

ORDINANCE VACATING PUBLIC WAY IN  
TOWN OF MILLERSBURG, ELKHART COUNTY, INDIANA

41

A Petition having heretofore been filed with the Town Council Of Millersburg, of Elkhart County, Indiana on the 2nd. day of July, 1990, requesting the vacation of a certain public way within the Town of Millersburg, Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following: (H.I.); and the public hearing before the Elkhart County Plan Commission and before the Town Council of Millersburg having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 9th day of August, 1990; and written consent by all owners of land that abuts the public way to be vacated, and formal legal publication notice as to said hearing having been published in THE GOSHEN NEWS on the 21st. day of July, 1990, advising all necessary parties of the time, place, and date of said hearing, said legal notice having been published, being in the words and figures following, to-wit: (H.I.); and the Town Council of Millersburg, Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. The Petition heretofore filed is in proper order, and that the proper legal notices of the two (2) public hearings conducted with regard to said Petition have been rendered.
2. The public way sought to be vacated is not necessary to the growth of the Town of Millersburg, or for the growth of any governmental unit contiguous to such public way.

3. The vacation of the public way sought would not make access to the lands of any property owners within the Town of Millersburg, by means of public way impossible.

4. The vacation sought would not eliminate the public's access to a church, school or other public building or place.

NOW THEREFORE, Be It Ordered, Ordained, Adjudged and Decreed by the Town Council Of The Town Of Millersburg, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.

2. That the following described public way situate in the Town of Millersburg, Elkhart County, Indiana is hereby vacated, said public way being described as follows:

In W 1/2 SE 1/4 Sec. 12, T36N R7E

A 16.5 Alley running North & South between Elm Street and Walnut Street in Miller's 1st. Extension. Said Alley is between Lots 72 & 73 and between Lots 76 & 77.

3. That title in fee simple to the above vacated property shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to the centerline of the public way herein vacated.

4. That these proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 27 day of August, 1990.

TOWN BOARD OF MILLERSBURG

By Bob Stacy  
President, Town Board

Attest:

Sina Borteger  
Clerk-Treasurer