

RESOLUTION NO. 2026-____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, INDIANA,
DETERMINING THAT A CERTAIN DRAINAGE EASEMENT IS NO LONGER
NEEDED FOR MUNICIPAL PURPOSES, APPROVING A RELEASE OF EASEMENT,
AND AUTHORIZING THE TOWN COUNCIL PRESIDENT TO EXECUTE THE SAME
ON BEHALF OF THE TOWN**

WHEREAS, the Town of St. Paul, Indiana (the “Town”) is a municipal corporation organized and existing under the laws of the State of Indiana, and is governed by the Town Council of the Town of St. Paul, Indiana (the “Town Council”) pursuant to IC 36-5-2 et seq.; and

WHEREAS, Indiana Code 36-1-3 and Indiana Code 36-5-2-9 authorize the Town Council of the Town of St. Paul, Indiana ("Town") to exercise the powers necessary to perform the Town's functions and to adopt ordinances for the government of the Town; and

WHEREAS, Benjamin A. Legere and Deanna L. Porter (collectively, the “Grantors”) executed a certain Easement dated March 15, 2011, and recorded May 9, 2011, as Instrument No. 201101466 in the Office of the Recorder of Decatur County, Indiana (the “2011 Easement”), conveying to the Town certain easement rights in, under and upon real estate commonly known as 104 East School Street, St. Paul, Indiana 47272 (the “Real Estate”); and

WHEREAS, the 2011 Easement conveyed to the Town (i) a twenty foot (20') permanent drainage easement containing 7,347 square feet (0.169 acres), more or less (the “Permanent Easement”), and (ii) two (2) twenty foot (20') temporary construction easements containing 15,689 square feet (0.360 acres), more or less, and 7,657 square feet (0.176 acres), more or less, respectively (collectively, the “Temporary Construction Easements”), each as more particularly described and depicted on Exhibit “A” to the 2011 Easement; and

WHEREAS, the 2011 Easement was acquired for the purpose of the construction, reconstruction, maintenance, operation and repair of a storm drainage system and appurtenances thereto, and by its terms the Temporary Construction Easements were to expire upon completion of construction; and

WHEREAS, the storm drainage improvements contemplated by the 2011 Easement were not constructed within the easement areas located upon the Real Estate, and no storm drainage system, ditch, culvert, drainage facility, appurtenance or other public improvement of the Town is presently located within the Permanent Easement or the Temporary Construction Easements; and

WHEREAS, the Grantors have requested that the Town release the 2011 Easement, and the Town Council has caused the request to be reviewed by the Town’s Public Works personnel; and

WHEREAS, the Town Council has been advised, and hereby finds, that the Town has no present need, and no reasonably foreseeable future need, for the Permanent Easement or the Temporary Construction Easements, and that the release thereof will not adversely affect the Town’s storm drainage system, any other public utility or infrastructure of the Town, the Town’s future infrastructure plans, or any adjacent property owner; and

WHEREAS, the Town Council further finds that the Temporary Construction Easements have terminated and expired by their own terms, and that a release of record is nonetheless appropriate in order to remove any cloud upon the title to the Real Estate; and

WHEREAS, the Permanent Easement is a non-possessory interest appurtenant to and burdening only the Real Estate, the release of which can benefit only the owners of the Real Estate, and the Town Council finds that the release of the 2011 Easement is in the best interests of the Town and its citizens; and

WHEREAS, pursuant to IC 36-1-3-4 and the other powers granted to the Town by law, the Town Council is authorized to take the actions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, INDIANA, AS FOLLOWS:

Section 1. The findings and recitals set forth above are hereby adopted by the Town Council and incorporated into this Resolution as though fully set forth herein.

Section 2. The Town Council hereby determines and declares that the Permanent Easement and the Temporary Construction Easements granted to the Town by the 2011 Easement are no longer necessary or useful for any municipal or public purpose of the Town, and that the same should be released of record.

Section 3. The Town Council hereby approves the Release of Easement in substantially the form attached hereto and incorporated herein as Exhibit “A” (the “Release”), together with such non-substantive changes, insertions and corrections as the Town Council President, upon the advice of the Town Attorney, may approve, such approval to be conclusively evidenced by the execution of the Release.

Section 4. The President of the Town Council is hereby authorized, empowered and directed to execute and deliver the Release for and on behalf of the Town, and the Clerk-Treasurer of the Town is hereby authorized and directed to attest the same and to affix the seal of the Town thereto, if any. The Town Council President and the Clerk-Treasurer are further authorized to execute and deliver any other documents and to take any other actions reasonably necessary or appropriate to carry out the intent of this Resolution.

