

FILED  
MAR 02 2012  
CITY CLERK

SPECIAL ORDINANCE NO. 13, 2012

AN ORDINANCE VACATING PUBLIC ALLEYS 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 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:

Commencing at a point on the South side of Locust Street at the Northeast corner of said Out Lot, running West 141 feet 2 inches to an alley, being the place of beginning, thence South 372.32 feet more or less along the East line of the alley to a point on the North side of Elm Street, thence West 16 feet more or less along the North line of Elm Street to the Southwest corner of said alley; thence North 372.32 more or less along the West side of said alley to the South side of Locust Street; thence West 16 feet more or less along the South line of Locust Street to the place of beginning.

SECTION 2. Be it further ordained that said public alley 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.

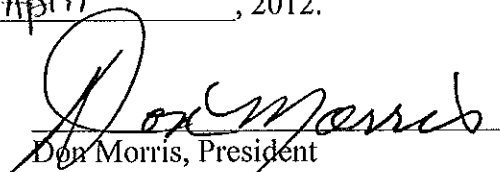
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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.

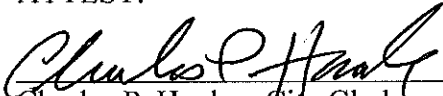
Presented by Council Member,

  
\_\_\_\_\_  
Todd Nation, Councilman

Passed in open Council this 19<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Don Morris, President

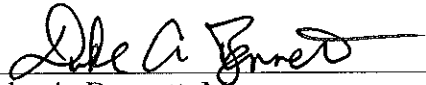
ATTEST:

  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 20<sup>th</sup> day of April, 2012.

  
Charles P. Hanley, City Clerk

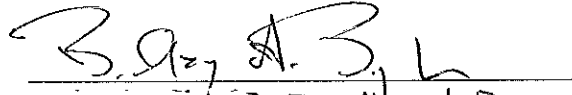
Approved by me, the Mayor of the City of Terre Haute, this 20<sup>th</sup> day of APRIL, 2012.

  
Duke A. Bennett, Mayor

ATTEST:

  
Charles P. Hanley, 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.

  
Bradley A. Bough

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

**PETITION FOR VACATION OF PUBLIC ALLEY**

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

GENTLEMEN:

H&H Realty, LLC, University Village, LLC, Jerome J. Hellmann and Mary Ann Hellmann, James P. Hellmann and Sharon C. Hellmann, and The Theta Omicron of Pi Kappa Alpha Housing Corporation, the owners of land abutting 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 the 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. H&H Realty, LLC, Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

A part of out lot Number 1 of the original out lots of the town, now City of Terre Haute, described as follows:

Commencing at a point 30 feet West and 326 feet and 5 inches South of the Southeast corner of Section 16, Township 12 North, Range 9 West, on the West line of Seventh Street in said City of Terre Haute, running thence West 141 feet and 2 inches, more or less to an alley, thence South 63 feet and 2 inches, thence East 141 Feet and 2 inches to the West side of Seventh Street, thence North 63 feet and 2 inches to the place of beginning.

More commonly known as 800 N. 7<sup>th</sup> Street.

ALSO

Forty feet off the North side of the following described tract of ground to-wit:

Part of Out Lot Number One (1) of the original Out Lots of the Town (now City) of Terre Haute, Indiana described as follows to-wit:

Commencing 30 feet West and 286 feet and 5 inches South of the South East corner of Section 16-12-9 on the West side of 7<sup>th</sup> Street running thence West 141 feet and 2 inches more or less to an alley thence South 103 feet and 2 inches thence East 141 feet and 2 inches to the West line of 7<sup>th</sup> Street and thence North to place of beginning.

More commonly known as 808 N. 7<sup>th</sup> Street.

2. The Theta Omicron of Pi Kappa Alpha Housing Corporation, Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

A part of Out Lot No. One of the Original Out Lots of the Town, now City, of Terre Haute, bounded and described as follows, to-wit:  
Commencing at a point on the West side of Locust Street at the Northeast corner of said Out Lot, running thence South 102 feet 9 inches, thence West 141 feet 2 inches, thence North 102 feet 9 inches, thence East 141 feet 2 inches to the place of beginning.

