

FILED

DEC 19 2018

SPECIAL ORDINANCE NO. 40, 2018

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET 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 8th Street located between Wabash Avenue and Cherry Street in the City of Terre Haute, Vigo County, Indiana (the "City") which is now laid out and existing in the City, and described as follows:

That part of Eighth Street from the south right-of-way line of Cherry Street to the north right-of-way line of Wabash Avenue, City of Terre Haute, Vigo County, Indiana more particularly described as follows:

Beginning at the northwest corner of Lot 125 in Chauncey Rose's Addition to the City of Terre Haute, Indiana as recorded in plat Book 1, page 6 in the Office of the Recorder of Vigo County, Indiana, also being the intersection of the south right-of-way line of Cherry Street and the east right-of-way line of 8th Street; thence South 00 degrees 03 minutes 28 seconds East (Indiana State Plane, West Zone Grid Bearings) along said east right-of-way line a distance of 299.61 feet to the north right-of-way line of Wabash Avenue; thence South 89 degrees 42 minutes 54 seconds West along said north right-of-way line a distance of 65.00 feet to the west right-of-way line of 8th Street; thence North 00 degrees 03 minutes 28 seconds West along said west right-of-way line a distance of 299.80 feet to the south right-of-way line of Cherry Street; thence North 89 degrees 53 minutes 02 seconds East along said south right-of-way line a distance of 65.00 feet to the Point of Beginning, containing 0.447 acres of land, more or less.

SECTION 2. Be it further ordained that said portion of said street in the City above described, be and the same is hereby 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 she 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,


George Azar

Passed in open Council this 7 day of February, 2019.

Martha Crossen
Martha Crossen, President

ATTEST:

Michelle L. Edwards
Michelle L. Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 8 day of February, 2019.

Michelle L. Edwards
Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of FEBRUARY, 2019.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle L. Edwards
Michelle L. Edwards, City Clerk

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law.

/s/ Brian C. Bosma
Brian C. Bosma, Attorney

This instrument prepared by Brian C. Bosma, Kroger Gardis & Regas, LLP, 111 Monument Circle, Suite 900, Indianapolis, Indiana 46204-5125

PETITION FOR VACATION OF A PORTION OF A PUBLIC STREET

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

LADIES AND GENTLEMEN:

The undersigned, Gregory L. Gibson, the sole owner and Manager of Fontanet Holdings, LLC ("Petitioner"), respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana (the "City") pursuant to the provisions of Ind. Code § 36-7-3-12 to vacate that portion of 8th Street that is between Wabash Avenue and Cherry Street as more particularly described and illustrated in Exhibit "A" attached hereto (the "Property"), and in support of this Petition would show the Common Council of the City as follows:

1. Petitioner is the owner of a portion of the Property and property adjacent thereto. Petitioner has obtained the consent of all of the owners of the Property and adjacent property owners which consents are attached hereto as Exhibit "B."

2. At its meeting on November 20, 2018 the Vigo County Capital Improvement Board of Managers ("Board of Managers") requested the filing of this Petition for the purpose of facilitating the construction of the Vigo County Convention Center to be located on property bounded by Cherry Street to the north, Wabash Avenue to the south, 7th Street to the west and 9th Street to the east. A depiction of the proposed Convention Center site is attached hereto as Exhibit "C."

3. The Board of Managers is in the process of obtaining ownership of the properties to the east and west of 8th Street from the current adjacent land owners, Terre Haute Hotel Partners, LLC and the Petitioner Fontanet Holdings, LLC with their respective ownership parcels depicted in Exhibit "C."

3. The portion of 8th Street to be vacated as requested above may be more particularly described as follows:

See description and illustration attached as Exhibit "A"

5. Petitioner proposes the vacation of the Property in order to allow the construction of the Convention Center and to advance the economic development opportunity for the City and Vigo County that the construction of such facility will provide.

6. The Petitioner has submitted with this Petition a Traffic Study of the impact on traffic in the downtown Terre Haute area of the closure of 8th Street between Wabash Avenue and Cherry Street and that the public will not be unduly burdened by the granting of this Petition.

7. The names and addresses of all owners of land that abut that portion of the Property proposed to be vacated are the Petitioner, Fontanet Holdings, LLC, P.O. Box 478, Terre Haute, Indiana 47808, and Terre Haute Hotel Partners, LLC, 10734 Sky Prairie Street, Fishers, Indiana 46038.

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 8th Street 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; and
- c) For all other proper relief in the premises.

PETITIONER:

Fontanet Holdings, LLC

By: Greg Gibson
Greg Gibson, Manager

Petitioner's Address:
Fontanet Holdings, LLC
Attn: Greg Gibson
P.O. Box 478
Terre Haute, IN 47808

This instrument prepared by Brian C. Bosma and Ted Nolting, KROGER GARDIS & REGAS, LLP, 111 Monument Circle, Suite 900, Indianapolis, Indiana 46204-5125.

