



LAPORTE COUNTY PLAN COMMISSION

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES April 23rd, 2019

MEMBERS PRESENT:

Anthony Hendricks Gene Matzat
Rita Beaty Kelly Earl Cunningham
Jeff Wright

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Doug Biege, Attorney,
Cynthia Kreske, Secretary.

PLEDGE OF ALLEGIANCE

Anthony Hendricks asked for a motion for the approval of the agenda.

Rita Beaty Kelly made a motion to approve as presented.

Gene Matzat seconded.

All approved. Motion carries 5-0.

Anthony Hendricks asked for approval of the meeting minutes of March 26th, 2019.

Rita Beaty Kelly made a motion to approve as presented.

Gene Matzat seconded.

All approved. Motion carries 5-0.

Petitions:

1. Petitioner, Steven M. Liskey and Natalie J. Chabot ("Petitioner"), by Counsel Andrew Voeltz, respectfully petitions the Plan Commission to vacate the undeveloped but plotted alleyway adjacent to and in between its property, commonly known as 7187 N. Point Road, New Carlisle, IN., Hudson Twp., zoned R1B. Exhibits attached hereto.

Doug Biege stated notice is adequate.

Andrew Voeltz stated that he's an attorney with Howes and Howes, here in La Porte, representing petitioners Steven M. Liskey and Natalie J. Chabot in this petition. They are the deeded owners of the property located as indicated at 7187 N. Point Road, in New Carlisle, IN.

This issue is that I believe there to be an undeveloped but plotted alleyway to the north of their property that they have been maintaining since they moved in on October 2017. The previous property owners maintained this as well. It was represented by the sellers of the property that this property was theirs. The issue is that there are trespassers on Mr. Liskey and Ms. Chabot's property in order to get down to the beach. They are advertising it as private beach access under their B & B rental. In fact they have made indications that a renter would be able to put in boats on that end of the alleyway. There is dedicated beach access around the corner to the north that is paved. Certain individuals that use this property have trucked in sand from Chicago, which could be an introduction of an invasive species. The adjacent landowner was there at the meeting also and they understand that if this gets vacated, the property will get split 50 % for each side. We respectfully request that this Plan Commission vote unanimously to vacate this plotted but undeveloped alleyway, which is not a dedicated easement, and deed it to Mr. Liskey and Ms. Chabot and to the neighbors to the north. We went back to the land records at the surveyor's office and back to the original deed of dedication and it specifically indicates that private road ways are not public or county maintained. There is no reference to alleyways. There have been roadways or alleyways that have been vacated and deeded to the adjacent landowners in the past. Attorney Voeltz went to the surveyors office this afternoon and went through many records and the only thing they found was on this one survey that appears to show a strip that shows this exact same setting; there is reference to private road easements, access easements, utility easements, drainage easements and that is not on this piece of property.

Anthony Hendricks stated that this is unrecorded and Anthony looked on every record he could and the database and access in the county files and some of these unrecorded plats are available; this one is not. Anthony did come across one survey by Bob Palm and Bob Palm could not find anything either. It must have come about somewhere in some of the original plat books, that somehow somebody had copied and split these lots up, and these were never recorded. The ability for these roads out here are pretty thin, legally, because there is no plat to dedicate lot sizes or unrecorded or open public access roads. It is an unrecorded plat, so it is like a quit claim deed that we are quit claiming or vacating any rights we have if we had any. This is very strange scenario because we rarely see this in the county.

Remonstrator:

Zach Krachinski stated that he is for the petition. Address is 7365 E. Hudson Point Lane, New Carlisle, IN., and I am also the president of the Hudson Lake Conservation Association. Hudson Lake has four (4) species of invasive plants that we have worked on with the DNR using \$30,000.00 a year for plants. With the sand being trucked in, that sand could bring in more foreign contaminants and we don't need that.

Steven Dittrich stated that he is there for his mother and his father, who had surgery and could not make it, who live north of this property. My mother and father are for this petition.

Earl Cunningham made a motion to give favorable recommendation.

Rita Beaty Kelly seconded

All approved. Motion carries 5-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked for any new business.

Earl Cunningham stated that since there is difficulty getting a quorum, the president should direct the Building Commissioner, Annemarie Polan, to send a letter to the council for an alternate to add to the list of members and to advise the members to contact the Plan Commission the day of the meeting if they will not be able to attend.

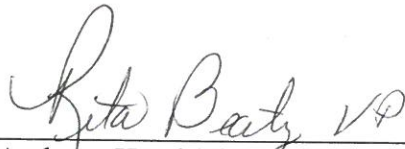
Anthony Hendricks asked for a motion to adjourn.

Rita Beaty Kelly said so moved.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

There being no further business before the Plan Commission, meeting adjourned at 6:35 p.m.



Anthony Hendricks, President



Annemarie Polan, Recording Sec.