

FILED  
MAY 27 2011  
CITY CLERK

**SPECIAL ORDINANCE NO. 17, 2011**

AN ORDINANCE VACATING THREE (3) PUBLIC ALLEYS 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 three (3) public alleys located in the City of Terre Haute, Vigo County, Indiana, which are now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

See Legal Description for alleys to be vacated  
attached as Exhibit "A"

SECTION 2. Be it further ordained that said alleys 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.

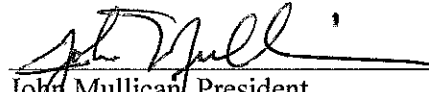
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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,

  
John Mullican, Councilperson

Passed in open Council this 14<sup>th</sup> day of July, 2011.

  
John Mullican, President

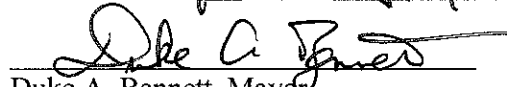
ATTEST:

  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 15<sup>th</sup> day of July, 2011.

  
Charles P. Hanley, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this 15<sup>th</sup> day of July, 2011.

  
Duke A. Bennett, Mayor

ATTEST:

  
Charles P. Hanley, 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.

  
Timothy E. Fears, Attorney

This instrument prepared by Timothy E. Fears, General Counsel, Thompson Thrift, 901 Wabash Avenue, Suite 300, Terre Haute, IN 47807, (812) 235-5959.

## **EXHIBIT A**

### **Legal Description of Alleys to be Vacated**

#### **North Alley to be Vacated**

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. described as follows:

Beginning at the Southwest Corner of Lot 24 in Chauncey Rose's Subdivision being also on the East right of way of 9 1/2th Street, as occupied; thence South 89 degrees 13 minutes 29 seconds East along the South line Lots 24 thru 32 in said subdivision a distance of 205.68 feet to a point 5.00 feet East of the Southwest Corner of Lot 32 said point also being the Northwest Corner of the vacated alley as recorded in Miscellaneous Record 176, Page 741; thence South 00 degrees 34 minutes 38 seconds West along the West line of said vacated alley a distance of 10.00 feet; thence North 89 degrees 13 minutes 29 seconds West parallel with the South line of Lots 24 thru 32 in said subdivision a distance of 205.40 feet to the East right of way of 9 1/2th Street, as occupied; thence North 00 degrees 12 minutes 27 seconds West along said East right of way a distance of 20.00 feet to the Point of Beginning containing 0.09 acres (4111 square feet), more or less, and all situated in Harrison Township, Vigo County, Indiana.

#### **South Alley to be Vacated**

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. being a strip of land remaining between Parcel III and Parcel I & II as described in Title Commitment No. V11231976 described as follows:

Commencing at the Southwest Corner of Lot 22 in Chauncey Rose's Subdivision also being the intersection of the East right of way of 9 1/2th Street, as occupied, and the North right of way of Ohio Street, as occupied; thence North 00 degrees 22 minutes 56 seconds East along the East right of way of said 9 1/2th Street, as occupied, a distance of 135.05 feet to a point intended to be 14 feet North of the Southwest Corner of Lot 23 in said subdivision also being the Northwest Corner of said Parcel I and the Point of Beginning; thence continuing North 00 degrees 22 minutes 56 seconds East along the East right of way of said 9 1/2th Street, as occupied, a distance of 20.59 feet to the Southwest corner of Parcel III as described in said Title Commitment; thence South 89 degrees 13 minutes 21 seconds East along the South line of said Parcel III a distance of 275.05 feet to the West right of way of the existing railroad; thence South 00 degrees 34 minutes 38 seconds West along said West right of way a distance of 17.17 feet to a point 13.25 feet East of the Northeast Corner of Parcel II as described in said Title Commitment; thence North 89 degrees 56 minutes 04 seconds West along the North line of Parcel I and II as described in said Title Commitment a distance of 274.99 feet to the Point of Beginning containing 0.12 acres (5193 square feet), more or less, and all situated in Harrison Township, Vigo County, Indiana.

East Alley to be Vacated

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. being a strip of land lying due east of, and described in, Parcel II as shown in Title Commitment No. V11231976 described as follows:

Said alley is 15 feet wide by approximately 134 feet and is located east of and adjoining with Parcel II and shown as Tax Parcel 84-06-22-354-012.000-002 containing 0.05 acres (2025 square feet), more or less, all of which is situated in Harrison Township, Vigo County, Indiana.

