



Lake Lemon Conservancy District



Resolution 06-24-01



Land Purchase Refusal: Gregory & Caroline Slabaugh

WHEREAS, the City of Bloomington by and through its Utilities Service Board (the "City or "USB") is the owner of multiple contiguous tracts of real estate located in Monroe County which are collectively referred to as Lake Lemon; and

WHEREAS, CBU has become aware of an encroachment upon Lake Lemon property at the common street address of 8863 E. Southshore Dr., Unionville, Indiana 47468 where approximately one half of the single family residence was built on City owned property. The encroachment is identified in a survey conducted by Bledsoe Riggert Cooper James which is attached hereto. Marked as Exhibit "A", and by the reference incorporated herein; and

WHEREAS, the Living Trusts of Gregory J. Slabaugh and Caorline W. Slabaugh (collectively the "Owners") own the real estate at the common street address of 8863 E. Southshore Dr., Unionville, Indiana 47468; and

WHEREAS, the owners wish to resolve the encroachment by purchasing .12 acres of real estate identifies as "Proposed" in Exhibit "A" from the USB; and

WHEREAS, Indiana Code §36-1-11-5 authorizes City of Bloomington and the Utilities Service Board to sell real estate in situations where the highest and best use of tract of real estate is to sell to an abutting landowner; and

WHEREAS, CBU believes that the highest and best use for tract of real estate identified in Exhibit "A" as "Proposed" is to sell it to the Owners as abutting landowners in accordance with the procedures set forth in Indiana Code §36-1-11-5 as resolution through any other legal means would likely conclude in the same manner; and

WHEREAS, the 1995 lease between the USB and Lake Lemon Conservancy District ("LLCD") gives LLCD a first right to purchase if the USB desires to sell any Lake Lemon property; and

WHEREAS, the LLCD has decided that the tract of real estate identified in Exhibit "A" as "Proposed" provides no benefit to the purposes and works of the District.

NOW, THEREFORE, BE IT RESOLVED THAT"

1. In accordance with the 1995 lease between the USB and LLCD, the LLCD acknowledges that the tract of real estate identified in Exhibit "A" as "Proposed" has been offered by CBU to the LLCD in the amount of \$5,800.00.
2. The LLCD refuses this offer and believes the highest and best use of the tract of real estate is for it to be sold to the Owners in accordance with Indiana Code §36-1-11-5.

Contact Us



812-334-0233

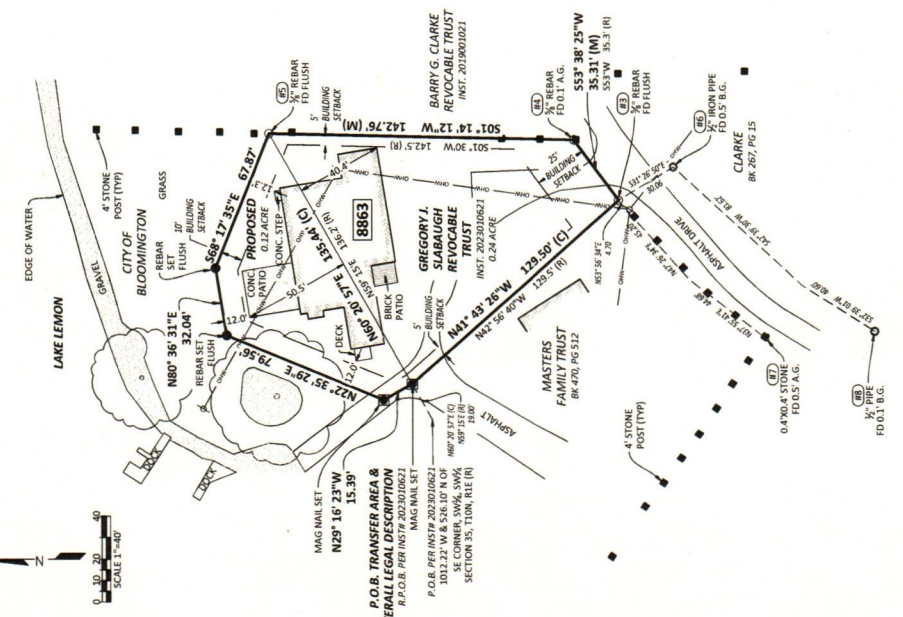


7599 N. Tunnel Rd.
Unionville, IN 47468



lakelemon.org

SLABAUGH ADMINISTRATIVE TYPE "E" SUBDIVISION A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST, MONROE COUNTY, INDIANA



