

SPONSOR: Councilman Kalwinski

PETITIONED BY: Marina District Development, LLC

ORDINANCE NO. 9304

AN ORDINANCE VACATING A 859 FOOT PORTION OF 5th AVENUE, MORE OR LESS, LYING BETWEEN 112th STREET AND INDIANAPOLIS BOULEVARD, THE CITY OF HAMMOND, LAKE COUNTY, INDIANA.

WHEREAS, Marina District Development, LLC is the fee simple owner of the following described real estate, to wit:

Parcel Number 45-02-01-126-008.000-023: New Roby 1st Add. Lot 2
Commonly known as 902-52 5th Avenue, Hammond, Indiana, 46326;

AND

Parcel Number 45-02-01-201-001.000-023: PT. W1/2 NE1/4 LY'G SW'LY IND BLVD & N. OF
110TH & E'LY OF 5TH AVE. S.1 T.37 R.101.629AC.
Commonly known as 10956 Indianapolis Blvd., Hammond, Indiana, 46320;

AND

Parcel Number 45-02-01-251-001.000-023: PT W ½ NE ¼ LY'G SW OF INDY BLVD E OF 5TH
AVE & NW OF 112TH AVE. S.1 T37 R.10 Ex. R/W 9.493AC
Commonly known as 1129 5th Avenue, Hammond, Indiana, 46326

WHEREAS, Wal-Mart Real Estate Business Trust is the fee simple owner of the adjacent real estate parcels, to wit:

Parcel Number 45-02-01-126-011.000-023: New Roby 1st Add. Lot 1
Commonly known as 1100 5th Avenue, Hammond, Indiana, 46326;

AND

Parcel Number 45-02-01-126.010-023: New Roby 1st Add. Outlot B.
Commonly known as 1008 5th Ave., Hammond, Indiana, 46326

WHEREAS, a (879.43) foot portion of 5th Avenue lies between said lots as described above, which (879.43) foot portion is more particularly described as follows:

All that part of 5th Avenue being in the North Half of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Indiana, Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 2 in New Roby 1st Addition, as per plat thereof recorded in Plat Book 104, Page 70, in the Office of the Recorder of Lake County, Indiana, said point being the intersection of the West line of 5th Avenue and the Southwesterly Right of Way line of Indianapolis Boulevard; thence South 38°37'45" East along said Southwesterly Right of Way line a distance of 63.32 feet to the centerline of said 5th Avenue; thence North 00°32'59" East along said centerline a distance of 20.42 feet; thence South 38d37'45" East 52.24 feet to the East Line of said 5th Avenue; thence South 00d32'59" West along said East line a distance of 707.44 feet to a non-tangent curve to the Left, (said curve having a Radius of 411.50 feet, a Chord Bearing South 17°52'36" West, and a Chord Length of 245.11 feet) an Arc Distance of 248.89 feet; thence North 00°32'59" East along the West line of said 5th Avenue a distance of 1010.58 feet to the Point of Beginning. Containing 1.37 acres, more or less.

WHEREAS, Marina District Development, LLC has filed a Petition for Vacation of a Street with the Common Council of the City of Hammond, Lake County, Indiana, requesting vacation of a (879.43) foot portion of 5th Avenue; and

WHEREAS, the Common Council of the City of Hammond, Lake County, Indiana upon investigation and Public Hearing in accordance with applicable law, finds and determines that the proposed vacation will not hinder the growth or orderly development of the City of Hammond, Lake County, Indiana, or the neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the vacation will not make access to the lands of any persons by means of public way difficult to inconvenient; and

WHEREAS, the vacation would not hinder the public's access to a church, school, or other public building or place; and

WHEREAS, the vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HAMMOND, LAKE COUNTY, INDIANA, THAT it is desired and deemed necessary to vacate a (879.43) foot portion of 5th Avenue located in the City of Hammond, and more particularly described as follows:

