



# Board of Public Works and Safety

## Agenda Item

## Cover Sheet

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**MEETING DATE:** May 29, 2018

New Item for Discussion

Previous Item for Discussion

Miscellaneous

**ITEM #:** 12

**INITIATED BY:** John Beery

Information Attached

Bring Paperwork from Previous Meeting

Verbal

No Paperwork at Time of Packets

**MEMORANDUM**

**TO: THE BOARD OF PUBLIC WORKS AND SAFETY**

**FROM: JOHN BEERY, CITY ENGINEER**

**DATE: MAY 23, 2018**

**RE: LIMITED WARRANTY DEED FOR REVERSIONARY RIGHT-OF-WAY**

Attached is a deed that transfers approximately 164 square feet of right-of-way from an old cul-de-sac on Town and County Boulevard that was removed. The old deed had reversionary rights.

**I recommend that the Board of Public Works authorize the execution and transfer of the attached deed.**

## LIMITED WARRANTY DEED

Project: Miller's  
Walk  
Code:  
Parcel:  
Page: 1 of 2

**THIS INDENTURE WITNESSETH**, THE CITY OF NOBLESVILLE, through its Board of Public Works, the "Grantor", Conveys and Transfers Ownership and Interest(s) to JAMES T. HARGER, NANCY TEN CATE, AND SUSANNAH DILLON, jointly and severably the "Grantee", for and in consideration for the sum of \$1.00, represents land and improvements acquired and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Hamilton, State of Indiana, and being more particularly described in the legal description contained in "Exhibit A" attached hereto and containing 164.46 square feet, more or less.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease, and/or transfer by Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances, or any other infrastructure or structures established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantors(s) and all successors and assigns.

"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."

Grantee mailing address:  
City of Noblesville  
16 South 10<sup>th</sup> Street  
Noblesville, Indiana 4600

This Instrument Prepared By Mike Howard  
Attorney at Law  
694 Logan Street  
Noblesville, IN 46060

Project: Miller's Walk  
Code:  
Parcel:  
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) have executed this instrument this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

FOR CITY OF NOBLESVILLE, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND SAFETY

\_\_\_\_\_  
Signature (Seal)

\_\_\_\_\_  
By: Printed Name, Title

STATE OF \_\_\_\_\_ :

SS:

COUNTY OF \_\_\_\_\_ :

Before me, a Notary Public in and for said State and County, personally appeared THE PRESIDENT OF THE NOBLESVILLE BOARD OF PUBLIC WORKS:

\_\_\_\_\_  
Print Title and Name

the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be its voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_

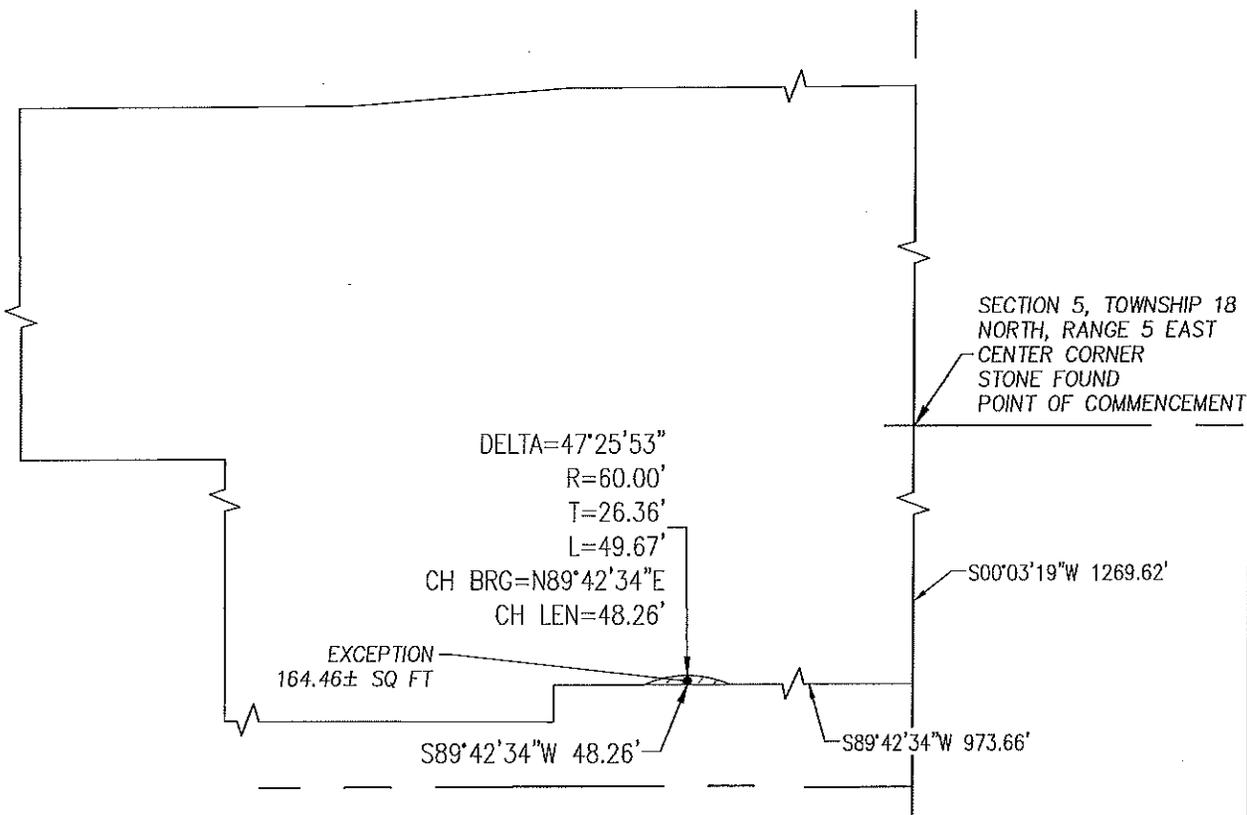
I am a resident of \_\_\_\_\_ County.

## EXHIBIT A

### LAND DESCRIPTION

PART OF THE WEST HALF OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECTION PRINCIPALMERIDIAN, NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE FOUND AT THE CENTER-CENTER CORNER OF SAID SECTION 5, THENCE SOUTH 00 DEGREES 03 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 1269.62 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 34 SECONDS WEST, 973.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 42 MINUTES 34 SECONDS WEST, 48.26 FEET; THENCE 49.67 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET AND A CHORD BEARING NORTH 89 DEGREES 42 MINUTES 34 SECONDS EAST, 48.26 FEET TO THE POINT OF BEGINNING CONTAINING 164.46 SQUARE FEET, MORE OR LESS



**LAND DESCRIPTION**

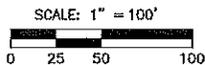
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NOTE: THIS DRAWING WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT



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 ALLAN H. WEIHE, P.E., L.S. - FOUNDER



**PARCEL EXCEPTION**

Date: June 18, 2018