

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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98 JUL 16 PM 3:49
ORDINANCE 96-11

TOWN OF MERRILLVILLE, INDIANA
RECORDED

AN ORDINANCE VACATING AN UNDEVELOPED
STREET IN THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA

WHEREAS, Mercantile National Bank of Indiana, as Trustee has a petition to vacate a undeveloped street in the Town of Merrillville Indiana; and

WHEREAS, a Public Hearing has been held as required by Indiana code 36-7-3-12; and

WHEREAS, the Town Council of the Town of Merrillville has determined after said Public Hearing that the undeveloped street requested should be vacated:

NOW THEREFORE, BE IT ORDAINED, by the Town of Merrillville, to wit:

1. That the following described undeveloped street be vacated by the Town of Merrillville, to wit:

Holly Lane in Phase One of Broadfield Center as Shown In Plat Book 48, Page 82. (Detailed Description is Attached)

2. The Petitioner shall record the utility easements for all utilities currently in the undeveloped street and the vacation of the undeveloped street is conditional on the recordings of the utility easements in a form satisfactory to the utilities using the street.

3. The street vacation shall take effect immediately upon the recording of this Ordinance with the Recorder of Lake County and shall be delivered to the Auditor of Lake County for posting to the Auditor's records.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, this 23rd day of April, 1996.

Rick Bella

RICK BELLA, PRESIDENT

Randall J. Guernsey

RANDALL J. GUERNSEY

Andrew Sylwestrowicz

ANDREW SYLWESTROWICZ

Archie N. Owen

ARCHIE N. OWEN

David Mirich

DAVID MIRICH

Joe Petruich Sr.

JOE PETRUCH SR.

Joseph Shudick

JOSEPH SHUDICK

ATTEST:
John E. Petalas

JOHN E. PETALAS, CLERK-TREASURER

William Brant, Jr.
1947 Woodlawn Ave.
Griffith, IN 46319

FILED

JUL 16 1998

SAM ORLICH
AUDITOR LAKE COUNTY

001263

1700
Km

PETITION TO VACATE LOT, STREET AND/OR
ALLEY LOCATED IN THE TOWN OF MERRILLVILLE, LAKE COUNTY, IN.

TO: TOWN COUNCIL
TOWN OF MERRILLVILLE

The undersigned petitioners represent as follows:

1. That they own or are interested in lots or parts of lots in the Town of Merrillville and want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots described as follows:

VACATION OF HOLLY LANE IN PHASE ONE OF BROADFIELD CENTER AS SHOWN IN
PLAT BOOK 48, PAGE 82

2. That the circumstances of the case requiring the vacation of said lots or parts of lots is as follows:

ORIGINAL PLANNING CONCEPT HAS BEEN CHANGED AND MODIFIED DUE TO
WETLANDS.

3. That the names and addresses of all owners of land that abut the property proposed to be vacated are:

MERCANTILE NATIONAL BANK TRUST #3304	1947 WOODLAWN AVENUE, GRIFFITH, IN 46319
C/O BRANT COMPANIES	
_____ NAME	_____ ADDRESS

_____ NAME	_____ ADDRESS
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_____ NAME	_____ ADDRESS
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_____ NAME	_____ ADDRESS
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4. Your petitioners request that the Town Council of the Town of Merrillville pursuant to I.C. 36-7-3-12 give notice and hold a public hearing on this petition and grant such vacation.

SEE SIGNATURE PAGE ATTACHED

_____ PETITIONER	_____ ADDRESS
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_____ PETITIONER	_____ ADDRESS
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_____ PETITIONER	_____ ADDRESS
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_____ PETITIONER	_____ ADDRESS
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THIS PETITION TO VACATE LOT, STREET AND/OR ALLEY LOCATED IN THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, is executed by the undersigned Trustee, not personally, but solely as Trustee under the terms of that certain agreement dated the 17th day of January, 1975, creating Trust #3304; and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding that each and all of the covenants, undertakings, representations, agreements, and liabilities, herein made are made and intend, not as personal covenants, undertakings, representations, agreements, and liabilities, of the Trustee, individually, or for the purpose of binding it personally, but this instrument is executed and delivered by the MERCANTILE NATIONAL BANK OF INDIANA, AS TRUSTEE, solely in the exercise of the powers conferred upon it as such Trustee under said agreement and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforced against MERCANTILE NATIONAL BANK OF INDIANA, on account hereof, or on account of any covenant, undertaking, representation or agreement herein, either expressed or implied, all such personal liability, if any, being expressly waived and released by the parties hereto or holder hereof, and by all persons claiming by or through or under said parties or holder hereof.

Nothing contained herein shall be construed as creating any liability upon MERCANTILE NATIONAL BANK OF INDIANA, personally under the provisions of the Comprehensive Environmental Response, COMPENSATION and Liability Act (CERCLA) or the Indiana Responsible Property Transfer Law (the Act) as amended from time to time or any other Federal, State, or local law, rule or regulation. MERCANTILE NATIONAL BANK OF INDIANA, personally is not a "Transferor or Transferee" under the Act and makes no representations concerning any possible environmental defects. In making any warranty herein the Trustee is relying solely on information furnished to it by the beneficiaries and not of its own knowledge and specifically exculpates itself from any liabilities, responsibilities or damages as a result of including any warranty in this instrument.

