

**ORDINANCE NO. 2025-37**

**AN ORDINANCE VACATING AN UNIMPROVED PLATTED RIGHT OF WAY  
WITHIN THE CITY OF HOBART, LAKE COUNTY, INDIANA**

WHEREAS, a request was submitted to the Common Council of the City of Hobart, Lake County, Indiana to vacate a 1,545' x 80' of unimproved platted right of way consisting of 2.84 acres+/- within the City of Hobart, Lake County, Indiana; and

WHEREAS, the Common Council of the City of Hobart, Lake County, Indiana, pursuant to law, held a public hearing upon said Petition to Vacate after giving notice of the Petition and of the time and place of the hearing in the manner prescribed by law and by certified mail to each owner of land that abuts the property proposed to be vacated; and

WHEREAS, the Common Council of the City of Hobart, Indiana, being duly advised, now approves said Petition.

IT IS THEREFORE, NOW ORDAINED by the Common Council of the City of Hobart, Indiana, as follows:

SECTION 1. That the Petition to Vacate the following described real estate, to wit:

A parcel of land 80.00 feet wide being part of the North ½ of the Northeast ¼ of section 12, Township 35 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, and more particularly described as follows: commencing at the Northwest corner of said Northeast ¼; thence South 00°03'07" West along the West line of said Northeast ¼ a distance of 30.00 feet to the South right of way line of 61st Avenue; thence North 89°42' 13" east, along the South line of said 61st Avenue a distance of 253.05 feet to the point of beginning; thence continuing North 89°42'13" East 80.00 feet; thence South 00°17'47" East, perpendicular to said South line of 61st avenue a distance of 1288.83 feet to the South line of the North ½ of said Northeast ¼; thence South 89°43'42" West along the South line of the North½ of said Northeast¼, a distance of 80.00 feet; thence North 00°17'47" West a distance of 772.01 feet; thence South 89°42'13" West a distance of 256.19 feet to the West line of said Northeast ¼; thence North 00°03'07" East along the West line of said Northeast ¼ a distance of 80.00 feet; thence North 89°42'13" East a distance of 255.70 feet; thence North 00°17'47" West a distance of 436.79 feet to the South line of said 61st Avenue and the point of beginning. Containing 2.84 acres, more or less.

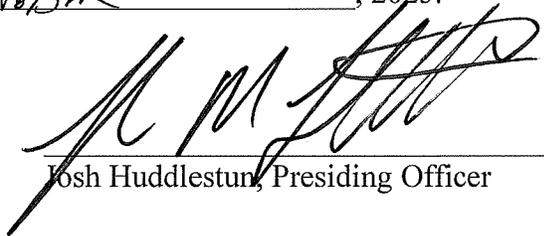
is now granted, and is now vacated.

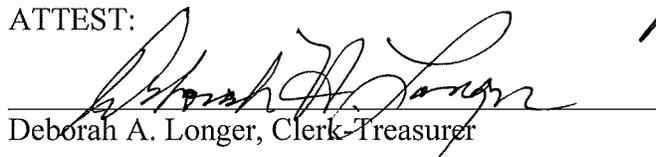
SECTION 2. The Clerk-Treasurer is further authorized upon passage of this Ordinance to file a certified copy of said Ordinance with the Auditor of Lake County, Indiana for the Auditor to take all necessary action in connection with taxation of said median.

SECTION 3. The Clerk-Treasurer is further authorized and directed to record a copy of said Ordinance with the Lake County Recorder.

SECTION 4. This Ordinance shall be in full force and effect upon its passage and adoption by the Common Council of the City of Hobart, Lake County, Indiana.

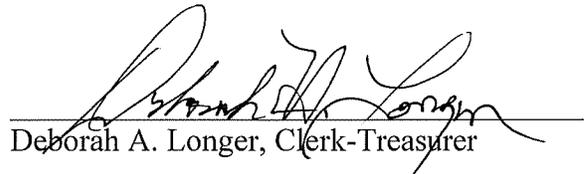
PASSED and ADOPTED by the Common Council of the City of Hobart, Lake County, Indiana on this 13<sup>th</sup> day of October, 2025.

  
Josh Huddlestun, Presiding Officer

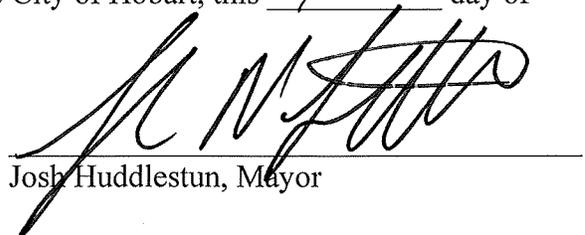
ATTEST:  
  
Deborah A. Longer, Clerk-Treasurer

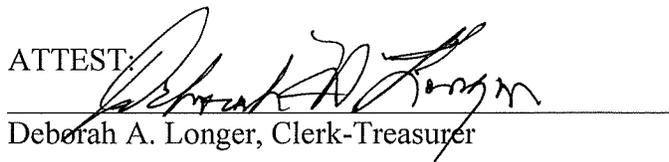
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this 13<sup>th</sup> day of October, 2025 at

7:45 o'clock P..M.

  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 13<sup>th</sup> day of October, 2025.

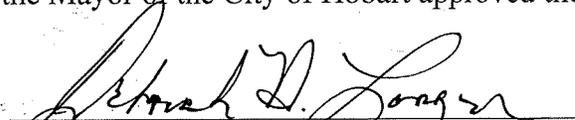
  
Josh Huddlestun, Mayor

ATTEST:  
  
Deborah A. Longer, Clerk-Treasurer

CERTIFICATION

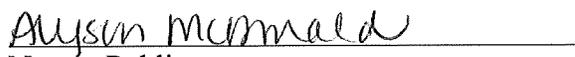
I, Deborah A. Longer, Clerk-Treasurer for the City of Hobart, Lake County, Indiana, do hereby certify that the above Ordinance was duly passed by the Common Council of the City of Hobart, Lake County, Indiana, at a duly constituted meeting held on the 1<sup>st</sup> day of October, 2025 and that the Mayor of the City of Hobart approved the Ordinance as shown by her signature hereon.



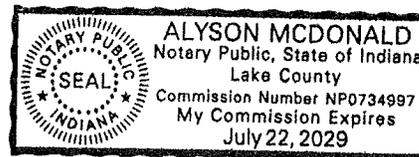
  
Deborah A. Longer, Clerk-Treasurer

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF LAKE     )

