

SPECIAL ORDINANCE NO. 7, 2015

AN ORDINANCE VACATING A PORTION OF 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 a Public Alleyway 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:

Alley and Access Way #1

All that part of the generally north/south alley and access way bounded:

on the East by:

1. Parcel Nos. 84-06-34-101-006.000-002
84-06-34-102-001.000-002
84-06-34-101-007.000-002
84-06-34-101-008.000-002
84-06-34-101-009.000-002
84-06-34-101-013.000-002

Address: 719 and 749 Hulman Street;
715 Lockport Road;
1717 and 1729 South 8th Street;
Terre Haute, Indiana 47802

Legal Description:

Lots Numbers Seventeen (17) through Twenty-two (22) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's Office of Vigo County, Indiana.

and on the West by:

2. Parcel Nos. 84-06-34-101-001.000-002
84-06-34-101-002.000-002
84-06-34-101-003.000-002
84-06-34-101-004.000-002
84-06-34-101-005.000-002

84-06-34-101-011.000-002

84-06-34-101-012.000-002

Address: 1700, 1712, 1716, 1722, 1724, 1726 and 1728 South
7th Street, Terre Haute, IN 47802;

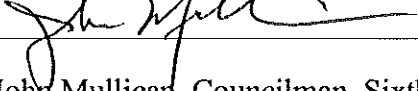
Legal Description:

Lots Numbers One (1) through Sixteen (16) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's Office of Vigo County, Indiana.

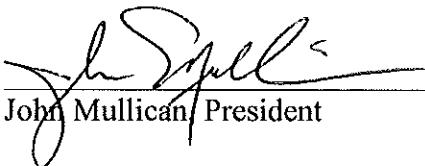
SECTION 2. Be it further ordained that said portion of said public alleyway in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

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, Councilman, Sixth District

Passed in open Council this 12th day of March, 2015.


John Mullican, President

ATTEST:

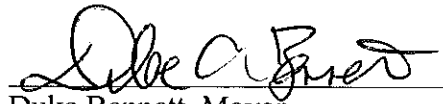

Chuck Hanley, City Clerk

Presented by me to the Mayor this 13th day of March, 2015.



Chuck Hanley, City Clerk

Approved by me, the Mayor, this 13th day of MARCH, 2015.

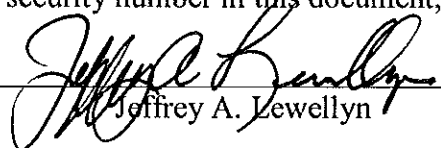


Duke Bennett, Mayor

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.



Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

Map



Parcel ID	84-06-34-101-001.000-002	Alternate ID	118-06-34-101-001	Owner Address	GLAS-COX, LLC 711 HULMAN STREET TERRE HAUTE, IN 47802
Sec/Twp/Rng	n/a	Class	Industrial Med mfg & assembly		
Property Address	1700 S 7TH ST TERRE HAUTE	Acreage	n/a		
District	002 HARRISON				
Brief Tax Description	IDAHO PLACE REPLAT 34-12-9 LOTS 1-6 (Note: Not to be used on legal documents)				

Last Data Upload: 2/3/2015 5:22:04 AM

PETITION FOR VACATION OF A PORTION OF PUBLIC ALLEY

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

LADIES AND GENTLEMEN:

Glas-Col, LLC, as the owner of land abutting a certain platted alley, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the platted 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. Glas-Col, LLC, Petitioner, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots Numbers One (1) through Twenty-two (22) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's Office of Vigo County, Indiana.

ALSO

Commencing at the Southwest Corner of South Eighth Street and Hulman Street in the City of Terre Haute, County of Vigo, Indiana; thence West to the West line of Lockport Road between Hulman Street and South Eighth Street as it existed prior to the vacation of that road by Special Ordinance No. 18, 1994 adopted by the Common Council of Terre Haute on the 14th day of April, 1994, thence Southeast along said West line to the western boundary of South Eighth Street; thence North to the place of beginning.

Said real estate is commonly known as:

719 and 749 Hulman Street;
715 Lockport Road;
1717 and 1729 South 8th Street; and
1700, 1712, 1716, 1722, 1724, 1726 and 1728 South
7th Street, Terre Haute, IN 47802

2. A 16-foot wide alley running north-south through the middle of the property owned by Glas-Col, LLC, and said alley, beginning at the southern line of Hulman Street and extends south to the northern line of the Idaho street right of way, is bounded as follows:

On the east, by Lots Numbers Seventeen (17) through Twenty-two (22) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's

Office of Vigo County, Indiana.

and

On the west, by Lots Numbers One (1) through Sixteen (16) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's Office of Vigo County, Indiana.

The attached site plan highlights in yellow that portion of the public alley, as described above, which Petitioner seeks to have vacated. Petitioner is the owner of all of abutting property on both sides of that portion of the alley to be vacated.

