

FILED
FEB 05 2025
CITY CLERK

SPECIAL ORDINANCE NO. 3, 2025

AN ORDINANCE VACATING A PORTION OF A PUBLIC WAY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDERED 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 a public way 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:

In Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 2 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919, in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana:

Beginning in the South East corner of lot 857, South East to the North East corner of Lot 852, then West to the North West corner of Lot 852, then South to the South West Corner of lot 852, then West to the South East corner of lot 853, then North to the North East corner of lot 856, then to the place of beginning.

SECTION 2. Be it further ordained that said portion of said public way in the City of Terre Haute, Indiana, above described, be and the same is 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, Cheryl Loudermilk
Cheryl Loudermilk, Councilperson

Passed in open Council this 6th day of March, 2025.

Todd Nation
Todd Nation, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 6th day of March, 2025.
At 6:50pm o'clock.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 6th day of March, 2025.

Brandon Sakbun
Brandon Sakbun, Mayor

ATTEST:

Michelle Edwards
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.

Richard J. Shagley II
Richard J. Shagley II

This instrument was prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION FOR VACATION OF PORTION OF A PUBLIC WAY

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

LADIES AND GENTLEMEN:

The undersigned, Billy Southard, Member of Southard Homes, LLC is the owner of land abutting a certain Public Way platted, which is located in Terre Haute, Indiana and respectfully petition and request the legislative body of the City of Terre Haute, Indiana to vacate that portion of a Public Alley described below pursuant to the various 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. The undersigned, Billy Southard, Member of Southard Homes, LLC, is the owner of the following described real estate located in Vigo County, State of Indiana:

Tract 1:

Lot Number 852 in Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919, in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana.

Tract 2:

Lots Number 855 and 856 in Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919, in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana.

Tract 3:

Lot Number 857 in Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919, in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number 858 in Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919 in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana.

Parcel # 84-06-11-477-006.000-002

Parcel # 84-06-11-477-005.000-002

Parcel # 84-06-11-477-008.000-002

Commonly known as 2309 N. 30th, Terre Haute, Indiana 47804

2. That a copy of a map that shows the alley which runs between the Owners' property is attached hereto, made a part hereof and is marked as Exhibit A.

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

In Block Number 26 in the Plat of Blocks Number 25-16-26 and 27 of the First Addition of Vandalia Park, located in the Southeast Quarter of Section 11, Township 2 North, Range 9 West, Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded April 10, 1919, in Plat Record 12, Page 25, records of the Recorder's Office of Vigo County, Indiana:

Beginning in the South East corner of lot 857, South East to the North East corner of Lot 852, then West to the North West corner of Lot 852, then South to the South West Corner of lot 852, then West to the South East corner of lot 853, then North to the North East corner of lot 856, then to the place of beginning.

4. Petitioner believes that no landowner adjoining and abutting the Public Way to be vacated would be adversely affected by the vacation of said Public Way, since the real estate is the said Public Way does not nor will not serve a functional purpose to the public.

5. Petitioners propose the vacation of the Public Way in order to allow more efficient and effective use of Petitioner's real estate.

6. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the Public Way is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Way; as set forth above, the proposed vacation of said portion of said Public Way 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, nor will it interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.

7. The names and addresses of all owners of land that abuts that portion of the Public Way above proposed to be vacated are the following:

Terry L John Jr. and Jason L John
2301 N 30th St
Terre Haute, IN 47804

That notice of said vacation has been sent by USPS Certified Mail to the above property owners.

WHEREAS, 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 referred to and described above, subject to existing easement rights for public utilities;
- 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 the City's Zoning Ordinance and Subdivision Code.
- c) For all other proper relief in the premises.

PETITIONER: Southard Homes, LLC



Billy Southard, Member of
Southard Homes, LLC

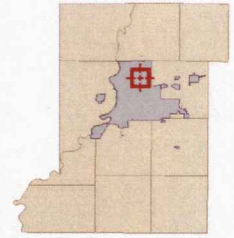
Petitioner's Address: 3601 N. Fruitridge Ave., Terre Haute IN 47804.

This instrument prepared by Richard J. Shagley, II, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807, at the specific request of Petitioner based solely on information supplied by one or more of the parties to this Petition and without examination of title and abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Petitioners' execution of the instrument.

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-11-477-005.000-002	Alternate ID	84-06-11-477-005.000-002	Owner Address	Southard Homes LLC
Sec/Twp/Rng	11	Class	Res Vacant platted lot		3601 N Fruitridge Ave
Property Address	2321 N 30TH ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47804
Neighborhood	118512 - HARRISON				
District	002 HARRISON				
Brief Tax Description	VANDALIA PARK 1ST ADD (2321 N 30TH ST) 20016089 11-12-9 LOTS 857-858 <i>(Note: Not to be used on legal documents)</i>				

Date created: 1/21/2025
Last Data Uploaded: 1/21/2025 5:05:29 AM

Developed by SCHNEIDER
GEOSPATIAL

- Alley



TERRE HAUTE, IN

PAID

FEB 05 2025

Receipt of Payment

CONTROLLER

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

Date 2/5/25
Name Richard Shagley
Reason Vacation of Alley

Billy Southard

Cash _____

Check \$5.00 ck # 074836

Credit _____

Total \$5.00

Received By ek / A. Thome

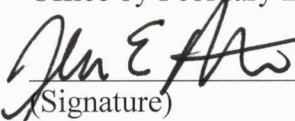
**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

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

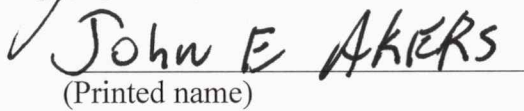
Special Ordinance 3, 2025

February 14, 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 26, 2025.



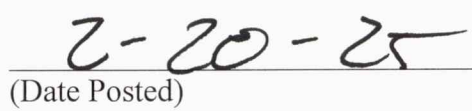
(Signature)



(Printed name)



(Title)



(Date Posted)

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**


Special Ordinance 3, 2025

February 14, 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 26, 2025

No Problems Noted

Problems as noted below



(Signature)

Kevin Barrett

(Printed name)

C.O.P.

(Title)

03/05/2025

(Date)

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

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

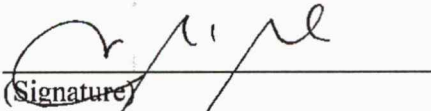
Special Ordinance 3, 2025

February 14, 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 26, 2025

No Problems Noted

_____ Problems as noted below


(Signature)

NORMAN CARUAL
(Printed name)

STAFF ENGINEER
(Title)

FEB 18, 2025
(Date)

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 3, 2025

February 14, 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 26, 2025

No Problems Noted

Problems as noted below

brian cottee
 (Signature)
BRIAN COTTEE
 (Printed name)

Street Commissioner
 (Title)
2/18/2025
 (Date)