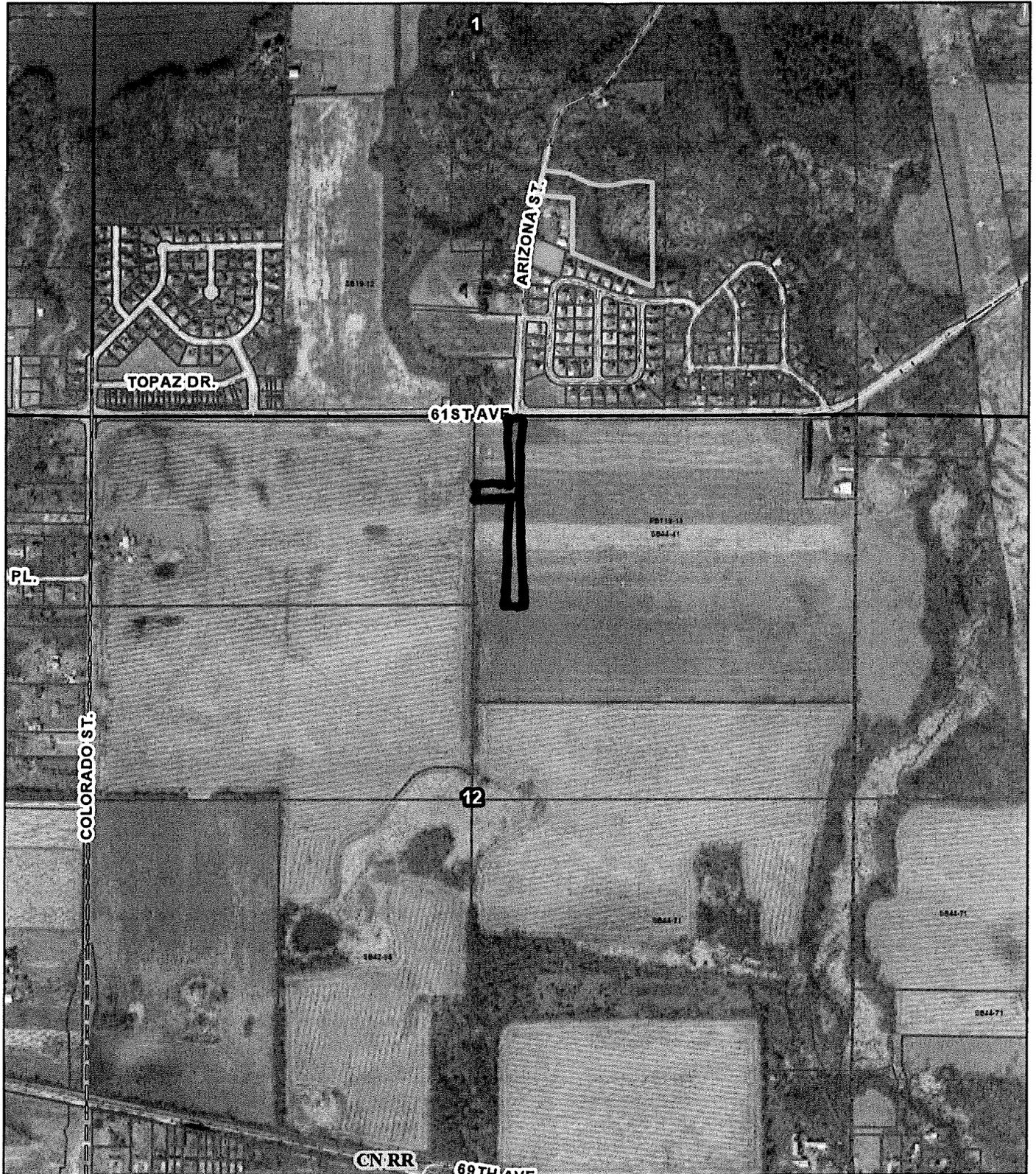
Subscribed and sworn to before me, a Notary Public in and for said County and State.  
Witness my hand and notarial seal this 1<sup>st</sup> day of October, 2025.

  
Notary Public  
Resident of Lake County

My Commission Expires: 07-22-2029



# Lake County Surveyor's Office Web Map



9/11/2025, 1:01:45 PM



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable

## CONSENT AND JOINDER

This is to certify that Ewen Deep River Farm, LLC; Doneli West, LLC and Ewen Davis Deep River Farm, LLC ("Fee Owners"), the undersigned, are the fee simple owners of the following described real estate located in Lake County, Indiana:

Lots 1 and 2 in the Final Plat of Ewen Farm Subdivision recorded July 16, 2025 as Document No. 2025-016951 (Book 119, Page 13) in the Office of the Recorder of Lake County, Indiana; as amended by that certain Certificate of Correction dated July 23, 2025 and recorded August 4, 2025 as Document No. 2025-019638 in the Office of the Recorder of Lake County, Indiana.

Commonly known as Property Numbers 45-12-12-200-008.000-046 and 45-12-12-200-007.000-046 (the "Property").

As the fee owners of the Property described above, Fee Owners, by these presents, do hereby consent and join the Petitioner, Hobart Devco, LLC, in the Petition to Vacate Public Right-of-Way submitted to the City Council of the City of Hobart, Indiana, as though Fee Owners executed and subscribed their names to said Petition. Fee Owners does hereby authorize Todd A. Leeth, Leeth Law LLC, to appear before the City of Hobart Plan Commission and City of Hobart City Council and any and all other local, state or federal administrative bodies for purposes of the prosecution of the Petitioner's Petition to Vacate Public Right-of-Way.

The undersigned does affirm under penalties of perjury that the above representations are true and correct to the best of their knowledge and belief.

