The Common Council of the City of Kokomo, Indiana met Monday, July 30th, 2018 at 6:00 P.M. in the City Hall Council Chambers for the purpose of a Public Hearing on Ordinance #6898.

Present: Wyant, Young, Haworth, Kennedy, Hayes, Whikehart, Sanders, Miklik

Absent: Cameron

President Hayes called for any comments from the audience, hearing none the Public Hearing was adjourned.

The Common Council of the City of Kokomo, Indiana met Monday, July 30th, 2018 at 6:00 P.M. in the City Hall Council Chambers

The meeting was called to order by President Hayes.

President Hayes states, those who wish to stand may stand, or you may remain seated.

Invocation was offered by Pastor Brad Swain from In His Image Church.

Pledge:

Present: Wyant, Young, Haworth, Kennedy, Hayes, Whikehart, Sanders, Miklik

Absent: Cameron
The minutes of the Council Meeting Minutes July 9th, 2018 & Special Council Minutes July 24th, 2018 were declared approved as presented.

COMMUNICATIONS: President Hayes states I need to set a Public Hearing for Ordinance #6901, for August 13th, 2018 at 6:00 P.M. in these Council Chambers.

Councilwoman Sanders states, I want to congratulate FCA. They had a ribbon cutting for their Family Health & Wellness Center. That will be for the FCA employees, and their families. It is a wonderful facility.

Councilman Wyant states, I would like to invite the Public to come to We Care Park Saturday. We have a Hog Roast, and all proceeds will go to We Care.

President Hayes states, I would ask Commander Rex Richey to come forward, and approach the microphone. He is the Commander of Chapter 28 of the Disable American Veterans.

Rex Richey 3811 East 40 South Kokomo, Ind. states, our Chapter is located at 4019 South Webster Street Kokomo, Ind.

President Hayes states, first off let it be said to each, and every-one of you thank you for your service to the Country. We are glad to see you here today.

Commander we are going to give you a little bit of something. It’s not the whole thing you need; but it is going to help. We understand that VAV provides free professional assistance to disable veterans including transportation for medical services.
Cont. Communications.
Nationally your Organization provided nearly 615 thousand rides for veterans attending medical appointments; and assisted veterans with more than 250 thousand benefit claims annually. That is amazing. In 2017 the disable veterans helped attain more than $4 billion dollars in new, and retroactive benefits to care for veterans, and their families, and their survivors. Thank you

I encourage all of the Council Members to come down, and get a picture taken. It is my honor to present this check to the Disable American Veterans Chapter 28 from the City of Kokomo, and the City Council. God Bless you.

Rex Richey states, thank you for this. I appreciate it. When Peggy Meadows Senior Vice, and I spoke with the Mayor, and Deputy Mayor on March 23rd he gave us a challenge. This was the challenge for us to raise the $5,000, and the City would match it; not only did we match the challenge but we passed it, and it was because of the businesses here in Kokomo, and the Public. The City of Kokomo in Howard County Support Veterans. It is something to be proud of. I think our area raises the candle compared to other communities in the State. Thank you for this.

There were no committee reports given at this regular meeting.

ORDINANCE 6901: AN ORDINANCE VACATING A
UTILITY AND DRAINAGE 
EASEMENT LOCATED IN THE 
CITY OF KOKOMO, INDIANA
First reading

Ordinance 6901 was read by the Clerk by title only. Councilman Miklik moved for passage on ordinance #6901 on first reading; seconded by Councilwoman Sanders.
Cont. Ordinance #6901.
 Councilman Miklik states, Country Development has petitioned this body to vacate a utility, and drainage easement; along lots 119, 120 Timber Valley of Woodhaven Section 5 in the City of Kokomo. The Council will conduct a Public Hearing August 13th 2018 at 6:00 P.M. The notice of the proposed vacation was served on all necessary parties. The vacation of the easement would not limit access to any real estate or hinder development. There are no public utilities maintain in the easement. The Common Council of the City deems necessary to vacate easement, as it no longer needs any of the easement for any of the public purposes. Vote for passage follows:
 Aye: All
 Nay: None
 The vote was to 8 to 0 for passage on first reading.

