

ORDINANCE NO. 2007-17

AN ORDINANCE VACATING UNIMPROVED PUBLIC EASEMENT AND RIGHT-OF-WAY, LAPORTE COUNTY, INDIANA

WHEREAS, a Petition for the Vacation of Unimproved Public Easement and Right-of-Way in conformity with the requirements of applicable Indiana Statutes has been filed with the Board of Commissioners of LaPorte County, Indiana by AVANT-GARDENS DEVELOPMENT, LLC, Petitioner, pursuant to I.C. 36-7-3-12; and

WHEREAS, the description of the Easement and Right-of-Way sought to be vacated is:

A 20 foot easement which is composed of a tract of land 10 feet on either side of a center line which is described as follows: Commencing at the center of Section 32, Township 38 North, Range 2 West of the Second Principal Meridian, LaPorte County, Indiana, said point being marked by a stone and running - (N 1°33' W) along the North and South center line of said Section 32 for a distance of 1327.31 feet to the NE corner of the SE 1/4 of the NW 1/4 of said Section 32; thence - (S87°-34' W) along the East and West center line of the NW 1/4 of Section 32 for a distance of 515.18 feet; thence - (N 2° -26' W) for a distance of 10 feet to an iron pipe for a place of beginning; thence - (S 87° -34' W) a distance of 145.5 feet; thence - (N 73° -54' W) for a distance of 702.80 feet to an iron pipe in the center of the public highway known as the Claire Fail Road, ALSO; Commencing at the center of Section 32, Township 38 North, Range 2 West of the Second Principal Meridian, LaPorte County, Indiana, said point being marked by a stone and running (N 1° -33' W) along the North and South center line of said Section 32 for a distance of 1327.31 feet to the NE corner of the SE 1/4 of the NW 1/4 of said Section 32; thence - (S 87° -34' W) along the East and West center line of the NW 1/4 of Section 32 for a distance of 515.18 feet; thence (N 2° -26' W) for a distance of 10 feet to an iron pipe; thence (S 87° -34' W) for a distance of 145.5 feet; thence - (N 73° - 54' W) for a distance of 340.80 feet to an iron pipe for a place of beginning; thence - (S 28° -19' E) for a distance of 153.50 feet; more or less, to the Northerly line of this SE 1/4 of the NW 1/4 of Section 32, as a place of ending.

and is located upon the Petitioner's property commonly known as 6833 N. Fail Road, LaPorte, Indiana.

WHEREAS, Notice of Hearing before the LaPorte County Board of Commissioners has been published in the LaPorte Herald-Argus in its issue of October ____, 2007; said publication being at least ten (10) days before the date of this hearing; and

WHEREAS, it is desirable and in the best interests of the Citizens of LaPorte County, Indiana, to vacate said public easement and right-of-way (a) because the proposed vacation

would not hinder the growth or orderly development of the area and surrounding communities nor would it hinder the public access to other public places and/or public ways located within the immediate area but would allow for the orderly development of Avant Gardens subdivision; (b) because the vacation of said public easement and right-of-way will relieve LaPorte County of future responsibility for maintaining same; and (c) that said public easement and right-of-way is not an integral part of the roadways as used in intrastate and/or interstate commerce; that said public easement and right-of way is not improved and, therefore, not an integral part of the right-of-way system of LaPorte County, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA:

SECTION 1.

That the Petition of AVANT-GARDENS DEVELOPMENT, LLC, by and through its attorney, BARRY F. McDONNELL, be and same is hereby granted.

SECTION 2.

That said unimproved public easement and right-of-way, is located within LaPorte County, Indiana, and is specifically described as follows:

A 20 foot easement which is composed of a tract of land 10 feet on either side of a center line which is described as follows: Commencing at the center of Section 32, Township 38 North, Range 2 West of the Second Principal Meridian, LaPorte County, Indiana, said point being marked by a stone and running - (N 1°33' W) along the North and South center line of said Section 32 for a distance of 1327.31 feet to the NE corner of the SE 1/4 of the NW 1/4 of said Section 32; thence - (S87.34' W) along the East and West center line of the NW 1/4 of Section 32 for a distance of 515.18 feet; thence - (N 2 -26' W) for a distance of 10 feet to an iron pipe for a place of beginning; thence - (S 87 -34' W) a distance of 145.5 feet; thence - (N 73 -54' W) for a distance of 702.80 feet to an iron pipe in the center of the public highway known as the Claire Fail Road, ALSO; Commencing at the center of Section 32, Township 38 North, Range 2 West of the Second Principal Meridian, LaPorte County, Indiana, said point being marked by a stone and running (N 1 - 33' W) along the North and South center line of said Section 32 for a distance of 1327.31 feet to the NE corner of the SE 1/4 of the NW 1/4 of said Section 32; thence - (S 87 -34' W) along the East and West center line of the NW 1/4 of Section 32 for a distance of 515.18 feet; thence (N 2 -26' W) for a distance of 10 feet to an iron pipe; thence (S 87 -34' W) for a distance of 145.5 feet; thence - (N 73 - 54' W) for a distance of 340.80 feet to an iron pipe for a place of beginning; thence - (S 28 -19' E) for a distance of 153.50 feet; more or less, top the Northerly line of this SE 1/4 of the NW 1/4 of Section 32, as a place of ending.

That the above-described public easement and right-of-way is hereby vacated by the Board of Commissioners of LaPorte County, Indiana.

SECTION 3.

This Ordinance shall be in full force and effect from and after its approval and passage by the Board of Commissioners of LaPorte County, Indiana, as required by law.

ADOPTED by the LaPorte County Commissioners of the County of LaPorte, Indiana, this 16th day of October, 2007.

APPROVED:

Barbara Huston

William Page
Commissioner

MRB
Commissiner

ATTEST:

James M. Shindler