



LAPORTE COUNTY PLAN COMMISSION

Government Complex, 5th Level
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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES March 26th, 2024

MEMBERS PRESENT: Anthony Hendricks Joe Haney
 Rita Beaty Earl Cunningham
 Harold Parker John Watson
 Deb Vance John Carr

OTHERS PRESENT: Doug Biege, Attorney; Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator; Mitch Bishop, County Planner

PLEDGE OF ALLEGIANCE

Joe Haney asked for approval of the agenda for the March 26th meeting.

Rita Beaty made a motion to approve the agenda as presented.

Anthony Hendricks seconded.

All Approved. Motion carries 8-0.

Anthony Hendricks asked for approval of the meeting minutes for the February 27th meeting.

Harold Parker made a motion to approve the minutes as presented.

Earl Cunningham seconded.

All Approved. Motion carries 8-0.

Petitions:

- 1. Petitioner Hudson Civil Township represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP** respectfully petition the Plan Commission to vacate an unimproved public way located across from 7661 N. Walker Rd., New Carlisle, IN. Hudson Twp. Parcels 46-04-28-181-018.000-050 and 46-04-28-186-016.000-050. Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Jim Kaminski stated he is filling in for Anthony Novak who is in a much better place tonight. He is here on behalf of the Hudson Civil Township which is the owner of two (2) vacant lots near Hudson

Lake. Joining in the petition was the other owner of a lot on the affected public right-of-way that is proposed to be vacated. Lula Corley and her written consent was attached to their petition. With him tonight is the Hudson Civil Township Trustee Austin Kosinski who would be available to answer any questions. The petition is relatively straight forward. Hudson Township owns two (2) vacant lots that has it between the two (2) lots a public right-of-way running between Walker Road and Cedar Lane near Hudson Lake. Cedar Lane near this is also an undeveloped right-of-way so the two (2) affected streets are Walker Road and then Willow Lane. This right-of-way does not run towards the lake itself so it is not used by the public as an informal access to the lake. It is a grassy, unimproved, and kind of an unsightly, frankly, right-of-way. So, one (1) of the reasons for the Petition is so that it can be properly maintained by the property owners who abut it. He would note that out of the four (4) parcels that received notice of this Petition, three (3) of the four (4) have also consented to the vacation of the right-of-way and the other fourth (4th) they haven't heard from other than giving them notice of the hearing. So, Hudson Township simply would like to see, and the other affected property owner of this public right-of-way, vacated. Mr. Novak, he believes, did speak with Mr. Bishop before the Petition was filed and indicated that there is no use or contemplated use of the right-of-way for utilities in the future. Since it is not used by the public even as an informal access, they request the public right-of-way from Walker Road up to the Cedar Lane right-of-way as noted on the plat that they have been given, be vacated as set forth in the Petition. He would be happy to answer any questions.

Harold Parker asked if the person that didn't respond, are they here in the crowd or is anybody?

Mitch Bishop stated Mr. Kaminski referenced that he spoke with Mr. Novak regarding the sewer project in that area and the utilities that might be in the unimproved right-of-way that they are proposing to be vacated, but that is not the case. He reviewed the plan set for Hudson Lake and it is fine; there is no conflict.

Joe Haney stated very good.

No remonstrators present.

Anthony Hendricks asked if he missed something. Was James Terry notified, the adjacent owner to the west across the street? They didn't have to? It's not highlighted in Exhibit 5.

Jim Kaminski stated three (3) lots are owned by George Keller with representative Lance Corley who has consented and then the fourth (4th) was a Michael Vida and Ok Hui were also notified and those would be the adjoining owners.

Anthony Hendricks stated the owner to the west.

Ashley Kazmucha showed a map to Anthony Hendricks and stated it would be these two lots as adjacent not the next block down where James Terry is.

Anthony Hendricks stated okay. He looked at it too and it is a low area that is grass and wet. It's holding water.

Anthony Hendricks made a motion to approve Petitioner Hudson Civil Township represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones to vacate an unimproved public way located across from 7661 N. Walker Rd., New Carlisle, IN. Hudson Twp. Parcels 46-04-28-181-018.000-050 and 46-04-28-186-016.000-050.

Rita Beaty seconded.

All Approved. Motion carries 8-0.

