

1996-3

ORDINANCE VACATING PART OF GLENVIEW ACRES-THIRD ADDITION

This Ordinance, enacted this 11th day of March, 1996, by the Board of Commissioners of LaPorte County, Indiana:

WHEREAS, on the 8th day of February, 1996, William R. Findley and Ellen J. Findley filed their Petition for Vacation of Part of Platted Subdivision with the LaPorte County Plan Commission, and

WHEREAS, the Petition requested that the LaPorte County Plan Commission vacate part of Glenview Acres-Third Addition, which area of vacation is more particularly described below, and

WHEREAS, on the 27th day of February, 1996, at its regularly scheduled meeting, the LaPorte County Plan Commission heard the Petition and voted unanimously to approve the Petition and issued its Findings of Fact, and

WHEREAS, this Board has reviewed the Findings of Fact and believe that it should approve the recommendation of the LaPorte County Plan Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of LaPorte County, Indiana, that:

1. The following described portion of Glenview Acres-Third Addition, as it appears on the plat of Glenview Acres-Third Addition, as recorded in Plat Book 18, Page 63, in the Office of the Recorder of LaPorte County, Indiana is hereby vacated.

Lots 20, 21, 22, 23, 24, 25, and 36 of "Glenview Acres-Third Addition" as recorded in Plat Book 18, Page 63.

Also, all that portion of Dogwood Drive in "Glenview Acres-Third Addition" lying North and West of "Glenview Acres-Second Addition" as recorded in Plat Book 15, Page 19, and all being more particularly described as follows.

A parcel of land situated in the West Half of the Southeast Quarter of Section 22, Township 35 North, Range 3 West, LaPorte County, Indiana, and being more particularly described as follows:

Commencing at an iron pipe marking the South Quarter Corner of Section 22, Township 35 North, Range 3 West, LaPorte County, Indiana;

Thence: North 01 Degree 07 Minutes 00 Seconds West, along the West line of the Southeast Quarter of said Section 22, a distance of 1,708.65 Feet, for the point of beginning;

Thence: North 01 Degree 07 Minutes 00 Seconds West, continuing along said West line, a

distance of 275.00 Feet, to an iron pipe;

Thence: South 89 Degrees 21 Minutes 16 Seconds East, a distance of 691.00 Feet, to an iron pipe;

Thence: South 22 Degrees 27 Minutes 45 Seconds West, a distance of 254.10 Feet, to an iron pipe on a curve to the right;

Thence: Southeasterly, along said curve, an arc distance of 146.65 Feet to an iron pipe marking the Northwest Corner of "Glenview Acres-Second Addition" as recorded in Plat Book 15, Page 19. The long chord of said arc bears South 52 Degrees 50 Minutes 03 Seconds East, a distance of 145.04;

Thence: South 51 Degrees 51 Minutes 50 Seconds West, along the Westerly line of said Second Addition, a distance of 50.00 Feet, to an iron pipe;

Thence: South 38 Degrees 08 Minutes 10 Seconds East, along the Southerly line of said Addition, a distance of 50.00 Feet, to an iron pipe;

Thence: South 53 Degrees 48 Minutes 11 Seconds West, a distance of 216.74 Feet, to an iron pipe;

Thence: North 18 Degrees 38 Minutes 10 Seconds West, a distance of 105.00 Feet, to an iron pipe;

Thence: North 74 Degrees 38 Minutes 10 Seconds West, a distance of 200.00 Feet;

Thence: North 10 Degrees 38 Minutes 44 Seconds East, a distance of 32.00 Feet, to an iron pipe;

Thence: North 76 Degrees 57 Minutes 27 Seconds West, a distance of 308.19 Feet, to the point of beginning;

Containing 5.638 acres, subject to all legal easements.

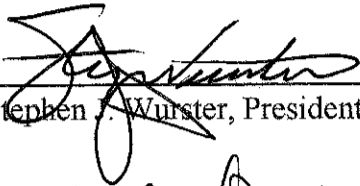
2. The Board of Commissioners and the developer of Glenview Acres-Third Addition previously entered into a Bond Agreement, dated August 26, 1991 and recorded July 31, 1992 as Instrument No. 92-13275, a copy of which is attached hereto as Exhibit "A", wherein the Board of Commissioners agreed to forego the posting of a bond to secure the development of that portion of Dogwood Drive which lies within the area vacated herein so long as no building permits were issued for the construction of homes on the lots herein vacated until such time as the roadway was completed. Due to the fact that the unimproved part of Dogwood Drive is being vacated through this Ordinance, the Bond Agreement recorded as Instrument No. 92-13275 is hereby no longer of any force or effect.

3. This Ordinance shall be in full force and effect after its passage and signature by the Board of

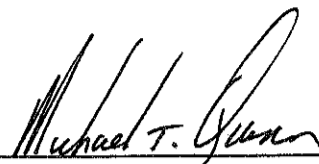
Commissioners of LaPorte County, Indiana.

4. This document shall be recorded with the Recorder of LaPorte County at the expense of the Petitioners.

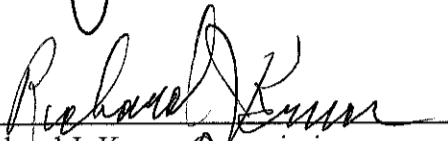
Approved, this 11th day of March, 1996.



Stephen J. Wurster, President



Michael T. Quinn, Commissioner



Richard J. Kruse, Commissioner

AUG 31 3 03 PM '91

ANNEX DADY
RECORDED PAGE 100BOND AGREEMENT

THIS AGREEMENT, made and entered into this 26th day of August, 1991 by and between DAVID J. AMBERS, RUTH S. AMBERS, GLENN A. SCHLUNDT and DARLENE F. SCHLUNDT (hereinafter referred to as the "Subdividers") and the LA PORTE COUNTY BOARD OF COMMISSIONERS (hereinafter referred to as the "Board"),

WITNESSETH:

WHEREAS, the Subdividers are the present owners of Lots 16 - 25 and 33 - 36 of Glenview Acres - Third Addition, as recorded in Plat Book 18, Page 63, in the Office of the Recorder of La Porte County, Indiana (the "Plat"), and

WHEREAS, the Subdividers have requested that the Board grant final approval for Glenview Acres - Third Addition under the La Porte County Subdivision Control Ordinance (the "Ordinance"); and

WHEREAS, pursuant to the Ordinance the Board has the authority to require the Subdividers to post a bond to construct those roads within Glenview Acres - Third Addition that have not yet been constructed (the "Bond), namely: Dogwood Drive from its intersection with Maple Drive to the cul-de-sac that borders Lots 24, 23 and 25, as shown on the Plat (the "Road"); and

WHEREAS, the Board acknowledges that the Subdividers wish to delay posting the Bond until the time in which the Road is constructed, due to the fact that the Subdividers will have seventeen (17) lots to sell before the Road must be constructed if the Plat is approved; and

WHEREAS, the Board is willing to forego the requirement of the Bond based on the conditions and limitations below; and

WHEREAS, the Subdividers are willing to comply with the conditions and limitations below if the Board agrees to forego the Bond;

NOW, THEREFORE, in consideration of the terms, conditions and limitations below, the sufficiency of which are hereby acknowledged by the Board and Subdividers, the Board and Subdividers hereby agree as follows:

1. The Board shall not require the Bond so long as the Subdividers comply with the following:
 - A. No building permit shall be issued for Lots 20-25 and Lot 36 in Glenview Acres - Third Addition (the "Restricted Lots") unless said Restricted Lot or Lots abut to a lot that has accessible frontage on an improved street within Glenview Acres and the owner of the lot with street frontage is the same person or entity requesting the building permit for the Restricted Lot.
 - B. Prior to construction of the Road, the Subdividers shall comply with all provisions of the Ordinance.
 - C. The Subdividers, at their own expense, shall have this Agreement recorded in the Office of the Recorder of La Porte County Indiana and shall provide the Building Commissioner with a copy.
2. This Agreement shall inure to and bind the successors, heirs and transferees of the Subdividers and Board.

IN WITNESS WHEREOF, the Board and Subdividers have executed this Agreement the day and year first written above.

Subdividers:

David J. Ambers
David J. Ambers

Ruth S. Ambers
Ruth S. Ambers

Glenn A. Schlundt
Glenn A. Schlundt

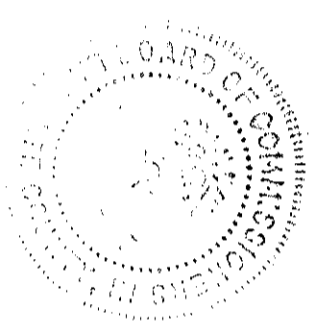
Darlene F. Schlundt
Darlene F. Schlundt

Board:

Michael T. Quinn
Michael T. Quinn

Norman E. Pahs
Norman E. Pahs

Merle Bannwart
Merle Bannwart



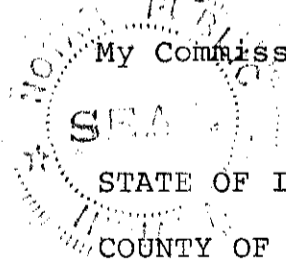
STATE OF INDIANA)
)
COUNTY OF LA PORTE)

Before me a notary public, in and for said County and State, personally appeared David J. Ambers, Ruth S. Ambers, Glenn A. Schlundt and Darlene F. Schlundt and acknowledged the execution of the foregoing instrument.

Cynthia S. Warner
Notary Public Cynthia S. Warner

County of Residence: La Porte

My Commission Expires: 2/4/93



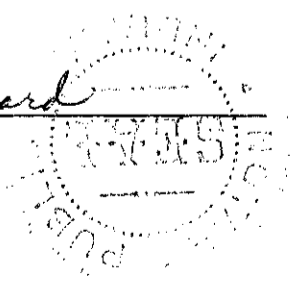
STATE OF INDIANA)
)
COUNTY OF LA PORTE)

Before me, a notary public in and for said County and State, personally appeared Michael T. Quinn, Norman E. Pahs and Merle Bannwart and acknowledged the execution of the foregoing instrument.

Veronica Sue Woodward
Notary Public

County of Residence: La Porte

My Commission Expires: May 6, 1994



This Instrument Prepared By: David Ambers, Attorney at Law
1700 Lincolnway Place, Suite Two, La Porte, IN 46350