

ORIGINAL

REPORT TO BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, INDIANA

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

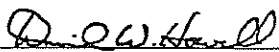
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on an application initiated by the Delaware-Muncie Metropolitan Plan Commission requesting to rezone the real estate owned by the Indiana-American Water Co., PO Box 5600, Cherry Hill, NJ 08034 and the Red Tail Conservancy, Inc., PO Box 8, Muncie, IN 47308, as described in the attached application. The application is proposing to rezone the land from the F Farming Zone and the R-1 Residence Zone to the RC Recreation & Conservation Zone.

WHEREAS, the Commission has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and use in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW THEREFORE, the Delaware-Muncie Metropolitan Plan Commission favorably recommended (7-0) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION OF DELAWARE  
COUNTY, INDIANA

BY:

  
\_\_\_\_\_  
David Howell, President

  
\_\_\_\_\_  
Marta Moody, Secretary

ORDINANCE NO. 2009-018

ORDINANCE TO AMEND  
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE

WHEREAS, the Board of County Commissioners of Delaware County, Indiana, has given reasonable regard to the comprehensive plan; current conditions and the character of the current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the RC Recreation & Conservation Zone the following described real estate located in Delaware County, Indiana, to wit:

Parts of Sections 32 & 33, Twp. 20N, Rge. 11E; Also parts of Sections 4, 5, 8, 9, 16 & 17 Twp. 19N, Rge. 11E all in Perry Township and all owned by the Indiana-American Water Co., and the Red Tail Conservancy, Inc., estimated to contain 2,068 acres (876.9 acres of land and 1,191.45 acres of water), more or less - see attached.

Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

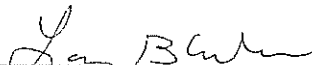
Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

The above Ordinance passed [vetoed] by the Board of County Commissioners of Delaware

County, Indiana, this 18 day of May, 2009.

BOARD OF COUNTY COMMISSIONERS  
DELAWARE COUNTY, INDIANA

  
Todd Donati, President

  
Larry W. Bledsoe, Jr., Vice President

Don Dunnuck, Member

Yes, Commissioner Bledsoe  
President Donati

Yes, Commissioner Dunnuck  
ATTEST:

  
Judy Rust, Auditor of Delaware  
County, Indiana

Presented to us in regular session this 7<sup>th</sup> day of May, 2009 and by us FAVORABLY RECOMMENDED (7-0); this 7<sup>th</sup> day of May, 2009.

  
Marta Moody, Secretary  
Delaware-Muncie Metropolitan Plan  
Commission

# Prairie Creek Rezoning

W JOR

575 E

N



400 E

400 E

422 S

(D) 58.5 acres - Water Co.  
R-1 to RC

475 E

450 S

BURLINGTON

(A) Inside "ring road" -  
Water Co. -  
F to RC

400 S

450 S

500 S

500 S

(B) 48.5 acres  
Water Co. - F to RC

462 E

U.S. HWY 35

46 E

600 S

600 E

650 S

(C) 13.5 acres - Red Tail  
F to RC

46 E

544 E

700 S

410 E

540 E

700 S

396 E

534 E

500 E

Description of Property to be rezoned from F Farming Zone to the RC Recreation and Conservation Zone:

**(A)** All that part of the attached deeds and legal descriptions pertaining to all properties owned by the Indiana-American Water Company totaling 1,947.85 acres of water and land contained within the “ring road” (Windsor Rd.-CR 300S; CR 650S; CR 544E/560E; and CR 461E/462E/475E).

**(B)** Also, 3 parcels owned by the Indiana-American Water Company totaling 48.5 acres of land, outside the “ring road,” described by the attached deeds and legal descriptions located north of CR 650S and west of CR 461E.

**(C)** Also, a 13.5 acre parcel of land owned by the Red Tail Conservancy, Inc., outside the “ring road,” described by the attached deed and legal description located on the northwest corner of CR 650S and CR 461E.

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Description of Property to be rezoned from R-1 Residence Zone to the RC Recreation and Conservation Zone:

**(D)** Also, 58.5 acres of land owned by the Indiana-American Water Company, inside the “ring road,” described by the attached deeds and legal descriptions located east of CR 462E, between CR 500S and CR 550S in Perry Township.

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All located in Perry Township, Delaware County, Indiana, estimated to contain 2,068.35 total acres - 876.9 acres of land and 1,191.45 acres of water – See attached map and deeds on file with MPC 4-09Z.

137  
138  
139  
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143

WARRANTY DEED 7835

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F. Janney, his wife

of Delaware County, in the State of Indiana, Convey and Warrant to Muncie Water Works Company, an Indiana Corporation of Delaware County, Indiana,

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The Southeast quarter of Section thirty-two (32), Township twenty (20) North, Range eleven (11) East, containing one hundred sixty (160) acres, more or less, except the following described real estate, to-wit:-

A part of the Southeast Quarter (1/4) of Section Thirty-two (32), Township Twenty (20) North, Range Eleven (11) East, bounded and described as follows: Beginning at the North-west corner of said Southeast Quarter (1/4) Section, and running thence south on the west line thereof, ten (10) rods; thence east parallel with the north line of said Southeast Quarter Section, twenty (20) rods; thence north parallel with the west line of said Quarter Section, eight (8) rods to a point two (2) rods south of the north line of said Southeast Quarter Section; thence east parallel with the north line of said Southeast Quarter Section to the center of the highway running north and south through said Southeast Quarter Section; thence north on and along the center line of said highway to the north line of said Southeast Quarter Section; and thence west to the place of beginning; containing two (2) acres, more or less.

Also, the North half of the Northeast quarter of the Northeast quarter of Section five (5), Township nineteen (19) North, Range eleven (11), East, containing seventeen (17) acres, more or less.

Subject to taxes for the year 1956 due and payable in 1957.

Subject also to the rights of Paul E. Pearson who is now a tenant in possession of said property from year to year the next year of said tenancy expiring on February 8, 1958.

Duly entered for taxation May 16, 1957, 1957  
MORTON A. LAMBERT, Auditor, Files for Record  
May 16 1957 at 4 P.M. Deed Record 272  
Page 236 Fee \$1.00 paid, Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on December 12, 1956

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on December 19, 1956

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.



WARRANTY DEED

7836

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F. Janney, his wife,

of Delaware County, in the State of Indiana, Convey and Warrant to Muncie Water Works Company, an Indiana corporation,

of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The South half of the Northeast quarter of Section seventeen (17), Township nineteen (19) North, Range eleven (11) East, estimated to contain eighty (80) acres, more or less.

Subject to existing lease of gravel rights, which Sellers represent to expire on or before the 14 day of January 19 59.

Subject, also, to the provisions of an Agreement entered into with the Indiana Department of Conservation by its Division of Fish and Game, for use of approximately 9.18 acres of said real estate for a "Game Reserve" which expires on October 14, 1962.

Sellers also reserve the right to possession of said real estate until December 31, 1957.

Subject, also, to taxes for year 1956 due and payable in the year 1957.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 127. Fee \$2.00 paid. Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on January 7, 1957.

Otho L. Janney  
Otho L. Janney  
Grace F. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on January 7th, 1957, personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.

7837

WARRANTY DEED

THIS INSTRUMENT WITNESSETH, That Otho L. Janney and Grace F. Janney, his wife, of Delaware County, in the State of Indiana, CONVEY AND WARRANT to Muncie Water Works Company, an Indiana corporation, of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other value consideration, the receipt whereof is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana, to wit:

The East half of the Northeast quarter of Section five (5), Township nineteen (19) North, Range eleven (11) East, except twenty (20) acres off of the North end thereof;

ALSO, commencing at the Southwest corner of the Northwest quarter of Section four (4), Township nineteen (19) North, Range eleven (11) East, and running thence North forty-one (41) rods; thence east to the center of Prairie Creek Ditch; thence in a southwesterly direction along the center of said Ditch to the south line of the northwest quarter of said Section four (4), thence west to the place of beginning;

ALSO, the West half of the Northeast quarter of Section five (5), Township nineteen (19) North, Range eleven (11) East;

ALSO, A part of the South half of Section five (5), Township nineteen (19) North, Range eleven (11) East, beginning at the northwest corner of the Southeast quarter of Section five (5), Township nineteen (19) North, Range eleven (11) East; thence running East along the north line of said quarter section thirteen hundred nineteen and three-tenths (1319.3) feet to the center line of the Selma and New Burlington Turnpike; thence running in a southwesterly direction along the center line of said Turnpike twenty-four hundred ninety-two and eight-tenths (2492.8) feet to a point nine (9) rods North of the South line of said quarter section; thence west nine (9) rods parallel with and nine (9) rods north of the south line of said quarter section; thence running in a southerly direction parallel with the center line of said Turnpike one and one-half (1½) feet; thence west parallel with the south line of said quarter three hundred seventy-nine and eight-tenths (379.8) feet to the center line of the Richmond and Logansport State Road;

Duly entered for taxation *May 16* 1957  
MORTON A. LAMBERT, ASSISTANT CLERK FOR RECORD  
*May 14* 1957 at 4 P.M., Deed Record *372*  
Page *8* Fee \$ *26* paid. Betty Pittenger, R.D.O.  
*139*

thence running in a northwesterly direction along the center line of said road twenty-five hundred sixty-five and five-tenths (2565.5) feet to the north line of the south half of said section; thence running east along the said north line seventy-eight and seven-tenths (78.7) feet to the place of beginning.

ALSO, A part of the fractional North half of Section four (4), Township nineteen (19) North, Range eleven (11) East, beginning forty-one (41) rods north of the southwest corner of said fractional north half section and running thence north along the West line of said half section to a point in the west line of said half section halfway between the northwest corner of said half section and point of beginning; running thence east to the center of Prairie Creek Ditch; running thence south following the center line of said Prairie Creek Ditch to a point due east of the place of beginning, running thence west to the place of beginning, estimated to contain twelve (12) acres, more or less.

Containing in all one hundred ninety-eight and forty-six hundredths (198.46) acres, more or less.

Subject to taxes for year 1957 due and payable in year 1958 assessed and levied against above described real estate.

