

ORDINANCE NO. 2011-02

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
LA PORTE COUNTY, INDIANA

WHEREAS, David Durkin and Christine Durkin, of Hudson Township, La Porte County, Indiana, have filed a petition, pursuant to I.C. 36-7-3-12, with the Board of County Commissioners of La Porte 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:

A part of Lake Side Drive in Cassaday's Addition to Lake Park as recorded in Plat Book 4, Page 35 in the office of the Recorder of La Porte County, Indiana, and described as follows: Commencing at the Northwest corner of Lot 21; thence Northerly along the West line of Lot 21, as extended, to the shore line of Hudson Lake; thence Northeasterly along the shore line of Hudson Lake to the intersection of that line with the Easterly line of Lot 16 extended; thence South along the Easterly line of Lot 16 extended to the Northeast corner of Lot 16; thence Southwesterly along the Northerly line of Lots 16, 17, 18, 19, 20 and 21 to the place of beginning.

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 La Porte 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 abutts 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 La Porte County, Indiana, has now conducted the public hearing on the petition to vacate and has determined that the portion of Lake Side Drive 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 La Porte County, Indiana, that the following described real estate situated in La Porte County, State of Indiana, to-wit:

A part of Lake Side Drive in Cassaday's Addition to Lake Park as recorded in Plat Book 4, Page 35 in the office of the Recorder of La Porte County, Indiana, and described as follows: Commencing at the Northwest corner of Lot 21; thence Northerly along the West line of Lot 21, as extended, to the shore line of Hudson Lake; thence Northeasterly along the shore line of Hudson Lake to the intersection of that line with the Easterly line of Lot 16 extended; thence South along the Easterly line of Lot 16 extended to the Northeast corner of Lot 16; thence Southwesterly along the Northerly line of Lots 16, 17, 18, 19, 20 and 21 to the place of beginning.

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 16, 17, 18, 19, 20, 21 and 28 in Cassaday's Addition to 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;

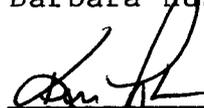
be, and the same is, hereby vacated as a public way.

Section 2. The Clerk of the Board of County Commissioners of La Porte County, Indiana, shall furnish a copy of this vacation ordinance to the La Porte 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 La Porte County Auditor.

APPROVED, this 15th day of March, 2011.



Barbara Huston



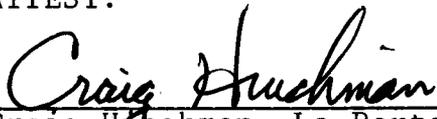
Kenneth Layton



Willie Milsap

BOARD OF COUNTY COMMISSIONERS OF LA PORTE COUNTY,
INDIANA

ATTEST:



Craig Hinchman, La Porte County Auditor