

FILED

OCT 05 2022

CITY CLERK

SPECIAL ORDINANCE NO. 44, 2022

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:

Beginning at the Southeast corner of Lot 211 in Locust Street Subdivision as part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana; thence West along the South line of Lots 211, 212, 213, 214, 215, 216, and 217 in Locust Street Subdivision to the Southwest corner of Lot 217 in Locust Street Subdivision; thence due South 15' more or less to the Northwest corner of Lot 260 in Locust Street Subdivision; thence East along the North line of Lots 260, 261, 262, 263, 264, 265, and 266 to the Northeast corner of Lot 266; thence North to the Southeast corner of Lot 211, being 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 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, \_\_\_\_\_  
Neil Garrison, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
, President

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Edwards, City Clerk

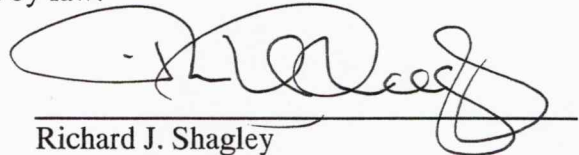
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, 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

GENTLEPERSONS:

The undersigned, Data Point, Inc., 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, Data Point, Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 253, 254, 258, 260, 261, 262, 263, 264, 265, and 266 in Locust Street Subdivision, a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat o the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as:     920 N. 25<sup>th</sup> Street, Terre Haute, Indiana  
                                  2431 1<sup>st</sup> Avenue, Terre Haute, Indiana  
                                  2425 1<sup>st</sup> Avenue, Terre Haute, Indiana  
                                  2400 Locust Street, Terre Haute, Indiana  
                                  2420 Locust Street, Terre Haute, Indiana  
                                  2428 Locust Street, Terre Haute, Indiana  
                                  2442 Locust Street, Terre Haute, Indiana  
                                  2448 Locust Street, Terre Haute, Indiana

3. That a copy of a portion of the plat of the said Public Alley which runs amongst Owner's properties is attached hereto, made a part hereof and is marked as Exhibit A.

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

Beginning at the Southeast corner of Lot 211 in Locust Street Subdivision as part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana; thence West along the South line of Lots 211, 212, 213, 214, 215, 216, and 217 in Locust Street Subdivision to the Southwest corner of Lot 217 in Locust Street Subdivision; thence due South 15' more or less to the Northwest corner of Lot 260 in Locust Street Subdivision; thence East along the North line of Lots 260, 261, 262, 263, 264, 265, and 266 to the Northeast corner of Lot 266; thence North to the Southeast corner of Lot 211, being the place of beginning.

5. Petitioner believes that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said portion of the Public Alley, since the real estate is the said Public Alley does not nor will not serve a functional purpose to the public.

6. Petitioner proposes to grant fifteen feet (15') to the City of Terre Haute for the extension of existing alley South to Locust Street.

7. Petitioner proposes the vacation of the said portion Public Alley in order to develop Petitioner's real estate and 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 Petitioner is the owner 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 is the Petitioner, Data Point, Inc, 920 N. 25<sup>th</sup> Street, Terre Haute, Indiana.

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 of Vigo County, 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**

**DATA POINT, INC.**

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

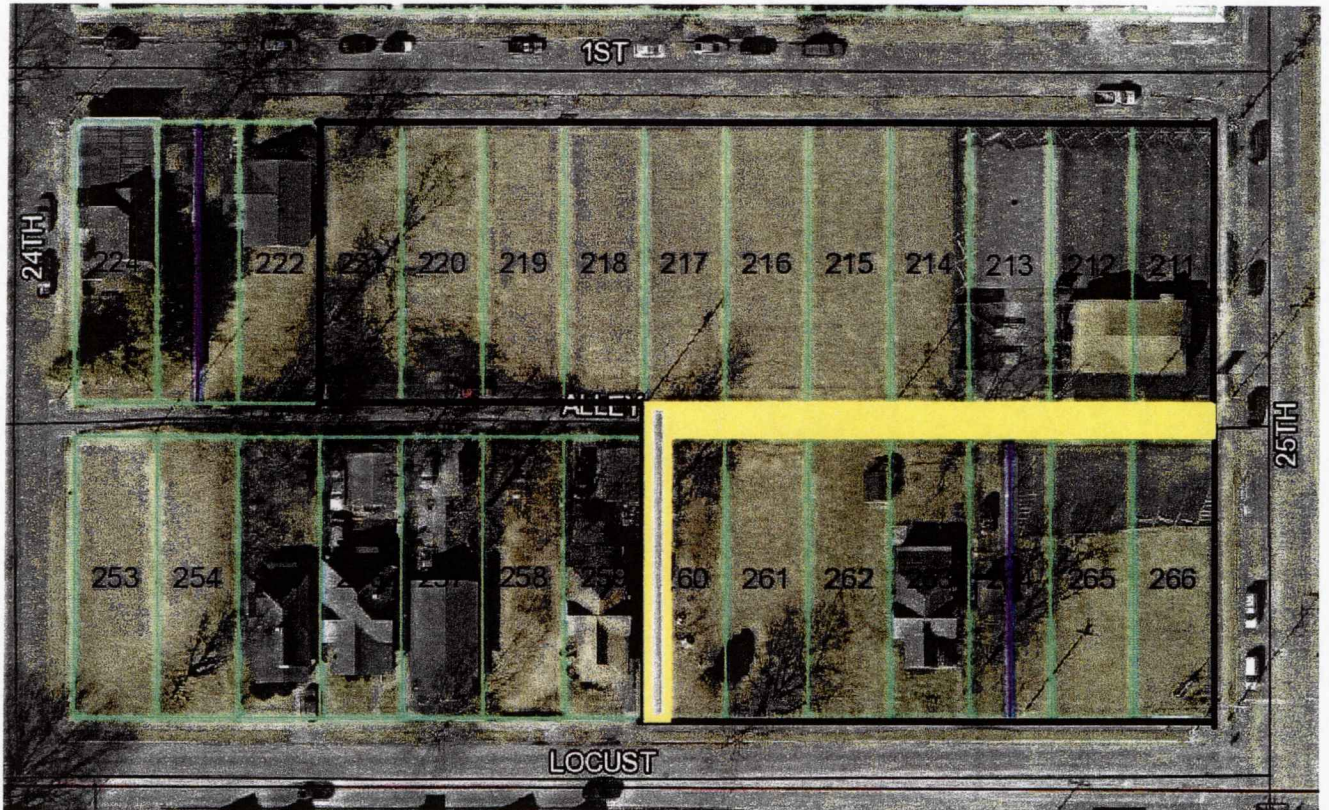
*Cary Albin*  
Cary Albin, President

Petitioner's Address:

Data Point, Inc.  
ATTN: Cary Albin, President  
510 S. 25<sup>th</sup> Street  
Terre Haute, IN 47803

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

SITE PLAN  
SPECIAL ORDINANCE No. 44, 2022



Part of an Alley located in Locust Street Subdivision  
with 15' granted to the City of Terre Haute for  
extension of the alley to Locust Street.