ORDINANCE 6906:
 Rezoning: NC to M2
 Location: 1560 South Plate St.
 Petitioner: Ronald Dubbles
 First reading

Ordinance 6906 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6906 on first and second reading; seconded by Councilman Haworth. Vote for passage follows:
 Aye: All
 Nay: None
 The vote was 8 to 0 for suspension of the rules.
 Councilwoman young moved for passage on ordinance #6906 on second reading; seconded by Councilman Wyant.
 Councilwoman Young states, Ronald Dubbles is requesting a change in zone classification from NC (Neighborhood Commercial) to M2 (General Multifamily Residential) for property located at 1560 South Plate Street. The plan use is apartments for this residence.
Cont. Ordinance #6906.
It will have 8 units. It used to be an old nursing home in the past. They are requesting zoning. It is comparable with surrounding zones. The Commission has forward a favorable recommendation to the Common Council. We had no remonstrators at the Plan Commission Meeting.
Voted for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first, and second reading.

ORDINANCE 6907:
Rezoning: C1 to LI
Location: 708 W. Alto Road
Petitioner: Thomas Harrold for Mike Stahl
First reading
Ordinance 6907 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6907 on first and seconded reading; seconded by Councilman Haworth.
Vote for suspension of the rules:
Aye: All
Nay: None
The vote was 8 to 0 for suspension of the rules.
Councilwoman Young moved for passage on ordinance #6907 on second reading; seconded by Councilman Wyant.
Councilwoman Young states, Mike & Brenda Stahl our requesting a change in zone classification from C1 (Small to Medium Scale General Commercial to L1 (Low Intensity Industrial/Business Park). It is for property located at 708 West Alto Road. Mike, and Brenda want to buy the property. Once the zoning is changed; they plan to use the property to build a mini ware-house. There were no remonstrators.
Cont. Ordinance #6907.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first, and reading.

RESOLUTION 2714:

Resolution 2714 was read by the Clerk by title only. Councilwoman Young moved for passage on resolution #2714; seconded by Councilman Haworth.

Councilwoman Young states, this is a resolution of the Common Council of Kokomo, Ind., approving action of the Kokomo Redevelopment Commission, and Plan Commission Order 2018-1. It is regarding the consolidation of Downtown Southeast area, and consolidated plan. Whereas, July 10th, 2018 the Commission adopted Resolution No. 2018-1 as amended. Now, therefore, be it resolved by the Common Council of Kokomo the geographic area of the Consolidated Downtown-Southeast Area is an Economic Development area. This resolution shall be in full force, and effect immediately upon its adoption. This resolution deals with us having a first hotel project Hilton Garden Inn which will be built in the Downtown area. The location is 191 East Superior Street. This will be the first business in this Economic Development.
Cont. Resolution. #2714.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.

RESOLUTION 2716:
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, AUTHORIZING THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR COSTS OF THE CONVENTION CENTER PROJECT AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS

Resolution 2716 was read by the Clerk by title only. Councilman Whikehart moved for passage on resolution #2716; seconded by Councilwoman Sanders.

Councilman Whikehart states, this resolution authorizes issuance of bonds for construction of the announced Conference Center. The bond not to exceed $3.9 Million Gross. These bonds will be back the TIFF revenues as pledged by the Re-Development Commission. This will continue the transformation downtown. I ask the Council for support, and adopt resolution #2716.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.
RESOLUTION 2717: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA APPROVING A DEVELOPMENT AGREEMENT AND FINANCING AGREEMENT FOR THE HOTEL PROJECT AND APPROVING THE PLEDGE CERTAIN TAX INCREMENT REVENUE TO THE HOTEL LOAN

Resolution 2717 was read by the Clerk by title only. Councilman Whikehart moved for passage on resolution #2717; seconded by Councilwoman Sanders.

