

FILED

FEB 08 2013

CITY CLERK

Special Ordinance # 4

**AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET AND ALLEY LOCATED IN THE CITY OF
TERRE HAUTE, VIGO COUNTY, INDIANA**

**Petitioner: Vocational Construction Trades, Inc
686 Wabash Avenue
Terre Haute, IN 47807**

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

SECTION I: Pursuant to the provisions of L.C.36-7-3-12. It is desired and deemed necessary to vacate a portion of Thirtieth (30th) Street (and the adjoining alley) located in the City of Terre Haute, Indiana, as well as an east-west alleyway located West of Thirtieth (30th) Street, all of which is now laid out on recorded plats in the City of Terre Haute, Indiana, and described as follows, to-wit:

Description of Street and Alley Vacation

Thirtieth (30th) Street and Alley West of Thirtieth (30th) Street

A platted street (never constructed) being Thirty-five (35) feet in width and being situated South of Park Street, and North of College Avenue in Terre Haute, Indiana. Said street being Twenty-five (25) feet of even width off of the East side of Auburndale Subdivision as shown in Plat Book 14, Page 35, and Ten (10) feet of even width off of the West side of E.B. Sheets Subdivision as shown in Plat Book 7, Page 35; both of the aforementioned Subdivisions being recorded in the records of the Office of the Recorder of Vigo County, Indiana. Said street being shown as 30th Street on the East side of the recorded plat of Auburndale Subdivision and being shown as a ten (10) foot wide alley on the West side the recorded plat of E.B. Sheets Subdivision. This platted roadway is subject to the right-of-way of Park Avenue on the North side thereof, and subject to the right-of-way of College Avenue on the South side thereof.

Except, a portion of Thirtieth (30th) Street (being 25 feet in width) which lies North of the North line of College Avenue, and South of the North line (or an extension thereof) of Lot One Hundred Eleven (111) in Auburndale Subdivision; also that portion of a ten (10) foot alley in E.B. Sheets Subdivision immediately East of, and adjoining said portion of Thirtieth (30th) Street. The same described portion of street and alley being previously vacated by the Commissioners of Vigo County in November of 1935, as set forth in Road Record 5, Pages 152-155.

Also, a certain alley being Fifteen (15) feet in width and being situated immediately South of Lots Thirty-nine (39) through Forty-five (45) inclusive and immediately North of Lots Forty-six (46) through Fifty-two (52) inclusive in Auburndale Subdivision, as shown on the recorded plat thereof as found in Plat Book 14, Page 35 of the records of the Office of the Recorded of Vigo County, Indiana. Said alley

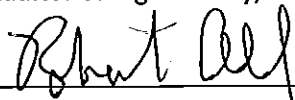
being bounded on the West by Twenty-ninth (29th) street, and on the East by Thirtieth (30th) street as platted in the City of Terre Haute, Indiana.

Subject to any grants, easements, rights-of-way, leases, encumbrances or restrictions of record which might affect the title to the subject real estate. Also subject to: any utility rights, or other rights that may exist that are associated with, or a part of, a public right-of-way, street, or alley.

Commonly located at: 2930 & 2931 Farrington Avenue
923 & 1001 Hampton Avenue

SECTION II: Be it further ordained that said portion of the Street and alleyway in the City of Terre Haute, Indiana, above described, the same when vacated will revert to the abutting properties, subject to the continuation of any and all existing rights for public utilities.

SECTION III: Be it further ordained that the City Clerk of Terre Haute, Indiana, shall bear witness to the signatures herein, and is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County for recording, and to the Auditor of Vigo County, Indiana.

Introduced by Councilmember: 
Robert All, Councilmember

Passed in Open Council this 14th day of March, 2013.

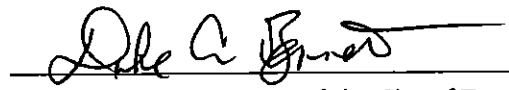

Norman Loudermilk, President
Common Council of Terre Haute, Indiana.


ATTEST: Charles P. Hanley, City Clerk

Presented by me, Charles P. Hanley; City Clerk, to the Mayor of the City of Terre Haute, Indiana, this 15th day of March, 2013.

