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AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY KNOWN AS BERTHOLET BOULEVARD LYING BETWEEN LOTS 8 AND 9 OF FORTY-NINER PARTNERS SUBDIVISION

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
OCT 20 2005 - 03:40PM
LINDA D. TRINKLER
RECORDER

REC FEE: \$15.00
PAGES: 2

WHEREAS, the owner of certain real estate has petitioned the Valparaiso Common Council for vacation of right of way known as Bertholet Boulevard lying between Lots 8 and 9 of Forty-Niner Partners Subdivision, and

WHEREAS, at a public hearing on October 11, 2005, the Valparaiso Plan Commission unanimously recommended by a vote of 8-0 to the Valparaiso Common Council that the right of way described as Exhibit A be vacated subject to an easement being retained for City of Valparaiso and other utilities, and

WHEREAS, at a meeting on September 22, 2005 the Valparaiso Board of Works unanimously approved the vacation of the aforementioned right of way subject to the same conditions as designated by the Valparaiso Plan Commission, and

WHEREAS, on NOVEMBER 14, 2005 the Valparaiso Common Council conducted a public hearing with regard to said petition for vacation of public right of way and determined that said right of way should be vacated.

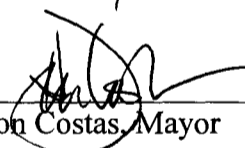
NOW THEREFORE, BE IT ORDAINED by the Valparaiso Common Council as follows:

1. The following described platted right of way be and hereby is VACATED, and pursuant to law, title shall vest in the name of Walsh & Kelly Paving Contractors, the contingent owners whose real estate is abutting and adjoining the same free from any interest of the public (i) on the condition that an easement be retained for City of Valparaiso and other utilities:

See Attached Exhibit A

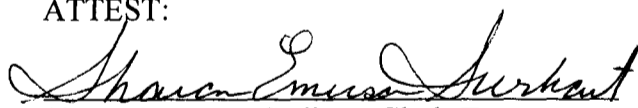
2. This ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

Adopted and approved this 14th day of November, 2005

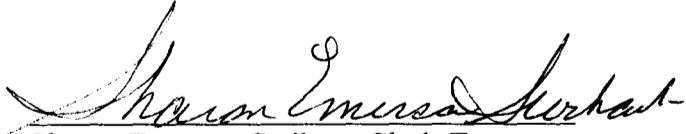


Jon Costas, Mayor

ATTEST:


Sharon Emerson Swihart, Clerk-Treasurer

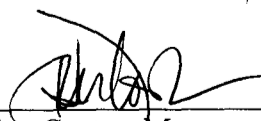
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 14th day of November, 2005 at 7:30 p.m.


Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 14th day of November, 2005.

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NAME: Craig A. Bellin
For Sharon Swihart - Clerk Treasurer



Jon Costas, Mayor

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
OCT 2 2006
ANDERSON COUNTY

29-26B

City of Valpo
144 Lincolnway
VALPO, IN 46383

BENGEL ENGINEERING & SURVEYING
PROFESSIONAL ENGINEER & LAND SURVEYOR
73 E. DIVISION ROAD
VALPARAISO, INDIANA 46383

E. DONALD BENGEL, P.E. L.S.
IND. REG. PROFESSIONAL ENGINEER NO. 12379
IND. REG. PROFESSIONAL SURVEYOR NO. 12226

TELEPHONE
(219) 462-0690

EXHIBIT A TO ORDINANCE 48, 2005

Legal Description for Proposed Vacation of Part of Bertholet Blvd.

Part of Bertholet Blvd. lying between Lot 8 and Lot 9 in 49er Partners Subdivision, as per plat thereof, recorded in Plat File 42-E-3, in the Office of the Recorder of Porter County, Indiana, described as follows: Beginning at the N.E. corner of said Lot 9; thence S 89°53'07" W, along the North line of said Lot 9, 1134.48 feet; thence N 00°06'43" W, at 90° to said North line, 60.00 feet to the South line of said Lot 8; thence N 89°53'07" E, along the South line of said Lot 8, to the S.E. corner of said Lot 8; thence Southeasterly along a curve being convex to the East, having a radius of 428.34 feet, an arc length of 69.25 feet, subtended by a chord of 69.17 feet and bearing S 29°57'28" E, to the Point of Beginning.

Prepared by: E. Donald Bengel
Indiana Registered Land Surveyor No. 12226
Indiana Registered Prof. Engineer No. 12379
August 30, 2005