

## **Approved Minutes for the Town of Rocky Ripple Special Meeting, Jan. 5, 2010**

Attendees: Robert Tomey, Angela Herrmann, Carla Gaff-Clark, Cathy Hurt

Also attending: Paul and Christine Anderson, Kurt Laker, Jon Stohler, Jon Elrod

The meeting was called to order at 7:10pm.

### **Vacation of Riverview Drive**

Kristi Stohler bought the property at 5006 Riverview Drive (Red Thompson's old place) on December 21, 2009. She submitted a letter stating that she needs access to the south of her property; she requested a right of way. The letter is attached.

Mr. Laker (attorney for the Andersons) stated that he had no problem with changing the "Rocky Ripple easement" on his map for the first 60 feet of Riverview to a right-of-way. His proposal and maps are attached.

Mr. Elrod stated that the Rocky Ripple easement was added several years ago in the last plan- it was not there historically. He has reviewed Mr. Laker's proposal and says it is acceptable if the easements are changed to right-of-ways and Red Thompson's name is updated to Kristi Stohler.

It was asked if a 25' utility easement exists on either side of the center of the current paved road. It does.

It was discussed whether we can include property owned by Larry Landis (lots 56-59) in the Riverview Drive vacation- the front yards for these lots are currently platted in Riverview Drive. Mr. Laker said that fees are typically paid by vacated footage, and he would need to be reimbursed for any extra money that was paid to extend the vacation.

This is the fourth time this issue has come up before the town board. Part of the property was originally owned by Butler; it is now owned by the city of Indianapolis. The city is not interested in mediating the division of the property.

Jon Stohler presented a map that included a ~12.5' x 20' turn-around for cars on the southeast corner of the proposed Anderson property. It was argued that this needed to be public property so that people would be able to turn around. It is a safety issue to make people back out. If it is private property it could be blocked by the owner.

Mr. Laker argued that the piece of property should go to the Andersons. They would not block it because it would go against the agreement in his proposal. Also, it is in a utility easement and could not be blocked for that reason.

Carla was concerned that the 5006 Riverview Drive property may not have permanent access on the south end of the property under Mr. Laker's proposal.

It was asked how the title company was able to sell the property again after settling with the Beesleys for this same problem? The title company is just an insurance company and people don't always get full surveys when they buy a house. This petition is a product of discussions between the Andersons and the title company.

Mr. Elrod noted that the onus is on the title company to compensate the Andersons for any lost land.

It was decided that Mr. Elrod and Mr. Laker should work together to draw up an agreement. The main disagreement between the town and the Andersons was the ownership of the turn around. Mr. Laker offered to produce utility easement documents and write that into the document so that it could not be blocked. Marshal Kiefer stated that that would be much harder to enforce than if the town owned the property. Mr. Anderson stated that his property value would be diminished with the corner missing. The agreement will be presented at the Jan. 12 regular town board meeting.

It is in everyone's interest to get this issue straightened out once and for all!

The meeting was adjourned at 8:20pm.

Respectfully submitted,  
Cathy Hurt