

FILED

JUL 02 2013

SPECIAL ORDINANCE NO. 20, 2013

CITY CLERK

AN ORDINANCE VACATING A PORTION OF GARFIELD AVENUE AND A PUBLIC ALLEYWAY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

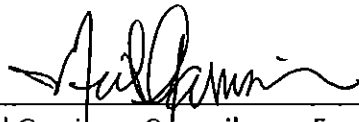
SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of Garfield Avenue and a Public Alleyway located in the City of Terre Haute, Vigo County, Indiana, which are now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

A part of the Southwest Quarter of Section 10, Township 12 North, Range 9 West, Vigo County, Indiana, more particularly described as follows: Commencing at POT marking the Southeast corner of said Quarter Section, thence South 89 Degrees 46 Minutes 03 Seconds West (basis of bearing being GPS grid based – WGS84) a distance of 165.27 feet to a found POT at the intersection of 13<sup>th</sup> Street and Lafayette Avenue; thence South 89 Degrees 51 Minutes 17 Seconds West along the South line of said Quarter Section a distance of 196.25 feet; thence North 00 Degrees 06 Minutes 22 Seconds West a distance of 30.43 feet (record 30 feet) to the Southwest corner of Lot 12 in North Side Realty and Loan Company's Subdivision of Part of Lot 17 in Barbour Place, a subdivision of the South half of Section 10 and the point of beginning; thence South 89 Degrees 51 Minutes 17 Seconds West, passing a corner of the existing building at 0.2 feet, a distance of 19.05 feet to a set monument at the back side of the sidewalk along Garfield Avenue; thence North 00 Degrees 06 Minutes 22 Seconds West parallel to the center line of Garfield Avenue a distance of 80.76 feet to the Northwest corner of the existing building; thence North 89 Degrees 13 Minutes 01 Seconds East along the edge of the existing building a distance of 45.30 feet to a set monument; thence South 00 Degrees 39 Minutes 48 Seconds East along the East edge of said existing building a distance of 1.56 feet to the Northeast corner of Lot 12; thence South 89 Degrees 51 Minutes 17 Seconds West a distance of 26.26 feet (27'-r) to the Northwest corner of Lot 12; thence South 00 Degrees 06 Minutes 22 Seconds East a distance of 79.71 feet (80'-r) to the point of beginning, containing 0.04 acres, more or less.


SECTION 2. Be it further ordained that said portions of said Garfield Avenue and the public alleyway 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 be 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:   
Neil Garrison, Councilman, Fourth Dist.

Passed in open Council this 8<sup>th</sup> day of August, 2013.

  
Norm Loudermilk, President

Attest: , Chuck Hanley, City Clerk

Presented by me to the Mayor this 9<sup>th</sup> day of August, 2013.

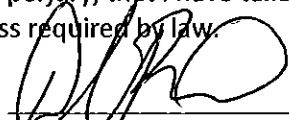
  
Chuck Hanley, City Clerk

Approved by me, the Mayor, this 9<sup>th</sup> day of August, 2013.

  
Duke Bennett, Mayor

Attest: , Chuck 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.

  
Signature

Donald J Bonomo  
Printed Name

PETITION FOR VACATION OF PUBLIC RIGHT OF WAY

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

LADIES AND GENTLEMEN:

First Financial Bank, NA, as the owner of land abutting Garfield Avenue and a public alley, and as the owner of land abutting a certain platted public right of way and alley, as shown at Plat Record 12, Page 52, recorded April 2, 1921, respectfully petition and request the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the platted public right of way and alley described below pursuant to the 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. First Financial Bank, NA, Petitioner, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot Numbered Twelve (12) in North Side Realty and Loan Co's Subdivision of part of Lot 17, in Barbour Place, a subdivision of the South half of Section 10, Township 12 North, Range 9 West, lying East of East line of Garfield Avenue as now established in the City of Terre Haute.

Said real estate is commonly known as 1240 Maple Avenue , Terre Haute, Indiana, and is generally bounded as follows:

On the south by Maple Avenue  
On the west by Garfield Avenue  
On the north by a public alley

That the attached copy of a portion of a plat discloses the portion of the Garfield Avenue right of way and public alley which Petitioner seeks to have vacated. Said portion of public alley to be vacated is a 1.56' strip. Both the right of way and alleyway to be vacated are described below. Petitioner is the owner of all said Lot 12 which is all of the property abutting that portion of the right of way and alley to be vacated.

