

SPONSOR: Councilman Kalwinski

PETITIONED BY: Marina District Development, LLC

ORDINANCE NO. 9302

AN ORDINANCE VACATING A (276.68) FOOT PORTION OF 110<sup>th</sup> Street LYING BETWEEN 5<sup>th</sup> Avenue 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 45-02-01-201-001.000-023: PT. W1/2 NE1/4 LY'G SW'LY IND BLVD & N. OF 110<sup>TH</sup> & E'LY OF 5<sup>TH</sup> 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 5<sup>TH</sup> AVE & NW OF 112<sup>TH</sup> AVE. S.1 T37 R.10 Ex. R/W 9.493AC  
Commonly known as 1129 5<sup>th</sup> Avenue, Hammond, Indiana, 46326;

WHEREAS, a (276.68) foot portion of 110<sup>th</sup> Street lies between the said lots described above, which (276.68) foot portion is more particularly described as follows:

All that part of 110<sup>th</sup> Street being in the Northeast Quarter 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 intersection of the East line of 5<sup>th</sup> Avenue (a 66-foot street) and the North Line of 110<sup>th</sup> Street (a 66-foot street); thence South 89°08'45" East along the North line of said 110<sup>th</sup> Street a distance of 305.07 feet; thence South 06°22'15" West 21.29 feet; thence South 51°22'15" West 70.46 feet to the South line of said 110<sup>th</sup> Street; thence North 89°08'45" West along the South line of said 110<sup>th</sup> Street a distance of 248.29 feet to the East line of said 5<sup>th</sup> Avenue; thence North 00°32'59" East 66.00 feet to the Point of Beginning. Containing 0.43 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 (276.68) foot portion of 110<sup>th</sup> Street; 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 (276.68) foot portion of 110<sup>th</sup> Street located in the City of Hammond, and more particularly described as follows:

All that part of 110<sup>th</sup> Street being in the Northeast Quarter 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 intersection of the East line of 5<sup>th</sup> Avenue (a 66-foot street) and the North Line of 110<sup>th</sup> Street (a 66-foot street); thence South 89°08'45" East along the North line of said 110<sup>th</sup> Street a distance of 305.07 feet; thence South 06°22'15" West 21.29 feet; thence South 51°22'15" West 70.46 feet to the South line of said 110<sup>th</sup> Street; thence North 89°08'45" West along the South line of said 110<sup>th</sup> Street a distance of 248.29 feet to the East line of said 5<sup>th</sup> Avenue; thence North 00°32'59" East 66.00 feet to the Point of Beginning. Containing 0.43 acres, more or less.

and, therefore, the aforementioned (276.68) foot portion of 110<sup>th</sup> Street 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 110<sup>th</sup> Street 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. 9302, 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 MARINA DISTRICT DEVELOPMENT, LLC )  
FOR VACATION OF A STREET )

**PETITION FOR VACATION OF A PORTION OF 110<sup>th</sup> STREET**

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 45-02-01-201-001.000-023: PT. W1/2 NE1/4 LY'G SW'LY IND BLVD & N. OF  
110<sup>TH</sup> & E'LY OF 5<sup>TH</sup> 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 5<sup>TH</sup>  
AVE & NW OF 112<sup>TH</sup> AVE. S.1 T37 R.10 Ex. R/W 9.493AC  
Commonly known as 1129 5<sup>th</sup> Avenue, Hammond, Indiana, 46326;

2. That Petitioner requests the vacation of a (276.68) foot portion of 110<sup>th</sup> Street  
located between 5<sup>th</sup> Avenue and Indianapolis Boulevard, which portion of 110<sup>th</sup> Street is  
more particularly described as follows:

All that part of 110<sup>th</sup> Street being in the Northeast Quarter 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  
intersection of the East line of 5<sup>th</sup> Avenue (a 66-foot street) and the North Line of 110<sup>th</sup>  
Street (a 66-foot street); thence South 89°08'45" East along the North line of said 110<sup>th</sup>  
Street a distance of 305.07 feet; thence South 06°22'15" West 21.29 feet; thence South

51°22'15" West 70.46 feet to the South line of said 110<sup>th</sup> Street; thence North 89°08'45" West along the South line of said 110<sup>th</sup> Street a distance of 248.29 feet to the East line of said 5<sup>th</sup> Avenue; thence North 00°32'59" East 66.00 feet to the Point of Beginning. Containing 0.43 acres, more or less.

3. That Petitioner respectfully requests vacation of a portion of 110<sup>th</sup> Street as per Exhibit A, in order to provide new commercial development, 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 property notice of this Petition and are as follows:

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

WHEREFORE, the Petitioner, Marina District Development, LLC 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 (276.68) foot portion of 110<sup>th</sup> Street:

All that part of 110<sup>th</sup> Street being in the Northeast Quarter 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 intersection of the East line of 5<sup>th</sup> Avenue (a 66-foot street) and the North Line of 110<sup>th</sup> Street (a 66-foot street); thence South 89°08'45" East along the North line of said 110<sup>th</sup> Street a distance of 305.07 feet; thence South 06°22'15" West 21.29 feet; thence South 51°22'15" West 70.46 feet to the South line of said 110<sup>th</sup> Street; thence North 89°08'45" West along the South line of said 110<sup>th</sup> Street a distance of 248.29 feet to the East line of said 5<sup>th</sup> Avenue; thence North 00°32'59" East 66.00 feet to the Point of Beginning. Containing 0.43 acres, more or less.

Respectfully submitted,

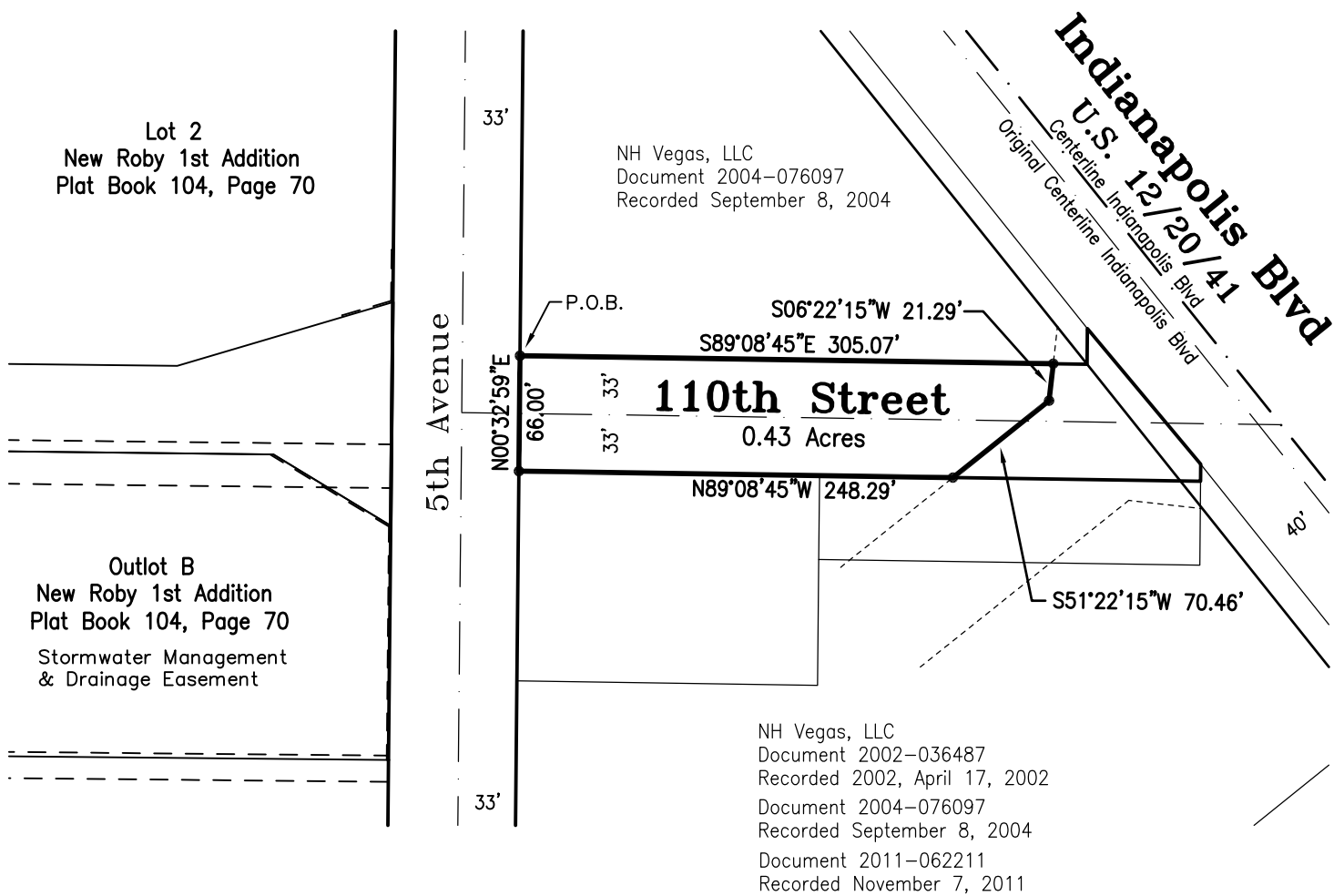
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*Daniel J. Tursman*  
3580 N. Hobart Rd.  
Hobart, IN 46342  
(219) 962-7676

# Exhibit A

Legal Description: 110th Street Vacation

All that part of 110th Street being in the Northeast Quarter 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 intersection of the East line of 5th Avenue (a 66-foot street) and the North line of 110th Street, (a 66-foot street); thence South 89°08'45" East along the North line of said 110th Street a distance of 305.07 feet; thence South 06°22'15" West 21.29 feet; thence South 51°22'15" West 70.46 feet to the South line of said 110th Street; thence North 89°08'45" West along the South line of said 110th Street a distance of 248.29 feet to the East line of said 5th Avenue; thence North 00°32'59" East 66.00 feet to the Point of Beginning. Containing 0.43 acres, more or less.



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: 110th Street Vacation	