Intro 10-25-21 Ref LHW P.H. 11-15-21 Recorder Audits

21-43

SPONSOR: Councilman Venecz

PETITIONED BY: City of Hammond

ORDINANCE NO 9529

AN ORDINANCE VACATING A 22,690 SQUARE FOOT PORTION OF FORSYTH SQUARE LYING BETWEEN 119th STREET, WARWICK AVENUE, HAMANN COURT AND FORSYTH SQUARE IN THE 1900 BLOCK of FORSYTH SQUARE IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA.

WHEREAS, the City of Hammond is the responsible entity for the right-of-way of FORSYTH SQUARE of the following described real estate, to wit:

DESCRIPTION:

That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing 22,690 Square Feet, 0.521 Acres more or less.

Commonly known as 1900 block of Forsyth Square, Hammond, Indiana;

WHEREAS, a 22,690 square foot portion of Forsyth Square lies between the public rights-of-way of 119th Street, Warwick Avenue, Hamann Court and Forsythe

Square, is more particularly described as follows:

DESCRIPTION:
That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing 22,690 Square Feet, 0.521 Acres more or less.

(the "Property").

WHEREAS, the City of Hammond by and through its Redevelopment Commission 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 22,690 square foot portion of Forsyth Square; 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 of the Property 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 of the Property will not make access to the lands of any

persons by means of public way difficult to inconvenient; and

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

WHEREAS, the vacation of the Property 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 22,690 square foot portion of Forsyth Square located in the 1900 block of Forsyth Square of the City of Hammond, and more particularly described as follows:

(DESCRIPTION:
That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing 22,690 Square Feet, 0.521 Acres more or less.

and, therefore, the aforementioned Property, a 22,690 square foot portion of Forsyth Square is hereby vacated, subject to easements, if any, for existing water, sewer, gas,

telecommunications, and utilities in place. The Property is surrounded by public right of way, and there no adjoining lots; therefore, the Property will become its own separate and independent parcel and shall not attach to the public right of way.

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.

Dave Woerpel, President

Attest:

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 9th of November, 2021.

Robert J. Golec, City Clerk

The foregoing Ordinance No. 9529, consisting of four (4) pages, including this page was Approved by the Mayor on the 11th day of November 20__.

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

PASSED by the Common Council on the 8th day of November, 2021 and Approved by the Mayor on the 11th day of November, 2021.

Robert J. Golec, City Clerk

STATE OF INDIANA
CITY OF HAMMOND, LAKE COUNTY, INDIANA

IN THE MATTER OF THE PETITION OF THE CITY OF HAMMOND FOR VACATION OF A PORTION OF FORSYTH SQUARE)

PETITION FOR VACATION OF PORTION OF FORSYTH SQUARE

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

Come now Petitioner, City of Hammond by their attorneys, David Westland and file with the Common Council of the City of Hammond, Lake County, Indiana this Petition for Vacation of Forsyth Square and in support thereof, show and state as follows:

1. That THE CITY OF HAMMOND is a municipal entity. Petitioner represents that it is the responsible party for public right-of-way located within the City of Hammond, Lake County, Indiana, more particularly described as follows:

DESCRIPTION: That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing

22,690 Square Feet, 0.521 Acres more or less.

Commonly known as 1900 FORSYTH SQUARE, Hammond, Indiana;

2. That Petitioner request the vacation of a 22690 square foot portion of Forsyth Square located between 119th Street, Warwick Avenue, Hamann Court and Forsyth Square in the 1900 block of Forsyth Square is more particularly described as follows:

DESCRIPTION:
That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing 22,690 Square Feet, 0.521 Acres more or less.

3. That Petitioners respectfully request vacation of 22,690 square foot portion of Forsyth Square, in order develop the property for residential purposes, in conformance with all current and applicable laws and requirements, in the City of Hammond, Lake County, Indiana.

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

WHEREFORE, the Petitioner, City of Hammond by and through their attorneys, David Westland, respectfully request 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 22,690 square foot portion of Forsyth Square:

That part of the dedicated Right of Way of Forsyth Square in the Northeast Quarter of Section 12, Township 37 North, Range 10 West of the Second Principal Meridian, City of Hammond, Lake County, Indiana, lying within the said Forsyth Square as shown in the Forsyth Water Gardens in the City of Hammond, as per plat thereof recorded in Plat Book 14, Page 19 in the Office of the Recorder, Lake County, Indiana, more particularly described as follows: commencing at the Northeast corner of Block 3 in said Forsyth Water Gardens; thence South 89 degrees 31 minutes 23 seconds East along the Easterly extension of the Southerly Right-of Way line of 119th Street as shown in said Forsyth Water Gardens, a distance of 44.00 feet to the Point of Beginning; thence South 89 degrees 31 minutes 23 seconds East continuing along said Easterly extension, a distance of 80.50 feet to a point 55.50 feet West of the Easterly Right-of-Way line of Warwick Avenue as shown in said Forsyth Water Garden; thence South 25 degrees 10 minutes 33 seconds East, a distance of 10.39 feet to a point 51.00 feet West of the said Easterly Right-of-Way line; thence South 00 degrees 28 minutes 37 seconds West parallel with and 51.00 feet West of said Easterly Right-of-Way line, a distance of 253.50 feet; thence South 37 degrees 07 minutes 41 seconds West, a distance of 4.09 feet; thence South 88 degrees 56 minutes 03 seconds West, a distance of 82.59 feet to a point 44.00 feet East of the East line of said Block 3; thence North 00 degrees 28 minutes 37 seconds East parallel with and 44.00 feet East of the East line of said Block 3, a distance of 268.38 feet to the Point of Beginning, containing 22,690 Square Feet, 0.521 Acres more or less.

Respectfully submitted,

David Westland
Westland & Bennett PC
2929 Carlson Dr., Suite 300
Hammond, IN 46323
219-440-7550