2. That the portion of the Garfield Avenue right of way and the public alley to be vacated as set forth above may be more particularly described as follows, to-wit:

A part of the Southwest Quarter of Section 10, Township 12 North, Range 9 West, Vigo County, Indiana, more particularly described as follows: Commencing at POT marking the Southeast corner of said Quarter Section, thence South 89 Degrees 46 Minutes 03 Seconds West (basis of bearing being GPS grid based – WGS84) a distance of 165.27 feet to a found POT at the intersection of 13<sup>th</sup> Street and Lafayette Avenue; thence South 89 Degrees 51 Minutes 17 Seconds West along the South line of said Quarter Section a distance of 196.25 feet; thence North 00 Degrees 06 Minutes 22 Seconds West a distance of 30.43 feet (record 30 feet) to the Southwest corner of Lot 12 in North Side Realty and Loan Company's Subdivision of Part of Lot 17 in Barbour Place, a subdivision of the South half of Section 10 and the point of beginning; thence South 89 Degrees 51 Minutes 17 Seconds West, passing a corner of the existing building at 0.2 feet, a distance of 19.05 feet to a set monument at the back side of the sidewalk along

Garfield Avenue; thence North 00 Degrees 06 Minutes 22 Seconds West parallel to the center line of Garfield Avenue a distance of 80.76 feet to the Northwest corner of the existing building; thence North 89 Degrees 13 Minutes 01 Seconds East along the edge of the existing building a distance of 45.30 feet to a set monument; thence South 00 Degrees 39 Minutes 48 Seconds East along the East edge of said existing building a distance of 1.56 feet to the Northeast corner of Lot 12; thence South 89 Degrees 51 Minutes 17 Seconds West a distance of 26.26 feet (27'-r) to the Northwest corner of Lot 12; thence South 00 Degrees 06 Minutes 22 Seconds East a distance of 79.71 feet (80'-r) to the point of beginning, containing 0.04 acres, more or less.

3. No landowner adjoining and abutting that portion of the Garfield Avenue right of way and public alley to be vacated would be adversely affected by the vacation of the same; Petitioner is the owner of all property adjoining and abutting the area to be vacated.

4. Petitioner proposes the vacation of that portion of the Garfield Avenue right of way and public alley as that portion of the right-of-way is not used for a public road and that building sitting to the east on Lot 12 in North Side Realty & Loan Co's Subdivision encroaches onto both the platted right-of-way and public alley.

5. The proposed vacation would not hinder the use of Garfield Avenue or the public alley, and all other landowners in the area have and will continue to have direct access to Garfield Avenue and the public alley; and as set forth above, the proposed vacation 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.

6. The names and addresses of all owners of land that abut that portion of Garfield Avenue proposed to be vacated are as follows:

First Financial Bank, NA  
One First Financial Plaza, P.O. Box 540  
Terre Haute, IN 47808-0540

Levi D. Adams  
1242 Maple  
Terre Haute, IN 47804

Low Income Housing Development Corporation of Terre Haute  
2001 19TH ST  
TERRE HAUTE, IN 47804

WHEREFORE, Petitioners respectfully request and petition 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 Garfield Avenue right-of-way and public alley 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 thereupon cause the Recorder to release said 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,

First Financial Bank, NA

By: *Norman L. Lowery, President*

Norman L. Lowery, President  
(Printed Name & Title)

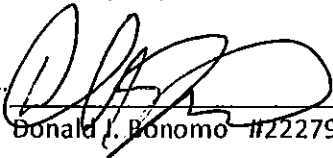
COX, ZWERNER, GAMBILL & SULLIVAN

511 Wabash Avenue

Terre Haute, In 47807

Telephone: (812) 232-6003

Facsimile: (812) 232-6567

By:   
Donald J. Bonomo #22279-49

TO THE CLERK OF THE CITY OF TERRE HAUTE:

RE: Petition to Vacate a Portion of the Garfield Avenue and Public Alley Filed by First Financial Bank, NA

PRAECIPE REQUESTING SERVICE OF NOTICE

GENTLEMEN:

On behalf of First Financial Bank, NA, the owner of Lot 12 in North Side Realty and Loan Co's Subdivision of part of Lot 17, in Barbour Place, a subdivision of the South half of Section 10, Township 12 North, Range 9, who has concurrently herewith filed a Petition to vacate a portion of Garfield Avenue and a public alleyway, we request that you give notice of the filing of this Petition and of the time and place of hearings thereon by the Common Council of the City of Terre Haute in accordance with I.C. 36-7-3-12 by:

A) Causing notice in substantially the form attached hereto to be published in the Terre Haute Tribune-Star in accordance with I.C. 5-3-1; and

B) By mailing a copy of said notice by certified mail return receipt requested to the following owners of land abutting the property proposed to be vacated:

Levi D. Adams  
1242 Maple  
Terre Haute, IN 47804

Low Income Housing Development Corporation of Terre Haute  
2001 19<sup>th</sup> Street  
Terre Haute, IN 47804

And to cause proof of the publication thereof to be filed in this cause, together with the Clerk's return showing publication and mailing accordance herewith.