- 2. Petitioner Dale A. Elkins and Samantha D. Elkins represented by counsel David Ambers** respectfully petition the Plan Commission to vacate the unimproved and unnamed road or easement bordered on the north Lots 4108 to 4093A and on the south by Lots 4128 to 4113 located behind 7799 N. Hemlock Ln., New Carlisle, IN. Hudson Twp. Parcels 46-04-29-238-010.000-050, 46-04-29-238-003.000-050, 46-04-29-238-004.000-050, 46-04-29-238-005.000-050, 46-04-29-238-006.000-050, 46-04-29-238-007.000-050, 46-04-29-238-008.000-050, 46-04-29-238-009.000-050.

Attorney Biege stated notice is adequate.

David Ambers approached to provide a better map to the Board Members.

David Ambers stated he is here tonight on behalf of Mr. and Mrs. Elkins to vacate an unlabeled, he doesn't know if it is a roadway, easement, or what it is, but it is part of the plat and like most of the streets out there that they have vacated, it is not labeled with a name. It is not paved. It's not improved. There's a driveway that zigs and zags amongst that easement area and his clients' lots. His client owns the lots on both sides of the yellow and the yellow is the only area that they are asking that they vacate. He is going to be honest with them, he has been before them for thirty-five (35) years, might be different members of the Board, but they notified all the owners. The area that he has marked in orange, that person is deceased. His client doesn't remember exactly when, but at least three to four (3 – 4) years. The property has gone to so many tax sales that a property that is being taxed for thirty-six dollars (\$36) a year is up to a twenty-thousand-dollar (\$20,000) redemption and most of that is under water. They don't foresee that ever being sold at tax sale. He actually spoke to the attorney that handles the tax sales for LaPorte County. They didn't have a Commissioners Deed Sale this year. They anticipate having one (1) next year. Hopefully, his client can acquire that then. He will leave that small portion up to those folks. They have given the appropriate notice on it. Most of those lots are under water and quite frankly his client said the previous owner used to walk out there once or twice a year, but he hasn't seen him in years, but didn't know he died, but wanted to tell them that he did die and that's why his envelope came back. Depending on how they wish to act on that, they would like to have all of the yellow portion which is described in his petition by Lot Numbers. If they want to withhold on the south side of the lots, there are three (3) lots there on the end that border, if they want to hold off on the south end, then obviously his client would have no objection to that and when he gets title to it, if he gets title to the orange area, then he can always come back. There is a driveway that zigs in and out. There is a potential buyer for property next to his client's property that is not part of the Petition. His client has spoken to that gentleman and offered him the use of the driveway if he needs to get to the back of his property and even offered to give him one (1) of his lots so that gentleman would have deeded

access to the lake rather than the easement area to walk around. He thought that was very nice of his client to offer somebody free property. With that, he will shut up and answer any questions they may have.

Rita Beaty stated the triangle he has marked in the orange, if they were to vacate that then right now by his client not owning that, it would landlock the orange portion.

David Amber stated it would landlock them to the extent that their only access to it is an unimproved roadway to get to it that has never been officially paved or laid out as a road. The fact that anybody would buy it to ever build on it; it's just not big enough for anybody to ever build on it.

Anthony Hendricks asked Attorney Biege if they choose to approve this, can they make a condition that they have to grant access to the owner of the triangle piece pending whatever happens to it.

David Ambers stated they have no problem with that. He will grab his laptop so they can see the zig-zag driveway.

Attorney Biege stated they could make it a condition of the vacation.

Anthony Hendricks stated it will probably go to Commissioner's Sale and they will probably sell it to him for a few hundred dollars and they will become the owner, but until then the next person still needs access down to it whoever it may be. It might not be them.

No remonstrators present.

David Amber stated if they look, there is a driveway that comes across the east side and zig zags down on his clients' lots on both sides and goes back to the lake.

The Board discusses the layout with David Ambers.

Harold Parker asked Anthony Hendricks if he should specify where the right-of-way would be or anything.

Attorney Biege stated no, they would just say that they have to grant the owner of that parcel ID number, whatever it is, rights to use the platted right-of-way until or when they purchase it.

Harold Parker stated no intended use.

Anthony Hendrick stated any use. He will make that motion if they want.