Councilman Whikehart states, this is a three prong approach. It approves the Development Agreement previously approved by Economic Development Commission. It describes who does what, and when. It includes all parties in the project; includes the City, EDC, RDC, Developers, Owner, Construction Fees, Kokomo Community Development Corporation, CVT, CVB, and also approves Financing Agreement previously approved by the Economic Development Commission; and it also approves the pledge of TIFF Funds for cash on hand. I would ask the Council to adopt resolution #2717.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.
President Hayes states, I will have the City Clerk read Resolution #2718, and Resolution #2719; because they are interrelated; but they will be voted on separate.

RESOLUTION 2718:  
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY, INDIANA CONVENTIONS, VISITORS AND TOURISM COMMISSION TO SUPPORT THE DEVELOPMENT OF A HOTEL AND CONFERENCE CENTER

Resolution 2718 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2718; seconded by Councilwoman Sanders.

Councilman Miklik states, there are two of distinct differences in the resolutions; although they will sound very similar. One is the Convention, and Visitors Tourism Commission; and the other terminology is Convention, and Visitors Bureau which is a non-profit. As I go thru the Resolution you will see the differences. Whereas, the City of Kokomo, Howard County Convention, Visitors, and Tourism Commission desire a private developer, and the Howard County Convention, and Visitors Commission to develop, and construct a Hotel, and Conference Center. Whereas to make the Project Financially feasible they desire to provide Economic Developments support for the project. Therefore, the Indiana Code authorizes political subdivisions of the State of Indiana to enter into Interlocal Cooperation Agreement.
Cont. Resolution #2718.
Whereas, the City, and the CVT or Convention of Visitors Tourism desire to enter into an Interlocal Cooperation Agreement to set forth their respective rights, and obligations jointly providing Economic Development support for the construction of the Conference Center. Therefore, the Common Council of the City has reviewed the physical, and fully advised regarding the Interlocal Agreement. Therefore, be it Resolved that the Common Council hereby approves the Interlocal Agreement. The Common Council hereby authorizes the Mayor to serve as the designated representative of the City to execute the agreement on behalf of the City. The Common Council authorizes the City to take additional actions as necessary, and to pledge, and appropriate support. I move we adopt this resolution.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.

RESOLUTION 2719: RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY, INDIANA TO SUPPORT THE DEVELOPMENT OF A HOTEL AND CONFERENCE CENTER

Resolution 2719 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2719; seconded by Councilwoman Sanders.

Councilman Miklik states, Whereas the City in Howard County desire private developer, and the Howard County Convention, and Visitors Commission or CVD to develop, and construct a new Hotel, and Conference Center.
Cont. Resolution #2719.
Whereas to make the project financial feasible we desire to provide Economic Development support. Whereas the code authorizes political subdivisions to enter into an Interlocal Agreement. Whereas the City, and County desire to enter into an Interlocal Cooperation Agreements, as set forth in the Indiana Code. Whereas, the Common Council has reviewed the Interloal Agreement, and has been fully advised of the Interlocal Agreement. Now, therefore, be it resolved by the Common Council approves the agreement. The Council authorizes the Mayor on behalf of the City to execute that agreement. The Common Council authorizes the City to take such additional actions; upon execution of the Interlocal Agreement by the Mayor, and the President of the City Council. I move we adopt resolution #2719.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.

President Hayes states, this marks the end of this Council Meeting, and our next Council Meeting will be August 13th, 2018 with an Informational Meeting at 5:30 P.M. in the Louks Room. Public Hearing at 6:00 P.M. in the Council Chambers, and Council Meeting immediately following.

Adjourned at 6:25 P.M.

______________________________
Presiding Officer

ATTEST:
______________________________
City Clerk
AGENDA
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
IN THE LOUKS CONFERENCE ROOM LOCATED ON THE
FIRST FLOOR. PUBLIC HEARING AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. COUNCIL MEETING IMMEDIATELY
FOLLOWING. AUGUST 13TH, 2018
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Public Hearing & Council Meeting
Minutes 7-30-2018

COMMUNICATIONS:

COMMITTEE REPORTS:

ORDINANCE 6901: AN ORDINANCE VACATING A
Miklik UTILITY AND DRAINAGE
EASEMENT LOCATED IN THE
CITY OF KOKOMO, INDIANA
Second reading

ORDINANCE 6908: Additional Appropriation from the
Whikehart Special Revenue-Transportation Fund
in the amount of $300,000
First reading

Additional Appropriation from the
Donation-Park Fund in the amount of
$89,000
NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given the taxpayers of the City of Kokomo, Howard County, Indiana that the Common Council of the City of Kokomo at their regular meeting place at Kokomo City Hall, 100 South Union, Kokomo Indiana, at 6:00 PM on August 27, 2018 will consider the following additional appropriations for the current budget year.

