



# LAPORTE COUNTY PLAN COMMISSION

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**ANNEMARIE POLAN**  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES JUNE 26, 2012

### MEMBERS PRESENT:

TONY HENDRICKS  
RITA BEATY KELLY  
JIM PRESSEL  
GENE MATZAT

GENE JONAS  
HAROLD PARKER  
MATT BERNACCHI  
BARBARA HUSTON

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, attorney, Darlene Pavey, Secretary.

### PLEDGE OF ALLEGIANCE

Barbara Huston asked if there were any additions or deletions to the agenda.

Jim Pressel made a Motion to approve the Agenda as presented. Gene Matzat seconded. All approved. Motion carried 8-0.

Barbara Huston asked for approval of the minutes of May 22, 2012.

Barbara Huston asked if there were any additions or deletions.

Jim Pressel made a Motion to approve the minutes as presented. Gene Matzat seconded. All approved. Motion carried 8-0.

### PETITIONS:

- a) **The Petition for Barbara Parlin and Glenn Bukovsky, Tim Hadley and Destiny Hadley, and Stephen Arch, Jr., by counsel attorney Jim Kaminski on behalf of Attorney Brad Adamsky** hereby respectfully submit to the Plan Commission of La Porte County, Indiana, a request for a primary and secondary plat approval of re-dedication of a previously vacated public right-of-way in La Porte County, Indiana. The real estate described as lots 1, 2, and 3 in Casaday's Addition to Lake Park recorded in Plat Book 4 page 35 in the Office of the Recorder of La Porte County, otherwise known as 7691, 7693 and 7695 E. Lake Park Avenue City of New Carlisle, County of La Porte, Indiana.

Legal work complete. No remonstrators present.

Attorney Jim Kaminski said that he is here on behalf of attorney Brad Adamsky from his office. Also present are Ms. Parlin, Mr. Hadley, and Mr. Dilling who is the owner of the lot across the street that we are requesting to be re-platted.

Attorney Kaminski said that by way of back ground there are three owners of lots on Hudson Lake and they're shown on the first page. Attorney Kaminski said that these three lot owners have requested from the County Commissioners that Lakeside Drive in Hudson Lake be vacated and Lakeside Drive is right near the water's edge of Hudson Lake to the south of their three lots.

Attorney Kaminski said as is common on a variety of lots in Hudson Lake, lot owners just have direct access to the lake because the platted roadway was never built, and probably won't be built, because a lot of it is under water. Attorney Kaminski said that they requested that part of the roadway adjoining their lot be vacated.

Attorney Kaminski said Mr. Victor Smith who owns a large acreage – large lot immediately to the east there are not any improvements on it, but he still uses the land some and if the drive was vacated, he would essentially be landlocked so the County Commissioners suggested when there was a hearing on vacating part of that roadway, that consideration be given to either rededicating or re-plating Lake Park Avenue. Attorney Kaminski said that on the first page after the cover page in blue is part of Lake Park Avenue. Attorney Kaminski said that they're requesting that a recommendation be made to the Commissioners to re-plat that roadway that is shown in blue, which would then allow access for Mr. Smith to his parcel assuming that Lake Side Drive would be vacated. Attorney Kaminski said that page 1 shows it in blue and another overlay on page 2 of Lake Park Avenue is shown. Attorney Kaminski said that the original platted road way is shown on page 3 from the records of the county.

Attorney Kaminski said that on page 4 they've a dedication deed showing that all affected landowners are in favor of re-platting of Lake Side Drive. Attorney Kaminski said that on page 5 attorney Dave McCain represented Victor Smith, the landowner who was concerned about access and a letter is attached just showing he has no problem with this petition. Attorney Kaminski said that as he understands it the re-plating is necessary because the State Code calls for twenty two feet of road way if it's going to be rededicated.

Attorney Kaminski said that this is a twenty foot road way under the original dedication that was done way back when Hudson Lake was platted. Attorney Kaminski said that because of that two feet difference, the Plan Commission would need to give a recommendation to the Commissioners to go ahead and re-plat that portion of Lake Park Avenue as a twenty foot right-of-way. Attorney Kaminski said that there is no intention for it to be improved or anything else, but at least it is a public access to Mr. Smith's property. Attorney Kaminski said that all the adjoining land owners join in and have no objections to the request.

