

FILED  
FEB 04 2015  
CITY CLERK

**SPECIAL ORDINANCE NO. 6, 2015**

AN ORDINANCE VACATING A PLATTED PUBLIC ALLEY 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 to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a platted public alley located in the City of Terre Haute, Vigo County, Indiana, which is platted in the City of Terre Haute, Indiana, and described as follows:

A part of the East Half of the Southwest Quarter of Section 22, Township 12 North, Range 9 West. Beginning at the Northwest corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods, thence East Northeast to the Northeast corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods, thence North to a point on the South line of Lot 25 of Rose's Sub of 44 Acres 2 Rods, thence West Southwest to the Southwest corner of Lot 18 of Rose's Sub of 44 Acres 2 Rods, thence South to the Point of Beginning, the Northwest corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods. Said property being known as public right-of-way for an alley. Containing 0.08 acres more or less.

SECTION 2. Be it further ordained that said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert in its entirety to the abutting property owner, 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 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.

Introduced by: Robert All Robert All, Councilman

Passed in open Council this 12<sup>th</sup> day of March, 2015.

John Mullican John Mullican, President

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

Presented by me to the Mayor this 13<sup>th</sup> day of march, 2015.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13<sup>th</sup> day of MARCH, 2015.

Duke A. Bennett Duke A. Bennett, Mayor

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

This instrument prepared by: Chou-il Lee, City Attorney, 17 Harding Avenue, Terre Haute, IN 47807; (812) 244-2373.

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.

Chou-il Lee  
Chou-il Lee

**PETITION FOR VACATION OF PUBLIC ALLEY**

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

Council Members:

I, the undersigned Petitioner, am an authorized representative of the owner of real estate adjacent to a certain alleyway, in Terre Haute, Indiana, and respectfully submit this Petition and request the legislative body of the City of Terre Haute, Indiana to vacate the public alley described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition state:

1. Petitioner is an authorized representative of the owner of the following described in "Exhibit A" attached hereto and incorporated herein.

Commonly known as 1211, 1225, and 1231 Wabash Avenue, 22 and 40 South 12<sup>th</sup> Street, and 35 and 105 South 13<sup>th</sup> Street, Terre Haute, IN 47807.

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

A part of the East Half of the Southwest Quarter of Section 22, Township 12 North, Range 9 West. Beginning at the Northwest corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods, thence East Northeast to the Northeast corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods, thence North to a point on the South line of Lot 25 of Rose's Sub of 44 Acres 2 Rods, thence West Southwest to the Southwest corner of Lot 18 of Rose's Sub of 44 Acres 2 Rods, thence South to the Point of Beginning, the Northwest corner of Lot 71 of Rose's Sub of 44 Acres 2 Rods. Said property being known as public right-of-way for an alley. Containing 0.08 acres more or less.

3. That the general public and no landowner adjoining and abutting the alley to be vacated would be adversely affected by the vacation of the alley.

4. The proposed vacation of the platted alley 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.

5. Petitioner proposes the vacation of the alley in order to allow more effective use of the lots by the Petitioner.

6. The proposed vacation would not hinder the use of a public way by the neighborhood in which such alley is located or to which they are contiguous because all land owners have direct access to a City street. The proposed vacation of the alley would not make access to any land by any person by means of a public way more difficult or inconvenient and would not hinder any member of the public's access to a church, school, or other public building or place nor will it interfere with the provision of utility service.

THEREFORE, 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 Alley referred to and described above, subject to existing easement rights for public utilities; and

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 Control Code.

c. For all other proper relief in the premises.

IN WITNESS WHEREOF, this Petition has been duly executed this 29<sup>th</sup> day of January, 2015.

By: H. Dean Branson

Terre Haute Department of Redevelopment

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF VIGO        )

Before me, the undersigned, a Notary Public in and for said County and State, this 29<sup>th</sup> day of January, 2015, personally appeared H. Dean Branson and acknowledged the execution of the foregoing Petition for Vacation of Public Alley.

Stephannie M. Gambill  
Stephannie M. Gambill  
Notary Public, residing in Vigo County, Indiana

My Commission Expires: 01/17/2016

This instrument prepared by Chou-il Lee, City Attorney, 17 Harding Avenue, Terre Haute, IN 47807; (812) 244-2373.

