

**CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY**

**Resolution No. 2014--04**

**A Resolution Accepting Conveyance of Certain Real Estate to the City**

WHEREAS, the Board of Public Works and Safety (“Board”), of the City of Hobart, Indiana (“City”), has received a warranty deed, attached hereto and made a part hereof, conveying a certain parcel of real estate East of Wisconsin Street extended and South of 61<sup>st</sup> Avenue to the City which is legally described as follows:

A part of the West Half of the Southeast Quarter of Section 6, Township 35 North, Range 7 West, Lake County, Indiana and that part of the grantor’s land described in Instrument No. 93012302 in the Office of the Recorder of Lake County, lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit “B”, described as follows: Beginning on the west line of said quarter section, North 0 degrees 51 minutes 28 seconds West (assumed bearing) 673.57 feet (674.06 feet per Instrument No. 2005034325, Office of said Recorder) from the southwest corner of said quarter section, said point of beginning being a northwest corner of the 30.179-acre tract of land described in said Instrument No. 2005034325: thence North 0 degrees 51 minutes 28 seconds West 350.38 feet along said west line to the point designated as “808” on said plat; thence North 87 degrees 36 minutes 59 seconds East 92.20 feet to the point designated as “809” on said plat; thence South 2 degrees 23 minutes 01 second East 349.97 feet to a north line of said 30.179-acre tract, designated as point “3922” on said plat; thence South 87 degrees 27 minutes 11 seconds West 101.53 feet along said north line to the point of beginning and containing 0.779 acres, more or less.

And

WHEREAS, said parcel is conveyed pursuant to agreement reached with the Grantor, Shirley Peddicord, after the City , pursuant to the exercise of its right of eminent domain, made a good faith offer of purchase; and

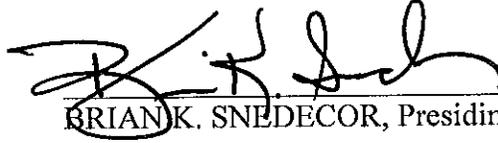
WHEREAS, the parcel is acquired for the purpose of extending Wisconsin Street South of 61<sup>st</sup> Avenue, locating a regional sanitary sewer lift station and associated sewers and underground utilities; and

WHEREAS, the Board desires to document its approval of said conveyance and its acceptance on behalf of the City.

THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Hobart, Indiana, that:

46 The conveyance of the above-described parcel of real estate to the City of Hobart, as  
47 evidenced by the Warranty Deed which is attached hereto, is hereby approved and accepted.  
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49 ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public  
50 Works & Safety on this 2nd day of July, 2014  
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BRIAN K. SNEDECOR, Presiding Officer:

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ATTEST:

  
DEBORAH A. LONGER, Clerk, Treasurer

## WARRANTY DEED

Project: Wisconsin St.

Parcel: 101

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THIS INDENTURE WITNESSETH, That Shirley M. Peddicord a widow and not remarried, the Grantor, of \_\_\_\_\_ County, State of \_\_\_\_\_ Conveys and Warrants to the CITY OF HOBART INDIANA, a municipal corporation organized and existing under the laws of the State of Indiana, the Grantee, for and in consideration of the sum of Sixty Thousand Dollars (\$60,000.00) (of which said sum of \$60,000.00 represents land and improvements acquired and no damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Lake, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

Shirley M. Peddicord represents and warrants that she is the surviving spouse of Jarvis R. Peddicord, who died in the County of Lee, State of Florida, on December 26, 2000 and lived together continuously as husband and wife until the date of the decedent's death, that husband and wife held title to the subject real estate as tenants by the entireties, that all funeral expenses, state, federal, or any other taxes which might have been assessed against the decedent's estate have been paid in full. Shirley M. Peddicord makes these representations for the purpose of inducing the Auditor of said County to remove the decedent's name from the tax records and to induce the City of Hobart to accept a deed from the Grantor conveying the subject real estate to the City of Hobart, Indiana. This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor, or any successors in title to the abutting lands of the Grantor, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor and all successors and assigns.

The Grantee, City of Hobart, hereby covenants and agrees that as additional consideration for this conveyance, that :

In the event the Grantor's property immediately to the East of the subject property conveyed herein is developed, and the installation of the extension of Wisconsin Street to the South property

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line of Grantor's property is not necessary to the development of the Grantor's property immediately to the East of the subject property conveyed herein, neither the City of Hobart nor any instrumentality thereof will require the Grantor to extend Wisconsin Street to Grantor's South property line. If the City of Hobart or any instrumentality thereof requires the extension of Wisconsin Street as part of the Grantor's development of its property immediately to the East of the subject property conveyed herein, the City of Hobart will bear the cost of such extension of Wisconsin Street.