In Witness Whereof, This deed has been executed by the undersigned grantors on February 1, 1957

Otho L. Janney  
Otho L. Janney

Grace F. Janney  
Grace F. Janney

STATE OF INDIANA  
SS:  
DELAWARE COUNTY

Before the undersigned Notary Public in and for said State, on February 1st, 1957, personally appeared the above named Otho L. Janney and Grace F. Janney, his wife,



WARRANTY DEED 7838

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F. Janney, his wife,

of Delaware County, in the State of Indiana, Convey and Warrant to Muncie Water Works Company, an Indiana corporation having an office in Muncie, Indiana,

of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

Commencing at a stone in the south fork of Prairie Creek Ditch, where said ditch intersects with the south line of the northeast quarter of the northeast quarter of Section 17, Township 19 North, Range 11 East, which point of beginning is 31 rods 14 1/2 feet west of the southeast corner of said Northeast quarter of the Northeast quarter of Section 17, Township 19 North, Range 11 East and running thence north 56° 05' West 8.035 chains to a stone; thence south 54° 10' west 8.45 chains to a stone; thence north 58° 30' west 10.27 chains to a stone; thence north 76° west 1.23 chains to a stone; thence south 89° West 9.02 chains to a stone in the half section line on the west side of the northeast quarter of Section 17, Township 19 North, Range 11 East; thence north on said half section line 1.17 chains to the center of the channel of the north fork of Prairie Creek ditch; thence in a northeasterly direction down said channel of the north fork of Prairie Creek Ditch to a point where the south fork of said Prairie Creek Ditch intersects with said north fork; thence in a southerly and easterly direction up said channel of said south fork of Prairie Creek Ditch to the place of beginning, estimated to contain twenty-five (25) acres, more or less.

Subject to taxes for year 1957 due and payable in year 1958.

Grantors reserve the right to possession of said real estate until December 31, 1957.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 140 Fee \$2.00 paid. Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on February 22, 1957.

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on February 22, 1957,

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing



Evelyn S. Bartman  
Notary Public

WARRANTY DEED 7839

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana convey and warrant to Muncie Water Works Company, an Indiana Corporation having an office in Muncie, Indiana,

of Delaware County, in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the West half of the Northeast quarter of Section nine (9), Township nineteen (19) North, Range eleven (11) East, more particularly described as follows, to wit: Beginning at a point in the center line of a public road running in a general northerly and southerly direction through said west half of the northeast quarter, said beginning point being established as follows: Beginning at the northeast corner of said west half of the northeast quarter and running thence west on the north line of the said west half of the northeast quarter 970.2 feet to the center line of a public road; thence deflecting to the left 90° and running south along said center line 372 feet; thence deflecting to the right 22° and running in a southwesterly direction along said center line 204.5 feet to said point of beginning; thence from said point of beginning and deflecting to the right 80°58' and running along said center line 139.35 feet; thence in an easterly direction with an interior angle of 58°33' 193.85 feet; thence in a northerly direction with an interior angle of 90°41' 114.3 feet; thence in a westerly direction with an interior angle of 91°28' 122.65 feet to the point of beginning, estimated to contain 0.415 acres, more or less.

Duly entered for taxation May 16, 1957
MORTON A. LAMBERT, Auditor. Filed for Record
May 16 1957 at 4 PM. Deed Record 372
Page 141 Fee \$ 2.00 paid. Betty Pittenger, R.D.G.

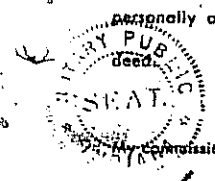
In Witness Whereof, This deed has been executed by the undersigned grantors on February 26, 1957.

Otho L. Janney
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on February 26, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing.



Evelyn S. Barbeau
Notary Public
EVELYN S. BARBEAU, Notary Public
My Commission Expires November 18, 1959

WARRANTY DEED 7840

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana convey and warrant to

Muncie Water Works Company, an Indiana corporation with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The North half of all that portion of the West half of the Northeast quarter of Section 9, Township 19 North, Range 11 East, that lies east of the highway running north and south through said quarter section, except 14 acres off of the south end thereof and ALSO, except the following described real estate: A part of the West half of the Northeast quarter of Section 9, Township 19 North, Range 11 East, described as follows: Beginning 28 rods north of the southeast corner of said west half of the northeast quarter of said Section 9, running thence north 40 rods; thence west 80 rods, more or less, to the middle of the highway running north and south through said quarter section; thence south along the middle of the highway 40 rods; thence east 80 rods, more or less, to the place of beginning, estimated to contain 20 acres, and leaving in that tract of land herein described 40.14 acres, more or less. ALSO, except the following: A part of the West half of the northeast quarter of Section 9, Township 19 North, Range 11 East, more particularly described as follows, to wit: Beginning at a point in the center line of a public road running in a general northerly and southerly direction through said west half of the northeast quarter, said beginning point being established as follows: Beginning at the northeast corner of said west half of the northeast quarter and running thence west on the north line of the said west half of the northeast quarter 970.2 feet to the center line of a public road; thence deflecting to the left 90° and running south along said center line 372 feet; thence deflecting to the right 22° and running in a southwesterly direction along said center line 204.5 feet to said point of beginning; thence from said point of beginning and deflecting to the right 8°58' and running along said center line 139.35 feet; thence in an easterly direction with an interior angle of 58°33' 193.85 feet; thence in a northerly direction with an interior angle of 90°41' 114.3 feet; thence in a westerly direction with an interior angle of 91°28' 122.65 feet to the point of beginning, estimated to contain 0.415 acres, more or less, containing after said exceptions 19.655 acres, more or less.

Subject to 1957 taxes due and payable in 1958.

Grantors reserve possession of said real estate until March 1, 1958 in Witness Whereof, this deed has been executed by the undersigned grantors on February 26, 1957.

Duly entered for taxation May 16, 1957

Otho L. Janney

MORTON A. LAMBERT, Auditor. Filed for Record

May 16 1957 at 4 P.M. Deed Record 372

Grace F. Janney

Page 142 Fee \$2.00 paid. Betty Pittenger, R.D.O.

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on February 26, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.



Evelyn S. Barbeau Notary Public

WARRANTY DEED 7841

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana, Convey and Warrant to

Muncie Water Works Company, an Indiana Corporation, with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana, for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The Southeast quarter of the Northwest quarter of Section seventeen (17), Township nineteen (19) North, Range eleven (11) East, containing forty (40) acres, excepting a one (1) acre tract in the southwest corner conveyed to the Chesapeake & Ohio Railway Company;

ALSO, The North half of the East half of the Northwest quarter of Section seventeen (17), Township nineteen (19) North, Range eleven (11) East, containing forty (40) acres, more or less.

Grantor reserves possession of said real estate until March 1, 1958.

Subject to 1957 taxes due and payable in 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 443 Fee \$ 3.00 paid. Betty Pittenger, E.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on February 27, 1957.

*Otho L. Janney*  
Otho L. Janney  
*Grace F. Janney*  
Grace F. Janney

State of Indiana; Delaware County, ss:

Before the undersigned Notary Public in and for said State, on February 27, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing



*Evelyn S. Barbeau*  
Notary Public

EVEYLN S. BARTEAU, Notary Public  
My Commission Expires November 18, 1959

372-144  
145  
146

BOOK 372 PAGE 144

WARRANTY DEED 7842

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana Convey and Warrant to

Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, in the State of Indiana, for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The North half of the Northwest quarter of the Southeast quarter of Section 17, Township 19 North, Range 11 East, except 24 feet off of the east end thereof, more particularly described as follows, to wit: Beginning at the northwest corner of said north half of the northwest quarter of the southeast quarter of said section; thence running south with the west line of said north half of the said quarter section 665.84 feet to the southwest corner of said north half; thence running east with the south line of said north half 1292.25 feet to a point 24 feet west of the southeast corner of said north half; thence running north parallel with the east line of said north half 667 feet to the north line of said north half; thence running west with the north line of the said north half 1291.87 feet to the place of beginning, estimated to contain 19.767 acres.

Also, All that part of the north half of the northeast quarter of the southwest quarter of said Section 17, Township 19 North, Range 11 East, lying east of the public highway running through said north half of said quarter quarter more particularly described as follows, to wit: Beginning at the northeast corner of said north half of said quarter quarter; thence running south with the east line of said north half 665.84 feet to the southeast corner of said north half; thence running west with the north line of said north half 418 feet to the center line of the said public highway; running thence north-eastwardly with the center line of said public highway 772 feet to the north line of said north half; thence running east with said north line of said north half 7 feet to the place of beginning, estimated to contain 3.248 acres.

Grantors reserve possession of said real estate until March 1, 1958.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 8, 1957.

*Otho L. Janney*  
Otho L. Janney

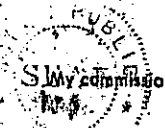
*Grace F. Janney*  
Grace F. Janney

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16, 1957 at 4 P.M. Deed Record 372  
Page 144 Fee \$ 2.00 paid. Betty Pittenger, R.D.C.

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 8th, 1957,

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.



*Evelyn S. Barteau*  
Notary Public

WARRANTY DEED 7843

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana Convey and Warranty to

Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana, for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southeast quarter of Section eight (8), Township nineteen (19) North, Range eleven (11) East, more particularly described as follows, to wit: Beginning at the southwest corner of said southeast quarter section, running thence north along the west line of said quarter section 23-5/6 rods; thence east parallel with the south line of said southeast quarter to the center line of the Harriett C. Newlee Ditch Number 6147, commonly called Prairie Creek; thence southwesterly along the center line of said Ditch or Creek to the south line of said southeast quarter; thence west along the south line of said southeast quarter to the place of beginning, estimated to contain 17.58 acres, more or less.

Subject to right of Ella Nora Williams to retain possession of all improvements on said property, except the barn so long as she resides on said property.

Grantors reserve possession of said real estate until December 31, 1957, except as to that part above referred to.

Subject to taxes for year 1956 due and payable in year 1957.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 145 Fee \$ 2.00 paid. Betty Pittenger, R.D.G.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 12, 1957.

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 12, 1957, personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.

My commission expires:

[Signature] Notary Public

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana Convey and Warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of the Southwest quarter of Section 4, Township 19 North, Range 11 East, more particularly described as follows: Commencing at the southeast corner of the west half of the southwest quarter of said Section 4 and running thence north to the middle of what is known as Shave Tail Creek; thence west down the middle of said Shave Tail Creek to the middle of Prairie Creek in said west half; thence south along the middle of said Prairie Creek to where the same crosses the south line of said west half; and thence east to the place of beginning, containing 8.92 acres, more or less; ALSO, A part of the East half of the Northeast quarter of Section 8, Township 19 North, Range 11 East, more particularly described as follows: Commencing at the northeast corner of said Section 8 and running thence west 40 rods; thence south parallel to the east line of said Section 8 to the middle of the New Burlington Turnpike; thence in a southeasterly direction with the center of said Turnpike to the east line of said Section; thence north on the east line of said Section 30 chains to the place of beginning, containing 25.86 acres, more or less; ALSO, A part of the west half of the northwest quarter of Section 9, Township 19 North, Range 11 East, more particularly described as follows: Commencing at the northwest corner of said Section 9 and running thence East 80 rods; running thence south 160 rods to the middle of the New Burlington Turnpike; thence northwesterly along the middle of said New Burlington Turnpike to where it crosses the westline of said Section 9; thence north on and along said west line 30 chains to the place of beginning, containing 70 acres, more or less, and containing in all 104.36 acres, more or less.

