

FILED

JAN 21 2022

SPECIAL ORDINANCE NO. 3, 2022

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A CERTAIN PLATTED ROADS, STREETS, AND ALLEYWAYS LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED 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 certain platted roads, streets, and alleyways located in the City of Terre Haute, Vigo County, Indiana, which are now laid out in the City of Terre Haute, Indiana, and described as follows:

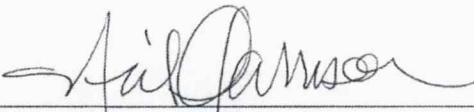
SEE EXHIBIT A.

SECTION 2. Be it further ordained that said portion of said platted roads, streets, and alleyways in the City of Terre Haute, Indiana, above described, be and the same are 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.

Signature appears on the following page.

Presented by 
Councilperson Neil Garrison

Passed in open Council this _____ day of _____, 2022.

_____, City Council President

Attest Michelle Edwards, City Clerk

Presented by me to the Mayor this _____ day of _____, 2022.

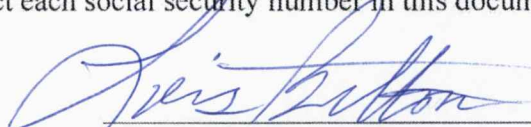
Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2022.

Duke Bennett, Mayor

Attest:: Michelle Edwards City Clerk

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

DESCRIPTION OF ALLEY TO BE VACATED

North / South Alley Vacation Description

All of the alley between Lots 65 through 70 inclusive and Lots 79 and 84 inclusive in Whitcomb and McColloch's Fort Harrison Subdivision being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

Beginning at an iron pin with a plastic Wilson cap at the Southwest Corner of Lot 65 in said subdivision; thence South 88 degrees 17 minutes 09 seconds West a distance of 15.01 feet to the Southeast Corner of Lot 79 in said subdivision; thence North 00 degrees 12 minutes 08 seconds East along the East line of Lot 79 through Lot 84 in said subdivision a distance of 234.00 feet to an iron pin with a plastic Wilson Cap at the Northeast Corner of said Lot 84; thence North 89 degrees 57 minutes 08 seconds East along the South line of McColloch Avenue a distance of 15.00 feet to an iron pin at the Northwest Corner of Lot 70 in said subdivision; thence South 00 degrees 12 minutes 08 seconds West along the West line of Lot 70 through Lot 65 in said subdivision a distance of 233.56 feet to the **Point of Beginning** containing 0.08 acres (3,507 square feet) more or less.

North Fifth Street Vacation Description

All of North Fifth Street between Lots 51 through 56 inclusive and Lots 65 and 70 inclusive in Whitcomb and McColloch's Fort Harrison Subdivision being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

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McColloch (McCullough) Avenue Vacation Description

All of McColloch (McCullough) Avenue lying West of the centerline of North Fifth Street extended to the North right of way line of said avenue and lying East of the East right of way of Whitcomb Boulevard extended to the North right of way of said avenue being a part of Whitcomb and McColloch's Fort Harrison Subdivision (Plat Book 8, Page 2) being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

Beginning at an iron pin with a plastic Wilson cap at the Northeast Corner of Lot 70 in said subdivision; thence South 89 degrees 57 minutes 08 seconds West along the North line of Lot 70, Lot 84, Lot 98 and Lot 115 a distance of 704.60 feet to the Northwest Corner of Lot 115 also being the East right of way line of Whitcomb Boulevard; thence North 13 degrees 43 minutes 12 seconds East along the East right of way line of Whitcomb Boulevard extended Northerly a distance of 30.89 feet to the North line of the Whitcomb and McColloch's Fort Harrison Subdivision; thence North 89 degrees 57 minutes 08 seconds East along said North line a distance of 722.38 feet to the centerline of North Fifth Street Extended; thence South 00 degrees 12 minutes 08 seconds West along said centerline a distance of 30.00 feet; thence South 89 degrees 57 minutes 08 seconds West a distance of 25.00 feet to the **Point of Beginning** containing 0.50 acres (21,780 square feet) more or less.

