

SPONSOR: Councilman Kalwinski

PETITIONED BY: Gateway Triangle Corp.

ORDINANCE NO. 9303

AN ORDINANCE VACATING A (164.27) foot portion of Public Alley located between 114<sup>th</sup> Street and Stanton Avenue, THE CITY OF HAMMOND, LAKE COUNTY, INDIANA.

WHEREAS, Gateway Triangle Corp is the fee simple owner of the following described real estate, to wit:

1411-15 Indianapolis Boulevard, Hammond, Indiana: Lots One (1), Two (2) and the Northwesterly Half in Block 2 of Lot Three (3) in Forsyth's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana. EXCEPTING therefrom that part of Lot 1 appropriated by the State of Indiana, as set out in judgment recorded November 16, 2006 as Document No. 2006 101524 and described as follows: A part of Lot 1, in Block 2 in Forsyth's Sheffield Subdivision to the City of Hammond, Indiana, the plot of which subdivision is recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana and being Parcel 112, Indiana Department of Transportation L.A. Code 4158, described as follows: Beginning at the Northwest corner of said lot; thence South 89°31'19" East, 4.179 meters (13.71 feet) along the North line of said lot; thence South 1°13'16" West, 5.065 meters (16.62 feet) to the Southwestern line of said lot; thence North 38°36'17" West, 6.524 meters (21.41 feet) along said Southwestern line to the point of beginning.

AND

1423 Indianapolis Boulevard, Hammond, Indiana: Southerly 25 feet of Lot Three (3) and all of Lots Four (4), and Five (5) in Block 2, in Forsyth's Sheffield Subdivision, in the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana.

AND

828 114<sup>th</sup> Street, Hammond, Indiana: Lot Twenty-four (24) in Block 2, in Forsyth's Sheffield Subdivision, in the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana

WHEREAS, a (164.27) foot portion of Public Alley located between 114<sup>th</sup> Street and Indianapolis Boulevard lies between the said lots described above, which (164.27) foot portion is more particularly described as follows:

That part of a 16.00 foot wide public alley in Block 2, Forsyth's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 1B in the Office of the Recorder of Lake County, Indiana, and being more particulary as follows: Commencing at the Northeast corner of Lot 24, Block 2, in Forsyth's Sheffield Subdivision; thence North 89°31'19" West along the South line of 114<sup>th</sup> Street a distance of 103.78 feet to the Northwest corner of said Lot 24, said point also being on the Easterly line of public alley and the Point of Beginning; thence South 37°26'18" East along said Easterly line a distance of 158.32 feet to the Southwest corner of said Lot 24; thence South 55°16'47" West 16.02 feet to the Westerly line of said public alley; thence North 37°26'18" West along said Westerly line a distance of 170.02 feet to the South line of said 114<sup>th</sup> Street; thence South 89°31'19" East 20.28 feet to the Point of Beginning. Containing 0.06 acres, more or less.

WHEREAS, Gateway Triangle Corp has filed a Petition for Vacation of an Alley with the Common Council of the City of Hammond, Lake County, Indiana, requesting vacation of a (164.27) foot portion of Public Alley; 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 (164.27) foot portion of Public Alley located in the City of Hammond, and more particularly described as follows:

That part of a 16.00 foot wide public alley in Block 2, Forsythia's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 1B in the Office of the Recorder of Lake County, Indiana, and being more particular1y as follows: Commencing at the Northeast comer of Lot 24, Block 2, in Forsythia's Sheffield Subdivision; thence North 89°31'19" West along the South line of 114th Street a distance of 103.78 feet to the Northwest comer of said Lot 24, said point also being on the Easterly line of public alley and the Point of Beginning; thence South 37°26'18" East along said Easterly line a distance of 158.32 feet to the Southwest comer of said Lot 24; thence South 55°16'47" West 16.02 feet to the Westerly line of said public alley; thence North 37°26'18" West along said Westerly line a distance of 170.02 feet to the South line of said 114th Street; thence South 89°31'19" East 20.28 feet to the Point of Beginning. Containing 0.06 acres, more or less.

and, therefore, the aforementioned (164.27) foot portion of Public Alley 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 Public Alley 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 23<sup>rd</sup> of June, 2015.

\_\_\_\_\_  
Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9303, consisting of three (3) pages, including this page was approved by the Mayor on the 24<sup>th</sup> day of June, 2015.

