

**Resolution No. 4, 2021**  
**Department of Public Works, City of Beech Grove, Indiana**

This Resolution No. 4, 2021 authorizes the City of Beech Grove, Department of Public Works to Reject and Extinguish the 1924 Churchman Place Plat description of Dorsey Avenue (unimproved).

WHEREAS, the City of Beech Grove, Indiana (“City”), is a municipal entity organized and existing under provisions of Indiana Code § 36-1-4 *et. seq.*

WHEREAS, the Department of Public Works is an executive department of the City of Beech Grove governed by a Board of Public Works.

WHEREAS, the City of Beech Grove, an excluded city pursuant to Ind. Code § 36-3-1-7, has exclusive territorial jurisdiction within its boundaries for the purposes of planning future development, growth and encouraging the improvement of health, safety, convenience and welfare of its citizens.

WHEREAS, the City of Beech Grove acquired certain real property commonly known as 5249 Hornet Avenue, Beech Grove, Indiana, by General Limited Warranty Deed dated September 26, 1994, recorded September 29, 1994 as Inst. No. 1994-0147640 in the Office of the Marion County Recorder (“Subject Property”).

WHEREAS, that Subject Property was previously platted as Churchman Place Plat on February 13, 1924, recorded June 4, 1924 in Miscellaneous Book 21, Page 29, in the Office of the Marion County Recorder (“Plat”), identifying a twenty-five (25) foot right-of-way as a proposed one-half of Dorsey Avenue, which is more particularly described and depicted by the attached Exhibit A. Churchman Place has not been improved for residential use and the proposed one-half of Dorsey Avenue has not been improved over the previous ninety-seven (97) years.

WHEREAS, there has been no public use or benefit of the proposed one-half of Dorsey Avenue for more than ninety-seven (97) years to comply with requirements for statutory or common law dedication of a public way.

WHEREAS, the statutory minimum right-of-way width is fifty (50) feet. Ind. Code § 36-7-4-741(303).

WHEREAS, the abutting real property is owned by the School City of Beech Grove, Indiana pursuant to Warranty Deed dated May 15, 1962, recorded May 15, 1962 in Book 1926, Page 387, in the Office of the Marion County Recorder (“School Property”). The School Property does not create or grant a right-of-way for public street, particularly not a corresponding one-half of Dorsey Avenue.

WHEREAS, the Subject Property is improved by Hornet Park Elementary School and certain athletic fields extending over and across the Plat benefitting the citizens of the City of Beech Grove.

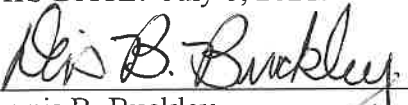
WHEREAS, the Subject Property is subject to a Lease and License Agreement with the School City of Beech Grove, dated March 13, 1995, recorded October 25, 1995 as Inst. No. 1995-0135705, in the Office of the Marion County Recorder (“Lease”). The term of the Lease is twenty years, with the option of four additional twenty year terms, the first option term was exercised in 2015, and continues to benefit the citizens of the City of Beech Grove.


**NOW, THEREFORE BE IT RESOLVED THAT**, the Board of Public Works for the City of Beech Grove does hereby Reject and Extinguish the 1924 Churchman Place Plat description of Dorsey Avenue (unimproved) during its July 6, 2021 meeting by motion and voice vote.

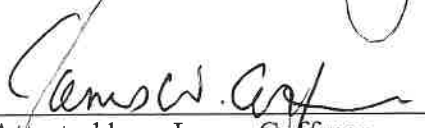
BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon passage by the Board of Public Works, signed by its members and attested by the Clerk Treasurer.

PASSED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF BEECH GROVE

THIS DATE: July 6, 2021.