I hereby certify under the penalties for perjury that I have exercised reasonable care to redact all social security numbers from this document unless required by law. Brian C. Bosma

Exhibit A

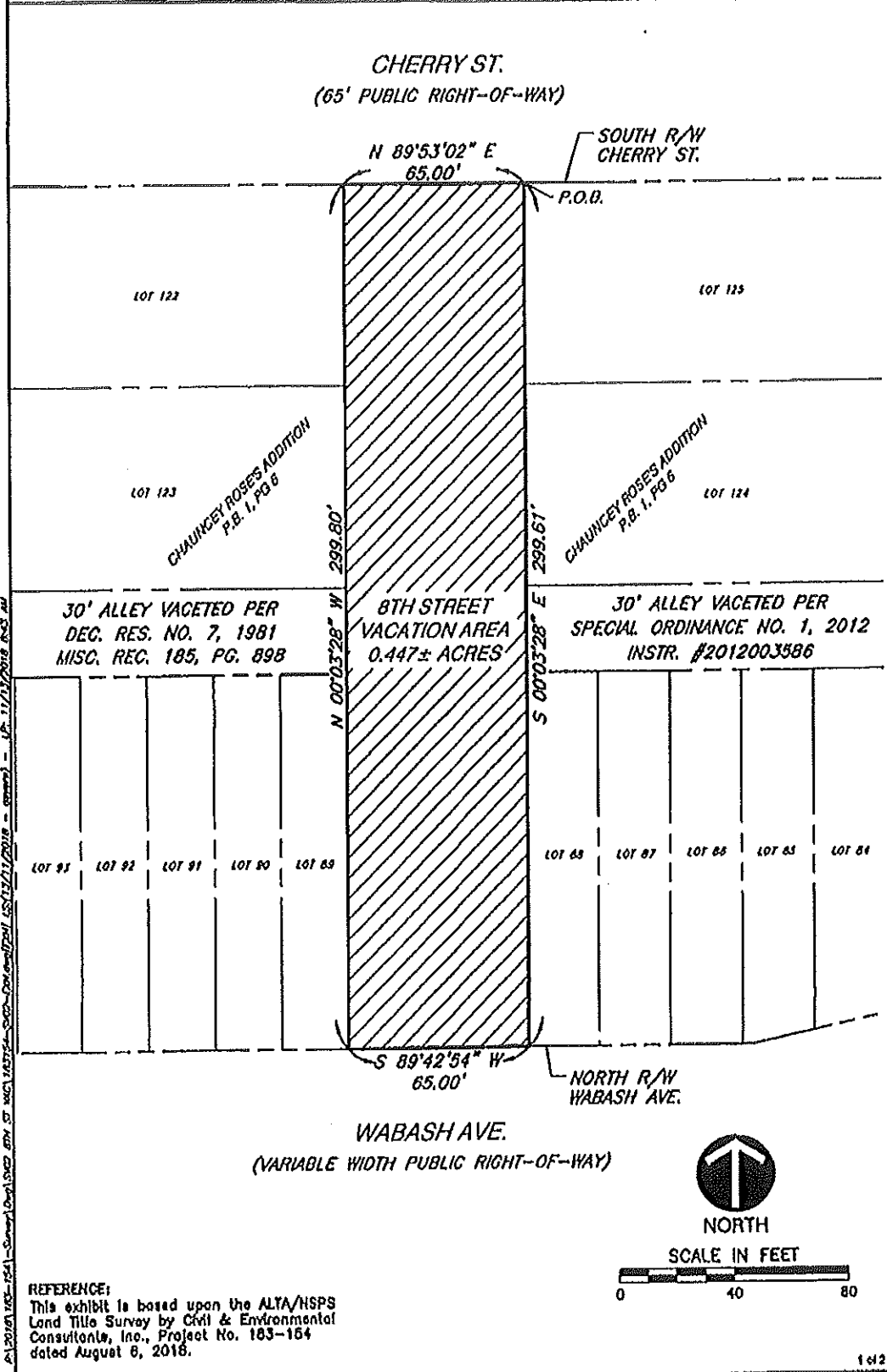
Description and Illustration of Property to be Vacated

See Attached

CEC
Civil & Environmental Consultants, Inc.
 550 E. Ohio Street, Suite G • Indianapolis, IN 46204
 317-655-7777 • 877-746-0749
 www.cecinc.com

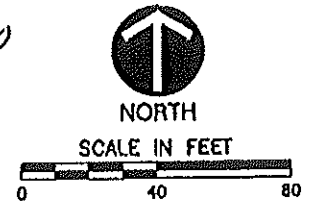
CSO ARCHITECTS
TERRE HAUTE CONVENTION CENTER
TERRE HAUTE, INDIANA
RIGHT-OF-WAY VACATION
EXHIBIT

PROJECT: 163-154
 SCALE: 1" = 40'
 DATE: 11/13/18
 DWN. BY: TJT
 CHKD. BY: ABS



A-120163 REC-154 - Survey Completed per ST. WABASH SEC. 20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000

REFERENCE:
 This exhibit is based upon the ALTA/NSPS
 Land Title Survey by Civil & Environmental
 Consultants, Inc., Project No. 163-154
 dated August 6, 2018.





