



# Board of Public Works and Safety

## Agenda Item

### Cover Sheet

---

**MEETING DATE:** May 27, 2025

- ☐ Consent Agenda Item
- ☒ New Item for Discussion
- ☐ Previously Discussed Item
- ☐ Miscellaneous

**ITEM #:** 2

**INITIATED BY:** Jonathan Hughes

- ☒ Information Attached
- ☐ Verbal
- ☐ No Paperwork at Time of Packets

**Cross References:**    **Instrument No. 3154 (Book 107, Page 344)** (Vacation)  
                              **Instrument No. 9224243** (Ordinance Vacating)  
                              **Instrument No. 200600029185** (Ordinance Vacating)  
                              **Instrument No. 9237022** (Easement)  
                              **Instrument No. 2021055063** (Ordinance No. 43-06-21)

**RELEASE OF EASEMENT**

This RELEASE OF EASEMENT (this “Release”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2025, by CITY OF NOBLESVILLE, INDIANA through its Utilities Department (the “Utility”).

WITNESSETH:

A.     East River Partners LLC, an Indiana limited liability company is the owner of certain real estate located at approximately 600 Conner Street, 495 Conner Street, and 432 Maple Avenue, Noblesville, Indiana, pursuant to those certain deeds recorded as Instrument Nos. 2022001479, 2022001480, 2022001481 and 2022001482 in the Office of the Recorder of Hamilton County, Indiana (the “Real Estate”);

B.     There is a certain right of way being the north-south alley of Block 5 being more particularly described in Exhibit A attached hereto and made a part hereof (“Vacated Area #1”), and depicted on Exhibit F attached hereto and made a part hereof, was vacated pursuant to a certain Final Action of Board Vacation Portion of Alley adopted as of August 26, 1968, and recorded in the Office of the Recorder of Hamilton County, Indiana on September 3, 1968 as Instrument No. 3154 in Book 107, Page 344 (“Vacation Resolution”);

C.     There are certain rights of way including 5th Street, the east-west alley in Block 5 and portions of the westerly portion of the east-west alley in Block 17, and the southerly portion of the north-south alley in Block 17 being more particularly described on Exhibit B attached hereto and made a part hereof (“Vacated Area #2”) and depicted on Exhibit F, was vacated pursuant to a certain Ordinance adopted June 23, 1992, and recorded in the Office of the Recorder of Hamilton County, Indiana on June 26, 1992 as Instrument No. 9224243 (“1992 Ordinance”);

D.     There is a certain right of way including a portion of 5<sup>th</sup> Street being more particularly described on Exhibit C attached hereto and made a part hereof (“Vacated Area #3”) and depicted on Exhibit F, was vacated pursuant to a certain Ordinance 37-4-06 adopted May 9, 2006, and recorded in the Office of the Recorder of Hamilton County, Indiana on May 24, 2006 as Instrument No. 200600029185 (“2006 Ordinance”);

E.     That part of the Real Estate being more particularly described as Exhibit D attached

hereto and made a part hereof (the “Easement Area”) as set forth in a certain Utility Easement and General Easement of the Hamilton County Public Building Corporation dated as of July 15, 1992 and recorded in the Office of the Recorder of Hamilton County, Indiana on September 24, 1992 as Instrument No. 9237022 (the “Easement”);

F. There are certain rights of way including the easterly portion of the east-west alley in Block 17, and the northerly portion of the north-south alley of Block 17 being more particularly described on Exhibit E attached hereto and made a part hereof (“Vacated Area #4”) and depicted on Exhibit F, was vacated pursuant to a certain Ordinance 43-06-21 adopted July 27, 2021, and recorded in the Office of the Recorder of Hamilton County, Indiana on July 29, 2021 as Instrument No. 2021055063 (“2021 Ordinance”);

G. The Utility wishes to disclaim, release, and terminate any interest or right it may have to use the Vacated Area #1, Vacated Area #2, Vacated Area #3, Vacated Area #4, and the Easement Area and to document the same.

#### RELEASE AND TERMINATION:

NOW, THEREFORE, in consideration of the foregoing premises and the mutual agreements hereinafter contained, the parties agree as follows:

The Utility hereby disclaims, waives, terminates, releases and relinquishes any and all interest or retained easement rights it has or may have in and to the Vacated Area #1, Vacated Area #2, Vacated Area #3, Vacated Area #4 and the Easement Area described in the Vacation Resolution, the 1992 Ordinance, the 2006 Ordinance, the 2021 Ordinance and the Easement.

The undersigned executing this Release certifies that he or she is duly authorized and empowered to execute and deliver this Release on behalf of the Utility.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE.]