LEGEND:

- 4" STONE POST
- REBAR FOUND
- PIPE FOUND
- STONE FOUND
- REBAR SET
- MAG NAIL SET
- UTILITY POLE
- OVERHEAD WIRES
- P.O.B. REAL POINT OF BEGINNING
- A.G. ABOVE GRADE
- B.G. BELOW GRADE
- FD FOUND
- ADDRESS

OWNER/DEVELOPER:
 GREGORY J. SLABAUGH REVOCABLE TRUST
 8863 East Southshore Drive
 Indianapolis, IN 47408
 Phone: 606-690-0900

RECORD INFORMATION:
 Gregory J. Slabough Revocable Trust
 Caroline W. Slabough Revocable Trust
 IN 19 2023010021
 STAMPED "BRCJ, INC 6892 IN"
 THE BASIS OF BEARINGS ON PLANS PROVIDED BY THE STATE PLANS DIVISION, MONROE COUNTY, INDIANA

ZONING:
 OVERHEAD WIRES Adjoiners: SK/WA

SUBURBAN RESIDENTIAL (SR) SETBACKS:
 FRONT = 25 FEET
 REAR = 10 FEET

NOTES:

- FIELD WORK PERFORMED JANUARY 30 - APRIL 17, 2024.
- ALL REBAR SET ARE 3/4" INCH DIA. UNLESS OTHERWISE NOTED.
- STAMPED "BRCJ, INC 6892 IN" THE BASIS OF BEARINGS ON PLANS PROVIDED BY THE STATE PLANS DIVISION, MONROE COUNTY, INDIANA

LEGAL DESCRIPTION

Deed (2023010621) Description
 A part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 10 North, Range 1 East, bounded and described as follows: beginning at a point that is 107.22 feet West and 24.00 feet North from the southeast corner of the southwest quarter of the southwest quarter of section 35, township 10 north, range 1 east, and to the real point of beginning, thence running North 59 degrees 15 minutes East and 136.2 feet; thence running South 01 degree 30 minutes West 142.5 feet; thence running South 53 degrees West 35.3 feet; thence running North 42 degrees 56 minutes 40 seconds West 129.5 feet; and to the real point of beginning, containing 0.24 acres.

Subject to the following described roadway easement: commencing at the southeast corner of tract 46; thence running South 53 degrees West 25.3 feet to the real point of beginning; thence in a Northwesterly direction on a curve to the left having a radius of 180.0 feet for a distance of 133.0 feet.

Subject to any and all other conditions, utility easements, highways, rights of way, and other restrictions and limitations of record affecting said real estate.

Transfer Area Legal Description

A part of the Southwest Quarter of Section 35, Township 10 North, Range 1 East, Benton Township, Monroe County, Indiana, as shown on an Original Survey prepared by Christopher L. Porter LS21200022, Blesiose Riggert Cooper & James, Inc. Job Number 11502, certified April 17, 2024, described as follows:
 BEGINNING at a mag nail, marking the northwest corner of a parcel in the name of Gregory J. Slabough Revocable Trust as described in Deed Number 2023010621 in Section 35, Township 10 North, Range 1 East, Monroe County, Indiana, containing 0.24 acres, thence NORTH 22 degrees 29 minutes 29 seconds EAST to a distance of 79.56 feet to a 5/8-inch rebar with plastic cap stamped "BRCJ INC 6892 IN"; thence NORTH 80 degrees 36 minutes 31 seconds EAST to a distance of 17.56 feet to a 5/8-inch rebar with plastic cap stamped "BRCJ INC 6892 IN"; thence SOUTH 68 degrees 17 minutes 35 seconds EAST to a distance of 62.87 feet to a 5/8-inch rebar at the northeast corner of said instrument Number 2023010621; thence along the north line of said instrument Number 2023010621 SOUTH 60 degrees 20 minutes 57 seconds WEST a distance of 135.44 feet to the point of beginning and containing 0.12 acre, more or less.

