

ORDINANCE NO. 2016- 43

AN ORDINANCE VACATING A PLATTED STREET
WITHIN THE CITY OF HOBART, LAKE COUNTY, INDIANA

WHEREAS, it was presented to the Plan Commission of the City of Hobart, Lake County, Indiana, under **Petition 16-37A**, a request to vacate a portion of Kelly Street, a platted street within the City of Hobart, Lake County, Indiana; and

WHEREAS, the Plan Commission of the City of Hobart, 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, situated in the NW ¼ of the NE ¼ in Section 5, Township 35 North, Range 7 West, Lake County, Indiana, and being more particularly described as follows: Beginning at the Northwest corner of Lot 2, Fasel's Addition, as per plat thereof, recorded in Plat Book 88, Page 93, in the Office of the Recorder of Lake County, Indiana; thence North 90°00'00" West along an extension of the North line of said Lot 2, a distance of 30.00 feet; thence South 01°00'10" East along an extension of the West line of Lot 1 in said Fasel's Addition, a distance of 150.00 feet to the North right-of-way line of 12th Street; thence North 90° 00'00" East along said right-of-way line, a distance of 30 feet, to the Southwest corner of said Lot 2; thence North 01°00'10" West along the West line of said Lot 2, a distance of 150.00 feet to the point of beginning, containing 0.10 acres, more or less

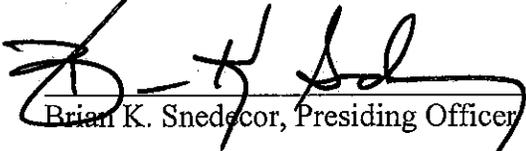
is now granted, and said street is now vacated.

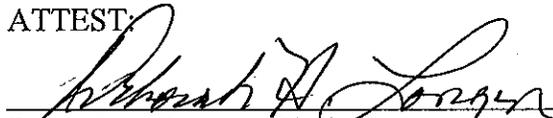
SECTION 2. The Clerk-Treasurer is further authorized upon passage of this Ordinance to file a certified copy of said Ordinance with the Auditor of Lake County, Indiana for the Auditor to take all necessary action in connection with taxation of said vacated street.

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 7th day of December, 2016.

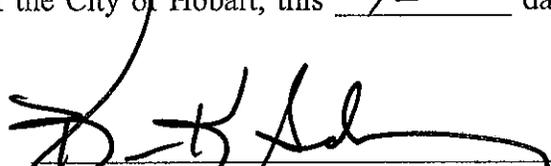

Brian K. Snedecor, Presiding Officer

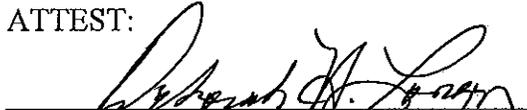
ATTEST:

Deborah A. Longer, Clerk-Treasurer

Presented by me to the Mayor of the City of Hobart, Indiana, for ~~his~~ approval and signature this 7th day of December, 2016 at 7:15 o'clock P.M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 7th day of December, 2016.


Brian K. Snedecor, 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 7th day of December, 2016 and that the Mayor of the City of Hobart approved the Ordinance as shown by her signature hereon.

Deborah A. Longer
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 8 day of December, 2016.

Susan K. Lata
Notary Public
Resident of Porter County

My Commission Expires: April 26, 2018

**CERTIFICATION AND REPORT TO
THE COMMON COUNCIL OF THE CITY OF HOBART ON
PETITION TO VACATE**

CERTIFICATION TO: Hobart Common Council Members

FROM: Sergio Mendoza
City Planner

RE: Request to Vacate a platted street

DATE: December 2, 2016

PETITIONER: Dudley Fasel
1000 E. 12th Street
Hobart, IN 46342

REQUEST: Vacate a platted 30'x150' Kelly Street

GENERAL LOCATION: ¼ mi. east of Garfield Street on the north side of 12th Street

LEGAL DESCRIPTION: A parcel of land, situated in the NW ¼ of the NE ¼ in Section 5, Township 35 North, Range 7 West, Lake County, Indiana, and being more particularly described as follows: Beginning at the Northwest corner of Lot 2, Fasel's Addition, as per plat thereof, recorded in Plat Book 88, Page 93, in the Office of the Recorder of Lake County, Indiana; thence North 90°00'00" West along an extension of the North line of said Lot 2, a distance of 30.00 feet; thence South 01°00'10" East along an extension of the West line of Lot 1 in said Fasel's Addition, a distance of 150.00 feet to the North right-of-way line of 12th Street; thence North 90°00'00" East along said right-of-way line, a distance of 30 feet, to the Southwest corner of said Lot 2; thence North 01°00'10" West along the West line of said Lot 2, a distance of 150.00 feet to the point of beginning, containing 0.10 acres, more or less

PLAN COMMISSION PETITION NO.: 16-37A

DATE OF PLAN COMMISSION ACTION: December 1, 2016

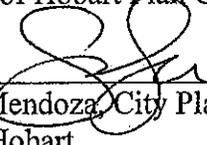
DEADLINE FOR CITY COUNCIL ACTION: March 1, 2017

ACTION TAKEN BY PLAN COMMISSION:

Recommendation to the Common Council to **Approve** the plat of vacation as requested
(Favorable Recommendation)

VOTE: 6-0

I certify that the foregoing information accurately represents the action taken on this matter by the City of Hobart Plan Commission.

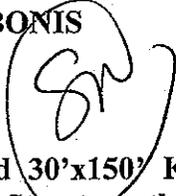


Sergio Mendoza, City Planner
City of Hobart

MEMORANDUM

DATE: DECEMBER 2, 2016

TO: COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY ANTHONY DEBONIS

FROM: SERGIO MENDOZA, City Planner 

RE: 16-37A Petition to Vacate a platted 30'x150' Kelly Street located approx. ¼ mile east of the Garfield Street on the north side of 12th Street.

Please find below the minutes from the Plan Commission meetings related to the request by Dudley Fasel to vacate Kelly Street. In addition, I have attached a certification and report from the Plan Commission with regard to their action. A proposed Ordinance has also been sent to the Common Council for their consideration. **Please execute the mylars so the plat of vacation may be recorded.**

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF DECEMBER 1, 2016: Dudley Fasel requested to vacate a platted 30'x150' Kelly Street. In 2000 he created a 2-lot subdivision splitting a parcel off the family acreage to construct his house along 12th Street. At that time he was required to dedicate Kelly Street if the property was ever to be developed to the north. He currently petitioned for a 2-lot subdivision to replat the 2 lots and has dedicated 60' of right of way should 11th Street be needed. Ms. Galka opened and closed the public hearing without comments. Mr. Allen made a motion for a Favorable Recommendation to the Board of Works for Petition 16-37A including all discussion, seconded by Mr. Ehrhardt. All ayes, motion carried. (6-0)