

ELMHART CNTY RECORDER
CHRISTOPHER J ANDERSON
FILED FOR RECORD

2004 MAY -3 P 12:46

ORDINANCE 2004-3

ORDINANCE VACATING PUBLIC WAY IN
INCORPORATED AREA OF MILLERSBURG, INDIANA

10503

RECEIVED TO:
TAUB

A Petition having heretofore been filed with the Town Council of the Town of Millersburg, Indiana on the 14th day of April, 2004, requesting the vacation of a certain public way within the incorporated area 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 Millersburg Town Council having been scheduled as to said Petition, with the Millersburg Town Council hearing having been held on the 28th day of April, 2004; 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 as to said hearings having been published in the Goshen News on the 17th day of April, 2004, 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 the Town of Millersburg, Indiana, pursuant to applicable Indiana law, 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 public hearing 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 Millersburg, Indiana, or the neighborhood in which it is located or to which it is contiguous.

with cap; thence North 90 degrees 00 minutes 00 seconds East along the South right-of-way line of Washington Street a distance of 119.79 feet to the beginning. Containing 4893 square feet, more or less.

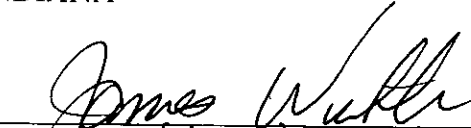
3. That title in fee simple to the above vacated property shall be transferred to the Town of Millersburg, Indiana.

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.

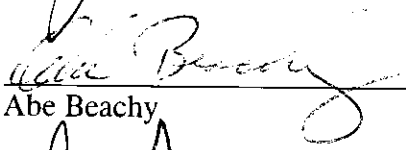
Dated this 28th day of April, 2004.

TOWN COUNCIL, TOWN OF MILLERSBURG,
INDIANA

By:


Jim Winkler (James) - Council President

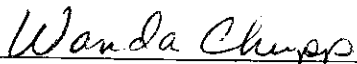
By:


Abe Beachy

By:


Dean Hawkins

Attest:


Wanda Chupp, Millersburg Clerk-Treasurer