Respectfully submitted,

COX, ZWERNER, GAMBILL & SULLIVAN  
511 Wabash Avenue  
Terre Haute, IN 47808-1625  
Telephone: (812) 232-6003  
Facsimile: (812) 232-6567

By: 

Donald J. Bonomo #22279-49

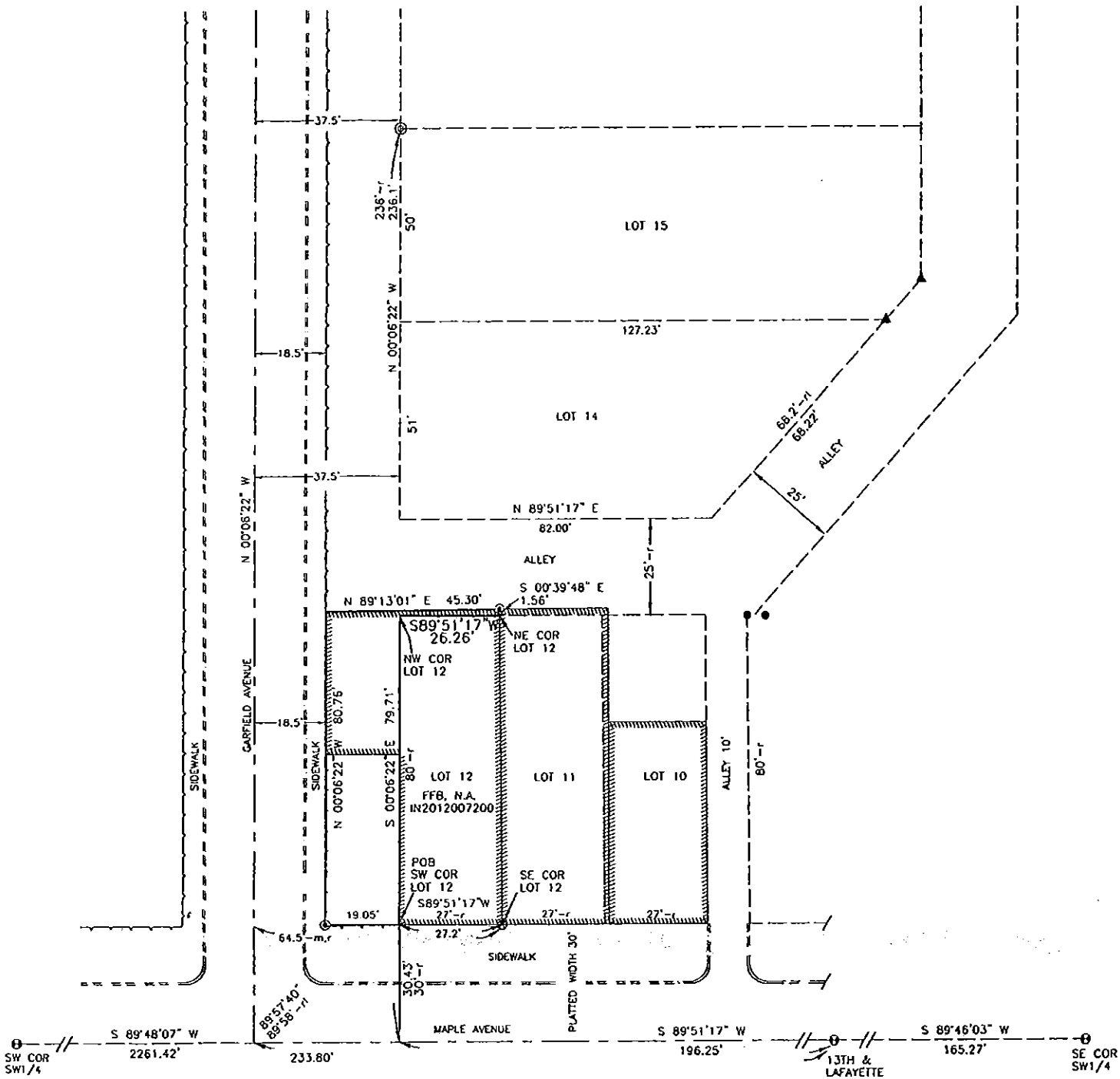


SCALE: 1"=30'  
0 15 30

# PLAT OF SURVEY

LOT 12  
NORTH SIDE REALTY AND  
LOAN COMPANY'S SUBDIVISION OF  
PART OF LOT 17 IN BARBOUR PLACE  
PART OF SECTION 10  
TOWNSHIP 12 NORTH  
RANGE 9 WEST  
TERRE HAUTE  
VIGO COUNTY, IN

