of Indiana in the City of Indianapolis this \_\_\_\_\_ day of \_\_\_\_\_, 2007

INDIANA DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

MARK A. MILLER, P.E., CHIEF ENGINEER  
(FOR KARL BROWNING, COMMISSIONER)