

FILED

AUG 08 2013

SPECIAL ORDINANCE NO. 25, 2013

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY
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 a public alley 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:

SEE EXHIBIT A.

SECTION 2. Be it further ordained that said portion of said alleyway 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 publication as by law provided.

Presented by


John Mullican

Passed in open Council this 12th day of September 2013.

Attest:

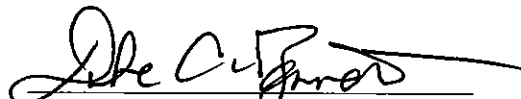

City Clerk



City Council President

Presented by me to the Mayor this 13th day of September 2013.


City Clerk

Approved by me, the Mayor, this 13th day of SEPTEMBER, 2013.


Duke Bennett, Mayor

Attest:  City Clerk

I have prepared the foregoing instrument and 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.


Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

EXHIBIT A

DESCRIPTION OF ALLEY TO BE VACATED

All lots referred to are located in Bement's Subdivision of part of Lot Number 12 of Raymond's Subdivision of the North West Quarter (1/4) of Section 27, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Commencing at the Northeast corner of Lot 26.

Thence easterly to the Northwest corner of Lot 22.

Thence southerly with the West line of Lots 22, 21, 20, and 19, to the southwest corner of Lot 19;

Thence westerly to the Southeast corner of Lot 29;

Thence northerly with the East lines of Lots 29, 28, 27, and 26 to the point of beginning.

PETITION FOR VACATION OF PUBLIC ALLEYWAY

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

GENTLEMEN:

Petitioner, Guarantee Roofing Co., Inc., as the owner of lands abutting a certain alleyway platted in the City of Terre Haute, Indiana, respectfully petition and request the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public alleyway 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. Petitioner is the owner of the following described real estate located in Vigo County, State of Indiana:

SEE EXHIBIT A

Said real estate is commonly known as 800 and 801 South 9th Street, Terre Haute, Indiana, and is generally bounded as follows:

On the north, by an alley running east and west between 9th and 10th Street

On the west by 9th Street.

On the east by 10th Street.

On the south by Lots 18 and 30 of Bements Subdivision of Raymonds Subdivision.

That the attached copy of an aerial photo (Exhibit B) discloses the portion of the alleyway which Petitioner seeks to have vacated. Said alleyway runs from the south line of the alley running east and west between 9th Street and 10th Street, north of Lots 22 and 26 in Bements Subdivision of Raymonds Subdivision to a line connecting the southeast corner of Lot 29 and the southwest corner of Lot 19 in Bements Subdivision of Raymonds Subdivision, and separates Lots 26, 27, 28, and 29 on the west from Lots 19, 20, 21, and 22 on the east.

Petitioner is the owner of all of said lots.

2. That the portion of the alleyway to be vacated as set forth above may be more particularly described as follows, to-wit: **SEE EXHIBIT C**

Subject to all existing utility easements or rights of utilities in existing facilities.

3. No landowner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of said alleyway; Petitioner is the owner of all property adjoining and abutting the alleyway to be vacated. To the knowledge of Petitioner, said alleyway has never been opened or used and the bulk of the platted alleyway is occupied by buildings which county tax records indicate were constructed in 1920.

4. Petitioner proposes the vacation of the alleyway in order to permit the sale of the Petitioner's real estate and the opening of a new business for the sale of light duty farm equipment and other purposes.

5. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the alleyway is located or to which they are contiguous since the Petitioner is the owner of all lands abutting said portion of said alleyway. Petitioner proposes to dedicate a new public alley along the north side of Lot 31 in the approximate location of the existing, non-dedicated drive running westerly from the existing north-south alley located south of the portion of the alley to be vacated to 9th Street. All other landowners in the area have and will continue to have direct access to public ways; and as set forth above, the proposed vacation of said portion of said alleyway 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 the alleyway above proposed to be vacated are as follows:

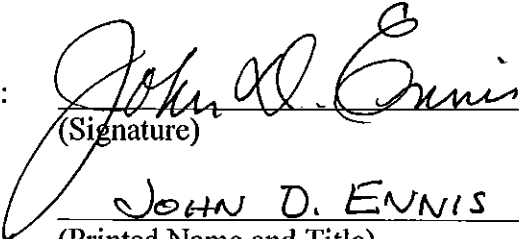
Guarantee Roofing Co., Inc.
800 South 9th Street
Terre Haute, IN 47807

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 the alleyway 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 10-125 of the City's Zoning Ordinance;
- c) For all other proper relief in the premises.

Respectfully submitted,

GUARANTEE ROOFING CO., INC.

By: 
(Signature)
JOHN D. ENNIS
(Printed Name and Title)

I have prepared the foregoing instrument and 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.

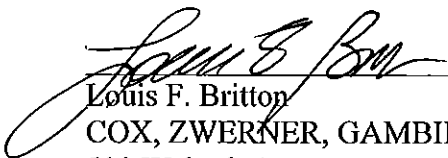

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

EXHIBIT A

The following described real estate situated in Vigo County, State of Indiana, to-wit:

Lots Number Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29) in Bement's Subdivision of part of Lot Number Twelve (12) of Raymond's Subdivision of the North West Quarter (1/4) of Section 27, Township 12 North, Range 9 West.

