

SPECIAL ORDINANCE NO. 46 - 2016

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET 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 Street 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:

A. Part of 4th Street

All that part of the generally north/south portion of 4th Street between 4th Avenue and 7th Avenue bounded:

1. on the East by: Legal Description:

Lots 55-70 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

2. and on the West by: Legal Description:

Lots 87-102 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

3. The Parcel Numbers and Common addresses of the above properties consists of the following:

Common Address:

Parcel Number:

1325 N 4 th Street	84-06-16-432-003.000-002
406 4 th Avenue	84-06-16-432-009.000-002
1329 N 4 th Street	84-06-16-432-002.000-002
1311 N 4 th Street	84-06-16-432-006.000-002
1310 N 4 th Street	84-06-16-404-002.000-002
1320 N 4 th Street	84-06-16-404-003.000-002
1400 N 4 th Street	84-06-16-403-013.000-002
1402 N 4 th Street	84-06-16-403-010.000-002
1404 N 4 th Street	84-06-16-403-009.000-002
1408 N 4 th Street	84-06-16-403-008.000-002

1412 N 4 th Street	84-06-16-403-012.000-002
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	84-06-16-432-007.000-002
1315 N 4 th Street	84-06-16-432-005.000-002
1319 N 4 th Street	84-06-16-432-004.000-002
1333 N 4 th Street	84-06-16-432-001.000-002
and	
1425 N 4 th Street (Part of only)	84-06-16-428-001.000-002.

B. **Part of 6th Avenue**

All that part of the generally east/west portion of 6th Avenue between 4th Street on the west and east to the north/south alley that is just east of 4th Street and running north of 4th Avenue:

1. bounded on the North by: Legal Description:

Lots 62 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

2. bounded on the South by: Legal Description:

Lots 63 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

3. The Parcel Numbers and Common addresses of the above properties consists of the following:

<u>Common Address:</u>	<u>Parcel Number:</u>
1425 N 4 th Street (Part of only)	84-06-16-428-001.000-002
1333 N 4 th Street	84-06-16-432-001.000-002

SECTION 2. Be it further ordained that said portion of said public street 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.

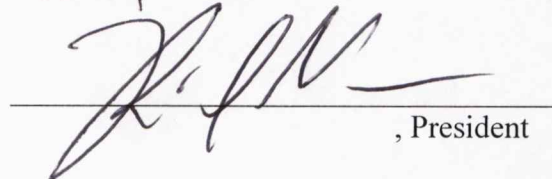
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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.

Introduced By: 

Curtis DeBaun IV, Councilman

Passed in open Council this 9 day of February, 2017.


_____, President


ATTEST:


Chuck Hanley, City Clerk

Presented by me to the Mayor this 10 day of February, 2017.

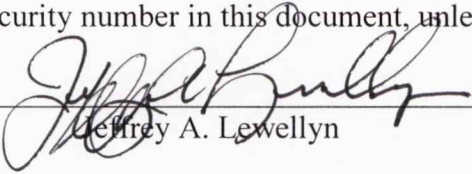

Chuck Hanley, City Clerk

Approved by me, the Mayor, this 10th day of FEBRUARY, 2017.


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

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:

MSL ISU Terre Haute, LLC, as the purchaser/owner of land abutting a certain platted street, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the platted street 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. MSL ISU Terre Haute, LLC, Petitioner, is the purchaser from Union Hospital, Inc., owner, of the following described real estate located in Vigo County, State of Indiana:

Lots 55-70 and 87-102 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

Said real estate is commonly known as:

1325 N 4 th Street	84-06-16-432-003.000-002
406 4 th Avenue	84-06-16-432-009.000-002
1329 N 4 th Street	84-06-16-432-002.000-002
1311 N 4 th Street	84-06-16-432-006.000-002
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408 4 th Avenue	84-06-16-432-010.000-002
400 4 th Avenue	84-06-16-432-008.000-002
	84-06-16-432-007.000-002
1315 N 4 th Street	84-06-16-432-005.000-002
1319 N 4 th Street	84-06-16-432-004.000-002
1333 N 4 th Street	84-06-16-432-001.000-002
and	
1425 N 4 th Street (Part of only)	84-06-16-428-001.000-002.