## PETITION FOR VACATION OF PUBLIC ALLEY

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

GENTLEMEN:

Your Petitioner, Emmis Indiana Broadcasting, L.P., an Indiana limited partnership, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana to vacate three (3) public alleys described below pursuant to the various provisions of I.C. 36-7-3, and in support of this Petition would show to the Common Council of said City as follows:

1. Emmis Indiana Broadcasting, L.P., Petitioner herein, is the owner of the following described real estate located in Terre Haute, Vigo County, State of Indiana:

See Legal Description of property owned by Petitioner  
attached as Exhibit "A"

Commonly known as 918 Ohio Street, Terre Haute, IN 47807.

2. Petitioner herein petitions, pursuant to I.C. 36-7-3-12 to vacate three (3) separate and distinct alleys which adjoin Petitioner's property. The alleys to be vacated are more particularly described as follows:

See Legal Description for alleys to be vacated  
attached as Exhibit "B"

3. One of the alleys (the "South Alley") is located wholly upon Petitioner's property and runs east and west from 9 ½ Street for approximately 275 feet to the west line of the existing railroad. Another alley (the "North Alley") runs east and west from 9 ½ Street for approximately 205 feet and lies between the north property line of Petitioner's property and property owned by Thompson Thrift Properties, LLC, Glidden Furniture, Inc., and Richard Comer and Richard Comer, Jr.
4. The east alley is located between Petitioner's property and property owned by CSX Transportation, Inc. and runs north and south for approximately 134 feet from the north line of Ohio Street (the "East Alley")
5. All three (3) alleys are shown on the Alley Vacation Exhibit, which is attached hereto, made a part hereof and marked as Exhibit "C".
6. Your Petitioner, along with the adjoining landowners; Thompson Thrift Properties, LLC, Glidden Furniture, Inc., and Richard Comer and Richard Comer, Jr. (hereinafter "Abutting Landowners") own all of the abutting properties to the North Alley. The Abutting Landowners have consented to this Petition as shown

on the letters of consent, copies of which are attached hereto and incorporated herein as Exhibits "D" "E" and "F".

7. The alleys will remain subject to existing easements for public utilities, if any.
8. No landowner adjoining and abutting the alleys to be vacated would be adversely affected by the vacation of the alleys.
9. The vacation of the alleys would allow for the expansion and development of Petitioner's property, as well as a more efficient and effective use of all the subject property surrounding the alleys.
10. All landowners in the area have and will continue to have direct access to public ways. The proposed vacation of said alleys 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.

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

- a) Adopt an Ordinance vacating the alleys as 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
- c) For all other proper relief in the premises.

IN WITNESS WHEREOF, the Petitioner has duly executed this instrument on this 25 day of May, 2011.

PETITIONER

EMMIS INDIANA BROADCASTING, L.P.

By: David E. Conner  
Title: Vice President General Manager

This instrument prepared by Timothy E. Fears, General Counsel, Thompson Thrift, 901 Wabash Avenue, Suite 300, Terre Haute, IN 47807, (812) 235-5959.

## **EXHIBIT A**

### **Legal Description of Property Owned by Petitioner**

#### **Parcel I**

Lot No. 22 and 14 feet off the South end of Lot 23, all in Rose's Subdivision of Real Estate in the City of Terre Haute, Vigo County, Indiana, as shown by the plat recorded January 27, 1877 in Plat Record 3 Page 88, formerly occupied by the Wabash and Erie Canal, between Main and Poplar Streets; also commencing at an Iron Pin at the Southeast corner of said Lot 22 aforesaid (which pin is in line with the North line of Ohio Street as now located and established and 14 feet East of the top water line of said canal); thence East from said pin along the North line of Ohio Street, as now located and established, 70 feet to the Southwest corner of the tract of land deeded by Herman Hulman, July 26, 1900 to the Southern Indiana Railway Company, as appears from deed recorded in Deed Record 102 Page 176 of the records of the Recorder's Office of Vigo County, Indiana; thence North 134 feet to an alley 16 feet wide running East and West from Canal Street to the land of the Evansville and Terre Haute Railroad Company, and which said alley is dedicated to public use; thence West to the East line of said Lot 23; thence South along the East line of said Lots 22 and 23 to the place of beginning.

