

COUNCIL PENDING ORDINANCE 2023-17
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

AN ORDINANCE VACATING A PORTION OF CHICAGO AVENUE

WHEREAS, under Ind. Code § 36-7-3-12, a person or entity with an interest in any lots or parts of lots that wish to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots may file a petition for vacation with the legislative body of a municipality, if all or any part of the public way or public place to be vacated is located within the corporate boundaries of that municipality;

WHEREAS, in accordance with Municipal Code Sec. 36-158, the City of Gary Plan Commission has received a petition to vacate that stated the circumstances of the case, a legal description of the property proposed to be vacated, and provided the names and addresses of all owners of land that abuts the property proposed to be vacated;

WHEREAS, in accordance with Municipal Code Sec. 36-158, the Plan Commission reviewed and investigated the petition within thirty (30) days after it was received and voted 7-0 in the meeting held on 6/16/2022 to forward Petition No. PC 2022-12 to the Common Council a favorable recommendation to adopt;

WHEREAS, in accordance with Ind. Code § 36-7-3-12(c), The Clerk of the legislative body gave notice of the petition and of the time and place of the hearing in the manner prescribed in IC 5-3-1; and by certified mail to each owner of land that abuts the property proposed to be vacated;

WHEREAS, the Common Council now must hear this petition by public hearing in accordance with Ind. Code § 36-7-3-12(c) and (d) whereby any person that objects to the granting of the petition to vacate may object;

WHEREAS, the Common Council now concurs with the favorable recommendation for the granting of this petition to vacate the public way as stated below;

WHEREAS, the Clerk of the Common Council shall furnish a copy of this vacation ordinance to the Lake County Recorder for recording and to the Lake County Auditor;

WHEREAS, approval of this ordinance will be in the best interests of the City of Gary;

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

SECTION 1. Chapter 123 entitled "Zoning Ordinance" of the Code of Ordinance of the CITY OF GARY, INDIANA, and particularly the Zoning Maps, which are made a part thereof, be, and the same as hereby amended as follows;

PC 2022-14

Gary/Chicago International Airport Authority, 6001 Airport Road Gary, Indiana 46406, requests vacating the portion of Chicago Ave., legal description: That part of the Southwest Quarter of Section 26, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, being more particularly bounded and described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section 26; thence South 00 degrees 23 minutes 21 seconds East (bearings as referenced to the Indiana State Plane Western Zone Coordinate System North American Datum of 1983 (NAD '83), along the west line of said Southwest Quarter, 586.41 feet, to the south line of the parcel described in deed to the State Line and Indiana City Railway Company, recorded August 31, 1891, in Deed Record Book 59, Page 79 in the Office of the Lake County, Indiana Recorder (record South 00 degrees 23 minutes 17 second East, 586.23 feet from an Ordinance for Granting a Vacation of a Public Way recorded March 1, 2012 as Document No. 2012 014802 in the Office of the Lake County, Indiana Recorder); thence South 88 degrees 40 minutes 18 seconds East, along said south line, 398.25 feet (record South 88 degrees 40 minutes 22 seconds East, 398.20 feet from said Document No. 2012 014802), to the easterly line of Parcel 8 (Permanent Right of Way) as described in deed to the State of Indiana, recorded December 4, 1964 in Deed Record Book 1229, Page 265, in the Office of the Lake County, Indiana Recorder; thence South 00 degrees 23 minutes 36 seconds East, along said easterly line, 183.09 feet (record South 00 degrees 23 minutes 17 seconds East, 183.23 feet from said Document No. 2012 014802), to a vertex in the easterly line of said Parcel 8, and the Point of Beginning; thence South 46 degrees 05 minutes 36 seconds East, along said easterly line, 216.66 feet (record South 46 degrees 05 minutes 17 seconds East, 216.66 feet from said Document No. 2012 014802), to a north line of said Parcel 8 and the north right of way of Chicago Avenue (formerly Indiana State Road 312); thence South 88 degrees 40 minutes 18 seconds East, along said north line, said north right of way and the north line of Parcel 10 (Permanent Right of Way) as described in deed to the State of Indiana, recorded May 11, 1964 in Deed Record Book 1229, Page 134, in the Office of the Lake County, Indiana Recorder, 435.38 feet (record South 88 degrees 39 minutes 59 seconds East 435.38 feet from said Document No. 2012 014802) to the westerly line of said Document No. 2012 014802; thence southwesterly along said westerly line being a non-tangential arc to the left having a radius of 1705.07 feet, an arc length of 272.47 feet, a chord length of 272.18 feet and a chord bearing of South 49 degrees 55 minutes 37 seconds

West (record radius 1705.07 feet, arc length 272.47 feet, chord length 272.18 feet and chord bearing South 49 degrees 55 minutes 56 seconds West from said Document No. 2012 014802) to the south line of said Document No. 2012 014802, the south right of way of Chicago Avenue (formerly Indiana State Road 312), and a south line of Parcel 7 (Permanent Right of Way) as described in Right of Entry Agreement between the State of Indiana and Cities Service Oil Company recorded May 25, 1965 (May 23, 1965) in Deed Record Book 1229 Page 376, in the Office of the Lake County, Indiana Recorder; thence North 88 degrees 40 minutes 18 seconds West (record North 88 degrees 39 minutes 59 seconds West from said Document No. 2012 014802), along said south right of way and said south line, 181.22 feet, to a vertex in a south line of said Parcel 7; thence South 61 degrees 53 minutes 42 seconds West, 241.70 feet, along said south line, to a vertex in a south line of said Parcel 7; thence North 01 degrees 27 minutes 09 seconds East, 445.37 feet, to the Point of Beginning. (appropriate public utility easements to be reserved for existing utilities) The vacated area is to be redeveloped. (appropriate public utility easements to be reserved for existing utilities) The vacated area is to be redeveloped.

SECTION 2. That the Zoning Administrator is hereby authorized and directed, upon enactment and Approval of this Ordinance, to cause a change to be made on the Zoning Map Sheets by making certain notations in ink thereon and to record the date of this Amendatory Ordinance;

SECTION 3. This Ordinance shall be in full force and effect after the date of passage and publication according to law. The Clerk of the Common Council shall furnish a copy of this vacation ordinance to the Lake County Recorder for recording and to the Lake County Auditor;

PASSED BY THE COMMON COUNCIL of the CITY OF GARY, INDIANA this _____ of _____, 2023.

PRESIDING OFFICER

ATTEST:

CITY CLERK

Presented by me to the MAYOR for her signature this _____ day of _____, 2023.

CITY CLERK

APPROVED and SIGNED by me his _____ day of _____, 2023.

MAYOR JEROME A. PRINCE, CITY OF GARY, INDIANA

RECOMMENDED FOR APPROVAL BY: CITY OF GARY, PLAN COMMISSION

PREPARED BY: Angela Lockett, Law Department

SPONSORED BY: Carla McVea

COMMITTEE ASSIGNMENT _____ REPORTED-OUT DATE ____/____/____

1ST READING DATE ____/____/____ COMMITTEE HEARING DATE ____/____/____

2ND READING DATE ____/____/____ PUBLIC HEARING DATE ____/____/____

3RD READING DATE ____/____/____ FINAL HEARING DATE ____/____/____

PASSED DATE ____/____/____ DEFEATED DATE ____/____/____

TABLED DATE ____/____/____ OVERDUE DATE ____/____/____ ADOPTED DATE

____/____/____

