FILED

JAN 03 2019

SPECIAL ORDINANCE NO. _____, 2019

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

<u>SECTION 1</u>. 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:

SEE EXHIBIT A.

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

Councilperson Neil Garrison

Passed in open Council this _______, day of _______, ARCH_______, 2019.

Martha Croscen, City Council President

Attest Michelle Edwards, City Clerk

Presented by me to the Mayor this day of, 2019.
Michelle Edwards, City Clerk Approved by me, the Mayor, this
Duke Bennett, Mayor Washalland Sarah

I have prepared the foregoing instrument and 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.

Attest:: Michelle Edwards City Clerk

/S/Louis F BRITTON
Louis F. Britton

COX, ZWERNER, GAMBILL & SULLIVAN, LLP

511 Wabash Avenue

Terre Haute, IN 47807

Phone: (812) 232-6003

EXHIBIT A

Alley to be Vacated

A part of Eshman and Ohm Subdivision being that part of the East / West alley between Lots 16 through 22 and Lots 23 through 29 also being in the Southeast Quarter of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at a point 4.5 feet East of the Southwest Corner of Lot 16 in said subdivision; thence South 00 degrees 01 minute 01 second West a distance of 12.00 feet to the North line of Lot 29 in said subdivision; thence North 89 degrees 35 minutes 17 seconds West along the North line of Lots 29 through 23 a distance of 247.44 feet to the Northwest Corner of Lot 23; thence North 00 degrees 00 minutes 25 seconds East along the East line of 14th Street a distance of 12.00 feet to the Southwest Corner of Lot 22 in said subdivision; thence South 89 degrees 35 minutes 17 seconds East along the South line of Lots 22 through 17 a distance of 242.95 feet to the Southeast Corner of Lot 17; thence South 89 degrees 35 minutes 17 seconds East along the South line of Lot 16 a distance of 4.50 feet to the Point of Beginning containing 2,969 square feet (0.07 acres) more or less.

PETITION FOR VACATION OF PUBLIC ALLEYWAY

TO THE PRESIDENT AND MEMBERS

OF THE COMMON COUNCIL OF

THE CITY OF TERRE HAUTE,

VIGO COUNTY, INDIANA

Gentlepersons::

Petitioners, Catholic Archdiocese of Indianapolis Properties, Inc. and Wabash Valley Health Center, Inc., as the owners of lands abutting a certain alleyway platted in the City of Terre Haute, Indiana, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public alleyway 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. Petitioner is the owner of the following described real estate located in Vigo County, State of Indiana:

Real estate is commonly known as: 1401, 1403, 1407, 1415, 1421, 1425, 1431, and 1435 1st Ave. and 1402, 1412, 1436, and 1440 Locust St., Terre Haute, IN and is generally shown in Exhibit A attached hereto and made a part hereof.

- 2. That the attached drawing (Exhibit B) discloses the portion of the alleyway which Petitioner seeks to have vacated.
- 3. That the portion of the alleyway to be vacated as set forth above may be more particularly described as follows, to-wit: **SEE EXHIBIT C**

Subject to all existing utility easements or rights of utilities in existing facilities.

- 4. No landowner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of said alleyway;
- 5. Attached as Exhibit D is a list of the persons owning property adjacent to the alley according to the County website and the mailing address for each property owner, according to the County website.
- 6. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the alleyway is located or to which they are contiguous. All other landowners in the area have and will continue to have direct access to public ways; and as set

forth above, the proposed vacation of said portion of said alleyway 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.

7. Petitioner proposes to dedicate a new public alley as shown in Exhibit B. All other landowners in the area have and will continue to have direct access to public ways; and as set forth above, the proposed vacation of said portion of said alleyway 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.

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 alleyway 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 10-125 of the City's Zoning Ordinance;
 - c) For all other proper relief in the premises.

Respectfully submitted,

Catholic Archdiocese of Indianapolis Properties, Inc.

By: (Signature) (Printed Name and Title)

Wabash Valley Health Center, Inc.