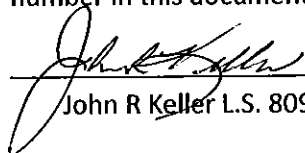

Charles P. Hanley, City Clerk

Approved by me, Duke A. Bennett, the Mayor of the City of Terre Haute, this 15th day of MARCH, 2013.


Duke A. Bennett, Mayor of the City of Terre Haute


ATTEST: Charles P. Hanley, City Clerk

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


John R Keller L.S. 80920000

This instrument prepared by: John R Keller L.S. 80920000
RJ Builders
4301 South Sixth Street
Terre Haute, IN 47802

PETITION FOR VACATION OF A PORTION OF A PUBLIC STREET AND ALLEY

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

CITY OFFICIALS:

The Vocational Construction Trades, Inc., of Terre Haute Indiana is the owner of the land abutting a certain Public Street, Thirtieth (30th) Street, and a platted Fifteen (15) foot alley, which is 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 a Public Street, and alley, 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. The Vocational Construction Trades, Inc., the petitioner, is the owner of the following parcels of real estate located in Vigo County, Indiana:

PARCELS:

84-06-26-281-002.000-002	2930 Farrington Avenue	Lots 46-52 in Auburndale Subdivision
84-06-26-282-001.000-002	2931 Farrington Avenue	Lots 105-111 in Auburndale Subdivision
84-06-26-283-016.000-002	1001 Hampton Avenue	Lots 7-9 in E.B. Sheets Subdivision
84-06-26-283-004.000-002	923 Hampton Avenue	Lot 10 in E.B. Sheets Subdivision

2. Neighboring properties:

<u>NAME</u>	<u>PARCEL #</u>	<u>ADDRESS</u>	<u>LOTS</u>
R F Properties L T D	84-06-26-283-007.000-002	921 Hampton Ave.	Lot 11 E.B. Sheets Sub
RF Properties L T D	84-06-26-283-006.000-002	921 Hampton Ave.	Lot 12 E.B. Sheets Sub
Jason F. Frederick	84-06-26-283-002.000-002	907 Hampton Ave	Lot 13, 14 & 10' off the South side of Lot 15 in E.B. Sheets Sub
Larry D. & Diane K. Carr	84-06-26-283-001.000-002	905 Hampton Ave	27-1/2' off the North side of Lot 15 & Lot 16 In E.B. Sheets Subdivision
Indiana Association Of 7 th day Adventist	84-06-26-281-001.000-002	900 So. 29 th Street	Lots 39-45 in Auburndale Subdivision

3. That the portion of the Street to be vacated as set forth may be more particularly described as follows, to-wit:

Description of Street Vacation
Thirtieth (30th) Street and alley to west

A platted street (never constructed) being Thirty-five (35) feet in width and being situated South of Park Street, and North of College Avenue in Terre Haute, Indiana. Said street being Twenty-five (25) feet of even width off of the East side of Auburndale Subdivision as shown in Plat Book 14, Page 35, and Ten (10) feet of even width off of the West side of E.B. Sheets Subdivision as shown in Plat Book 7, Page 35; both of the aforementioned Subdivisions being recorded in the records of the Office of the Recorder of Vigo County, Indiana. Said street being shown as 30th Street on the East side of the recorded plat of Auburndale Subdivision and being shown as a ten (10) foot wide alley on the West side the recorded plat of E.B. Sheets Subdivision. This platted roadway is subject to the right-of-way of Park Avenue on the North side thereof, and subject to the right-of-way of College Avenue on the South side thereof.

Except, a portion of Thirtieth (30th) Street (being 25 feet in width) which lies North of the North line of College Avenue, and South of the North line (or an extension thereof) of Lot One Hundred Eleven (111) in Auburndale Subdivision; also that portion of a ten (10) foot alley in E.B. Sheets Subdivision immediately East of, and adjoining said portion of Thirtieth (30th) Street. The same described portion of street and alley being previously vacated by the Commissioners of Vigo County in November of 1935, as set forth in Road Record 5, Pages 152-155.