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<tr>
<th>Special Revenue-Transportation Fund</th>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
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<tr>
<td>Other Contractual</td>
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<td>New Transit Center</td>
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<td>Total Additional Appropriation</td>
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<th>Donation-Park Fund</th>
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<tr>
<td>Improvement Other Than Building</td>
<td>$89,000</td>
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<td>217-5002-452-4031, project PAD-1</td>
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<tr>
<td>Total Additional Appropriation</td>
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Preceding the meeting the City Council of the City of Kokomo will conduct a public hearing about the proposed additional appropriations. That Public hearing will take place at 6:00 PM, August 27, 2018 in the City Council chambers at Kokomo City Hall, 100 South Union, Kokomo Indiana.

Taxpayers appearing at either meeting shall have the right to be heard.

Randall J Morris
City Controller, City of Kokomo
Ordinance #6908

WHEREAS, it has been determined that it is now necessary to appropriate money in accordance with the Special Revenue-transportation fund and Donation-park fund, therefore:

SECTION I

Be it ordained by the Common Council of the City of Kokomo, County of Howard, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the Special Revenue-Transportation and Donation-Park fund for the purposes specified, subject to the laws governing the same:

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SECTION II

That the Common Council of the City of Kokomo, Indiana will conduct a public hearing on August 27, 2018 at 6:00P.M. in the Council Chambers City Hall to hear all citizens on said additional appropriation. Following the hearing the aforementioned Council will meet at City Hall Council Chambers on August 27, 2018 at 6:00P.M. to consider and adopt the ordinance. Taxpayers appearing at the hearing shall have a right to be heard thereon.

SECTION III

This Ordinance shall remain in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.
Ordinance #6908

SECTION IV

PASSED by the Common Council of the City of Kokomo, Indiana, this ___ day of August, 2018

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ATTEST:

CITY CLERK

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this ___th day of August, 2018.

CITY CLERK

APPROVED by me as Mayor of the City of Kokomo, Indiana, this ___th day of August, 2018

GREG GOODNIGHT, MAYOR
CITY OF KOKOMO, INDIANA

ATTEST:
August 9\textsuperscript{th}, 2018

TO: Council Members, Council Attorney, Controller, News Media

From: Brenda Ott, City Clerk

The following is the scheduling of all Council Meetings for August 13\textsuperscript{th}, 2018.

Informational Meeting: 5:30 P.M.

Public Hearing: 6:00 P.M.

Council Meeting: Immediately following

Thank you,
Brenda Ott
City Clerk
PUBLIC HEARING AGENDA
AUGUST 13\textsuperscript{TH}, 2018

CALL TO ORDER:

ROLL CALL:

ORDINANCE 6901: AN ORDINANCE VACATING A
UTILITY AND DRAINAGE EASEMENT
LOCATED IN THE CITY OF
KOKOMO, INDIANA
BEFORE THE COMMON COUNCIL
OF THE CITY OF KOKOMO
ORDINANCE NO. 6901

NOTICE OF HEARING ON PETITION TO VACATE UTILITY AND DRAINAGE EASEMENT LOCATED IN THE CITY OF KOKOMO, INDIANA

Please take notice that pursuant to I.C. 36-7-3-12, Country Development, Inc., has filed with the Common Council of the City of Kokomo, a petition to vacate an alley described as follows:

A part of Lots 119 and 120 in Timber Valley of Woodhaven, Section 5, Harrison Township, City of Kokomo, and Howard County, Indiana described as follows:

A strip of ground 16 feet in width being a utility and drainage easement platted in Timber Valley of Woodhaven, Section 5, Plat Book 10, page 0391 along the common Lot line of Lots 119 and 120. EXCEPT the south 15 feet thereof.

