

FILED

MAR 3 2016

SPECIAL ORDINANCE NO. 10, 2016

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A 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 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:

The South Half of the sixteen (16) foot north-south alley lying north of vacated Eagle Street and west of 3'd Street (Market Street) as depicted in Smith's Subdivision, recorded in Plat Book 1, page 275 in the Office of the Recorder of Vigo County, Indiana, which is a part of the South Half of Out Lot 18 of the Town, (now city) of Terre Haute, and being more particularly described as follows:

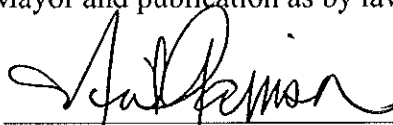
Beginning at the Southwest corner of Lot 5 in said Smith's Subdivision; thence South 89 degrees 39 minutes 50 seconds West (basis of bearing is grid bearing based upon Indiana State Plane- West Zone, NAD 83) along the North right of way line of vacated Eagle Street 16.00 feet to the West line of said 16 foot alley; thence North 00 degrees 08 minutes 13 seconds West along the said West line 150.58 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 16.00 feet to the East line of said 16 foot alley; thence South 00 degrees 08 minutes 13 seconds East along the said East line 150.52 feet to the Point of Beginning, containing 0.055 acres, more or less.

SECTION 2. Be it further ordained that said portion of said alley 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.

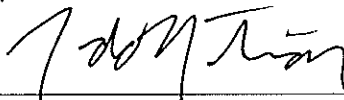
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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 Council Member,


Neil Garrison, Councilperson

Passed in open Council this 14th day of April, 2016.



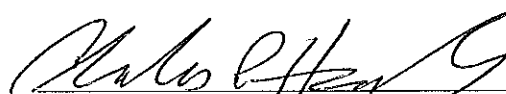
Todd Nation, President

ATTEST:



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 15th day of APRIL, 2016.



Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of APRIL, 2016.



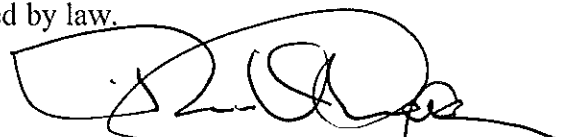
Duke Bennett, Mayor

ATTEST:



Charles P. 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.



Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

PETITION FOR VACATION OF PORTION OF A PUBLIC ALLEY

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

COUNCILPERSONS:

Terre Haute Boys and Girls Club, Inc. and Indiana State University, the owners of land abutting a certain Public Alley platted, which is located in Terre Haute, Indiana and respectfully petition and request the legislative body of the City of Terre Haute, Indiana to vacate that portion of a Public 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. Terre Haute Boys and Girls Club, Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

The South half of One Hundred Forty-One feet and two inches (141'2") off the East side of Out Lot 18 of the original town (now City) of Terre Haute, as shown in the records of the Recorder's Office of Vigo County, Indiana.

ALSO

Seventy-four feet, seven inches (74'7") off the South side of the West half of Lot Number Eighteen (18) in the original town, now City of Terre Haute.

Commonly known as 220 North Third Street, Terre Haute, IN 47807.

2. Indiana State University, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

The North one half of the South West Quarter of Out Lot Eighteen (18) of the Original Out Lots of the Town now City of Terre Haute.

Commonly known as 325 North Second Street, Terre Haute, IN 47807.

3. That a copy of a portion of the plat of the said Public Alley which runs amongst Owners' properties is attached hereto, made a part hereof and is marked as Exhibit A.

4. That the portion of the Public Alley to be vacated as set forth above may be more particularly described as follows, to-wit:

The South Half of the sixteen (16) foot north-south alley lying north of vacated Eagle Street and west of 3'd Street (Market Street) as depicted in Smith's Subdivision, recorded in Plat Book 1, page 275 in the Office of the Recorder of Vigo County, Indiana, which is a part of the South Half of Out Lot 18 of the Town, (now city) of Terre Haute, and being more particularly described as

follows:

Beginning at the Southwest corner of Lot 5 in said Smith's Subdivision; thence South 89 degrees 39 minutes 50 seconds West (basis of bearing is grid bearing based upon Indiana State Plane- West Zone, NAD 83) along the North right of way line of vacated Eagle Street 16.00 feet to the West line of said 16 foot alley; thence North 00 degrees 08 minutes 13 seconds West along the said West line 150.58 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 16.00 feet to the East line of said 16 foot alley; thence South 00 degrees 08 minutes 13 seconds East along the said East line 150.52 feet to the Point of Beginning, containing 0.055 acres, more or less.

5. Petitioners believe that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate is the said Public Alley will serve no functional purpose to the public.

6. Petitioners propose the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner, Terre Haute Boys and Girls Club, Inc.'s real estate for development of a student housing facility.

7. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the Public Alley is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Alley; as set forth above, the proposed vacation of said portion of said Public Alley 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, nor will it interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.

8. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioners.

WHEREAS, 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:

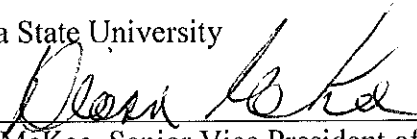
- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording 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.

PETITIONERS

Terre Haute Boys and Girls Club, Inc.

By:  CPO
Jeffrey A. Kochvar, Chief Professional Officer

Indiana State University

By: 
Diann McKee, Senior Vice President of Finance
and Administration

Petitioners' Addresses:

Terre Haute Boys and Girls Club, Inc., 924 N 13th St, Terre Haute, IN 47807

Indiana State University, ATTN: Diann McKee, 200 N 7th St, Terre Haute, IN 47809

This instrument prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

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

FILED
MAR 17 2016
CITY CLERK

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

Special Ordinance 10, 2016

March 11, 2016

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 April 1, 2016.

Daniel J. Bell
(Signature)

' LEAD' Inspector
(Title)

Daniel J. Bell
(Printed name)

MARCH 17, 2016
(Date Posted)

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

**FILED
MAR 16 2016
CITY CLERK**

To: Engineering Department, City of Terre Haute

Special Ordinance 10, 2016

March 11, 2016

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 April 1, 2016.

No Problems Noted

Problems as noted below

An easement must remain for the
Sanitary Sewer.

Marcus E. Maurer
(Signature)

Marcus E. Maurer
(Printed name)

Staff Engineer II
(Title)

3/16/2016
(Date)

