



ORDINANCE NO. 8-2018

**ORDINANCE VACATING PLATTED EASEMENTS FOR LEISURE DRIVE
IMMEDIATELY ADJACENT TO LOTS 5 AND 6 IN MYRTLEWOOD ADDITION IN
THE CITY OF VALPARAISO**

WHEREAS, on or about March 2, 2018, McDonald Corporation, filed a *Petition to Vacate Platted Easements* (the "Vacation Petition") pertaining Leisure Drive Right-of-Way lying immediately adjacent to lots 5 and 6 in Myrtlewood Addition (the "Right-of-Way") ; and

WHEREAS, the City of Valparaiso Plan Commission conducted a public hearing as to the Vacation Petition consistent with the requirements of the Unified Development Ordinance Article 15 and found said Petition to be in order and that the proper notice was provided and recommended adoption of the proposed ordinance (the "Vacation Ordinance") by a vote of 6-0 at its April 10, 2018, meeting; and

WHEREAS, the City of Valparaiso Board of Public Works and Safety considered the Vacation Petition at its April 13, 2018, meeting and recommended the adoption of the Vacation Ordinance and vacation of the Right-Of-Way by a vote of 3-0; and.

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

WHEREAS, on April 9, 2018 the Common Council of the City of Valparaiso, Indiana (the "Common Council"), conducted a public hearing as to the Vacation Petition; and

WHEREAS, the Common Council, having duly considered the vacation of the Right-of-Way, now desires to adopt this Ordinance in accordance with the requirements of I.C. 36-7-3-12.

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

1. The Right-of-Way as described in **Exhibit "A"** attached hereto is vacated.

2. The vacation of the Right-of-Way authorized by this Ordinance is subject to any and all easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, but not limited to: water, sewer, drainage, electricity, telecommunications, natural gas, and cable television, which existing easement rights shall survive the vacation.

3. The Clerk-Treasurer of the City of Valparaiso, Indiana, is hereby directed to furnish the Vacation Ordinance to the Porter County Recorder for recording and to the Porter County Auditor, as required by I.C. 36-7-3-12.

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

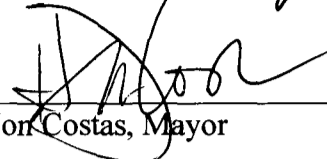
JUL 18 2018

VICKI URBANIK
AUDITOR PORTER COUNTY

NC

4. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana by a 5-0 vote of all members present and voting this 23rd day of April, 2018.


Jon Costas, Mayor

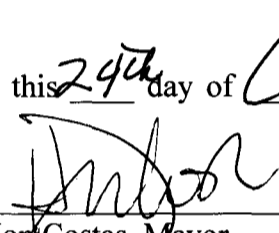
Attest:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 24th day of April, 2018, at 3:10 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 24th day of April, 2018, at 3:10 o'clock p.m.


Jon Costas, Mayor

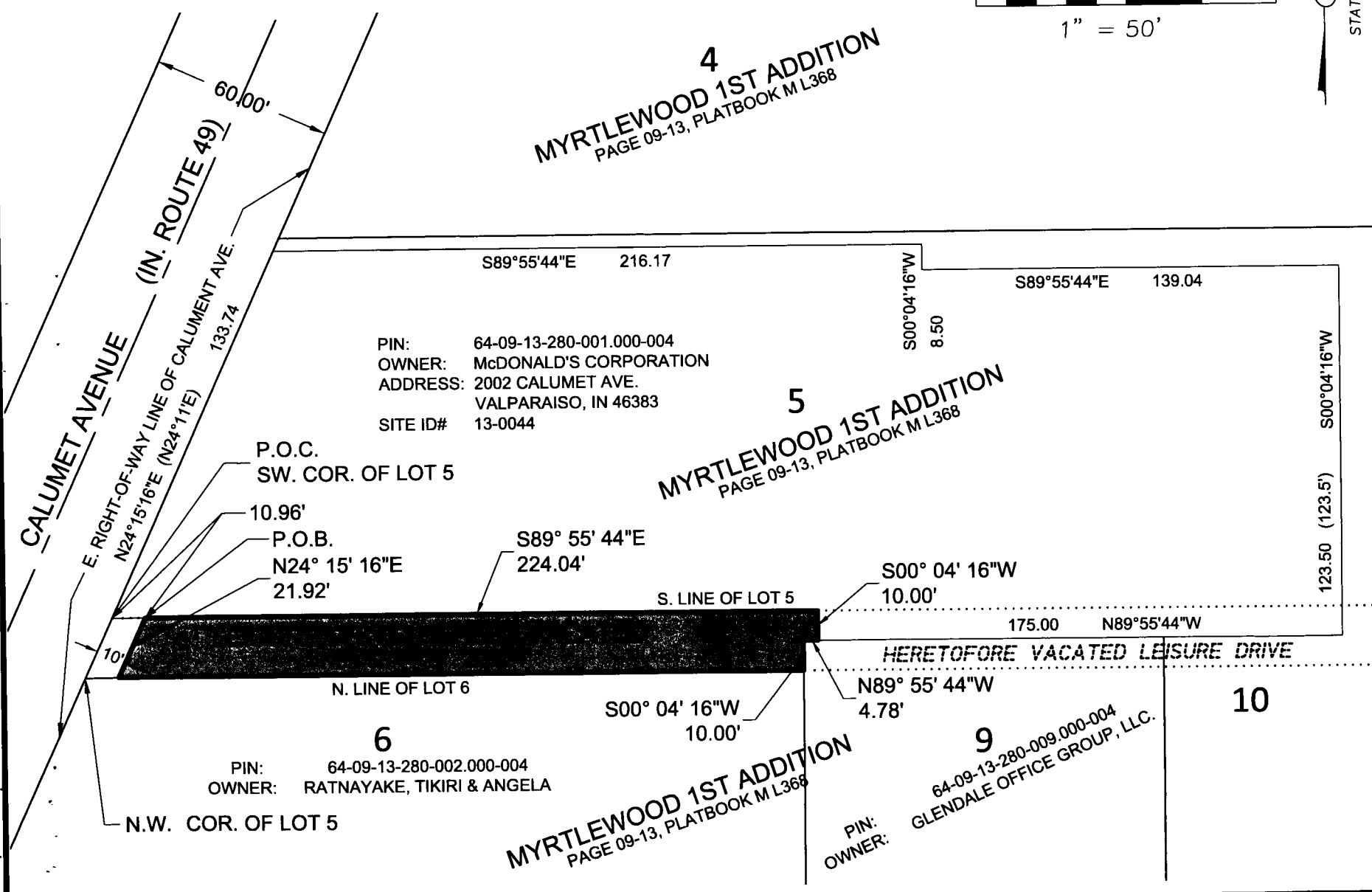
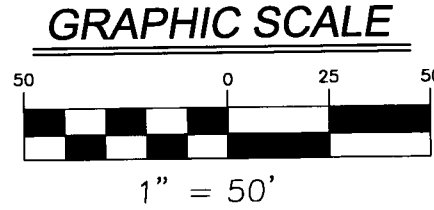
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Ethan S. Lowe.*

This Instrument Prepared By:
Ethan S. Lowe, Esq.
BLACHLY, TABOR, BOZIK & HARTMAN, LLC
56 Washington Street, Suite 401
Valparaiso, Indiana 46383
Telephone: (219) 464-1041

EXHIBIT FOR RIGHT-OF-WAY VACATION

LEISURE DRIVE

VALPARAISO, INDIANA



PROJECT NO. 14092.11MRP
GROUP NO. LINE 7 VP041
SCALE: 50'
DATE: 04/17/18

PREPARED FOR:
McDONALD'S USA
711 JORIE BLVD. - THIRD FLOOR
OAK BROOK, ILLINOIS 60523
630-623-3000

7325 Janes Avenue, Suite 100
Woodridge, IL 60517
630.724.9200 voice
630.724.0384 fax
v3co.com

Engineers
Scientists
Surveyors



"EXHIBIT A"

HEREBY VACATED LEISURE DRIVE

THAT PART OF LEISURE DRIVE RIGHT-OF-WAY LYING IMMEDIATELY ADJACENT TO LOTS 5 AND 6 IN MYRTLEWOOD ADDITION TO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, AS SHOWN ON PLAT IN MISCELLANEOUS RECORD "L", PAGE 368, IN THE RECORDER'S OFFICE OF PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89 DEGREES 55 MINUTES 44 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 5 BEING ALSO THE NORTH LINE OF SAID LEISURE DRIVE, 10.96 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 55 MINUTES 44 SECONDS EAST ALONG SAID LINE, 224.04 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS WEST, 10.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 44 SECONDS WEST, 4.78 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS WEST, 10.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE NORTH 89 DEGREES 55 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 6 BEING ALSO THE SOUTH LINE OF LEISURE DRIVE, 228.24 FEET; THENCE NORTH 24 DEGREES 15 MINUTES 16 SECONDS EAST ALONG A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF CALUMET AVENUE, 21.92 FEET TO THE PLACE OF BEGINNING.

THE VACATION OF THE ABOVE DESCRIBED PORTION OF LEISURE DRIVE SHALL NOT IN ANY ASPECTS REVOKE, ANNUL, OR DISCHARGE ANY EASEMENT WHICH DOES OR MAY EXIST OVER OR ALONG THE PROPERTY OVER WHICH THE STREET IS VACATED FOR ANY PUBLIC SEWER OR ANY PUBLIC UTILITY.