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**SPECIAL ORDINANCE NO. 24, 2010**

**FILED**

**SEP 07 2010**

An Ordinance Vacating a Platted Public Alley located in the City of Terre Haute,  
Vigo County, Indiana.

**CITY CLERK**

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 platted public Alley located in the City of Terre Haute, Vigo County, Indiana, which is Platted in the City of Terre Haute, Indiana, and described as follows:

Beginning at the Northeast Corner of Lot 227, of Fort Harrison Addition to the City Of Terre Haute, Indiana, as platted and recorded in Plat Book 7, Page 56, of the Records of the Records of the Vigo County Recorders Office; Thence N-89°41'57"-E 14.00 Feet: Thence S-00°00'00"-E61.54 Feet; Thence S-31°38'25"-W 67.87 Feet; Thence S-89°41'57"-W14.14 Feet to the East Line of Lot 224; Thence N-31°38'75"-E68.35 Feet; Thence N-00°00'00"-E61.05 Feet to the Point of Beginning.

Containing 0.038 Acres More or Less.

COMMONLY BOUND BY: 3221 N. 24<sup>th</sup> Street Terre Haute, Indiana 47804.


SECTION 2. Be it further ordained that said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting owners, Ernest E. Heleine and Linda L. Carter, subject to the continuation of any and all existing easement rights For public utilities.

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Section 3. Be it further ordained the City Clerk be, and he 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.

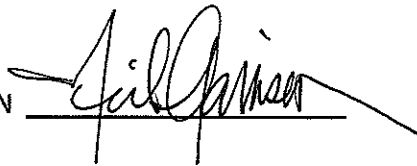
WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, NORMAN LOUDERMILK



Passed in Open Council this 14<sup>th</sup> day of October, 2010

City Council President, NEIL GARRISON



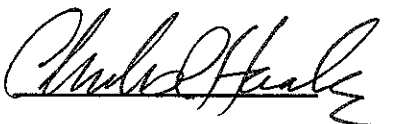
ATTEST;

City Clerk, CHARLES P. HANLEY



Presented by me to the Mayor of the City of Terre Haute, Indiana this 15<sup>th</sup> day of October, 2010.

City Clerk, CHARLES P. HANLEY



3/

Approved by me, the Mayor, this 15<sup>th</sup> day of OCTOBER, 2010

MAYOR, DUKE BENNETT 

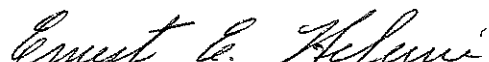
ATTEST:

City Clerk, CHARLES P. HANLEY 

This instrument prepared by: Ernest E. Heleine and Linda L. Carter 3221 N. 24<sup>th</sup> Street  
Terre Haute, Indiana 47804. Telephone Number 812-460-0106.

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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.

  
Ernest E. Heleine

**PETITION FOR VACATION OF PUBLIC ALLEY**

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

COUNCIL MEMBERS:

Ernest E. Heleine and Linda L. Carter, being owners of land abutting a Public Alley Platted and located in Terre Haute, Indiana respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate the Public Alley described below pursuant to the provisions of I.C.36-7-3-12 and in support thereof would show to the Common Council of said City the following:

1. That the petitioners own the following described real estate located in Vigo County, State of Indiana:

Lots No. 225,226,227, and 8 feet of even width off the North side of Lot 224, in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana.

PARCEL NUMBER: 84-06-11-127-015-000-002

Commonly known as 3221 N. 24<sup>th</sup> Street, Terre Haute, Indiana 47804.

2. That the names and addresses of owner of land adjacent to but not abutting the alley to be vacated who are not Petitioners herein are as follows:

- a. Fort Harrison Land Company Inc.

2956 S. 13 ½ Street

Terre Haute, Indiana 47802

- b. Timothy J. Mullins

2423 Fort Harrison Road

Terre Haute, Indiana 47804

- 3. That said Public Alley to be vacated is specifically described as follows:

The Alley running North and South between Petitioners parcels.