Grantors reserve possession of said real estate until March 1, 1958.

Subject to 1957 taxes due and payable in 1958.

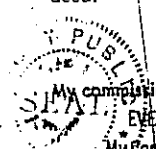
In Witness Whereof, This deed has been executed by the undersigned grantors on March 12, 1957.

Duly entered for taxation May 16, 1957. Otho L. Janney
MORTON A. LAMBERT, Auditor. Filed for Record May 16 1957 at 4 P.M. Deed Record 372 Grace F. Janney
Page 146 Fee \$2.00 paid. Betty Pittenger, R.D.C.

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 12, 1957,

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.



Evelyn S. Barreau
Notary Public

372-171  
157

372-171  
7845

# WARRANTY DEED

THIS INDENTURE WITNESSETH, that Otho L. Janney and Grace P. Janney, his wife,

of Delaware County, in the State of Indiana County and Warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

All of that portion of the Northeast quarter of Section 17, Township nineteen (19) North, Range eleven (11) East, lying north and west of the branch now called Prairie Creek and formerly called Round Prairie Branch, twenty-five (25) acres more or less.

Grantors reserve possession of said real estate until December 31, 1957.

Subject to 1957 taxes due and payable in 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 1 Fee \$2.00 paid. Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 12, 1957.

*Otho L. Janney*  
Otho L. Janney  
*Grace P. Janney*  
Grace P. Janney

State of Indiana, Delaware County, ss:  
Before the undersigned Notary Public in and for said State, on March 12, 1957  
personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.



WARRANTY DEED

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana, County and Warsaw, to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of the Southeast quarter of Section eight (8), Township nineteen (19) North, Range eleven (11) East, described as follows: Commencing at a point 23-5/6 rods North of the Southwest corner of the Southeast quarter of Section 8, Township 19 North, Range 11 East, and running thence north on the west line of said quarter section a distance of 25-1/6 rods; thence east parallel with the south line of said quarter section a distance of 80 rods to the west line of the east half of said quarter section; thence south on the west line of said east half a distance of 8-5/6 rods; thence east parallel with the south line of said quarter section a distance of 80 rods to the east line thereof; thence south on said east line a distance of 17-1/3 rods; thence west parallel with the south line of said quarter section a distance of 160 rods to the place of beginning, estimated to contain 21-11/12 acres, more or less, EXCEPT that part of said real estate lying east of the center line of the Harriett C. Newice Ditch No. 6147, commonly called Prairie Creek, containing approximately one and three-fourths (1 3/4) acres, more or less, containing after said exception 20-1/6 acres, more or less.

Subject to taxes for year 1956 due and payable in year 1957.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor, Filed for Record  
May 16 1957 4 P.M. Deed Record 372  
Page 148 Fee \$2.00 paid, Betty Pittenger, R.D.C.

In Witness Whereof This deed has been executed by the undersigned grantors on March 14, 1957

*Otho L. Janney*  
Otho L. Janney  
*Grace F. Janney*  
Grace F. Janney

State of Indiana, Delaware County, ss

Before me, the undersigned Notary Public in and for said State, on March 14, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing

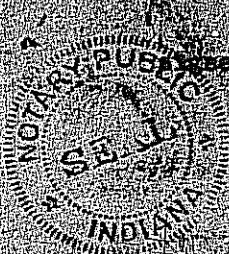
GUARDIAN'S DEED 7847

THIS INDENTURE WITNESSETH, that the undersigned Paul Conner, as Guardian of Patricia Jo Conner, a minor of Delaware County, State of Indiana, CONVEYS and QUIT CLAIMS to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, State of Indiana, for and in consideration of the sum of One hundred Dollars (\$100.00), the receipt of which is hereby acknowledged, the interest of Patricia Jo Conner in the following described real estate in Delaware County, State of Indiana, to wit:

A part of the Southwest quarter of the Southeast quarter of Section 8, Township 19 North, Range 11 East, described as follows: Commencing at a point 23-5/6 rods north of the southwest corner of the southeast quarter of Section 8, Township 19 North, Range 11 East, and running thence north on the west line of said quarter section a distance of 26-1/6 rods; thence east parallel with the south line of said quarter section a distance of 80 rods to the west line of the east half of said quarter section; thence south on the west line of said East half a distance of 8-5/6 rods; thence east parallel with the south line of said quarter section a distance of 80 rods to the east line thereof; thence south on said east line a distance of 17-1/3 rods; thence west parallel with the south line of said quarter section a distance of 160 rods to the place of beginning, estimated to contain 21-11/12 acres, more or less, EXCEPT that part of said real estate lying east of the center line of the Harriett C. Newlee Ditch No. 6147, commonly called Prairie Creek, containing approximately one and three-fourths (1-3/4) acres, more or less, containing after said exception 20-1/6 acres, more or less.

Subject to general taxes for year 1956 due and payable in 1957 and general taxes for year 1957 due and payable in year 1958.

Entry entered for recording  
 MORTON A. LAMBERT, Auditor, Del. Co. Rec. Room  
 May 16 1957 at 4 P.M. Deed Record 377  
 Page 150  
 Fee \$2.00 paid, Betty Pittenger, R.D.C.



IN WITNESS WHEREOF, said grantor has herein  
signed this Guardian's Deed on the 9th day of March, 1957.

Paul Conner  
Paul Conner, as Guardian of  
Patricia Jo Conner, a minor

STATE OF INDIANA  
SS:  
DELAWARE COUNTY

Before the undersigned Notary Public in and for  
said State, on March 9th, 1957, personally appeared  
the above named Paul Conner, as Guardian of Patricia Jo  
Conner, a minor, and acknowledged the voluntary execution  
of the foregoing deed.

My commission expires:  
March 23rd 1960

Norman K. Felder  
Notary Public

I hereby state that I am the Judge of the Delaware  
Circuit Court of Delaware County, Indiana, and that I appointed  
Paul Conner, grantor in the foregoing Guardian's Deed, as  
Guardian of Patricia Jo Conner, a minor, that the circumstances  
of the purchase evidenced by said Guardian's Deed have been  
explained to me and that I hereby approve said purchase and  
said deed this 9th day of March 1957.

Paul E. Leffler  
Paul E. Leffler, Judge of the  
Delaware Circuit Court, Delaware  
County, Indiana.

WARRANTY DEED 7848

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana convey and warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

Twenty and sixty-nine hundredths (20.69) acres of equal width north and south off of the north end of the east half of the northeast quarter of Section nine (9), Township nineteen (19) North, Range eleven (11) East.

Also, A part of the Southeast quarter of the Southeast quarter of Section Four (4), Township nineteen (19) North, Range eleven (11) East, described as follows: The South thirty-nine and thirty-one hundredths (39.31) acres of said Southeast quarter of the Southeast quarter of said Section four (4).

Subject to 1957 taxes due and payable in 1958.

Grantor reserves possession of said real estate until March 1, 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 19 57 at 4 P.M. Deed Record 372  
Page 151 Fee \$2.00 paid. Betty Pittenger, R.D.O.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 15, 1957.

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 15, 1957.

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing.



E. Nelson S. Barbeau  
Notary Public

WARRANTY DEED 7849

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana Convey and Warrant to

Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana

of Delaware County, in the State of Indiana, for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The South half of the following described tract of land described as follows: All that portion of the West half of the Southeast quarter of Section Four (4), Township nineteen (19) North, Range eleven (11) East, that lies east of the public highway running north and south through said southeast quarter, except fifteen (15) acres off of the north end thereof, the amount herein described being estimated to contain twenty (20) acres.

Grantors reserve possession of said real estate until December 31, 1957.

Subject to taxes for year 1957 due and payable in year 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16, 1957 at 4 P.M. Deed Record 372  
Page 152 Fee \$ 2. paid. Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 15, 1957.

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 15, 1957,

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing

WARRANTY DEED 7850

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana Convey and Warrant to

Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana,

of Delaware County, in the State of Indiana, for and in consideration

of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Northeast quarter of the Northeast quarter of Section eight (8), Township nineteen (19) North, Range eleven (11) East, described as follows, to wit: Beginning at a point in the south line of the said quarter quarter section ninety-three (93) feet east of the southwest corner thereof; and running thence east on the said quarter quarter section line five hundred seven (507) feet to the south line of the Burlington Pike; thence northwesterly on said south line five hundred ninety (590) feet; thence southwesterly three hundred fifty (350) feet to the place of beginning, containing two and forty-eight hundredths (2.48) acres, more or less.

Grantee herein assumes and agrees to pay taxes for year 1957 due and payable in year 1958.

Grantors reserve possession of said real estate until March 1, 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16 1957 at 4 P.M. Deed Record 372  
Page 153 Fee \$ 2 paid. Betty Pittenger, R.D.O.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 28, 1957

*Otho L. Janney*  
Otho L. Janney  
*Grace F. Janney*  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on March 28, 1957,

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing

# WARRANTY DEED 7851

THIS INDENTURE WITNESSETH, the Otho L. Janney and Grace F. Janney, his wife,

of Delaware County, in the State of Indiana County and Warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

The North half of the following described tract of land, to wit: All of that portion of the west half of the Southeast quarter of Section four (4), Township nineteen (19) North, Range eleven (11) East, that lies east of the public highway running north and south through said southeast quarter section, except fifteen (15) acres off of the north end thereof, the amount of land herein conveyed being estimated to contain twenty (20) acres, more or less.

Subject to the right of Flora Hodson to use and enjoy the residence now located on said real estate together with the adjoining garage and garden, which property taken together is to exceed one (1) acre, for and during her lifetime and so long as she continues to personally occupy said residence. Temporary interruption of such occupancy due to illness or conditions beyond her control shall not be considered as sufficient to terminate Hodson's rights to use and enjoy the property as above described.

Subject to 1956 taxes due and payable in 1957 and 1957 taxes due and payable in 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor, Filed for Record May 16, 1957 at 4 P.M. Deed Record 372  
Page 154 Fee \$ 2 paid. Betty Pittenger, R.D.O.

In Witness Whereof, This deed has been executed by the undersigned grantors on March 27, 1957.

Otho L. Janney  
Otho L. Janney  
Grace F. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss.  
Before the undersigned Notary Public in and for said State, on March 27, 1957, personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.

Evelyn S. Barbeau  
Notary Public

# WARRANTY DEED

7852

THIS INDENTURE WITNESSETH, that Otho L. Janney and Grace F. Janney his wife,

of Delaware County, in the State of Indiana convey and Warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of the Southeast quarter of Section nine (9), Township nineteen (19) North, Range eleven (11) East, more particularly described as follows: Beginning at the Southwest corner of said quarter quarter section and running thence east twenty-five (25) rods; thence north at right angles to the south line of said quarter quarter section 25-3/5 rods; thence west parallel to the south line of said quarter quarter section to the west line of said quarter quarter section; thence south to the place of beginning, containing four (4) acres, more or less, EXCEPT a strip of ground 6 1/2 rods of equal width off the entire west side of the above described real estate, leaving after said exception three (3) acres.

