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R-37  
RESOLUTION NO. 193-86

LAWYERS TITLE INS. CORP.  
7895 BROADWAY  
MERRILLVILLE, IN 46410

RESOLUTION OF THE CITY OF HAMMOND,  
DEPARTMENT OF REDEVELOPMENT

850785

WHEREAS, the Department of Housing and Urban Development of the United States of America (hereinafter referred to as "HUD") has acquired title, through foreclosure proceedings, to two parcels of real estate in the Turner Urban Renewal Area Number One;

WHEREAS, there exists possible defects and clouds in and to the title to the real estate by virtue of the existence of several documents recorded in the Lake County Recorder's office pertaining to the development of the Turner Urban Renewal Area by Turner Park Associates, the previous owner of the real estate;

WHEREAS, HUD and the City of Hammond, Department of Redevelopment desire to mutually release any covenants, conditions and obligations, arising out of the documents as described in the proposed Mutual Release attached hereto as Exhibit "A"

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
APR 23 2 20 PM '86  
RUDDOLPH CLAY  
RECORDER

NOW THEREFORE, the City of Hammond, Department of Redevelopment, acting by and through its Hammond Redevelopment Commission hereby resolves as follows:

1. The City of Hammond, Department of Redevelopment, acting by and through its Hammond Redevelopment Commission, authorizes its President and Secretary to execute the Mutual Release attached hereto as Exhibit "A".

This Resolution was approved and adopted by the City of Hammond, Department of Redevelopment at its regular meeting on the 1st day of April, 1986.

ATTEST:

*James Davis Sr.*  
JAMES DAVIS, SR., President

*Margaret Royce Galvin*  
MARGARET ROYCE GALVIN  
Secretary

FILED

APR 23 1986

*James O. ...*  
AUDITOR LAKE COUNTY

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I, Margaret Royce Galvin, Secretary of the Hammond Redevelopment Commission, hereby certify that the attached Resolution is a true and correct copy of the Resolution of the City of Hammond, Department of Redevelopment acting by and through its Hammond Redevelopment Commission adopted at a regular meeting of the Hammond Redevelopment Commission on the 1st day of April, 1986.

*Margaret Royce Galvin*  
MARGARET ROYCE GALVIN  
Secretary, Hammond Redevelopment  
Commission

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MUTUAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, in consideration of their mutual promises herein contained, hereby forever release and discharge each other, their successors and assigns, and all other persons, firms or corporations obligated, or who might be obligated, of and from any and all manner of obligations, duties, actions, causes of action, suits, accounts, contracts, debts, claims, and demands whatsoever, at law or in equity, however arising, for the past, present and future, including particularly, but not excluding generally, all matters referred to, including documents and laws referred to therein, in the Urban Renewal Plan ("Plan" herein), dated March 6, 1963, and recorded February 2, 1968, in Miscellaneous Record 965, Instrument No. 738343, pages 40 through 100, inclusive, in the office of the Recorder of Lake County Indiana, and contained in other documents hereinafter named, pertaining to the real estate which is described in "Exhibit A" attached hereto and made part hereof by reference ("Real Estate"); except, however, this mutual release does not release any provisions contained in said Urban Renewal Plan or other documents forbidding discrimination as to age, race, color, sex, religion or national origin.

In particular, but not to the exclusion of other matters generally, this release refers to recording pages 48 through 83, inclusive, of the Plan, which pages include a description of the Land Use Plan, the design and development objectives for the Land Use Plan, building restrictions in regard to the Real Estate shown on recording page 51 of the Plan (the area southwest of the intersection of Sohl Avenue and Michigan Street), the permanent and temporary standards for the relocation units, and the statements by Mr. Burroughs, Executive Director of the Urban Redevelopment Group, on recording page 91, dealing with many physical attributes of the then anticipated development of the units.

EXHIBIT "A"

This mutual release is occasioned by the fact that the undersigned Secretary of the United States Department of Housing and Urban Development is making arrangements for the conveyance and transfer of this Real Estate to a new owner and the new owner intends to operate the property within the general objectives of the Plan but with some non-significant modifications and variations, as follows:

The approximate 258 units in the two ten-story high rise buildings and the amenities thereto will be operated as a senior citizen community and the approximate 192 units in the two-story low rise buildings and related amenities will be operated for the benefit of other families, and for all such tenants pursuant to regulations of the Secretary of the United States Department of Housing and Urban Development ("Secretary" herein) as Section 8 Housing Assistance property.

