

ORDINANCE VACATING PUBLIC WAYS  
IN THE TOWN OF MILLERSBURG, INDIANA

A Petition having heretofore been filed with the Board of Trustees of the Town of Millersburg, Indiana, on the 18th day of May, 1987, requesting the vacation of certain public ways within the corporate limits of the Town of Millersburg, 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 Plan Commission and the public hearing before the Board of the Town of Millersburg, Indiana, having been scheduled as to said Petition, with the hearing before the Elkhart County Plan Commission having been held on the 9th day of July, 1987 and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public ways to be vacated, and formal legal publication of notice as to said hearings having been published in the Goshen News on the 29th day of June, 1987, and in the Elkhart Truth on the 29th day of June, 1987, 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 Board of Trustees of the Town of Millersburg, Indiana, having received a recommendation and/or report from the Elkhart County Plan Commission, and having conducted a 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 proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.

2. The vacation of the public ways in question would not hinder the growth or orderly development of the town of Millersburg, Indiana, or the neighborhood in which they are located or to which they are contiguous.

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

4. The vacation of the public ways 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 ways in question will not hinder the use of a public way by the neighborhood in which they are located or to which they are contiguous.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Millersburg as follows:

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

2. That the following described public ways situated in the Town of Millersburg, Indiana, are hereby vacated, said public ways being described as follows:

The East-West alley in Freeland's Addition to Millersburg, running from Benton Street East to the East line of said subdivision.

The North-South alley in Freeland's Addition to Millersburg, running from the East-West alley to the South line of said subdivision.

3. That the 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 ways herein vacated.

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

Dated this 3 day of August, 1987.

BOARD OF TRUSTEES OF THE TOWN  
OF MILLERSBURG, INDIANA

Duane M. Mahler

Marion D. Long  
Greg A. Ranzga

ATTEST:

Heldegard Hofu  
Clerk-Treasurer  
Town Board of Millersburg, Indiana

PETITION FOR VACATION OF PUBLIC WAY  
WITHIN CORPORATE BOUNDARIES  
OF THE TOWN OF MILLERSBURG

TO: Board of Trustees of the Town of Millersburg

The undersigned hereby petitions and requests that the Board of Trustees of the Town of Millersburg, Indiana, vacate the following described public ways within the corporate boundaries of the Town of Millersburg, Indiana, to-wit:

The East-West alley in Freeland's Addition to Millersburg, running from Benton Street East to the East line of said subdivision.

The North-South alley in Freeland's Addition, running from the East-West alley to the South line of said subdivision.

The undersigned petitioner requests that said public ways be vacated for the following reasons:

1. The alleys have never been opened or used by the public and both alleys have parts of buildings on them.
2. It is unlikely that either the land to the East of the subdivision or the land to the South will be developed.
3. The alleys are not used or needed by the adjoining landowners for access to their property.
4. Neither the alleys nor the street is needed for the orderly growth of the community.

Attached hereto and labeled "Exhibit A" is a list of the full and formal names and legal mailing addresses of all of the owners of land that abuts the public ways to be vacated. The undersigned certifies said list to be true and accurate, and to include the names of all parties claiming an ownership in all parcels of land abutting the public way in question.