

# ORDINANCE NUMBER 11-11

Document Cross Reference No. \_\_\_\_\_

## AN ORDINANCE OF THE CITY OF WESTFIELD TO VACATE A PUBLIC WAY, EASEMENT AND PLATTED REAL PROPERTY

**WHEREAS**, the City of Westfield, Indiana (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”);

**WHEREAS**, it is the duty and the responsibility of the Council to maintain public rights-of-way, easements and subdivision plats for the benefit of the citizens of the City and to vacate those no longer needed for the benefit of the public; and

**WHEREAS**, it has come to the attention of the Council that the items herein described are no longer necessary as a benefit to the general public and should be vacated.

### NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COMMON COUNCIL MEETING IN SESSION AS FOLLOWS:

**SECTION 1.** That pursuant to Ind. Code § 36-9-2-5, the City has the authority to vacate public rights-of-way and now finds that the public right-of-way identified in Exhibit “A” , attached hereto and incorporated by reference herein is no longer needed for the benefit of the public.

**SECTION 2.** That pursuant to Ind. Code § 36-7-3-16, the City has the authority to vacate platted easements and now finds that the platted easements identified in Exhibit “A” are no longer needed for the benefit of the public.

**SECTION 3.** That pursuant to Ind. Code § 36-7-3-10, the City has the authority to vacate all or a part of a plat and now finds that the part of the plat identified in Exhibit “A” is no longer needed for the benefit of the public.

**SECTION 4.** That after a duly advertised and published public hearing, the Council finds that it is proper to vacate the public right-of-way, the easements and that certain real property all identified in Exhibit “A”.

**SECTION 5.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods and the approval of an amended secondary plat for the residual portions of property shown in Exhibit “A”, all as provided by the laws of the State of Indiana.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
_____ Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
_____ Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Thomas Smith	_____ Thomas Smith	_____ Thomas Smith
_____ Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

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: Brian Zaiger

Prepared by: Brian J. Zaiger, Attorney, Krieg Devault, 12800 N. Meridian Street, Suite 300, Carmel, IN 46032, (317) 317-238-6266.

I hereby certify ORDINANCE 11-11 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-11  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-11  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
J. Andrew Cook, Mayor