In addition to said Plan, this release also covers terms and provisions, except for covenants restricting discrimination based on age, race, color, sex, religion or national origin, contained in the following documents and proceedings:

1. The documents and proceedings listed in "Exhibit B" attached hereto and made part hereof by reference, but not in limitation thereof.
2. Provisions of Trust Numbers 2708 and 2818 of the Mercantile National Bank of Indiana, as Trustee.
3. Contract for Sale of Land for Private Redevelopment entered into by and between the City of Hammond, Indiana, Department of Redevelopment, and Turner Park Associates, dated August 26, 1968, as amended, and all Parts thereof, and in particular, but not in limitation thereof, the requirements for timely filing a Certificate of Completion for Land Trust 2818.

The undersigned represent that the modifications and variations of the Plan referred to in the within Mutual Release have been approved by resolution of the City of Hammond Redevelopment Commission ("Commission" herein), as provided at

recording page 55 of the Plan; that no property or contractual rights vested in and by the effectuation of the Plan are believed to be owned by anyone other than the undersigned; and that, in any event, the proposed changes to be made by the next owner, as governed by the regulations of the Secretary, are not considered significant (within the context of Paragraph F on recording page 55 of the Plan) by the Commission.

This Mutual Release shall become effective when fully executed and acknowledged by the undersigned.

WITNESS our hands respectively, the dates shown below.

SECRETARY OF THE UNITED STATES  
DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

Date: \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Printed Name and Title

CITY OF HAMMOND, INDIANA  
DEPARTMENT OF REDEVELOPMENT

Date: \_\_\_\_\_

By \_\_\_\_\_  
James H. Davis, President

ATTEST: \_\_\_\_\_  
Margaret Royce Galvin,  
Secretary

STATE OF INDIANA )  
                          )  
COUNTY OF            )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, who being sworn upon his oath, acknowledged the execution of the foregoing Mutual Release for and on behalf of the Secretary of the United States Department of Housing and Urban Development for the uses and purposes therein set forth.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

My commission expires: \_\_\_\_\_  
\_\_\_\_\_  
Resident of \_\_\_\_\_ County

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Printed

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, a Notary Public in and for said County and State, personally appeared JAMES H. DAVIS, President, and Margaret Royce Galvin, Secretary, respectively, of the City of Hammond, Indiana, Department of Redevelopment, who, being duly sworn upon their oaths, acknowledged the execution of the foregoing Mutual Release for the uses and purposes therein set forth.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Printed

Resident of \_\_\_\_\_ County

Prepared by:  
Thomas A. Hendrickson  
HENRICKSON, TRAVIS, PANTZER & MILLER  
120 Monument Circle - Suite 240  
Indianapolis, IN 46204-2997  
(317) 632-4417

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, a Notary Public in and for said County and State, personally appeared THOMAS M. McDERMOTT, the Mayor of the City of Hammond, Indiana, who, being duly sworn upon his oath acknowledged the execution of the foregoing Mutual Release for the uses and purposes therein set forth.

WITNESS my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires

County of Residence:

Parcel 1:

That part of the Northeast quarter of Section 36, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, Lake County, Indiana, described as follows: Beginning at a point which lies on the Northerly right of way line of the Michigan Central Railroad, said point lying 50 feet West of the centerline of said quarter section (said centerline also being the centerline of the 100 foot wide Sohl Avenue), thence North 00 degrees 02 minutes 30 seconds West, a distance of 731.70 feet to a point on a line which is 65 feet Southwesterly by rectangular measurement, and parallel to the original centerline of Michigan Avenue; thence North 63 degrees 17 minutes 00 seconds West along said parallel line, a distance of 290.00 feet; thence South 26 degrees 43 minutes 00 seconds West, a distance of 195.00 feet; thence South 00 degrees 02 minutes 30 seconds East, a distance of 218.38 feet; thence South 12 degrees 15 minutes 16 seconds West, along the Westerly edge of the surface of an existing tennis court facility and said line extended a distance of 271.79 feet to a point which lies on the Northerly right of way line of the Michigan Central Railroad; thence South 63 degrees 15 minutes 45 seconds East, along said Northerly right of way line, a distance of 453.24 feet to the point of beginning.