By:

Charles Welker-CED

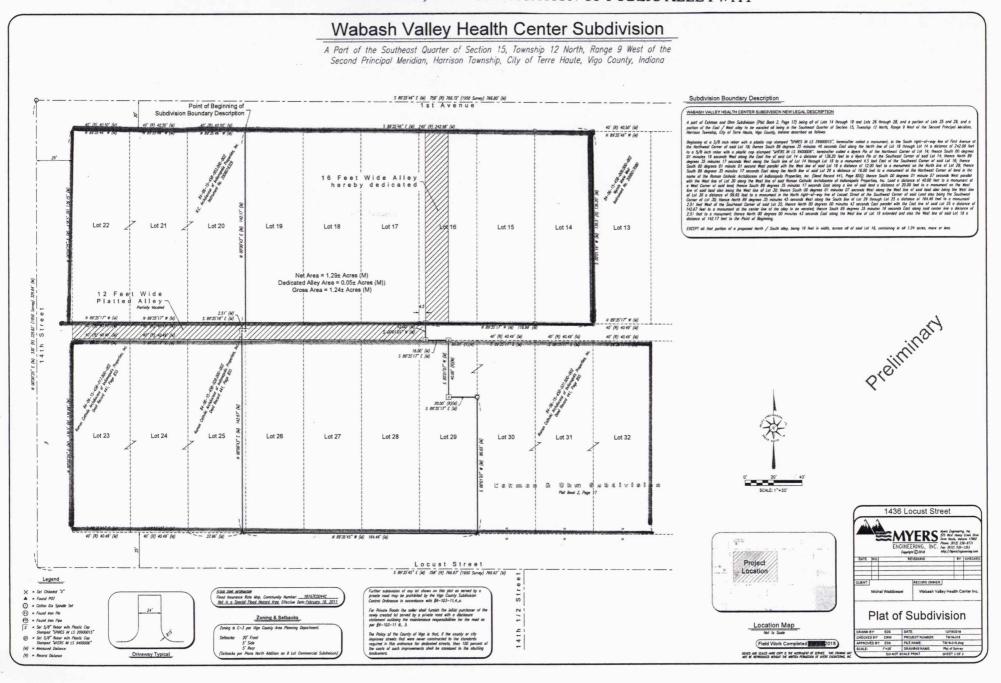
I have prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Louis F. Britton

COX, ZWERNER, GAMBILL & SULLIVAN, LLP

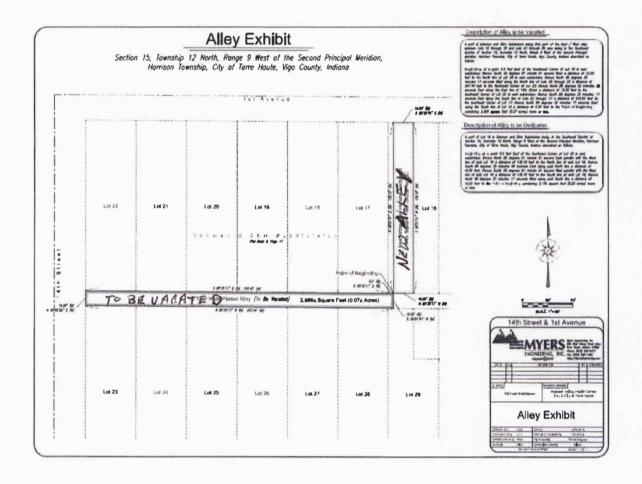
511 Wabash Avenue Terre Haute, IN 47807 Phone: (812) 232-6003 EXHIBIT A

PETITION OF CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC. AND WABASH VALLEY HEALTH CENTER, INC. FOR VACATION OF PUBLIC ALLEYWAY



PETITION OF CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC. AND WABASH VALLEY HEALTH CENTER, INC. FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT B



Alley to be Dedicated

A part of Lot 16 in Eshman and Ohm Subdivision being in the Southeast Quarter of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at a point 4.5 feet East of the Southwest Corner of Lot 16 in said subdivision; thence North 00 degrees 01 minute 01 second East parallel with the West line of said Lot 16 a distance of 136.18 feet to the North line of said Lot 16; thence South 89 degrees 35 minutes 46 seconds East along said North line a distance of 16.00 feet; thence South 00 degrees 01 minute 01 second West parallel with the West line of said Lot 16 a distance of 136.18 feet to the South line of said Lot 16; thence North 89 degrees 35 minutes 17 seconds West along said South line a distance of 16.00 feet to the Point of Beginning containing 2,179 square feet (0.05 acres) more or less.

