

1997-18

**ORDINANCE VACATING PUBLIC WAYS
WITHIN THE
INCORPORATED AREAS
OF
MILLERSBURG, INDIANA**

A Petition having heretofore been filed with the Town Council of Millersburg, Indiana by the submission of the petitions to the staff of the Elkhart County Advisory Plan Commission on the 12th day of September, 1997, requesting the vacation of a certain public way within the incorporated area of the Town of Millersburg, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: (H.I.); and the public hearing before the **Elkhart County Advisory Plan Commission** and before the Town Council of Millersburg, Indiana having been scheduled as to said Petition, with the Elkhart County Advisory Plan Commission Public Hearing having been held on the 13th day of November, 1997 and hearing before the Town Council of Millersburg having been held on the 17th day of November, 1997; and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the **Goshen News** on the 30th day of October, 1997, and in the **Elkhart Truth** on the 31st day of October, 1997, advising all necessary parties of the time, place and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: (H.I.); and the Town Council of Millersburg, 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. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.
2. The vacation of the public way in question would not hinder the growth or orderly development of the Town of Millersburg, Indiana, or the neighborhood in which it is located or to which it is contiguous.

3. The vacation of the public way in question will not make access to the lands of any property owners within the Town of Millersburg, Indiana by means of public way difficult or inconvenient.

4. The vacation of the public way in question will not hinder the public's access to a church, school or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be It Ordered, Adjudged and Decreed by the Town Council 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 ways situate in the incorporated area of the Town of Millersburg, Indiana is hereby vacated, said public way being described as follows:

SEE ATTACHMENT "A"

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 17 TH **DAY OF** November, 1997.

TOWN COUNCIL OF MILLERSBURG, INDIANA



James Kaufman



Robert Majdak



Sharlein Miller

Attest:

