

FILED

JUL 22 2010

CITY CLERK

SPECIAL ORDINANCE NO. 20, 2010

**AN ORDINANCE VACATING A PORTION OF
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:

All that part of the a 15 foot wide alley running North to South from the North property line to the South property line of the following described real estate:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

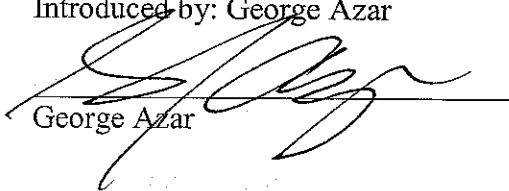
Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24th Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

Section 2. Be it further ordained that alleyway in the City of Terre Haute, Indiana above-described, be and the same is hereby vacated and will revert to the property owner on which the alleyway is located 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 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.

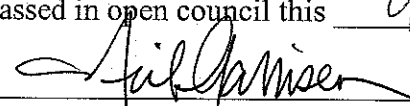
WHEREAS, an emergency exists for the immediate taking of this ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Introduced by: George Azar


George Azar

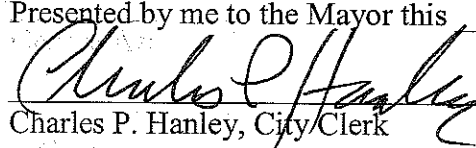
7/20/10
Date

Passed in open council this 9th day of Sept, 2010

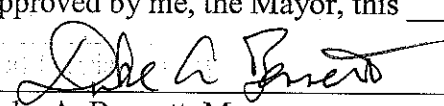

Neil Garrison, City Council President

ATTEST:  Charles P. Hanley

Presented by me to the Mayor this 10th day of Sept, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10th day of SEPTEMBER, 2010.


Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley

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


David P. Friedrich

This document prepared by:

David P. Friedrich, 15164-84
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy
333 Ohio Street
Terre Haute, IN 47807

PETITION FOR VACATION OF PUBLIC ALLEYWAYS

To: The President and Members of The Common Council of the City of Terre Haute, Indiana

Ladies and Gentlemen:

The undersigned Petitioner, David R. Callahan, as the sole owner of the real estate of a certain alleyway platted in Terre Haute, Indiana, respectfully submits this Petition and requests the legislative body of the City of Terre Haute, Indiana to vacate the public alleyway described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition states:

1. Petitioner, David R. Callahan is the sole owner of the following described real estate located in Vigo County, Indiana:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24th Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

Lots 4, 5, 6 and 7 in Monterey Place, 3rd Subdivision, a Subdivision of the North half of Lots 4 and 5 in John Milner's Subdivision of part of the North West quarter of Section 26, Township 12 North, Range 9 West.

The real estate is the business address for Callahan and Hughes Funeral Home and is commonly known as:

605 South 25th Street, Terre Haute, Indiana

The real estate is generally bounded as follows: On the south by 626 South 24th Street, 628 South 24th Street, 631 South 25th Street , and on the north by 518 South 24th Street.

Attached is a copy of a portion of a plat showing the properties and the public alleyway which Petitioner seeks to have vacated (the alleyway proposed to be vacated is highlighted in yellow).

2. The portion of the public alleyway to be vacated is described as follows:

All that part of the a 15 foot wide alley running North to South from the North property line to the South property line of the following described real estate:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24th Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

3. No land owner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of the alleyway. Petitioner is the sole owner of property on which the alley to be vacated is located. Property owners that abut the alley can drive on the existing alleyway that will not be vacated south to Crawford Street and north to Oak Street. The vacation of the alleyway would also not adversely affect the flow of traffic in the neighborhood.
4. The alleyway to be vacated has not been utilized as an alley since the property has been utilized as a funeral home or the Petitioner has owned the real estate on South 25th Street.
5. Petitioner proposes the vacation of the alleyway in order to facilitate the remodeling and expansion of the Callahan & Hughes Funeral Home.
6. The proposed vacation would not hinder the use of a public way by the neighborhood in which the alleyway is located or to which they are contiguous since the Petitioner is the sole owner of land on which the alleyway is located and all other landowners in the area or those which abut the alleyway in question will have and will continue to have direct access to public ways.
7. The proposed vacation of the alleyway would not make access to any land by any person by means of public way difficult or inconvenient, nor would the vacation hinder any member of the public's access to a private or public building.

