

22-31

SPONSOR: Councilman Torres

PETITIONED BY: AURLP LLC-1

ORDINANCE NO 9563

AN ORDINANCE VACATING A PORTION OF A N-S ALLEY )  
EAST OF CALUMET AVENUE LYING WITHIN THE )  
4500 BLOCK AND WITHIN PETITIONER'S PROPERTY )  
IN BLOCK 10, IN TOWLE AND AVERY'S ADDITION )  
TO THE CITY OF HAMMOND IN THE CITY OF )  
HAMMOND, LAKE COUNTY, INDIANA. )

WHEREAS, AURLP LLC-1 is the fee simple owner of the following described real estate, to wit:

Lots 17 to 32 of Blocks 10 and Lots 17 to 32 of Blocks 11, in Towle and Avery's Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page 104, in the Office of the Recorder of Lake County, Indiana, and all that part of Cedar Avenue (a 15 foot wide public street right of way) lying East of Lots 17 to 23 in said Block 10 and West of Lots 26 to 32 in said Block 11, also a strip of Ground 1.80 feet by 33.01 feet lying East of and adjoining Lot 17, being part of the West half of Pine Avenue Vacated under Confirmatory Resolution No. 2034, by the board of Public Works and Safety of the City of Hammond, recorded June 23, 1955 in Deed Record 637, page 206.

Commonly Known as:

4535 Calumet Avenue, Hammond, Indiana

Parcel No. 45-03-30-306-001.000-023

WHEREAS, a 200-feet, 6-inch (200'06") portion of a N-S Alley in the 4500 Block, East of Calumet Avenue located entirely within Petitioner's Property in Block 10, which 200-feet, 6-inch portion is more particularly described as follows:

That part of a N/S Alley in Block 10 of Towle and Avery's Addition to the City of Hammond (a 15 foot wide public alley) lying East of Lots 25, 26, 27, 28, 29, 30, 31 and 32 and West of Lots 24, 23, 22, 21, 20, 19, 18 and 17 in Block 10, in Towle and Avery's Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page 104, in the Office of the Recorder of Lake County, Indiana.

WHEREAS, AURLP LLC-1 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 200-foot, 6-inch portion of a N-S Alley in the 4500 Block, East of Calumet 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 200-foot, 6-inch portion of a N-S Alley in the 4500 Block, East of Calumet Avenue located entirely within Petitioner's Property more particularly described (the "Vacated Alley"):

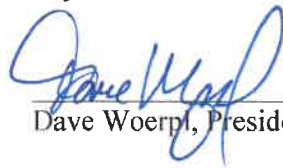
That part of a N/S Alley in the 4500 Block in Block 10 of Towle and Avery's Addition to the City of Hammond (a 15 foot wide public alley) lying East of Lots 25, 26, 27, 28, 29, 30, 31 and 32 and West of Lots 24, 23, 22, 21, 20, 19, 18 and 17 in Block 10, in Towle and Avery's Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page 104, in the Office of the Recorder of Lake County, Indiana.

and, therefore, the aforementioned 200-foot, 6-inch portion of the N-S Alley in the 4500 Block, East of Calumet Avenue is hereby vacated.

**BE IT FURTHER ORDAINED** that a building has existed for many years situated upon Lots 31, 30, 29, 28, 27, 26, 23, 22, 21, 20, 19 and 18 in Block 10 of Towle and Avery's Addition to the City of Hammond ("Existing Building Lots") and that, therefore, the Existing Building Lots are not subject to easement and, therefore, because there are no easement rights, the Existing Building Lots are not converted to a utility easement.

**BE IT FURTHER ORDAINED**, that portion of the Vacated Alley abutting Lots 32, 17, 25 and 24 in Block 10 of Towle and Avery's Addition to the City of Hammond, shall remain subject to easement rights 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 the Vacated Alley. Specifically, the Vacated Alley shall remain subject to the terms and provisions of a Pipeline Easement Agreement recorded with the Lake County, Indiana Recorder on September 1, 1966, as document 680165 and the terms and conditions of an Easement for Electric and Communications Lines to Northern Indiana Public Service Company recorded with the Lake County, Indiana Recorder on September 30, 1988, as document 833871.

**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 Woerpl, 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 13<sup>th</sup> of September, 2022.

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

The foregoing Ordinance No. 9563, consisting of four (4) pages, including this page was Approved by the Mayor on the 13<sup>th</sup> day of September, 2022.

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

PASSED by the Common Council on the 12<sup>th</sup> day of September, 2022 and Approved by the Mayor on the 13<sup>th</sup> day of September, 2022.