Overall Legal Description

A part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 10 North, Range 1 East, Benton Township, Monroe County, Indiana, as shown on an Original Survey prepared by Christopher L. Porter LS21200022, Blesiose Riggert Cooper & James, Inc. Job Number 11502, certified April 17, 2024, described as follows:
 BEGINNING at a mag nail, marking the northwest corner of a parcel in the name of Gregory J. Slabough Revocable Trust as described in instrument Number 2023010621 in Section 35, Township 10 North, Range 1 East, Monroe County, Indiana, containing 0.24 acre, thence NORTH 29 degrees 29 minutes 29 seconds EAST to a distance of 79.56 feet to a 5/8-inch rebar with plastic cap stamped "BRCJ INC 6892 IN"; thence NORTH 80 degrees 36 minutes 31 seconds EAST to a distance of 17.56 feet to a 5/8-inch rebar with plastic cap stamped "BRCJ INC 6892 IN"; thence SOUTH 68 degrees 17 minutes 35 seconds EAST to a distance of 62.87 feet to a 5/8-inch rebar at the northeast corner of said instrument Number 2023010621; thence along the east line of said instrument Number 2023010621 SOUTH 01 degrees 14 minutes 58 seconds WEST a distance of 129.50 feet to the point of beginning and containing 0.36 acre more or less.

REPORT OF SURVEY

In accordance with Title 36, I.C. 1-2-1 through 1-2-26 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- Reference monuments of record
- Title documents of record
- Documents of active lines of occupation
- Relative Positional Accuracy "RPA"

The Relative Positional Accuracy "RPA" (due to random errors in measurement) of this survey is within that allowable for a Rural Survey (0.26 feet [79 millimeters] plus 200 parts per million) as defined in I.C. Title 36, "Relative Positional Accuracy" means the value expressed as a percentage of the length of the line being measured, and the value expressed as the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.

In regard to "ACTIVE LINES OF OCCUPATION" (not (c) above): ACTIVE refers to lines which are marked by visible, obvious, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line, but rather to indicate that the survey may vary from the survey line by a distance greater or less than uncertainty cited in this report.

This survey is a retracement and an Original Survey performed at the request of Greg Slabough.

The survey is currently in the name of Gregory J. Slabough Revocable Trust (Instrument No. 2023010621).

The field work was performed January 30 - April 17, 2024.

SURVEY & DATE OF RECORD

1. An unrecorded and undated plat of Shoreline Gardens by John Stapleton provided by the office of the Monroe County Surveyor.

NON-MARKERS FOUND:

- A 5/8-inch rebar was found flush with grade at the southwest corner of instrument Number 2023010621.
- A 5/8-inch rebar was found 0.1 feet above grade at the southeast corner of instrument Number 2023010621.
- A 5/8-inch rebar was found flush with grade at the northeast corner of instrument Number 2023010621.
- A 1/2-inch iron pipe was found 0.5 feet below grade on the north line of Deed Book 267, Page 470.
- A 1/2-inch iron pipe was found 0.1 feet below grade at the southwest corner of Deed Book 470, Page 512. It is believed that this stone was original to the unrecorded plat of Shoreline Gardens.
- A 1/2-inch iron pipe was found 0.1 feet below grade at the southwest corner of Book 267, Page 475.

DEED ANALYSIS:

The deed descriptions for parcels in this plat have many similarities with the courses shown on the unrecorded plat of Shore Line Gardens, but are described by metes and bounds descriptions that do not match the lot shapes shown on the plat.

