

**ORDINANCE NO. 23-2009**

**ORDINANCE TO VACATING PLATTED EASEMENTS FOR SIDEWALKS AND  
PARKING ON LOTS A AND B IN GREENBRIAR ADDITION TO THE CITY OF  
VALPARAISO**

WHEREAS, on or about July 9, 2009, William A. Ferngren of Ferngren Law Offices, filed a *Petition to Vacate Platted Easements* pertaining to sidewalks and parking lots on Lots A and B of Greenbriar Addition to the City of Valparaiso, on behalf of Centier Bank, Trustee of Land Trust # 1976 ; and

WHEREAS, the City of Valparaiso Plan Commission conducted a public hearing as to the *Petition to Vacate Platted Easements* consistent with the requirements of the Unified Development Ordinance Article 15 and finds the petition to be in order and that the proper notice was provided and recommended adoption of the proposed ordinance by a vote of 8-0 at the July 14, 2009 meeting; and

WHEREAS, the City of Valparaiso Board of Public Works and Safety considered the request at the July 23, 2009 meeting and recommended the adoption of the proposed ordinance and vacation of the platted private easements by a vote of 2-0-1 with one recusal; and.

WHEREAS, the Valparaiso City Council consistent with Indiana Code §36-7-3-12 finds the *Petition* to be in order and that appropriate notice was provided;

WHEREAS, on July 27, 2009 the Valparaiso City Council conducted a public hearing as to the *Petition to Vacate Platted Easements*; and

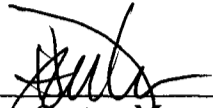
WHEREAS, the City Council did on Aug 10, 2009 by a vote of 7-0 adopt the proposed ordinance with one condition.

NOW, THEREFORE, be it ordained by the common Council of the City of Valparaiso, Porter County, Indiana as follows:

1. The platted sidewalk and parking easements as shown on Lots A and B of the plat for Greenbriar Addition to the City of Valparaiso are hereby vacated subject to the following condition of approval:

- a. That this approval be subject to the sale and proof of closing the subject property to Eastgate Investments II LLC and/or its assigns or affiliated entities. In the event of a failure of execution of said action, the above referenced vacation shall be null and void.

Passed by the Common Council of the City of Valparaiso, Indiana by a 7-0 vote of all members present and voting this 10<sup>th</sup> day of Aug, 2009.

  
\_\_\_\_\_  
Jon Costas, Mayor

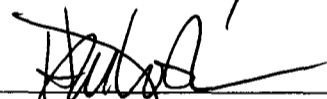
Attest:

  
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10<sup>th</sup> day of Aug, 2009, at 7:18 o'clock p.m.

  
Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 10<sup>th</sup> day of Aug, 2009, at 7:18 o'clock p.m.

  
\_\_\_\_\_  
Jon Costas, Mayor

# EXHIBIT "A"

9-A-2

BOOK 3 PAGE 30 File 9-A-2

LEGAL DESCRIPTION: COMMENCING AT A POINT ON THE West line of Section Nineteen (19), Township Thirty-five (35) North, Range Five (5) West of the Second Principal Meridian in the City of Valparaiso One thousand one hundred forty-four and three tenths (1144.3) feet South of the West Quarter post of said Section Nineteen (19) and running thence East Three hundred thirty (330.0) feet; thence South to the centerline of Laporte Avenue; thence West along said centerline of Laporte Avenue to the West line of said Section Nineteen (19); thence North along said West line of Section Nineteen (19) to the place of beginning, except therefrom a parcel of land described as commencing at a point One and five tenths (1.5) rods South of the point where the centerline of Main Street (now Lincolnway) in the City of Valparaiso crosses the West line of said Section Nineteen (19) and running thence East Twenty (20) rods, thence South Eight (8) rods, thence West Twenty (20) rods, and thence North to the place of beginning, also excepting therefrom a parcel of land taken by the City of Valparaiso for the widening of Roosevelt Road as recorded in Miscellaneous Record 22 page 3 and subject to all Legal Highways and Easements.

STATE OF INDIANA ) SS  
COUNTY OF PORTER )  
I, Richard G. Schaub, do hereby certify that I am the Legal Owner of the tract of land shown and that I have caused the same to be subdivided as shown hereon, and that such subdivision is of my free and voluntary deed.

EASEMENTS: An easement is hereby granted to the Subdivider, General Telephone Company, The City of Valparaiso and Northern Indiana Public Service Company, severally, and their respective successors and assigns, to install, lay, erect, construct, renew, operate, repair, replace and maintain sewers, water mains, gas mains, conduits, cables, poles and wires, either overhead or underground with all necessary boxes, guys, anchors and other appliances in, upon, along and over the strip of land designated by dotted lines on the plat and marked "Easements for Utilities" for the purpose of serving the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary and to overhang lots with aerial service to serve adjacent lots, together with the right to enter upon said easements for public utilities at all times for any and all of the purposes aforesaid, and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No buildings shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of such easement for public utility.

