

TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA

ORDINANCE NO. _____

AN ORDINANCE VACATING A UTILITY EASEMENT IN THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERTO

WHEREAS, on the 25th day of February, 2020, the Owner of real property located in the Town of Schererville, Lake County, Indiana, legally described in Exhibit "A" attached hereto, petitioned the Town Council of the Town of Schererville, Lake County, Indiana, to vacate a platted utility easement legally described in Exhibit "A" attached hereto; and

WHEREAS, a Public Hearing was held on said Petition, after due notice was provided pursuant to the statutory requirements of I.C. §36-7-3-12, as amended from time to time; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana (hereinafter, the "Town Council"), has considered the presentation and petition, as well as any remonstrances made by interested Parties to the vacation of said platted utility easement as described herein; and

WHEREAS, the Town Council has reviewed the request of the Owner for vacation of the said platted utility easement, and has determined that the area sought by Owner to be vacated is not necessary to the growth of the area in which it is located, or to which it is contiguous; further, that the vacation of the platted utility easement sought to be vacated would not eliminate the Public's access to any Church, School, or any other Public building or place; and

WHEREAS, the Town Council has further determined that the said platted utility easement so described is a platted utility easement in a residentially zoned subdivision which is not utilized by the Public in any manner, and is not anticipated as needed for such purpose in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA:

SECTION ONE: That the described portion of platted utility easement identified on Exhibit "A", attached hereto, and located in the Town of Schererville, Lake County, Indiana, be vacated, in conformance with applicable law, with one-half (1/2) of said platted utility easement vacated being conveyed to the owner(s) in fee simple on either side of said parcel, subject to any conditions of approval required by the Town Council herein, if applicable.

SECTION TWO: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Schererville, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN OF COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA ON THIS ____ DAY OF _____, 2020.

**TOWN OF SCHERERVILLE, LAKE
COUNTY, INDIANA, TOWN COUNCIL**

Thomas J. Schmitt, President

Rob Guetzloff, Vice-President

Kevin Connelly, Member

Robin Arvanitis, Member

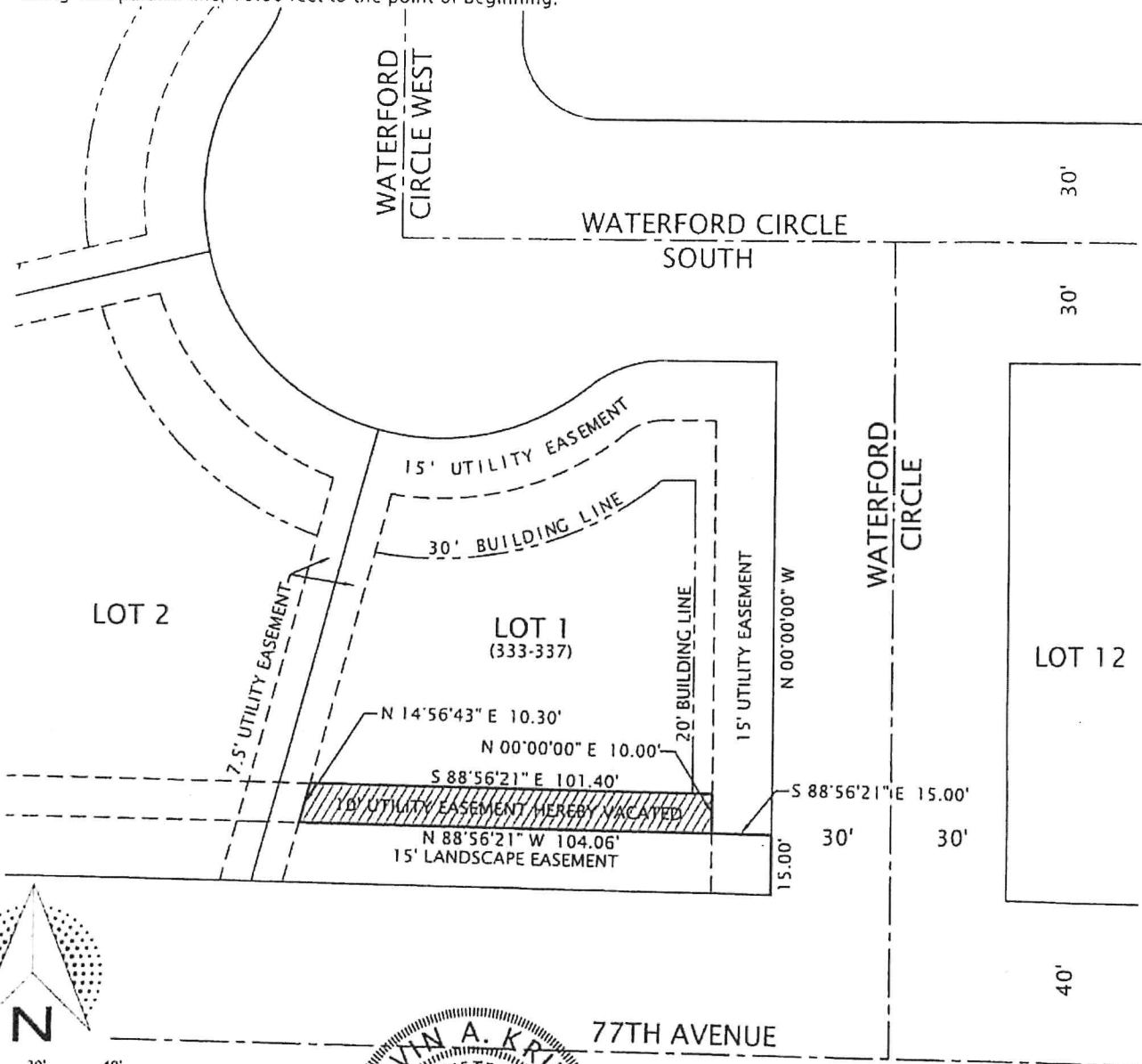
Caleb S. Johnson, Member

ATTEST:

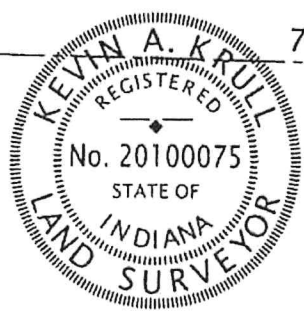
Michael A. Troxell, CMO
Clerk-Treasurer

EXHIBIT "A"

DESCRIPTION: Part of Lot 1, Waterford Place, recorded in Plat Book 109, page 63, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the Southeast corner of said Lot 1; thence North 00°00'00" West, along the East line of said Lot 1, 15.00 feet to a line parallel to and 15 feet North of the South line of said Lot 1; thence North 88°56'21" West, along said parallel line, 15.00 feet to the point of beginning; thence continuing along said parallel line North 88°56'21" West, 104.06 feet to a line parallel to and 7.5 feet Easterly of the West line of said Lot 1; thence North 14°56'43" East, along said parallel line, 10.30 feet to a line parallel to and 25 feet North of the South line of said Lot 1; thence South 88°56'21" East, along said parallel line, 101.40 feet to a line parallel to and 15 feet Westerly of the East line of said Lot 1; thence South 00°00'00" West, along said parallel line, 10.00 feet to the point of beginning.



0' 20' 40'
SCALE: 1" = 40'



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, OR A SURVEYOR LOCATION REPORT.

Client: Armani Development
 Job No: 520-236
 Scale: 1" = 40'
 Drawn By: SS
 Date: 2/12/2020
 Z:\LTI
 SUBS\WATERFORD PLACE\LOT 1 EASEMENT EXHIBIT.DWG

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