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

PASSED by the Common Council on the 22<sup>nd</sup> day of June, 2015 and approved by the Mayor on the 24<sup>th</sup> 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 GATEWAY TRIANGLE CORP )  
FOR VACATION OF AN ALLEY )

**PETITION FOR VACATION OF AN ALLEY**

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

Come now Petitioner, Gateway Triangle Corp and file with the Common Council  
of the City of Hammond, Lake County, Indiana this Petition for Vacation of an Alley, and  
in support thereof, show and state as follows:

1. That Petitioner, Gateway Triangle Corp is a duly organized limited liability  
company properly authorized to do business in the State of Indiana. Petitioner is  
represented in this proceeding by Luke Builds, LLC / 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:

1411-15 Indianapolis Boulevard, Hammond, Indiana: Lots One (1), Two (2) and the Northwesterly  
Half in Block 2 of Lot Three (3) in Forsyth's Sheffield Subdivision to the City of Hammond, as per plat  
thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana.  
EXCEPTING therefrom that part of Lot 1 appropriated by the State of Indiana, as set out in  
judgment recorded November 16, 2006 as Document No. 2006 101524 and described as follows:  
A part of Lot 1, in Block 2 in Forsyth's Sheffield Subdivision to the City of Hammond, Indiana, the  
plot of which subdivision is recorded in Plat Book 8, page 18 in the Office of the Recorder of  
Lake County, Indiana and being Parcel 112, Indiana Department of Transportation L.A. Code  
4158, described as follows: Beginning at the Northwest corner of said lot; thence South 89°31'19"  
East, 4.179 meters (13.71 feet) along the North line of said lot; thence South 1°13'16" West,  
5.065 meters (16.62 feet) to the Southwestern line of said lot; thence North 38°36'17" West, 6.524  
meters (21.41 feet) along said Southwestern line to the point of beginning.

AND

1423 Indianapolis Boulevard, Hammond, Indiana: Southerly 25 feet of Lot Three (3) and all of Lots  
Four (4), and Five (5) in Block 2, in Forsyth's Sheffield Subdivision, in the City of Hammond, as per  
plat thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County,  
Indiana.

AND

828 114<sup>th</sup> Street, Hammond, Indiana: Lot Twenty-four (24) in Block 2, in Forsyth's Sheffield Subdivision,  
in the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 18 in the Office of  
the Recorder of Lake County, Indiana.

3. That Petitioner requests the vacation of a (164.27) foot portion of Public Alley located between 114<sup>th</sup> Street and Indianapolis Boulevard, which portion of the Public Alley is more particularly described as follows:

That part of a 16.00 foot wide public alley in Block 2, Forsyth's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 1B in the Office of the Recorder of Lake County, Indiana, and being more particularly as follows: Commencing at the Northeast corner of Lot 24, Block 2, in Forsyth's Sheffield Subdivision; thence North 89°31'19" West along the South line of 114th Street a distance of 103.78 feet to the Northwest corner of said Lot 24, said point also being on the Easterly line of public alley and the Point of Beginning; thence South 37°26'18" East along said Easterly line a distance of 158.32 feet to the Southwest corner of said Lot 24; thence South 55°16'47" West 16.02 feet to the Westerly line of said public alley; thence North 37°26'18" West along said Westerly line a distance of 170.02 feet to the South line of said 114th Street; thence South 89°31'19" East 20.28 feet to the Point of Beginning. Containing 0.06 acres, more or less.

4. That Petitioner respectfully requests vacation of a portion of the Public Alley as per Exhibit A, in order to provide new commercial retail, in conformance with all current and applicable laws and requirements, in the City of Hammond, Lake County, Indiana.

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

Gateway Triangle Corp  
3592 North Hobart Road  
Hobart, IN 46342

WHEREFORE, the Petitioner, Gateway Triangle Corp 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 (164.27) foot portion of Public Alley:

That part of a 16.00 foot wide public alley in Block 2, Forsythia's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 1B in the Office of the Recorder of Lake County, Indiana, and being more particularly as follows: Commencing at the Northeast corner of Lot 24, Block 2, in Forsythia's Sheffield Subdivision; thence North 89°31'19" West along the South line of 114th Street a distance of 103.78 feet to the Northwest corner of said Lot 24, said point also being on the Easterly line of public alley and the Point of Beginning; thence South 37°26'18" East along said Easterly line a distance of 158.32 feet to the Southwest corner of said Lot 24; thence South 55°16'47" West 16.02 feet to the Westerly line of said public alley; thence North 37°26'18" West along said Westerly line a distance of 170.02 feet to the South line of said 114th Street; thence South 89°31'19" East 20.28 feet to the Point of Beginning. Containing 0.06 acres, more or less.