  
\_\_\_\_\_  
Dennis B. Buckley  
Mayor, City of Beech Grove

  
\_\_\_\_\_  
Dave Harrison  
Member, Board of Public Works

  
\_\_\_\_\_  
Attested by: James Coffman  
Clerk Treasurer, City of Beech Grove

# 934781  
10478

# Churchman Place

13679

We the undersigned hereby certify that the within Plat of Churchman Place is true and correct and represents a subdivision of the southwest quarter of the southwest quarter of section 27 Township 15 North Range 4 East, more particularly described as follows: To wit: Beginning at the southwest corner of the southwest quarter of the southwest quarter of Section 27 Township 15 North Range 4 East, running thence north 1/2 mile and along the west line of said quarter, quarter section, thirteen hundred twenty nine and forty five hundredths (1329.45) feet to the north west corner of said quarter, quarter section thence east 1/2 mile and along the north line of said quarter, quarter section, thirteen hundred thirty nine and thirty four hundredths (1339.35) feet to the northeast corner of said quarter, quarter section, thence south 1/2 mile and along the east line of said quarter, quarter section, thirteen hundred thirty and fifty hundredths (1330.60) feet to the southeast corner of said quarter, quarter section, thence west 1/2 mile and along the south line of said quarter, quarter section, thirteen hundred thirty six and thirty four hundredths (1336.39) feet to the place of beginning, containing 40 acres, more or less.

The size of lots and widths of streets are shown on the within Plat in figures, denoting feet and decimal parts thereof.  
 The subdivision consists of seventy six (76) lots numbered from one (1) to seventy six (76) both inclusive.

Witness our signature this 21st day of January 1934.  
 George G. Schmitt - Company Surveyors, C.S.

By George G. Schmitt.  
 We, undersigned John J. Spiker and Robert L. Davidson, Trustees, hereby certify that they have laid off platted and subdivided, and do hereby lay off Plat and subdivision into lots and streets in accordance with the within Plat (hereinafter certified by George G. Schmitt & Co. surveyors) the real estate mentioned in the foregoing certificate be land, surveyor, subdivided & all be known and designated as Churchman Place and addition to the City of Indianapolis.

The lots heretofore not dedicated are hereby dedicated to the public.  
 The undersigned hereby establish front yard lines as shown in within Plat. The location of these lines on the several lots are shown in feet, feet from the property lines of the streets, between which lines and the property line of the street, there shall be erected or maintained no buildings or structures other than open one story porches. The right to enforce these provisions by injunction together with the right to cause the removal by process of Law, any Building erected in violation hereof is dedicated to the public and is also reserved to the several owners of the several lots and their assigns.

