

22-32

SPONSOR: Councilman Torres

PETITIONED BY: AURLP LLC-1

ORDINANCE NO 956A

AN ORDINANCE VACATING A 25.0 FOOT PORTION OF THE 4500 BLOCK OF CEDAR AVENUE LYING WITHIN PETITIONER'S PROPERTY IN BLOCK 11, 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 66 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 25-foot (25'00") portion of the 4500 Block of Cedar Avenue located entirely within Petitioner's Property between Lot 24 and Lot 25 of Block 11, which 25-foot portion is more particularly described as follows:

All that part of Cedar Avenue (a 66 foot wide public street right-of-way) lying East of Lot 24 and West of Lot 25 in the 4500 Block in Block 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.

WHEREAS, AURLP LLC-1 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 25-foot portion of the 4500 Block of Cedar 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 25-foot portion of the 4500 Block of Cedar Avenue located entirely within Petitioner's Property more particularly described:

All that part of Cedar Avenue (a 66 foot wide public street right-of-way) lying East of Lot 24 and West of Lot 25 in the 4500 Block in Block 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, therefore, the aforementioned 25-foot portion of the 4500 Block of Cedar 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 Cedar 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.



Dave Woerpl, President

Attest:

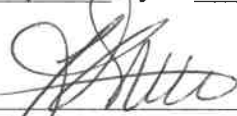

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 13th of September, 2022.



Robert J. Golec, City Clerk

The foregoing Ordinance No. 9564, consisting of three (3) pages, including this page was Approved by the Mayor on the 13th day of September 2022.



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

PASSED by the Common Council on the 12th day of September, 2022 and Approved by the Mayor on the 13th 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 THE 4500 BLOCK)
OF CEDAR AVENUE)

**PETITION FOR VACATION OF A PORTION OF
A PORTION OF THE 4500 BLOCK OF CEDAR 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
portion of THE 4500 Block of Cedar Avenue, and in support thereof, show and state as follows:

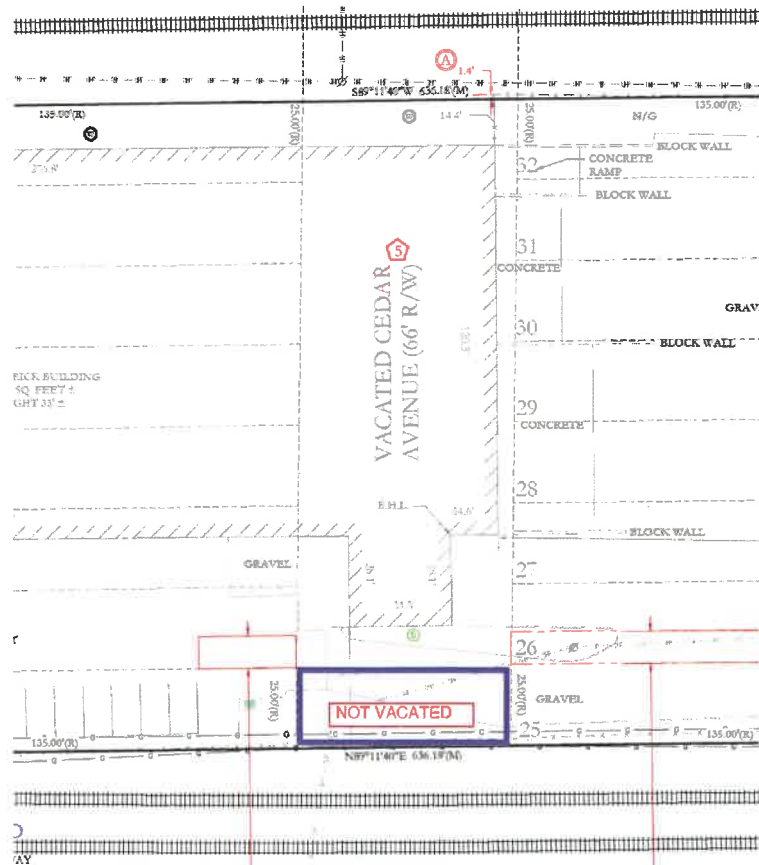
1. That Petitioner, AURLP LLC-1 is a duly organized limited liability company
properly authorized to do business in the State of Indiana. Petitioner is represented in this
proceeding by Scott E. Yahne. Petitioner represents that it is the fee simple owner of certain real
estate located within the City 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 66 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.

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

2. That Petitioner requests the vacation of a 25-foot (25'00") portion of Cedar Avenue located entirely within Petitioner's Property in the 4500 Block more particularly described and graphically depicted (not vacated designation) as follows ("Cedar Avenue Segment"):



All that part of Cedar Avenue (a 66 foot wide public street right-of-way) in the 4500 Block lying East of Lot 24 and West of Lot 25 in Block 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.

3. That Petitioner respectfully requests vacation of Cedar Avenue Segment in order to rectify a prior omission after discovering that Hammond Common Council Ordinance No. 4989, adopted on December 18, 1985, vacated Cedar Avenue immediately to the north of the Cedar Avenue Segment, but did not address the segment of Cedar Avenue adjacent to Lot 24 and Lot 25 of Block 11, in Towle and Avery's Addition to the City of Hammond. 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 25-foot portion of Cedar Avenue located entirely within Petitioner's Property more particularly described and graphically depicted (not vacated designation):

All that part of Cedar Avenue (a 66 foot wide public street right-of-way) lying East of Lot 24 and West of Lot 25 in the 4500 Block in Block 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.

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