Grantors reserve possession of said real estate until January 1, 1958.

Subject to taxes for year 1958 due and payable in year 1959.

Duly entered for taxation: May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16, 1957 at 4 P.M. Deed Record 372  
Page 158 Fee \$ 2 paid. Betty Pittenger, R.D.C.

In Witness Whereof, This deed has been executed by the undersigned grantors on April 27, 1957.

*Otho L. Janney*  
Otho L. Janney  
*Grace F. Janney*  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on April 27, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.

Notary Public



WARRANTY DEED

7853

THIS INDENTURE WITNESSETH, that Otho L. Janney and Grace F.

Janney, his wife,

of Delaware County, in the State of Indiana convey and warrant to Muncie Water Works Company, an Indiana corporation, with an office in Muncie, Indiana, of Delaware County, in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of the Southeast quarter of Section nine (9), Township nineteen (19) North, Range eleven (11) East, more particularly described as follows, to-wit: Beginning at the southwest corner of said quarter quarter section and running thence east on the south line of said quarter quarter section 64 rods; thence north at right angles to the south line of said quarter quarter section 25-3/5 rods; thence west parallel to the south line of said quarter quarter section a distance of 64 rods to the West line of said quarter quarter section; thence south on the west line of said quarter quarter section to the place of beginning.

Grantors herein reserve possession of said real estate until January 1, 1958.

Subject to taxes for year 1958 due and payable in year 1959.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16, 1957 at 4 P. M. Deed Record 572  
Page 156 Fee \$ 2. paid. Betty Pittenger, R.D.O.

In Witness Whereof, This deed has been executed by the undersigned grantors on April 24, 1957.

Otho L. Janney  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on April 24, 1957

personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Otho L. Janney and Grace F.

Janney, his wife,  
of Delaware County, in the State of Indiana Convey and Warrant to Muncie Water Works  
Company, an Indiana corporation; with an office in Muncie, Indiana,  
of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other  
valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate  
in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of Section twenty-seven (27),  
Township twenty (20) North, Range eleven (11) East, more  
particularly described as follows: Commencing at a point on  
the South line of said southwest quarter 897.7 feet east of  
the southwest corner thereof; running thence east on said  
south line 601.7 feet; thence north 1479.7 feet; thence west  
1491.3 feet to the west line of said southwest quarter; thence  
south on said west line 315 feet; thence east 746.1 feet;  
thence south 289.7 feet; thence east 149 feet; thence south  
881.7 feet to the place of beginning, containing 27.88 acres,  
more or less.

Also, The Northeast quarter of the northwest quarter of Section  
thirty-four (34), Township twenty (20) North, Range eleven (11)  
East, estimated to contain forty (40) acres, more or less, and  
containing in all 67.88 acres, more or less.

Subject to taxes for year 1958 due and payable in year 1959.

Grantors herein reserve possession of said real estate until  
January 1, 1958.

Duly entered for taxation May 16, 1957  
MORTON A. LAMBERT, Auditor. Filed for Record  
May 16, 1957 at 4:48 P.M. Deed Record 372  
Page 157 Fee \$ 2. paid, Betty Pittenger, R.D.G.

In Witness Whereof, This deed has been executed by the undersigned grantors on May 10, 1957.

*Otho L. Janney*  
Otho L. Janney  
*Grace F. Janney*  
Grace F. Janney

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on May 10, 1957,  
personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing



*Evelyn S. Barbeau*  
Notary Public

376 -  
141

# Warranty Deed 17125

THIS WARRANTY DEED WAS MADE BY **THE ROBERT E. PERRY and MARY M. PERRY, HUSBAND and wife,**

of **Delaware County, in the State of Indiana,** DO HEREBY Convey and Warrant  
**Muncie Water Works Company, an Indiana corporation**

of **Delaware County, in the State of Indiana** for and in consideration of the sum of  
**One Dollar (\$1.00) and other valuable consideration**

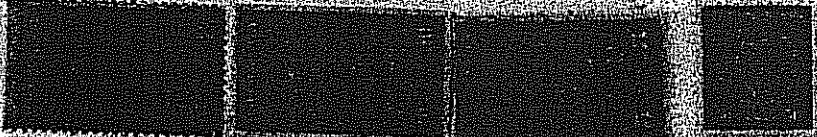
the receipt whereof is hereby acknowledged, the following described Real Estate in **Delaware County, in the State of Indiana, to-wit:**

A part of the East half of the Northwest Quarter of Section four (4) Township nineteen (19) North, Range Eleven (11) East, more particularly described as follows:

Beginning on the South line of said East half of said Northwest Quarter at a point nine hundred sixty-eight (968) feet East of the Southwest corner of said East half of said Northwest quarter; running thence North a distance of one hundred eighty-five (185) feet; thence West parallel with the South line of said Northwest Quarter a distance of two hundred twenty-eight (228) feet; thence South a distance of one hundred (100) feet; thence East a distance of eighty-five (85) feet; thence South a distance of eighty-five (85) feet to the South line of said Northwest Quarter; thence East on said South line a distance of one hundred forty-three (143) feet to the place of beginning, containing seventy-five hundredths (.75) of an acre more or less.

As a part of the consideration for this conveyance, the grantee herein assumes and agrees to pay taxes for the year 1958 due and payable in the year 1959, and all subsequent taxes and assessments becoming a lien against said real estate.

The grantors shall deliver complete possession of the above described real estate to the grantee herein on or before December 31, 1958.



That grantors do hereby represent and warrant that they are each citizens of the United States of America, and that said citizenship has existed since the date of the date of this deed; that they have been domiciled and resident continuously within the United States since the date of April 4, 1949; that they are not subject to military or naval service in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantors who has any present or future right, title or interest in the above described real estate either directly or indirectly; that these representations and statements are made under oath in before the presence of the said Notary Public.

IN WITNESS WHEREOF, the said **Robert E. Perry and Mary M. Perry, husband and wife,**

HEREunto set their hands and seals this 13 day of October 1957.  
\_\_\_\_\_  
(SEAL) **Robert E. Perry** (SEAL)  
\_\_\_\_\_  
(SEAL) **Mary M. Perry** (SEAL)

STATE OF INDIANA, **DELAWARE** County, ss:  
Before me, the undersigned Notary Public, in and for said County and State, personally appeared the within named **Robert E. Perry and Mary M. Perry, husband and wife,**

who acknowledged the execution of the foregoing Deed to be their voluntary act and deed.  
WITNESSE my hand and seal this 13 day of October 1957.  
My commission expires 1959 **William F. Radcliff**  
Notary Public **William F. Radcliff**

376-17

17125

THIS INDENTURE, made this 23rd day of October, 1957, between Ralph H. Keesling and Juanita Keesling, husband and wife,

of Delaware County, in the State of Indiana, DO HEREBY  
convey and (hereinafter) Muncie Water Works Company, an Indiana corporation,

of Delaware County, in the State of Indiana for and in consideration  
of One Dollar (\$1.00) and other valuable consideration ~~to be~~  
the receipt whereof is hereby acknowledged, the following described Real Estate  
in Delaware County in the State of Indiana, to-wit:

A part of Sections Four (4) and Nine (9) in Township Nineteen (19) North, Range Eleven (11) East, described as follows: Beginning at a point in the west line of the east half of the Southwest Quarter of Section 4, Township 19 North, Range 11 East, 94.1 feet south of the north line of said Southwest Quarter, and running thence south on said west line 1699 feet to the south line of Section 4, thence continuing south on and along the west line of the Northeast Quarter of the Northwest Quarter of Section 9, Township and Range aforesaid, 990 feet; thence East parallel to the South line of Section 4, 1424 feet to the middle of the highway; thence North 80° East 232 feet; thence north 49° east, 275 feet; thence north 22° east 179 feet; thence north 5° East, 600 feet; thence north 7° west, 530 feet; thence North 50° east, 94.1 feet; thence west parallel to the north line of the south half of section 4, a distance of 1757 feet to the place of beginning, containing 100 acres.

As a part of the consideration for this conveyance, the grantee herein assumes and agrees to pay taxes for the year 1958 due and payable in the year 1959, and all subsequent taxes and assessments becoming a lien against said real estate.

The grantors shall deliver complete possession of the above described real estate to the grantee herein on or before December 31, 1958.

Filed  
Entered for Taxation  
this 23rd day of October 1957  
Morton A. ... (Auditor)  
Transfer Fees \$

In Witness Whereof, The said Ralph H. Keesling and Juanita Keesling, husband and wife,

have hereunto set their hands and seal s, this 23rd day of October 1957

FILED FOR RECORD  
1957

(Seal) Ralph H. Keesling (Seal)  
Ralph H. Keesling

OCT 23 1957 (Seal) (Seal)

(Seal) Juanita Keesling (Seal)  
Juanita Keesling

✓  
133

THIS DEED IS WITNESSED that Mrs. L. Whithead, unmarried, George S. Whithead and Mary F. Whithead, his wife; Emma Ruth Jones and Earl S. Jones, her husband; Vera Harris and Gordon B. Harris, her husband; Veda Lowery, unmarried, all of Delaware County, in the State of Indiana, and Ernest M. Whithead and Marguerite Whithead, his wife, of Randolph County, State of Indiana, CONVEY and WARRANT to Muncie Water Works Company, an Indiana corporation, of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to wit:

Filed for taxation 10/11/11  
 MORTON A. LAMBERT, Auditor, Filed for Record  
 10/11/11 at 11 A.M. Deed Record 179  
 Page 2 Fee \$1.92 paid Betty Pittenger, R.D.O.  
 10/11/11

The East half of the Northeast quarter of the Southeast quarter of Section eighteen (18), Township nineteen (19) North, Range eleven (11) East; Also, the following situated in Section seventeen (17), Township and Range aforesaid: Ten (10) acres off of the south end of the West half of the Northwest quarter of said Section seventeen (17) and the northwest quarter of the southwest quarter of said Section 17, Excepting from said described tract in said Section 17, the following parcels, to wit: Commencing at the southwest corner of the west half of the northwest quarter of said Section 17 and running thence north twenty (20) poles; thence east twelve (12) poles; thence south twenty (20) poles; thence west twelve (12) poles to the place of beginning; Also, the right-of-way of the Chesapeake & Ohio Railway Co., of Indiana across said lands herein conveyed situated in said Section seventeen (17), being a strip of land fifty (50) feet wide on each side of the center line of said railroad as the same is now located on, over and across said land, which center line crosses said land by a tangent which bears north forty-one degrees (41°) west passing through a point which is sixty (60) feet south

of the northeast corner of the northwest quarter of the southwest quarter of said section. Also, beginning at a stone in the southeast corner of the northwest quarter of the southwest quarter of said Section 17 and running thence west along the south line of said quarter five hundred fifty-six (556) feet; thence northeasterly seven hundred fifty-one (751) feet to a point three hundred (300) feet west of the east line of said quarter; thence northeasterly four hundred (400) feet to the east line of said quarter at a point two hundred (200) feet south of the south line of the right-of-way of