Beginning at the Northeast Corner of Lot 227, of Fort Harrison Addition to the City of Terre Haute, Indiana, as Platted and Recorded in Plat Book 7, Page 56, of the Records of the Vigo County Recorders Office; Thence N-89°41'57"-E14.00 Feet; Thence S-00°00'00"-E61.54 Feet; Thence S-31°38'25"-W67.87 Feet; Thence S-89°41'57"-W14.14 Feet to the East Line of Lot 224; Thence N-31°38'75"-E68.35 Feet; Thence N-00°00'00"-E 61.05 Feet to the Point of Beginning.

Containing 0.038 Acres More or Less.

That said Alley has never been opened for public travel.

- 4. That said Alley is not open for use of the general public and no landowner adjoining and abutting the Alley to be vacated would be adversely affected by the vacation of the Alley.

5. Petitioners proposed the Vacation of the Alley in order to allow more effective Use of the lots by the Petitioners.

6. The proposed Vacation would not hinder the use of a public way by the Neighborhood in which such Alley is located or to which they are contiguous since all owners Have direct access to a City Street. The proposed Vacation of the Alley would not make access To any land by any person by means of a public way more difficult or inconvenient nor would It hinder any member of the public's access to a church, school or other public building or place nor will it interfere with the provision of utility service.

Wherefore, Petitioners respectfully request 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 Alley 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.

IN WITNESS WHEREOF, this Petition has been duly executed

this 2 day of Sept, 2010.

Ernest E. Heleine

By: Ernest E. Heleine

Linda L. Carter

Linda L. Carter

Petitioner's Address: 3221 N. 24<sup>th</sup> Street Terre Haute, Indiana .