Also, a certain alley being Fifteen (15) feet in width and being situated immediately South of Lots Thirty-nine (39) through Forty-five (45) inclusive and immediately North of Lots Forty-six (46) through Fifty-two (52) inclusive in Auburndale Subdivision, as shown on the recorded plat thereof as found in Plat Book 14, Page 35 of the records of the Office of the Recorder of Vigo County, Indiana. Said alley being bounded on the West by Twenty-ninth (29th) street, and on the East by Thirtieth (30th) street as platted in the City of Terre Haute, Indiana.

Subject to any grants, easements, rights-of-way, leases, encumbrances or restrictions of record which might affect the title to the subject real estate. Also subject to: any utility rights, or other rights that may exist that are associated with, or a part of, a public right-of-way, street, or alley.

Commonly Located by: 2930 & 2931 Farrington Avenue
923 & 1001 Hampton Avenue

- 4 . No landowner adjoining and abutting the Public Street and Alley to be vacated would be adversely affected by the vacation of said Public Street and Alley. Listed landowners of the

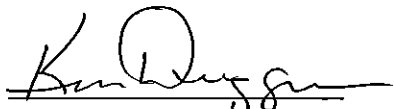
affected properties are the owners of all property adjoining and abutting the Public Street and Alley to be vacated

5. Petitioner proposes the vacation of the Public Street and Alley in order to better develop the petitioners real estate as a subdivision for their building trades program, and to construct single family dwellings on said property.
6. Vacating the Public Street will not interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.
7. Letters supporting this vacation from adjoining property owners will be attached to and made a part of this petition

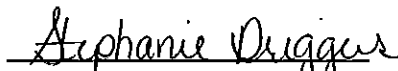
WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a) Adopt an Ordinance vacating that portion of the Public Street and Alley referred to and described above, subject to existing 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, The petition has been duly executed this 6th day of FEBRUARY, 2013



Ken Dugger - President
Vocational Construction Trades, Inc.



Stephanie Driggers - Secretary
Vocational Construction Trades, Inc.

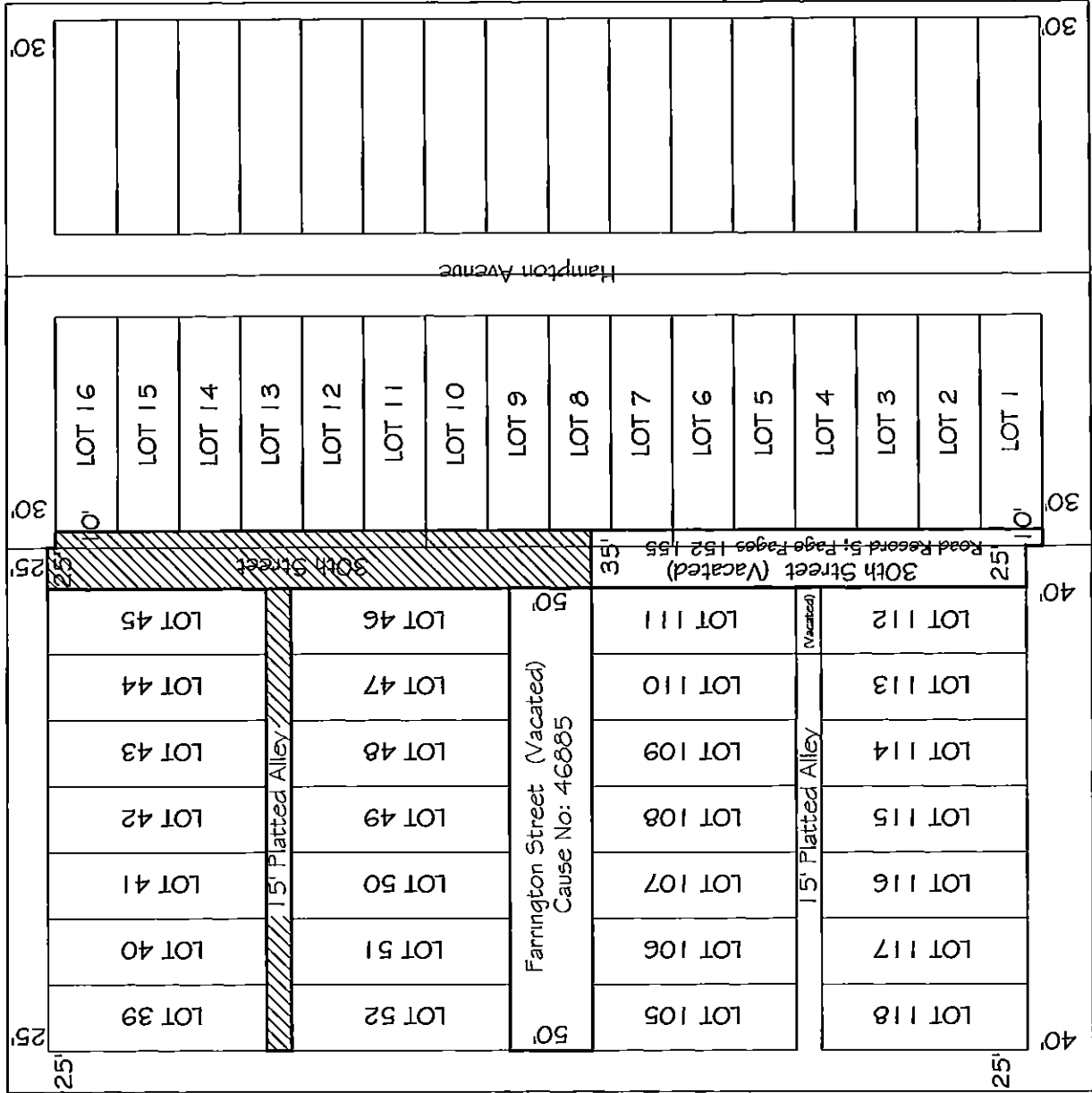
Petitioner: Vocational Construction Trades, Inc.
686 Wabash Avenue
Terre Haute, IN 47807

