

FILED

OCT 04 2017

CITY CLERK

SPECIAL ORDINANCE NO. 54, 2017

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:

A portion of a public alley in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248, more particularly described as follows:

Commencing at the Southeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248 directly East approximately 19 ¾ feet, more or less, to the West boundary line of the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West; then North along the West boundary line of said North Half of Lot 134 and Lot 133 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West to the Northwest corner of said Lot 133; thence West approximately 19 ¾ feet, more or less, to the Northeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248; then South along the East boundary line of said Lot 4 to the place of beginning.

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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this 9<sup>th</sup> day of November, 2017.

Karrum Nasser  
Karrum Nasser, President

ATTEST:

Charles P. Hanley  
Charles P. Hanley, City Clerk

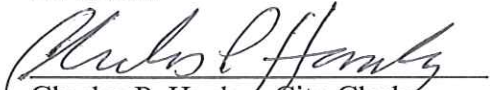
Presented by me to the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of November, 2017.

Charles P. Hanley  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of NOVEMBER, 2017.

Duke Bennett  
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 II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

**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

LADIES AND GENTLEMEN:

The undersigned, Varinder Sahi, Authorized Member of AKAL Investments Inc. is the owner 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. The undersigned, Varinder Sahi, Authorized Member of AKAL Investments Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248.

Except that part of said Lot 4 conveyed to Joseph Finley and Fannie Finley, his wife, by deed dated November 15, 1916, and recorded in Deed Record 146, Page 578, in the Recorder's Office of Vigo County, Indiana.

TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grant in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and

(c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described real estate.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to utilities

Tax Parcel Number: 84-06-22-125-005.000-002.

Commonly known as: 1217 Locust Street, Terre Haute, IN 47807.

AND

Lot 133 and the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Tax Parcel Number: 84-06-22-128-011.000-002.

Commonly known as 1255 Locust Avenue, Terre Haute, IN 47807.

2. That a copy of a portion of the plat of the said Public Alley which runs along the north side of Owner's property is attached hereto, made a part hereof and is marked as Exhibit A and Exhibit B.

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

A portion of a public alley in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248, more particularly described as follows:

Commencing at the Southeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84

65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248 directly East approximately 19 ¾ feet, more or less, to the West boundary line of the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West; then North along the West boundary line of said North Half of Lot 134 and Lot 133 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West to the Northwest corner of said Lot 133; thence West approximately 19 ¾ feet, more or less, to the Northeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248; then South along the East boundary line of said Lot 4 to the place of beginning.

Commonly known as a Portion of Vacated Alley East of 1217 Locust Street, Terre Haute, IN 47807.

6. Petitioner believes 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 does not nor will not serve a functional purpose to the public.

7. Petitioner proposes the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner's real estate.

8. 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.

9. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioner and the following: International Foursquare, 820 N. 13<sup>th</sup> Street, Terre Haute, IN 47807; Ross Carl, 3448 E. Eaton Drive, Terre Haute, IN 47802; and John R. Stephens, 4545 S. Cherrywood Street, Terre Haute, IN 47802. That notice of said vacation has been sent by USPS Certified Mail to International Foursquare, Ross Carl and John R. Stephens at their respective addresses.

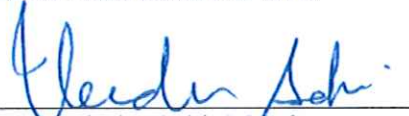
WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- 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.

**PETITIONER:**

AKAL INVESTMENTS INC.

