

FILED

NOV 01 2012

CITY CLERK

Special Ordinance No. 50-2012

AN ORDINANCE VACATING A PORTION OF 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 of the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of public alleys 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:

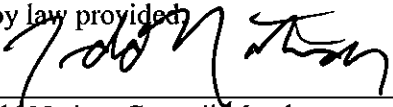
Beginning at the Northeast corner of Lot 1 in the City of Terre Haute's Subdivision of Lot Number 21; thence Easterly to the Northwest corner of Lot 9; thence Southerly to the Southwest corner of Lot 9; thence Easterly to the Southeast corner of Lot 13; thence Northerly to the Northeast corner of Lot 13; thence Easterly to the Northwest corner of Lot 19; thence Southerly to the Southwest corner of Lot 26; thence Westerly to the Southeast corner of Lot 18; thence Northerly to the Northeast corner of Lot 18; thence Westerly to the Northwest corner of Lot 14; thence Southerly to the Southwest corner of Lot 14; thence Westerly to the Southeast corner of Lot 8; thence Northerly to the place of beginning, containing approximately 15,000 square feet, more or less.

Commonly Located By 1501 N 3rd Street, Terre Haute, Indiana 47807
And 401 8th Avenue, Terre Haute, Indiana 47807

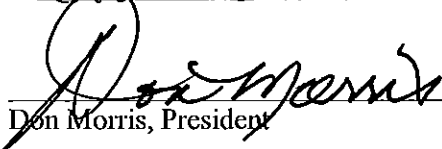
SECTION 2. Be it further ordained that said portion of said alleys in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and 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 publications as by law provided.

Presented by Council Member, 
Todd Nation, Council Member

Passed in open Council this 13th day of December, 2012


Don Morris, President

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 14th day of December 2012.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of December 2012.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument prepared by:

Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC, 109 W. Jackson Street,
PO Box 767, Cicero, Indiana 46034.

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. Julie M. Elliott

PETITION FOR VACATION OF PORTION OF PUBLIC ALLEYS

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

CITY OFFICIALS:

MS Terre Haute, LLC, an Indiana limited liability company, is the contract purchaser of land abutting certain Public Alleys which are located in Terre Haute, Indiana, and respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana to vacate that portion of Public Alleys 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. Second Christian Church of Terre Haute, , is the owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

84-06-16-402-001.000-002

2. The City of Terre Haute, Indiana, by and through its Board of Public Works, is owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

84-06-16-402-002.000-002

3. MS Terre Haute, LLC, an Indiana limited liability company, is the Petitioner herein.
4. That the portion of the Alleys to be vacated as set forth may be more particularly described as follows, to-wit:

Beginning at the Northeast corner of Lot 1 in the City of Terre Haute's Subdivision of Lot Number 21; thence Easterly to the Northwest corner of Lot 9; thence Southerly to the Southwest corner of Lot 9; thence Easterly to the Southeast corner of Lot 13; thence Northerly to the Northeast corner of Lot 13; thence Easterly to the Northwest corner of Lot 19; thence Southerly to the Southwest corner of Lot 26; thence Westerly to the Southeast corner of Lot 18; thence Northerly to the Northeast corner of Lot 18; thence Westerly to the Northwest corner of Lot 14; thence Southerly to the Southwest corner of Lot 14; thence Westerly to the Southeast corner of Lot 8; thence Northerly to the place of beginning, containing approximately 15,000 square feet, more or less.

Commonly Located By 1501 N 3rd Street, Terre Haute, Indiana 47807
And 401 8th Avenue, Terre Haute, Indiana 47807

5. No landowner adjoining and abutting the Public Alleys to be vacated would be adversely affected by the vacation of said Public Alleys. Listed landowners of affected property are the owner of all property adjoining and abutting the Public Alleys to be vacated.
6. Petitioner proposes the vacation of the Public Alleys in order to develop a skilled nursing, rehab and assisted living facility.

7. Vacating the Public Alleys will not interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.
8. The name and address of the owners of land that abuts to that portion of the Public Alleys proposed to be vacated herein have consented to this Petition for Vacation pursuant to the attached Affidavit of Consent attached hereto and incorporated herein by reference.

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 Alleys 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 29th day of October, 2012.