All that part of 5th Avenue being in the North Half of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Indiana, Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 2 in New Roby 1st Addition, as per plat thereof recorded in Plat Book 104, Page 70, in the Office of the Recorder of Lake County, Indiana, said point being the intersection of the West line of 5th Avenue and the Southwesterly Right of Way line of Indianapolis Boulevard; thence South 38°37'45" East along said Southwesterly Right of Way line a distance of 63.32 feet to the centerline of said 5th Avenue; thence North 00°32'59" East along said centerline a distance of 20.42 feet; thence South 38d37'45" East 52.24 feet to the East Line of said 5th Avenue; thence South 00d32'59" West along said East line a distance of 707.44 feet to a non-tangent curve to the Left, (said curve having a Radius of 411.50 feet, a Chord Bearing South 17°52'36" West, and a Chord Length of 245.11 feet) an Arc Distance of 248.89 feet; thence North 00°32'59" East along the West line of said 5th Avenue a distance of 1010.58 feet to the Point of Beginning. Containing 1.37 acres, more or less.

and, therefore, the aforementioned (879.43) foot portion of 5th Avenue is hereby vacated, subject to easements, if any, for existing water, sewer, gas, telecommunications, and utilities in place and adjoining lot are extended by operation of law to include the proportionate part of 5th Avenue hereby vacated.

BE IT FURTHER ORDAINED that the Ordinance herein shall have full force and effect from and after Public Hearing hereon, passage and approval by the Common Council of the City of Hammond, Lake County, Indiana, signed by the President thereof, and the approval and signing by the Mayor. The Clerk shall furnish a copy of this Ordinance to the County Recorder for recording and to the County Auditor.

Michael Opinker, President /s/

Attest:

Robert J. Golec, City Clerk /s/

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 23rd day of June, 2015.

Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9304, consisting of four (4) pages, including this page was approved by the Mayor on the 24th day of June, 2015.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 22nd day of June, 2015 and approved by the Mayor on the 24th day of June, 2015.

Robert J. Golec, City Clerk /s/

STATE OF INDIANA
CITY OF HAMMOND, LAKE COUNTY, INDIANA

IN THE MATTER OF THE PETITION)
OF MARINA DISTRICT DEVELOPMENT, LLC)
FOR VACATION OF A STREET)

PETITION FOR VACATION OF A PORTION OF 5th Avenue

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF
HAMMOND, LAKE COUNTY, INDIANA:

Come now Petitioner, Marina District Development, LLC and file with the
Common Council of the City of Hammond, Lake County, Indiana this Petition for
Vacation of a Street, and in support thereof, show and state as follows:

1. That Petitioner, Marina District Development, LLC is a duly organized limited
liability company properly authorized to do business in the State of Indiana. Petitioner is
represented in this proceeding by Dan Tursman. Petitioner represents that it is the fee
simple owner of certain real estate located within the City of Hammond, Lake County,
Indiana, more particularly described as follows:

Parcel Number 45-02-01-126-008.000-023: New Roby 1st Add. Lot 2
Commonly known as 902-52 5th Avenue, Hammond, Indiana, 46326;

AND

Parcel Number 45-02-01-201-001.000-023: PT. W1/2 NE1/4 LY'G SW'LY IND BLVD & N. OF
110TH & E'LY OF 5TH AVE. S.1 T.37 R.101.629AC.
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AND

Parcel Number 45-02-01-251-001.000-023: PT W ½ NE ¼ LY'G SW OF INDY BLVD E OF 5TH
AVE & NW OF 112TH AVE. S.1 T37 R.10 Ex. R/W 9.493AC
Commonly known as 1129 5th Avenue, Hammond, Indiana, 46326

2. Wal-Mart Real Estate Business Trust is the fee simple owner of the adjacent
real estate parcels located within the City of Hammond, Lake County, Indiana, more

particularly described as follows:

Parcel Number 45-02-01-126-011.000-023: New Roby 1st Add. Lot 1
Commonly known as 1100 5th Avenue, Hammond, Indiana, 46326;

AND

Parcel Number 45-02-01-126.010-023: New Roby 1st Add. Outlot B.
Commonly known as 1008 5th Ave., Hammond, Indiana, 46326

3. That Petitioner requests the vacation of a (879.43) foot portion of 5th Avenue, more or less, located between 112th Street and Indianapolis Boulevard, which portion of 5th Avenue is more particularly described as follows:

All that part of 5th Avenue being in the North Half of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Indiana, Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 2 in New Roby 1st Addition, as per plat thereof recorded in Plat Book 104, Page 70, in the Office of the Recorder of Lake County, Indiana, said point being the intersection of the West line of 5th Avenue and the Southwesterly Right of Way line of Indianapolis Boulevard; thence South 38°37'45" East along said Southwesterly Right of Way line a distance of 63.32 feet to the centerline of said 5th Avenue; thence North 00°32'59" East along said centerline a distance of 20.42 feet; thence South 38d37'45" East 52.24 feet to the East Line of said 5th Avenue; thence South 00d32'59" West along said East line a distance of 707.44 feet to a non-tangent curve to the Left, (said curve having a Radius of 411.50 feet, a Chord Bearing South 17°52'36" West, and a Chord Length of 245.11 feet) an Arc Distance of 248.89 feet; thence North 00°32'59" East along the West line of said 5th Avenue a distance of 1010.58 feet to the Point of Beginning. Containing 1.37 acres, more or less.

