

FILED
DEC 22 2020
CITY CLERK

SPECIAL ORDINANCE NO. 1, 2021

**AN ORDINANCE VACATING A PUBLIC ALLEY LOCATED IN THE
CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA**

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

Section 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Beginning at the northeast corner of Lot 10 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17, in Barbour Place a Subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of the East line of Garfield Avenue as now established' thence South eighty (80) feet; thence East ten (10) feet; thence North eighty (80) feet; thence West approximately ten (10) feet to the point of beginning.

The 10-foot-wide public alley can also be described as follows:

All that part of the generally north/south alley (10 feet wide) bounded on the West by:

Lot 10 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17, in Barbour Place

and bounded on the East by:

Lot 1 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17, in Barbour Place a Subdivision

and bounded on the South by:

The north line of Maple Avenue

and bounded on the North by:


The South line of the east/west alley between Lot 1 and Lot 14 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17 in Barbour Place.

Section 2. Be it further ordained that said alley in the City of Terre Haute, Indiana, above-described, be and the same is hereby vacated (with its title reverting, by operation of law, to Petitioner by virtue of being the abutting property owner on both sides of said alley), subject to the continuation of any and all existing easements for public utilities.


Section 3. Be it further ordained that the City Clerk be, and hereby is, directed to furnish a copy of this ordinance to the Recorder of Vigo County, Indiana, for recording and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.


Introduced by:


Neil Garrison, Councilman

Passed in open Council this 4th day of FEBRUARY, 2021.


O. EARL ELLIOTT, City Council
President

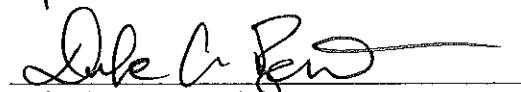
ATTEST:


Michelle L. Edwards, City Clerk

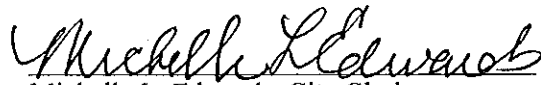
Presented by me to the Mayor this 5th day of FEBRUARY, 2021.


Michelle L. Edwards, City Clerk

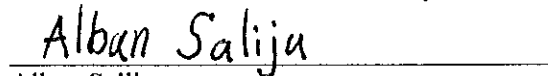
Approved by me, the Mayor, this 5th day of FEBRUARY, 2021.


Duke A. Bennett, Mayor

ATTEST:


Michelle L. Edwards, City Clerk

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


Alban Saliju

This instrument prepared by: Alban Saliju, 203 Circle, Terre Haute, IN 47803.

PETITION FOR VACATION OF PUBLIC ALLEY

TO THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA

The undersigned Petitioner, Alban Saliju, as the sole owner of lands abutting a certain alley platted in Terre Haute, Indiana, respectfully submits this Petition and requests the legislative body of the City of Terre Haute, Indiana, to vacate the alley more particularly described below, pursuant to the provisions of I.C. 36-7-3-12 and, in support of this Petition, states:

1. Petitioner is the sole owner of the following described real estate located in Terre Haute, Vigo County, Indiana:

1. Parcel No. 84-06-10-382-016.000-002
Address: 1246 Maple Avenue, Terre Haute, IN 47804
Legal Description:
Lot 10 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17, in Barbour Place a Subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of the East line of Garfield Avenue as now established

2. Parcel No. 84-06-10-382-029.000-002
Address: 1290 Lafayette Avenue, Terre Haute, IN 47804
Legal Description:
Lots 1, 2, 3, 4, 5, 6 and 7 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17 in Barbour Place a Subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of East line of Garfield Avenue as now established in the City of Terre Haute in Plat Record 12, Page 52

Attached hereto is a copy of a portion of a plat showing the subject parcels and the public alley (which runs generally North-South between those two parcels) which Petitioner seeks to have vacated (whereon such alley proposed to be vacated is highlighted in yellow).

2. The 10-foot-wide public alley to be vacated is particularly described as follows:

All that part of the generally north/south alley (10 feet wide) bounded on the West by:

Real Estate described in Paragraph 1 above

and bounded on the East by:

Real Estate described in Paragraph 2 above

and bounded on the South by:

The north line of Maple Avenue

and bounded on the North by:

The South line of the east/west alley between the Real Estate described in Paragraph 1 above and Lot 14 (said Lot 14 also being owned by Petitioner) in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17 in Barbour Place a Subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of East line of Garfield Avenue as now established in the City of Terre Haute in Plat Record 12, Page 52 (which east/west alley is highlighted in blue on the attached copy).