This instrument prepared by Ernest E. Heleine and Linda L. Carter

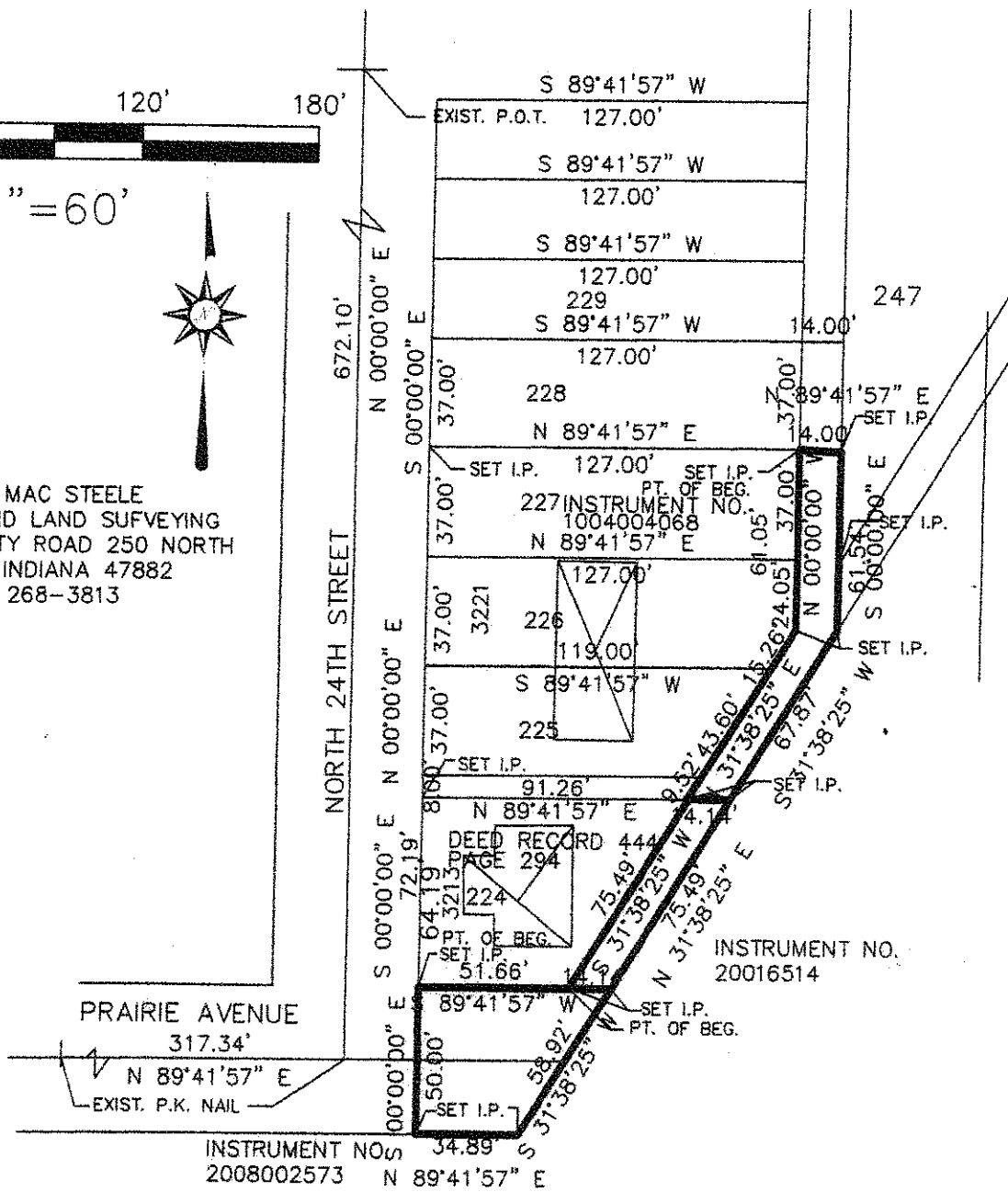
Telephone Number: 812-460-0106



SCALE 1"=60'



WILLIAM MAC STEELE  
ENGINEERING AND LAND SURVEYING  
875 EAST COUNTY ROAD 250 NORTH  
SULLIVAN, INDIANA 47882  
(812) 268-3813





2  
DEFERRED FOR TAXATION  
Subject to final acceptance for transfer

RAYMOND MATTS  
VIGO County Recorder IN  
IN 2004004068 WD  
03/09/2004 09:28:03 3 PGS  
Filing Fee: \$18.00

MAR 09 2004

  
VIGO COUNTY AUDITOR

**CORPORATE WARRANTY DEED**

THIS INDENTURE WITNESSETH, that **GREEN TREE SERVICING LLC FKA CONSECO FINANCE SERVICING CORP.**, (Grantor), a Limited Liability Company under the laws of the State of Delaware, CONVEYS and WARRANTS to **ERNEST E. HELEINE & LINDA L. CARTER**, (Grantees) for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

**SEE ATTACHED EXHIBIT "A"**

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 3221 North 24<sup>th</sup> Street, Terre Haute, Indiana 47804.

The undersigned further certifies, under oath, that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

The undersigned person executing this deed on behalf of Grantor represents and certifies that the undersigned is duly authorized and qualified to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

EXHIBIT "A"

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Lots No. 225, 226, 227, and 8 feet of even width off the  
North side of Lot 224, in Fort Harrison Addition to the City  
of Terre Haute, Vigo County, Indiana.

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IN WITNESS WHEREOF, Grantor has executed this deed this 21<sup>st</sup> day of January, 2003.  
(SEAL) ATTEST:

Green Tree Servicing LLC.  
Formerly known as Conseco Finance Corp.

BY: [Signature]  
Signature  
John A. Smith, Authorized Officer  
Printed Name, Office



**Receipt**

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

Date: Sept 7, 2010

Name: Ernest Helaine

Reason: Vacating on salary \$500

TERRE HAUTE, IN  
PAID

Cash: \$500

SEP 07 2010

Check: \_\_\_\_\_

Credit: \_\_\_\_\_

Total: \$500

CONTROLLER

Received By: M. Russell



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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 24, 2010

September 10, 2010

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 ordinance attached 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 September 30, 2010.

☒ No Problems Noted

☐ Problems as noted below

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(Signature)

Brett Dean  
(Printed name)

Ass. street chief THFD  
(Title)

9-14-2010  
(Date)

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 24, 2010

September 10, 2010

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 ordinance attached 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 September 30, 2010.

X No Problems Noted

\_\_\_\_\_ Problems as noted below

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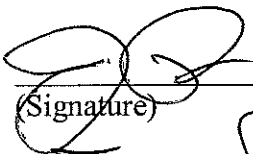
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(Signature)  
John Prasse  
(Printed name)

CHIEF  
(Title)  
9-14-10  
(Date)

**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 24, 2010

September 10, 2010

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 September 30, 2010.

Daniel Bell  
(Signature)

Daniel Bell  
(Printed name)

LEAD inspector  
(Title)

Sept 15 2010  
(Date Posted)



