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TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO. 1056

AN ORDINANCE VACATING A PUBLIC WAY AND GRANTING A UTILITY EASEMENT IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERTO

WHEREAS, on the 22nd day of December, 2008, Scott Bourrell, as Owner of real property located in the Town of Cedar Lake, Lake County, Indiana, adjacent to the parcel of real property legally described in Exhibit "A" attached hereto, petitioned the Town Council of the Town of Cedar Lake, Lake County, Indiana, to vacate those certain parcels of real property 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 Indiana Code 36-7-3-12, as amended from time to time; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, considered the presentation and petition, as well remonstrances made by interested Parties to the vacation of said Public Way as described herein; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, has reviewed the request of the Owner for vacation of the said Public Way, 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 Public Way 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 of the Town of Cedar Lake, Lake County, Indiana, has further determined that the said Public Way so described is a platted, albeit undeveloped, public street which is not utilized by the Public in any manner, and is not needed for such purpose in the future.

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

SECTION ONE: That the described parcels of real property set forth in attached Exhibit "A" hereto located in the Town of Cedar Lake, Lake County, Indiana, be vacated, and that ownership shall transfer and become owned as prescribed by applicable law.

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FILED

SEP 10 2009

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR



2009 0223

STATE OF INDIANA  
LAKE COUNTY  
RECORDS & CLERK  
FILED FOR RECORD  
AMID: 10/10/09  
ORDER

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**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:** That a permanent utility easement across the entire thirty feet (30') parcel, on the subject parcel legally described in Exhibit "A" attached hereto, is hereby granted and reserved to the Town of Cedar Lake, Lake County, Indiana and all public utility companies with authority to operate within said Town, hereafter collectively and singly referred to as "UTILITY".

The UTILITY, may at its own expense, enter upon, dig, lay, erect, construct, install, reconstruct, operate, maintain, patrol, continue, repair, keep in repair, deepen, replace and renew public utilities and public improvements as shall be hereafter located and constructed in, on, upon, along, under, over and across the Real Estate vacated herein, and situated in Cedar Lake, Lake County, Indiana, which Real Estate is more particularly described in attached Exhibit "A".

The UTILITY shall have the right, at its expense, to enter along, over and upon the Easement for the public purposes permitted herein, at will, and to make such alterations and improvements therein as may be necessary or useful for such public purposes; further, the UTILITY shall have the right of ingress and egress over adjoining premises and lands when necessary and without doing damage to the adjoining lands, and only for temporary periods, and shall not otherwise enter upon lands adjoining said Easement.

The UTILITY covenants that in the installation, maintenance or operation of the public utility and public improvements, and appurtenances under, upon, over and across the Real Estate in which the Easement is hereby granted, it will, at its own expense, restore the area disturbed by its work to as near the original condition as is practicable.

**SECTION FOUR:** 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 FIVE:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Cedar Lake.

PASSED AND ADOPTED BY THE TOWN OF COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA ON THIS 15 DAY OF SEPT., 2009.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, TOWN COUNCIL

*Dennis Weikert*  
President

*Robert H. ...* NAY  
Vice-President

*Patricia ...*

*John ...*

*Bill ...*

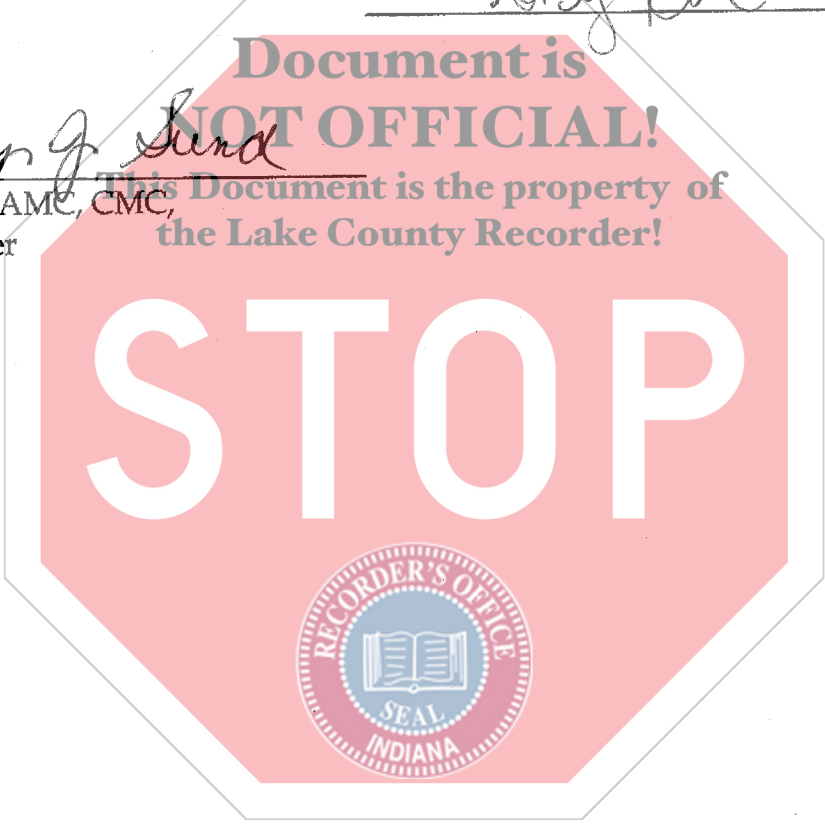
*Greg ...*

ATTEST:

*Amy J. Sund*  
Amy J. Sund, I.A.M.C., C.M.C.,  
Clerk-Treasurer

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**EXHIBIT "A"**

**LEGAL DESCRIPTION: PROPOSED STREET VACATION**

A PARCEL OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 34 NORTH, RANGE 09 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA. SAID PARCEL IS ALSO A PORTION OF UNIMPROVED 127th AVENUE (PLATTED AS SOUTH STREET) IN CEDAR GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 37, IN THE OFFICE OF THE RECORDER LAKE COUNTY, INDIANA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 89°26'30" WEST 50.0 FEET, TO THE WESTERN RIGHT OF WAY OF WICKER AVENUE (U.S. HIGHWAY 41), AND THE POINT OF BEGINNING; THENCE NORTH 00°00'01" WEST 30.0 FEET, ALONG SAID RIGHT OF WAY TO THE SOUTHEAST CORNER OF LOT 9 IN BLOCK 2 OF CEDAR GARDENS SUBDIVISION AS RECORDED IN PLAT BOOK 24, PAGE 37, IN THE OFFICE OF THE RECORDER LAKE COUNTY, INDIANA; THENCE SOUTH 89°26'30" WEST 581.94 FEET TO THE SOUTHWEST CORNER OF LOT 10 IN SAID BLOCK 2; THENCE SOUTH 00°02'27" WEST 30.0 FEET TO THE SOUTHERN BOUNDARY LINE OF SAID CEDAR GARDENS SUBDIVISION; THENCE NORTH 89°26'30" EAST 581.68 FEET TO THE WESTERN RIGHT OF WAY OF SAID WICKER AVENUE AND THE POINT OF BEGINNING. CONTAINING 0.40 ACRES MORE OR LESS.