

ORDINANCE #3, 2005

**AN ORDINANCE VACATING A
PLATTED UTILITY EASEMENT**

WHEREAS, the owner or contract purchaser of certain real estate has petitioned the Common Council for the City of Valparaiso for vacation of a portion of a platted utility easement; and,

WHEREAS, the Valparaiso City Council conducted a public hearing on February 14, 2005 with regard to said request and determined that the platted right-of-way should be vacated:

NOW, THEREFORE, BE IT ORDAINED by the Common Council as follows:

1. The following described part of the platted utility easement be and is hereby vacated:

Part of the variable width utility easement located on the south side of Lot F in Strongbow Centre, in the City of Valparaiso, Indiana, as per plat thereof recorded in Plat File 19-B-1 in the Office of the Recorder of Porter County, Indiana, described as follows:

Commencing at an east corner of said Lot F, said corner being marked by a 5/8" rebar with a cap stamped "PTGR"; thence North 00 degrees 07 minutes 25 seconds West along an east line of said lot a distance of 126.26 feet to the intersection of said east line with a northwest line of the aforesaid variable width utility easement; thence South 43 degrees 13 minutes 03 seconds West along said northwest line a distance of 211.91 feet; thence North 46 degrees 46 minutes 57 seconds West along a northeast line of said easement a distance of 86.84 feet to the point of beginning; thence continuing North 46 degrees 46 minutes 57 seconds West along said northeast line a distance of 6.16 feet; thence South 43 degrees 07 minutes 30 seconds West along a northwest line of said easement a distance of 20.00 feet; thence South 46 degrees 46 minutes 57 seconds East along a southwest line of said easement a distance of 6.13 feet; thence North 43 degrees 12 minutes 31 seconds East a distance of 20.00 feet to the point of beginning, containing 123 square feet, more or less.

2. Notwithstanding the vacation of said platted utility easement, any public utility presently occupying or using all or any part of said platted utility easement shall not be deprived of said use unless and until said utility waives said rights by filing its written consent to this vacation proceedings or by executing and recording its waiver of said use.

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This Ordinance shall be in full force and effect immediately upon its adoption.

ALL OF WHICH HAVING BEEN RESOLVED AND ADOPTED by the Valparaiso Common Council this _____ day of _____, 2005.

Joey Larr

Al Eisenmenger

Ed Howe

Robert McCasland

Vincent Galbiati

Jan Dick

Chuck Williams

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented to me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2005 at _____ o'clock p.m.

Jon Costas, Mayor