8. The names and addresses of all owners that abut the alleyways proposed to be vacated are as follows:

Phillip E. Williams, Jr., 628 South 24th Street, Terre Haute, Indiana 47803.

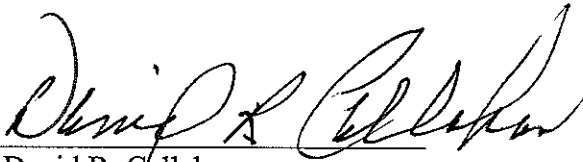
Eugene W. Etheridge, 631 South 25th Street, Terre Haute, Indiana 47803.

Lawrence J. Brune, 518 South 24th Street, Terre Haute, Indiana 47803.

THEREFORE, Petitioner, David R. Callahan, respectfully requests the Common Council of the City of Terre Haute, Indiana after a hearing on this petition in accordance with the law to:

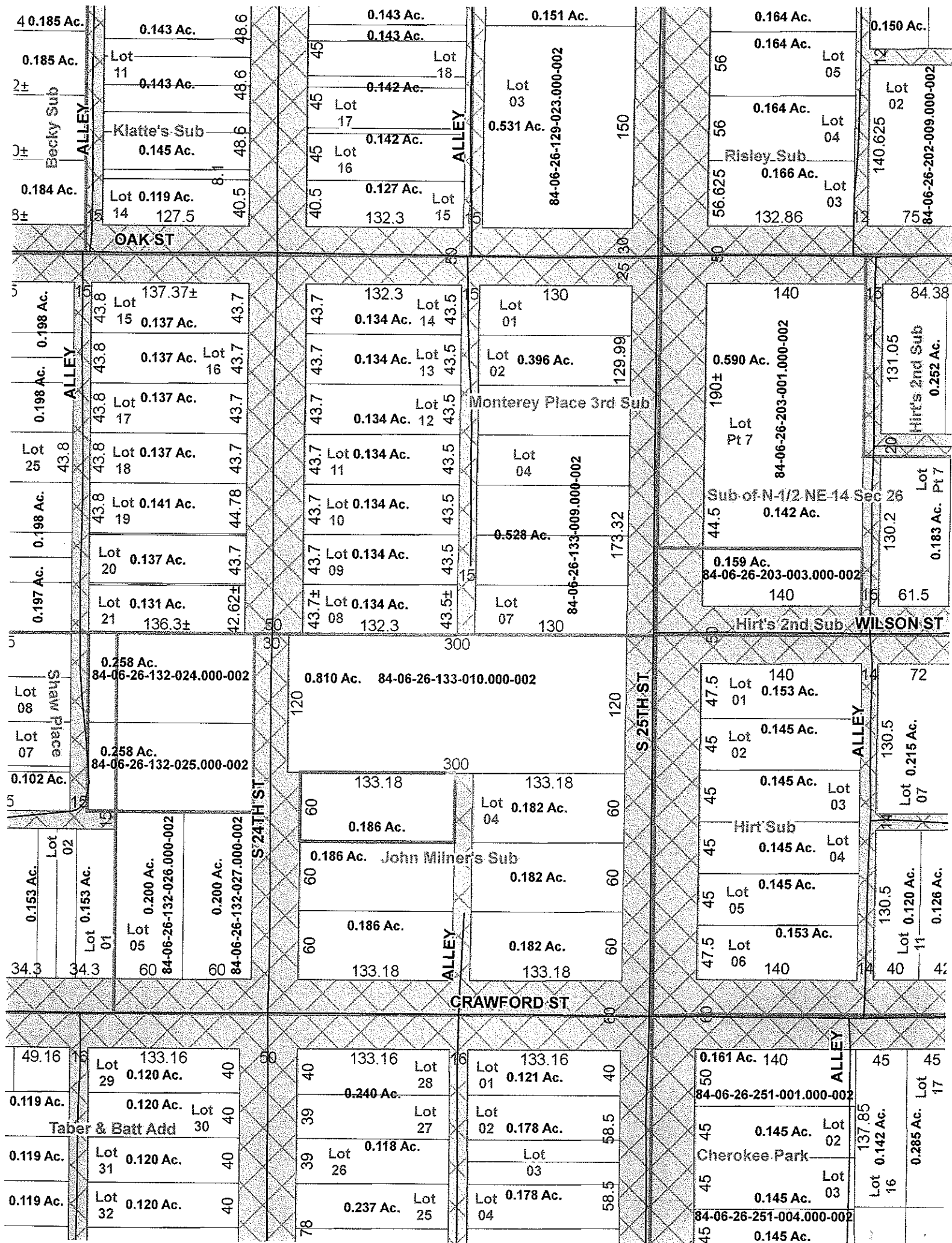
- (a) Adopt an ordinance vacating the alleyway referred to and described above;
- (b) Cause the Clerk of the City of Terre Haute to furnish copies of said vacation ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and to cause the Recorder to release the ordinance 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,