Attorney Kaminski said assuming you give a favorable recommendation or whatever recommendation, it would then go to the County Commissioners.

Barbara Huston asked if anyone on the board had any questions of Mr. Kaminski.

Matt Bernacchi said that this has been in front of the Commissioners twice. Matt asked what the blessing of the Commissioners was if this was approved by the Plan Commission to okay and vacate.

Barbara Huston stated yes, but this has to be re-platted first. Barb asked Attorney Kaminski if the petitioners said they would give one (1') foot on each side so it would be twenty-two (22") foot.

Attorney Kaminski said that he doesn't recall because he wasn't at that meeting. Attorney Kaminski said that Mr. Adamsky was there, but he thinks that they agreed to do that.

Barbara Huston said that actually we would be vacating an extra foot along each of the three and an extra foot along this first gentleman's here.

Attorney Kaminski said that it would be twenty-two (22') feet.

Matt Bernacchi said with all the landowners being in agreement and the Commissioners having no problem he will give a motion to approve.

Barbara Huston said that we have a motion on the floor to approve the re-platting of Lake Park Avenue.

Barbara Huston asked if there were questions on the motion.

Gene Jonas asked attorney Kaminski what is the consistency of the road now.

Attorney Kaminski said that it is hard gravel compacted down.

Gene Jonas asked if it is like a gravel driveway.

Bob Dilling said that he is the fourth house that has lake park property. Mr. Dilling said that it is a compacted gravel road. Mr. Dilling said that the home owners have put stone on it before and rolled it. Mr. Dilling said that it is not asphalt; it is maintained by the home owners that are there right now. Mr. Dilling said that it is used as a drive and they park on it and there is enough room to comply with the twenty-two (22') foot.

Gene Jonas asked Mr. Dilling if they would have enough room for off street parking.

Mr. Dilling stated yes.

Gene Jonas asked if the twenty-two (22') feet will be wide open access so people can go down there. Gene asked if Mr. Smith is the person who could be landlocked.

Gene Jonas asked if he has expressed any willingness to dedicate the end of that street for a cul-de-sac so the county plow trucks can turn around and get out.

Mr. Dilling said that everyone has parking. Mr. Dilling said that as far as the plow goes, they've maintained the plowing there over the years.

Barbara Huston told Gene Jonas that she thinks this is a platted road, but she said obviously it has not been dedicated, but the county wouldn't have taken that in and we wouldn't have plowed it. Barbara said that it's not one of our dedicated county roads and the county does not plow that.

Barbara Huston said that if the county would take it in as their inventory, but as a platted road it's not dedicated to the county and we wouldn't have to do anything. Barbara said that it would be the twenty-two (22') feet in case we wanted to.

Gene Jonas asked if Mr. Smith's property has acreage.

Mr. Dilling said that he has six and a half acres.

Gene Jonas said that he doesn't know if it is a buildable piece of land or not. Gene said that if you were to build houses back there, would it become the county's responsibility to rebuild this road.

Barbara Huston said not unless we took again as a dedicated road. Barbara said that it is not the county's responsibility.

Gene Jonas said right now we're just looking at a platted road.

Barbara Huston said that's correct. Barbara said that we're not dedicating as a county road.

Gene Jonas asked on the lake side if any signs have been posted to the other people on the lake.

Ms. Parlin said that she and her husband are the homeowners right next to this and it's not public access. Ms. Parlin said that nothing is going to change.

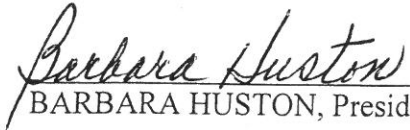
Gene Jonas said from a fishing stand point, do they utilize this for fishing.

Ms. Parlin said that from time to time they will see somebody standing at the end of Cottage Grove, but normally on the sides.

Attorney Kaminski said that those lot owners had previously had Lake Side Drive vacated themselves. Attorney Kaminski said that it's almost an island all to itself.

Rita Beaty Kelly made a motion to adjourn. Gene Jonas seconded. All approved. Motion carried 8-0.

There being no further business, meeting adjourned at 6:45 p.m.

  
BARBARA HUSTON, President

  
ANNEMARIE POLAN, Rec. Secretary