The subject and adjoining deeds all begin at a point xx feet west and xx feet north of the Southeast corner of the southwest quarter of the southwest quarter of section 35, township 10 north, range 1 east, and the subject and adjoining deeds contain misc-closures between 0.6 feet and 3.2 feet.

The Slabough and Masters Family Trust legal descriptions have a common call of North 29 degrees 29 minutes 29 seconds East to a distance of 79.56 feet to a 5/8-inch rebar (2023010621) have a common call of South 01 degree 30' West East and a distance of 142.5 feet. These common calls are evidence that no gaps or overlaps were intended when the legal descriptions were created.

ESTABLISHMENT OF LINES AND CORNERS:

Monument number 3 was accepted as the southwest corner of instrument Number 2023010621.

Monument number 4 was accepted as the southeast corner of instrument Number 2023010621.

Monument number 5 was accepted as the northeast corner of instrument Number 2023010621.

Monument number 6 was accepted as the northeast corner of instrument Number 2023010621.

Monument number 7. This solution was chosen due to the legal description in Deed Book 470, Page 512 having a mathematical misclosure of 0.6 feet compared to the slabough deed having a misclosure of 3.2 feet.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to Availability and condition of reference monuments: Up to 0.3 feet with found monuments.

Due to Occupation or possession lines: Houses, patio and improvements as shown.

Due to Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines: See Deed Analyses.

OWNER CERTIFICATION

Gregory J. Slabough Revocable Trust and Caroline W. Slabough Revocable Trust, Owners of the real estate shown and described herein, does hereby certify, layoff, and plat one (1) tract, numbered 1.

Rights of way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certificate, this plat shall be known as the Slabough Administrative Type "E" Subdivision.

IN WITNESS WHEREOF, the undersigned Owner set their hand and seal this _____ day of _____, 2024.

Gregory J. Slabough Revocable Trust

Caroline W. Slabough Revocable Trust

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public in and for said County and State, personally appeared Gregory J. Slabough and Caroline W. Slabough, owners, who acknowledged the execution of the above referenced plat, to be their voluntary act for the uses and purposes therein set forth.

WITNESS my hand and Notarial Seal this _____ day of _____, 2024.

Notary Public (Signature)

Notary Public (Printed Name)

My Commission Expires: _____

My County of Residence: _____

Under the authority of Chapter 17A, Acts of 1947, as amended General Assembly of the State of Indiana, and the Monroe County Subdivision Ordinance, this plat was processed under Administrative Type "E" Subdivision on _____, 2024.

Jacqueline Nester, Akin, Secretary
 Monroe County Plan Commission

Margaret Clements, President
 Monroe County Plan Commission

SURVEYOR'S CERTIFICATION

This survey was executed according to survey requirements contained in Section 1 through 19 of 865 IAC 1-1.2.

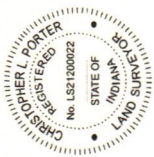
This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservations, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 17th day of April, 2024.

Christopher L. Porter
 Professional Surveyor No. LS21200022
 State of Indiana



BRCJ
 Blesiose Riggert Cooper James
 LAND SURVEYING • CIVIL ENGINEERING • GIS
 1951 West Tapp Road Bloomington, Indiana 47403
 Phone: 812-336-8277 Email: cporter@brcjcivil.com


PLAT DATED: April 17, 2024 JOB # 11502

PRESENTED to the Board of Directors of the LLCDC this 22ND Day of June 2024.

	Adopted by the Following Vote		
	Aye	Neigh	Abstain
MICHAEL KLITZING, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LES WADZINSKI, VICE-CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEBRA LADYMAN, TREASURER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRET HUBER, Sub-Area III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEVEN PRIDDY, Sub-Area IV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALCOLM MCCLURE, Sub-Area VI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MIKE BLACKWELL, Sub-Area VII	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION

I certify under the penalties of perjury that the foregoing members of the Lake Lemon Conservancy Board of Directors voted as indicated above at a public meeting on June 22, 2024.


Michael W. Klitzing (Jun 28, 2024 14:41 EDT)
 Michael Klitzing, Chairman