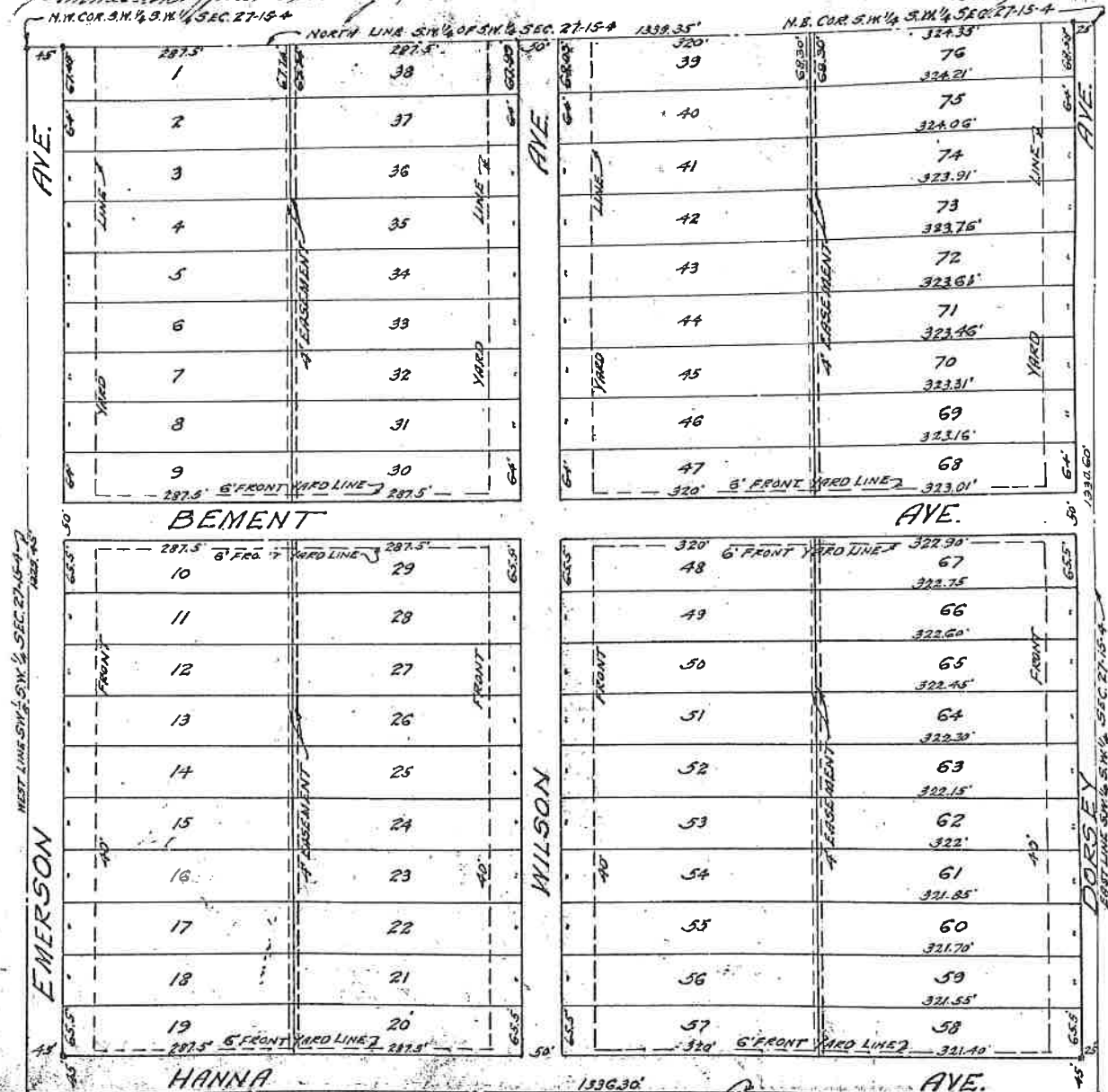
There are strips of ground 4 feet in width as shown on within Plat reserved for use of Public utilities, not including street car or transportation companies such as water, telephone, telegraph, Gas or Electric Light companies, for installation and maintenance of mains, poles, ducts, and wires subject at all times to the authority of the City of Indianapolis, and subject further to the easement herein granted, no permanent or other structures are to be erected or maintained on such strips by the owner of such lot or lots, but shall take their title subject to the right of the public utility companies and to the right of the owner of the other lots in said addition, in and to the easement therein granted for ingress and egress, on, along, across and through the several strips of ground herein described.

Prior to the time this addition or subdivision is annexed to the City of Indianapolis and made by the City, no Building shall be erected or altered to accommodate more than one family for each one square feet of the area of a lot, except that a dwelling may be erected for two families on any corner lot having an area of not less than 10,000 square feet.

Our witnesses thereto and Trustees, John J. Spiker and Robert L. Davidson have hereunto set their hands and seals this 13th day of February 1934.  
 Attest: R. L. Davidson, Trustee. Attest: John J. Spiker, Trustee.

State of Indiana) I, S. Personally appeared before me, the undersigned, Notary Public in and for County of Marion, Ind. and County of ... the Official Seal of Robert T. ... Trustee acknowledged the execution of the foregoing certificate as their voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and notarial seal this 13th day of February 1924.  
 My Commission expires February 27, 1926. *Michael B. Prather*  
 N.W. COR. S.W. 1/4 S.W. 1/4 SEC. 27-15-4 N.B. COR. S.W. 1/4 S.W. 1/4 SEC. 27-15-4



Approved, This 8th  
 Day of May 1924  
*Michael B. Prather*  
 Notary Public

Approved, This 9th  
 Day of May 1924  
*Robert T. ...*  
 Trustee

Recorded June 14, 1924  
*John W. ...*  
 Recorder, Marion County

Approved, This 9th  
 Day of May 1924  
 Board of Public Works  
*Charles E. ...*  
 President

*M. J. ...*

1024 B. T.  
 P. M. T.