This instrument prepared by: John R Keller L.S. 80920000
RJ Builders
4301 South Sixth Street
Terre Haute, IN 47802



Area to be Vacated

662.21
660.65' Plat
29th Street



Aubumdale Subdivision E.B. Sheets Subdivision

Aubumdale Subdivision E.B. Sheets Subdivision

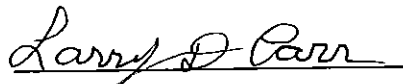
GARY L. CASE
I, MARK M. EATON, representative of the Indiana Association of Seventh-day Adventists, Inc.
do not object to the vacation of the platted street (30th Street) and alley situated immediately East and South of our property located at 900 South 29th Street in the City of Terre Haute, Indiana, being lots Thirty-nine (39) through Forty-five (45) inclusive, in Auburndale Subdivision. And that we support the ordinance for vacation of a public street and allies being submitted by the Vigo County School Corporation. It is my understanding that the portion of the vacated area that was originally a part of Auburndale Subdivision will revert to our property abutting said vacated area after the passing of said ordinance. It is also my understanding that in exchange for gaining ownership of the entire Fifteen (15) foot ally immediately South of our real estate being lots Thirty-nine (39) through Forty-five (45) inclusive, in Auburndale Subdivision, we agree to construct and maintain a wooden privacy fence a minimum of six (6) feet in height. This fence is to be finished and appealing to the eye on either both North and South sides or at a minimum the South side as would be viewed from the real estate owned by the Vocational Construction Trades, Inc (or Lots Forty-six (46) through Fifty-two (52) inclusive, in Auburndale Subdivision as shown in the recorded plat hereof found in Plat Book 14, Page 35).

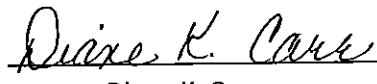
Gary L. Case, Mark M. Eaton
SECRETARY TREASURER

Representative – Indiana Association of 7th day Adventist
Indiana Association of Seventh-day Adventists, Inc.

Date: February 5, 2013.

We, Larry D. Carr and Diane K. Carr, do not object to the vacation of the platted street (30th Street) and alley situated immediately West of our property located at 905 Hampton Street, Terre Haute, Indiana, being lot Sixteen (16), and part (North 27-1/2 feet) of Lot Fifteen (15) in E.B. Sheets Subdivision. And that we support the ordinance for vacation of a public street and alley being submitted by the Vigo County School Corporation. It is my understanding that the portion of the vacated area that was originally a part of E.B. Sheets Subdivision will revert to our property abutting said vacated area after the passing of said ordinance.