Map 1000 at A. D. Dea  
Safe & sealed & paid Betty P

west quarter of said Section seventeen (17) and the northwest quarter of the southwest quarter of said Section 17. Excepting from said described tract in said Section 17, the following parcels, to wit: Commencing at the southwest corner of the west half of the northwest quarter of said Section 17 and running thence north twenty (20) poles; thence east twelve (12) poles; thence south twenty (20) poles; thence west twelve (12) poles to the place of beginning. Also, the right-of-way of the Chesapeake & Ohio Railway Co., of Indiana across said lands herein conveyed situated in said Section seventeen (17), being a strip of land fifty (50) feet wide on each side of the center line of said railroad as the same is now located on, over and across said land, which center line crosses said land by a tangent which bears north forty-one degrees (41°) west passing through a point which is sixty (60) feet south

of the northeast corner of the northwest quarter of the southwest quarter of said section. Also, beginning at a stone in the southeast corner of the northwest quarter of the southwest quarter of said Section 17 and running thence west along the south line of said quarter five hundred fifty-six (556) feet; thence northeasterly seven hundred fifty-one (751) feet to a point three hundred (300) feet west of the east line of said quarter; thence northeasterly four hundred (400) feet to the east line of said quarter at a point two hundred (200) feet south of the south line of the right-of-way of the Chesapeake & Ohio Railway Company of Indiana; thence south and on the east line of said quarter nine hundred ninety-four (994) feet to the place of beginning. Also, except that part of above described real estate east of said railroad right-of-way.

Also, commencing at a point 19 rods north of the southeast corner of the southwest quarter of the northwest quarter of Section seventeen (17), Township nineteen (19) North, Range eleven (11) East, and running thence north one hundred forty (140) rods and six (6) inches, more or less, to a point sixteen (16) feet south of the north line of Section seventeen (17), thence west thirty (30) feet; thence north sixteen (16) feet to the north line of said Section seventeen (17); thence west eighty-one (81) rods and seven (7) feet, more or less, to the east line of the right-of-way of the Chesapeake & Ohio Railway Company of Indiana, which point is on the north line of Section eighteen (18) in the Township and Range aforesaid and running thence in a southeasterly direction through Sections eighteen (18) and seventeen (17) and along the east line of the said C & O Railroad Company one hundred sixty-two (162) rods, more or less, to the place of beginning, containing thirty-seven (37) acres, more or less.

Containing in all ninety-five and thirty-three hundredths (95.33) acres, more or less.

Grantor: Ada L. Whithead, reserves the possession and use of the residence, yard and a garden tract, for and during her lifetime only, which said tract so reserved is described as follows:

133

A part of the Southwest quarter of Section seventeen (17), Township nineteen (19) North, Range eleven (11) East, more particularly surveyed and described as follows: Beginning at a point on the north line of the southwest quarter of Section 17, Township 19 North, Range 11 East, said point of beginning being east 2079.07 feet from the

northeast corner of the southwest quarter of Section 17, Township 19 North, Range 11 East; thence south 30°-15' east 170.38 feet to a point; thence south 89°-48' west 213.13 feet to a point; thence north 20°-16' east 172.73 feet to a point on said north line of the southwest quarter of Section 17, Township 19 North, Range 11 East; thence with said north line south 89°-29' east 196.62 feet to the point of beginning. All bearings being referred to the true meridian and containing 0.81 acre, more or less.

Grantee herein assumes and agrees to pay second installment of taxes for the year 1957 due and payable in November, 1958 and taxes thereafter.

In Witness Whereof, This deed has been executed by the undersigned grantors this 21<sup>st</sup> day of March 1958.

Ada L. Whithead Eugene G. Whithead  
Naomi Ruth Jones Mary F. Whithead  
Earl W. Jones Vera Harris

STATE OF INDIANA  
SS:  
DELAWARE COUNTY

Before the undersigned Notary Public in and for said State, on the 20th day of March, 1958, personally appeared Ad L. Whithead, unmarried, and Naomi Ruth Jones, wife of Earl H. Jones, one of the grantors in the foregoing deed and acknowledged the voluntary execution of said deed.

*Evelyn S. Barteau*

EVELYN S. BARTEAU, Notary Public  
My Commission Expires November 18, 1959



STATE OF INDIANA  
SS:  
DELAWARE COUNTY

Before the undersigned Notary Public in and for said State, on the 21st day of March, 1958, personally appeared Eugene H. Whithead and Mary F. Whithead, his wife; Earl H. Jones, husband of Naomi Ruth Jones, Vera Lowery, unmarried; Ernest V. Whithead and Marguerite Whithead, his wife; and Vera Harris and Gordon D. Harris, her husband, grantors in the foregoing deed and acknowledged the voluntary execution of said deed.

*Frank E. Clarkson, Jr.*

FRANK E. CLARKSON, JR., Notary Public  
My Commission Expires December 1, 1958





379-396 ✓

379-396

# Warranty Deed 26625

That **Joseph E. Harris, and Lydia Ellen Harris**, his wife,

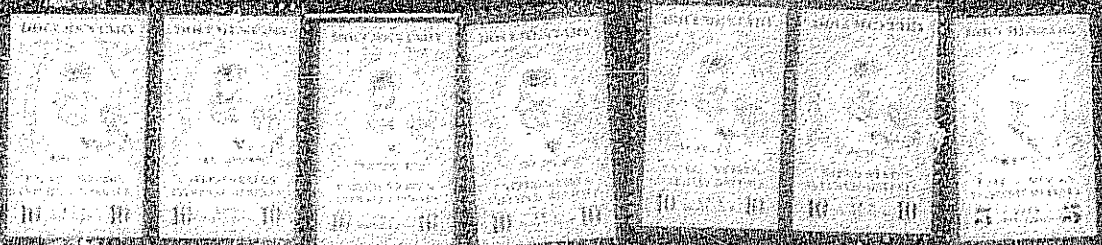
of **Delaware** County, in the State of **Indiana**,  
County and Warrant to **Muncie Water Works Company**, an Indiana corporation,

of **Delaware** County, in the State of **Indiana** for and in consideration of **One Dollar and other valuable consideration** the receipt whereof is hereby acknowledged, the following described **Real Estate** in **Delaware** County in the State of **Indiana**, to-wit:

All that part of the Northwest quarter of Section Sixteen (16), Township Nineteen (19) North, Range Eleven (11) East, lying West of the center of the Muncie and New Burlington Turnpike, containing One Hundred Thirty-three (133) acres, more or less.

The grantee assumes and agrees to pay the second instalment of the taxes levied and assessed against said real estate in the year 1957, becoming due and payable in the Fall of 1958, and the taxes levied and assessed against said real estate in the year 1958 becoming due and payable in 1959.

The grantor reserves to himself the right to the possession and use of said above described real estate during the year of 1958.



In Witness Whereof, The said **Joseph E. Harris and Lydia Ellen Harris**, his wife,

Duly entered for taxation April 26, 1958  
**MORTON A. LAMBERT**, Auditor, Filed for Record  
April 27, 1958 10:30 A.M. Deed Record 379-396  
Fee 2.00 paid **Betty Pittenger R.D.**  
as Whereunto set their hands and seals this 26th day of April, 1958.

(Seal) \_\_\_\_\_ (Seal)  
(Seal) **Joseph E. Harris** (Seal)  
(Seal) **Lydia Ellen Harris** (Seal)  
(Seal) **Lydia Ellen Harris** (Seal)

381-270  
291 V  
292  
293

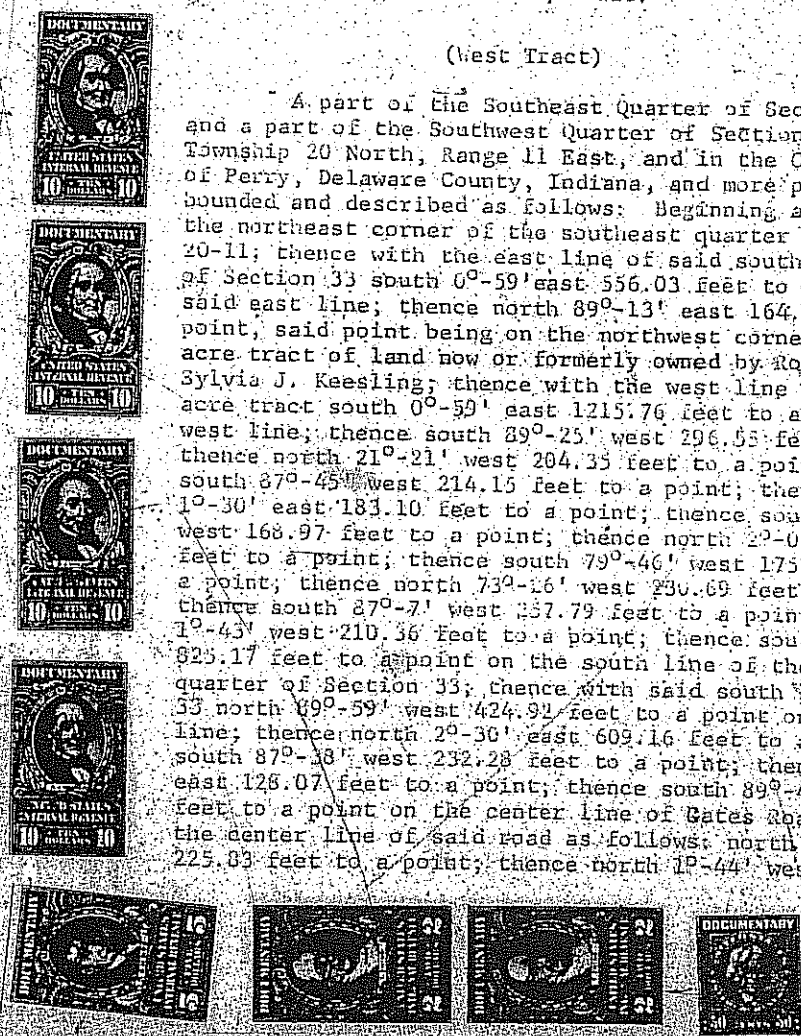
WARRANTY DEED

3167

THIS INDENTURE WITNESSETH, That Harold Q. Lamb and Mildred K. Lamb, husband and wife, and Harold Q. Lamb as Guardian of the estate of Myron K. Lamb, an unmarried minor, of Delaware County, in the State of Indiana, CONVEY AND WARRANT to Muncie Water Works Company of Delaware County in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana, to-wit:

(West Tract)

A part of the Southeast Quarter of Section 33 and a part of the Southwest Quarter of Section 34; all in Township 20 North, Range 11 East, and in the Civil Township of Perry, Delaware County, Indiana, and more particularly bounded and described as follows: Beginning at a point on the northeast corner of the southeast quarter of Section 33-20-11; thence with the east line of said southeast quarter of Section 33 south 0°-59' east 556.03 feet to a point on said east line; thence north 89°-13' east 164.34 feet to a point, said point being on the northwest corner of a 120 acre tract of land now or formerly owned by Robert W. and Sylvia J. Keesling; thence with the west line of said 120 acre tract south 0°-59' east 1215.76 feet to a point on said west line; thence south 39°-25' west 296.55 feet to a point; thence north 21°-21' west 204.35 feet to a point; thence south 87°-45' west 214.15 feet to a point; thence south 1°-30' east 183.10 feet to a point; thence south 39°-39' west 168.97 feet to a point; thence north 2°-04' west 123.65 feet to a point; thence south 79°-46' west 175.02 feet to a point; thence north 73°-16' west 230.69 feet to a point; thence south 27°-7' west 257.79 feet to a point; thence south 1°-43' west 210.36 feet to a point; thence south 7°-05' east 825.17 feet to a point on the south line of the southeast quarter of Section 33; thence with said south line of Section 33 north 69°-59' west 424.92 feet to a point on said south line; thence north 2°-30' east 609.16 feet to a point; thence south 87°-38' west 232.28 feet to a point; thence south 0°-18' east 125.07 feet to a point; thence south 89°-42' west 40.00 feet to a point on the center line of Gates Road; thence with the center line of said road as follows: north 0°-18' west 225.83 feet to a point; thence north 1°-44' west 587.67 feet



to a point; thence north  $2^{\circ}-15'$  west 418.80 feet to a point on the centerline of said road; thence leaving said road and bearing south  $38^{\circ}-22'$  east 286.66 feet to a point; thence north  $2^{\circ}-46'$  east 968.27 feet to a point on the north line of the southeast quarter of Section 33; thence with the north line of said southeast quarter south  $89^{\circ}-52'$  east 120.34 feet to a point; thence leaving said north line and bearing south  $14^{\circ}-03'$  east 247.95 feet to a point; thence north  $89^{\circ}-00'$  east 186.71 feet to a point; thence south  $0^{\circ}-17'$  west 437.72 feet to a point; thence north  $39^{\circ}-11'$  east 385.09 feet to a point; thence south  $37^{\circ}-53'$  east 203.52 feet to a point; thence north  $80^{\circ}-40'$  east 282.80 feet to a point; thence north  $56^{\circ}-05'$  east 336.59 feet to a point; thence north  $9^{\circ}-44'$  west 305.17 feet to a point on the north line of said southeast quarter of Section 33; thence with said north line south  $39^{\circ}-52'$  east 246.21 feet to the point of beginning. All bearings being referred to the true meridian and containing 67.20 acres, more or less. Being 62.61 acres in the southeast quarter of Section 33 and 4.59 acres in the southwest quarter of Section 34.

Except the following described tract: Beginning at a point on the northeast corner of the southeast quarter of Section 33-20-11; thence with the north line of said southeast quarter north  $89^{\circ}-52'$  west 1486.29 feet to a point on said north line of the southeast quarter of Section 33-20-11; thence south  $2^{\circ}-46'$  west 337.28 feet to the true point of beginning; thence south  $37^{\circ}-14'$  east 100.00 feet to a point; thence south  $2^{\circ}-46'$  west 300 feet to a point; thence north  $37^{\circ}-14'$  west 100.00 feet to a point; thence north  $2^{\circ}-46'$  east 300 feet to the true point of beginning. All bearings being referred to the true meridian and said exception containing 1.15 acres, more or less.

(East Tract)

Also, a part of the West half of Section 34, Township 20 North, Range 11 East, and in the Civil Township of Perry, Delaware County, Indiana, and more particularly bounded and described as follows: Beginning at a point on the southeast corner of the northwest quarter of the northwest quarter of Section 34, Township 20 North, Range 11 East; thence with the north line of the southeast quarter of the northwest quarter of Section 34 north  $39^{\circ}-16'$  east 755.28 feet to a point on said north line; thence south  $42^{\circ}-01'$  west 833.93 feet to a point; thence south  $0^{\circ}-43'$  east 65.47 feet to a point; thence south  $35^{\circ}-03'$  west 1029.16 feet to a point; thence south  $76^{\circ}-40'$  east 943.53 feet to a point; thence south  $50^{\circ}-09'$  east 223.37 feet to a point, said point being on the north line of a 120 acre tract of land now or formerly owned by Robert W. and Sylvia J. Keesling; thence with the north line of said 120 acre tract south  $89^{\circ}-13'$  west 1397.73 feet to a point on said north line, said point being the southeast corner of a 122.06 acre tract of land now or formerly owned by Harold Q. and Mildred K. Lamb; thence with the east line of said 122.06 acre tract as follows, north  $5^{\circ}-27'$  east 664.13 feet to a point; thence north  $21^{\circ}-46'$  east 113.57 feet to a point; thence north  $31^{\circ}-51'$  east 350.06 feet to a point; thence north  $1^{\circ}-17'$  west 872.31 feet to a point on said east line, said point being on the south line of the northwest

quarter of the northwest quarter of Section 34; thence with the south line of said quarter quarter south  $89^{\circ}-16'$  west 92.80 feet to a point; thence north  $0^{\circ}-50'$  west 294.32 feet to a point; thence north  $98^{\circ}-37'$  east 610.18 feet to a point on the east line of said northwest quarter of the northwest quarter of Section 34, Township 20 North, Range 11 East; thence with said east line south  $1^{\circ}-09'$  east 605.38 feet to the point of beginning. All bearings being referred to the true meridian and containing 35.93 acres, more or less.  
(Middle Tract)

Also, a part of the Northeast Quarter of Section 33 and a part of the West half of Section 34, all in Township 20 North, Range 11 East, and in the Civil Township of Perry, Delaware County, Indiana, and more particularly bounded and described as follows: Beginning at a point on the southeast corner of the northeast quarter of Section 33, Township 20 North, Range 11 East; thence with the south line of said northeast quarter of Section 33 north  $89^{\circ}-52'$  west 246.21 feet to a point on said south line; thence north  $23^{\circ}-29'$  east 379.99 feet to a point; thence north  $39^{\circ}-38'$  west 376.85 feet to a point; thence south  $89^{\circ}-23'$  west 160.51 feet to a point; thence north  $1^{\circ}-15'$  west 331.34 feet to a point; thence south  $69^{\circ}-33'$  east 922.57 feet to a point, thence, north  $30^{\circ}-57'$  east 810.17 feet to a point on the south line of the northwest quarter of the northwest quarter of Section 34, Township 20 North, Range 11 East; thence with the south line of said quarter quarter north  $89^{\circ}-16'$  east 92.80 feet to a point on said south line, said point being on the west line of a 120 acre tract of land now or formerly owned by Mildred K. Lamb; thence with the west line of said 120 acre tract as follows: south  $1^{\circ}-17'$  east 872.31 feet to a point in the center of Collarbone Creek; thence with the center of said creek south  $31^{\circ}-51'$  west 350.06 feet to a point; thence continuing along the center of said creek south  $21^{\circ}-46'$  west 113.57 feet to a point; thence continuing along the center of said creek and said center of creek extended south  $5^{\circ}-27'$  west 619.39 feet to a point on the southwest corner of said 120 acre tract; thence south  $89^{\circ}-13'$  west 595.98 feet to a point on the east line of Section 33, Township 20 North, Range 11 East; thence with said east line north  $0^{\circ}-59'$  west 536.03 feet to the point of beginning. All bearings being referred to the true meridian and containing 30.68 acres, more or less. Being 5.38 acres in Section 33 and 25.30 acres in Section 34.

Subject to the taxes levied and assessed against said real estate in the year 1958, becoming due and payable in the year 1959, and the taxes levied and assessed against the real estate in the year 1959, becoming due and payable in the year 1960, all of which taxes the Grantee assumes and agrees to pay.

Reserving to the grantors, their grantees, successors and assigns, a right of way and easement for the purpose of ingress and egress to and from real estate now owned by the grantors, over and across that portion of the above described real estate described as follows:

The South twenty-five (25) feet of the east five hundred fifty (550) feet of the Northwest quarter of the Northwest Quarter of Section 34, Township 20 North, Range 11 East, and the North twenty-five (25) feet of the West Seven Hundred Fifty-Five and Twenty-eight hundredths (755.28) feet of the Southeast Quarter of the Northwest quarter of Section 34, Township 20 North, Range 11 East.

IN WITNESS WHEREOF, The said Harold Q. Lamb and Mildred K. Lamb, husband and wife, and Harold Q. Lamb, as Guardian of the estate of Myron K. Lamb, an unmarried minor, have hereunto set their hands and seals, this 24th day of February, 1959.

Duly entered for taxation Feb 26, 1959 Harold Q. Lamb (SEAL)  
ROBERT W. HART, Auditor. Filed for Record Harold Q. Lamb

Feb 26, 1959 at 1959 Deed Record 287 Mildred K. Lamb (SEAL)  
290-93 paid Allen Sullivan, R.D.C. Mildred K. Lamb

Harold Q. Lamb, Guardian of  
of Myron K. Lamb, minor incompetent.

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 24th day of February, 1959, personally appeared the within named Harold Q. Lamb, Mildred K. Lamb, and Harold Q. Lamb as Guardian of Myron K. Lamb, a minor incompetent. Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires June 16, 1962. William H. Bales Jr., Notary Public

The purchase by the Grantee in the foregoing Deed of the interests of Myron K. Lamb, a minor, in the real estate described therein is hereby approved by me in open Court this 24th day of February, 1959.

Alvin Cox  
JUDGE OF DELAWARE CIRCUIT COURT

✓ DEED 2002 1980 HD

008674

FILED FOR RECORD  
2:30 o'clock  
Record 2002 Page 1980-83

18 MAR 19 2002  
3

CORPORATE WARRANTY DEED

*Al Marlow*  
Recorder, Delaware County

THIS INDENTURE WITNESSETH, that Indiana-American Water Company, Inc. an Indiana Corporation ("Grantor"), CONVEYS AND WARRANTS, to Red-tail Conservancy, Inc. ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana ("Real Estate"), subject to all covenants, restrictions, reservations, easements, conditions and rights appearing of record:

See Exhibit A attached hereto as a part hereof.

Grantor shall pay the real estate taxes for the Real Estate due and payable through November, 2002.