ALSO, a part of Out Lot No. One (1) of the Original Out Lots of the Town, now City, of Terre Haute, described as follows: Commencing at a point on the West side of Seventh Street 102 feet 9 inches South from the Northeast corner of said Out Lot running thence South 58 feet to the lot heretofore deeded to John Davey, thence West along the North line of said Davey's Lot 141 feet 2 inches, thence North 58 feet, and thence East 141 feet 2 inches to the place of beginning.

ALSO

Part of Out Lot 1 of the original Out Lots of the Town now City of Terre Haute, bounded as follows: Commencing at a point 160 feet 9 inches South of the South line of Locust Street and in the West line of Seventh Street; running thence South 34 feet, thence West 141 feet 2 inches to an alley; thence North 34 feet; thence East 141 feet 2 inches to the place of beginning.

Said above described real estate being known as 822 North 7<sup>th</sup> Street, Terre Haute, Indiana.

ALSO

The North ½ of Lot Number One (1) in Boudinots Subdivision of Lot 55 in the Subdivision of Section Sixteen (16) in Township Twelve (12) North Range Nine (9) West as the same appears on the recorded plat of said Subdivision recorded in Plat Record Eight (8) Page 460 of the Recorder's Office of Vigo County, Indiana.

Said above described real estate being known as 904 North 7<sup>th</sup> Street, Terre Haute, Indiana.

ALSO

Sixty (60) feet off of the West end of the North ½ of Lot Number Thirteen (13) in Chauncey Rose's Subdivision of 84 65/100 acres off the North end of the North West ¼ of Section 22 Township 12 North, Range 9 West.

Said above described real estate being known as 721 Locust Street, Terre Haute, Indiana.

ALSO

Part of Out Lot Number One (1) of the Original Town (now City) of Terre Haute, commencing at a point on the West line of Seventh Street in the City of Terre Haute 194 feet and 9 inches South of the North line of said Out Lot; thence South 35 feet; thence West 141 feet 2 inches, more or less, to an alley; thence North 35 feet; thence East 141 feet 2 inches, more or less, to the place of beginning, Section Twenty-one (21), Township Twelve (12) North, of Range Nine (9) West, commonly known as 816 North 7<sup>th</sup> Street, Terre Haute, Indiana.

ALSO

Part of Out Lot Number One (1) of the Original Out Lots of the Town, now City of Terre Haute, described as follows, to-wit: Commencing at a point on the West side of Seventh Street in said City 246 feet and 5 inches South of the South line of Section 16, Township 12 North of Range 9 West, running thence West 141 feet and 2 inches more or less to an alley; thence South 40 feet; thence East 141 feet and 2 inches more or less, to said West line of Seventh Street, thence North to the place of beginning.

3. University Village, LLC, Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Commencing at a point on the East line of North Center Street 122 feet and 6 inches South of the South line of Locust Street, running thence East 141 feet and 2 inches; thence South 30 feet and 6 inches; thence West 141 feet and 2 inches and thence north to the place of beginning, being a part of Out Lot No. 1 of the original Out Lots of the town (now city) of Terre Haute, Indiana.

ALSO

Part of Out Lot 1, of the original Out Lots of the Town, now City, of Terre Haute, described as follows: Beginning at a point 15 feet West and 32 feet North of the North West corner of Elizabeth Sibley's property as described in a deed to Elizabeth Sibley dated January 19, 1860 and recorded in Deed Record 22, Page 542, running thence West 141 feet and 2 inches to Sixth and One-half (6 ½) Street, thence North 38 feet and 7 inches to within 4 feet of the John Johnson property described in a Deed to John Johnson,

dated July 28, 1857, and recorded in Deed Record 21, Page 348, thence East 141 feet and 2 inches, thence South 38 feet and 7 inches to the place of beginning.

ALSO

A part of Out Lot (1) of the Original Out Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit: Beginning Forty-four (44) feet and Nine (9) inches South of the South line of Section 16, Township 12 North, Range 9 West, and 157 feet and 1 inch West of the West line of Seventh Street, thence running West 141 feet and 2 inches, thence South 22 feet, thence east 141 feet 2 inches, thence North 22 feet to the place of beginning.

