

2016 053630

2016 AUG -5 AM 10: 00

MICHAEL B. BROWN  
RECORDER

Parcel Nos. 45-03-08-151-005.000-025  
45-03-08-151-006.000-025

8

**EASEMENT ENCROACHMENT LICENSE**

THIS AGREEMENT, by and between the City of Whiting, a municipal corporation (hereinafter referred to as "the Grantor"), and **Abel Corral, Sr., Paula Corral, Abel Corral Jr., and Veronica Corral, as Joint Tenants with Rights of Survivorship**, owners of property located at 1612 – 119<sup>th</sup> Street, Whiting, Indiana (hereinafter referred to as "the Grantee").

**RECITALS**

1. Grantee is the owner of the following described real estate:

Part of the Southwest ¼ of the Northwest ¼ of Section 8, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Whiting, Lake County, Indiana, more particularly described as follows: Commencing at a point 26 feet South and 147.9 feet East from the Northwest corner of the Southwest ¼ of the Northwest ¼ of said Section; thence East 25 feet; thence South parallel with the right of way of the Chicago and Calumet Terminal Railroad 125 feet; thence West 25 feet; thence North 125 feet to the place of beginning.

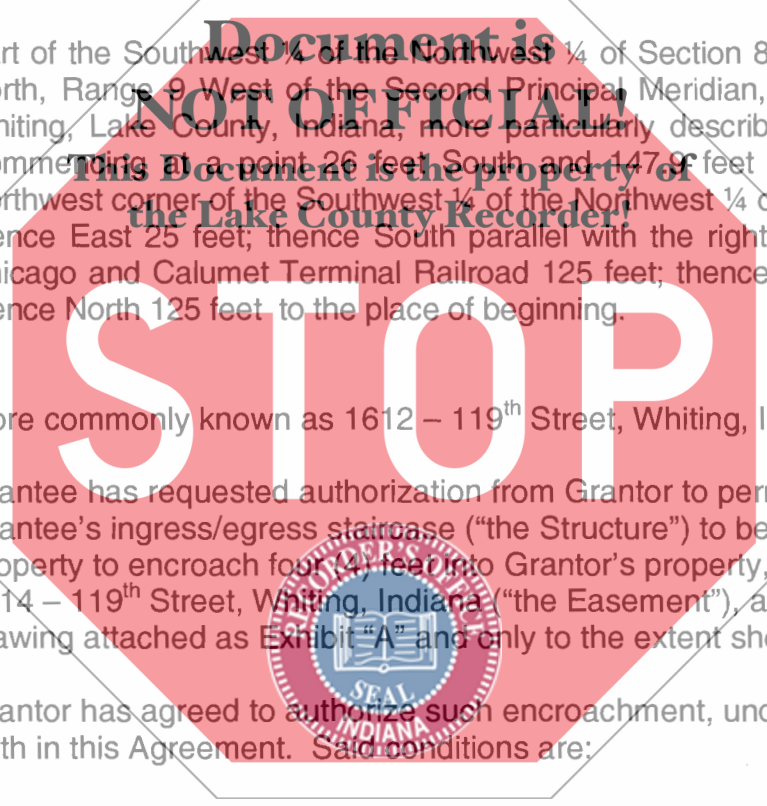
More commonly known as 1612 – 119<sup>th</sup> Street, Whiting, Indiana.

2. Grantee has requested authorization from Grantor to permit a portion of the Grantee's ingress/egress staircase ("the Structure") to be constructed on the Property to encroach four (4) feet into Grantor's property, commonly known as 1614 – 119<sup>th</sup> Street, Whiting, Indiana ("the Easement"), as shown on the drawing attached as Exhibit "A" and only to the extent shown.

Grantor has agreed to authorize such encroachment, under the conditions set forth in this Agreement. Said conditions are:

a. Grantee will maintain the staircase in accordance with all applicable city ordinances and building codes.

