

**ORDINANCE NUMBER 17-01
OF THE TOWN OF WHITELAND, INDIANA**

**AN ORDINANCE VACATING PUBLIC RIGHT OF WAY WITHIN THE TOWN OF WHITELAND, INDIANA BETWEEN LOTS
77 AND 78 OF CHAD LO SECTION 3
(to be known as the Chad Lo 2017 right of way vacation)**

WHEREAS, there has been filed before the Common Council of the Town of Whiteland a petition by David A. Hawkins (329 Christina Street; Whiteland IN 46184) requesting that public ways, described as follows, be vacated for the reason that said public ways are not at this time used for any public purpose and are no foreseeable needs by the Town of Whiteland for any public purpose; and

WHEREAS, the subject public ways are approximately 119 feet in length by 35 feet in width (+/- 0.096 Acres) located between lots 77 and 78 of the Chad Lo addition to the Town of Whiteland, 3rd Section with common addresses and property identification numbers as follows:

- | | | |
|-----------------------|---------------------------|--------------------------|
| • 319 Christina Drive | Lot 77, Chad Lo Section 3 | 41-05-22-023-008.000-028 |
| • 329 Christina Drive | Lot 78, Chad Lo Section 3 | 41-05-22-023-009.000-028 |

WHEREAS, the owner of the property located at 329 Christina Drive; Whiteland IN 46184 has maintained said property, in full, for a number of years; and

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held on the 14th day of March, 2017.

NOW, THEREFORE, THE COMMON COUNCIL OF THE TOWN OF WHITELAND, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1. Property Vacated:** The public way described above is hereby, pursuant to IC 36-7-3-12, declared vacated; and
- 2. Ownership:** said property that is vacated is granted solely to the owner of the property located at 329 Christina Drive; Whiteland IN 46184 (PID 41-05-22-023-009.000-028) and shall be herein considered a part of Lot # 78 in Chad Lo Section 3.
- 3. Utilities:** Any utility easement shall remain in the length and width of the vacated portion of the public way described above.
- 4. Distribution:** A copy of this Ordinance shall be transmitted to the Recorder of Johnson County, Indiana by the office of the Clerk Treasurer of the Town of Whiteland, Indiana.
- 5. Authorization:** The staff of the Office of the Clerk Treasurer of the Town of Whiteland is hereby authorized to execute all deeds necessary in accomplishment of the vacation.
- 6. Construction of Clause Headings:** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

- 7. **Repeal of Conflicting Ordinances:** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
- 8. **Severability of Provisions:** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
- 9. **Duration and Effective Date:** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by IC 36-4-16-4.

Introduced and filed on the 14th day of March, 2017

DULY PASSED on this ____ day of _____, 2017 by the Common Council of the Town of Whiteland, Johnson County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

Town of Whiteland, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Kent Beeson, President

Kent Beeson, President

James Klenner, Vice President

James Klenner, Vice President

David Hawkins

David Hawkins

Andy Brock

Andy Brock

Scott Ford

Scott Ford

Attest:

Debra Hendrickson
Clerk Treasurer

*Ordinance Prepared By:
J. Csikos, AICP
Planning Director – Town of Whiteland*