

SPONSOR: Mc Kinley Nutall

ORDINANCE NUMBER 7946

**AN ORDINANCE VACATING
A PORTION OF KENWOOD STREET**

96-180

WHEREAS, Jill Rosenstein is the beneficial owner of the parcel of real property on which Calumet Auto Recycling Services is located (6205 Indianapolis Boulevard, Hammond, Indiana); and

WHEREAS, Jill Rosenstein is the purchaser, by recorded Real Estate Installment Contract (recorded December 27, 1995 as Document Number 95079304), of Lots 42, 43, 44 and 45 of Block Two, Steel Car Works Addition to the City of Hammond; and

WHEREAS, except for a non-vacated portion of Kenwood Street lying between said parcels, said parcels are adjacent to each other; and

WHEREAS, Jill Rosenstein desires that her Calumet Auto Recycling property and her Steel Car Works Addition property be contiguous and continuous, without interruption by said non-vacated portion of Kenwood Street, so that her Calumet Auto Recycling business can be expanded to the south to encompass her Steel Car Works Addition property; and

WHEREAS, except for the one-block-long portion of Kenwood Street proposed to be vacated by this ordinance, all of Kenwood Street east of Indianapolis Boulevard and west and east of Summer Street has already been vacated by two or more Hammond Board of Works Resolutions (numbers 2344 and 2089); and

WHEREAS, the remaining, non-vacated portion of Kenwood Street east of Indianapolis Boulevard serves only two purposes, to wit: it carries a NIPSCO utility line and it serves the City of Hammond as access from Sherman Street to the alley lying between Sherman and Summer Streets; and

WHEREAS, Jill Rosenstein and the contract sellers, Jose J. Garcia and Tamara Jo Saunders Garcia, have already dedicated to the City of Hammond a Temporary Alley Easement across Lot 43, Block Two, Steel Car Works Addition, for the City's access from Sherman Street to the alley lying between Sherman and Summer Streets; and

WHEREAS, Jill Rosenstein, by written agreement with the City of Hammond Board of Works (approved August 8, 1996 by the Board of Works), once she pays off her contract with the Garcias, becomes sole owner of the Steel Car Works Addition lots, and razes the house that currently occupies Lot 42, Block Two, Steel Car Works Addition, all of which shall occur in the first half of 1997, shall grant, deed and dedicate to the City of Hammond for a dedicated, permanent alley, the most southeasterly twenty feet (20') of Lot 42, to serve as the City's permanent access from Sherman Street to the alley lying between Sherman and Summer Streets; and

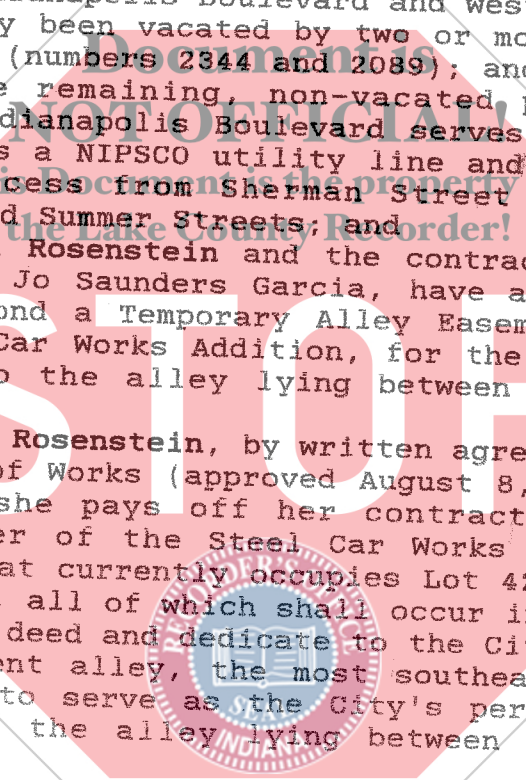
FILED

JAN 21 2005

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

000988

18.00
RM
CT



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WHEREAS, Jill Rosenstein has agreed to and shall install upon said dedicated alley across Lot 42 an initial stone or gravel base (to the approval of the City Engineer) for said parcel to serve its purpose as a dedicated alley; and

WHEREAS, Jill Rosenstein has agreed to and shall bear all costs for the demolition of the house on Lot 42, for the initial construction of the temporary alley on Lot 43 and the permanent alley on Lot 42, and all costs of deed preparation and grant of utility easement preparation; and

WHEREAS, Jill Rosenstein has agreed to and shall, once the pertinent portion of Kenwood Street has been vacated by the City and becomes her property, grant to NIPSCO a utility easement over and under a portion of vacated Kenwood Street sufficient for NIPSCO to maintain and operate its present or future utility lines, above ground or below ground, as NIPSCO may desire; and

WHEREAS, Jill Rosenstein agrees that, once the subject portion of Kenwood Street is vacated and once she has obtained from the City of Hammond Board of Zoning Appeals a Conditional Use Permit to use her new lots (Lots 42, 43, 44 and 45, Steel Car Works Addition) and vacated Kenwood Street for "scrap processing and/or storage," the same conditional use that she has for her parcel at 6205 Indianapolis Boulevard (Calumet Auto Recycling Services), she shall, pursuant to the Hammond Zoning Ordinance, install an eight-foot (8'), 100% obscure fence, to wit: an eight-foot chain link fence with vision-obscuring slats, around the perimeter of the newly acquired real estate; and