This instrument prepared by and return to after recording: Timothy D. Schuster, Attorney at Law, Dinsmore & Shohl LLP, One Indiana Square, Suite 1800, Indianapolis, Indiana 46204. 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. [*Timothy D. Schuster*]

## **EXHIBIT A**

### **Vacated Area #1**

Begin at a point where the east line of Fractional Lot 4 in Fractional Square 5 in the Original Plat of the City of Noblesville intersects the high water mark of the east bank of White River, run thence south along the east line of Fractional Lot 4 to the southeast corner, run thence east 16.5 feet to the southeast corner of Lot 3 in said Fractional Square 5, run thence north to a point where the east line of Fractional Lot 2 intersects the east high water mark of White River, thence southwesterly to the place of beginning.

## **Exhibit B**

### **Vacated Area #2**

Fifth Street from the north boundary of the property owned by the American Red Cross north to the Conner Street right-of-way and the east-west alleys for ½ block each direction from 5<sup>th</sup> Street, more particularly described as follows:

A part of 5<sup>th</sup> Street between Conner Street and Maple Avenue, a part of the east-west alley lying east of 5<sup>th</sup> Street in Block 17, and part of the east-west alley lying west of 5<sup>th</sup> Street in Block 5, all parts located in the Original Plat of Noblesville, Hamilton County, Ind., being bounded as follows:

BEGINNING at the northwestern corner of Lot 4 in said Block 17; thence southerly along the western line of said Lot 4 a distance of 132 feet to the southwestern corner of said Lot 4; thence easterly along the southern line of Lot 4 and Lot 3 in said Block 17 a distance of 132 feet to the southeastern corner of said Lot 3; thence southerly 16.5 feet to the northeastern corner of Lot 5 in said Block 17; thence westerly along the northern line of said Lot 5 a distance of 132 feet to its northwestern corner; thence southerly along the western line of said Lot 5 a distance of 66 feet to its southwesterly corner; thence westerly 49.5 feet to the southeastern corner of Lot 2 in said Block 5; thence northerly along the eastern line of said Lot 2 a distance of 66 feet to its northeastern corner; thence westerly along the northern line of said Lot 2 a distance of 132 feet to its northwestern corner; thence northerly 16.5 feet to the southwestern corner of Lot 1 in said Block 5; thence easterly along the southern line of said Lot 1 a distance of 132 feet to its southeastern corner; thence northerly along the eastern line of said Lot 1 a distance of 132 feet to a point on the western extension of the southern line of Conner Street; thence easterly along the western extension of the southern line of Conner Street 49.5 feet to the POINT OF BEGINNING, containing 0.344 acres, more or less.

The southern portion of the north-south alleys in Block 17 of the Original Plat of Noblesville, more particularly described as follows:

A part of the north-south alley between Conner Street and Maple Avenue in Block 17 of the Original Plat of Noblesville, Hamilton County, Ind., being bounded as follows:

BEGINNING at the northeastern corner of Lot 5 in said Block 17; thence southerly along the eastern line of said Lot 5 and Lot 6 a distance of 132 feet to the northern line of Maple Avenue; thence easterly along the northern line of Maple Avenue 16.5 feet to the southwestern corner of Lot 7 in said Block 17; thence northerly along the western line of said Lot 7 and Lot 8 a distance of 132 feet to the northwestern corner of said Lot 8; thence westerly 16.5 feet to the POINT OF BEGINNING, containing 0.050 acres, more or less.

## **Exhibit C**

### **Vacated Area #3**

A part of the Alley extending from the Northern right of way of Maple Street to the Southern line of the previously vacated Alley lying between Lots 2 and 3 of Fractional Square 5 on the West side of 5<sup>th</sup> Street and Lots 5 and 6 of Block 17 on the East side of 5<sup>th</sup> Street, which is more particularly described as:

Beginning at the Southeast corner of Lot Three (3) in Fractional Square Five (5) in the original plat of Noblesville, Indiana, and run thence North sixty-six (66) feet along the Eastern line of Lot Three (3) to the Northeast corner of Lot Three (3) in Fractional Square Five (5); thence East forty-nine and one half (49.5) feet to the Northwest corner of Lot Six (6) in Block 17; thence South sixty-six (66) feet along the Western line of Lot Six (6) to the Southwest corner of Lot Six (6) in Block 17; thence West forty-nine and one half (49.5) feet to the place of beginning.

