

# Steele & Steele, L.L.C.

Attorneys at Law

Ruel W. Steele (1992)  
Byron W. Steele  
Brent E. Steele

Chase Bank - Suite One  
1602 "I" Street  
Bedford, Indiana 47421  
Tel. (812) 279-3513 Fax (812) 275-3504  
www.Steelaw.com

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Mr. Henry E. Ferrel  
630 E. Grissom Avenue  
Mitchell, Indiana 47446

Dear Henry:

In reviewing the map in the Auditor's Office, it does not show your property to be inside the City of Mitchell's city limits. The map that I gave you, does.

I have blown up the portion of the map that I gave you that pertains to the area we are concerned with. Your land would be located in the area highlighted in green. This map is not an official plat but is prepared by an independent map company for advertising purposes. My secretary advises that the map company was Thomas Gregory Plat Map Co.

In reviewing the list of Ordinances for the City of Mitchell that are on line, I do not find mention of the northeast quarter of the northwest quarter of Section 6, Township 3 North, Range 1 East, which is where your property is located. We find ordinances pertaining to the northwest quarter of the northwest quarter as being annexed in. Oddly enough, those areas are not shown on the Auditor's map either, even though the annexation ordinances for those areas were recorded.

I am enclosing a list of the annexation ordinances that the Mitchell Code of Ordinances show were passed starting with November of 1979 and ending with May 4, 1987. Because I do not know the location of all the roads and the "corporation lines" as referred to in the ordinances, I felt it might be best for you to look these over and see if you think one of these refers to your property. Ordinance No. 8-1979 (see enclosed) makes reference to the present corporation line of the City of Mitchell which is where the south line of the lots in Aaron Turley's Oakwood Addition intersect the east line of said half. It also refers to Vine Street in Alfred T. McCoy's Addition. I do not know where either of these additions are located. I don't know if they are near your property or not. This was recorded. There is a penciled note at the top "Grissom to Vine". You live on Grissom. Maybe this Ordinance was intended to include your property. I cannot really tell from the description contained therein since I don't know where the additions are. Perhaps a survey could help you find this but I feel that since it is a part of the north half of the northwest quarter of the northwest quarter, this legally limits the description and cannot include real estate in the northeast quarter of the northwest quarter (which is where you are located).

As I told you I would do, I am writing Chris Burton, who would have been the City Attorney during the time you think the annexing was done, to see if he has any recollection on this. You will find a copy of that letter enclosed.

I don't know who would have done the survey work at the time, but it could have been Nelson Prall since Nelson was the only registered land surveyor in Lawrence County at that time, to my knowledge. It may be that no survey work was done as you thought you just showed 150 feet of even width off the west side of your property.

I had another thought, although I don't know how likely it would be to happen. It would take some extraordinary cooperation on the part of several parties. First we would need for Jerry Hancock and Chris Burton to agree that a mistake was made in Ordinance No. 8-1979 (copy enclosed) and that such description should have included the land as shown on the Gregory map. Then it would take the cooperation of the new City Council to amend the ordinance "nunc pro tunc". Of course, this would also take the cooperation of the Mitchell City Attorney. Nunc pro tunc means "now as of then" and if it was amended nunc pro tunc it would mean that the amendment goes back to the original passage of such ordinance, which would have been in November of 1979. That nunc pro tunc ordinance would have to be recorded.

I will be glad to contact Jerry Hancock as well. I don't know how you and he get along or got along and if we were to contact him the cat might really be out of the bag. I would not contact him without your express permission.

Also, if they all agree that your land was supposed to be taken in but through a mistake on the part of the surveyor did not get added in, do you think the present administration would go along with amending the ordinance nunc pro tunc?

There is another possibility and that is to contact the Thomas Gregory Plat Map Co. and ask where they got their information to show this particular real estate being annexed into the City of Mitchell. Because I have had a run in with this map company, I would suggest that you contact them yourself. You should send them a copy of the area of the map in question and ask them how they arrived at the conclusion that the area was annexed into the City limits. I would suggest that you not tell them that I am your attorney since we ordered these maps from them and when they sent them they were so blurry and unreadable that we demanded either a refund of our money or new maps. We raised all kinds of cane. After several letters they finally sent us the new maps, which were somewhat clearer, but they were not happy with us. That is why I think if they thought I was connected to you it would not help you. To assist you in such contact, I have prepared a letter for you to sign, date, and send them.

Please let me know your thoughts.

Awaiting your reply, I am:

Very truly yours,

STEELE & STEELE, L.L.C.



Byron W. Steele

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