WHEREAS, the legal description of that part of Kenwood Street sought to be vacated hereby is as follows:

That part of Block Two of the Steel Car Works Addition to the City of Hammond that is designated "Kenwood Street," as shown in Plat Book 6, Page 20, in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Beginning at the westernmost point of Lot 45, Block Two, Steel Car Works Addition, where there is an iron bar set; thence north-northeasterly 8 feet to the iron bar set on the north line of said Lot 45, which is also the south line of the Kenwood Street right-of-way; thence east to the northwestern-most point of Lot 1, Block Two Steel Car Works Addition; thence northwesterly along a line that is the continuation of the southwest boundary line of Lots 1 through 19, Block Two Steel Car Works Addition, to a point on the north line of the Kenwood Street right-of-way; thence west to a point on said north line of the Kenwood Street right-of-way where the southwest boundary line of Lots 20 through 45, if continued northwesterly,

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would intersect said north line of the Kenwood Street right-of-way; thence southeasterly to the point of beginning.

WHEREAS, the Common Council of the City of Hammond, Indiana, upon investigation and hearing, in accordance with Indiana law, finds and determines that the proposed vacation would not hinder the growth or orderly development of the City of Hammond or the neighborhood in which the proposed vacation is situated or to which it is contiguous; and

That adequate provisions have been proposed and made to continue utility lines in or to be placed in the proposed vacation; and

That adequate provisions have been proposed and made to continue access to any and all affected alleys; and

That the proposed vacation will not make access to the lands of any person by means of public way either difficult or inconvenient; and

That the proposed vacation will not in any manner hinder the public's access to any church, school, park, or other public building or place; and

That the proposed vacation will not hinder the use of a public way by the residents of 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 the previously non-vacated portion of Kenwood Street lying east of Indianapolis Boulevard and west of previously vacated Kenwood Street, to wit:

That part of Block Two of the Steel Car Works Addition to the City of Hammond that is designated "Kenwood Street," as shown in Plat Book 6, Page 20, in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Beginning at the westernmost point of Lot 45, Block 2 Steel Car Works Addition, where there is an iron bar set; thence north-northeasterly 8 feet to the iron bar set on the north line of said Lot 45, which is also the south line of the Kenwood Street right-of-way; thence east to the northwestern-most point of Lot 1, Block 2 Steel Car Works Addition; thence northwesterly along a line that is the continuation of the southwest boundary line of Lots 1 through 19, Block 2 Steel Car Works Addition, to a point on the north line of the Kenwood Street right-of-way; thence west to a point on said north line of the Kenwood Street right-of-way where the southwest boundary line of Lots 20 through 45, if continued northwesterly, would intersect said north line of the Kenwood Street right-of-way; thence southeasterly to the point of beginning;

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subject to the operation and maintenance of all easement rights and utility line rights for present and future utilities;

AND, THEREFORE, the aforesaid and afore-described Kenwood Street lying east of Indianapolis Boulevard is hereby vacated. The Clerk is directed to furnish a copy of this Ordinance to the Lake County Recorder, for recording, and to the Lake County Auditor, for taxing purposes.

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Hammond.

APPROVED AND PASSED this 25th day of November, 1996.

Edward G. Repay
EDWARD G. REPAY
President of the Common Council

ATTEST:

Gerald Bobos
GERALD BOBOS, City Clerk

SIGNED AND APPROVED by the Mayor on the 2nd day of December, 1996

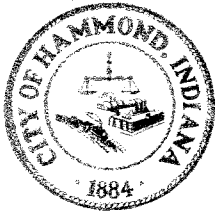
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Duane W. DeDelow, Jr.
HON. DUANE W. DEDELOW, JR.
Mayor, City of Hammond

CERTIFICATION BY THE CITY CLERK

Herein Ordinance was PASSED by the Common Council of the City of Hammond, Lake County, Indiana on the 25th day of November, 1996, and was presented to the Mayor of the City of Hammond, Lake County, Indiana, for his approval or rejection, and was APPROVED by the Mayor on the 2nd day of December, 1996.

Gerald Bobos
GERALD BOBOS



City of Hammond
ROBERT J. GOLEC
City Clerk

STATE OF INDIANA)
CLERK)
) SS: IN THE OFFICE OF THE CITY
COUNTY) CITY OF HAMMOND, LAKE
COUNTY OF LAKE) INDIANA

CERTIFICATION

I, ROBERT J. GOLEC, the duly elected CITY CLERK of the City of Hammond, Lake County, Indiana DO HEREBY CERTIFY that the attached is a full, true, correct and complete copy of the following Ordinance (s):

ORDINANCE NO. 7946

AN ORDINANCE VACATING A PORTION
OF KENWOOD STREET

I FURTHER CERTIFY that said Ordinance was duly passed by the Common Council of the City of Hammond, Indiana on the 25th day of November, 1996 and returned by the Mayor signed on the 2nd day of December, 1996 and is on file and a matter of record in the Office of the City Clerk of the City of Hammond, Indiana.

Dated this 18th day of January, 2005

ROBERT J. GOLEC, CITY CLERK
City of Hammond, Lake County, Indiana

(SEAL)



CHICAGO TITLE INSURANCE COMPANY
620047946