EWEN DEEP RIVER FARM, LLC

By: Elinor P. Davis  
Elinor P. Davis  
Managing Member

EWEN DAVIS DEEP RIVER FARM, LLC

By: Elinor P. Davis  
Elinor P. Davis  
Managing Member

DONELI WEST, LLC

By: Elinor P. Davis  
Elinor P. Davis  
Managing Member

**PETITION TO VACATE**

Note: The City of Hobart, Indiana requires two instruments for recording after approval by the Plan Commission as follows: Two (2) mylar copies to be submitted for signature to the Board of Works and an Ordinance to be submitted to the Common Council.

NAME OF SUBDIVISION/STREET Unnamed Right-of-Way

Owner c/o Todd A. Leeth, Leeth Law LLC Phone No. 219-250-6501

Address of Owner 2700 Valparaiso Street, #2412, Valparaiso, Indiana 46384

Applicant Hobart Devco, LLC

We are the owners of the real estate included in said subdivision

General location by reference to nearest north, south, east and west streets \_\_\_\_\_

See attached Petition for Vacation of Public Right-of-Way

Legal description of property boundaries:

Name of Township Ross Section 12 Range 8 West

Area (in acres) 170 +/- No. of lots 2 Length in feet of streets to be vacated 1,545'

Is any part of subdivision within five hundred (500) feet of a park, parkway or boulevard? No

Present zoning M-1 District

Board of Public Works Recommendation \_\_\_\_\_

Brief description of improvements affected: None

- 1) Streets
- 2) Sanitary System
- 3) Storm Water System
- 4) Utilities

Name of registered Engineer or Surveyor None

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

CLERK TREASURER'S STAMP

ZONING ADMINISTRATOR'S APPROVAL

AFFIDAVIT

CITY OF HOBART PLANNING DEPARTMENT  
414 MAIN STREET HOBART, IN 46342  
(219) 942-7985 [planning@cityofhobart.org](mailto:planning@cityofhobart.org)

Docket No. \_\_\_\_\_

This 22nd day of August, 2025.

Todd A. Leeth (Owner/Agent for Owner)  
*(delete one)*

Personally appeared before me in my State and County aforesaid, who after being first duly sworn made oath before me that: **no member of the Plan Commission of the City of Hobart, Indiana, nor of the Common Council thereof has any interest in property described herein either individually, by ownership of stock in corporation owning such land, or partnership, and no member of the immediate household of any member of the commission or governing body has any such interest, except as follows:** None

GIVEN UNDER MY HAND THIS 22nd DAY OF August, 2025

AFFIANT

*Todd A. Leeth*  
**Todd A. LEETH**  
Attorney

NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_

*Kimberly S. Werner*



All petitions shall be accompanied by a scale drawing of the affected area.

- I. The Plan Commission meets on the first Thursday of every month at 7:00 p.m. Applications are due the Tuesday directly following a regularly scheduled Plan Commission meeting. If applications are filed after the deadline and can meet state notification requirements, they may pay twice the applicable fee and be placed on next Plan Commission agenda.
- II. Filing Fee: \$100. 00 payable to the City of Hobart and \$35 public notice frame and sign for public notice, \$20 of which is refundable once frame is returned with receipt.
- III. Public Hearing Checklist:
  - a. Original Plat of Survey with complete legal description, parcel numbers, and acreage. A deed may also be required.
  - b. Application completed and notarized. If the petitioner is not the owner, a completed Power of Attorney form must be submitted with application.
  - c. Mail petition packet to board members of the Hobart Plan Commission, once petition is assigned a docket number by staff. (see attached for member list)
  - d. Legal Advertisement placed in a paper of local circulation 10 days prior to public hearing. Proof of publication must be presented to staff prior to public hearing.
  - e. Notification of adjacent property owners. The list is generated by City of Hobart Staff. Petitioner is responsible to contact via certified US Mail and return certification to staff prior to public hearing.
  - f. Place sign and frame at location at least 10 days prior to public hearing.
  - g. Comments as deemed necessary by the Planning Department
- IV. Appear before Board of Works and the City Council for final decision.