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

STATE OF INDIANA  
CITY OF HAMMOND, LAKE COUNTY, INDIANA

IN THE MATTER OF THE PETITION )  
OF AURLP LLC-1 )  
FOR VACATION OF A PORTION OF A N-S ALLEY )  
EAST OF CALUMET AVENUE LYING WITHIN THE )  
4500 BLOCK AND WITHIN PETITIONER'S PROPERTY )  
IN BLOCK 10, IN TOWLE AND AVERY'S ADDITION )  
TO THE CITY OF HAMMOND IN THE CITY OF )  
HAMMOND, LAKE COUNTY, INDIANA. )

**PETITION FOR VACATION OF A N-S ALLEY EAST OF CALUMET AVENUE**

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

Come now Petitioner, AURLP LLC-1, by counsel, Scott E. Yahne, and files with the  
Common Council of the City of Hammond, Lake County, Indiana this Petition for Vacation of a  
N-S Alley in the 4500 Block, East of Calumet Avenue, and in support thereof, show and state as  
follows:

1. That Petitioner, AURLP LLC-1 is a duly organized limited liability company  
properly authorized to do business in the State of Indiana. Petitioner is represented in this  
proceeding by Scott E. Yahne. 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 ("Petitioner's Property"):

Lots 17 to 32 of Blocks 10 and Lots 17 to 32 of Blocks 11, in Towle and Avery's  
Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page  
104, in the Office of the Recorder of Lake County, Indiana, and all that part of Cedar  
Avenue (a 15 foot wide public street right of way) lying East of Lots 17 to 23 in said  
Block 10 and West of Lots 26 to 32 in said Block 11, also a strip of Ground 1.80 feet by  
33.01 feet lying East of and adjoining Lot 17, being part of the West half of Pine Avenue  
Vacated under Confirmatory Resolution No. 2034, by the board of Public Works and  
Safety of the City of Hammond, recorded June 23, 1955 in Deed Record 637, page 206.

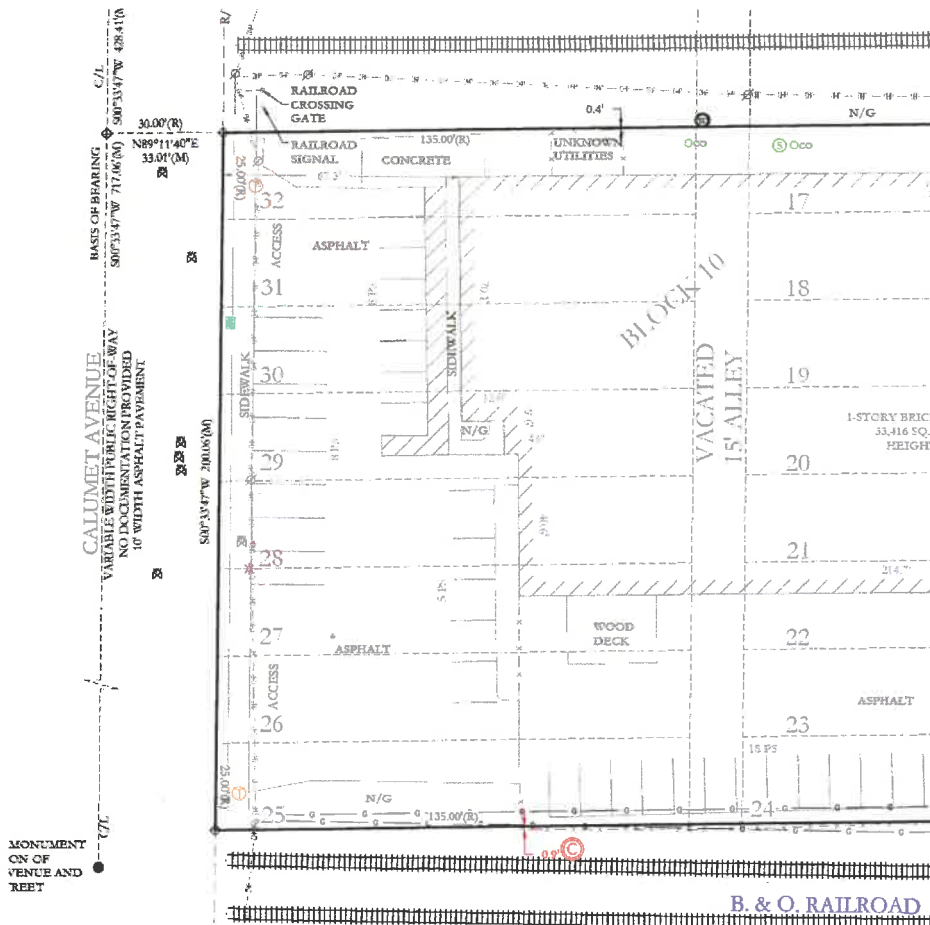
Commonly Known as:

4535 Calumet Avenue, Hammond, Indiana

Parcel No. 45-03-30-306-001.000-023

2. That Petitioner requests the vacation of a 200-foot, 6-inch (200'06") portion of a N-S Alley East of Calumet Avenue located in the 4500 Block entirely within Petitioner's Property more particularly described and graphically depicted (designated below as "Vacated 15' Alley"; although no record of vacation can be found) as follows ("Alley Segment"):

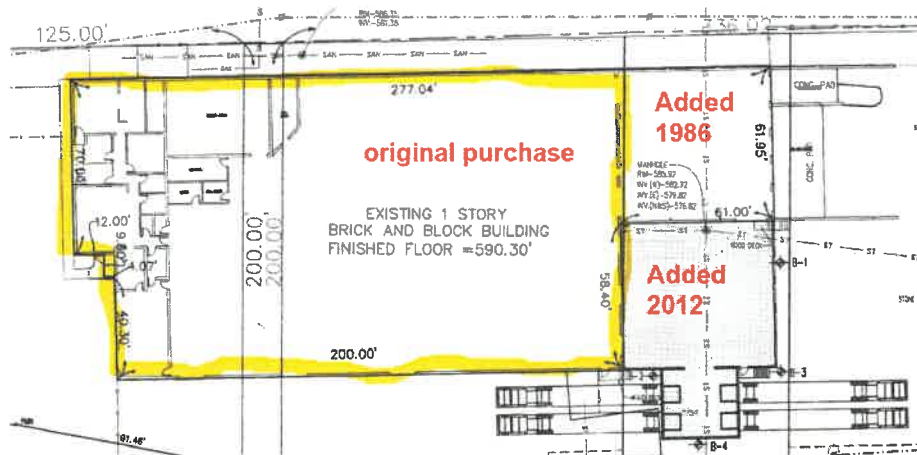
That part of a N/S Alley in Block 10 of Towle and Avery's Addition to the City of Hammond (a 15 foot wide public alley) lying East of Lots 25, 26, 27, 28, 29, 30, 31 and 32 and West of Lots 24, 23, 22, 21, 20, 19, 18 and 17 in Block 10, in Towle and Avery's Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page 104, in the Office of the Recorder of Lake County, Indiana.



3. That Petitioner respectfully requests vacation of Alley Segment in order to clarify the public record, as no written record can be located identifying vacation of the Alley Segment.

4. A companion alley located in Block 11 was vacated in Confirmatory Resolution No. 2034 adopted by the Board of Public Works and Safety of the City of Hammond, Lake County, Indiana on June 23, 1955, suggesting that the Alley Segment was vacated prior to that date, but no confirming record can be located.

5. Petitioner (through a predecessor) acquired Petitioner's Property in 1985 and in August of 1986 began to operate and maintain an industrial laundry business as Arrow Uniform in a building that is located upon the Alley Segment.



6. Petitioner's request to vacate is in conformance with all current and applicable laws and requirements, in the City of Hammond, Lake County, Indiana.

4. That Petitioner is the sole owner of the property adjacent to the proposed site of vacation.

WHEREFORE, the Petitioner AURLP LLC-1, by counsel, Scott E. Yahne, 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 200-foot, 6-inch (200'06") portion of a N-S Alley East of Calumet Avenue located entirely within Petitioner's Property more particularly described and graphically depicted (not vacated designation):

That part of a N/S Alley in Block 10 of Towle and Avery's Addition to the City of Hammond (a 15 foot wide public alley) lying East of Lots 25, 26, 27, 28, 29, 30, 31 and 32 and West of Lots 24, 23, 22, 21, 20, 19, 18 and 17 in Block 10, in Towle and Avery's Addition to the City of Hammond, as per plat thereof, Recorded in Plat Book 1, Page 104, in the Office of the Recorder of Lake County, Indiana.

YAHNE.LAW, PC

By: 

Scott E. Yahne

Indiana Attorney ID Number 16912-53  
9301 Calumet Avenue, Suite 2F  
Munster, IN 46321  
(219) 513-9892

Attorney for Petitioner,  
AURLP LLC-1