In the event that the Grantor's property immediately to the East of the subject property conveyed herein has been developed and the City has not extended Wisconsin Street, and an adjacent property is being developed that requires the extension of Wisconsin Street to the Grantor's South property line, the City of Hobart and/or the adjacent land owner or developer will bear the cost of that extension.

In the event that the Grantor's property immediately to the East of the subject property conveyed herein has not been developed, all applicable rules concerning property development will apply.

IN WITNESS WHEREOF, the said Grantor have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Signature

Shirley M. Peddicord  
Printed Name



Project: Wisconsin St.  
Parcel: 101  
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STATE OF INDIANA            )  
  ) SS:  
LAKE COUNTY                 )

Before me, a Notary Public in and for said State and County, personally appeared Brian K. Snedecor and Deborah A. Longer, the Presiding Officer of the Hobart Board of Public Works and Safety, and Clerk Treasurer of the City of Hobart, Indiana, Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their voluntary acts and deeds and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.

Interests in land acquired by City of Hobart

I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Anthony DeBonis, Jr.

This instrument prepared by: Anthony DeBonis, Jr., Hobart City Attorney  
Anthony DeBonis, Jr. & Associates Attorneys at Law, 214 Main Street, Hobart, Indiana 46342

Grantee's mailing and tax bill address: 414 Main Street, Hobart, IN 46342

Legal Description prepared by Butler, Fairman & Seufert, Inc.

**Exhibit "A"**  
**PARCEL 101**  
**61<sup>st</sup> Avenue, Hobart, Indiana**

Key No.: 45-13-06-451-002.000-018

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A part of the West Half of the Southeast Quarter of Section 6, Township 35 North, Range 7 West, Lake County, Indiana and that part of the grantor's land described in Instrument No. 93012302 in the Office of the Recorder of Lake County, lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section, North 0 degrees 51 minutes 28 seconds West (assumed bearing) 673.57 feet (674.06 feet per Instrument No. 2005034325, Office of said Recorder) from the southwest corner of said quarter section, said point of beginning being a northwest corner of the 30.179-acre tract of land described in said Instrument No. 2005034325: thence North 0 degrees 51 minutes 28 seconds West 350.38 feet along said west line to the point designated as "808" on said plat; thence North 87 degrees 36 minutes 59 seconds East 92.20 feet to the point designated as "809" on said plat; thence South 2 degrees 23 minutes 01 second East 349.97 feet to a north line of said 30.179-acre tract, designated as point "3922" on said plat; thence South 87 degrees 27 minutes 11 seconds West 101.53 feet along said north line to the point of beginning and containing 0.779 acres, more or less.

Given this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Jason N. McCort, L.S.  
Registered Land Surveyor  
State of Indiana, No. 20300004

This description was prepared for the City of Hobart, Indiana by Butler, Fairman & Seufert, Inc.

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## **BOW RES 2014-04 Acceptance of Peddicord Property transfer**

Tony DeBonis [tony@sd1law.pro]

**Sent:** Tuesday, July 01, 2014 3:40 PM

**To:** Clerk-Treasurer

**Cc:** Mayor Snedecor; Denarie Kane; jdammarell@bfsengr.com; Bob Fulton

**Attachments:** Warranty Deed Amended (Pe~1.docx (31 KB) ; BOW RES 2014-04 Approval ~1.docx (20 KB) ; Peddicord Legal Decscripti~1.doc (28 KB)

DEB:

I attach a Resolution for tomorrow's BOW meeting accepting the conveyance of the Peddicord Wisconsin Street Parcel. Let me know if you have questions. The other files include the deed and the exhibit to the deed which are to be attached to the Resolution.

**ANTHONY DeBONIS, JR.**  
Hobart City Attorney



**Anthony DeBonis, Jr. & Associates**  
ATTORNEYS AT LAW, LLC

Anthony DeBonis Jr.  
214 Main Street  
Hobart, Indiana 46342  
Tel: 219-940-9963  
Fax: 219-940-9965  
[Tony@debonislaw.pro](mailto:Tony@debonislaw.pro)  
[www.debonislaw.pro](http://www.debonislaw.pro)

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