STATE OF INDIANA  
COUNTY OF LAKE

SS:

BEFORE THE COMMON COUNCIL  
OF THE CITY OF HOBART, INDIANA

IN RE: PETITION OF HOBART DEVCO LLC

TO VACATE A PORTION OF PUBLIC  
WAY IN THE CITY OF HOBART

**PETITION TO VACATE  
A  
PUBLIC RIGHT-OF-WAY**

Comes now your Petitioner, Hobart Devco LLC, by Todd A. Leeth, Leeth Law LLC, and submits this Petition to Vacate Public Right-of-Way pursuant to Indiana Code § 36-7-3-12 and other applicable laws, and petitions the City Council of the City of Hobart to vacate a certain public right-of-way generally located south of 61<sup>st</sup> Avenue at the intersection with Arizona Street; and represents and respectfully states as follows:

1. **Petitioner and Petitioner's Property.** Petitioner is the equitable owner of the following described real estate located in the City of Hobart, Lake County, Indiana; to wit:

Lots 1 and 2 in the Final Plat of Ewen Farm Subdivision recorded July 16, 2025 as Document No. 2025-016951 (Book 119, Page 13) in the Office of the Recorder of Lake County, Indiana; as amended by that certain Certificate of Correction dated July 23, 2025 and recorded August 4, 2025 as Document No. 2025-019638 in the Office of the Recorder of Lake County, Indiana.

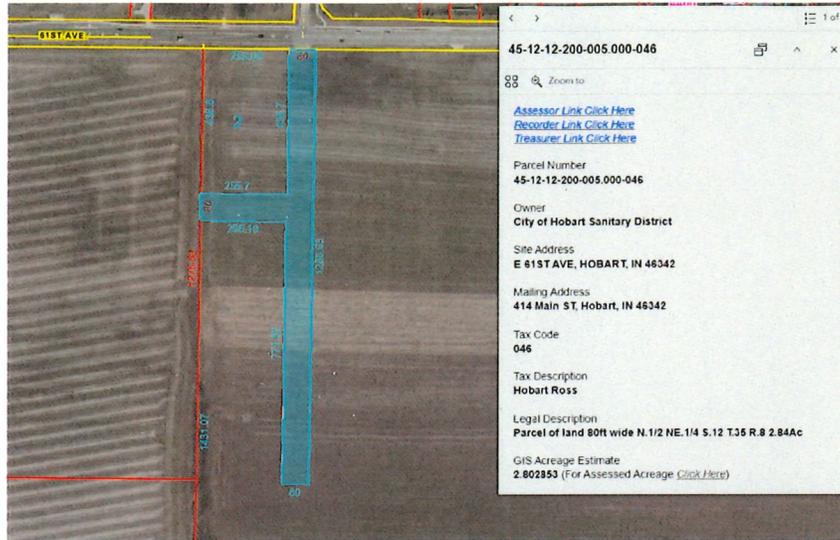
Commonly known as Property Numbers 45-12-12-200-008.000-046 and 45-12-12-200-007.000-046 (the "Property").

2. **Fee Owner of the Property.** The fee owners of the Property are Ewen Deep River Farm, LLC, Doneli West, LLC and Ewen Davis Deep River, LLC (the "Fee Owners"). The above Fee Owners have consented to and join Petitioner in this Petition seeking the vacation of the public way described herein.
3. **Zoning District for the Property.** The Property is within the City of Hobart, Indiana and has been zoned as M-1 Light Manufacturing District.

4. **Public Right-of-Way to be Vacated.** The public right of way proposed for vacation is located within the City of Hobart and is identified as Property Number 45-12-12-200-005.000-046. The public way is more particularly described in that Warranty Deed dated September 16, 2019 and recorded September 26, 2019 as Document No. 2019-066354 in the Office of the Recorder of Lake County, Indiana; and legally described as follows:

A parcel of land 80.00 feet wide being part of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of section 12, Township 35 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, and more particularly described as follows: commencing at the Northwest corner of said Northeast  $\frac{1}{4}$ ; thence South  $00^{\circ}03'07''$  West along the West line of said Northeast  $\frac{1}{4}$  a distance of 30.00 feet to the South right of way line of 61st Avenue; thence North  $89^{\circ}42'13''$  east, along the South line of said 61st Avenue a distance of 253.05 feet to the point of beginning; thence continuing North  $89^{\circ}42'13''$  East 80.00 feet; thence South  $00^{\circ}17'47''$  East, perpendicular to said South line of 61st avenue a distance of 1288.83 feet to the South line of the North  $\frac{1}{2}$  of said Northeast  $\frac{1}{4}$ ; thence South  $89^{\circ}43'42''$  West along the South line of the North  $\frac{1}{2}$  of said Northeast  $\frac{1}{4}$ , a distance of 80.00 feet; thence North  $00^{\circ}17'47''$  West a distance of 772.01 feet; thence South  $89^{\circ}42'13''$  West a distance of 256.19 feet to the West line of said Northeast  $\frac{1}{4}$ ; thence North  $00^{\circ}03'07''$  East along the West line of said Northeast  $\frac{1}{4}$  a distance of 80.00 feet; thence North  $89^{\circ}42'13''$  East a distance of 255.70 feet; thence North  $00^{\circ}17'47''$  West a distance of 436.79 feet to the South line of said 61st Avenue and the point of beginning. Containing 2.84 acres, more or less.

5. **Depiction of Public Way.** The public right-of-way to be vacated is depicted on the Final Plat of Ewen Farm Subdivision recorded July 16, 2025 as Document No. 2025-016951 (Book 119, Page 13) in the Office of the Recorder of Lake County, Indiana as "Unsubdivided Land" and also depicted on Lake County GIS (<https://experience.arcgis.com/experience/18676999665349e492506de765490541/page/Parcel-Info>) captured in the following screenshot:



6. **Legal Basis for the Petition.** Pursuant to Indiana Code §36-7-3-12, a petition to vacate a public right of way must include a description of the property, the circumstances of the case, and the names and addresses of all abutting landowners. The City Council has discretionary authority to vacate the public right of way by ordinance after a hearing on the petition Indiana Code §36-7-3-12; DeFries v. Bd. of Comm'rs, 83 N.E.3d 1272.

7. **Notice to Abutting Landowners.** Petitioner will provide notice of this Petition to all abutting landowners in compliance with Indiana Code 36-7-3-12. Notice will include the names and addresses along with postage for mailing. Indiana Code § 36-7-3-12; McClurg v. Carte, Inc., 255 Ind. 110. The names and addresses of all owners of land that abuts the property proposed be vacated are as follows:

None. The Fee Owners are the sole abutting owners anticipated by Indiana Code §36-7-3-12.

8. Petitioner, Hobart Devco, LLC, is the equitable owner of the Property abutting the public right-of-way owned by the City of Hobart Sanitary District, identified as PIN #45-12-12-200-005.000-046. Petitioner seeks to vacate the public right-of-way in order to allow for the development of the Property in a single large campus project consistent with the M-1 District uses. Petitioner seeks to vacate the public right-of-way as it is no longer necessary for public use or utility. The circumstances of the case and the reasons for this proposed vacation are as follows:

a. The vacation sought hereunder would not hinder the growth or development of the City or the neighborhood in which it is located or to which it is contiguous by reason of the facts shown as follows:

Petitioner's Property is proposed for development as a 170 acre single campus development and the public right-of-way is not being used by the City of Hobart and does negatively impact Petitioner's development and site layout for the Property.

- b. This vacation would not make access to the lands of any person by means of public way difficult or inconvenient by reason of the facts shown as follows:

There are changed circumstances on the Property and surrounding area. The public right-of-way is not improved and does not provide access to any parcel, lot, tract or, any other land

- c. The vacation would not hinder public access to a church, school, or other public building or place by reason of the facts shown as follows:

To the best of Petitioner's knowledge, the nearest church to the public way being vacated is The Crossing Church, 3440 W. 61<sup>st</sup> Ave. and has access to 61<sup>st</sup> Ave. from a private drive on the north side of 61<sup>st</sup> Ave. The private drive to The Crossing Church is approximately 3,780 linear feet west of the public way to be vacated; therefore, the vacation of the public way does not in any way hinder access to The Crossing Church, or any other church or place of worship.

To the best of Petitioner's knowledge, there are no schools or other public buildings in close proximity to the public way to be vacated. The vacation of the public way does not in any way hinder access to any school or public building.