10TH

19

84-06-27-155-017.000-002

84-06-27-155-018.000-002

84-06-27-155-019.000-002

84-06-27-155-020.000-002

84-06-27-155-010.000-002

84-06-27-155-011.000-002

84-06-27-155-012.000-002

84-06-27-155-013.000-002

ALLEY

30

29

28

H16

01

02

03

12

23

24

25

22

23

26

27

EXHIBIT B

(AERIAL PHOTOGRAPH)

EXHIBIT C

DESCRIPTION OF ALLEY TO BE VACATED

All lots referred to are located in Bement's Subdivision of part of Lot Number 12 of Raymond's Subdivision of the North West Quarter (1/4) of Section 27, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Commencing at the Northeast corner of Lot 26.

Thence easterly to the Northwest corner of Lot 22.

Thence southerly with the West line of Lots 22, 21, 20, and 19, to the southwest corner of Lot 19;

Thence westerly to the Southeast corner of Lot 29;

Thence northerly with the East lines of Lots 29, 28, 27, and 26 to the point of beginning.

AFFIDAVIT

COMES NOW affiant, Guarantee Roofing Co., Inc. , and affirms under penalty of law that affiant is the owner of record of the property located at 800 South 9th Street, Terre Haute, Indiana,

for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

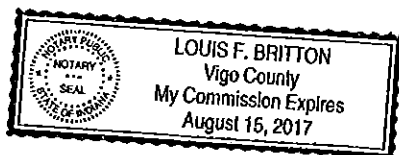
GUARANTEE ROOFING CO., INC.

By: John D. Ennis
(Signature)
JOHN D. ENNIS
(Printed Name and Title)

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said county and state, this 8th day of August, 2013, personally appeared John D. Ennis as _____ of Guarantee Roofing Co., Inc., being first duly sworn and on his oath, stated that he is such officer of said Corporation and that as such officer he is duly authorized by the shareholders and directors of the Corporation to make, execute, and deliver this instrument for and on behalf of said Corporation and acknowledged the execution of the above and foregoing instrument as his free and voluntary act for and on behalf of said Corporation and he caused the corporate seal to be affixed, this 8th day of August, 2013.

Witness my hand and notarial seal.



Louis F. Britton

Notary Public

(Printed Name)

My Commission Expires:

My County of Residence:

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

70-348-5679

WARRANTY DEED

338/84

THIS INDENTURE WITNESSETH, That Claude L. Decker and Patricia L. Decker, husband and wife, of Vigo County, in the State of Indiana, CONVEY AND WARRANT to Guarantee Roofing Company, Inc., an Indiana Corporation, for the sum of One and No/100 (\$1.00) Dollar and other valuable consideration the receipt whereof is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lots Number eighteen (18), Nineteen (19), Twenty (20), Twenty one (21), Twenty two (22), Twenty six (26), Twenty seven (27), Twenty eight (28) Twenty nine (29) and Thirty (30) in Bement's Subdivision of part of Lot Number Twelve (12) of Raymond's Subdivision of the North West Quarter (1/4) of Section 27 Township 12 North Range 9 West.

November 29, 1965
C. L. Decker
Patricia L. Decker

IN WITNESS WHEREOF, the undersigned, Claude L. Decker and Patricia L. Decker, husband and wife, have hereunto set their hands and seals this 29 day of November, 1965.

Claude L. Decker

Claude L. Decker

Patricia L. Decker

Patricia L. Decker

STATE OF INDIANA)
) SS
COUNTY OF VIGO)

Subscribed and sworn to before me, a Notary Public, this 29 day of November, 1965, personally appeared Claude L. Decker and Patricia L. Decker, husband and wife, and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

Robert S. Ratcliffe

ROBERT S. RATCLIFFE Notary Public

My Commission Expires:
April 28, 1968

RECEIVED FOR RECORD THE
29 DAY OF November 1965
AT 3 O'CLOCK P.M.
WILLIAM R. COX, RECORDER

This instrument prepared by Robert S. Ratcliffe.

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

To: **Engineering Department, City of Terre Haute**

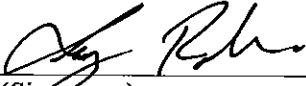
Special Ordinance 25, 2013

August 12, 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 August 30, 2013.

☒ No Problems Noted

☐ Problems as noted below


(Signature)

Larry Robbins
(Printed name)

Assistant City Engineer
(Title)

8/13/13
(Date)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

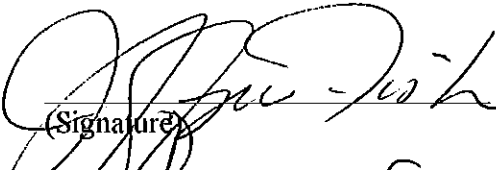
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☒ No Problems Noted

☐ Problems as noted below


(Signature)
Jeffrey W. Fisher
(Printed name)

FIRE CHIEF
(Title)
8-14-13
(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

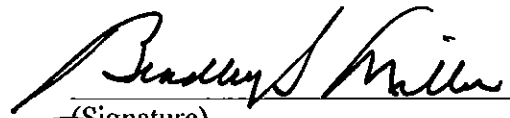
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☒ No Problems Noted

☐ Problems as noted below


(Signature)
BRADLEY S. MILLER
(Printed name)

TRANSPORTATION DIRECTOR
(Title)
8.13.13
(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 25, 2013

August 12, 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 August 30, 2013.

Daniel Bell
(Signature)

Daniel Bell
(Printed name)

Lead Inspector
(Title)

8-16-2013
(Date Posted)

FILED

AUG 19 2013

CITY CLERK

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

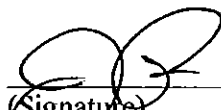
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☒ No Problems Noted

☐ Problems as noted below


(Signature)
JOHN PUSSE
(Printed name)

CHIEF OF POLICE
(Title)
8-13-13
(Date)