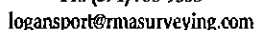
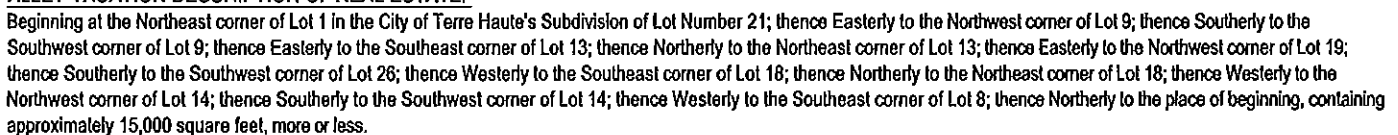
BY: Julie M. Elliott
Julie M. Elliott,
Associate General Counsel

See attached Owner Consent & Affidavit

PETITIONER: MS TERRE HAUTE, LLC, an Indiana limited liability company

This instrument prepared by:

Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC, 109 W. Jackson Street,
PO Box 767, Cicero, Indiana 46034.



AFFIDAVIT OF CONSENT OF PROPERTY OWNER
(To be presented with Petition to Vacate Street/Alley)

As a duly authorized representative of the City of Terre Haute, by and through the Board of Public Works ("Owner"), which is listed as the owner of the property located at 1501 N. Third Street, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. The Owner of the property described in the attached petition which has been filed before the Common Council of the City of Terre Haute, Indiana, hereby authorizes MS Terre Haute, LLC, an Indiana limited liability company, or its assigns, as Petitioner to file said attached petition with the Common Council of the City of Terre Haute.

Robert J. Munn
Owner

10-30-12
Date

Subscribed and sworn to before me this 30 day of October, 2012.

Robert A. Dumm
Notary Public

My Commission Expires:

6-2-2016

AFFIDAVIT OF CONSENT OF PROPERTY OWNER
(To be presented with Petition to Vacate Street/Alley)

As a duly authorized representative of the Second Christian Church ("Owner"), which is listed as the owner of the property located at 401 8th Avenue, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. The Owner of the property described in the attached petition which has been filed before the Common Council of the City of Terre Haute, Indiana, hereby authorizes MS Terre Haute, LLC, an Indiana limited liability company, or its assigns, as Petitioner to file said attached petition with the Common Council of the City of Terre Haute.

Second Christian Church

By: Ted Bradburn

Ted Bradburn
Elder and Board Chairman

Owner

10-29-12
Date

Subscribed and sworn to before me this 29th day of October, 2012.

Lynn A. Adams
Notary Public Lynn A. Adams

My Commission Expires: 10-4-2016

County of Residence: Vigo



Receipt

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

Date: 11/1/12

Name: Randall Miller & Assoc.

Reason: _____

2 Resporing fees
2 vacates

TERRE HAUTE, IN
PAID

Cash: _____

NOV - 1 2012

Check: \$100⁰⁰

CONTROLLER

Credit: _____

Total: \$100⁰⁰

Received By: Sat Heelis

**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 50, 2012

November 13, 2012

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 November 30, 2012.

☒ No Problems Noted

☐ Problems as noted below

Marcus E. Maurer
(Signature)

Marcus E. Maurer
(Printed name)

Staff Engineer
(Title)

11/15/2012
(Date)

OK

**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 50, 2012

November 13, 2012

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 November 30, 2012.

☒ No Problems Noted

☐ Problems as noted below


(Signature)

BRADLEY S. MILLER
(Printed name)

TRANSPORTATION DIRECTOR
(Title)

1.15.2012
(Date)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

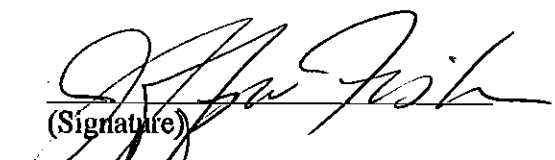
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☒ No Problems Noted

☐ Problems as noted below


(Signature)
GREGORY W. FISHER
(Printed name)

FIRE CHIEF
(Title)
12-5-12
(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 50, 2012

November 13, 2012

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 November 30, 2012.

Daniel Bell
(Signature)

Daniel Bell
(Printed name)

LEAD Inspector
(Title)

11-16-2012
(Date Posted)

**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 50, 2012

November 13, 2012

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 November 30, 2012.

Daniel Bell
(Signature)

Daniel Bell
(Printed name)

Lead Inspector
(Title)

11-16-2012
(Date Posted)