4. That Petitioner respectfully requests vacation of a portion of 5th Avenue as per Exhibit A, in order to relocate 5th Avenue R/W, in conformance with all current and applicable laws and requirements, in the City of Hammond, Lake County, Indiana.

5. That the sole owners of the property adjacent to the proposed site of vacation have been provided with property notice of this Petition and are as follows:

Wal-Mart Real Estate Business Trust
PO Box 8050
Bentonville, AR 72716-8050

And

Marina District Development, LLC
3592 North Hobart Road
Hobart, IN 46342

WHEREFORE, the Petitioner, Marina District Development, LLC respectfully requests the Common Council of the City of Hammond, Lake County, Indiana after due notice and Public Hearing in accordance with the law, to enact an Ordinance pursuant to its authority under Indiana Code § 36-7-3-12, as amended from time to time, vacating the following (879.43) foot portion of 5th Avenue:

All that part of 5th Avenue being in the North Half of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Indiana, Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 2 in New Roby 1st Addition, as per plat thereof recorded in Plat Book 104, Page 70, in the Office of the Recorder of Lake County, Indiana, said point being the intersection of the West line of 5th Avenue and the Southwesterly Right of Way line of Indianapolis Boulevard; thence South 38°37'45" East along said Southwesterly Right of Way line a distance of 63.32 feet to the centerline of said 5th Avenue; thence North 00°32'59" East along said centerline a distance of 20.42 feet; thence South 38d37'45" East 52.24 feet to the East Line of said 5th Avenue; thence South 00d32'59" West along said East line a distance of 707.44 feet to a non-tangent curve to the Left, (said curve having a Radius of 411.50 feet, a Chord Bearing South 17°52'36" West, and a Chord Length of 245.11 feet) an Arc Distance of 248.89 feet; thence North 00°32'59" East along the West line of said 5th Avenue a distance of 1010.58 feet to the Point of Beginning. Containing 1.37 acres, more or less.