Furthermore, the information contained in this instrument has been furnished the undersigned by the beneficiary/beneficiaries under aforesaid Trust and the statements made therein are made solely in reliance thereon and no responsibility is assumed by the undersigned in its individual capacity for the truth or accuracy of the facts herein stated.

IN WITNESS WHEREOF, said MERCANTILE NATIONAL BANK OF INDIANA, has caused its name to be signed to these presents by a Vice President and Trust Officer and its corporate seal hereunto affixed and attested by its Trust Account Representative the day and year first above written.

MERCANTILE NATIONAL BANK OF INDIANA, AS TRUSTEE
 AFORESAID AND NOT PERSONALLY,

BY: David L. Forbes
 David L. Forbes, Vice-President and
 Trust Officer

ATTEST:

Christopher W. Yugo
 Christopher W. Yugo, Trust Account
 Representative

STATE OF INDIANA)
) SS:
 COUNTY OF LAKE)

I, Arlene Banta, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that David L. Forbes and Christopher W. Yugo of the Mercantile National Bank of Indiana, a National Banking Association, personally known to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer and Trust Account Representative respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary acts, and as the free and voluntary act of said National Banking Association, as Trustee, for the uses and purposes therein set forth; and the Christopher W. Yugo did also then and there acknowledge that he, as custodian of the corporate seal of said National Banking Association, did affix the said corporate seal of said National Banking Association to said instrument as his own free and voluntary act, and as the free and voluntary act of said National Banking Association, as Trustee, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 18th day of November, 1994.

Arlene Banta
 Arlene Banta Notary Public

My Commission Expires: April 16, 1996
 Resident of Lake County

Torrenga Engineering, Inc.

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS

907 RIDGE ROAD

MUNSTER, INDIANA 46321

Office (219) 836-8918

Fax (219) 836-1138

DESCRIPTION FOR VACATION OF HOLLY LANE

IN PHASE ONE OF BROADFIELD CENTER

AS SHOWN IN PLAT BOOK 48, PAGE 82

DESCRIPTION: Part of the Southwest Quarter of Section 27, Township 35 North, Range 8 West of the Second Principal Meridian in the Town of Merrillville, Lake County, Indiana, being a strip of land 80.00 feet wide, which is more particularly described as follows: Commencing at the Southwest corner of said Section 27; thence South 89° 32' 13" East, along the South line of said Section 27, a distance of 1557.49 feet; thence North 00° 00' 00" East, a distance of 308.08 feet; thence North 90° 00' 00" East, a distance of 40.00 feet; thence Northerly along a curve, being concave to the West and having a radius of 440.00 feet, an arc distance of 374.64 feet to the point of beginning; thence continuing along said curve an arc distance of 80.11 feet; thence North 36° 00' 00" East, a distance of 111.82 feet to a point of curve; thence Northeasterly along said curve being concave to the Southeast and having a radius of 540.00 feet, an arc distance of 376.99 feet; thence North 76° 00' 00" East, a distance of 150.00 feet to a point of curve; thence Northeasterly along said curve being concave to the Northwest and having a radius of 360.00 feet, an arc distance of 411.17 feet; thence North 10° 33' 36" East, a distance of 113.77 feet, to a point of curve; thence Northeasterly, along said curve being concave to the Southeast and having a radius of 490.00 feet, an arc distance of 416.98 feet; thence North 26° 00' 00" West, a distance of 51.64 feet to a point of curve; thence Northwesterly along said curve being concave to the Southwest and having a radius of 885.00 feet, an arc distance of 135.08 feet; thence Southeasterly, along a curve being concave to the Northeast and having a radius of 790.00 feet, an arc distance of 192.19 feet; thence Easterly along a curve being concave to the South and having a radius of 490.00 feet, an arc distance of 306.24 feet; thence South 80° 00' 00" East, a distance of 200.00 feet to a point of curve; thence Northerly along said curve being concave to the West and having a radius of 260.00 feet, an arc distance of 555.34 feet; thence Westerly, Northerly, and Easterly along a curve being concave to the East and having a radius of 100.00 feet, an arc distance of 471.24 feet to a point of compound curvature; thence Southwesterly along a curve being concave to the Northwest and having a radius of 340.00 feet an arc distance of 860.45 feet; thence North 80° 00' 00" West, a distance of 200.00 feet to a point of curvature; thence Southwesterly along said curve being concave to the Southeast and having a radius of 410.00 feet, an arc distance of 640.02 feet; thence South 10° 33' 36" West, a distance of 113.77 feet to a point of curvature; thence Southwesterly along said curve being concave to the Northwest having a radius of 440.00 feet, an arc distance of 502.55 feet; thence South 76° 00' 00" West, a distance of 150.00 feet to a point of curvature; thence Southwesterly along said curve, being concave to the Southeast and having a radius of 460.00 feet an arc distance of 321.14 feet; thence South 36° 00' 00" West, a distance of 111.82 feet to the point of beginning, all in the Town of Merrillville, Lake County, Indiana.

