

**FILED**

FEB 02 2012

**SPECIAL ORDINANCE NO. 4, 2012**

**CITY CLERK**

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET 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 street 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:

A part of the Southeast Quarter of the Southeast Quarter of Section 9 Township 12 North Range 9 West. Beginning at the southeast corner of Lot 1 of the Collett Medical Subdivision, thence North to the Northeast corner of Lot 1 of the Collett Medical Subdivision, thence East to the Northwest corner of Lot 31 of Kalen's Subdivision, thence south to the Southwest corner of Lot 40 of Kalen's Subdivision, thence East to the Point of Beginning, the Southeast corner of Lot 1 of the Collett Medical Subdivision. Said property being known as public right-of-way for Central Avenue, north of Maple Avenue. Containing 0.71 acres more or less.

Section 2. Be it further ordained that said street 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 street 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: \_\_\_\_\_, Neil Garrison, Councilman

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_, Don Morris, President

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

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_ Duke A. Bennett, Mayor

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

This document prepared by: City Legal Department, 17 Harding Avenue, Terre Haute, IN  
47807 (812) 244-2373.

## **PETITION FOR VACATION OF PUBLIC STREET**

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

The undersigned Petitioner, Calvary Temple of Terre Haute, Inc., as the owner of the real estate adjacent to a certain roadway 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 street described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition states:

1. Petitioner, Calvary Temple of Terre Haute, Inc., is the owner of the following described real estate located in Vigo County, Indiana:

Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 in L.E. Kalen's Subdivision of a part of the South East quarter of the South East quarter of Section 9, Township 12 North, Range 9 West.

ALSO that part of Grand Avenue and Alley adjacent to the above lots as vacated by the Board of Public Works and Safety of the City of Terre Haute and recorded in Miscellaneous Record 174 page 335 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, Collett Medical Subdivision – Lot 1, a subdivision of a part of the Southeast Quarter of Section 9, Township 12 North, Range 9 West as shown by the recorded plat thereof, recorded in Plat Record 23, Page 77 of the Recorder's Office of Vigo County, Indiana.

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

A part of the Southeast Quarter of the Southeast Quarter of Section 9 Township 12 North Range 9 West. Beginning at the southeast corner of Lot 1 of the Collett Medical Subdivision, thence North to the Northeast corner of Lot 1 of the Collett Medical Subdivision, thence East to the Northwest corner of Lot 31 of Kalen's Subdivision, thence south to the Southwest corner of Lot 40 of Kalen's Subdivision, thence East to the Point of Beginning, the Southeast corner of Lot 1 of the Collett Medical Subdivision. Said property being known as public right-of-way for Central Avenue. Containing 0.71 acres more or less.

3. No land owner adjoining and abutting the street to be vacated would be adversely affected by the vacation of the street. Petitioner is the sole owner of property on which the street to be vacated is located.

4. The proposed vacation of the street would not make access to any land by any person by means of public way difficult or inconvenient, nor would the vacation hinder any members of the public's access to a private or public building.

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

- (a) Adopt an ordinance vacating the street 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 Sec. 10-125 of the City's zoning ordinance; and
- (c) For all other proper relief in the premises.

Dated this 19<sup>th</sup> day of January, 2012.

Respectfully submitted,

By: Rev. Kyle L. Andrews  
Rev. Kyle L. Andrews, President

By: Cliff Burpo  
Clifford Burpo, Secretary

## **PETITION FOR VACATION OF PUBLIC STREET**

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

Gentlemen:

The undersigned Petitioner, City of Terre Haute, by and through its Board of Public Works and Safety, as the owner of the real estate adjacent to a certain roadway 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 street described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition states:

5. Petitioner, City of Terre Haute, by and through its Board of Public Works and Safety, is the owner of the following described real estate located in Vigo County, Indiana:

Beginning at a point 505.09 feet North and 700.0 feet West of the Southeast corner of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana; thence South 89 degrees 12 minutes West, parallel with the South line of said Section 9, 257.60 feet; North 15 degrees 28 minutes East 156.62 feet; North 70 degrees 14 minutes East 229.33 feet to a point 700.0 feet West of the East line of said Section 9; South 224.91 feet to beginning, containing 1.002 acres, more or less. Parcel No. 84-06-09-476-008.000-002. Commonly known as 2230 North 6 ½ Street, Terre Haute, IN 47804.

6. The portion of the public street to be vacated is described as follows:

A part of the Southeast Quarter of the Southeast Quarter of Section 9 Township 12 North Range 9 West. Beginning at the southeast corner of Lot 1 of the Collett Medical Subdivision, thence North to the Northeast corner of Lot 1 of the Collett Medical Subdivision, thence East to the Northwest corner of Lot 31 of Kalen's Subdivision, thence south to the Southwest corner of Lot 40 of Kalen's Subdivision, thence East to the Point of Beginning, the Southeast corner of Lot 1 of the Collett Medical Subdivision. Said property being known as public right-of-way for Central Avenue. Containing 0.71 acres more or less.

7. No land owner adjoining and abutting the street to be vacated would be adversely affected by the vacation of the street. Petitioner is an owner of property on which the street to be vacated is located.

8. The proposed vacation of the street would not make access to any land by any person by means of public way difficult or inconvenient, nor would the vacation hinder any members of the public's access to a private or public building.

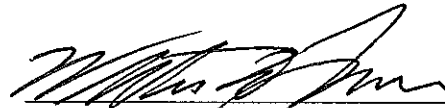
THEREFORE, Petitioner, City of Terre Haute, by and through its Board of Public Works and Safety, respectfully requests the Common Council of the City of Terre Haute, Indiana, after a hearing on this petition in accordance to with the law to:

- (d) Adopt an ordinance vacating the street referred to and described above;
- (e) 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 Sec. 10-125 of the City's zoning ordinance; and
- (f) For all other proper relief in the premises.

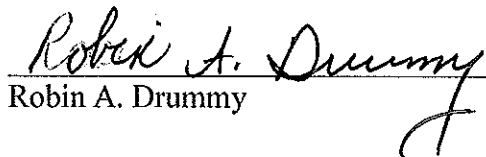
Dated this 23<sup>rd</sup> day of January, 2012.

Respectfully submitted,

By:

  
William D. Lower, President

ATTEST:

  
Robin A. Drummy

