

FILED

NOV 05 2018

SPECIAL ORDINANCE NO. 34, 2018

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:

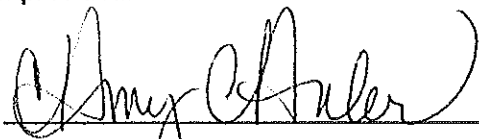
A part of the Southeast quarter of the Southeast quarter of Section 33, Township 12 N, Range 9 W. Beginning at the southeast corner of Lot 106 of the Warren Place subdivision, thence North approximately 64 feet to the northeast corner of Lot 106, thence in a northwesterly direction to the northwest corner of Lot 108 approximately 157 feet, thence north approximately 9 feet, thence in a southwesterly direction parallel to the north lot lines of Lots 106, 107 and 108 to the northwest corner of lot 105 approximately 174 feet, thence south to the southwest corner of lot 105 approximately 68 feet, thence west approximately 16 feet to the point 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 the 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,




(Amy Auler, Council Person District One)

Passed in open Council this 13 day of December, 2018

  
Curtis Debaun IV, President

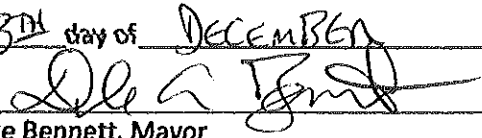
ATTEST:

  
Michelle Edwards, City Clerk


Presented by me to the Mayor of the city of Terre Haute, this 13 day of December, 2018

  
Michelle Edwards, City Clerk

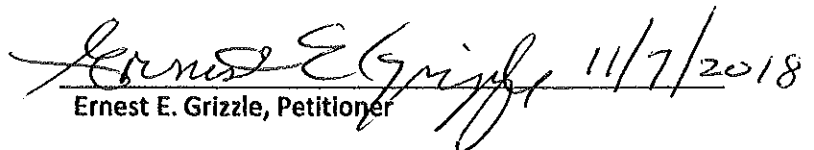
Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of DECEMBER, 2018

  
Duke Bennett, Mayor

ATTEST:

  
Michelle Edwards, 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.

  
Ernest E. Grizzle, Petitioner

This instrument prepared by Ernest E. Grizzle, 506 Helen Ave, Terre Haute, IN 47802.

PETITION FOR VACTION OF PORTION OF A PUBLIC ALLEY

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

Council Members:

Ernest E. Grizzle and Melinda S. Grizzle, 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 to vacation 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. Ernest E. Grizzle and Melinda S. Grizzle, the Petitioners herein, are the owners of the following described real estate located in Vigo County, State of Indiana:

Lot 105 and 106 Warren Place, an addition to the City of Terre Haute, Indiana, being a subdivision of the south ½ of Section 33, Township 12 North, Range 9 West, excepting the right of the ways of Southern Indiana Railroad and the ways of Southern Indiana Railroad and the Terre Haute and Southeastern Railroad as shown by the recorded plat thereof in plat record 10, page 22 of the records of the Recorders Office of Vigo County, Indiana.

Commonly known as 506 Helen Ave, Terre Haute, IN 47802.

2. Ernest E. Grizzle and Melinda S. Grizzle are the owners of the following described real estate located in Vigo County, State of Indiana:

Lots numbered 107 and 108 in Warren Place, a subdivision of the south half (½) of the southeast quarter (¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, excepting the right of way of the Southern Indiana Railroad, and the Evansville and Indianapolis Railroad, as recorded in Plat Book no. 10, at page 22, of the records in the office of the Recorder of Vigo County, Indiana.

Commonly known as 500 Helen Ave, Terre Haute, IN 47802

3. Ernest E. Grizzle and Melinda S. Grizzle are the owners of the following described real estate located in Vigo County, State of Indiana.

A triangular tract of land lying South of and adjacent to the following described tract:

A strip of land off the North side of the South half of the South East quarter of Section thirty-three (33), Township twelve (12) North, Range nine (9) West; Beginning at the North East corner of the South half of the South East quarter of said Section Thirty-three (33); thence West twenty six hundred forty eight (2648) feet to the North and South center line of said Section thirty three (33); thence South one hundred eighteen and three tenths (118.3) feet; thence East twenty six hundred forty seven and six tenths (2647.6) feet to the East line of said Section thirty three(33), this line being parallel with and twenty five (25) feet South of the center line of Grantee's track leading from its main track westerly about two (2) miles to its gravel pit in section thirty two (32); thence North one hundred (10) feet to a point of beginning, except the right of way of the Terre Haute and Southeastern Ry.