2. Petitioner, MSL ISU Terre Haute, LLC, is proposing the construction of a student living development, which application for PUD rezoning is being filed contemporaneously with this petition and which development proposes to build over what is now a portion of existing public streets consisting of the following:

A. **Part of 4th Street**

All that part of the generally north/south portion of 4th Street between 4th Avenue and 7th Avenue bounded:

1. on the East by: Legal Description:

Lots 55-70 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

2. and on the West by: Legal Description:

Lots 87-102 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

3. The Parcel Numbers and Common addresses of the above properties consists of the following:

Common Address:

Parcel Number:

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B. Part of 6th Avenue

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1425 N 4 th Street (Part of only)	84-06-16-428-001.000-002
1333 N 4 th Street	84-06-16-432-001.000-002

The attached site plan highlights in yellow that portion of the public streets, as described above, which Petitioner seeks to have vacated. The owners of record of the property abutting the streets to be vacated have contractually consented to the rezoning as being requested by MSL ISU Terre Haute, LLC, including the proposed street vacation.

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

4. Petitioner proposes the vacation of that portion of the public street to allow for the construction of a student living development, which application for PUD rezoning is being filed contemporaneously with this petition.

5. The proposed vacation would not hinder the use of any other public street; 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 owners of land that abuts that portion of said streets proposed to be vacated are:

Union Hospital, Inc.
1606 N. 7th St.
Terre Haute, IN 47804

William L. Tarrh
1311 N. 4th St.
Terre Haute, IN 47804


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 street 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,

MSL ISU Terre Haute, LLC

By



Jeffrey A. Lewellyn #15216-34

Attorney for Petitioner

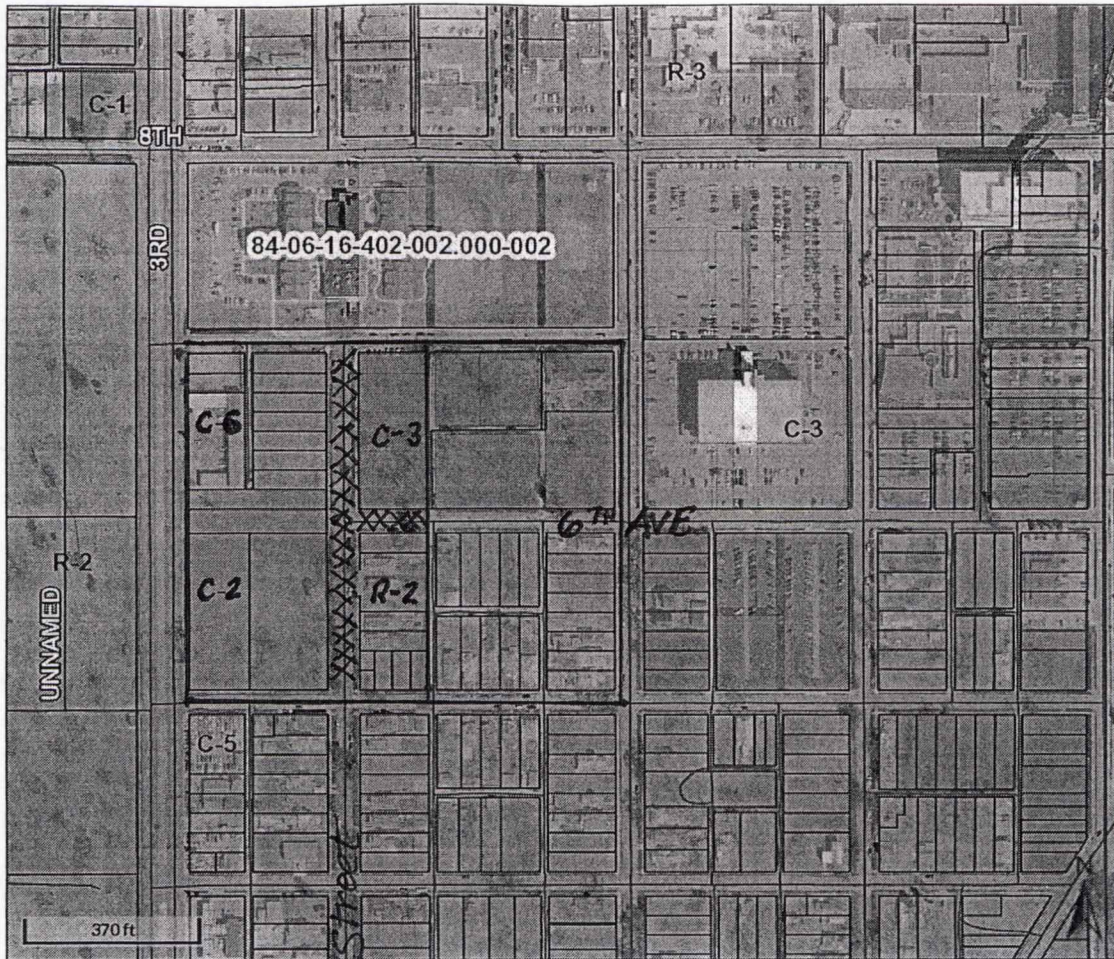
Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street, Terre Haute, IN 47807
Telephone: (812) 232-4311
Facsimile: (812) 235-5107