Parcel 2:

A parcel of land lying in the Northeast quarter of Section 36, Township 37 North, Range 10 West of the Second Principal Meridian, being a part of Hammond, Lake County, Indiana and being more particularly described as commencing at a point on the Northerly right of way line of the Michigan Central Railroad and 50 foot West of the Centerline of the Northeast quarter of said Section 36, (said centerline also being the centerline of the 100 feet wide Sohl Avenue); thence North 63 degrees 15 minutes 45 seconds West along said Northerly right of way line, a distance of 453.24 feet to the point of beginning; thence North 12 degrees 15 minutes 16 seconds East along the Westerly edge of the surface of an existing tennis court facility, a distance of 271.79 feet; thence North 00 degrees 02 minutes 30 seconds West, a distance of 218.38 feet, thence North 26 degrees 43 minutes 00 seconds East, a distance of 195.00 feet to a point which is 65 feet Southwesterly by rectangular measurement and parallel to the original centerline of Michigan Avenue, thence North 63 degrees 17 minutes 00 seconds West along said parallel line, a distance of 782.70 feet; thence South 23 degrees 01 minutes 00 seconds West, a distance of 654.18 feet to the Northerly right of way line of the Michigan Central Railroad, thence South 63 degrees 15 minutes 45 seconds East along said Northerly right of way line, a distance of 906.76 feet to the point of beginning.

"EXHIBIT A"

(Part of Mutual Release of United States Department of Housing and Urban Development and City of Hammond, Indiana)

Description of documents referred to by Instrument No. (In the Office of the Recorder of Lake County, Indiana) on page 2 of Mutual Release:

- No. 33621 - Quitclaim Deed from City of Hammond, Department of Redevelopment (herein "CHDR") to Mercantile National Bank of Indiana (herein "MNBI") under Trust No. 2708 dated October 1, 1969 and recorded October 1, 1969.
- No. 33623 - Regulatory Agreement for Limited Distribution Mortgagor's Projects under Section 221(d)(3) of the National Housing Act, as amended, between MNBI under Trust 2708, Turner Park Associates, a general partnership; and Harold J. Green, Harvey M. Rawson, Jerome H. Gersom, Julius S. Yacker and Jack Jacobs and Mars Construction, Inc., their successors, heirs and assigns, jointly and severally.
- No. 35564 - Memorandum of Amendment of Regulatory Agreement Instrument Number 33623 listed above dated October 3, 1969 and recorded October 17, 1969.
- No. 43664 - Affidavit of Turner Park Associates, a general partnership, dated September 29, 1969 and recorded January 2, 1970.
- No. 44356 - Authorizing resolution and agreement between CHDR and the Housing Authority of the City of Hammond (herein "HAH") dated respectively September 16 and October 30, 1969 and recorded January 6, 1970.
- No. 68998 - Memorandum of Amendment amending Instrument No. 35564, dated July 31, 1970 and recorded August 18, 1970.
- No. 72155 - Quitclaim Deed from CHDR to MNBI under Trust No. 2818 dated September 8, 1970 and recorded September 15, 1970.
- No. 72157 - Regulatory Agreement dated September 1, 1970 and recorded September 15, 1970.
- No. 167769 - Resolution No. 386 - Conveyance in Trust by HAH to MNBI, recorded September 21, 1972 and referring to contract between HAH and United States of America (herein "USA"), dated March 17, 1972 for loan and annual contributions by USA.

Bankruptcy filed by the Meadows Apartments, Turner Park Associates, Phase II, in Cause Numbers 83-61766 and 83-61767.

Foreclosure in Cause No. 83-553 in the United States District Court, United States of America v. Mercantile National Bank of Indiana, as Trustee, Under Trust No. 2708 and Turner Park Associates.

No. 804463 - United States Marshall's deed from J. Jerome Perkins, United States Marshall for the Northern District of Indiana, to the United States of America, for and on behalf of the Department of Housing and Urban Development, dated May 15, 1985 and recorded May 24, 1985.

No. 804464 - United States Marshall's deed from \_\_\_\_\_, United States Marshall for the Northern District of Indiana, to the United States of America, for and on behalf of the Department of Housing and Urban Development, dated \_\_\_\_\_ and recorded \_\_\_\_\_.