A legal description of the alley herein proposed to be vacated is as follows:

Beginning at the northeast corner of Lot 10 in the North Side Realty and Loan Co.'s Subdivision of part of Lot 17, in Barbour Place a Subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of the East line of Garfield Avenue as now established' thence South eighty (80) feet; thence East ten (10) feet; thence North eight (8) feet; thence West about ten (10) feet to the point of beginning.

3. No landowner adjoining and abutting the alley to be vacated would be adversely affected by the vacation of said alley (remembering that Petitioner owns 100% of the property on both sides of the alley to be vacated). The vacation of that alley would not adversely affect the flow of traffic in the neighborhood in that there will still remain open/dedicated a continuous (and much wider) generally north-south alley running south from Barbour Avenue (and between/parallel to Garfield Avenue and 13th Street), which exits (via that alley depicted in blue) at its South end onto Garfield Avenue. That remaining alley provides access to the backsides of all structures located along either the east side of Garfield Avenue or the west side of North 13th Street. Besides, the brick buildings located for over 75 years, without any setback, along the to-be-vacated alley's east and west sides have precluded for many decades any use of such alley by fire/trucks emergency vehicles or trash/garbage trucks.

4. Petitioner proposes the vacation of the alley in order to permit the operation of a drive-through service window for the existing building on the Real Estate described in Paragraph 2 above.

5. Again, the proposed alley vacation does not eliminate or shut-off the only public way within the immediate neighborhood since an alternate public way, which is much more accessible, already exists (as set forth in Paragraph 3 above) and will remain useable by all other landowners in the area.

6. As set forth above, the proposed vacation of said alley would not make access to any land by any person by means of a public way difficult or inconvenient, nor would this vacation hinder any member of the public's access to a private or public building or place.

7. The name and address of the owner that abuts both sides of the alley proposed to be vacated is as follows:

Alban Saliju, 203 Circle, Terre Haute, Indiana 47803.

WHEREFORE, Petitioner, Alban Saliju, respectfully requests the Common Council of the City of Terre Haute, Indiana after hearing on this Petition in accordance with law to:

- (a) Adopt an ordinance vacating the alley referred to and described above;

- (b) Cause the Clerk of the City of Terre Haute to furnish copies of said vacation ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and to thereupon cause the Recorder to release said ordinance to the Vigo County Area Planning Department for distribution in accordance with paragraph 1125.06 of the City's Zoning Ordinance; and

- (c) For all other proper relief in the premises.