The Common Council of the City of Kokomo has set a hearing on this petition for the 13th day of August 2018, at 6:00 p.m. in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At that time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

Robert Hayes, President
Brenda Ott, Clerk

Wyatt Johnson
40th Parallel Surveying, LLC
555 Market Road
Tipton, IN 46072
Telephone: 765-675-6455
Petitioner’s Representative
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO

ORDINANCE NO. 6901

AN ORDINANCE VACATING A UTILITY AND DRAINAGE EASEMENT LOCATED IN THE CITY OF KOKOMO, INDIANA

WHEREAS, Country Development, has petitioned this body to vacate a utility and drainage easement along the common lot line of Lots 119 and 120 in Timber Valley of Woodhaven Section 5 located in the City of Kokomo, more particularly described hereafter, and
WHEREAS, this Council conducted a public hearing on the 13th day of August, 2018, at 7:00 p.m., pursuant to the provisions of I.C. 36-7-3-12(C) following presentation of proof of publication pursuant to I.C. 5-3-1; and
WHEREAS, notice of the proposed vacation was served on all necessary parties; and
WHEREAS, the vacation of the easement would not limit access to any real estate or hinder the growth or development of the neighborhood in which it is located; and
WHEREAS, there are no public utilities maintained in the easement, or if any be in said alley then per statute an easement is maintained over said utility line; and
WHEREAS, the Common Council of the City of Kokomo deems it appropriate and necessary to vacate said easement as it no longer serves any public purpose.

NOW, THEREFORE, be it ordained by the Common Council of the City of Kokomo, Indiana, that:

SECTION I

It is hereby found that the utility and drainage easement hereafter described should be vacated. Said easement is not currently used by any utility as evidenced by all utilities response to a request for information that they have no facilities in said easement. It is determined that such proposed vacation of the easement complies with the purposes and provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16.

SECTION II

It is hereby found that proper notice was given in accordance with I.C. 36-7-3-12© and I.C. 5-3-1.

SECTION III

It is hereby found that the following described easement located in the City of Kokomo, Indiana, should be, and it is hereby vacated:
A part of Lots 119 and 120 in Timber Valley of Woodhaven, Section 5, Harrison Township, City of Kokomo, and Howard County, Indiana described as follows:

A strip of ground 16 feet in width being a utility and drainage easement platted in Timber Valley of Woodhaven, Section 5, Plat Book 10, page 0391 along the common Lot line of Lots 119 and 120, EXCEPT the south 15 feet thereof.

SECTION IV
The City Clerk of the City of Kokomo, Indiana is instructed to furnish a copy of this vacation Ordinance to the Howard County Recorder for recording and to the Howard County Auditor.

SECTION V
This Ordinance shall be in full force and effect from and after its passage by this Council and its approval and signing by the Mayor of the City of Kokomo.

PASSED AND ADOPTED THIS________ DAY OF August, 2018.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

ATTESTED BY: ______________________________________________________

By: ________________________________________________________________

Robert Hayes, President

______________________________________________________________.

BRENDA OTT, CLERK

Presented by the Clerk of the Common Council of the City of Kokomo to the Mayor of the City of Kokomo, Indiana on this_____ day of August, 2018 at Kokomo, Indiana, for approval by his signature below.

______________________________

GREG GOODNIGHT

Mayor of the City of Kokomo, Indiana

This instrument prepared by Wyatt Johnson, 555 Market Road; Tipton, Indiana.

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. Wyatt Johnson
Country Development petitions the Common Council of the City of Kokomo, for the
vacation of a utility and drainage easement in the City of Kokomo, Harrison Township, Howard
County, Indiana, as recorded in Plat Book 10, page 0391 and is support of the petition shows
the Council as follows:

1. Petitioner proposes to vacate a utility and drainage easement which is 16 feet in
width described as follows:

A part of Lots 119 and 120 in Timber Valley of Woodhaven, Section 5, Harrison
Township, City of Kokomo, and Howard County, Indiana described as follows:

A strip of ground 16 feet in width being a utility and drainage easement platted
in Timber Valley of Woodhaven, Section 5, Plat Book 10, page 0391 along the
common Lot line of Lots 119 and 120. EXCEPT the south 15 feet thereof.