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

Chou-il Lee  
Chou-il Lee





1 inch = 60 feet

ALLEY

12TH

WABASH

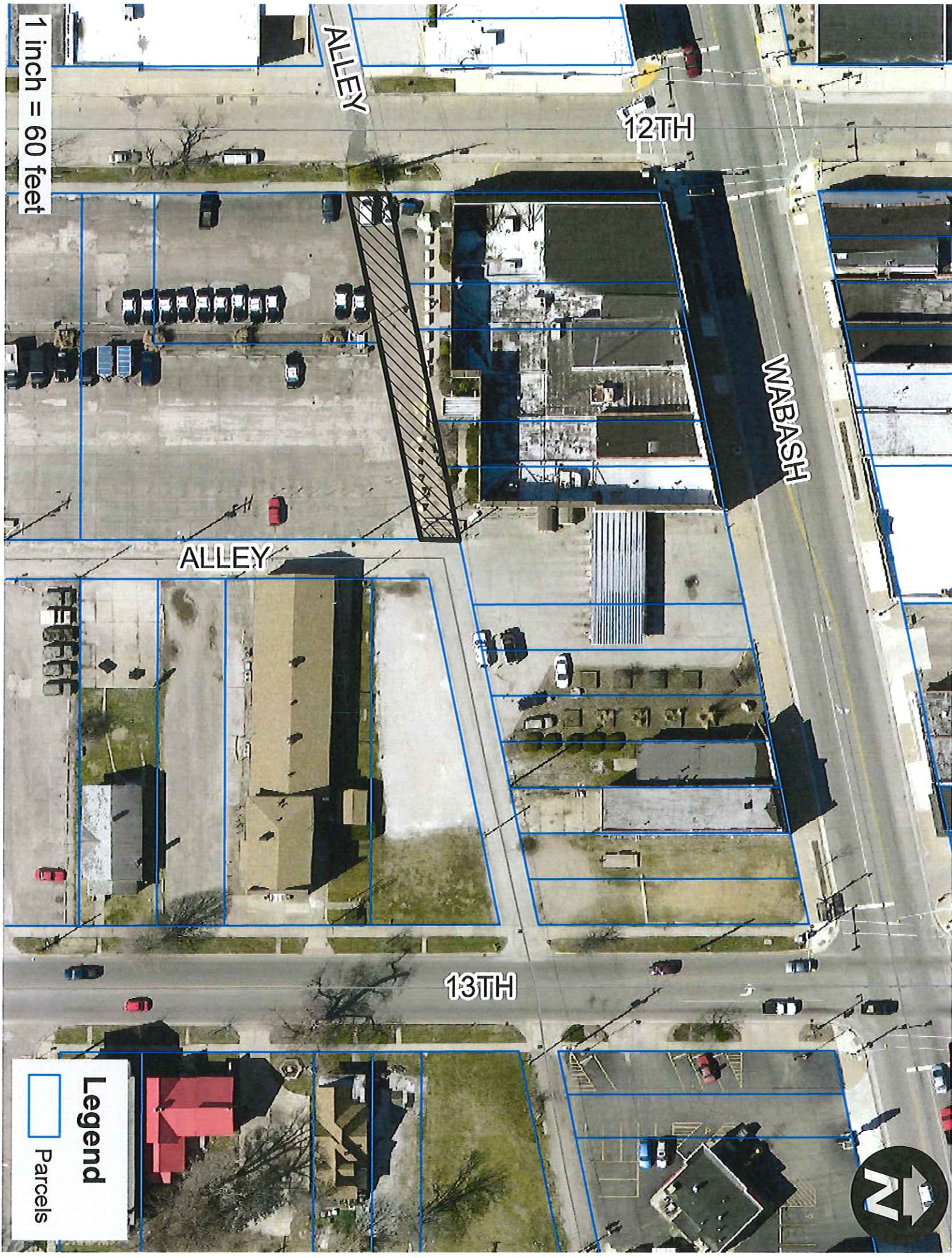
ALLEY

13TH



**Legend**

 Parcels





NOV 03 2011

EXEMPT FROM DISCLOSURE

  
VIGO COUNTY AUDITOR

**SPECIAL WARRANTY DEED**

**THIS INDENTURE WITNESSETH:** THAT the undersigned, OLD NATIONAL BANK, successor in interest to Indiana State Bank of Terre Haute (hereinafter referred to as the "GRANTOR"), **CONVEYS AND SPECIALLY WARRANTS** to CITY OF TERRE HAUTE, by and through its Department of Redevelopment (hereinafter referred to as the "GRANTEE"), all of GRANTOR'S right, title and interest in and to certain real property, together with fixtures owned by Grantor thereon, situate in Vigo County, Indiana, which property is more particularly described as follows, to-wit:

**Parcel I**

Lots number 18 and 19 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road and bounded as follows: on the North by the National Road, on the East by the line dividing the East and West Half of Section 22, Township 12 North, Range 9 West, on the South by the Bloomington Road, and on the West by the E. & C. R. R.