**FILED**  
AUG 05 2016  
JOHN E. BETALAS  
LAKE COUNTY AUDITOR



NO SALES DISCLOSURE NEEDED

**014436**

225  
CASH  
DL

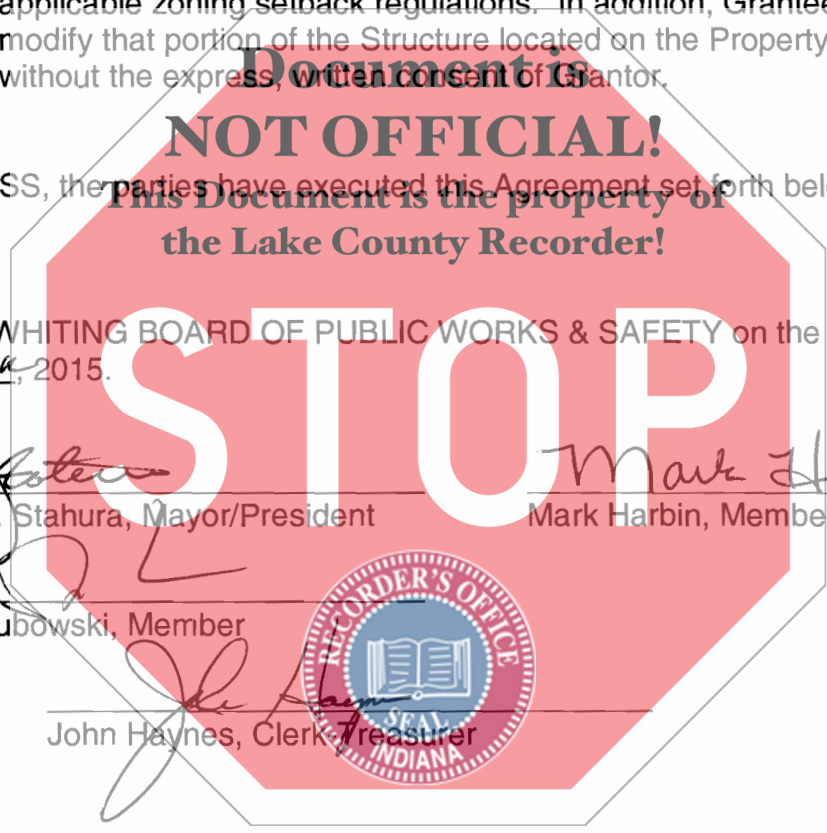
Approved Assessor's Office

1

By:

- b. Grantee will indemnify and hold harmless the City of Whiting, its officers, employees and agents from any damage or injury which may result from the encroachment.
- 4. Grantor does by this means license and permit Grantee's encroachment of the Structure to be located on the Property, into the Easement, without monetary consideration, so long as such encroachment conforms to the Grantor's specified conditions. Grantee acknowledges that Grantee, under Indiana law, acquires no prescriptive rights by virtue of this License.
- 5. Grantee and Grantee's heirs, successors, and assigns, shall hold Grantor harmless and indemnify Grantor from any and all claims or demands, should Grantor exercise its right reserved by this Agreement to come upon the Easement to install, maintain, or replace any water, sewer, drainage, street, sidewalk, parkway, or other public utilities, or for any other public purpose. Also, if that portion of the Structure located on the Property which causes the encroachment, is ever demolished or destroyed, then this License shall terminate and be of no further force or effect. Any construction on the Property after termination of the Licenses shall be built in full compliance with the applicable zoning setback regulations. In addition, Grantee shall not expand or modify that portion of the Structure located on the Property, into the Easement, without the express, written consent of Grantor.

IN WITNESS, the parties have executed this Agreement set forth below:



CITY OF WHITING BOARD OF PUBLIC WORKS & SAFETY on the 15<sup>th</sup> day of December, 2015.

[Signature]  
Joseph M. Stahura, Mayor/President

[Signature]  
Mark Harbin, Member

[Signature]  
Marty Jakubowski, Member

ATTEST: [Signature]  
John Haynes, Clerk/Treasurer



GRANTEE on the 10<sup>th</sup> day of December, 2015.

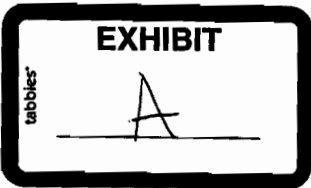
Abel Corral Sr  
Abel Corral, Sr., Grantee