## **EXHIBIT D**

### **Easement Area**

Fifth Street from the north boundary of the property owned by the American Red Cross north to the Conner Street right-of-way and the east-west alleys for ½ block each direction from 5<sup>th</sup> Street, more particularly described as follows:

A part of 5<sup>th</sup> Street between Conner Street and Maple Avenue, a part of the east-west alley lying east of 5<sup>th</sup> Street in Block 17, and part of the east-west alley lying west of 5<sup>th</sup> Street in Block 5, all parts located in the Original Plat of Noblesville, Hamilton County, Ind., being bounded as follows:

BEGINNING at the northwestern corner of Lot 4 in said Block 17; thence southerly along the western line of said Lot 4 a distance of 132 feet to the southwestern corner of said Lot 4; thence easterly along the southern line of Lot 4 and Lot 3 in said Block 17 a distance of 132 feet to the southeastern corner of said Lot 3; thence southerly 16.5 feet to the northeastern corner of Lot 5 in said Block 17; thence westerly along the northern line of said Lot 5 a distance of 132 feet to its northwestern corner; thence southerly along the western line of said Lot 5 a distance of 66 feet to its southwesterly corner; thence westerly 49.5 feet to the southeastern corner of Lot 2 in said Block 5; thence northerly along the eastern line of said Lot 2 a distance of 66 feet to its northeastern corner; thence westerly along the northern line of said Lot 2 a distance of 132 feet to its northwestern corner; thence northerly 16.5 feet to the southwestern corner of Lot 1 in said Block 5; thence easterly along the southern line of said Lot 1 a distance of 132 feet to its southeastern corner; thence northerly along the eastern line of said Lot 1 a distance of 132 feet to a point on the western extension of the southern line of Conner Street; thence easterly along the western extension of the southern line of Conner Street 49.5 feet to the POINT OF BEGINNING, containing 0.344 acres, more or less.

The southern portion of the north-south alleys in Block 17 of the Original Plat of Noblesville, more particularly described as follows:

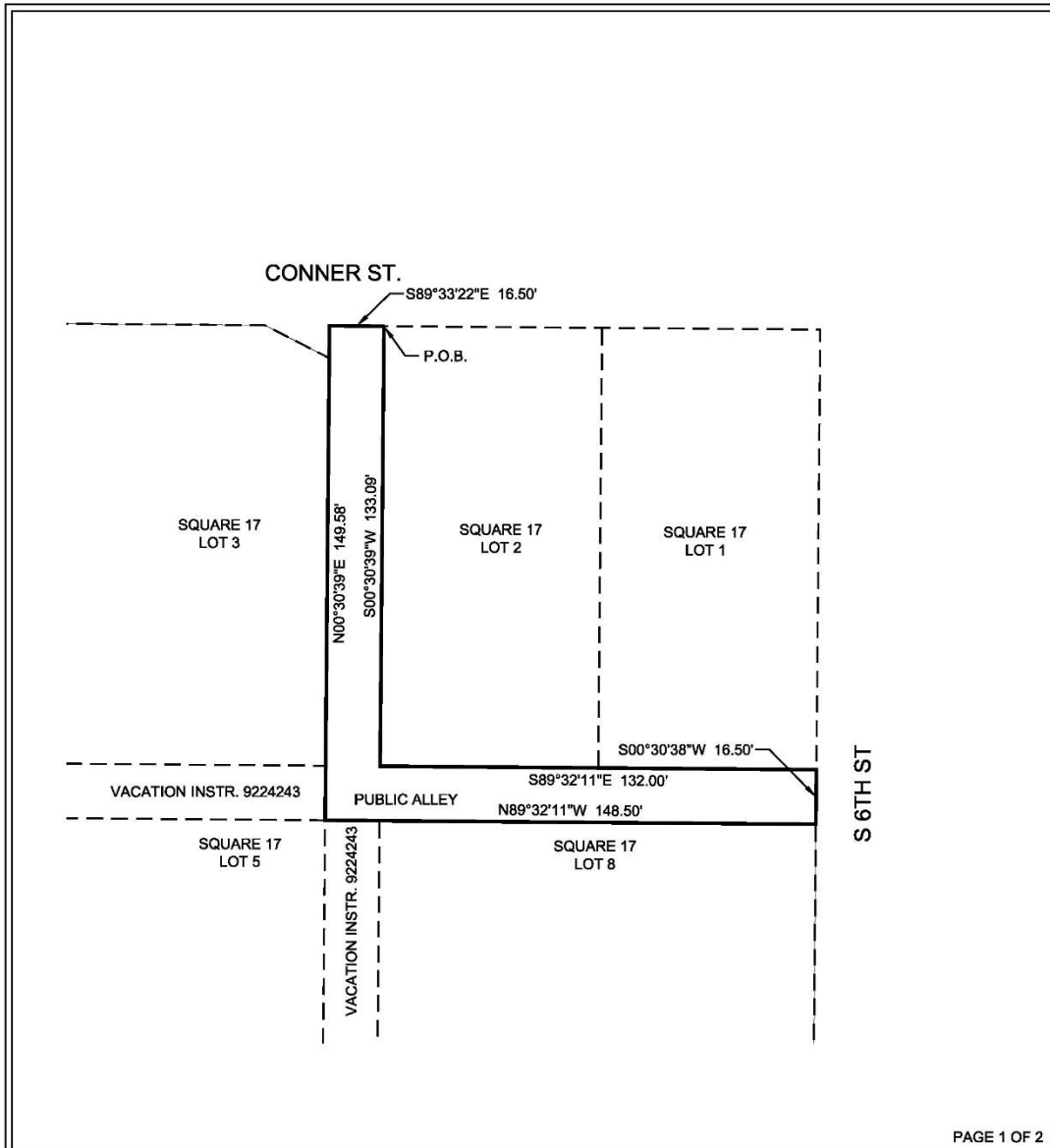
A part of the north-south alley between Conner Street and Maple Avenue in Block 17 of the Original Plat of Noblesville, Hamilton County, Ind., being bounded as follows:


BEGINNING at the northeastern corner of Lot 5 in said Block 17; thence southerly along the eastern line of said Lot 5 and Lot 6 a distance of 132 feet to the northern line of Maple Avenue; thence easterly along the northern line of Maple Avenue 16.5 feet to the southwestern corner of Lot 7 in said Block 17; thence northerly along the western line of said Lot 7 and Lot 8 a distance of 132 feet to the northwestern corner of said Lot 8; thence westerly 16.5 feet to the POINT OF BEGINNING, containing 0.050 acres, more or less.



## EXHIBIT E

### Vacated Area #4




<b>HAMILTON DESIGNS</b>  A LIMITED LIABILITY COMPANY PROFESSIONAL LIMITED LIABILITY COMPANY  11 Municipal Drive, Suite 300 Fishers, Indiana 46038 P. (317) 570-8800 www.hamilton-designs.com	EXHIBIT:	<b>PROPOSED ALLEY VACATION</b>	DATE: 03/25/2021
	PROJECT INFORMATION:	<b>ORIGINAL TOWN PLAT NOBLESVILLE</b>	Project No.: 2020-078
	NOBLESVILLE HAMILTON COUNTY, IN		Drawn By: TDW
			Checked By: TDW
			Scale: 1" = 40'

**LAND DESCRIPTION ALLEY**

THE ALLEY LAYING BETWEEN LOTS LOT 1, 2, 3, 5 AND 8 IN SQUARE 17 OF THE ORIGINAL TOWN (NOW CITY) OF NOBLESVILLE, HAMILTON COUNTY, INDIANA RECORDED IN PLAT BOOK 1, PAGES 2 AND 3 IN THE OFFICE OF THE RECORDER, HAMILTON COUNTY, INDIANA, AS SURVEYED BY TERRY D. WRIGHT OF HAMILTON DESIGNS, PROJECT # 2020-0078 DATED NOVEMBER 22, 2020 AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 IN SAID BLOCK; THENCE SOUTH 00 DEGREES 30 MINUTES 39 SECONDS WEST ALONG THE WEST LINE OF SAID LOT, 133.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 32 MINUTES 11 SECONDS EAST ALONG THE SOUTH LINES OF LOTS 1 AND 2 A DISTANCE OF 132.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 AND THE WEST LINE OF SOUTH 6TH STREET; THENCE SOUTH 00 DEGREES 30 MINUTES 38 SECONDS WEST ON SAID WEST LINE 16.50 FEET TO THE NORTHEAST CORNER OF LOT 8 IN SAID SQUARE; THENCE NORTH 89 DEGREES 32 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT AND A VACATED ALLEY 148.50 FEET TO THE NORTHEAST CORNER OF LOT 5; THENCE NORTH 00 DEGREES 30 MINUTES 39 SECONDS EAST ACROSS A VACATED ALLEY AND THE EAST LINE OF LOT 3 A DISTANCE OF 149.58 FEET TO THE NORTHEAST CORNER OF SAID LOT 3 AND ON THE SOUTH LINE OF CONNER STREET; THENCE SOUTH 89 DEGREES 33 MINUTES 22 SECONDS EAST ALONG SAID SOUTH LINE 16.50 FEET TO THE POINT OF BEGINNING, CONTAINING 4,646 SQUARE FEET MORE OR LESS.

  
TERRY D. WRIGHT, PS  
INDIANA REGISTRATION # 9700013



"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." TERRY D. WRIGHT

PAGE 2 OF 2

**HAMILTON  
DESIGNS**

A LIMITED LIABILITY COMPANY  
PROFESSIONAL LIMITED LIABILITY COMPANY  
11 Municipal Drive, Suite 300  
Fishers, Indiana 46038  
P. (317) 570-8800  
www.hamilton-designs.com

EXHIBIT:

**PROPOSED ALLEY VACATION**

PROJECT INFORMATION:

**ORIGINAL TOWN PLAT NOBLESVILLE**

NOBLESVILLE HAMILTON COUNTY, IN



DATE:  
03/25/2021

Project No.:  
2020-0078

Drawn By:  
TDW

Checked By:  
TDW

Scale:

## EXHIBIT F