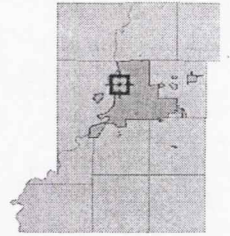
Beacon™

Vigo County, IN / City of Terre Haute

N



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O

TO THE CLERK OF THE CITY OF TERRE HAUTE:

RE: Petition to Vacate a Portion of Public Alley Filed by MSL ISU Terre Haute, LLC

PRAECIPE REQUESTING SERVICE OF NOTICE

GENTLEMEN:

On behalf of MSL ISU Terre Haute, LLC, the purchaser, with consent of the owner of the following described real estate:

Lots 55-70 and 87-102 in Early Grove Place Subdivision, the same being a subdivision of lots 27-28-33-34-39 and 40 of Section 16-12-9, Terre Haute, Indiana.

Said real estate is commonly known as:

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1319 N 4 th Street	84-06-16-432-004.000-002

1333 N 4th Street

84-06-16-432-001.000-002

and

1425 N 4th Street (Part of only)

84-06-16-428-001.000-002.

who has concurrently herewith filed a Petition to vacate a portion of a public street, 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 street portion proposed to be vacated:

Union Hospital, Inc.
1606 N. 7th St.
Terre Haute, IN 47804

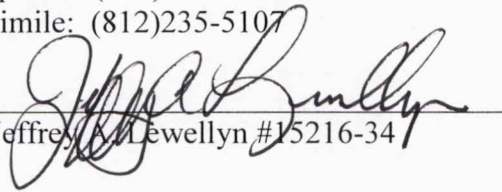
William L. Tarrh
1311 N. 4th St.
Terre Haute, IN 47804

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 M. Lewellyn #15216-34

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

December 12, 2016

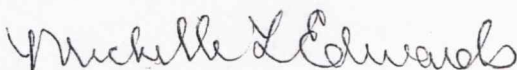
Darla Coleman
1329 North 4th Street
Terre Haute, IN 47807

Pursuant to I.C. 36-7-3-12, our office is notifying you of two proposed street vacatings. Enclosed is a copy of Special Ordinance 46, 2016 that vacates a portion of 4th Street located North of 4th Avenue and South of 7th Avenue and a portion of 6th Avenue located East of 4th Street and West of the North-South alley directly east of 4th Street. This Public Street and Public Alley abuts your property located at 1329 North 4th Street, Terre Haute, Indiana (Parcel No. 84-06-16-432-002.000-002).

If you wish to be heard concerning this ordinance, it will be discussed during the Sunshine Meeting of the Terre Haute City Council on January 5, 2017. In addition, this matter will be discussed during the Regular Meeting of the Terre Haute City Council on January 12, 2017 as well as be acted upon. Both meetings are at 6:00PM in the City Courtroom located on the first floor of City Hall.

If you have any questions, please feel free to contact me at 812-232-3375 Monday through Friday 8:00AM to 4:00PM.

Sincerely,



Michelle L. Edwards
Chief Deputy City Clerk

city of terre haute

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

December 12, 2016

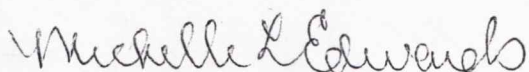
William Tarrh
1311 North 4th Street
Terre Haute, IN 47807

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If you wish to be heard concerning this ordinance, it will be discussed during the Sunshine Meeting of the Terre Haute City Council on January 5, 2017. In addition, this matter will be discussed during the Regular Meeting of the Terre Haute City Council on January 12, 2017 as well as be acted upon. Both meetings are at 6:00PM in the City Courtroom located on the first floor of City Hall.