ALSO

Thirty-two (32) feet off the South side of the following:  
Commencing at point 15 feet West of the Northwest corner of Elizabeth Sibley's property running thence West 141 feet 2 inches to 6 ½ Street; thence North 70 feet 7 inches to within 4 feet of the property owned by John Johnson; thence East 141 feet 2 inches to alley; thence South 70 feet 7 inches to beginning, being part of Out Lot One (1) of the original town of Terre Haute.

Commonly known as 817 North 6 ½ Street, Terre Haute, Indiana.

ALSO

Twenty four (24) feet and three (3) inches off the south side of the following described tract of land: Beginning sixteen (16) feet six (6) inches South of the south line of Section Sixteen (16), Township Twelve (12) North, Range Nine (9) and One Hundred Fifty-seven (157) feet one (1) inch west of 7<sup>th</sup> Street, thence running west 141 feet 2 inches; thence south 74 feet 6 inches thence east 141 feet 2 inches; thence north 74 feet 6 inches to the place of beginning, and being part of out lot one (1) of the original Plat of the town now City of Terre Haute, Indiana.

Commonly known as 833 North 6 ½ Street, Terre Haute, Indiana.

ALSO

Commencing at a point 16 feet and 6 inches South of the South line of Section 16, Township 12 North, Range 9 West, and 157 feet and one inch (more or less) West of the County road (now 7<sup>th</sup> Street) running immediately North and South on the East side of said Section, thence South 74 feet and 6 inches from this point, running thence West 141

feet and 2 inches to the East line of North Center Street, thence South 48 feet; thence East 141 feet and 2 inches; thence North to the place of beginning.

Commonly known as 827 North 6 ½ Street, Terre Haute, Indiana 47807.

4. Jerome J. Hellmann and Mary Ann Hellmann, James P. Hellmann and Sharon C. Hellmann, Petitioners herein, are the owners of the following described real estate located in Vigo County, State of Indiana:

Thirty-two (32) feet off the South side of the following:

Commencing at a point 15 feet West of the Northwest corner of Elizabeth Sibley's property running thence West 141 feet 2 inches to 6 ½ Street; thence North 70 feet 7 inches to within 4 feet of the property owned by John Johnson; thence East 141 feet 2 inches to alley; thence South 70 feet 7 inches to beginning, being part of Out Lot One (1) of the original town of Terre Haute.

5. That a copy of Site Plan of said Public Alley which runs along Owners' properties is attached hereto, made a part hereof and is marked as Exhibit A.

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

A part of out lot Number 1 of the original out lots of the town, now City of Terre Haute, described as follows:

Commencing at a point on the South side of Locust Street at the Northeast corner of said Out Lot, running West 141 feet 2 inches to an alley, being the place of beginning, thence South 372.32 feet more or less along the East line of the alley to a point on the North side of Elm Street, thence West 16 feet more or less along the North line of Elm Street to the Southwest corner of said alley; thence North 372.32 more or less along the West side of said alley to the South side of Locust Street; thence West 16 feet more or less along the South line of Locust Street to the place of beginning.

7. Petitioners believe that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate is presently being utilized by the Petitioners, and the Petitioners are the owners of all of the real estate abutting the Public Alley.

8. Petitioners propose the vacation of the Public Alley in order to allow more efficient and effective use of Petitioners' real estate.

9. The proposed vacation would not hinder the use of a public way by the neighborhood

in which said Public Alley is located or to which it is contiguous since the Petitioners are the owner of the lands abutting said Public Alley; as set forth above, the proposed vacation 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.

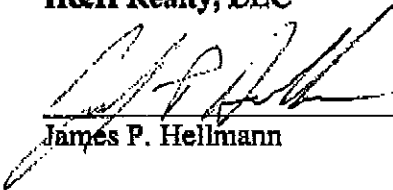
10. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioners.

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:

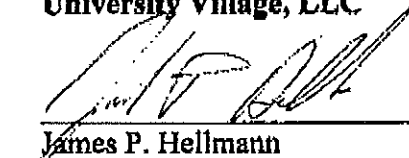
- a) Adopt an Ordinance vacating that the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the county Auditor, 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.