#### **Parcel II**

Commencing at a point in the North line of Ohio Street in the City of Terre Haute, Vigo County, Indiana, Seventy (70) feet East of the Southeast corner of Lot Twenty-two (22) in Chauncey Rose's Subdivision, as shown by the plat recorded January 27, 1877 in Plat Record 3 Page 88, of the Real Estate formerly occupied by the Wabash and Erie Canal between Main Street (now Wabash Avenue) and Poplar Street and East of the former line of said Canal and West of the lands of the Evansville and Crawfordsville Railroad Company, now the Chicago and Eastern Illinois Railroad Company; thence East along the North line of Ohio Street, One Hundred Sixty-one (161) feet and Ten (10) inches, more or less, to the West line of a Fifteen (15) foot alley running North and South immediately West of the West line of the lands owned by the Chicago and Eastern Illinois Railroad Company; thence North along the West line of said Fifteen (15) foot alley, One Hundred Thirty-four (134) feet to the South line of a Sixteen (16) foot alley, running East and West; thence West along the South line of said Sixteen (16) foot alley One Hundred Sixty-one (161) feet and Ten (10) inches, more or less, to a point directly North of the place of beginning; thence South One Hundred Thirty-four (134) feet to the place of beginning, containing 21,685 square feet, more or less, and being the same premises as were heretofore conveyed to the Southern Indiana Railway Company a predecessor of the Chicago, Terre Haute and Southeastern Railway Company by the Pabst Brewing Company and Herman Hulman by deeds executed on July 23, 1900 and July 26, 1900 and recorded in the Office of the Recorder of said Vigo County on July 26, 1900 in Deed Record No. 102 Pages 175 and 176.

### **Parcel III**

Commencing at the Northwest corner of Lot Number Twenty-three (23) of said Chauncey Rose's Subdivision, as shown by the plat recorded January 27, 1877 in Plat Record 3, Page 88 in the Vigo County Recorder's Office, thence South Ninety (90) feet; thence East Two Hundred Seventy-six (276) feet, more or less, to the West property line of the Chicago & Eastern Illinois Railroad Company; thence North along said West property line Ninety (90) feet; thence West Two Hundred Seventy-six (276) feet, more or less, to the place of beginning.

Also, the South one-half of a vacated alley adjoining above-described tract, on the North, described as follows:

That portion of a 20-foot alley running East and West described as follows:

Beginning Five (5) feet East of the Southwest corner of Lot No. Thirty-two (32) in Chauncey Rose's Subdivision of real estate in the City of Terre Haute, Vigo County, Indiana, formerly occupied by the Wabash and Erie Canal between Main Street (now Wabash Avenue and Poplar Street, and East of the former line of said canal and West of the land of the Evansville and Crawfordsville Railroad Company, now the Chicago and Eastern Illinois Railroad Company; extending thence East a distance of 71 feet, 3 inches; thence South a distance of 20 feet; thence West a distance of 71 feet 3 inches; thence North to the place of beginning.

Commonly known as 918 Ohio Street, Terre Haute, IN 47807.



## **EXHIBIT B**

### **Legal Description of Alleys to be Vacated**

#### **North Alley to be Vacated**

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. described as follows:

Beginning at the Southwest Corner of Lot 24 in Chauncey Rose's Subdivision being also on the East right of way of 9 1/2th Street, as occupied; thence South 89 degrees 13 minutes 29 seconds East along the South line Lots 24 thru 32 in said subdivision a distance of 205.68 feet to a point 5.00 feet East of the Southwest Corner of Lot 32 said point also being the Northwest Corner of the vacated alley as recorded in Miscellaneous Record 176, Page 741; thence South 00 degrees 34 minutes 38 seconds West along the West line of said vacated alley a distance of 10.00 feet; thence North 89 degrees 13 minutes 29 seconds West parallel with the South line of Lots 24 thru 32 in said subdivision a distance of 205.40 feet to the East right of way of 9 1/2th Street, as occupied; thence North 00 degrees 12 minutes 27 seconds West along said East right of way a distance of 20.00 feet to the Point of Beginning containing 0.09 acres (4111 square feet), more or less, and all situated in Harrison Township, Vigo County, Indiana.