2. The names and addresses of the owners of real estate abutting or near the said
 easement are as follows:

**NORTHWEST** Matthew K. and Heather Maher; 1728 Timber Valley Court; Kokomo, IN 46902

**NORTHEAST** Krishnan & Carina G. Rajagopal; 3413 Timber Valley Drive; Kokomo, IN 46902

3. The utility companies that may be affected include the following:

NIPSCO; 290 W Nationwide Blvd; Columbus, OH 43215

Indiana American Water Company, Inc.; 1700 East Superior Street; Kokomo IN 46901-4990

Kokomo Wastewater Utility; Attn: City Engineer; 100 South Union Street; Kokomo, IN 46901

Comcast; 1002 East Center Road; Kokomo, IN 46902

Duke Energy Corp.; 1619 W Deffenbaugh St.; Kokomo IN 46902

AT&T Indiana; Right-Of-Way Dept.; 302 W Washington Street, Floor 1; Lebanon IN 46052
4. Vacating the above utility and drainage easement is appropriate for the following reasons:

   A. Petitioner owns all the real estate adjoining the easement to be vacated.

   B. Vacating the easement will not hinder or interfere with any utility's operation nor with drainage in any way.

   C. Vacating the easement will facilitate the development the lots as one parcel.

Wherefore Petitioner requests:

5. [x] A hearing on this petition is set within thirty (30) days after it is received by the Council.

6. [x] The Clerk of the Council to publish notice of the hearing on this petition as required by I.C. 36-7-4-712 in the manner prescribed in I.C. 36-7-3-10 in the form and content as attached as Exhibit A here to.

7. [x] After such notice and hearing, the Council approves the proposed ordinance attached to this petition.

Dated this 25th day of June, 2018.

Country Development Inc.

By: [Signature]

Bret Rinehart

40th Parallel Surveying, LLC
Wyatt Johnson
555 Market Road
Tipton, IN 46072
Telephone: 765-675-6455
E-mail: wyatt.40th@gmail.com
BEFORE THE COMMON COUNCIL
OF THE CITY OF KOKOMO
ORDINANCE NO. 6901

NOTICE OF HEARING ON PETITION TO VACATE UTILITY AND DRAINAGE EASEMENT LOCATED IN THE CITY OF KOKOMO, INDIANA

Please take notice that pursuant to I.C. 36-7-3-12, Country Development, Inc., has filed with the Common Council of the City of Kokomo, a petition to vacate an alley described as follows:

A part of Lots 119 and 120 in Timber Valley of Woodhaven, Section 5, Harrison Township, City of Kokomo, and Howard County, Indiana described as follows:

A strip of ground 16 feet in width being a utility and drainage easement platted in Timber Valley of Woodhaven, Section 5, Plat Book 10, page 0391 along the common Lot line of Lots 119 and 120. EXCEPT the south 15 feet thereof.

The Common Council of the City of Kokomo has set a hearing on this petition for the 13th day of August 2018, at 6:00 p.m. in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At that time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

Robert Hayes, President
Brenda Ott, Clerk
Wyatt Johnson
40th Parallel Surveying, LLC
555 Market Road
Tipton, IN 46072
Telephone: 765-675-6455
Petitioner’s Representative
May 18, 2018

Dear Sir/Madam,

Country Development, Inc will be requesting that the utility and drainage easement on the common lot line between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 which was created by plat be vacated. To assist you in understanding the easement to be vacated attached is a copy of the plat that has the location of the easement highlighted. A 811 utility locate was completed on May 16, 2018. The ticket Number is 18705145337.

