

COUNCIL PENDING ORDINANCE CPO 2024-46  
ORDINANCE NO. \_\_\_\_\_  
AS AMENDED \_\_\_\_\_  
CERTIFICATION DATE \_\_\_\_\_  
FAVORABLY \_\_\_\_\_  
UNFAVORABLY \_\_\_\_\_

**AN ORDINANCE REVIEWING A PETITION TO VACATE A PUBLIC WAY IN THE CITY OF GARY LOCATED ON ILLINOIS STREET SOUTH OF 15<sup>TH</sup> AVE (1815 E. 15<sup>TH</sup> AVE) FOR PETITIONER LASTA TRANS. INC.**

**WHEREAS**, Lasta Trans, Inc. (the “Petitioner”) is the owner of certain parcels of real estates located within the City of Gary, Indiana, more particularly described as follows:

Parcel No.: 45-08-11-302-001.000-004  
Commonly Known As: 1815 E. 15<sup>th</sup> Ave. Gary, IN  
Legal Description: PT. W2. NW. SW. S.11 T.36 R.8 .483AC.

**WHEREAS**, the Petitioner has petitioned the Common Council of the City of Gary, Indiana for the vacation of a public way more particularly described as follows:

ILLINOIS ST. SOUTH OF EAST 15<sup>TH</sup> AVENUE UNTIL THE END OF THE CUL DE SAC THAT ENDS NORTH OF CENTRAL AVE.

**WHEREAS**, the Petitioner caused notice of the consideration of the petition before the Common Council of the City of Gary for the vacation to be published on \_\_\_\_\_, 2024, in the \_\_\_\_\_, a newspaper of general circulation in Gary, Indiana; and,

**WHEREAS**, the Petitioner is the only abutting property owner to the public way to be vacated and as such mail notice is not required to any other party;

**WHEREAS**, the Gary Plan Commission heard this petition as PC- 2024-03 at its February 15, 2024 and has forwarded its vote of 7-0 of a favorable recommendation subject to the condition that the Petitioner submit a “final use plan” acceptable to the City of Gary Planning Department, to grant the petition to vacate the subject public way pursuant to Gary Municipal Code Sec. 36-160 after finding:

- (1) The area sought to be vacated is not necessary to the growth of the city located or to which it is contiguous;
- (2) The vacation would not make access to the land of others by means of a public way impossible; and,
- (3) The vacation would not eliminate the public's access to a church, school, or other public building or place;

**WHEREAS**, the Petition did comply with the required condition of submitting a final use plan acceptable to the City of Gary Planning Department;

**WHEREAS**, the Common Council has conducted a public hearing on \_\_\_\_\_, 2024, with regard to said Petition and determined and the Council now finds that it is in the best interests of the City of Gary and its citizens that the herein described unimproved public way be vacated.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Gary, Indiana as follows:

- 1. The City of Gary, having adopted the findings of the Plan Commission pursuant to Gary Municipal Code Sec. 36-160 as stated above, hereby vacates the public way set forth within this ordinance that is more particularly described as:

**ILLINOIS ST. SOUTH OF EAST 15<sup>TH</sup> AVENUE UNTIL THE END OF THE CUL DE SAC THAT ENDS NORTH OF CENTRAL AVENUE**

- 2. Notwithstanding the vacation of said unimproved public way, the City hereby reserves the rights and easements of all utilities to construct and maintain any facilities, including but not limited to, the following: electric, gas, telephone, water, sewer, surface water control structures and ditches, within the vacated public way, unless such rights are released by the individual utilities. These proceedings shall not deprive any public utilities of the use of all or part of the public way herein granted if at the time of these proceedings are instituted the utility is occupying or using all or party of the public way for the location and operation of its facilities.
- 3. The Clerk of the Gary Common Council shall furnish a certified copy of this ordinance to the Lake County Recorder and Lake County Auditor in order that the same may be placed of record in the records of the Recorder’s Office.
- 4. This ordinance shall be in full force and effect from and after its passage.

**PASSED** by the Common Council of the City of Gary, Indiana, this \_\_\_ day of \_\_\_\_\_, 2024.

PLAN COMMISSION RECOMMENDATION: Approved subject to subdivision survey plat.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

Presented by me to the Mayor for his approval and signature this \_\_\_\_ day of \_\_\_\_\_  
2024.

\_\_\_\_\_  
CITY CLERK

**APPROVED** and **SIGNED** by me this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
MAYOR, CITY OF GARY, INDIANA

PREPARED BY: Rodney Pol, Attorney for City of Gary, IN

SPONSORED BY: Eddie Melton, Mayor

COMMITTEE ASSIGNMENT \_\_\_\_\_ Reported-out/Date \_\_\_\_\_  
1<sup>st</sup> Reading/Date \_\_\_\_\_ Committee Hearing/Date \_\_\_\_\_  
2<sup>nd</sup> Reading/Date \_\_\_\_\_ Public Hearing/Date \_\_\_\_\_  
3<sup>rd</sup> Reading/Date \_\_\_\_\_ Final Reading/Date \_\_\_\_\_  
Passed/Date \_\_\_\_\_ Defeated/Date \_\_\_\_\_ Deferred/Date \_\_\_\_\_  
Tabled/Date \_\_\_\_\_ Override/Date \_\_\_\_\_ Adopted Date \_\_\_\_\_  
Publications/Date \_\_\_\_\_ Community Hearing/Date \_\_\_\_\_ Veto \_\_\_\_\_ Pocket  
Veto \_\_\_\_\_ Adopted \_\_\_\_\_