Respectfully submitted,

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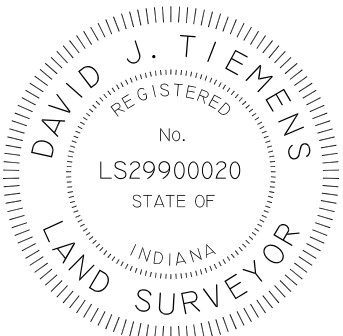
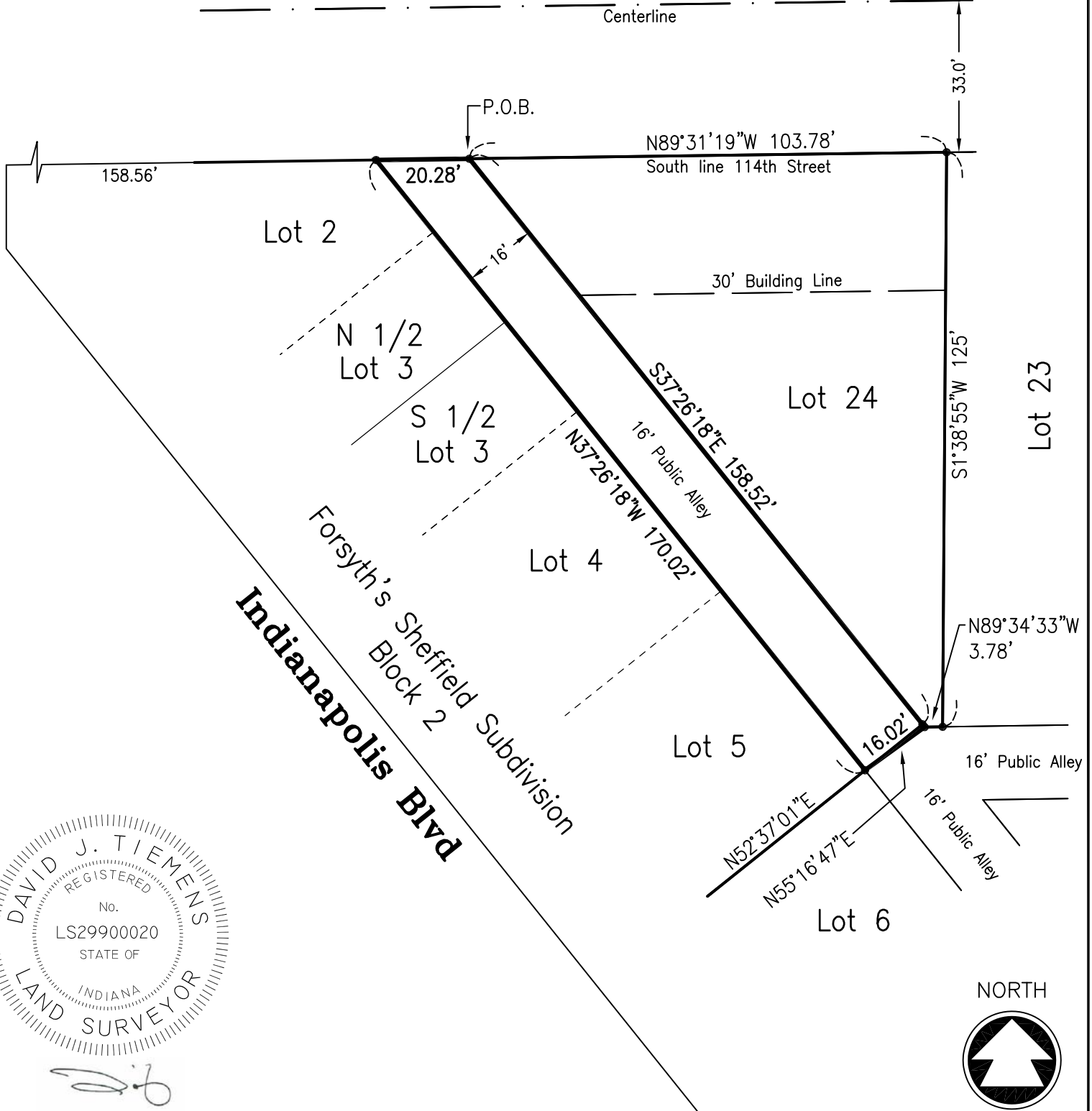
*Daniel J. Tursman*  
3580 N. Hobart Rd.  
Hobart, IN 46342  
(219) 962-7676

# Exhibit A

Legal Description:

That part of a 16.00 foot wide public alley in Block 2, Forsythia's Sheffield Subdivision to the City of Hammond, as per plat thereof, recorded in Plat Book 8, page 18 in the Office of the Recorder of Lake County, Indiana, and being more particularly as follows: Commencing at the Northeast corner of Lot 24, Block 2, in Forsythia's Sheffield Subdivision; thence North  $89^{\circ}31'19''$  West along the South line of 114th Street a distance of 103.78 feet to the Northwest corner of said Lot 24, said point also being on the Easterly line of public alley and the Point of Beginning; thence South  $37^{\circ}26'18''$  East along said Easterly line a distance of 158.32 feet to the Southwest corner of said Lot 24; thence South  $55^{\circ}16'47''$  West 16.02 feet to the Westerly line of said public alley; thence North  $37^{\circ}26'18''$  West along said Westerly line a distance of 170.02 feet to the South line of said 114th Street; thence South  $89^{\circ}31'19''$  East 20.28 feet to the Point of Beginning. Containing 0.06 acres, more or less.

## 114th Street



*[Handwritten signature]*

SCALE: 1" = 30'	DATE: 4/30/2015	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: Alley Vacation		