WITNESS MY HAND THIS 6th DAY OF AUGUST 1963.  
Richard G. Schaub  
Richard G. Schaub  
By John M. Ryan, as his attorney

I, J. H. ... a Notary Public in and for said County, and State do hereby certify that this day appeared before me in person Richard G. Schaub, who personally known to be the same person whose name is affixed to the foregoing instrument, who then and there acknowledged that he signed and delivered said instrument of his own free will and accord.

Witness my hand and Notarial Seal this 6th day of August 1963  
My Commission Expires 2-2-65  
Notary Public

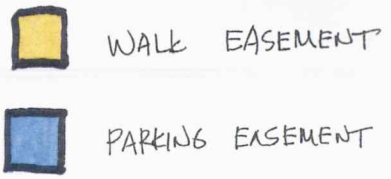
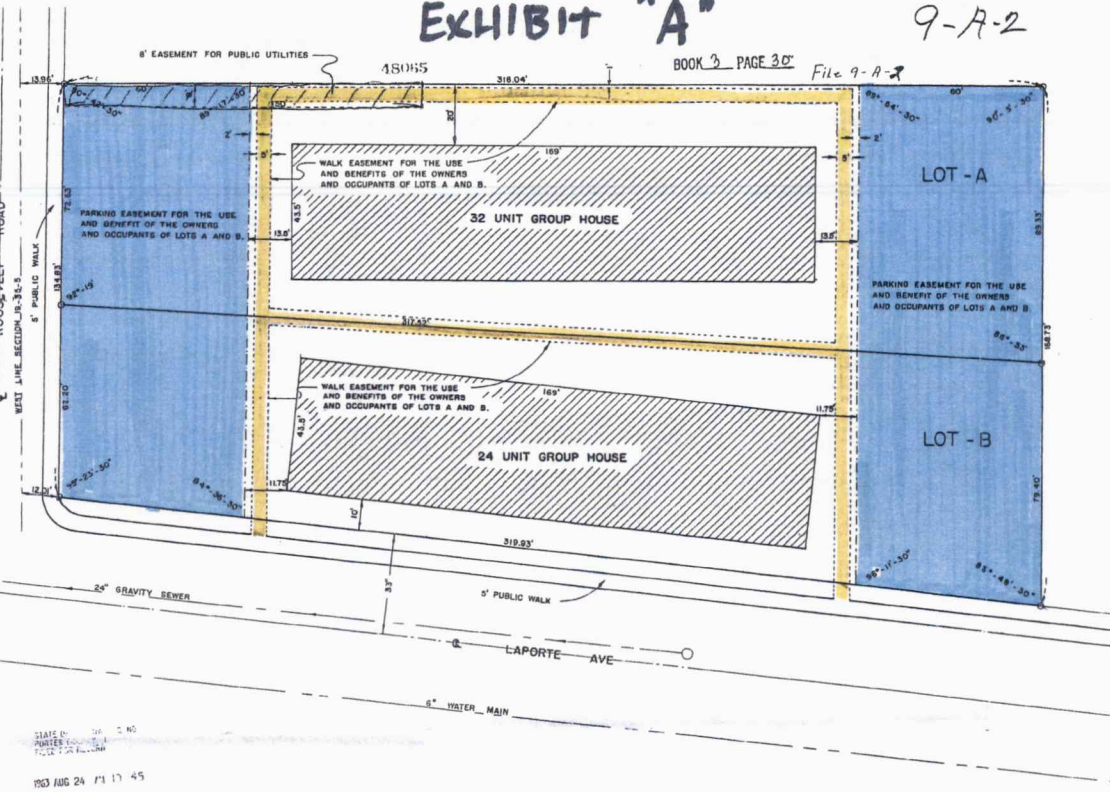
I, William S. Tanke, hereby certify that I am a Registered Land Surveyor, Licensed in compliance with the laws of the State of Indiana, that this Plat correctly represents a survey completed by me.

Witness my hand and seal this 2nd day of July 1963.  
William S. Tanke  
William S. Tanke  
Inc. Reg. Land Surveyor # 8570

Under Authority provided in Chapter 174-Acts of 1947, General Assembly of the State of Indiana, and all acts amendatory thereto, and an Ordinance adopted by the City of Valparaiso, Indiana, this Plat was given approval by the City of Valparaiso as follows:  
Approved by the City of Valparaiso Plan Commission at a meeting held August 6, 1963.

CITY PLAN COMMISSION  
George J. Moore  
President  
Susan B. Lerner  
Secretary

DULY ENTERED FOR  
AUG 24 1963  
L. P. B. ...



GREENBRIAR ADDITION  
TO  
THE CITY OF VALPARAISO