PETITION OF CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC. AND WABASH VALLEY HEALTH CENTER, INC. FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT C

Alley to be Vacated

A part of Eshman and Ohm Subdivision being that part of the East / West alley between Lots 16 through 22 and Lots 23 through 29 also being in the Southeast Quarter of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at a point 4.5 feet East of the Southwest Corner of Lot 16 in said subdivision; thence South 00 degrees 01 minute 01 second West a distance of 12.00 feet to the North line of Lot 29 in said subdivision; thence North 89 degrees 35 minutes 17 seconds West along the North line of Lots 29 through 23 a distance of 247.44 feet to the Northwest Corner of Lot 23; thence North 00 degrees 00 minutes 25 seconds East along the East line of 14th Street a distance of 12.00 feet to the Southwest Corner of Lot 22 in said subdivision; thence South 89 degrees 35 minutes 17 seconds East along the South line of Lots 22 through 17 a distance of 242.95 feet to the Southeast Corner of Lot 17; thence South 89 degrees 35 minutes 17 seconds East along the South line of Lot 16 a distance of 4.50 feet to the Point of Beginning containing 2,969 square feet (0.07 acres) more or less.

Subject to all existing easements for public utilities

PETITION OF CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC. AND WABASH VALLEY HEALTH CENTER, INC. FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT D

1) 1437 1st Ave
Deeded Owner
Weir Nycole Marie
1446 Locust St.
Terre Haute, IN 47807

2) 1449 1st Ave
Deeded Owner
Smith Plen Jesse
1240 Hulman St
Terre Haute, IN 47802

3) 1453 1st Ave.

Deeded Owner

Citi Mortage Inc

ATTN Tax Department

P.O. Box 1800

Farmington Hill, MI 48333

4) 1455 1st Ave
Deeded Owner
McCloud Ronald & Mary
1455 1st Ave
Terre Haute, IN 47807

5) 1459 1st Ave
Deeded Owner
Day Roy J & Marsha L
1459 1st Ave.
Terre Haute, IN 47807

6) 1465 1st Ave.

Deeded Owner

Tyler Cheryl B Clayton
1465 1st Ave

Terre Haute, IN 47807

7) 1469 1st Ave
Deeded Owner
Elisman Jeanene C & Norman B Elder
2201 S. 7th Street
Terre Haute, IN 47802

8) 926 N. 15th

Deeded Owner Housing Authority of Terre Haute 2001 N. 19th St. Terre Haute, IN 47804

9) 1446 Locust St.

Deeded Owner Reeley Michael & Linda

1446 Locust St.

Terre Haute, IN 47807

10) 1450 Locust St.

Deeded Owner

Noble Indiana Investments LLC 105 Canterbury #1216 LN Bolingbrook, IL 60440

11) 1454 Locust St.

Deeded Owner Jb Merchants LLC 7832 Mary Frances LN North Richlands Hills, TX 76180

12) 1458 Locust St.

Deeded Owner Martinez Jose Gonzalez 1458 Locust St.

Terre Haute, IN 47807

13) 1462 Locust St.

Deeded Owner Martinez Jose Gonzalez 1458 Locust St.