Subject to all existing easements for public utilities

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::

Petitioner, Vigo Hospitality Group, LLC, the owner of lands abutting a certain platted but unimproved, streets, roads, and alleyways within the City of Terre Haute, Indiana, respectfully petitions and requests that the legislative body of the City of Terre Haute, Indiana, vacate portions of certain platted but unimproved public streets, roads, and alleyways as 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: See Exhibit A attached hereto and made a part hereof.
2. The attached Legal Description (Exhibit B) and drawings (Exhibit C, Exhibit D, and Exhibit E) disclose the portions of the platted but unimproved streets, roads, and alleyways which Petitioner seeks to have vacated, subject to all existing utility easements or rights of utilities in existing facilities.
3. The attached Exhibit F is an aerial photo depicting the general area of the streets, roads, and alleyways to be vacated. Exhibit F also indicates the property owned by the petitioner in the area. As can be seen from Exhibit F, there are no improved streets, roads, or alleyways within the portion of the platted but unimproved, streets, roads, or alleyways to be vacated
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 G is a list of the persons owning property adjacent to the platted but unimproved streets, roads, and alleyways to be vacated 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 portions of the platted but unimproved streets, roads and alleyways are 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 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 streets, roads, and alleyways 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.

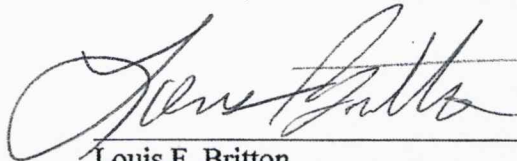
Respectfully submitted,

Vigo Hospitality Group, LLC

By: VUPPALA REDDY
(Signature)

VUPPALA REDDY OWNER
(Printed Name and Title)

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

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT A

Lots 64 through 70, lots 78 through 84 in Whitcomb and McColloch's Fort Harrison subdivision-Parcel Number 84-06-04-476-001.000-002.

Lot 50 in Whitcomb and McColloch's Fort Harrison subdivision-parcel number 84-06-04-477-002.000-002.

Lots 95 through 98 and lots 113 through 115 in Whitcomb and McColloch's Fort Harrison subdivision-parcel number 84-06-04-451-001.000-002

Parcel Number 84-06-04-426-003.000-002 commonly known as The Landings (formerly known as the Elks Club) as located north of McColloch Avenue.

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT B

Legal Description of the Portions of Roads, Streets and Alleyways to be vacated

North / South Alley Vacation Description

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thence North 89 degrees 39 minutes 10 seconds West a distance of 50.00 feet to the **Point of Beginning** containing 0.27 acres (11,691 square feet) more or less.

McColloch (McCullough) Avenue Vacation Description

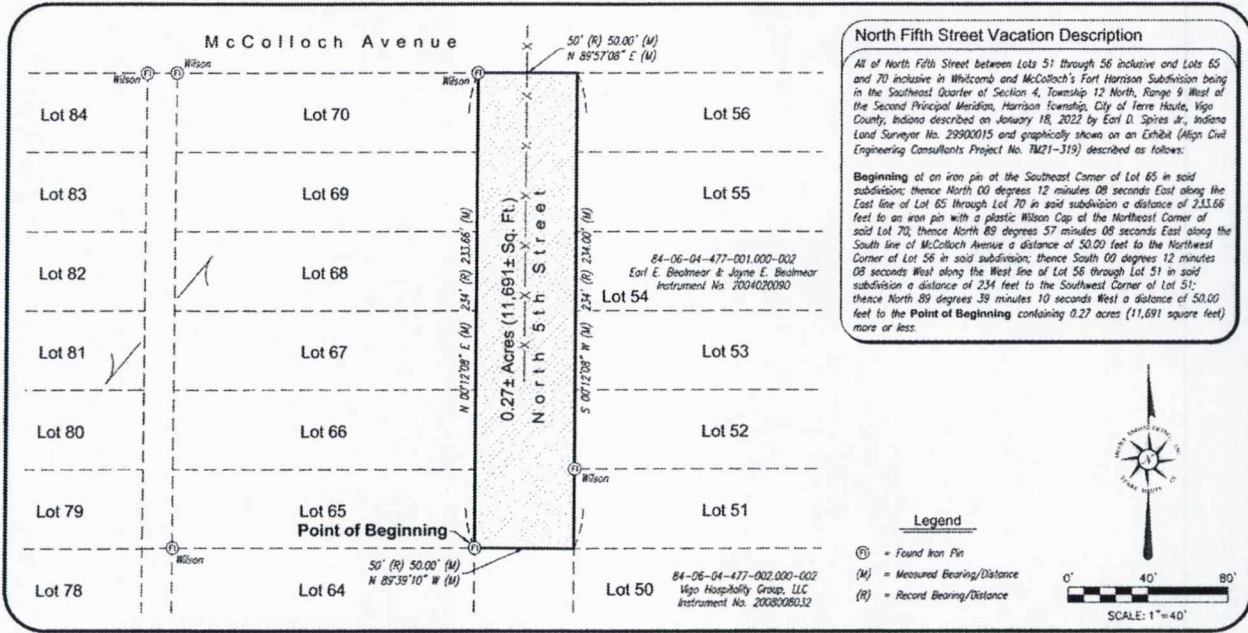
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Subject to easements for all existing public utilities.