Section 5. The Release shall be delivered to the Grantors, or their designee, for recording in the Office of the Recorder of Decatur County, Indiana. The cost of recording the Release shall be borne by the Grantors.

Section 6. If any provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions of this Resolution, which shall remain in full force and effect.

Section 7. This Resolution shall be in full force and effect from and after its adoption by the Town Council, and the release of the 2011 Easement shall be effective upon the recording of the Release in the Office of the Recorder of Decatur County, Indiana.

ADOPTED AND PASSED by the Town Council of the Town of St. Paul, Indiana, this _____ day of _____, 2026.

AYES

NAYS

Council Members

Council Members

Presented to me by the Town Council of St. Paul, Indiana on this _____ day of _____, 2026.

Clerk-Treasurer

Prepared by: Alex R. Whitted, Esq., Whitted Law LLC, 431 Washington Street, Columbus, Indiana 47201.

EXHIBIT “A”

FORM OF RELEASE OF EASEMENT

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (this “Release”) is made and executed as of the _____ day of _____, 2026, by the TOWN OF ST. PAUL, INDIANA, a municipal corporation of Decatur County, State of Indiana (the “Town”).

RECITALS

WHEREAS, Benjamin A. Legere and Deanna L. Porter (collectively, the “Grantors”) executed a certain Easement dated March 15, 2011, and recorded May 9, 2011, as Instrument No. 201101466 in the Office of the Recorder of Decatur County, Indiana (the “2011 Easement”), conveying and warranting to the Town certain easement rights in, under and upon real estate situated in Decatur County, State of Indiana, and commonly known as 104 East School Street, St. Paul, Indiana 47272 (the “Real Estate”).

WHEREAS, the 2011 Easement conveyed to the Town (i) a twenty foot (20') permanent drainage easement containing 7,347 square feet (0.169 acres), more or less (the “Permanent Easement”), and (ii) two (2) twenty foot (20') temporary construction easements containing 15,689 square feet (0.360 acres), more or less, and 7,657 square feet (0.176 acres), more or less, respectively (collectively, the “Temporary Construction Easements”, and together with the Permanent Easement, the “Easements”), each as more particularly described and depicted on Exhibit “A” to the 2011 Easement and as further described on Exhibit “A” attached hereto.

WHEREAS, the Easements were acquired for the purpose of the construction, reconstruction, maintenance, operation and repair of a storm drainage system and appurtenances thereto, and by their terms the Temporary Construction Easements were to expire upon completion of construction.

WHEREAS, the Town has determined that the storm drainage improvements contemplated by the 2011 Easement were not constructed within the Easements, that no storm drainage system, ditch, culvert, drainage facility, appurtenance or other public improvement of the Town is located within the Easements, and that the Town has no present or reasonably foreseeable need for the Easements.

WHEREAS, by Resolution No. 2026-_____, duly adopted on September 1, 2026, the Town Council of the Town of St. Paul, Indiana determined that the Easements are no longer necessary or useful for any municipal or public purpose, approved this Release, and authorized the President of the Town Council to execute and deliver this Release for and on behalf of the Town.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town hereby agrees as follows:

1. The Town hereby fully and unconditionally RELEASES, RELINQUISHES, ABANDONS, SURRENDERS, VACATES, TERMINATES, REMISES and QUITCLAIMS unto the Grantors, and their successors and assigns, and to the present owner or owners of the Real Estate, all of the Town's right, title, interest, estate, claim and demand in, to and under the 2011 Easement, including without limitation the Permanent Easement and the Temporary Construction Easements, and all rights of entry, rights of way, benefits, privileges and appurtenances granted to or reserved by the Town thereunder, together with all covenants, conditions, restrictions and obligations imposed upon the Grantors and their successors in title by the 2011 Easement. The 2011 Easement is hereby released in its entirety and shall hereafter be of no further force or effect.

2. Without limiting the generality of Section 1 above, the Town acknowledges and confirms that the Temporary Construction Easements have expired and terminated by their own terms, and this Release is executed and recorded for the further purpose of evidencing such expiration and termination of record.

3. The Town claims no further right, title or interest in or to the Easements or any part thereof by virtue of the 2011 Easement, and the Town shall have no further obligation or liability under the 2011 Easement from and after the effective date of this Release.

4. This Release applies only to the 2011 Easement and to the Real Estate described herein. Nothing contained in this Release shall be construed to release, terminate, impair or otherwise affect (a) any other easement, right of way, dedication, plat, covenant, restriction or interest of the Town in or affecting the Real Estate or any other real estate, whether created before or after the date of the 2011 Easement, or (b) any right, power or authority of the Town arising under any statute, ordinance or regulation, including without limitation any right of the Town with respect to the regulation of drainage, stormwater or public improvements.

5. The undersigned President of the Town Council of the Town of St. Paul, Indiana represents that he is duly authorized to execute and deliver this Release for and on behalf of the Town pursuant to Resolution No. 2026- of the Town Council, and that this Release constitutes the valid and binding act of the Town.

6. This Release shall be effective upon its recording in the Office of the Recorder of Decatur County, Indiana, and shall inure to the benefit of and be binding upon the Grantors and the Town and their respective successors and assigns.

IN WITNESS WHEREOF, the Town of St. Paul, Indiana has caused this Release of Easement to be executed by the President of its Town Council as of the day and year first written above.

TOWN OF ST. PAUL, INDIANA

By its Town Council

Joshua Sangl, President

Town Council of the Town of St. Paul, Indiana

ATTEST:

Alyssa Hall, Clerk-Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

Before me, a Notary Public in and for said State and County, personally appeared Joshua Sangl, the President of the Town Council of the Town of St. Paul, Indiana, who acknowledged the execution of the foregoing Release of Easement for and on behalf of said Town, and who, having been duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of _____, 2026.

Signature

Printed Name

Resident of _____ County, Indiana

My Commission Expires: _____

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. Alex R. Whitted

This instrument prepared by: Alex R. Whitted, Esq., Whitted Law LLC, 431 Washington Street, Columbus, Indiana 47201; (812) 376-6676.

After recording, return to: Whitted Law LLC, 431 Washington Street, Columbus, Indiana 47201.

EXHIBIT "A"
LEGAL DESCRIPTIONS OF THE RELEASED EASEMENTS

The following legal descriptions are taken from Exhibit "A" to the Easement recorded May 9, 2011, as Instrument No. 201101466 in the Office of the Recorder of Decatur County, Indiana, as prepared by Kenneth Gregory Garrison, Indiana Registered Land Surveyor No. LS 29300014, of Burgess and Niple, Inc., dated February 3, 2011. As used herein, the "grantors' land" means the real estate of Benjamin A. Legere and Deanna L. Porter commonly known as 104 East School Street, St. Paul, Indiana 47272.

20' PERMANENT EASEMENT DESCRIPTION

A part of Section 3, Township 11 North, Range 8 East, Decatur County, Indiana, described as follows:

Commencing at the northeast corner of the grantors' land; thence South 00°25'32" West 79.11 feet along the east line of the grantors' land to the Point of Beginning of this description;

Thence continuing South 00°25'32" West 20.42 feet along said east line; thence North 77°53'22" West 375.11 feet to the west line of the grantors' land; thence North 41°44'22" East 23.01 feet along said west line; thence South 77°53'22" East 359.60 feet to the Point of Beginning, containing 7,347 square feet (0.169 acres), more or less.

20' TEMPORARY CONSTRUCTION EASEMENT #1

A part of Section 3, Township 11 North, Range 8 East, Decatur County, Indiana, described as follows:

Beginning at the northeast corner of the grantors' land; thence South 00°25'32" West 79.11 feet along the east line of the grantors' land; thence North 77°53'22" West 359.60 feet to the west line of the grantors' land; thence North 41°44'22" East 13.50 feet along said west line to the northwest corner of the grantors' land; thence South 88°55'51" East 343.26 feet along the north line of the grantors' land to the Point of Beginning, containing 15,689 square feet (0.360 acres), more or less.

20' TEMPORARY CONSTRUCTION EASEMENT #2

A part of Section 3, Township 11 North, Range 8 East, Decatur County, Indiana, described as follows:

Commencing at the northeast corner of the grantors' land; thence South 00°25'32" West 99.53 feet along the east line of the grantors' land to the Point of Beginning of this description;

Thence continuing South 00°25'32" West 20.42 feet along said east line; thence North 77°53'22" West 381.92 feet to the west line of the grantors' land; thence North 41°44'22" East 23.01 feet along said west line; thence South 77°53'22" East 375.11 feet to the Point of Beginning, containing 7,657 square feet (0.176 acres), more or less.