Said triangular tract more particularly described as follows, to-wit: Beginning at the point where the above described Southerly right of way line crosses the Westerly right of way line of the Terre Haute and Southeastern Railway; thence Westerly along said Southerly right of way line two hundred six (206) feet; thence Southeasterly three hundred sixty two and three tenths (362.3) feet to a point in the Westerly right of way line of said Terre Haute and Southeastern Railway and one hundred ninety three and five tenths (193.5) feet from point of beginning; thence Northwesterly along said right of way line of the Terre Haute and Southeastern Railway one hundred ninety three and five tenths (193.5) feet to point of beginning.

4. That a copy of a portion of the said Public Alley which runs amongst Owners properties is attached hereto, made a part hereof and marked as Exhibit A.
5. That the portion of the Public Alley to be vacated asset forth above may be more particularly described as follows, to wit:

A part of the Southeast quarter of Section 33, Township 12 N, Range 9 W.

Beginning at the southeast corner of Lot 106 of Warren Place subdivision, thence North approximately 64 feet to the northeast corner of Lot 106, thence in a northwesterly direction to the northwest corner of Lot 108 approximately 157 feet, thence north approximately 9 feet, thence in a southwesterly direction parallel to the north lot lines 106, 107 and 108 to the northwest corner of lot 105 approximately 174 feet, thence south to the southwest corner of Lot 106 approximately 68 feet, thence west approximately 16 feet to the point of beginning.

6. Petitioners believe that no landowner adjoining the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate in the said Public Alley will serve no functional purpose to the public.
7. Petitioners propose the vacation of the Public Alley to allow more efficient and effective use of Petitioners, Ernest E. Grizzle and Melinda S. Grizzle.
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 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 said vacation hinder any member of the publics 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.

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 City Recorder of Vigo County for recording and to the County Auditor, and to there upon 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**

Ernest E. Grizzle and Melinda S. Grizzle

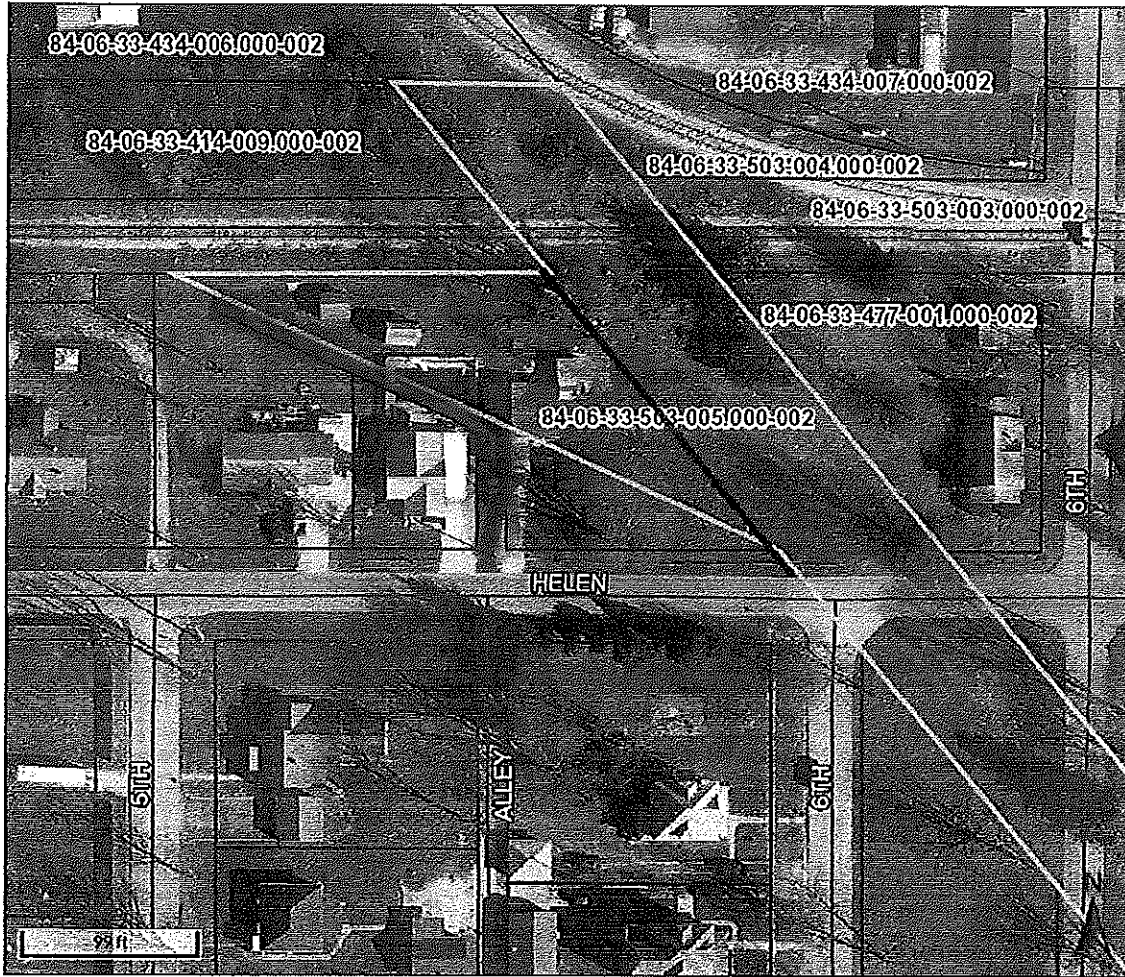
By: Ernest E. Grizzle 11/07/2018  
Ernest E. Grizzle