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT C



North Fifth Street Vacation Description

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Legend

⊕ = Found Iron Pin
 (M) = Measured Bearing/Distance
 (R) = Record Bearing/Distance

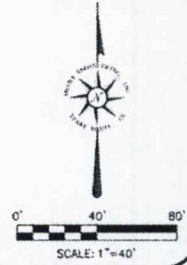


Exhibit Drawing
 North 5th Street
 Field Work Completed
 1/11/2022
 Sheet No. 1 of 1

Project Number: TM21-319
 1/18/2022
 EDS
 CRW
 EDS
 1"=40'
 TM21-319 Street Vacations.dwg
 Drawing Name: Vacation 2

Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Client: Vigo Hospitality Group, LLC
 Record Owner: City of Terre Haute

No.	Date	Revisions	By	Checked

ALIGN

1285 S. Jackson Street, Suite B
 Greencastle, IN 46135
 765.653.6770

525 W. Honey Creek Drive
 Terre Haute, IN 47802
 812.238.9731

ALIGN.CE.COM

Signed and sealed hard copy is the instrument of service. This drawing may not be reproduced without the written permission of Align Civil Engineering Consultants

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT D

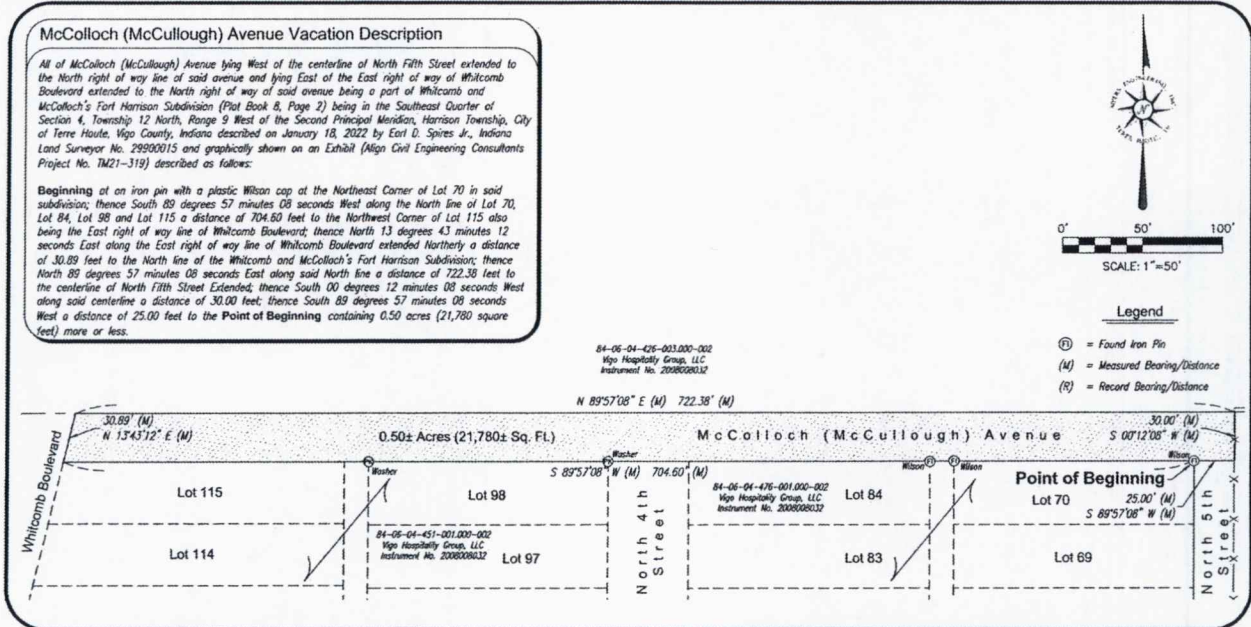


Exhibit Drawing	Project Number: TM21-319		Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana															
McColloch Avenue	Date: 1/18/2022																	
Field Work Completed 1/11/2022	Drawn By: EDS																	
Sheet No. 1 of 1	Checked By: CRW																	
	Approved By: EDS																	
	Scale: 1"=40'																	
	File Name: TM21-319 Street Vacations.dwg																	
