

ORDINANCE NO. 2012-11

**AN ORDINANCE VACATING UNIMPROVED PORTION OF
MORGAN ROAD, LAPORTE COUNTY, INDIANA**

WHEREAS, Amended Petition for the Vacation of Unimproved Public Road in conformity with the requirements of applicable Indiana Statutes has been filed with the Board of Commissioners of LaPorte County, Indiana by TERRY A. BUSSE and DIANNA LYNN BUSSE, Husband and Wife, Petitioners, pursuant to I.C. 36-7-3-12; and

WHEREAS, the description of the property sought to be vacated is:

That portion of Morgan Road lying between Lots 4,5,6 and 7 in Brookdale Farms, Section Twenty-Five (25), Township Thirty-Six (36) North, Range 3 West, LaPorte County, Indiana, as recorded in Plat Book 8, Pages 87 and 88.

WHEREAS, Petitioners are the owners of land which abuts said public road;

WHEREAS, there were no other property owners of adjoining and abutting lots which had to be served with notice of public hearing pursuant to Indiana statute; and

WHEREAS, Notice of Hearing before the LaPorte County Board of Commissioners has been published in the LaPorte Herald-Argus in its issue of _____, 2012; said publication being at least ten (10) days before the date of this hearing; and

WHEREAS, a public hearing was held on the 18th day of December, 2012, in the Chambers of the LaPorte County Commissioners, in LaPorte, Indiana, at which hearing all interested parties were given an opportunity to present their views for and against the granting of the Amended Petition to Vacate; and;

WHEREAS, it is desirable and in the best interests of the Citizens of LaPorte County, Indiana, to vacate said portion of Morgan Road because the proposed vacation would *not*:

- (a) Hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous;
- (b) Make access to the lands of any neighboring property by means of public way difficult or inconvenient;
- (c) Hinder the public's access to a church, school, or other public building or place; nor
- (d) Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

the proposed vacation *would* allow for the continuance of the use of the unimproved road as a driveway for Petitioners, as well as for agricultural purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA:

SECTION 1.

That the Petition of TERRY A. BUSSE and DIANNA LYNN BUSSE, by and through their attorney, BARRY F. McDONNELL, be and same is hereby granted.

SECTION 2.

That said unimproved portion of Morgan Road, is located within LaPorte County, Indiana, and is specifically described as follows:

That portion of Morgan Road lying between Lots 4,5,6 and 7 in Brookdale Farms, Section Twenty-Five (25), Township Thirty-Six (36) North, Range 3 West, LaPorte County, Indiana, as recorded in Plat Book 8, Pages 87 and 88.

That the above-described public road is hereby vacated by the Board of Commissioners of LaPorte County, Indiana, and in accordance within the laws of the State of Indiana, the fee simple title to the vacated portion of Morgan Road reverts to the abutting property owners, as listed in the Petition.

SECTION 3.

This Ordinance shall be in full force and effect from and after its approval and passage by the Board of Commissioners of LaPorte County, Indiana, as required by law.

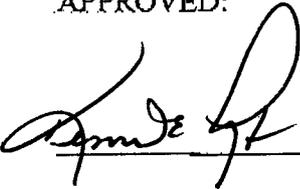
SECTION 4.

The Clerk shall furnish a certified copy of the Ordinance to the County Recorder for recording and the County Auditor.

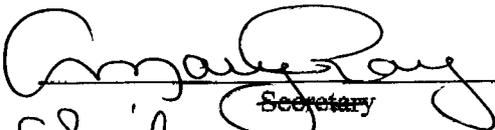
ADOPTED by the County Commissioners of the County of LaPorte, Indiana, this 18th
day of December, 2012.

APPROVED:

ATTEST:



President



Secretary
Chief
Deputy
Auditor



Vice-President

Member