3. No other landowner adjoins and abuts that portion of the public alley to be vacated, so no landowners would be adversely affected by the vacation of the same.

4. Petitioner proposes the vacation of that portion of the public alley because:

- Petitioner conducts its business of Glas-Col, LLC on the property and owns all of the property on the block that the alley runs through. There are several buildings used in the business on the block and employees must cross the public alley traveling to and from the respective buildings which at times creates a hazardous situation. A couple of the buildings have doors that open onto the alleyway from which employees step out into the alley. Any traffic travelling through the alley is at risk of striking persons walking out of the doorway. The alley is not heavily travelled by vehicles, but those that do create a hazard.
- The alley is not used for any designated public service purpose.
- There are open public streets, 7th Street and 8th Street, each running north and south, which allow public travel on both the east and west sides of the block at issue.

5. The proposed vacation would not hinder the use of any other 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 name and address of the only owner of land that abuts that portion of said alley proposed to be vacated is:

Glas-Col, LLC
711 Hulman St.
Terre Haute, IN 47802

WHEREFORE, 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:

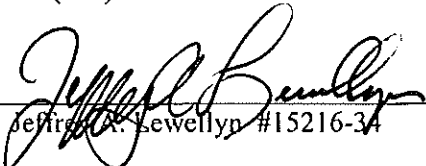
- A) Adopt an Ordinance vacating that portion of the public alley referred to and described above;
- B) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and to thereupon cause the Recorder 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,

Glas-Col, LLC

By:  _____
Stephen Sterrett, Manager

Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street, Terre Haute, IN 47807
Telephone: (812) 232-4311
Facsimile: (812) 235-5107

By:  _____
Jeffrey A. Lewellyn #15216-34

TO THE CLERK OF THE CITY OF TERRE HAUTE:

RE: Petition to Vacate a Portion of Public Alley Filed by Glas-Col, LLC

PRAECIPE REQUESTING SERVICE OF NOTICE

GENTLEMEN:

On behalf of Glas-Col, LLC, the owner of the following described real estate:

Lots Numbers One (1) through Twenty-two (22) in the replat of Lot Number One (1) in Idaho Place, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 14, page 49 in the Recorder's Office of Vigo County, Indiana.

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Said real estate is commonly known as:

719 and 749 Hulman Street;
715 Lockport Road;
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1700, 1712, 1716, 1722, 1724, 1726 and 1728 South
7th Street, Terre Haute, IN 47802,

who has concurrently herewith filed a Petition to vacate a portion of 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 alley portion proposed to be vacated:

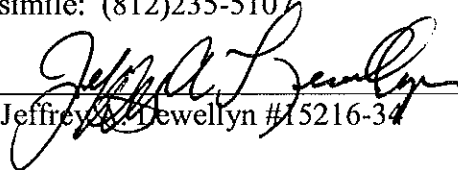
Glas-Col, LLC
711 Hulman St.
Terre Haute, IN 47802

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,

Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, IN 47807
Telephone: (812)232-4311
Facsimile: (812)235-5107

By: _____


Jeffrey S. Dewellyn #15216-34

Receipt

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

Date: 2/4/15

Name: Wilkinson, Goeller, Modesitt

Reason: _____

Cash: _____

Check: 5.00

Credit: _____

Total: _____

TERRE HAUTE, IN
PAID
FEB - 4 2015
CONTROLLER

Received By: Kriegle

FILED

FEB 18 2015

CITY CLERK

**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 7, 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.

No Problems Noted

Problems as noted below

Bradley S. Miller
(Signature)
BRADLEY S. MILLER
(Printed name)

TRANSPORTATION DIRECTOR
(Title)
2/17/2015
(Date)

FILED
FEB 19 2015
CITY CLERK

**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 7, 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.

No Problems Noted

Problems as noted below

An easement must be retained for
the public sanitary sewer in the alley.
Otherwise there are no issues.

Marcus E. Maurer

(Signature)

Marcus E Maurer

(Printed name)

Staff Engineer II

(Title)

2/18/2015

(Date)

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

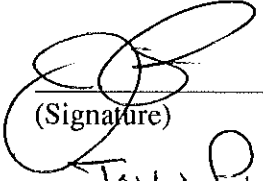
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X No Problems Noted

_____ Problems as noted below



(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 7, 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)

MAR 03 2014

CITY CLERK

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

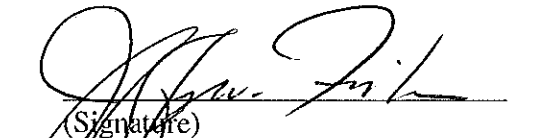
To: TERRE HAUTE FIRE DEPARTMENT

Special Ordinance 7, 2015

February 13, 2015

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No Problems Noted Problems as noted below


(Signature)
JEFFREY W. FISHER
(Printed name)

FIRE CHIEF
(Title)
3-3-15
(Date)