Civil & Environmental Consultants, Inc.
 630 E. Ohio Street, Suite G - Indianapolis, IN 46204
 317-655-7777 • 317-740-0749
 www.ceicons.com

CSO ARCHITECTS
TERRE HAUTE CONVENTION CENTER
TERRE HAUTE, INDIANA
RIGHT-OF-WAY VACATION
DESCRIPTION

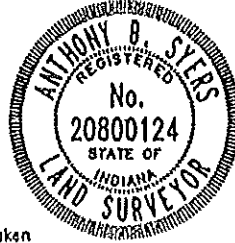
PROJECT: 183-184
 SCALE:
 DATE: 11/13/18
 DRAWN BY: TJJ
 CHECKED BY: ABS

8TH STREET RIGHT-OF-WAY VACATION DESCRIPTION

That part of Eighth Street from the south right-of-way line of Cherry Street to the north right-of-way line of Wabash Avenue, City of Terre Haute, Vigo County, Indiana, more particularly described as follows:

Beginning at the northwest corner of Lot 125 in Chauncey Rosa's Addition to the City of Terre Haute, Indiana as recorded in Plat Book 1, page 6 in the Office of the Recorder of Vigo County, Indiana, also being the intersection of the south right-of-way line of Cherry Street and the east right-of-way line of 8th Street; thence South 00 degrees 03 minutes 28 seconds East (Indiana State Plane, West Zone Grid Bearings) along said east right-of-way line a distance of 289.61 feet to the north right-of-way line of Wabash Avenue; thence South 89 degrees 42 minutes 54 seconds West along said north right-of-way line a distance of 65.00 feet to the west right-of-way line of 8th Street; thence North 00 degrees 03 minutes 28 seconds West along said west right-of-way line a distance of 289.80 feet to the south right-of-way line of Cherry Street; thence North 89 degrees 53 minutes 02 seconds East along said south right-of-way line a distance of 65.00 feet to the Point of Beginning, containing 0.447 acres of land, more or less.

Anthony B. Syers
 Registered Land Surveyor No. 20800124
 November 13, 2018
 asyers@ceicons.com
 prepared by Anthony B. Syers



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. Anthony B. Syers

A:\2018\183-184\Summary\Drawings\183-184-001.dwg (DWG) 11/13/2018 10:44 AM

REFERENCE:

This exhibit is based upon the ALTA/NSPS Land Title Survey by Civil & Environmental Consultants, Inc., Project No. 183-184 dated August 6, 2018.

Exhibit B
Consents of Adjacent Property Owners

See Attached

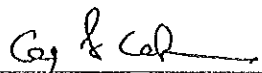
CONSENT TO VACATION OF A
PORTION OF A PUBLIC STREET

Fontanet Holdings LLC is the owner of the following parcels of property in Terre Haute, Indiana, located adjacent to that portion of 8th Street proposed to be vacated pursuant to the proposed Petition for Vacation of a Portion of a Public Street to which this Consent is attached as an exhibit (the "Petition"): 15 N. 8th Street, Terre Haute, Indiana; 22 N. 8th Street, Terre Haute, Indiana; 26 N. 8th Street, Terre Haute, Indiana; 800 Wabash Avenue, Terre Haute, Indiana and 802 Wabash Avenue, Terre Haute, Indiana.

The undersigned, being the sole member and manager of Fontanet Holdings LLC, hereby consents to the proposed Petition and authorizes the filing of the Petition with the Common Council of the City of Terre Haute. This Consent shall remain in effect until the Petition has been resolved.

Dated this 19th day of December, 2018.

FONTANET HOLDINGS, LLC

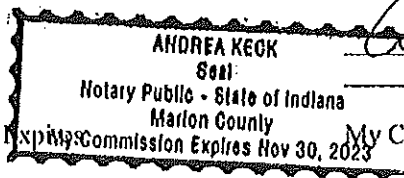



Gregory L. Gibson, Sole Member and Manager

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public, in and for said County and State, personally appeared Gregory L. Gibson, known to me to be the sole member and manager of Fontanet Holdings LLC, who acknowledged the execution of the foregoing Consent to Vacation of a Portion of a Public Street.

Witness my hand and Notarial Seal this 19th day of December, 2018.