Terre Haute, IN 47807

14) 1468 Locust Ave

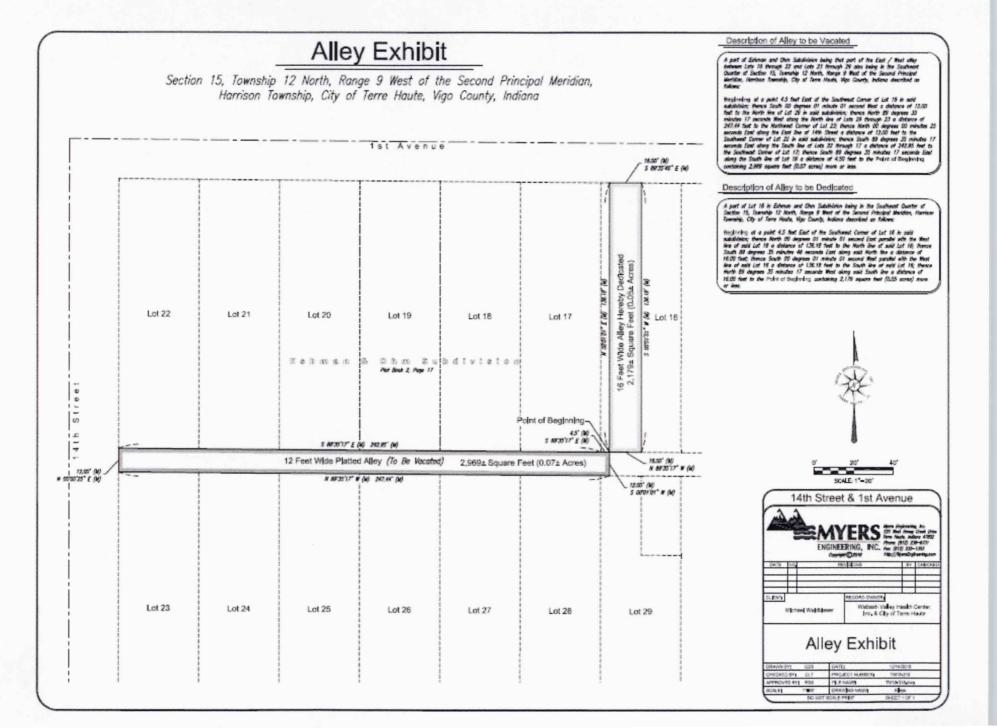
Deeded Owner Crouse Marlin K 3450 Wabash Ave. Apt. 2 Terre Haute, IN 47803

15) 1470 Locust Ave.

Deeded Owner Angfoxx LLC P.O. Box 11494 Terre Haute, IN 47801

16) 1472 Locust Ave.

Deeded Owner Angfoxx LLC P.O. Box 11494 Terre Haute, IN 47801





Receipt

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

Date: Jan. 3, 2019

Name: 1120025h Valley Health Center

Reason: Vacating Alley - \$500

Cash: Check: 500 Ck 99302

Credit: Received By: 8. Ellis ABB

FILEDJAN **16** 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 1, 2019

January 11, 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 February 1, 2019.

No Problems Noted	Problems as noted below
(Signature)	(Title) 1 - 16 - 19 (Date)
SHAUN KEEN (Printed name)	(Date)

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

FILED
JAN 1 4 2019

To: TERRE HAUTE FIRE DEPARTMENT

CITY CLERK

Special Ordinance 1, 2019

January 11, 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 February 1, 2019.

No Problems Noted	Problems as noted below
70 7.1	
(Signature)	(Title)
(Signature) JOSFORY W FIS HER	(Title) 1-14-19
(Printed name)	(Date)

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

FILED JAN 1 5 2019 CITY CLERK

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

Special Ordinance 1, 2019

January 11, 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 February 1, 2019.

Danie 1 Bell

Danie 1 Bell

(Printed name)

1 - 15-2019
(Title)

1 - 14 2019
(Date Posted)

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

JAN 1 4 2019 CITY CLERK

To: Street Department, City of Terre Haute

Special Ordinance 1, 2019

January 11, 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 February 1, 2019.

No Problems Noted	Problems as noted below
	Counties
(Signature) EANEST R. MERKS	(Title) 01/14/2019

FILED JAN 2 8 2019

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

JAN 2 8 2019 CITY CLERK

To: **Engineering Department, City of Terre Haute** Special Ordinance 1, 2019 January 11, 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 February 1, 2019. _____No Problems Noted Problems as noted below

(Date)