**Parcel II**

Lot Number Twenty (20), except Six (6) inches, more or less, off the East side thereof, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West 1/2 of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

Also

Lot Number 21 and 6 inches, more or less, off the East side of Lot Number 20, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West 1/4 of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

**Parcel III**

Lot Number Twenty-two (22) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, lying South of the National Road as per the recorded plat of said subdivision.

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**Parcel IV**

Lot Number Twenty-three (23) in the subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, heretofore made by Chauncey Rose.

**Parcel V**

Lot 24 in Rose's Subdivision of 44 Acres and 2 Rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West, lying South of the National Road, as the same appears on the recorded plat thereof in Plat Record 1 Page 79.

**Parcel VI**

Lots Numbers Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29) in Rose's Subdivision of 44 Acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West.

**Parcel VII**

35 feet off the North side of Lot No. 36 in Rose's Subdivision of 44 acres, 2 rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

**Parcel VIII**

Lot Number Thirty-seven (37) in Chauncey Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township 12 North of Range 9 West in the City of Terre Haute.

**Parcel IX**

Lot 38, except 30 feet off the South side thereof, in the Subdivision of 44 Acres and 2 Rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose, in Terre Haute, Vigo County, Indiana.

Also

30 feet off the South side of Lot Number 38 in the Subdivision of 44 Acres and 2 Rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose.

**Parcel X**

12 ½ feet off of the North side of Lot Number Sixty-eight (68) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana.

Also

Part of Lot No. 68 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, bounded as follows: Beginning at a point 12 feet and 6 inches South of the Northwest corner of said lot; thence East 177 feet and 3 ½ inches to an alley; thence South 31 feet; thence West

177 feet and 3 ½ inches to 12<sup>th</sup> Street; thence North 31 feet to the place of beginning, in the City of Terre Haute, Indiana.

**Parcel XI**

North Half (1/2) of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, line South of the National Road.

Also

37 ½ feet off the South side of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana.

**Parcel XII**

100 feet off the East end of Lot 71 and 100 feet off the East end of the North Half of Lot 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Also

The South Half (S. ½) of Lot No. 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West ½ (lying South of the National Road) of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

Also

Lot 71 and the North Half of Lot 70 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, lying South of the National Road as per Plat Record 1 Page 79 in the Vigo County Recorder's Office, except 100 feet off the East end of the above described lots.

Also

The vacated portion of an alley, said portion being described as follows: Twenty (20) feet in width running in a generally Easterly and Westerly direction along the entire North side of Lot Seventy-one (71) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Subject to the first installment of ad valorem real estate taxes for the year 2011, due and payable in May, 2012, and all subsequent taxes and assessments which the GRANTEE assumes and agrees to pay.

This conveyance is also made subject to any and all existing or recorded restrictions, exceptions, encroachment permits, leases, reservations, easements, highways, rights-of-way,



4

conditions, building and use restrictions, and covenants of whatever nature, if any, and is expressly subject to all municipal, city, county and state zoning laws and other ordinances, regulations and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to and enforceable against the real estate described herein.


This conveyance is also made subject to all prior mineral reservations, conveyances or leases of record be the same oil, gas coal or other minerals of whatsoever kind or nature; provided, however, GRANTOR conveys to GRANTEE all of GRANTOR's right, title or interest in the mineral estate of the above-described real estate.

The GRANTOR warrants to the GRANTEE only that the title to the above-described real estate is free and clear from any and all liens, encumbrances or claims of every description imposed by the GRANTOR or suffered by the GRANTOR. GRANTOR assigns to GRANTEE the benefit of all prior warranties in the chain of title received by GRANTOR from GRANTOR's predecessors in title.