**PETITIONERS**

**H&H Realty, LLC**

By:   
James P. Hellmann

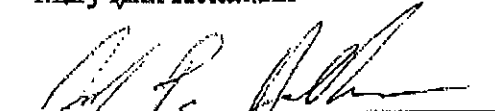
**University Village, LLC**

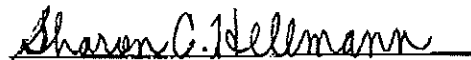
By:   
James P. Hellmann

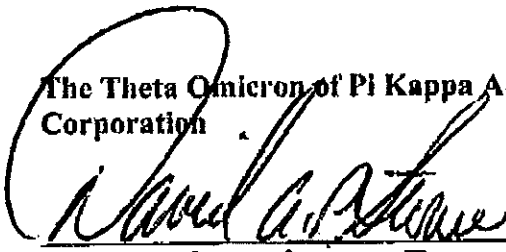
  
Jerome J. Hellmann



  
Mary Ann Hellmann

  
James P. Hellmann

  
Sharon C. Hellmann

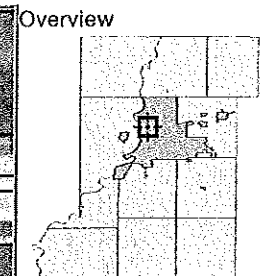
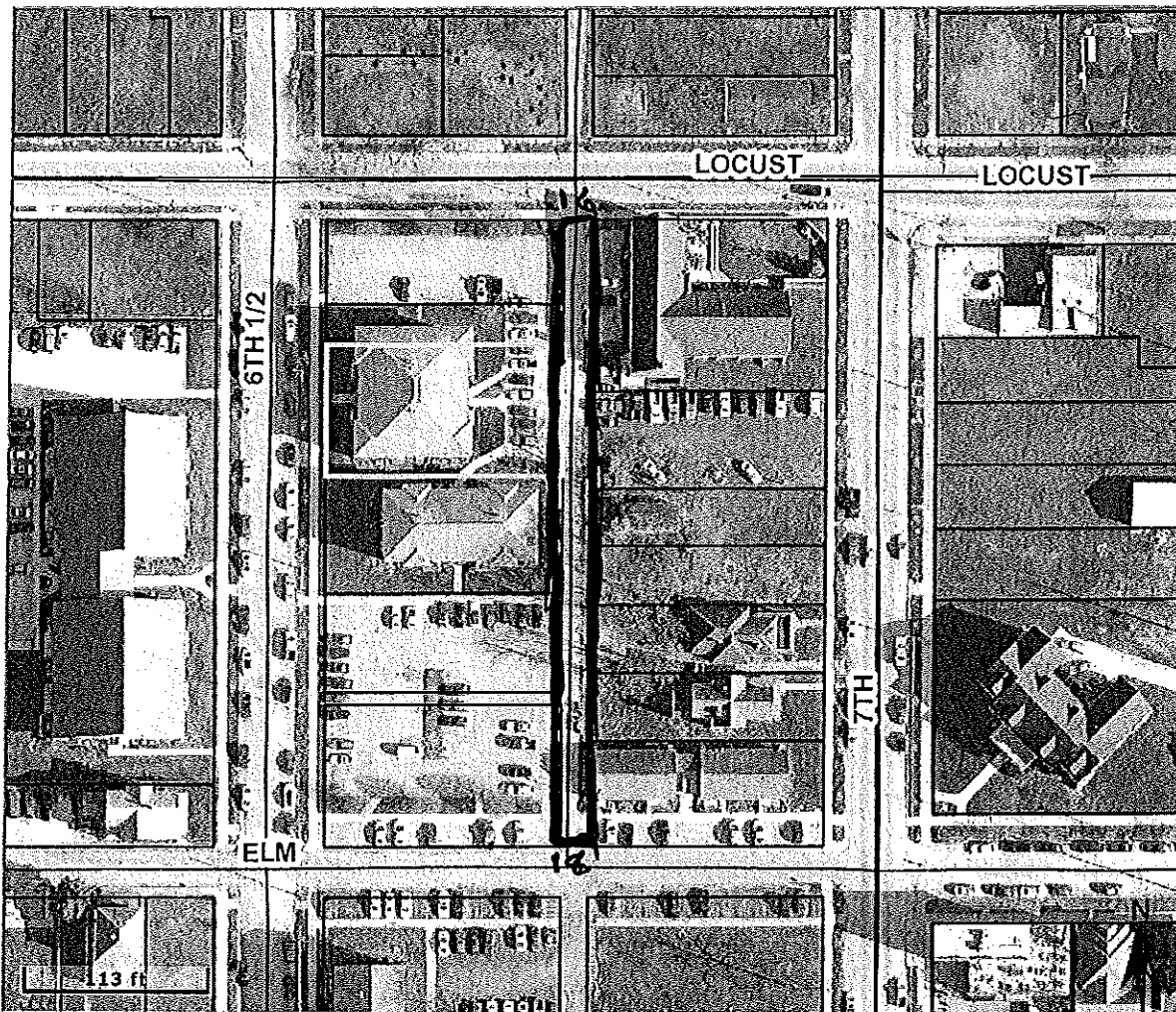
  