By: Melinda S. Grizzle 11/07/2018  
Melinda S. Grizzle

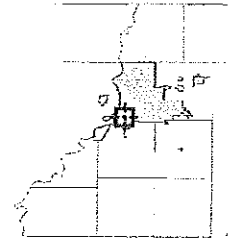
Petitioners' Addresses

506 Helen Ave, Terre Haute, Indiana 47802.

This instrument prepared by Ernest E. Grizzle, 506 Helen Ave, Terre Haute, Indiana 47802.



Overview



Legend

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

Parcel ID	84-06-33-503-005.000-002	Alternate ID	n/a	Owner Address	n/a
Sec/Twp/Rng	n/a	Class	n/a		
Property Address		Acreage	n/a		
Neighborhood	n/a				
District	n/a				
Brief Tax Description	n/a				

(Note: Not to be used on legal documents)

Date created: 11/5/2018  
 Last Data Uploaded: 11/4/2018 6:08:06 PM

Grantee's Address/ Send Tax Statements to:

506 Helen Avenue

Terre Haute, IN 47802

### QUITCLAIM DEED

**THIS INDENTURE WITNESSETH**, that The Indiana Rail Road Company, an Indiana Corporation, **RELEASES AND QUITCLAIMS** to Ernest E. Grizzle and Melinda S. Grizzle, as Tenants by the Entirety, for consideration, the following described real estate in Vigo County, State of Indiana, to wit:

A triangular tract of land lying South of and adjacent to the following described tract:

A strip of land off the North side of the South half of the South East quarter of Section thirty-three (33), Township twelve (12) North, Range nine (9) West; beginning at the North East corner of the South half of the South East quarter of said Section thirty-three (33); thence West twenty six hundred forty eight (2648) feet to the North and South center line of said Section thirty three (33); thence South one hundred eighteen and three tenths (118.3) feet; thence East twenty six hundred forty seven and six tenths (2647.6) feet to the East line of said Section thirty three (33), this line being parallel with and twenty five (25) feet South of the center line of Grantee's track leading from its main track Westerly about two (2) miles to its gravel pit in Section thirty two (32); thence North one hundred (10) feet to a point of beginning, except the right of way of the Terre Haute and Southeastern Ry.

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beginning; thence Northwesterly along said right of way line of the Terre Haute and Southeastern Railway one hundred ninety three and five tenths (193.5) feet to point of beginning.

Commonly known as 506 Helen Avenue, Terre Haute, Indiana 47802.