Paula Corral  
Paula Corral, Grantee

Abel Corral Jr  
Abel Corral, Jr., Grantee

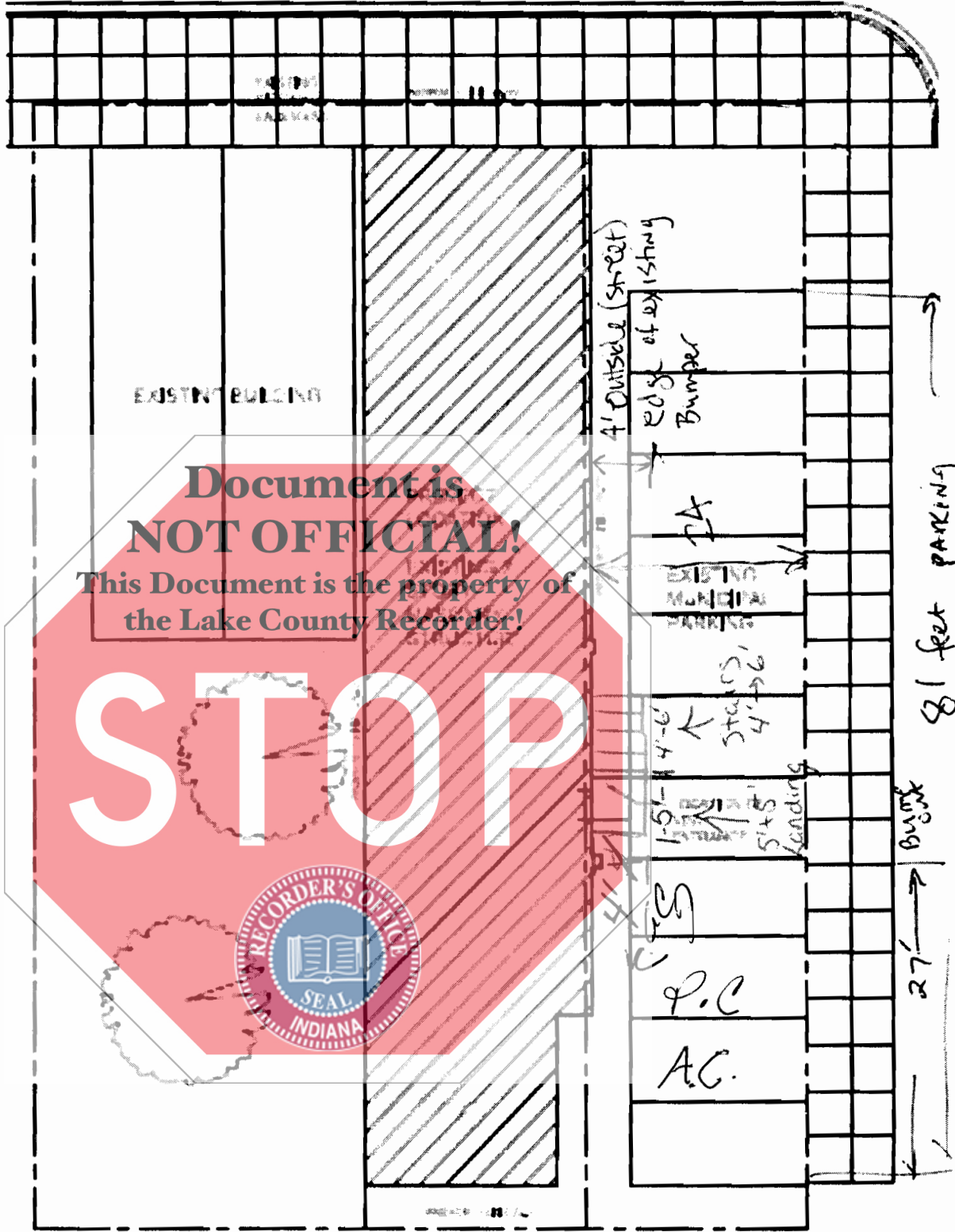
Veronica Corral  
Veronica Corral





Lake front  
Patrol Cars  
17.5"

113TH STREET



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STOP



PUBLIC ALLEY WAY

708-259-3499

81 feet PARKING

27' BUCK

PETITION

The State of Indiana

SS:

County of Lake

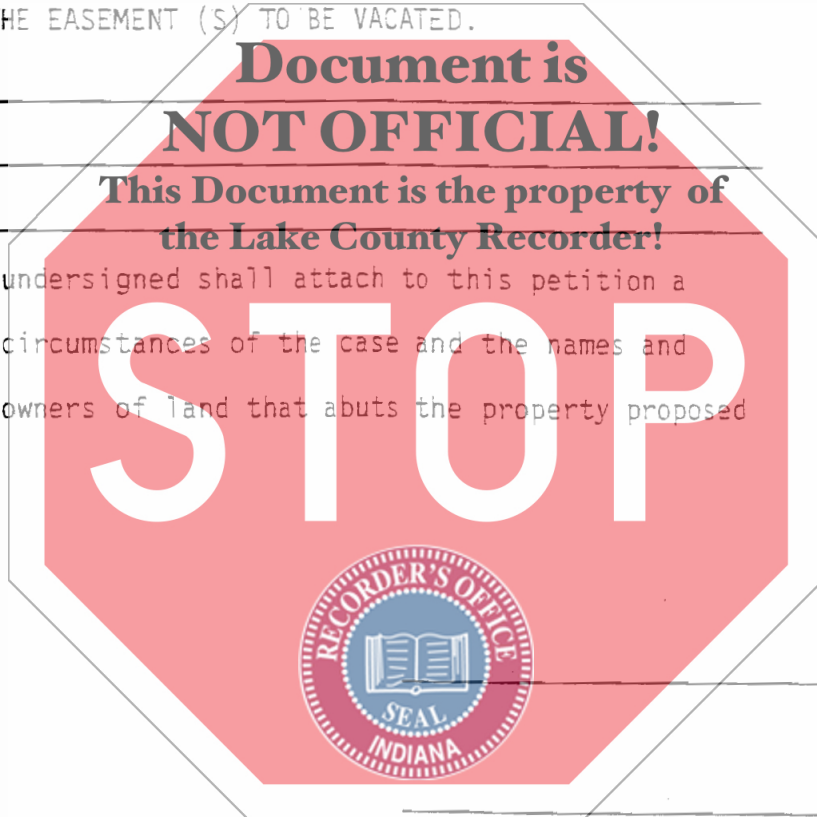
To the Honorable Lake County Council. The undersigned petitioners own or are interested in lots or parts of lots and want to vacate all or part of (a public way, public place, or platted easement) PLATTED EASEMENT

in or contiguous to those lots or parts of lots, legally described as follows: PLEASE REFER TO ATTACHMENTS WHICH PROVIDED THE LEGAL DESCRIPTIONS OF THE EASEMENT (S) TO BE VACATED.

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Further, the undersigned shall attach to this petition a statement of the circumstances of the case and the names and addresses of all owners of land that abuts the property proposed to be vacated.



petitioner(s)

ORDINANCE NO. 1015E-1

ORDINANCE AMENDING ORDINANCE NO. 1015E,  
ORDINANCE ESTABLISHING LAKE COUNTY ROAD REVIEW COMMISSION

WHEREAS, the Lake County Council did on November 12, 1985 adopt Ordinance No. 1015E, an Ordinance establishing the Lake County Road Review Commission; and

WHEREAS, subsequent to the adoption of Ordinance No. 1015E the State Legislature has enacted several statutes expanding the powers of the Lake County Council; and

WHEREAS, I.C. 36-7-3-12 requires the Lake County Council to hold public hearings on all Petitions requesting vacation of a public way or place; and

WHEREAS, I.C. 36-7-3-16 requires the Lake County Council to hold public hearings on all Petitions to vacate platted easements; and

WHEREAS, the Lake County Council desires that various county departments interested in the vacation of real estate examine and make written findings concerning the real estate subject to all petitions requesting a vacation of a public way or place, or platted easement, pursuant to I.C. 36-7-3-12 and I.C. 36-7-3-16; and

WHEREAS, the Lake County Council desires to inform citizens and interested parties concerning procedure in applying for vacation of a public way or place, or platted easements.

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NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

I. Procedure for Filing a petition to Vacate pursuant to I.C. 36-7-3-12 and I.C. 36-7-3-16.

A. Persons who:

1. Own or are interested in any lots or parts of lots; and,
2. Want to vacate all or part of a public way or public place, or platted easement in or contiguous to those lots or parts of lots; may file a Petition for vacation with the Clerk (Lake County Auditor) of the legislative body (Lake County Council) of Lake County. The Petition forms shall be supplied by the Lake County Auditor.

\* B. The Petition shall:

1. State the general purpose and circumstances of the case; and
2. Give the names and addresses of all owners of land that abuts the property proposed to be vacated; and,
3. Include an exact legal description and staked survey certified by a land surveyor registered in the State of Indiana; and,
4. Include recommendations or objections from all utility companies including but not limited to electric, gas, telephone, and water, concerning the vacation of the public way or place, or platted easement which is the subject of the Petition; and,
5. Include recommendations or objections from the following: Lake County Surveyor, Lake County Highway Department, and the Lake County Planning and Building Department concerning land use, drainage, alignment and continuation of streets in relation to neighboring properties and subdivisions as effected by the real estate which is the subject of the petition for vacation of a public way or place; and,
6. Include exhibits, material, and information described in this Ordinance and required by the Clerk of the legislative body.