The Theta Omicron of Pi Kappa Alpha Housing Corporation  
By: David A.P. Stowe, Secretary/Treasurer

Petitioners' Addresses: H&H Realty, LLC, University Village, LLC, Jerome J. Hellmann, Mary Ann Hellmann, James P. Hellmann, Sharon C. Hellmann, 659 Elm Street, Terre Haute, IN 47807 and The Theta Omicron of Pi Kappa Alpha Housing Corporation, 840 N. 7<sup>th</sup> Street, Terre Haute, IN 47807.

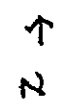
This instrument prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

ALLEY VACATION

Date Created: 2/29/2012



- Legend
- Corporate Limits
  - Political Townships
  - Sections
  - Parcels
  - Road Centerlines



Owner Address UNIVERSITY VILLAGE LLC  
 659 ELM ST  
 TERRE HAUTE, IN 47807

SPECIAL ORDINANCE 13, 2011

Last Data Upload: 2/29/2012 1:12:43 AM

EXHIBIT A

**Receipt**

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

Date: 3/2/12

Name: Wright Snagley & Lowery

Reason: \_\_\_\_\_

Vacating alley  
H+H Realty

TERRE HAUTE, IN  
PAID  
MAR - 2 2011  
CONTROLLER

Cash: \_\_\_\_\_

Check: \$500 ck# 59878

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

Total: \_\_\_\_\_

Received By: Nat / B E Oeis

OK

**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 13, 2012

March 13, 2012

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 ordinance attached 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 April 5, 2012.

No Problems Noted                       Problems as noted below

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Bradley S. Miller  
(Signature)  
BRADLEY S. MILLER  
(Printed name)

TRANSPORTATION DIRECTOR  
(Title)  
3.14.2012  
(Date)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 13, 2012

March 13, 2012

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 ordinance attached 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 4/5/2012.

No Problems Noted                       Problems as noted below

---

---

---

---

---

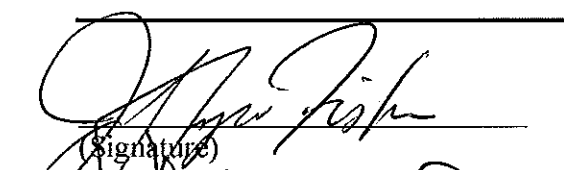
---

---

---

---

---

  
(Signature)  
Jeffrey W. Fisher  
(Printed name)

Fire Chief  
(Title)  
3-22-12  
(Date)

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

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

Special Ordinance 13, 2012

March 13, 2012

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 April 5, 2012.

Daniel Bell  
(Signature)

Leading Building Inspection  
(Title)

Daniel Bell  
(Printed name)

MAR 12 2012  
(Date Posted)



**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 13, 2012

March 13, 2012

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 ordinance attached 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 April 5, 2012.

       No Problems Noted

  ✓   Problems as noted below

Sanitary Sewer Present in ALLEY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Josey Daugherty  
(Signature)

Staff Engineer  
(Title)

Josey Daugherty  
(Printed name)

4-12-12  
(Date)