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COUNCIL PENDING ORDINANCE NO. 2007-21
ORDINANCE NO. 8057
AMENDED
CERTIFICATION DATE _____

2007 028807

AN ORDINANCE FOR GRANTING A VACATION OF A PUBLIC WAY

WHEREAS, the Common Council of the City of Gary, Indiana now finds that the following vacation is not injurious to the public interest;

WHEREAS, the Common Council now finds that the alley sought to be vacated is not necessary to the growth or orderly development of the City of Gary; the vacation will not make access to the lands of others difficult or inconvenient; and the vacation will not hinder the public's access to a church, school, or other public buildings or places; and

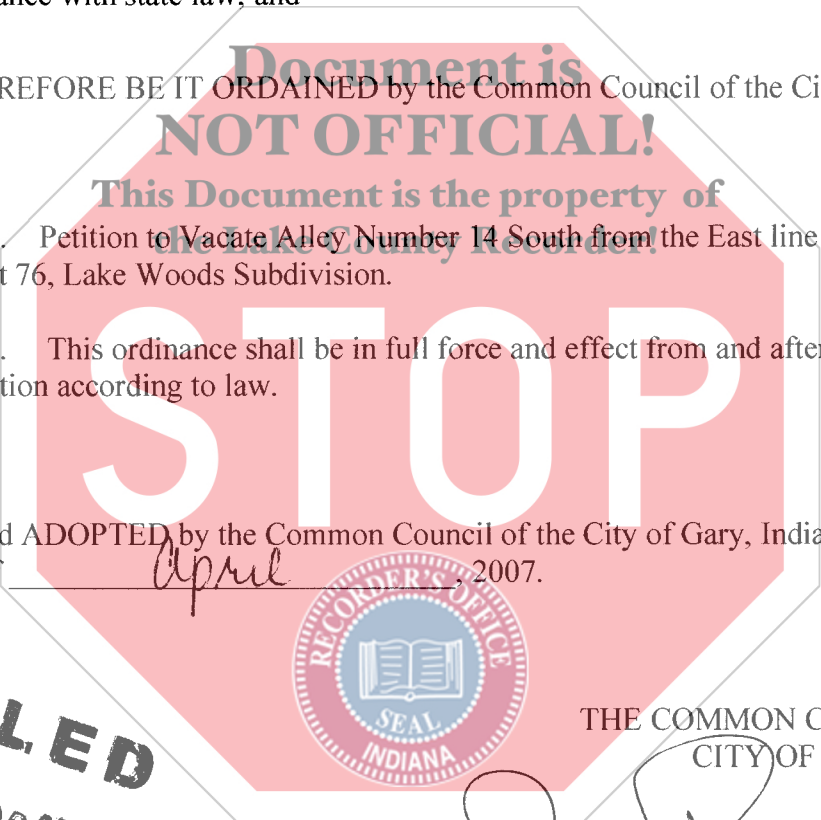
WHEREAS, due notice of this vacation has been given to the public and public hearing has been held in accordance with state law; and

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Gary, Indiana, as follows:

SECTION 1. Petition to Vacate Alley Number 14 South from the East line of Mount Street East 1133.08' to Lot 76, Lake Woods Subdivision.

SECTION 2. This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

PASSED and ADOPTED by the Common Council of the City of Gary, Indiana, on the 3rd day of April, 2007.



THE COMMON COUNCIL OF THE CITY OF GARY, INDIANA

[Signature]
PRESIDING OFFICER

FILED
APR 09 2007
PEGGY HOJINGA KATONA
LAKE COUNTY AUDITOR

ATTEST:
[Signature]
CITY CLERK

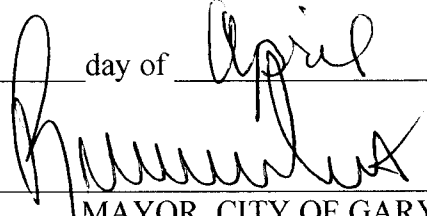
020732

\$ 22
all

PRESENTED by me to the Mayor for his approval and signature this 4th day of April, 2007.

[Signature]
CITY CLERK

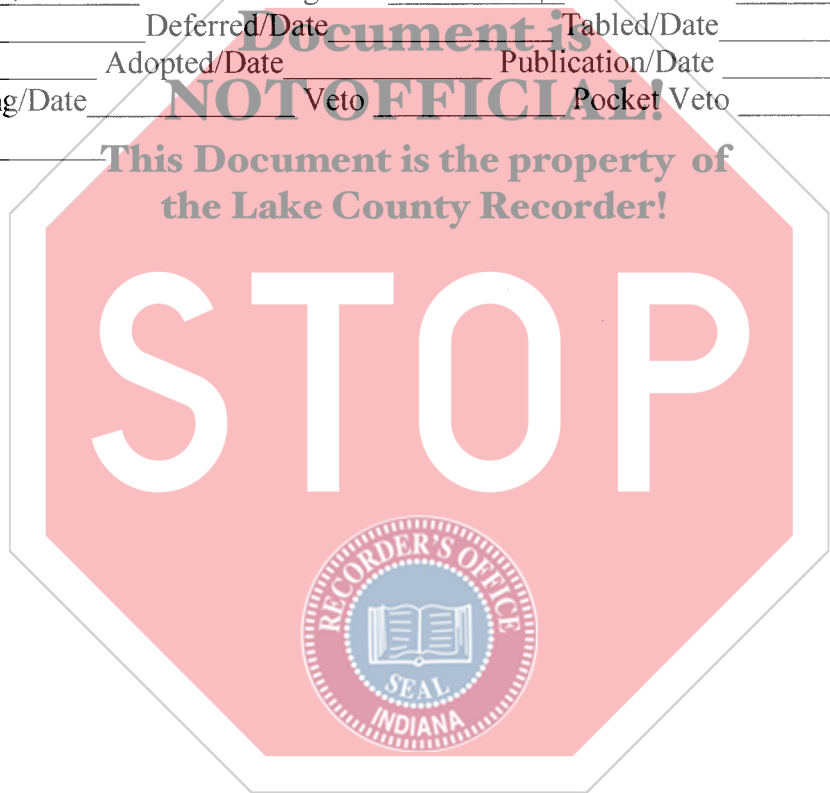
APPROVED and SIGNED by me this 4th day of April 2007.