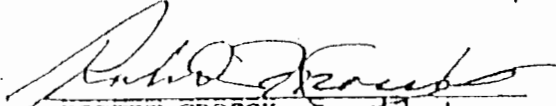
- C. Legislative Body shall pursuant to I.C. 5-14-1.5, et seq., hold a hearing on the Petition within thirty (30) days after it is received. The Clerk of the legislative body shall give notice of the Petition and of the time and place of the hearing;
1. In the manner prescribed in I.C. 5-3-1 (5-3-1-1 -- 5-3-1-9); and
  2. By certified mail to each owner of land that abuts the property proposed to be vacated. The Petitioner shall pay the expense of providing this notice.
- D. After the public hearing, held pursuant to 5-14-1.5, et seq., on the Petition, the legislative body may, by ordinance, vacate the public way or public place. The Clerk of the legislative body shall enter the property for taxation and furnish a copy of each vacation ordinance to the County Recorder for recording. The cost of recording shall be paid by the Petitioner.
- E. Within thirty (30) days after the adoption of a vacation ordinance any aggrieved person may appeal the ordinance to the Circuit Court of the County. The Court shall try the matter de novo and may award damages.
- F. A remonstrance may be filed pursuant to I.C. 36-7-3-13.


## II. Lake County Road Review Commission

- A. A commission shall be established and consist of one member of the following:
1. The Lake County Planning and Building Department;
  2. The Lake County Surveyor's Office;
  3. The Lake County Highway Department.
- B. Upon enactment of this Ordinance the directors of each said department shall appoint a member of their department to the commission which shall then meet to establish rules and regulations consistent with the purpose of this Ordinance. Thereafter the Road Review Commission shall meet whenever necessary to discuss findings on proposed vacations.
- C. The purpose of the said Road Review Commission shall be to examine and make written findings to the Lake County Council with regard to real estate subject to all petitions for vacation of a public way or place. The findings shall indicate whether the Road Review Commission forwards a favorable, unfavorable, or no recommendation to the Lake County Council.
- D. It shall be the responsibility of the Clerk (Lake County Auditor) of the legislative body (Lake County Council) to notify all appointed members of said Road Review Commission no later than twenty-one (21) days prior to scheduled hearing by the legislative body.
- E. In addition to the written findings required in paragraph III.C. the following written comments shall be submitted to the Lake County Council:
1. Recommendations or objections from all utility companies concerning the vacation of the public way or place which is the subject of the Petition;
  2. Recommendations or objections from the Lake County Highway Department, Lake County Surveyor's Office, and the Lake County Planning and Building Department, concerning land use, drainage, alignment and continuation of streets in relation to neighboring properties and subdivisions as effected by the real estate which is the subject of the Petition for Vacation of a Public way or place and whether the proposed vacation would be in direct conflict with the County Master Plan.
  3. Any other documents to support the findings of the Road Review Commission.

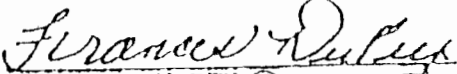
F. All written findings made to the Lake County Council shall be submitted to all members of the Lake County Council, the Administrative Assistant to the Lake County Council, and the Attorney for the Lake County Council at least three (3) days prior to the public hearing required by I.C. 36-7-3-12 and I.C. 36-7-3-16.

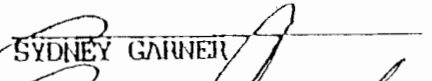
DATED THIS 9th day of April, 1991.


  
ROBERT CROSSK, President

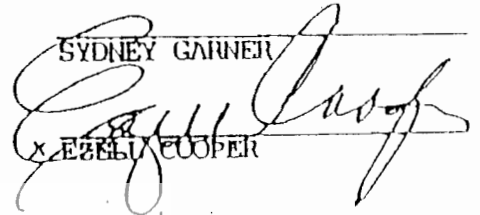
  
WILLIAM A. SMITH, JR.

  
RICHARD GALAMBOS

  
FRANCES DU PEY

  
SYDNEY GARNER

  
MARK HERAK

  
EZZELL COOPER

Members of the Lake County Council

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