- d. The vacation would not hinder the use of any public way by the neighborhood in which it is located or to which it is contiguous by reason of the facts shown as follows:

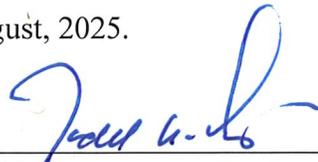
The public right-of-way is not improved, and provides no means of vehicular traffic or travel. No utilities or infrastructure is located within the public right-of-way.

9. **Public Utility Analysis.** The public right-of-way is no longer necessary for the accommodation of the public. The Property is proposed for a large campus development consistent with the M-1 District and alternative utilities and access to the Property and surrounding properties is under changed circumstances. Under Indiana law, the standard for vacating a public road is whether it is of public utility and necessary for public accommodation. Boss v. Deak, 201 Ind. 446. The Petitioner asserts that the right-of-way does not meet this standard due to the changed circumstances and the public right-of-way should therefore be vacated.

10. **Reverting Title.** The title to vacated land of a public way generally reverts to the abutting property owners. This principle is based on the presumption that the abutting landowners own to the center of the street or highway, subject only to the public easement for its use. Upon vacation, the public rights are terminated, and the abutting landowners gain full ownership of the land to the centerline of the vacated public way, unless a contrary intention is explicitly stated in the original dedication or conveyance Amrhein v. Eden, 779 N.E.2d 1197, Gorby v. McEndarfer, 135 Ind. App. 74, Bergan v. Co-operative Ice & Fuel Co., 41 Ind. App. 647. Here, the public way was created by the Fee Owners or their related or affiliated predecessor in title, by virtue of a deed in 2016. The underlying real estate within the public right-of-way sought to be vacated shall revert to abutting property owners which is exclusively the Fee Owner who own all abutting real estate.
11. **Fee Paid by Petitioner.** Petitioner has paid the filing fee required by the City and agrees to pay, prior to the public hearing, the cost associated with providing notice in the manner prescribed in I.C. 5-3-1 by certified mail to each owner of land that abuts the property proposed to be vacated. As stated in §7 of this Petition there are no abutting owners other than the Fee Owners, who are joint petitioners herein.

WHEREFORE, your Petitioner requests that the City Council of the City of Hobart hold a public hearing as required by I.C. 36-7-3-12 and 36-7-3-16, and after all interested parties have been heard, pass an ordinance vacating the above-described public right-of-way.

Respectfully submitted the 22nd day of August, 2025.



Todd A. Leeth  
Leeth Law LLC  
2700 Valparaiso St., #2412  
Valparaiso, Indiana 46384  
todd@leeth.law  
(219) 250-6501

Attorney for Petitioner

This Instrument Prepared By:

**TODD A. LEETH**  
**LEETH LAW LLC**  
**2700 VALPARAISO ST., #2412**  
**VALPARAISO, INDIANA 46384**



8/22/2025 3:24 PM

<https://leethlaw.sharepoint.com/sites/LeethLaw/Shared Documents/Client Folders/Papa/Provident Realty Advisors 2381-001/61st Avenue-Hobart, Indiana/Documents/Petition to Vacatn Petition of Public Way 2025-08-19.docx>

# RECEIPT

Receipt No: 144667

CITY OF HOBART  
414 MAIN ST.  
HOBART IN 46342

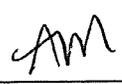
Telephone: 219-942-1940 Fax: 219-942-0505

Date: 08/25/2025

Time: 10:45:23

Received From: Leeth Law LLC  
2700 Valparaiso St Ste 2412  
Valparaiso IN 46384

Fund	Object	Bank	Title Check/Ref #	Description	Project	Payment Type	Amount
1101	412.002	0	Plan Commission Filing Fees CK 1339 - Vacate 1339			Check	100.00
1101	412.006	0	Deposits for Signs 1340	CK 1340 - Vacate		Check	20.00
1101	412.005	0	Signs for Variances 1340	CK 1340 - Vacate		Check	15.00

  
 \*\*\* Total \*\*\* 135.00

  
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 CLERK-TREASURER