**SUBJECT TO** any and all encroachments, easements, rights of way, real estate taxes, encumbrances, adverse circumstances, assessments and liens and other observable or recorded restrictions, conditions and limitations of record.

**IN WITNESS WHEREOF**, Micheal D. Engel, as Senior VP & CFO of The Indiana Rail Road Company, executes this *Quitclaim Deed* on this 22 day of October, 2018.

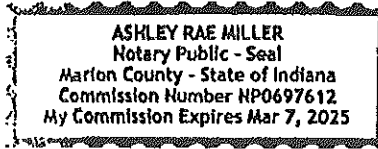
**The Indiana Rail Road Company**



\_\_\_\_\_  
Micheal D. Engel, Senior VP / CFO




STATE OF INDIANA )  
 ) SS:  
COUNTY OF Marion )



Before me, a Notary Public, in and for said County and State, personally appeared Micheal D. Engel as Senior VP & CFO of The Indiana Rail Road Company who acknowledged the execution of this *Quitclaim Deed* and having been duly sworn, stated that all facts set forth are true to the best of his knowledge, information and belief.

Dated this 22 day of October, 2018.

  
Printed: Ashley Rae Miller

I reside in Marion County, Indiana.  
My Commission Expires: 03/07/2025

This instrument prepared by: Thomas E. Densford, Bauer & Densford, Attorneys at Law, 608 W. Third Street, Post Office Box 1332, Bloomington, Indiana, 47402-1332, (812) 334-0600 from information provided by the Grantor and from public records and the preparer makes no warranty as to title, legal description or about any other matter concerning the subject real estate.

Thomas E. Densford affirms under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Receipt

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

Date: 11/5/18

Name: Ernest Grizzle

Reason: alley vacate

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cash: 5.00

Check: \_\_\_\_\_

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

Total: 5.00

TERRE HAUTE, IN  
INDIANA  
NOV 17 2018  
CONTROLLER

Received By: Lelista

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

**FILED  
NOV 20 2018  
CITY CLERK**

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

Special Ordinance 34, 2018

November 16, 2018

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 3, 2018.

Daniel Bell  
(Signature)

Lead Inspector  
(Title)

Daniel Bell  
(Printed name)

11-20-2018  
(Date Posted)

*gas*

FILED

NOV 28 2018

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

**CITY CLERK**

To: Engineering Department, City of Terre Haute

Special Ordinance 34, 2018

November 16, 2018

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 3, 2018.

X No Problems Noted

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

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Joey Daugherty  
(Signature)

Staff Engineer  
(Title)

Joey Daugherty  
(Printed name)

11-27-18  
(Date)

FILED

NOV 27 2018

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 34, 2018

November 16, 2018

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 3, 2018.

No Problems Noted                       Problems as noted below

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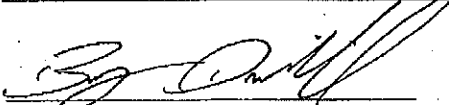
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\_\_\_\_\_  
(Signature)

Bryan Driskill  
(Printed name)

Lead Fore man  
(Title)

11-27-2018  
(Date)

FILED

NOV 28 2018

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 34, 2018

November 16, 2018

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 3, 2018.

No Problems Noted

Problems as noted below

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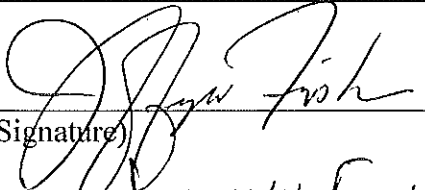
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\_\_\_\_\_  
(Signature)  
Lorry W. FISHER  
\_\_\_\_\_  
(Printed name)

FIRE CHIEF  
\_\_\_\_\_  
(Title)  
11/28/18  
\_\_\_\_\_  
(Date)

FILED

NOV 20 2018

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

**CITY CLERK**

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 34, 2018

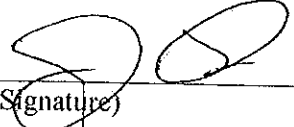
November 16, 2018

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X No Problems Noted

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

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\_\_\_\_\_  
(Signature)  
John Plasker  
\_\_\_\_\_  
(Printed name)

CHIEF OF POLICE  
\_\_\_\_\_  
(Title)  
11.20-18  
\_\_\_\_\_  
(Date)