Grantee shall pay the real estate taxes for the Real Estate due and payable in May 2003 and thereafter.

Grantor certifies that there is no Indiana Gross Income Tax due and owing on this transaction.

Entry Entered for Taxation  
Transfer Fees \$ 5.00 *gb*

MAR 18 2002

*Gene Lesatin*  
DELAWARE CO. AUDITOR

DEED 2002 1981

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is the duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the Real Estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed this 12<sup>TH</sup> day of March, 2002.

INDIANA-AMERICAN WATER COMPANY, INC.

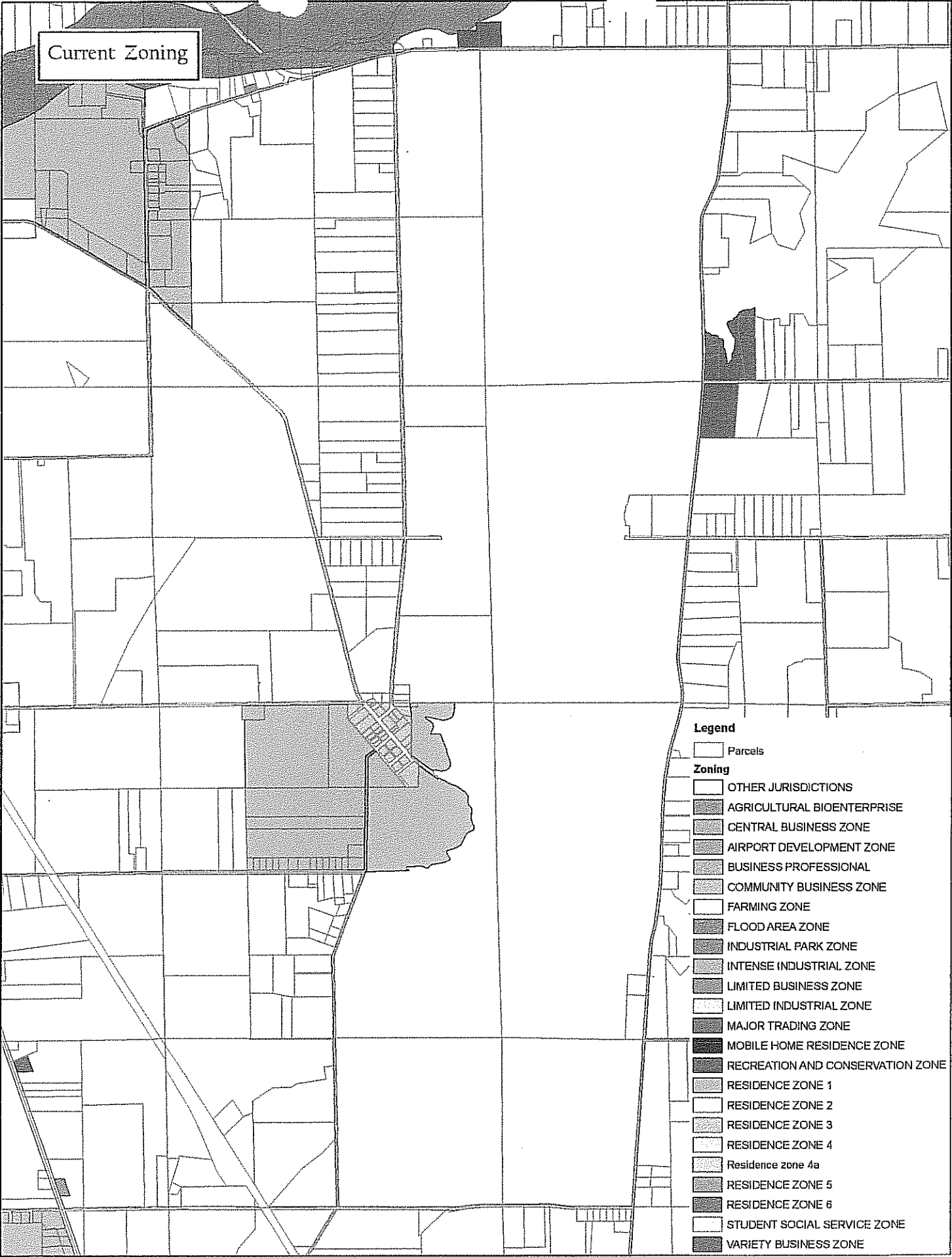
By: 

(Name of Officer)

























John E. Eckart, President

(Printed name of Officer and Title)

Current Zoning



**Legend**

-  Parcels
- Zoning**
-  OTHER JURISDICTIONS
-  AGRICULTURAL BIOENTERPRISE
-  CENTRAL BUSINESS ZONE
-  AIRPORT DEVELOPMENT ZONE
-  BUSINESS PROFESSIONAL
-  COMMUNITY BUSINESS ZONE
-  FARMING ZONE
-  FLOOD AREA ZONE
-  INDUSTRIAL PARK ZONE
-  INTENSE INDUSTRIAL ZONE
-  LIMITED BUSINESS ZONE
-  LIMITED INDUSTRIAL ZONE
-  MAJOR TRADING ZONE
-  MOBILE HOME RESIDENCE ZONE
-  RECREATION AND CONSERVATION ZONE
-  RESIDENCE ZONE 1
-  RESIDENCE ZONE 2
-  RESIDENCE ZONE 3
-  RESIDENCE ZONE 4
-  Residence zone 4a
-  RESIDENCE ZONE 5
-  RESIDENCE ZONE 6
-  STUDENT SOCIAL SERVICE ZONE
-  VARIETY BUSINESS ZONE



# Prairie Creek Rezoning

W JOR

575 E

N



400 E

400 E

422 S

475 E

(A) Inside "ring road" -  
Water Co. -  
F to RC

400 S

(D) 58.5 acres - Water Co.  
R-1 to RC

BURLINGTON

450 S

450 S

500 S

500 S

(B) 48.5 acres  
Water Co. - F to RC

462 E

US HWY 35

600 S

600 E

650 S

468 E

544 E

(C) 13.5 acres - Red Tail  
F to RC

419 E

540 E

700 S

700 S

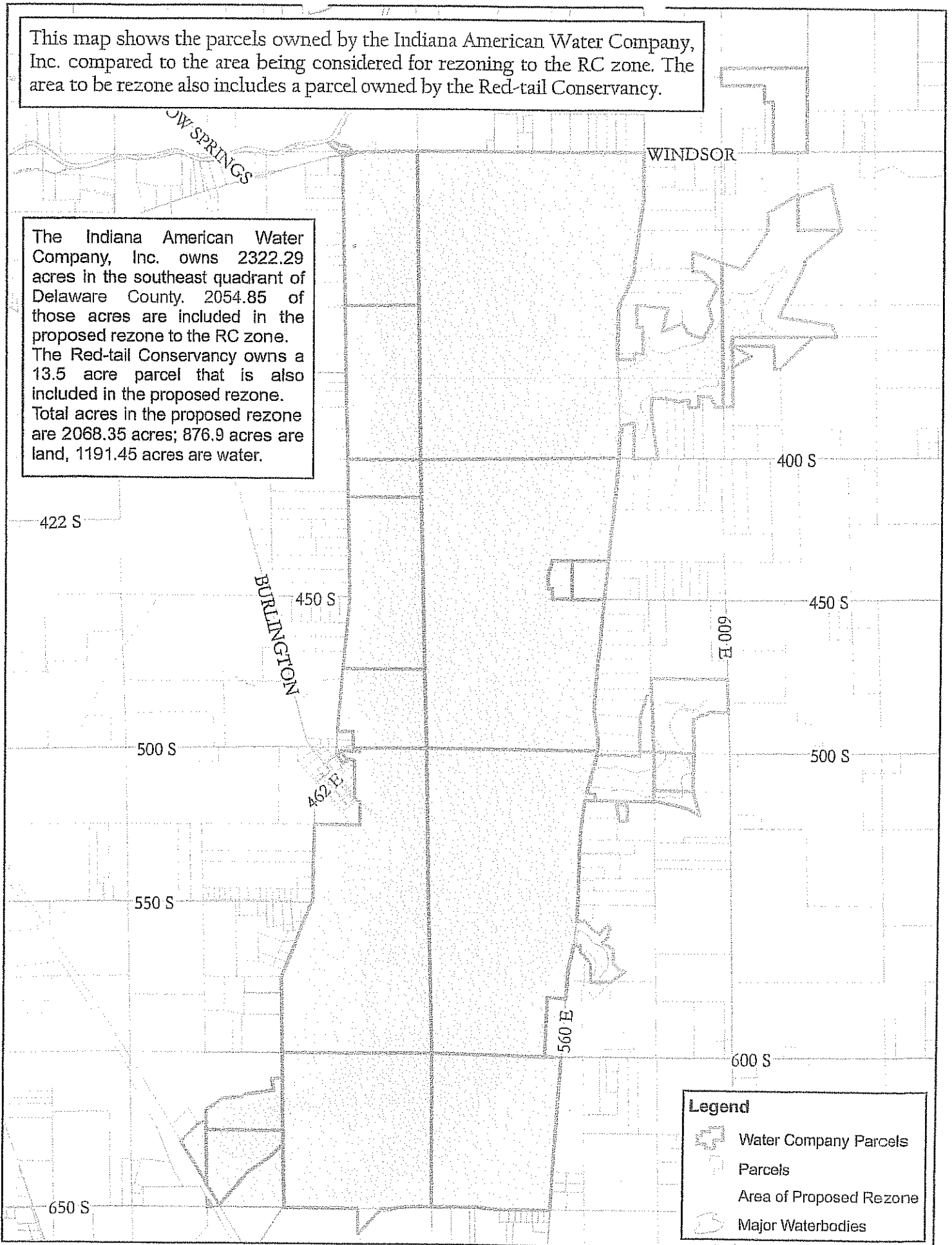
396 E

534 E

500 E

This map shows the parcels owned by the Indiana American Water Company, Inc. compared to the area being considered for rezoning to the RC zone. The area to be rezoned also includes a parcel owned by the Red-tail Conservancy.

The Indiana American Water Company, Inc. owns 2322.29 acres in the southeast quadrant of Delaware County. 2054.85 of those acres are included in the proposed rezoned area. The Red-tail Conservancy owns a 13.5 acre parcel that is also included in the proposed rezoned area. Total acres in the proposed rezoned area are 2068.35 acres; 876.9 acres are land, 1191.45 acres are water.