CAMPBELL SURVEYING  
STEVE CAMPBELL, LS  
12478 S. CR 500 W.  
JASONVILLE, IN 47438  
PHONE: 812-887-2483  
CAMPBELLSURVEYING  
@YAHOO.COM  
JOB# C1208FFB  
PAGE 5 OF 5



### LINE LEGEND

- SUBJECT TRACT
- BUILDING LINE
- BACK OF WALK
- CONCRETE CURB
- CENTER LINE

Description of that area outside of Lot 12

A part of the Southwest Quarter of Section 10, Township 12 North, Range 9 West, Vigo County, Indiana, more particularly described as follows: Commencing at POT marking the Southeast corner of said Quarter Section, thence South 89 Degrees 46 Minutes 03 Seconds West (basis of bearing being GPS grid based - WGS84) a distance of 165.27 feet to a found POT at the intersection of 13<sup>th</sup> Street and Lafayette Avenue; thence South 89 Degrees 51 Minutes 17 Seconds West along the South line of said Quarter Section a distance of 196.25 feet; thence North 00 Degrees 06 Minutes 22 Seconds West a distance of 30.43 feet (record 30 feet) to the Southwest corner of Lot 12 in North Side Realty and Loan Company's Subdivision of Part of Lot 17 in Barbour Place, a subdivision of the South half of Section 10 and the point of beginning; thence South 89 Degrees 51 Minutes 17 Seconds West, passing a corner of the existing building at 0.2 feet, a distance of 19.05 feet to a set monument at the back side of the sidewalk along Garfield Avenue; thence North 00 Degrees 06 Minutes 22 Seconds West parallel to the center line of Garfield Avenue a distance of 80.76 feet to the Northwest corner of the existing building; thence North 89 Degrees 13 Minutes 01 Seconds East along the edge of the existing building a distance of 45.30 feet to a set monument; thence South 00 Degrees 39 Minutes 48 Seconds East along the East edge of said existing building a distance of 1.56 feet to the Northeast corner of Lot 12; thence South 89 Degrees 51 Minutes 17 Seconds West a distance of 26.26 feet (27'-r) to the Northwest corner of Lot 12; thence South 00 Degrees 06 Minutes 22 Seconds East a distance of 79.71 feet (80'-r) to the point of beginning, containing 0.04 acres, more or less.



**Receipt**

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

Date: July 2, 2013

Name: Cox, Zwerner, Gambell

Reason: Vacating an alley \$ 5.00

FFB-SASS

TERRE HAUTE, IN  
**PAID**

JUL 02 2013

Cash: \_\_\_\_\_

Check: \$ 5.00 CK# 92194

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

Total: \$ 5.00

**CONTROLLER**

Received By: M. Dowe/DE

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

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 20, 2013

July 19, 2013

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 attached ordinance 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 26, 2013.

X No Problems Noted

           Problems as noted below

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

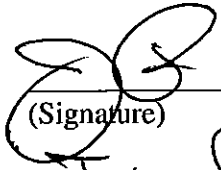
---

---

---

---

---

  
(Signature)  
John Plasse  
(Printed name)

CHIEF OF POLICE  
(Title)  
7-23-13  
(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 20, 2013

July 19, 2013

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 attached ordinance 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 26, 2013.

No Problems Noted                                   Problems as noted below

---

---

---

---

---

---

---

---

---

---

---

---

---

Bradley S. Miller

(Signature)

BRADLEY S. MILLER

(Printed name)

TRANSPORTATION DIRECTOR

(Title)

7-22-2013

(Date)

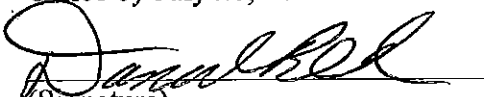
**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

To: **Building Inspector, City of Terre Haute**

Special Ordinance 20, 2013

July 19, 2013

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 26, 2013.

  
(Signature)

Daniel Bell  
(Printed name)

Lead Inspector  
(Title)

7-22-2013  
(Date Posted)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 20, 2013

July 19, 2013

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 attached ordinance 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 26, 2013.

No Problems Noted                      \_\_\_\_\_ Problems as noted below

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

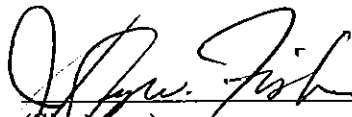
---

---

---

---

---

  
\_\_\_\_\_  
(Signature)  
  
Jeffrey W. Fisher  
(Printed name)

FIRE CHIEF  
(Title)  
  
7-22-13  
(Date)

**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 20, 2013

July 19, 2013

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 attached ordinance 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 26, 2013.

No Problems Noted

Problems as noted below

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Marcus E. Maurer

(Signature)

Marcus E. Maurer

(Printed name)

Staff Engineer

(Title)

6/11/2013

(Date)