

JAN 27 2025

SPECIAL ORDINANCE 4, 2025

CITY CLERK

AN ORDINANCE VACATING A PORTION OF AN 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 portion of an 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:

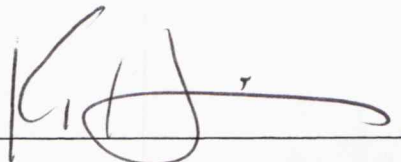
Beginning at the Northwest corner of Parcel Number 84-06-33-454-004.000-002 (commonly known as 2750 South 3rd Street); thence East approximately 225' to the Northeast corner of Parcel Number 84-06-33-454-004.000-002; thence North approximately 15' to the Southernmost East-West boundary of Parcel Number 84-06-33-503-003.000-002; thence West approximately 225' to a point directly North of the place of beginning; thence South approximately 15' to the place of beginning.

SECTION 2. Be it further ordained that said portions of said alleyway in the City of Terre Haute, Indiana, above described, be and the same are vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and she is hereby 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.

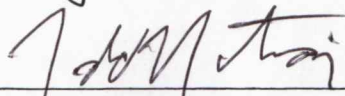
WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,



Kandace Hinton, Councilperson

Passed in open Council this 13th day of February, 2025.



Todd Nation, President

ATTEST:



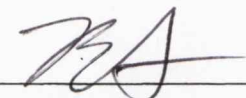
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 18th day of February, 2025,
at 9 : 35 ~~PM~~ AM .m.



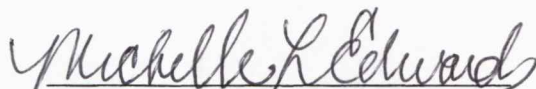
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 18th day of February, 2025.



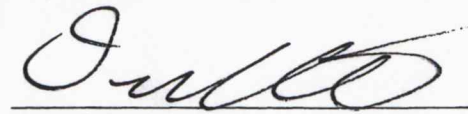
Brandon Sakbun, Mayor

ATTEST:



Michelle 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.



Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, Terre Haute, Indiana 47807.

PETITION FOR VACATION OF PUBLIC ALLEYWAY

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

GENTLEPERSONS:

Petitioner, Dc Schimmel LLC, owns or has an interest in the real estate described in Section 1 which is contiguous to the public way described in Section 3, and as the owner of land abutting said public way platted in the City of Terre Haute, Indiana, respectfully petition and request the legislative body of the City of Terre Haute, Indiana, to vacate these portions of the public ways described in Section 3 pursuant to the provisions of I. C. 36-7-3-12, and in support of this Petition would show to the Common Council of said City as follows:

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

Lots 219, 220, 221, 222, 223 and 224 Warren Place, an Addition to the City of Terre Haute, Indiana, being a subdivision of the South ½ of the South East ¼ of Section 33, Township 12 North, Range 9 West, excepting the rights of ways of the Southern Indiana Railroad and the Terre Haute and Southeastern Railroad as shown by the recorded plat thereof in Plat Record 10, page 22, of the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2750 South 3rd Street, Terre Haute, Indiana 47802
Parcel No. 84-06-33-454-004.000-002

2. That the following aerial photograph depicts the portion of the alley to be vacated:



3. That the portion of the public ways to be vacated as set forth above may be more particularly described as follows, to-wit:

Beginning at the Northwest corner of Parcel Number 84-06-33-454-004.000-002 (commonly known as 2750 South 3rd Street); thence East approximately 225' to the Northeast corner of Parcel Number 84-06-33-454-004.000-002; thence North approximately 15' to the Southernmost East-West boundary of Parcel Number 84-06-33-503-003.000-002; thence West approximately 225' to a point directly North of the place of beginning; thence South approximately 15' to the place of beginning.

4. No landowner adjoining and abutting the public ways to be vacated would be adversely affected by the vacation of said public way. To the knowledge of Petitioner, this portion of the alley has not been used as a public way for a substantial period of time, if ever.

5. Petitioner proposes the vacation of the public way in order to confirm existing uses of those public ways and to facilitate a proposed development project.

6. The proposed vacation would not hinder the use of a public way by the neighborhood in which the portions of the public ways to be vacated are located or to which they are contiguous. All other landowners in the area have and will continue to have direct access to public ways; and as set forth above, the proposed vacation of said portions of said public ways would not make access to any land by any person by means of a public way difficult or inconvenient; nor would said vacation hinder any member of the public's access to a church, school or other public building or place.

7. The names and addresses of all owners of land that abut that portion of the public ways to be vacated are as follows:

Dc Schimmel LLC, Petitioner
136 Lakeshore
Terre Haute, IN 47803
Parcel No:
84-06-33-454-004.000-002

Donnabel E. Racines
318 Helen Ave.
Terre Haute, IN 47802
Parcel No.
84-06-33-454-003.000-002

The Indiana Rail Road Company
1500 S. Senate Ave.
Indianapolis, IN 46225
Parcel No:
84-06-33-503-003.000-002

WHEREFORE, Petitioner respectfully requests and petitions 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 that portion of the public way described in Section 3.
- 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 10-125 of the City's Zoning Ordinance;
- c) For all other proper relief in the premises.

Respectfully submitted,

DC SCHIMMEL LLC

Date: 1/24/25

/s/ David Schimmel
By: David Schimmel, Member

SPECIAL ORDINANCE 4, 2025

SITE PLAN: ALLEY TO BE VACATED 2750 SOUTH 3RD STREET



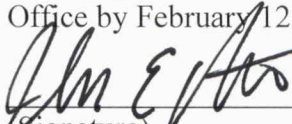
**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

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

Special Ordinance 4, 2025

February 3, 2025


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 February 12, 2025.



(Signature)

John E Akers

(Printed name)



(Title)

2-3-25

(Date Posted)

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-244-2103**

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

Special Ordinance 4, 2025

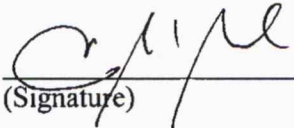
February 5, 2025

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 February 12, 2025.

No Problems Noted

Problems as noted below

THE ENGINEERING DEPARTMENT RECOMMENDS
VACATING THE ALLEY EAST UNTIL
PARCEL NO. 84-06-33-454-003-000-002 (312
HELEN AVE.) TO AVOID A DEAD END
ALLEY.


(Signature)
NORMAN CARUAL
(Printed name)

STAFF ENGINEER
(Title)
2/11/2025
(Date)

