

ORDINANCE NO. 2012-06

AN ORDINANCE TO VACATE A PORTION OF LAKE SIDE DRIVE  
THAT ABUTS LOTS 16, 17, 18, 19, 20 AND 21, IN  
CASSADAY'S ADDITION TO LAKE PARK, HUDSON TOWNSHIP  
LAPORTE COUNTY, INDIANA

WHEREAS, Barbara Parlin and Glenn Bukovsky, Tim Hadley and Destiny Hadley, and Stephen Arch, Jr., of Hudson Township, LaPorte County, Indiana, have filed a petition, pursuant to I.C. 36-7-3-12, with the Board of County Commissioners of LaPorte County, Indiana, asking that a portion of Lake Side Drive, located in Hudson Township, New Carlisle, Indiana, and being more particularly described as follows, be vacated, to-wit:

Public right-of-way adjacent to Lots 1, 2, and 3 in Cassaday's Addition to Lake Park in New Carlisle, Indiana, as recorded in Plat Book 4, Page 35, in the office of the Recorder of LaPorte County, Indiana,

and,

WHEREAS, following the filing of this petition the Board of County Commissioners scheduled a public hearing thereon to be held on this date; and,

WHEREAS, the Clerk of the Board of County Commissioners of LaPorte County, Indiana, did give notice of the filing of this petition and of the hearing thereon by publication in the manner prescribed by I.C. 5-3-1-1 et seq; and,

WHEREAS, the Clerk of the Board of County Commissioners gave notice to the persons who own property that abuts the portion of Lake Side Drive which the Petitioners are requesting be vacated and who needed to be given notice of the filing of this petition and of the date and time of hearing thereon; and,

WHEREAS, the Board of County Commissioners, as the legislative body of LaPorte County, Indiana, has now conducted the public hearing on the petition to vacate and has determined that the portion of Lake Side described above should be vacated, all as permitted by I.C. 36-7-3-12; and,

WHEREAS, THE Board of County Commissioners has determined that the vacated right-of-way should be subject to an easement appurtenant for the benefit of the lots in Cassaday's Addition to Lake Park that abut the vacated right-of-way to provide ingress and egress to and from these lots from Cottage Grove Avenue.

NOW THEREFORE,

Section 1. BE IT, AND IT IS, HEREBY ORDAINED by the Board of County Commissioners of LaPorte County, Indiana, that the following described real estate situated in LaPorte County, State of Indiana, to-wit:

Public right-of-way adjacent to Lots 1, 2, and 3 in Cassaday's Addition to Lake Park in New Carlisle, Indiana, as recorded in Plat Book 4, Page 35, in the office of the Recorder of LaPorte County, Indiana,

PROVIDED, HOWEVER, that the street right-of-way of Lake Side Drive being vacated (the "vacated right-of-way") shall be subject to an easement appurtenant hereby imposed upon the vacated street right-of-way for the benefit of Lots 1, 2, and 3 in Cassaday's Addition to Lake Park and Lots B and C of East Lake Park (the abutting parcels) with the vacated right-of-way being the servient tenement and the abutting parcels being the dominant tenement. This easement is to provide ingress and egress to and from Cottage Grove Avenue to the abutting parcels on foot or by vehicle by the owners and occupants of these parcels and their guests and business invitees including, but not limited to, businesses who drive, maintain and service water wells, vendor's making deliveries, building trades contractors, public safety personnel, health care providers, public safety vehicles, and any other persons who could be considered as guests or business invitees. The owners of the abutting parcels who will now have ownership of portions of the vacated right-of-way without the burden of the public easement of a street right-of-way may use their respective portions of the vacated former right-of-way in any manner, or for any purpose, that does not substantially interfere with or limit the easement appurtenant hereby created;

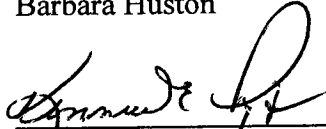
be, and the same is, hereby vacated as a public way.

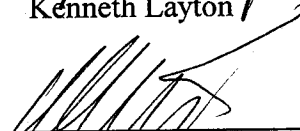
Section 2. The Clerk of the Board of County Commissioners of LaPorte County, Indiana, shall furnish a copy of this vacation ordinance to the LaPorte county Recorder in order

that the same may be placed of record in the records of the Recorder's Office, and shall also furnish a copy to the LaPorte County Auditor.

APPROVED, this 17th day of July, 2012.

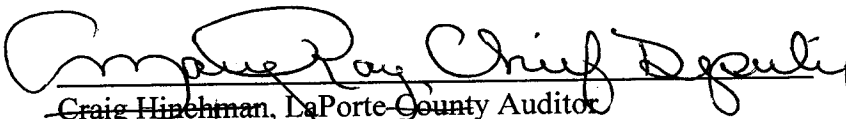
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Barbara Huston

  
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Kenneth Layton

  
\_\_\_\_\_  
Willie Milsap

BOARD OF COUNTY COMMISSIONERS OF  
LAPORTE COUNTY, INDIANA

ATTEST:

  
\_\_\_\_\_  
Craig Hinchman, LaPorte County Auditor