#### **South Alley to be Vacated**

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. being a strip of land remaining between Parcel III and Parcel I & II as described in Title Commitment No. V11231976 described as follows:

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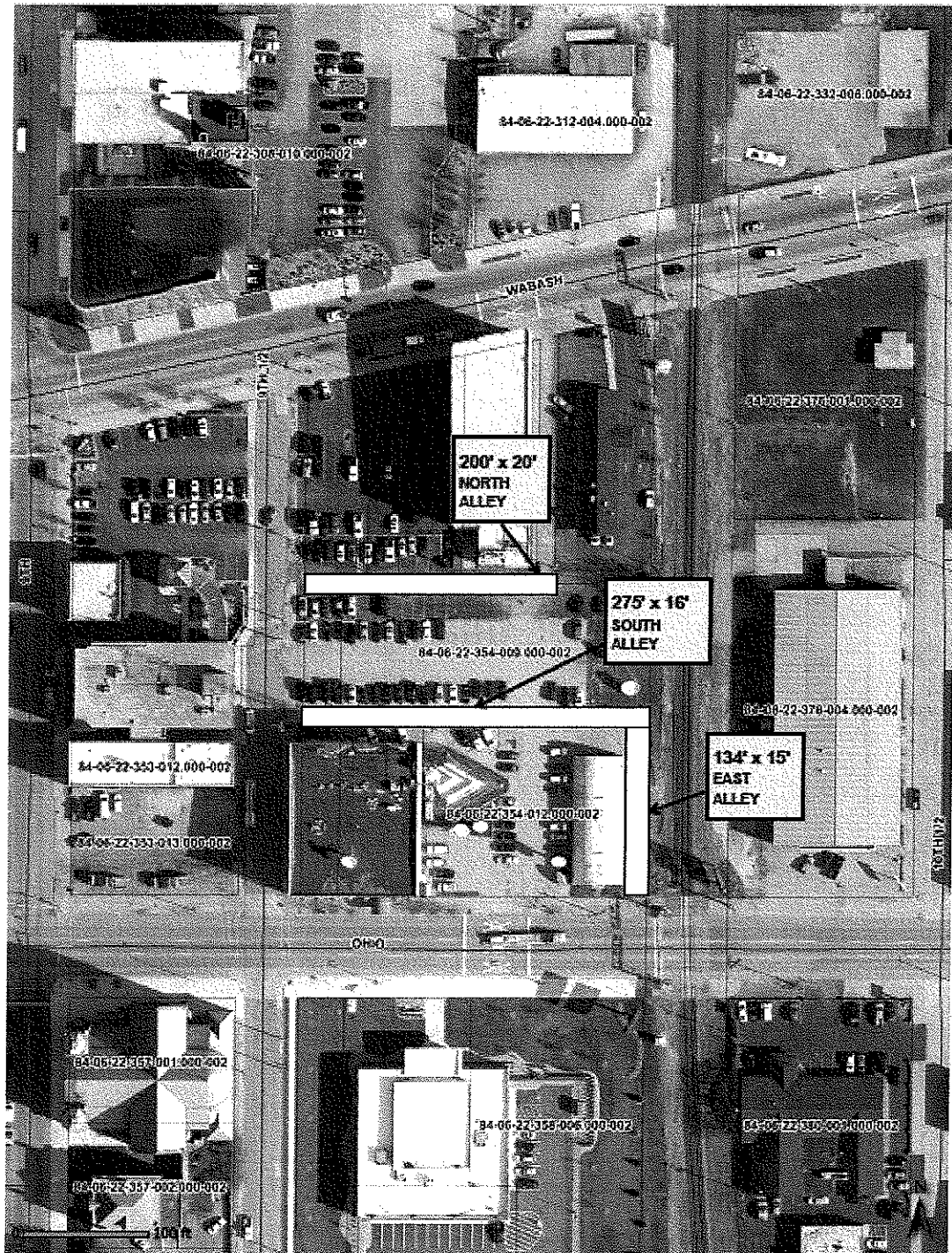
East Alley to be Vacated

A part of Chauncey Rose's Subdivision of the Wabash and Erie Canal and property East thereof between Poplar and Main Street and land in Section 22, Township 12 North, Range 9 West of the 2nd P.M. being a strip of land lying due east of, and described in, Parcel II as shown in Title Commitment No. V11231976 described as follows:

Said alley is 15 feet wide by approximately 134 feet and is located east of and adjoining with Parcel II and shown as Tax Parcel 84-06-22-354-012.000-002 containing 0.05 acres (2025 square feet), more or less, all of which is situated in Harrison Township, Vigo County, Indiana.