Larry D. Carr


Diane K. Carr

Date: December 20, 2012

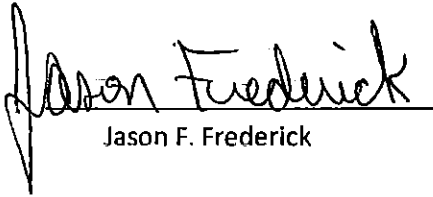
I, Joseph C. Shaver, representative of, R F Properties L T D, of 505 Executive Parkway, Louisville, KY 40207, also with an address of 9901 Linn Station Road, Louisville, KY 40223, do not object to the vacation of the platted street (30th Street) and alley situated immediately West of our properties located at 921 Hampton Avenue, Terre Haute, Indiana, being lots Eleven (11) and Twelve (12) in E.B. Sheets Subdivision. And that we support the ordinance for vacation of a public street and alley being submitted by the Vigo County School Corporation. It is our understanding that the portion of the vacated area that was originally a part of E.B. Sheets Subdivision will revert to our property abutting said vacated area after the passing of said ordinance.



R F Properties L T D

Date: JANUARY 21st, 2013

I, Jason F. Frederick, do not object to the vacation of the platted street (30th Street) and alley situated immediately west of our property located at 907 Hampton Street, being lots Thirteen (13), Fourteen (14), and part (the south 10 feet) of Lot Fifteen (15) in E.B. Sheets Subdivision. And that I support the ordinance for vacation of a public street and alley being submitted by the Vigo County School Corporation. It is my understanding that the portion of the vacated area that was originally a part of E.B. Sheets Subdivision will revert to our property abutting said vacated area after the passing of said ordinance.


Jason F. Frederick

Date: 1/19, 2013



Receipt

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

Date: February 8, 2013

Name: Building Trades

Reason: Vacating an alley \$500

TERRE HAUTE, IN
PAID

FEB 08 2013

CONTROLLER

Cash: \$500

Check: _____

Credit: _____

Total: \$500

Received By: M. Dowell BE

**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 4, 2013

February 13, 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 March 1, 2013.

☒ No Problems Noted

☐ Problems as noted below


(Signature)

CHUCK ENNIS
(Printed name)

CITY ENGINEER
(Title)

2/28/13
(Date)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 4, 2013

February 13, 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 March 1, 2013.

☒ No Problems Noted

☐ Problems as noted below

Jeffrey W. Fisher
(Signature)

Jeffrey W. FISHER
(Printed name)

FIRE CHIEF
(Title)

3-1-13
(Date)

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

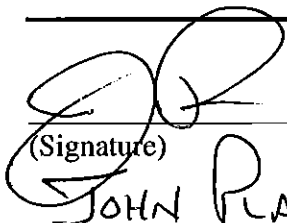
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☒ No Problems Noted

☐ Problems as noted below


(Signature)
JOHN PLASSE
(Printed name)

CHIEF OF POLICE
(Title)
3-1-13
(Date)

140X 11

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

To: Street Department, City of Terre Haute

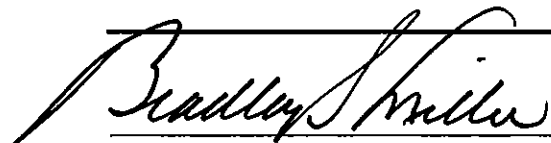
Special Ordinance 4, 2013

February 13, 2013

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☒ No Problems Noted

☐ Problems as noted below


(Signature)

BRADLEY S. MILLER
(Printed name)

TRANSPORTATION DIRECTOR
(Title)

2-28-13
(Date)

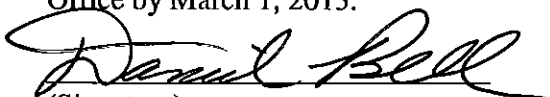
**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

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

Special Ordinance 4, 2013

February 13, 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 March 1, 2013.


(Signature)

Daniel Bell
(Printed name)

Lead Inspector
(Title)

Feb 27, 2013
(Date Posted)