3641 N. Briarwood Lane  
Muncie, IN 47304

**DELAWARE COUNTY**  
soil and water conservation  
**DISTRICT**

(765) 747-5531  
Fax (765) 747-5511

Serving Delaware County Since 1956

May 6, 2009

Delaware – Muncie Metropolitan Plan Commission  
100 W. Main Street  
Room 206IN  
Muncie, IN 47305

**RECEIVED**

**MAY 06 2009**

DELAWARE-MUNCIE  
METROPOLITAN PLAN COMMISSION

Dear Commission Members:

This letter is in show of support for the current Prairie Creek Master Plan (PCMP) and the public planning process used to create it. The Delaware County Soil and Water Conservation District, through its White River Watershed Project, expended over \$28,000.00 of federal EPA grant dollars on the development of this Master Plan. This figure does not include the salary money from the work put in by the staff of the Delaware – Muncie Metropolitan Plan Commission or the time and effort of all the volunteers associated with this project. It is estimated that the total donated time spent developing this report is well above 1000 hours. This includes steering committee meetings, public meetings, and the actual writing of the plan itself.

During the development of the PCMP, the public had enormous opportunity to provide input. Fifteen hundred surveys were sent to randomly selected citizens. Of these, 208 were returned. In addition, 92 people responded to an online survey. A public meeting held on July 25, 2006 had an attendance of nearly 150 people, a large amount for any public meeting. The recommendations of the PCMP reflect in part the input from these citizens.

The nineteen member steering committee that oversaw the project contained stakeholders from many interest groups in Delaware County. In addition to the steering committee, seven specialty consultants were brought in to advise the committee of various aspects of the plan, including education, environmental issues, and economic development. In addition to other local leaders, Mike Lunsford of Coldwell Banker Lunsford, and Jim Mansfield Executive Director of the Muncie Visitors Bureau advised committee as specialty consultants in regards to economic development matters.

The Delaware County Soil and Water Conservation and the White River Watershed Project support the Prairie Creek Master Plan as it stands. Should the Metropolitan Plan Commission take issue with certain aspects of the plan, we respectfully request that those aspects be returned to the Prairie Creek Master Plan Steering Committee with the specific charge to study in-depth those aspects in question. The steering committee should have additional appointments as recommended by the Metropolitan Plan Commission, the County Commissioners, and the City of Muncie. Returning aspects of the plan for

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
PROPOSED ZONING CHANGE APPLICATION

Jurisdiction: (Check One)

Submitted: April 17, 2009

Delaware County  
 City of Muncie

CASE NO. MPC 4-09Z

(1) Petitioner: Delaware-Muncie Metropolitan Plan Commission  
Delaware County Building, Room 206  
Address: 100 W. Main Street Phone: 765-747-7740  
Muncie, Indiana 47305

(2) Record of Ownership: Indiana-American Water Company, PO Box 5600, Cherry Hill, NJ 08034 & Red Tail Conservancy, Inc., PO Box 8, Muncie, IN 47308

A.  By Deed:

Deed Book No. & Page No.: see attached deeds

Date of Deed: see attached deeds

B.  By Recorded Contract:

Misc. Book No. & Page No.: \_\_\_\_\_

Date of Contract: \_\_\_\_\_

C.  By Unrecorded Contract:

Date of Contract: \_\_\_\_\_

Name of Contract Seller: \_\_\_\_\_

Book No. & Page No. Of Deed in Seller's Name: \_\_\_\_\_

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).

Parts of Sections 32 & 33, Twp. 20N, Rge. 11E; Also, parts of Sections 4, 5, 8, 9, 16, & 17, Twp. 19N, Rge. 11E all in Perry Township and all owned by the Indiana-American Water Co., and the Red Tail Conservancy, Inc., estimated to contain 2,068 acres (876.9 acres of land and 1,191.45 acres of water), more or less – see attached deeds.

(4) Common Address of Property Involved:

Bordered by Windsor Rd.-300S on the north and CR 650S on the south; bordered by CR 461E/462E/475E on the west and CR 544E/560E on the east and 4 parcels between The Cardinal Greenway & CR 461E, just north of CR 650S all in Perry Twp., Del. Co., Ind.

(5) Proposed zoning change: (Give exact zone classification.)

From the R-1 Residence Zone & F Farming Zone

To the RC Recreation & Conservation Zone

(6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

To carry out the recommendation in the Prairie Creek Master Plan, Goal B, Objective 1a to rezone the area within the "ring road" to the conservation/recreation zone.

(7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.

Not applicable

(8) State how the proposed change will not adversely affect the surrounding area.

The rezoning will attach the appropriate zone category to the existing use which is recreation and conservation/wildlife area. The affect on the surrounding area will not change.

(9) Will certain variances be requested if the proposed zoning change is granted? (If yes, list the variances)

No variances are anticipated.

(10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? YES

Has the applicant discussed this rezoning with those owners personally? (If answer is yes, give their attitudes toward the rezoning.)

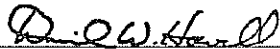
There was discussion at the April 2, 2009 MPC meeting. There was also extensive public input during the Master plan process as laid out in that document.

(11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application? (If answer is yes, attach copy of it and/or explain.)

No. There are lease agreements and conservation covenants that call for recreation and conservation use of the property.

#### DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

The foregoing application has been initiated by the Delaware-Muncie Metropolitan Plan Commission by action taken on the 2<sup>nd</sup> day of April, 2009, during the course of the Commission's Regular Monthly Meeting under the authority granted to the Commission by IC 36-7-4-602.



David W. Howell, President

The foregoing application has been initiated by the Delaware-Muncie Metropolitan Plan Commission and has been properly advertised as required by law.

The application will be heard by the Plan Commission in public hearing on the 7<sup>th</sup> day of May, 2009.



Marta Moody, Secretary

Date: May 7, 2009

## Description of Property to be rezoned from F Farming Zone to the RC Recreation and Conservation Zone:

**(A)** All that part of the attached deeds and legal descriptions pertaining to all properties owned by the Indiana-American Water Company totaling 1,947.85 acres of water and land contained within the "ring road" (Windsor Rd.-CR 300S; CR 650S; CR 544E/560E; and CR 461E/462E/475E).

**(B)** Also, 3 parcels owned by the Indiana-American Water Company totaling 48.5 acres of land, outside the "ring road," described by the attached deeds and legal descriptions located north of CR 650S and west of CR 461E.

**(C)** Also, a 13.5 acre parcel of land owned by the Red Tail Conservancy, Inc., outside the "ring road," described by the attached deed and legal description located on the northwest corner of CR 650S and CR 461E.

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## Description of Property to be rezoned from R-1 Residence Zone to the RC Recreation and Conservation Zone:

**(D)** Also, 58.5 acres of land owned by the Indiana-American Water Company, inside the "ring road," described by the attached deeds and legal descriptions located east of CR 462E, between CR 500S and CR 550S in Perry Township.

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All located in Perry Township, Delaware County, Indiana, estimated to contain 2,068.35 total acres - 876.9 acres of land and 1,191.45 acres of water – See attached map and deeds on file with MPC 4-09Z.

Franklyn Brinkman  
Zp  
Inc  
lcr

2007-16465  
372-136

**QUIT CLAIM DEED**

This indenture witnesseth, that Arthur D. Hensley, individually, and as husband of Mary J. Hensley, of Delaware County, State of Indiana, for and in consideration of one dollar (\$1.00) and other valuable consideration the receipt of which is hereby acknowledged, conveys and quit claims to Mary J. Hensley, individually, of Delaware County, Indiana, the following described real estate:

A part of the West Half of the Southeast Quarter of Section 32 Township 20 North, Range 11 East, more particularly described as follows, to-wit

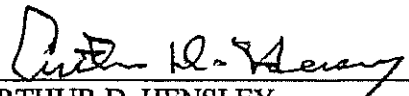
Beginning at a point on the east line of the west half of the southeast quarter of Section 32, Township 20 North, Range 11 East, said point being south 01 degrees 12 minutes 31 seconds east 1526.50 feet (assumed bearing) from the northeast corner of said half-quarter section and being the southeast corner of a tract of ground described in Deed Record 1991 page 3462, Records of Delaware County, Indiana; thence south 90 degrees 00 minutes 00 seconds west 1322.89 feet to the southwest corner of said tract of ground; thence south 00 degrees 31 minutes 14 seconds east 328.80 feet along the west line of said half-quarter section to the northwest corner of a tract of ground described in Deed Record 1991 page 3459; thence north 90 degrees 00 minutes 00 seconds east 1326.49 feet to a spike on the east line of said half-quarter section and being 818.66 feet north of the southeast corner of said half-quarter section; thence north 01 degrees 12 minutes 31 seconds west 328.80 feet to the point of beginning, containing 9.99 acres, more or less, and subject to the right-of-way for Bailey Road along the easterly side and to all easements of record.

Being a portion of the land acquired by Muncie Water Works Company (now Indiana-American Water Company, Inc.) from Otho L. and Grace F. Janney by Deed dated December 12, 1956, and recorded on May 16, 1957, in the Delaware County Recorders Office in Deed Record 372 at Page 136.

Unit Tax Number: \_\_\_\_\_  
Sidwell Number: \_\_\_\_\_  
Parcel # 1232400008000

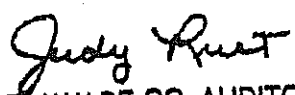
IN WITNESS WHEREOF, the Grantor, Arthur D. Hensley, individually, and husband of Mary J.


Hensley, has hereunto set his hand and seal this 24 day of 11-24 2006.

  
ARTHUR D. HENSLEY  
Individually and as husband of Mary J. Hensley  
5801 E CR 650 S.  
Muncie, IN 47302  
Grantor

Duly Entered for Taxation  
Transfer Fees \$ 5.00

JUN 29 2007

  
JUDY RUST  
DELAWARE CO. AUDITOR

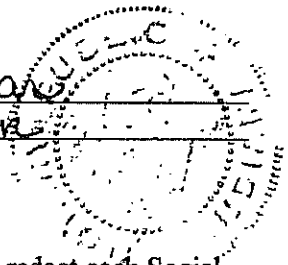
  
\* 2007R16465 \*  
2007R16465  
JANE LASATER  
DELAWARE COUNTY RECORDER  
RECORDED ON  
06/29/2007 11:02:10AM  
REC FEE: 20.00  
PAGES: 2

STATE OF INDIANA  
COUNTY OF DELAWARE

Before me, Victoria S. Brinkman, a Notary Public, in and for Delaware County, State of Indiana, this 24<sup>th</sup> day of November 2006, did personally appear Arthur D. Hensley, individually, and husband of Mary J. Hensley, Grantor, said person being over 18 years of age, and acknowledged the execution of the foregoing "Quit Claim Deed".

My Commission Expires:  
November 21, 2007

Victoria S. Brinkman  
Victoria S. Brinkman  
A Resident of Delaware County  
Notary Public



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 Franklyn D. Brinkman, Jr.

THIS INSTRUMENT PREPARED BY:

FRANKLYN D. BRINKMAN, JR.  
*Attorney at Law, #3784-18*  
111 East Main Street  
Muncie, Indiana 47305  
(765) 284-2622