Anthony Hendricks made a motion to approve Petitioner Dale A. Elkins and Samantha D. Elkins represented by counsel David Ambers to vacate the unimproved and unnamed road or easement bordered on the north Lots 4108 to 4093A and on the south by Lots 4128 to 4113 located behind 7799 N. Hemlock Ln., New Carlisle, IN. Hudson Twp. Access to the platted right-of-way for any use must be granted to the owner of Parcel 46-04-29-239-003.000-050.

Harold Parker seconded.

All Approved. Motion carries 8-0.

Joe Haney stated they will move down to old business. He briefly wanted to talk about some of the feedback they are getting about their Solar Ordinance. He thinks it would be prudent to appoint or form a committee to look at some of their Solar Ordinance. Take a look at it again and see what they can do to strengthen it up. Do they have some folks who would like to volunteer to be on the Solar Committee. We have Mr. Carr. Harold.

John Watson asked how many they need.

Joe Haney stated they cannot have more than four (4). Vance. Those three (3) were first.

Earl Cunningham stated he thinks Joe should be there.

Joe Haney stated yes. He would like to be on it as well. He thinks Deb's hand up was first, but do her or John Watson have a preference.

John Watson stated whatever works.

Deb Vance stated he's the boss.

Joe Haney stated he saw her hand up go a split second before his he thinks so it'll be the four (4) of them; Mr. Carr, Mr. Harold, himself, and Deb Vance. Very good. That Committee is hereby formed. He will make a President's Ad Hoc Committee. They will work with Mr. Biege as well. They will get a time set up and get together after the meeting and find a time that will work for them to get together. Four (4) is less than the quorum of the Board so they can talk about things, but they can't make any decision though so they will come back. Would the Board like to maybe have a workshop before their next month's Plan Commission meeting? Either before that meeting or a week ahead of time so the Committee can kind of present some of the stuff they come up with.

Earl Cunningham stated they can do that, but he would like them to make a motion that the Board approved this Committee because the majority of the Board is not on the Committee. He thinks they are all supportive, but he thinks it would be good on the record to formalize that this Board approves the makeup of a four (4) person Committee.

Joe Haney stated he would take that as a motion. Is that a motion to adopt the Committee?

Earl Cunningham made a motion to adopt a four-person Solar Committee consisting of John Carr, Harold Parker, Joe Haney, and Deb Vance.

Harold Parker seconded.

All Approved. Motion carries 8-0.

Harold Parker asked if they will see that right away or next week.

Joe Haney stated they will try to meet in the next week or so and have their first get together then maybe give them a couple weeks to get everything together while the attorney parses over things as well. Does anybody have a preference to meet a little early before their next meeting for a workshop or if they would rather have a separate meeting at some point prior to the next meeting like a separate workshop or whatever.

John Carr stated there is a lot of info to gather so he is down for anything. If he wants to meet during the day or night.

Dab Vance stated no Wednesdays for her. Other than that, she is good.

Harold Parker stated they have a holiday weekend coming up here too.

Joe Haney stated they do. Their next regular scheduled meeting is the 23rd. Maybe they could have the Committee come back and present at 5 o'clock on the 23rd for a workshop. Would everybody be able to make it at 5?

Harold Parker stated what day.

Joe Haney stated for next April on their regularly scheduled Plan Commission date of the 23rd. Just be here an hour early for a workshop and then the regular scheduled meeting to follow afterwards. They will plan on that then for scheduling a 5 o'clock workshop before the next meeting. It will be on their Solar Ordinance.

Anthony Hendricks stated they might not have any petitions for next month.

Ashley Kazmucha stated we do.

Anthony Hendricks stated okay, good.

Attorney Biege stated it would be Solar because the Solar is standalone. By next months meeting, he will have an add to the JZO to cover Electrical Storage Systems. Right now, they don't have it at all. He will have that ready and advertised for their next meeting.


Joe Haney asked for any other old business.

Joe Haney asked for new business.

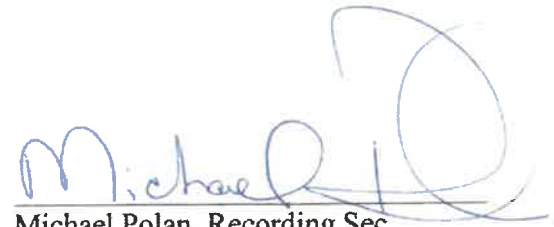
Anthony Hendricks made a motion to adjourn.

Rita Beaty seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:21 p.m.



Joe Haney, President



Michael Polan, Recording Sec.