MAYOR, CITY OF GARY, INDIANA

Petitioner: Charter Development Company, LLC, 3850 Broadmoor SE, Suite 201, Grand Rapids, MI

Prepared By: Gary City Clerk's Office (la)

COMMITTEE ASSIGNMENT Planning Dev. Reported-out/Date 3-6-2007 1st Reading/Date 3-6-2007
Committee Hearing/Date 3-15-07 2nd Reading/Date 3-6-07 Public Hearing/Date 4-3-07
3rd Reading/Date 4-3-07 Final Reading/Date 4-3-07 Passed/Date 4-3-07
Defeated/Date _____ Deferred/Date _____ Tabled/Date _____
Override/Date _____ Adopted/Date _____ Publication/Date _____
Community Hearing/Date _____ Veto _____ Pocket Veto _____
Adopted _____



NOTE: TO BE SUBMITTED IN 30 COPIES (TYPE OR PRINT) AND ACCOMPANIED BY A \$150.00 CHECK OR MONEY ORDER PAYABLE TO THE "CITY OF GARY CLERK'S OFFICE". ATTACH A SCALE DRAWING SHOWING THE PROPOSED VACATION AND OTHER PERTINENT INFORMATION.

NO. _____ DATE 2/6, 2007 QUIETUS NO. _____

TO: GARY CITY CLERK, STATE OF INDIANA

PETITION TO VACATE

(1) I (We) Charter Development Company, L.L.C., a Michigan limited liability company

(2) Of 3850 Broadmoor SE Grand Rapids, MI 49512 616-222-1700
 Address City/State Telephone

(3) Hereby petition to Vacate All of Alley No. 14 South (unimproved) between Mount Street and Clark Road

(4) Name and Address of Abutting Property Owners:

	Concur	Not Concur
Lake County Trust Company, as Trustee under the provisions of a Trust Agreement dated 12/6/57, known as Trust No. 205 * <u>1300 Clark Road</u> <u>Gary, IN 46406</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signature _____ Address _____ <i>Elaine M. Sievers</i>	<input type="checkbox"/>	<input type="checkbox"/>
Signature _____ Address _____ ELAINE M. SIEVERS TRUST OFFICER	<input type="checkbox"/>	<input type="checkbox"/>
* See next page for Trustee's Exculpation	<input type="checkbox"/>	<input type="checkbox"/>
Signature _____ Address _____	<input type="checkbox"/>	<input type="checkbox"/>
Signature _____ Address _____	<input type="checkbox"/>	<input type="checkbox"/>

(5) Proposed method of providing for utilities and/or public services if vacation is granted. Alley No. 14 South is surrounded by property owned by Trust No. 205, or by public roads. We request the alley be vacated and the land added to Trust No. 205's main parcel to become one contiguous parcel. The utilities and/or public services will be provided to the vacated land as part of the main parcel.

(6) Reason for requested vacation: The western portion of the Trust No. 205 parcel is being sold for the development of a K-8 charter school. The alley needs to be vacated to allow the site to be developed.

(7) Will requested vacation necessitate Rezoning of Public Right-of-Way
 Yes _____ No X

If Yes, Petitioner must make Application for Rezoning

(8) Describe the potential economic impact if petition is approved: The construction and on-going maintenance of the K-8 school will bring construction and service jobs to the area; operation of the school will require the hiring of teachers, administrators and support staff; and, as a for-profit school, property taxes will be paid.

(9) Signature of: Petitioner Mark DeHaan

Owner ** Elaine M. Sievers LAKE COUNTY TRUST COMPANY
 Name TRUST OFFICER

Address _____

** See next page for Trustee's Exculpation

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against LAKE COUNTY TRUST COMPANY on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

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Nothing contained herein shall be construed as creating an liability on LAKE COUNTY TRUST COMPANY, 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. LAKE COUNTY TRUST COMPANY 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.

The information contained in this instrument has been furnished the undersigned by the 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, LAKE COUNTY TRUST COMPANY, not personally but as Trustee as aforesaid, has caused these presents to be signed by its Trust Officer this 24th day of January, 2007.

LAKE COUNTY TRUST COMPANY, not personally but as Trustee under the provisions of a Trust Agreement dated December 6, 1957, and known as Trust No. 205

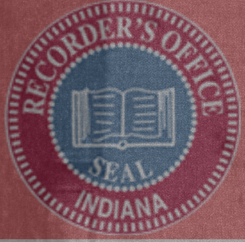
BY: 
Elaine M. Sievers, Trust Officer



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STOP



**ATTACHMENT TO
PETITION TO VACATE**

Mount Street

S 00°08'01" W 598.22'

15th Avenue

AVE

SUBDIVISION

13th Avenue

12th Avenue
LAKE AVE

S 89°14'43" E 680.37'

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STOP



N 00°08'49" E 599.06'

N 00°08'49" E 599.06'

N 00°08'49" E 371.41'

S 89°50'24" E 472.25'

S 89°50'24" E 597.25'

N 00°09'36" E 100.00'

100.00'

CLARK Street

Clark Street

ATTACHMENT TO
PETITION TO VACATE