## EXHIBIT C

### Alley Vacation Exhibit



**EXHIBIT D**

**Letter of Consent**

April 29, 2011

City of Terre Haute  
Common Council  
City Hall  
Terre Haute, IN 47807

Re: Petition to Vacate Alleys Filed by Emmis Indiana Broadcasting, L.P. ("Petitioner")  
925 Wabash Avenue, Terre Haute, Indiana

To the City of Terre Haute Common Council:

We are the owners of property adjoining a portion of an east/west alley proposed to be vacated by the Petitioner.

We have met with representatives of the Petitioner, we have reviewed the Petitioner's proposed development at the above-described location, and we support the Petition to Vacate as filed.

Dated this 3<sup>rd</sup> day of May, 2011.

Respectfully submitted,

By:   
Paul M. Thrift, Manager of  
Thompson Thrift Properties, LLC

**EXHIBIT E**

**Letter of Consent**

April 29, 2011

City of Terre Haute  
Common Council  
City Hall  
Terre Haute, IN 47807

Re: Petition to Vacate Alleys Filed by Emmis Indiana Broadcasting, L.P. ("Petitioner")  
925 Wabash Avenue, Terre Haute, Indiana

To the City of Terre Haute Common Council:

We are the owners of property adjoining a portion of an east/west alley proposed to be vacated by the Petitioner.

We have met with representatives of the Petitioner, we have reviewed the Petitioner's proposed development at the above-described location, and we support the Petition to Vacate as filed.

Dated this 18<sup>th</sup> day of May, 2011.

Respectfully submitted,

By:   
Bill Glidden, Owner  
of Glidden Furniture, Inc.

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**EXHIBIT F**

**Letter of Consent**

April 29, 2011

City of Terre Haute  
Common Council  
City Hall  
Terre Haute, IN 47807

Re: Petition to Vacate Alleys Filed by Emmis Indiana Broadcasting, L.P. ("Petitioner")  
925 Wabash Avenue, Terre Haute, Indiana

To the City of Terre Haute Common Council:

We are the owners of property adjoining a portion of an east/west alley proposed to be vacated by the Petitioner.

We have met with representatives of the Petitioner, we have reviewed the Petitioner's proposed development at the above-described location, and we support the Petition to Vacate as filed.

Dated this 3 day of May, 2011.

Respectfully submitted,

By: Richard Comer  
Richard Comer

By: Richard Comer, Jr.  
Richard Comer, Jr.

**Receipt**

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

Date: \_\_\_\_\_

Name: Emmis  
Indiana Broadcasting

Reason: \_\_\_\_\_

Vacating alley

Cash: \$500

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

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

Total: \$500

TERRE HAUTE, IN  
PAID

MAY 27 2011

CONTROLLER

Received By: Dat / Hells

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 17, 2011

June 10, 2011

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 July 1, 2011.

☒ No Problems Noted

☐ Problems as noted below

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Sgt. S. Lewis 88  
(Signature)

Sgt. S. Lewis  
(Printed name)

TRAFFIC SERGEANT.  
(Title)

6-13-11  
(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 17, 2011

June 10, 2011

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 July 1, 2011.

☒ No Problems Noted

☐ Problems as noted below

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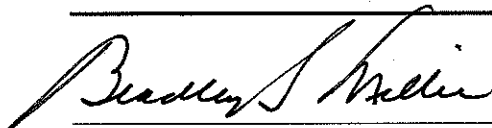
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(Signature)

BRADLEY S. MILLER  
(Printed name)

TRANSPORTATION DIRECTOR  
(Title)

6-14-11  
(Date)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 17, 2011

June 10, 2011

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 July 1, 2011.

X No Problems Noted

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

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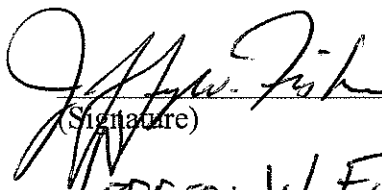
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(Signature)  
JEFFERY W. FISHTORY  
(Printed name)

FIRE CHIEF  
(Title)  
6-14-11  
(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 17, 2011

June 10, 2011

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 July 1, 2011.

Daniel Bell  
(Signature)

Lead Inspector  
(Title)

Daniel Bell  
(Printed name)

6-21-2011  
(Date Posted)

**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 17, 2011

June 10, 2011

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 July 1, 2011.

       No Problems Noted

  X   Problems as noted below

An easement for the alley sewer  
must be kept for future maintenance  
of the sewer

Marcus E. Maurer  
(Signature)

MARCUS E. MAURER  
(Printed name)

Staff Engineer  
(Title)

7/6/2011  
(Date)