	Drawing Name: Vacation 3																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Client</th> <th colspan="2">Record Owner</th> </tr> <tr> <td colspan="2">Vigo Hospitality Group, LLC</td> <td colspan="2">City of Terre Haute</td> </tr> <tr> <th>No.</th> <th>Date</th> <th>Revisions</th> <th>By</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	Client		Record Owner		Vigo Hospitality Group, LLC		City of Terre Haute		No.	Date	Revisions	By				
Client		Record Owner																
Vigo Hospitality Group, LLC		City of Terre Haute																
No.	Date	Revisions	By															
		<div style="text-align: center;"> <h1 style="margin: 0;">ALIGN</h1> <p style="font-size: small; margin: 0;">1285 S Jackson Street, Suite B 525 W. Honey Creek Drive Greencastle, IN 46135 Terre Haute, IN 47802 765.653.6710 812.238.9731</p> <p style="margin: 0;">ALIGNCEC.COM</p> <p style="font-size: x-small; margin: 0;">Sign and sealed hard copy is the instrument of service. This drawing may not be reproduced without the written permission of Align Civil Engineering Consultants.</p> </div>																

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT E

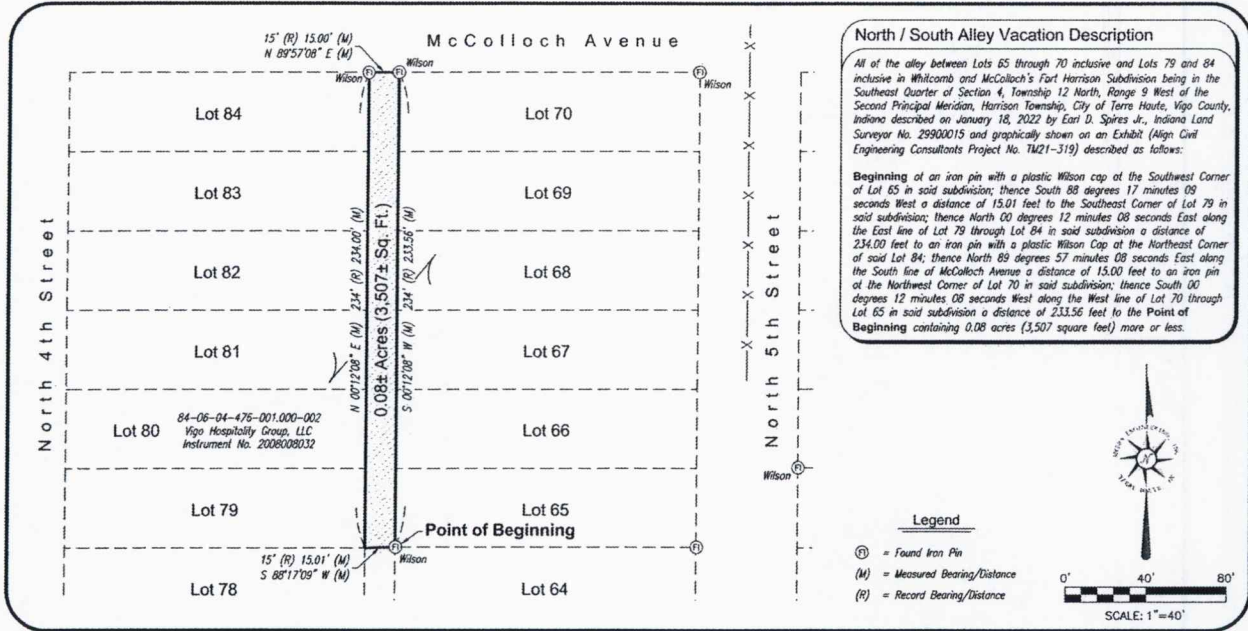


Exhibit Drawing
North/South Alley
Field Work Completed
1/11/2022
Sheet No. 1 of 1

Project Number: TM21-319
Date: 1/18/2022
Drawn By: EDS
Checked By: CRW
Approved By: EDS
Scale: 1"=40'
File Name: TM21-319 Street Vacations.dwg
Drawing Name: Vacation 1

Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Client: Vigo Hospitality Group, LLC
Record Owner: City of Terre Haute