Respectfully submitted,

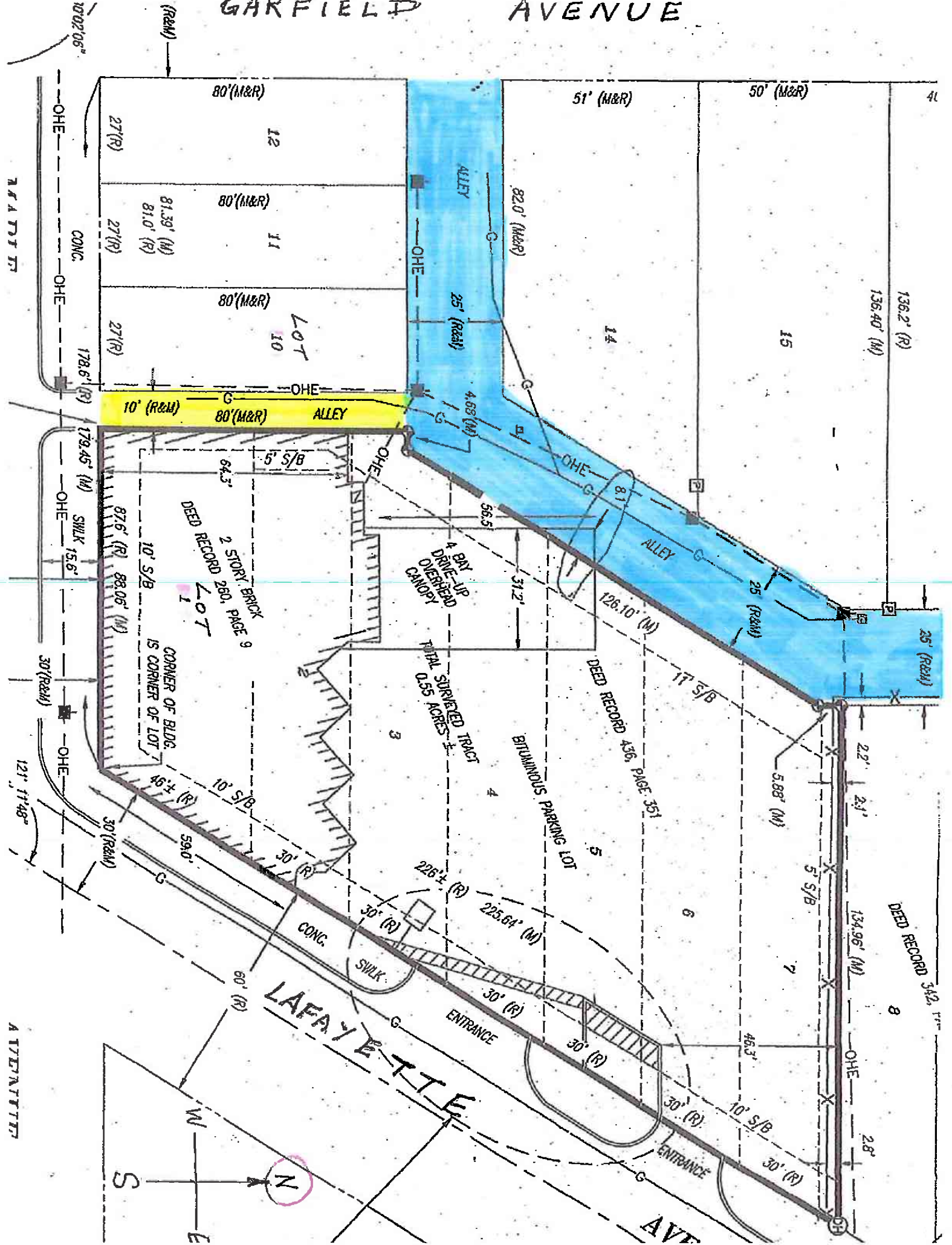
Alban Saliju
Alban Saliju

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

Alban Saliju
Alban Saliju

This instrument prepared by: Alban Saliju, 203 Circle, Terre Haute, IN 47803.

GARFIELD AVENUE



XXXXXXXXXX

XXXXXXXXXX



TERRE HAUTE, IN
PAID

DEC 22 2020

CONTROLLER

TERRE HAUTE
A LEVEL ABOVE

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 12-22-2020

Name: Great Guano LLC

Reason: Prothonary - notice of Filing \$25.00
Prothonary Release \$20.00
\$45.00

Cash: _____

Check: 25.00 CK #1171

Credit: _____

Total: _____

Received By: [Signature]

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

FILED

JAN 8 2021

To: **Building Inspector, City of Terre Haute**

CITY CLERK

Special Ordinance 1, 2021

January 4, 2021

The street/alley as noted on attached ordinance needs posting at least ten (10) days prior to passage of ordinance. Please indicate posting date and return to the City Clerk's Office by January 12, 2021.

Daniel Bell
(Signature)

Lead Inspector
(Title)

Daniel Bell
(Printed name)

1-7-2021
(Date Posted)

FILED

JAN 7 2021

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

CITY CLERK

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 1, 2021

January 4, 2021

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by January 12, 2021.

X No Problems Noted

_____ Problems as noted below

SK
(Signature)

CHIEF
(Title)

SHAWN KEEN
(Printed name)

1-6-21
(Date)

FILED

JAN 5 2021

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

CITY CLERK

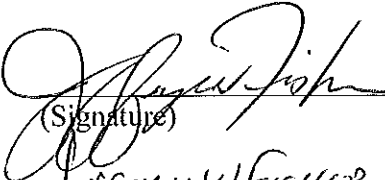
To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 1, 2021

January 4, 2021

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by January 12, 2021.

No Problems Noted Problems as noted below


(Signature)
JEFFERY W FISHER
(Printed name)

FIRE CHIEF
(Title)
1-5-21
(Date)

FILED

JAN 5 2021

CITY CLERK

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

To: **Engineering Department, City of Terre Haute**

Special Ordinance 1, 2021

January 4, 2021

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by January 12, 2021.

X No Problems Noted

_____ Problems as noted below

Josey Daugherty
(Signature)

Staff Engineer
(Title)

Josey Daugherty
(Printed name)

1-5-2021
(Date)

FILED

JAN 5 2021

CITY CLERK

CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375

To: Street Department, City of Terre Haute

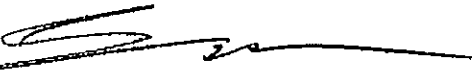
Special Ordinance 1, 2021

January 4, 2021

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No Problems Noted

Problems as noted below


(Signature)

Ernest R. Meeks
(Printed name)

Commissioner of Streets
(Title)

01/05/2021
(Date)