By: 
David R. Callahan

This document prepared by:

David P. Friedrich, #15164-84
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy
333 Ohio Street
Terre Haute, IN 47807



Receipt

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

Date: July 22, 2010

Name: Wilkinson, Moller, Modest

Reason: Vacating an alley

TERRE HAUTE. IN
PAID

Cash: _____

Check: \$5⁰⁰ CK# 0077818

JUL 22 2010

Credit: _____

CONTROLLER

Total: \$5⁰⁰

Received By: M. Doree/RE

7010 0290 0003 3152 7976

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only - No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

TERRE HAUTE IN 47803		
Postage	\$ 0.44	0951
Certified Fee	\$2.80	04 90
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	08/13/2010

Sent To Eugene W Etheridge
 Street, Apt. No.,
 or PO Box No. 631 South 25th St
 City, State, Zip+4 Terre Haute IN 47803

TERRE HAUTE RETAIL STORE
 Terre Haute, Indiana
 478029998
 1740350951-0098
 08/13/2010 (800)222-1811 11:59:06 AM

Product Description	Sale Unit Qty	Price	Final Price
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TERRE HAUTE IN 47803			\$0.44
Zone-1 First-Class Letter			
0.80 oz.			
Expected Delivery: Sat 08/14/10			
Return Rcpt (Green Card)			\$2.30
Certified			\$2.80
Label #:	70100290000331535377		
Issue PVI:			\$5.54

TERRE HAUTE IN 47803			\$0.44
Zone-1 First-Class Letter			
0.80 oz.			
Expected Delivery: Sat 08/14/10			
Return Rcpt (Green Card)			\$2.30
Certified			\$2.80
Label #:	70100290000331527976		
Issue PVI:			\$5.54

TERRE HAUTE IN 47803			\$0.44
Zone-1 First-Class Letter			
0.80 oz.			
Expected Delivery: Sat 08/14/10			
Return Rcpt (Green Card)			\$2.30
Certified			\$2.80
Label #:	70100290000331527983		
Issue PVI:			\$5.54

Total: \$16.62

Paid by:
 Debit Card
 Account #:
 Approval #:

\$16.62
 XXXXXXXXXXXX0886

7010 0290 0003 3152 7963

U.S. Postal Service		
CERTIFIED MAIL[®] RECEIPT		
(Domestic Mail Only, No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
TERRE HAUTE IN 47803		
Postage	\$ 0.44	0951
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	08/13/2010
Sent to Philip E Phillips		
Street, Apt. No., or PO Box No. 628 S. 24 St		
City, State, ZIP+4 [®] Terre Haute IN 47803		

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TERRE HAUTE RETAIL STORE
Terre Haute, Indiana
478029998
1740350951-0098
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Approval #:			

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U.S. Postal Service		0951	
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(Domestic Mail Only, No Insurance Coverage Provided)		Postmark Here	
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Street, Apt. No., or PO Box No. <u>518 S 24th St</u>			
City, State, ZIP+4 <u>Terre Haute IN 47803</u>			
USPS Form 3800, November 2008 PSN 7530-02-000-9000			

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Paid by:
 Debit Card \$16.62
 Account #: XXXXXXXXXXXX0886
 Approval #:
 Transaction #: 948
 23903091429
 Receipt #: 001096

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