



# LAPORTE COUNTY PLAN COMMISSION

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**ANNEMARIE POLAN**  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES March 26<sup>th</sup>, 2019

### MEMBERS PRESENT:

Richard Mrozinski	Glen Minich
Rita Beaty Kelly	Earl Cunningham
John Carr	Harold Parker

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Bradley Adamsky, Attorney,  
Dar Forker, Secretary.

### PLEDGE OF ALLEGIANCE

Rita Beaty Kelly asked for a motion for the approval of the agenda.

Richard Mrozinski made a motion to approve as presented.

All approved. Motion carries 6-0.

Rita Beaty Kelly asked for approval of the meeting minutes of February 26<sup>th</sup>, 2019.

Richard Mrozinski made a motion to approve as presented.

Harold Parker seconded.

All approved. Motion carries 6-0.

### Petitions:

**1. Petitioner, Lefebber Farms, LLC ("Petitioner"), by counsel Anthony Novak**, respectfully petitions the Plan Commission to vacate an unimproved public way, which is more particularly described as Lot 39 and Lot 40 between North Lilac Lane and S 800 E, near a common address of 3444 S. 800 E., Walkerton, IN., Lincoln Twp., zoned R1B. Exhibits attached hereto.

Attorney Adamsky said notice is adequate and the board may proceed with this petition.

Anthony Novak said that he's an attorney with Newby, Lewis, Kaminski & Jones here across the street, here on behalf of his client, Lefebber Farms, LLC. Attorney Novak said here with him tonight is Lefebber's sole member, Jim Lefebber. Attorney Novak said that he's here to answer any questions that you guys may have.

Attorney Novak said that looking at Exhibits A & B on the Petition will kind of set out what they need to do. Attorney Novak said that Lefebber Farms is the owner of four (4) contiguous parcels in 800. If you look at the two (2) southern parcels, Exhibit B identifies them as Lot 39 and Lot 40. Attorney Novak said that you can see that there is a fifteen (15') foot unimproved alleyway that runs east to west through those two (2) parcels.

Attorney Novak said that Lefebber Farms owns all four (4) of those parcels and they're currently maintaining all those parcels, including the alleyway that passes through Lot 39 and Lot 40. Petitioner seeks to have that unimproved alleyway vacated in his favor. Attorney Novak said by vacating this alleyway it will not harm any of the adjacent neighbors, specifically the only two (2) neighbors that could be affected would be the neighbors to the west, the Parkers and the Turners and they do have access and they do access their property by way of Lilac Lane. Attorney Novak said by vacating this public way will not hinder any access for anybody else.

Attorney Novak said briefly and in submission and simply enough, they're asking for this fifteen (15') foot unimproved way that passes simply between 39 and 40 be vacated in Lefebber's favor.

Harold Parker asked attorney Novak if he sent any letters out.

Attorney Novak stated that they did. Attorney Novak said that one of the neighbors, Jim, has indicated that the property is vacant and they received a certified mail back that it was vacant. Attorney Novak said there are doors kicked in and windows that are gone, so that person doesn't even live there. Attorney Novak said that the other person they sent certified mailing and received nothing back – they received that the mailing came back, but not objections to the petition.

Rita Beaty Kelly asked if there are any other questions from the board.

Harold Parker asked if all these houses there are septic systems.

Mr. Lefebber stated yes.

Harold Parker asked if it's pretty sandy.

Mr. Lefebber said not too bad.

Glen Minich asked if there are plans for improvements on the lots.

Mr. Lefebber said that he's gutted the house on Lot 39 and remodeled that. Mr. Lefebber said that he wants to join 40 and 39 together – his son is going to live there and he wants to give him some more elbow room and more to mow in the spring time and summer. Mr. Lefebber said 40 and 41 he will do something with that down the road; he's not really sure yet.

Rita Beaty Kelly asked for name and address for the record.

James E. Lefebber, Jr., 1285 E. 400 S., La Porte, Indiana.

Harold Parker asked Mr. Lefebber if this was a planned subdivision at one time.

Attorney Novak said that the legal description indicates that it was Oak Beach Summer Colonial, but it doesn't indicate when that plat was ultimately done.

Richard Mrozinski said that it looks very similar to what we vacated in Rolling Prairie, where originally they wanted to put a street there, but after this many years, nobody is going to put a street or road there.

Harold Parker said that they're going to put a sewer there.

Glen Minich said that's the only issue here. Glen said if we vacate that, that's why he's asking what kind of improvements you're looking at.

Mr. Lefebber said that he wants to put in a four inch (4") well.

Glen Minich said that he doesn't think that would impede there being a utility easement left in place.

Attorney Novak said that he thinks the only conceivable issue would be if he built a structure that ultimately spanned that unimproved way.

Glen Minich said that if he's planning on putting a well on that lot, he won't be building that close to it.

Mr. Lefebber said that he does not anticipate adding on to the house by any means. Mr. Lefebber said that it's big enough for his son to live in. Mr. Lefebber said in his time period he thinks that it's going to be fine; he can't say for the future or anybody else.

Harold Parker asked Mr. Lefebber if he closed that, how far down before you could cross.

Mr. Lefebber said it would be two hundred (200') foot from one road to the other.

Harold Parker said he means if you would have to go down this highway to get in to the secondary road.

Attorney Adamsky said that it would be Lilac to the north and Lilac to the south, less than a quarter of a mile.

Glen Minich said that he thinks that we could ask that the utility easement be maintained.

Attorney Novak said essentially to the extent that the county would want to put a utility in there Mr. Lefebber would be willing to allow that.

Mr. Lefebber said that if a sewer line came down there, he would be all for it.

Harold Parker asked if natural gas is out there already.

Mr. Lefebber stated yes – he's not sure what direction it runs.

Rita Beaty Kelly asked if there are any other questions from the board.

Rita Beaty Kelly asked if there are any remonstrators here this evening for or against this petition.

Rita Beaty Kelly said that she will ask for a motion.

Richard Mrozinski made a motion to give a favorable recommendation.

John Carr seconded.

Earl Cunningham said that he wants to add that to the favorable recommendation regarding the county utility easement.

Richard Mrozinski said that he will add that to the motion.

Attorney Adamsky asked if we can make sure the second is there after the amendment.

John Carr seconded.

All approved. Motion carries 6-0.

Rita Beaty Kelly asked if there is any old business.

Rita Beaty Kelly asked for any new business.

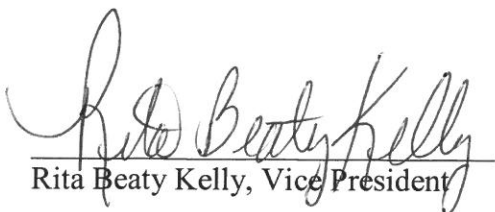
Rita Beaty Kelly asked for a motion to adjourn.

Earl Cunningham said so moved.

Richard Mrozinski seconded.

All approved. Motion carries 6-0.

There being no further business before the Plan Commission, meeting adjourned at 7:15 p.m.

  
Rita Beaty Kelly, Vice President

  
Annemarie Polan, Recording Sec.