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Sincerely,



Michelle L. Edwards
Chief Deputy City Clerk

city of terre haute

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

December 12, 2016

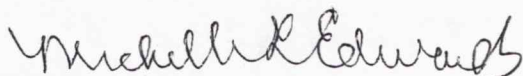
Union Hospital
ATTN: Real Estate/Property Holdings
1606 North 7th Street
Terre Haute, IN 47804

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1425 North 4 th Street	Parcel: 84-06-16-428-001.000-002
1432 North 4 th Street	Parcel: 84-06-16-403-004.000-002
1422 North 4 th Street	Parcel: 84-06-16-403-005.000-002
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1319 North 4 th Street	Parcel: 84-06-16-432-004.000-002
1315 North 4 th Street	Parcel: 84-06-16-432-005.000-002
400 4 th Avenue	Parcel: 84-06-16-432-007.000-002 & 84-06-16-432-008.000-002

If you wish to be heard concerning this ordinance, it will be discussed during the Sunshine Meeting of the Terre Haute City Council on January 5, 2017. In addition, this matter will be discussed during the Regular Meeting of the Terre Haute City Council on January 12, 2017 as well as be acted upon. Both meetings are at 6:00PM in the City Courtroom located on the first floor of City Hall. If you have any questions, please feel free to contact me at 812-232-3375 Monday through Friday 8:00AM to 4:00PM.

Sincerely,



Michelle L. Edwards
Chief Deputy City Clerk

city of terre haute

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

FILED

JAN 05 2017

CITY CLERK

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

Special Ordinance 46, 2016

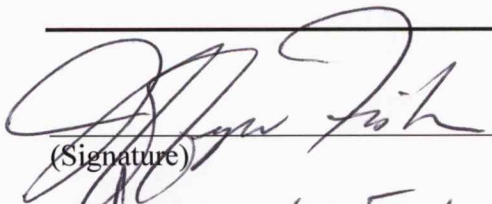
December 9, 2016

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 December 28, 2016.

☐ No Problems Noted

☒ Problems as noted below

I visited this area and have some concerns.
There are three residential homes on 4th Street
between 6th Av and 4th Ave. If this
street is vacanted, Public Safety will not
be able to access these homes.


(Signature)
JEFFERY W. FISHER
(Printed name)

FIRE CHIEF
(Title)
12/21/16
(Date)

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

FILED

JAN 05 2017

CITY CLERK

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

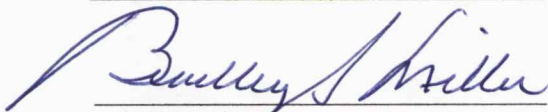
Special Ordinance 46, 2016

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☒ No Problems Noted

☐ Problems as noted below


(Signature)

BRADLEY S. MILLER

TRANSPORTATION DIRECTOR
(Title)

12/19/16

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

FILED

JAN 05 2017

CITY CLERK

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

Special Ordinance 46, 2016

December 9, 2016

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☒ No Problems Noted

☐ Problems as noted below

Marcus E. Maurer
(Signature)

Marcus E. Maurer

Staff Engineer II
(Title)

1/5/2017

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

FILED
JAN 05 2017
CITY CLERK

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

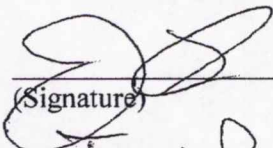
Special Ordinance 46, 2016

December 14, 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 December 28, 2016.

X No Problems Noted

_____ Problems as noted below


(Signature)
John Plasse
(Printed name)

CHIEF OF POLICE
(Title)
1-5-17
(Date)

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

FILED

JAN 05 2017

CITY CLERK

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

Special Ordinance 46, 2016

December 9, 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 December 28, 2016.

Daniel Bey
(Signature)

Daniel Bey
(Printed name)

Leaded Inspection
(Title)

12-20-2016
(Date Posted)

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
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OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

Postage	
\$	
Total Postage and Fees	
\$	

Sent To
Union Hospital Real Estate/Prop. Holdings
Street and Apt. No., or PO Box No.
1606 N. 7th Street
City, State, ZIP+4[®]
Terre Haute, IN 47804

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

Postage	
\$	
Total Postage and Fees	
\$	

Sent To
William Tarrh
Street and Apt. No., or PO Box No.
1311 N. 4th Street
City, State, ZIP+4[®]
Terre Haute, IN 47807

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

Postage	
\$	
Total Postage and Fees	
\$	

Sent To
Daria Coleman
Street and Apt. No., or PO Box No.
1329 N. 4th Street
City, State, ZIP+4[®]
Terre Haute, IN 47807

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Tarrh
1311 North 4th Street
Terre Haute, IN 47807

2. Article Number
(Transfer from service label)

7015 0640 0002 9510 7647

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Darla Coleman
1329 North 4th Street
Terre Haute, IN 47807

2. Article Number
(Transfer from service label)

7015 0640 0002 9510 7654

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Kim Bennett

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/17/16

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Union Hospital
Attn: Real Estate/Property Holdings
1606 N. 7th Street
Terre Haute, IN 47804

2. Article Number
(Transfer from service label)

7015 0640 0002 9510 7661

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Ken Mease

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12-16-16

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes