

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1064

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CERTAIN PERSONAL UNDERTAKING WITH THE CHICAGO TITLE INSURANCE COMPANY, FOR THE PURPOSE OF CLOSING THE LOAN FOR THE ST. JOHN ICE RINK.

WHEREAS, the Town of St. John, Lake County, Indiana, is a municipal corporation, with all of the Home Rule powers contained in and pursuant to Ind. Code I.C. 36-1-3 et seq.; and

WHEREAS, the Town of St. John is a municipal corporation with the power to enter into contracts, pursuant to Ind. Code I.C. 36-1-4-7; and

WHEREAS, the developer of the ice rink facility and the Lessee of that certain Ground Lease with the Town of St. John as Lessor, is about to close its loan with its lender for the purpose of obtaining funds with which to pay the various subcontractors and the contractor who constructed the ice rink facility; and

WHEREAS, for purposes of closing said loan, the developer's lender obtained a title insurance commitment policy bearing No. 04 95 002 from the Chicago Title Insurance Company; and

WHEREAS, an exception appears on said policy designated as follows, to-wit: "PROCEEDINGS PENDING IN CAUSE NO. 45CO1-9709-CP-02376 FILED SEPTEMBER 25, 1997, ENTITLED JOSEPH GOMEZTAGLE VERSUS TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, ET AL BEING AN ACTION REGARDING LEASE AGREEMENT."; and

WHEREAS, it is the Town's position that said lawsuit is without merit, that the Town has been in full compliance with the laws of the State of Indiana with respect to the disposition of the real estate upon which the ice rink facility has been constructed; and

WHEREAS, in order to close the loan for the ice rink facility aforesaid, the title insurance company will waive the foregoing exception regarding the lawsuit upon the execution by the Town of St. John of an indemnity and Personal Undertaking attached hereto and made a part hereof as Exhibit "A", and upon the payment of a fee in the sum of \$3,600.00; and

WHEREAS, the foregoing closing cannot take place without the waiver of the foregoing exception by the Chicago Title Insurance Company, and that if the loan fails to close in the immediate future, several mechanic's lien foreclosure suits are anticipated as well as a suit for the appointment of a receiver for the taking over of the ice rink facility, and therefore an emergency exists pursuant to Ind. Code I.C. 5-14-1.5-5(d); and

WHEREAS, the Town of St. John, by and through its Town Council, now finds that the approval of the Personal Undertaking will not be injurious to the public health, safety, morals, and general welfare of the community, and, in fact, will enhance the public health, safety, morals, and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana as follows:

SECTION 1: That pursuant to the Home Rule provisions of the Ind. Code I.C. 36-1-3, et seq., as well as the contract provisions of the Ind. Code I.C. 36-1-4-7, the Town of St. John hereby approves the execution of the Personal Undertaking with the Chicago Title Insurance Company which is attached hereto and made a part hereof as Exhibit "A".

SECTION 2: That the Clerk-Treasurer is authorized to pay the Chicago Title Insurance Company a fee in the sum of \$3,600.00 for the Chicago Title Insurance Company's accepting the Personal Undertaking and waiving the lawsuit exception on Commitment No. 04 95 002 as described above.

SECTION 3: That the Town Council hereby declares an emergency for the reason that this matter involves threat and injury to Town property, i.e. the ice rink proper, and the possible disruption of governmental activity, that is, the Ground Lease previously approved by the Town Council.

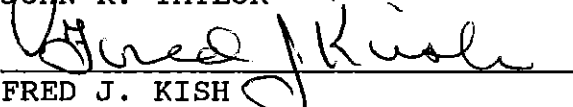
SECTION 4: That the Town Council hereby declares that an emergency exists and that this Ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 2nd day of December, 1997.

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA




JOHN R. TAYLOR



FRED J. KISH

DOUGLAS E. PATTERSON

ATTEST:



JUDITH L. COMPALIK
Clerk-Treasurer