We request that you send us a letter confirming that you have no utilities in this easement and that you have no objections to the easement being vacated. If you prefer, you may sign page two of this document to confirm this and return via email.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Wyatt Johnson, P.E., L.S.
WJ/ep
Attachments

c.c. Country Development, Inc; email: rinehartrealestate@embarqmail.com
TIMBER VALLEY OF WOODHAVEN

SECTION 5

AN ADDITION TO HARRISON TOWNSHIP,
HOWARD COUNTY, INDIANA
49 LOTS

FLOOD HAZARD STATEMENT

Based upon Panel No. 180414-00428, dated 7-16-81, as prepared by the National Flood Insurance Program, the building area within this property is not located within the 100 year flood hazard area. (Zone C)

DULT ENERED FOR TAXES

DEC 02 1997

Auditor Howard Co. IN

10° 0°391

THIS INSTRUMENT PREPARED BY WILLIAM W. BASSETT AND ASSOCIATES, INC.
Howard County, IN

Overview

Legend
- Political Township
- Parcels
- Easement Lines
- Road Centerlines

Parcel ID: 34-09-23-451-009.000-006
Sec/Twp/Rng: 23-23-3
Property Address: 1708 Timber Valley Ct, Kokomo

Alternate ID: n/a
Class: Res - Vacant Platted lot
Acreage: 0.44

Owner Address: Country Development Inc, PO Box 98, Flora, IN 46929

District: HARRISON-KOKOMO
Brief Tax Description: TIMBER VALLEY WOODHAVEN SEC 5 LOT 119 0.44 AC
(Note: Not to be used on legal documents)

Date created: 5/18/2018
Last Data Uploaded: 5/18/2018 4:27:53 AM

Developed by
The Schneider Corporation
May 18, 2018

The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY: AT&T

BY: Joshua Hewitt

DATE: 6-18-18

PRINTED NAME: Joshua Hewitt

TITLE: Indiana Right of Way Manager

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states:

"Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.


Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY: ________________________________

BY: ________________________________ DATE: ________________________________

PRINTED NAME: ________________________________

TITLE: ________________________________
May 18, 2018

The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY: ____________________________________________________________.

BY: ___________________________ DATE: __________________________

PRINTED NAME: ____________________________________________________________.

TITLE: ____________________________________________________________.

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states:

“Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings. 


Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY: ____________________________________________________________.

BY: ___________________________ DATE: __________________________

PRINTED NAME: ____________________________________________________________.

TITLE: ____________________________________________________________.
May 18, 2018

The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY:  Comcast

BY:  [Signature]  DATE:  6/12/18

PRINTED NAME:  John Gyselby

TITLE:  Construction Supervisor

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states: "Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings."


Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY:

BY:  [Signature]  DATE:  

PRINTED NAME:  

TITLE:  

May 18, 2018

The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY: NIPSCO

BY: ______________________ DATE: 6/20/2018

PRINTED NAME: FAMING SUN

TITLE: GAS FIELD ENGINEER

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states:

"Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.


Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY: ________________________________

BY: ______________________ DATE: _______________

PRINTED NAME: ________________________________

TITLE: ________________________________
May 18, 2018

The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY: INDIANA AMERICAN WATER CO.

BY: __________________________ DATE: ____________

PRINTED NAME: Joshua Cox

TITLE: Operations Superintendent

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states: "Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings. As added by Acts 1981, P.L.309, SEC.22. Amended by P.L.220-1986,

Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY: __________________________

BY: __________________________ DATE: ____________

PRINTED NAME: __________________________

TITLE: __________________________
The undersigned confirms that the utility indicated has no utilities in the proposed easement between Lots 119 and 120 in Timber Valley of Woodhaven, Section 5 to be vacated and has no objection to the easement being vacated.

UTILITY COMPANY: Duke Energy Indiana, LLC

BY: Brian Funk DATE: 6-25-18

PRINTED NAME: Brian Funk

TITLE: Manager Distribution Design

OR

The undersigned does have utilities in the street and/or alley and is satisfied that IC 36-7-3-16(b) which states:

"Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.


Protects their interest in maintenance, repair, replacement and all other necessities of their utility.

UTILITY COMPANY:

BY: ___________________________ DATE: ________________________

PRINTED NAME: ____________________________

TITLE: ____________________________