

Passed April 23, 2018 by a Vote of 5-0

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 Recorded for recording and to the Porter

County Auditor, as required by I.C. 36-7-3-12.

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 _____ vote of all members present and voting this _____ day of _____, 2018.

Jon Costas, Mayor

Attest:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2018, at _____ o'clock __.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2018, at ____ o'clock __.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:
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