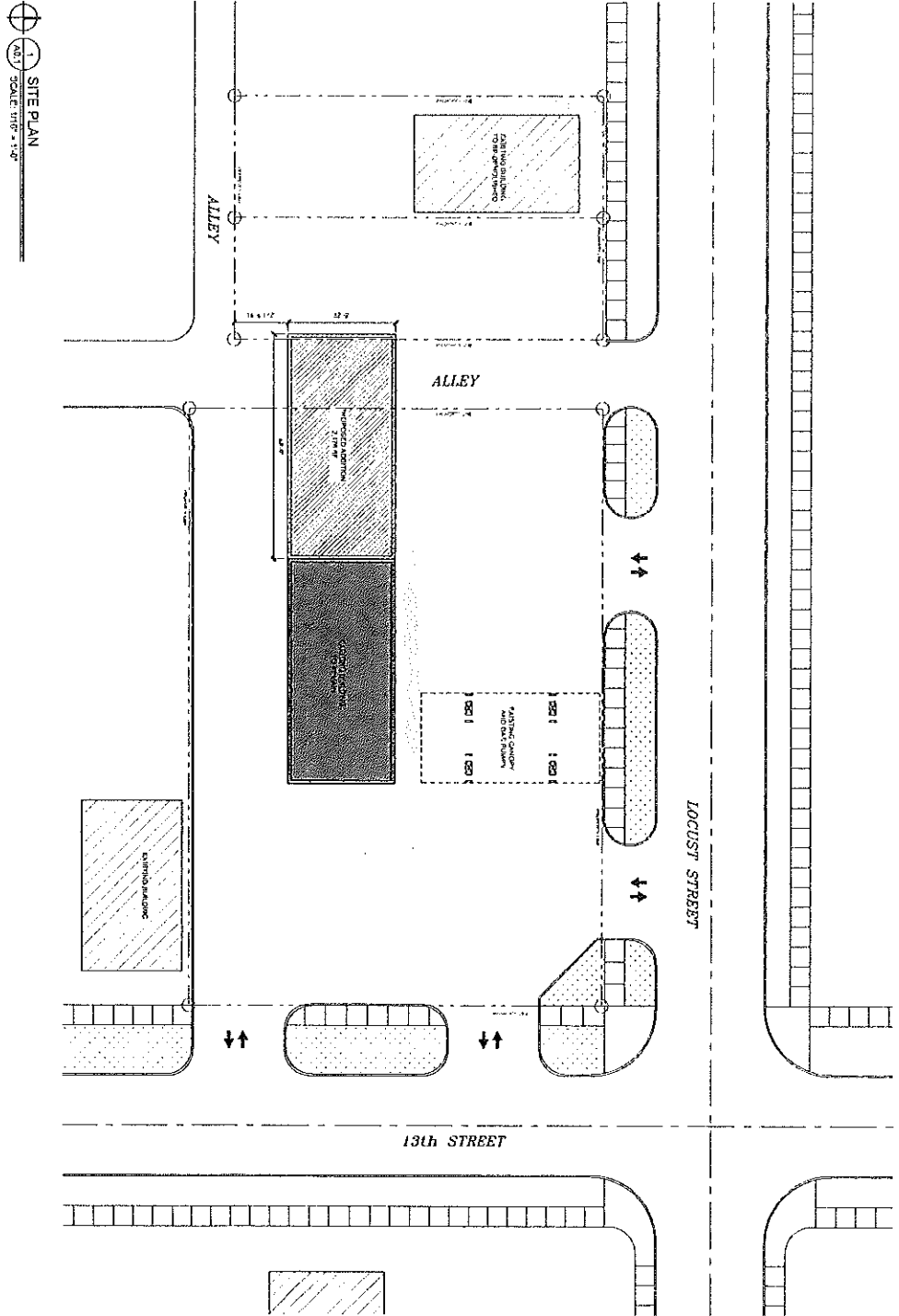
By: \_\_\_\_\_

  
Varinder Sahi, Member

Petitioner's Addresses: 435 Virginia Ave #707, Indianapolis, IN 46203.

This instrument prepared by Richard J. Shagley II, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

# SITE PLAN



<p><b>REVISIONS</b></p> <table border="1"> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>																					<p><b>INSTRUCTIONS FOR:</b>  <b>13th &amp; LOCUST</b>          TERRE HAUTE, INDIANA</p>	<p>DATE: 09-24-2017</p>	<p><b>PRELIMINARY DESIGN</b></p>	<p><b>SCORE DOCUMENT</b></p>	<p><b>HOLDER SIGN INC.</b>          1800 North State Street          Terre Haute, IN 47783          Phone: 765-233-1100          Fax: 765-233-1100          www.holdersign.com</p>
<p>SHEET DESCRIPTION: PROPOSED SITE PLAN</p>	<p>DESIGNED BY: JAH          CHECKED BY: JAH          PLOT SCALE: AS NOTED</p>	<p>PROJECT: 13th &amp; LOCUST</p>																							

**A0.1**

AT7-034



Receipt

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

Date: 10/4/17

Name: AKAL Investments

Reason: Vacating Alley

\_\_\_\_\_

\_\_\_\_\_

Cash: \_\_\_\_\_

Check: #67768 \$5<sup>00</sup>

Credit: \_\_\_\_\_

Total: \$5<sup>00</sup>

Received By: Lillis / gn

TERRE HAUTE, IN  
10/4/17  
CONTROLLER

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

**FILED**

NOV 02 2017

**CITY CLERK**

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 54, 2017

October 24, 2017

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 October 31, 2017.

No Problems Noted                       Problems as noted below

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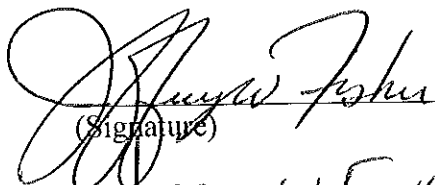
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\_\_\_\_\_

(Signature)

JEFFERY W FISHER  
\_\_\_\_\_

(Printed name)

FIRE CHIEF  
\_\_\_\_\_

(Title)

11/1/17  
\_\_\_\_\_

(Date)

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

**FILED**

NOV 02 2017

**CITY CLERK**

To: Engineering Department, City of Terre Haute

Special Ordinance 54, 2017

October 24, 2017

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 October 31, 2017.

No Problems Noted                       Problems as noted below

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Marcus E. Maurer  
(Signature)

Marcus E. Maurer  
(Printed name)

Staff Engineer II  
(Title)

10/25/2017  
(Date)

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

**FILED**

NOV 02 2017

**CITY CLERK**

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

Special Ordinance 54, 2017

October 24, 2017

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 October 31, 2017.

Daniel Bell

(Signature)

Daniel Bell

(Printed name)

Lead Inspector

(Title)

10-25-2017

(Date Posted)

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

**FILED**

NOV 02 2017

**CITY CLERK**

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 54, 2017

October 24, 2017

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 October 31, 2017.

X No Problems Noted

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

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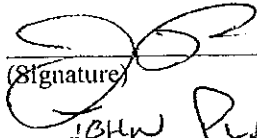
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\_\_\_\_\_  
(Signature)  
Brian Plasse  
\_\_\_\_\_  
(Printed name)

CHIEF OF POLICE  
\_\_\_\_\_  
(Title)  
10-24-17  
\_\_\_\_\_  
(Date)

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

**FILED**

NOV 02 2017

**CITY CLERK**

To: Street Department, City of Terre Haute

Special Ordinance 54, 2017

October 24, 2017

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 October 31, 2017.

X No Problems Noted

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

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Bryan Driskill  
(Signature)

Bryan Driskill  
(Printed name)

Lead Foreman  
(Title)

10/24/2017  
(Date)