Respectfully submitted,

Daniel J. Tursman
3580 N. Hobart Rd.
Hobart, IN 46342
(219) 962-7676

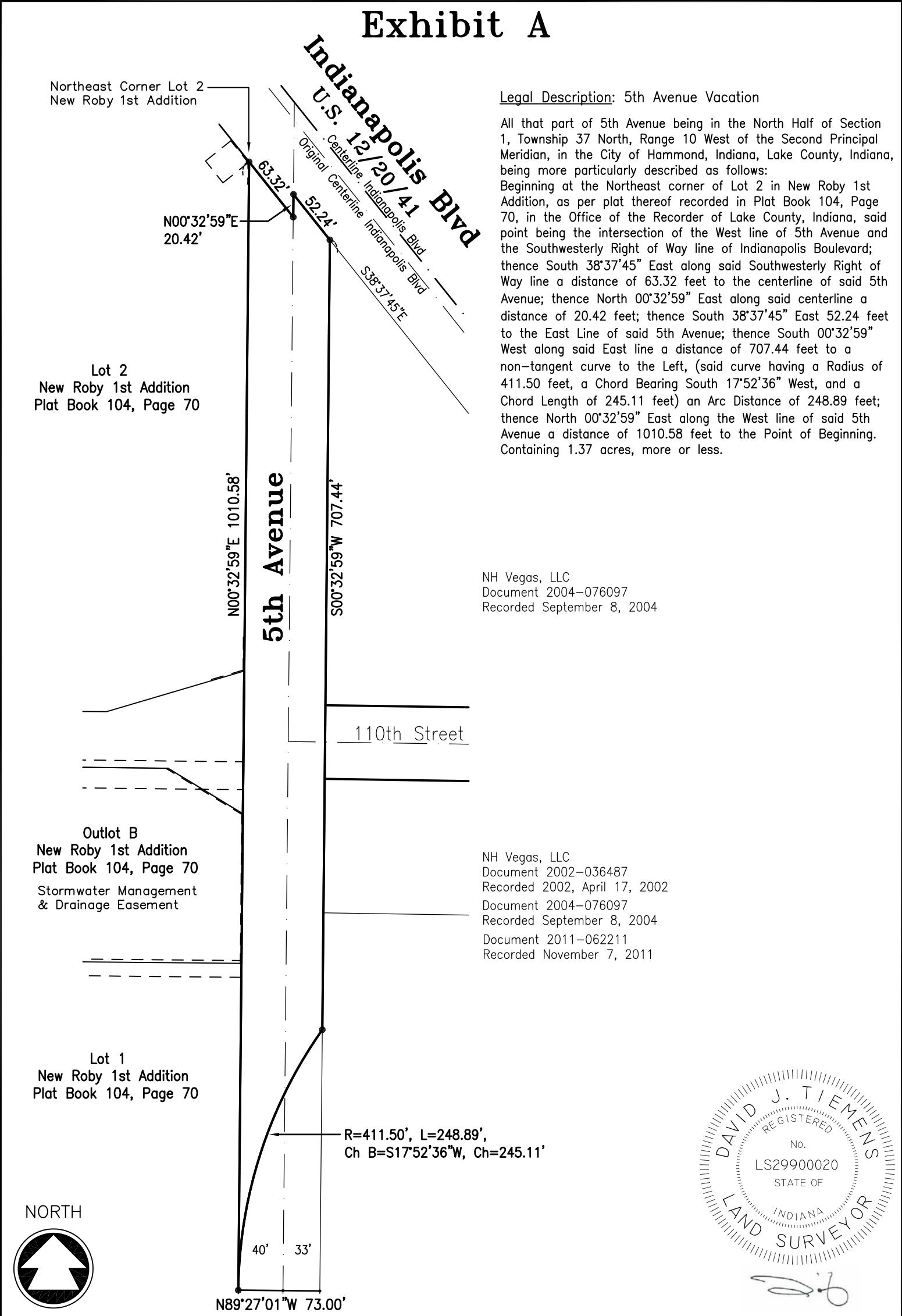
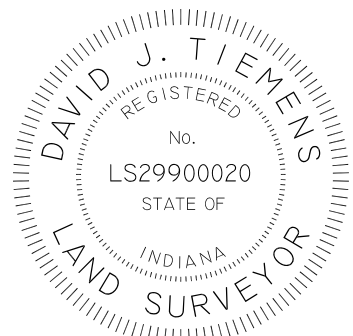
Exhibit A

Legal Description: 5th Avenue Vacation

All that part of 5th Avenue being in the North Half of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Indiana, Lake County, Indiana, being more particularly described as follows:
 Beginning at the Northeast corner of Lot 2 in New Roby 1st Addition, as per plat thereof recorded in Plat Book 104, Page 70, in the Office of the Recorder of Lake County, Indiana, said point being the intersection of the West line of 5th Avenue and the Southwesterly Right of Way line of Indianapolis Boulevard; thence South 38°37'45" East along said Southwesterly Right of Way line a distance of 63.32 feet to the centerline of said 5th Avenue; thence North 00°32'59" East along said centerline a distance of 20.42 feet; thence South 38°37'45" East 52.24 feet to the East Line of said 5th Avenue; thence South 00°32'59" West along said East line a distance of 707.44 feet to a non-tangent curve to the Left, (said curve having a Radius of 411.50 feet, a Chord Bearing South 17°52'36" West, and a Chord Length of 245.11 feet) an Arc Distance of 248.89 feet; thence North 00°32'59" East along the West line of said 5th Avenue a distance of 1010.58 feet to the Point of Beginning. Containing 1.37 acres, more or less.

NH Vegas, LLC
 Document 2004-076097
 Recorded September 8, 2004

NH Vegas, LLC
 Document 2002-036487
 Recorded 2002, April 17, 2002
 Document 2004-076097
 Recorded September 8, 2004
 Document 2011-062211
 Recorded November 7, 2011



SCALE: 1" = 100'	DATE: 3/22/2015	Tiemens Land Surveying, Inc.	527 North Halleck Street Suite E DeMotte, Indiana 46310 Phone: 219-987-2828	DRAWN: DJT	CHECKED: DJT
SHEET NUMBER: 1 OF 1	Job Number 2015-			FILENAME: 5th Avenue Vacation	