No.	Date	Revisions	By	Checked

ALIGN

1295 S. Jackson Street, Suite B
Crescentcastle, IN 46535
765.653.6710

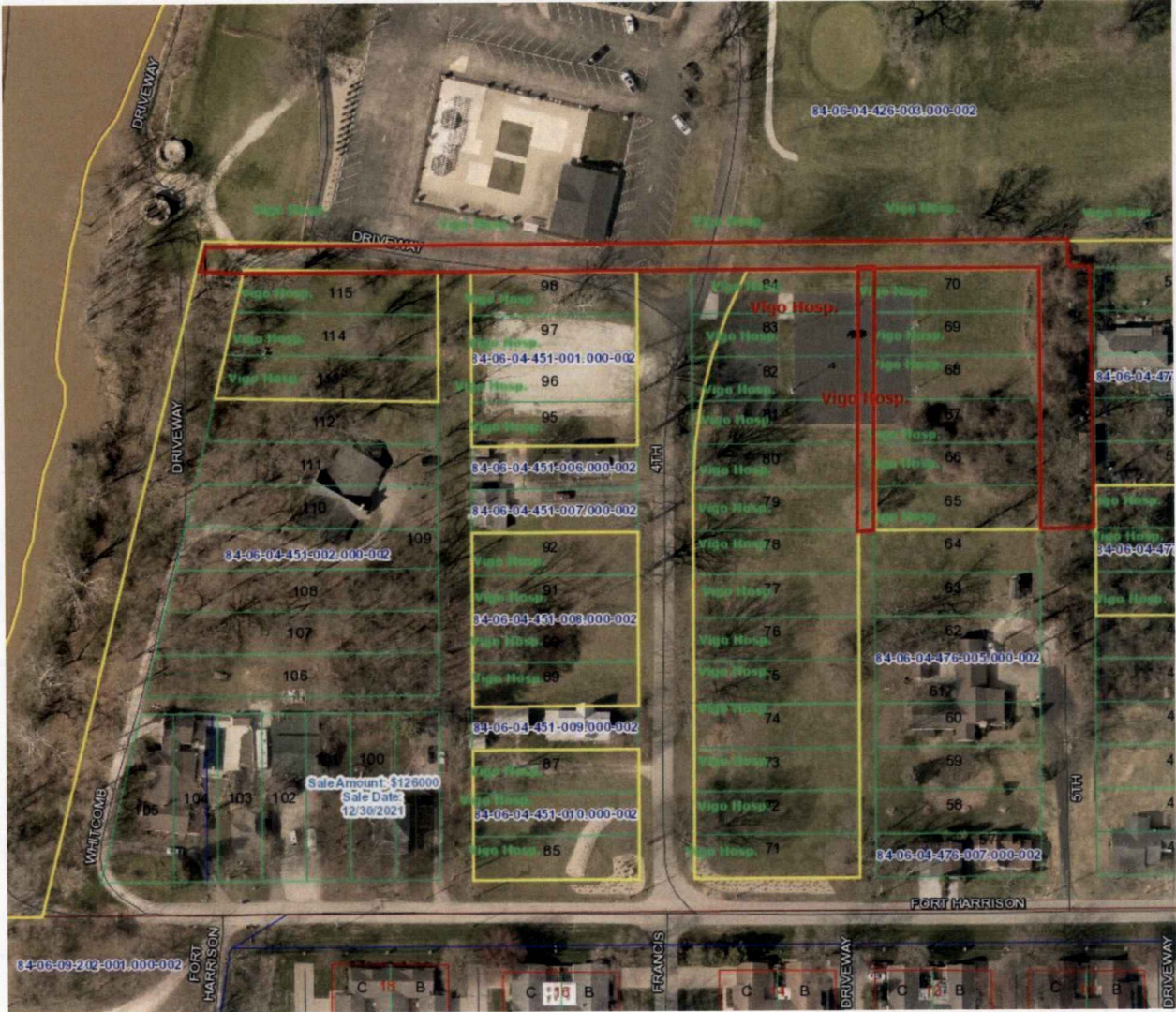
525 W. Honey Creek Drive
Terre Haute, IN 47802
812.236.9731

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PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT F



PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT G

List of property owners owning property adjoining portions of planted and unimproved roads, streets, and alleys to be vacated:

**Earl and Jane Bealmear
501 McCullough Avenue
Terre Haute, IN 47804**

RECEIPT

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

Date: 1-21-22

Name: Ugo Co. Hospitality

Reason: Vacating Alley \$5.00

Cash: _____

Check: 5.00 CK# 72210

Credit: _____

TOTAL: 5.00

JAN 21 2022
CONTROLLER

Received By: Allis