Notary Public

My Commission Expires Nov 30, 2023 My County of Residence: _____

This instrument prepared by Brian C. Bosma, KROGER GARDIS & REGAS, LLP, 111 Monument Circle, Suite 900, Indianapolis, Indiana 46204-5125.

I hereby certify under the penalties for perjury that I have exercised reasonable care to redact all social security numbers from this document unless required by law. Brian C. Bosma

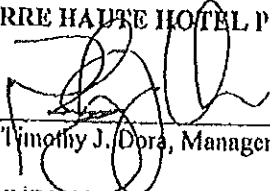
CONSENT TO VACATION OF A
PORTION OF A PUBLIC STREET

Terre Haute Hotel Partners, LLC, as the owner of the parcel of property located at 726 Wabash Avenue, Terre Haute, IN, and owning a portion of and property adjacent to that portion of 8th Street proposed to be vacated pursuant to the proposed Petition for Vacation of a Portion of a Public Street, to which this Consent is attached as an exhibit (the "Petition") is executing this Consent to Vacation of a Portion of a Public Street.

The undersigned, being the Manager of Terre Haute Hotel Partners LLC, hereby consents to the proposed Petition and authorizes Fontanet Holdings, LLC, by Gregory L. Gibson as its Manager, to file the Petition with the Common Council of the City of Terre Haute. This Consent shall remain in effect until the Petition has been resolved.

Dated this 19th day of December, 2018.


TERRE HAUTE HOTEL PARTNERS, LLC

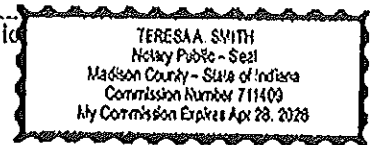
By 
Timothy J. Dora, Manager

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

Before me, a Notary Public, in and for said County and State, personally appeared Timothy J. Dora, known to me to be the Manager of Terre Haute Hotel Partners LLC, who acknowledged the execution of the foregoing Consent to Vacation of a Portion of a Public Street.

Witness my hand and Notarial Seal this 19 day of December, 2018.


Teresa A. Smith, Notary Public



My Commission Expires:

4-28-26

My County of Residence:

Madison

This instrument prepared by Brian C. Bosma, KROGER GARDIS & REGAS, LLP, 111 Monument Circle, Suite 900, Indianapolis, Indiana 46204-5125.

I hereby certify under the penalties for perjury that I have exercised reasonable care to redact all social security numbers from this document unless required by law. Brian C. Bosma

Exhibit C

Illustration of Convention Center Footprint and Adjacent Property Owners

See Attached

FILED

JAN 08 2019

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 40, 2018

January 4, 2019

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 January 9, 2019.

No Problems Noted

Problems as noted below

Marcus E. Maurer
(Signature)

Marcus E. Maurer
(Printed name)

Assistant City Engineer
(Title)

1/8/2019
(Date)

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

**FILED
JAN 08 2019
CITY CLERK**

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

Special Ordinance 40, 2018

January 4, 2019

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 January 9, 2018.

Daniel Bell
(Signature)

Lead inspection
(Title)

Daniel Bell
(Printed name)

1-8-2019
(Date Posted)

FILED

JAN 08 2019

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

CITY CLERK

To: Street Department, City of Terre Haute

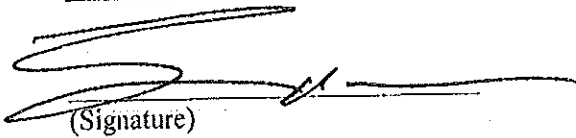
Special Ordinance 40, 2018

January 4, 2019

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 January 9, 2019.

No Problems Noted

Problems as noted below


(Signature)

ERNEST R. MARKS
(Printed name)

Commissioner
(Title)

01/08/2019
(Date)

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

FILED

JAN 09 2019

CITY CLERK

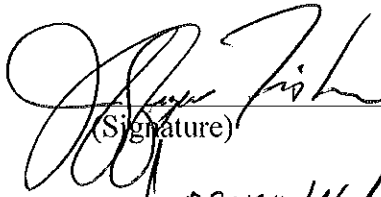
To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 40, 2018

January 4, 2019

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 January 9, 2019.

No Problems Noted Problems as noted below



(Signature)
JEFFERY W FISHER

(Printed name)

FIRE CHIEF

(Title)
1-9-19

(Date)

FILED

JAN 07 2019

CITY CLERK

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

To: TERRE HAUTE CITY POLICE DEPARTMENT

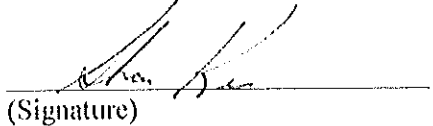
Special Ordinance 40, 2018


January 4, 2019

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 January 9, 2019.

No Problems Noted

Problems as noted below


(Signature)


(Title)

SHAWN KEEN
(Printed name)

1-7-19
(Date)