

Hold
Stone
EF3700

**FINDINGS OF FACT AND DECISION REGARDING
PETITION TO VACATE A PORTION OF A PLAT OF SUBDIVISION**

2005 046216

3

REGARDING: Todd C. Leffew and Yvette Leffew

PETITIONERS: Todd C. Leffew and Yvette Leffew
c/o Attorney David M. Austgen
→ Austgen, Decker & Phillips, P.C.
130 North Main Street
Crown Point, IN 46307

OWNERS: Todd C. Leffew and Yvette Leffew

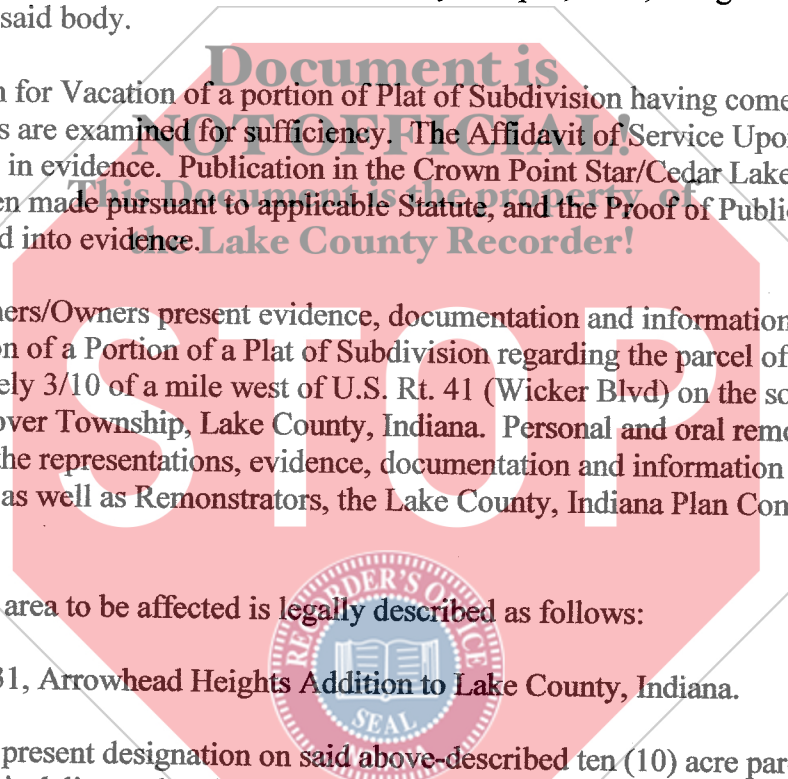
Petition has been filed with the Plan Commission of Lake County, Indiana for approval of the Petition of Owners/Petitioners to vacate a portion of the plat of subdivision of Lot 31, Arrowhead Heights Addition Subdivision. Petitioners/Owners, Todd C. Leffew and Yvette Leffew, by counsel, Attorney David M. Austgen of the Law Firm of Austgen, Decker & Phillips P.C., and Petitioner, Todd C. Leffew, appear before the Lake County, Indiana, Plan Commission on both the 16th day of March, 2005, and the 20th day of April, 2005, at regularly scheduled public meetings of said body.

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2005 APR 20 11:23
MICHAEL J. PHILLIPS
RECORDER

The Petition for Vacation of a portion of Plat of Subdivision having come for Public Hearing, the notices are examined for sufficiency. The Affidavit of Service Upon Adjacent Property Owners is in evidence. Publication in the Crown Point Star/Cedar Lake - Lowell Star newspapers has been made pursuant to applicable Statute, and the Proof of Publication regarding the same is admitted into evidence.

The Petitioners/Owners present evidence, documentation and information regarding their Petition for Vacation of a Portion of a Plat of Subdivision regarding the parcel of real estate located approximately 3/10 of a mile west of U.S. Rt. 41 (Wicker Blvd) on the south side of 122nd Place in Hanover Township, Lake County, Indiana. Personal and oral remonstrances are made. Based upon the representations, evidence, documentation and information presented by Petitioners/Owners as well as Remonstrators, the Lake County, Indiana Plan Commission now finds as follows:

1. That the area to be affected is legally described as follows:
Lot 31, Arrowhead Heights Addition to Lake County, Indiana.
2. That the present designation on said above-described ten (10) acre parcel of real property is delineated and designated as "Reserved for school or park purposes." The present zoning district classification is R-1 Residential Zoning District.
3. The Petitioners/Owners seek vacation of the delineated designation of Lot 31 Arrowhead Heights Addition Subdivision plat in order to construct and occupy a



N/C
LP

single family home consistent with the zoning district classification of said parcel of real property and restrictive covenants for said subdivision.

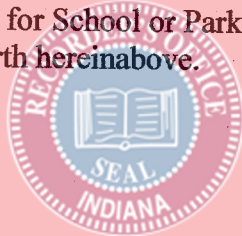
4. That the Lake County Plan Commission finds the request and petition qualifies for approval under current applicable law and procedures, as amended from time to time.
5. That the Lake County, Indiana Plan Commission finds that the Petition for Vacation of a Portion of a Plat of Subdivision, as applied for by the Petitioners/Owners, is justified, and should be granted.

NOW, THEREFORE, BE IT ORDAINED AND DECIDED BY THE PLAN COMMISSION OF LAKE COUNTY, INDIANA, AS FOLLOWS:

That the Petition for Vacation of a Portion of a Plat of Subdivision by Petitioners/Owners, Todd C. Leffew and Yvette Leffew, should be granted on the following grounds:

1. That the Petition for Vacation of a Portion of a Plat of Subdivision complies with the standards and requirements of current applicable law and procedures for plat vacation, as amended from time to time, as follows, namely;
 - (a) That conditions in the platted area have changed so as to defeat the original purpose of the plat, and particularly the provisions on the Subdivision Plat for Lot 31, Arrowhead Heights Addition, that the same is "Reserved for school or park purposes";
 - (b) That it is in the public interest to vacate all or part of the plat as set forth above and herein in order to permit a single family home to be constructed and occupied on said parcel; and
 - (c) That the value of that part of the land in the plat of Arrowhead Heights Addition Subdivision not owned by the Petitioners/Owners will not be diminished by vacation of the delineated designation of Lot 31 as "Reserved for school or park purposes."

That after due consideration the Lake County, Indiana, Plan Commission does hereby grant approval of the Petition for Vacation of a Portion of a Plat of Subdivision, namely, vacation of the delineated designation "Reserved for School or Park purposes", on Lot 31, Arrowhead Heights Addition, for the reasons set forth hereinabove.



That upon approval of said Written Findings of Fact and decision regarding the Petition herein to vacate all or a Portion of Plat, the Executive Director of the Lake County, Plan Commission, or his delegee, shall cause the same to be duly recorded in the Office of the Recorder of Lake County, Indiana, and provide a copy of said duly recorded instrument to Petitioners/Owners, and their representatives.

ALL OF WHICH HAS BEEN DULY APPROVED AND ENTERED THE 20TH DAY OF APRIL, 2005, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

LAKE COUNTY, INDIANA PLAN COMMISSION

By:

Donald P. Stehler
President

By:

[Signature] 5/25/05
Executive Director