The undersigned person executing this Deed on behalf of GRANTOR represents and certifies that he is the duly elected Senior Vice President, Tax and Real Estate, of GRANTOR and has been fully empowered by resolution of the Board of Directors of GRANTOR to execute and deliver this Deed; that GRANTOR has full capacity to convey the real estate hereby conveyed; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, OLD NATIONAL BANK has caused this Special Warranty Deed to be executed in its name and on its behalf by its duly authorized Senior Vice President, Tax and Real Estate, this 2<sup>nd</sup> day of November, 2011.

OLD NATIONAL BANK

By   
Douglas C. Gregurich  
Senior Vice President, Tax and Real Estate

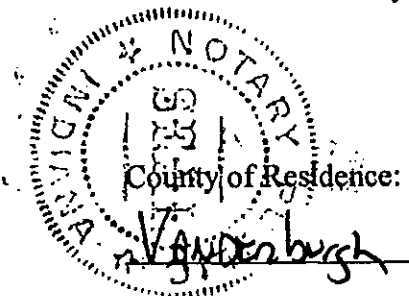
3

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VANDERBURGH )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Douglas C. Gregurich, the Senior Vice President, Tax and Real Estate, of OLD NATIONAL BANK, and acknowledged the execution of the foregoing Special Warranty Deed for and on behalf of OLD NATIONAL BANK as his voluntary act and deed and the voluntary act and deed of such bank, for the purposes therein contained.

WITNESS my hand and Notarial Seal, this 20<sup>th</sup> day of November, 2011.

M. L. Deward  
 ) Notary Public



My Commission Expires:  
12/12/16

ADDRESS OF GRANTEE AND BEING ALSO WHERE TAX DUPLICATES ARE TO BE SENT UNLESS OTHERWISE NOTIFIED: City of Terre Haute, by and through its Department of Redevelopment 17 Harding Avenue Terre Haute, IN 47807

ADDRESS OF PROPERTY: 1211 Wabash Avenue Terre Haute, IN 47807  
TAX PARCEL NOS. 84-06-22-379-001.000-002  
84-06-22-379-002.000-002  
84-06-22-379-003.000-002  
84-06-22-379-004.000-002  
84-06-22-379-005.000-002  
84-06-22-379-007.000-002  
84-06-22-379-008.000-002

ADDRESS OF PROPERTY: 1225 Wabash Avenue Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-006.000-002

ADDRESS OF PROPERTY: 1231 Wabash Avenue Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-013.000-002

ADDRESS OF PROPERTY: 22 S. 12<sup>th</sup> Street Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-014.000-002

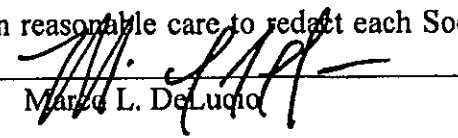
6

ADDRESS OF PROPERTY: 40 S. 12<sup>th</sup> Street  
Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-015.000-002

ADDRESS OF PROPERTY: 35 S. 13<sup>th</sup> Street  
Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-025.000-002

ADDRESS OF PROPERTY: 105 S. 13<sup>th</sup> Street  
Terre Haute, IN 47807  
TAX PARCEL NO. 84-06-22-379-027.000-002

THIS INSTRUMENT WAS PREPARED BY MARCO L. DELUCIO OF THE LAW FIRM OF ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP, P. O. BOX 916, EVANSVILLE, INDIANA 47706-0916. TELEPHONE: (812) 424-7575.

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.   
Marco L. DeLucio

h:\onb\terre haute\training center sale\special warranty deed.doc





FILED

FEB 19 2015

CITY CLERK

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

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 6, 2015

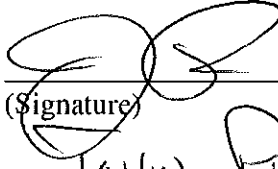
February 13, 2015

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, 2015.

X No Problems Noted

\_\_\_\_\_ Problems as noted below

\_\_\_\_\_  
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\_\_\_\_\_  
(Signature)  
JOHN PLASSE  
\_\_\_\_\_  
(Printed name)

CHIEF OF POLICE  
\_\_\_\_\_  
(Title)  
2-17-15  
\_\_\_\_\_  
(Date)

FILED

FEB 24 2015

CITY CLERK

**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 6, 2015

February 13, 2015

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, 2015.

Daniel Bell  
(Signature)

LEAD Inspector  
(Title)

Daniel Bell  
(Printed name)

2-23-2015  
(Date Posted)



