

FILED

SEP 29 2017

CITY CLERK

SPECIAL ORDINANCE NO. 56, 2017

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:

A portion of the public alley in Rosemont, 2nd Section Subdivision of the Southwest Quarter of the Southeast Quarter of Section 34, Township 12 north, Range 9 West, in the City of Terre Haute, Vigo County, Indiana, and more particularly described as follows:

Commencing at the Northeast corner of Lot 456 in Rosemont, 2nd Section Subdivision of the Southwest Quarter of the Southeast Quarter of Section 34, Township 12 north, Range 9 West, in the City of Terre Haute, Vigo County, Indiana; thence Northwesterly along the arc of the Southwestern boundary line of a part of Tax Parcel Number 84-06-34-453-014.000-002 as described in Instrument No. 2005015432 and Instrument No. 2006000843 of the Records of the Recorder of Vigo County, Indiana to the Southeast corner of Lot 455 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West; thence West along the Southern boundary line of said Lot 455 to the Southwest corner of said Lot 455; thence South approximately 20 feet, more or less, to the Northwest corner of Lot 462 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West; thence East along the North boundary line of said Lot 462 and Lots 461, 460, 459, 458, 457 and 456 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West to the place of beginning.

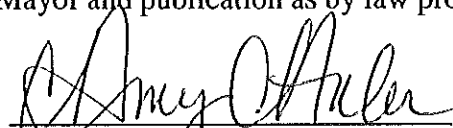
Commonly known as a Portion of Vacated Alley South of 2800 S. 13½ Street,
Terre Haute, IN 47802.

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.

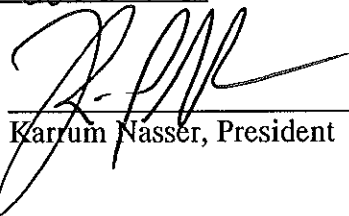
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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,


Amy Auler, Councilperson

Passed in open Council this 9th day of November, 2017.


Karim Nasser, President

ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 13th day of November, 2017.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of November, 2017.



Duke 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.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, 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

LADIES AND GENTLEMEN:

The undersigned, undersigned, John Lankhaar, Authorized Member of Landmark Property Development, LLC is 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, John Lankhaar, Authorized Member of Landmark Property Development, LLC, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Rosemont Second Section Lot 456, a Subdivision located in the Southeast Quarter of Section 34, Township 12 North, Range 9 West City of Terre Haute, Vigo County, Indiana, Plat Book 9, Page 11.

EXCEPT A part of Lot 456 in Rosemont, 2nd Section Subdivision of the Southwest Quarter of the Southeast Quarter of Section 34, Township 12 north, Range 9 West, in the City of Terre Haute, Vigo County, Indiana, the plat of which is recorded in the office of the Recorder of Vigo County and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B" described as follows:

Commencing at the southeast corner of Lot 456 and the point of beginning of this description: then S 90° 00' 00" W, (All bearing based on bearing system for Project No. STP-RRS-T200() for City of Terre Haute), 7.397 meters (24.27 feet) along the south line of Lot 456 to a point on the right of way for Project No. STP-RRS-T200 (); thence N 18° 33' 40" E, 16.206 meters (53.17 feet) along said right of way to the east line of Lot 456; thence southerly 15.531 meters (50.97 feet) along an arc to the right having a radius of 159.398 meters (522.96 feet) and

subtended by a long chord having a bearing of S 8° 17' 24" E and a length of 15.525 meets (50.94 feet) along said east line to the point of beginning of this descriptions, containing 58.8 square meters (633 square feet) more or less, as deeded to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering, by Carl E. Wilkinson, by Corrective Warranty Deed dated January 4, 2006, and recorded January 17, 2006, as Instrument No. 2006000843. This description was prepared for the City of Terre Haute by Stephen J. Christian, Indiana Registered Land Surveyor, License Number 890001 on the 21st day of October, 2005.

Also

Lot Number 457 in Rosemont 2nd Section in the City of Terre Haute, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Tax Parcel Numbers: 84-06-34-453-012.000-002 and 84-06-34-453-011.000-002.

Commonly known as: 1344 Wheeler Avenue and 2919 S. 14th Street, Terre Haute, IN 47802.

AND

Lot 458 in Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West, lying south and West of the south and West Right of Way lines of the Southern Indiana R.R. Property, in said Quarter Section.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Tax Parcel Number: 84-06-34-453-010.000-002

Commonly known as: 1340 Wheeler Avenue, Terre Haute, IN 47802.

2. That a copy of a portion of the plat of the said Public Alley which runs along the north side of Owner's property is attached hereto, made a part hereof and is marked as Exhibit A and Exhibit B.

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

A portion of the public alley in Rosemont, 2nd Section Subdivision of the Southwest Quarter of the Southeast Quarter of Section 34, Township 12 north, Range 9 West, in the City of Terre Haute, Vigo County, Indiana, and more particularly described as follows:

Commencing at the Northeast corner of Lot 456 in Rosemont, 2nd Section Subdivision of the Southwest Quarter of the Southeast Quarter of Section 34, Township 12 north, Range 9 West, in the City of Terre Haute, Vigo County, Indiana; thence Northwesterly along the arc of the Southwestern boundary line of a part of Tax Parcel Number 84-06-34-453-014.000-002 as described in Instrument No. 2005015432 and Instrument No. 2006000843 of the Records of the Recorder of Vigo County, Indiana to the Southeast corner of Lot 455 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West; thence West along the Southern boundary line of said Lot 455 to the Southwest corner of said Lot 455; thence South approximately 20 feet, more or less, to the Northwest corner of Lot 462 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West; thence East along the North boundary line of said Lot 462 and Lots 461, 460, 459, 458, 457 and 456 Rosemont, 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South Easter Quarter of Section 34, Township 12 North, Range 9 West to the place of beginning. Commonly known as a Portion of Vacated Alley South of 2800 S. 13½ Street, Terre Haute, IN 47802.

6. Petitioner believes 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 the said Public Alley does not nor will not serve a functional purpose to the public.

7. Petitioner proposes the vacation of the Public Alley in order 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 Petitioners are the owners 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 are the Petitioner and the following: Terre Haute Department of Redevelopment, Vacant Land, Terre Haute, IN 47803; and Felix E. Wilkinson, 2820 S. 13 ½ Street, Terre Haute, IN 47802. That notice of said vacation has been sent by USPS Certified Mail to Terre Haute Department of Redevelopment, 17 Harding Avenue, Terre Haute, IN 47807; and to Felix E. Wilkinson, 2820 S. 13 ½ Street, Terre Haute, IN 47802.

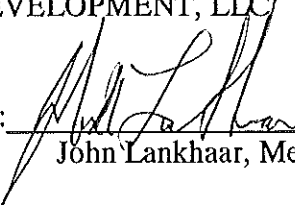
WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- 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, 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:

LANDMARK PROPERTY
DEVELOPMENT, LLC

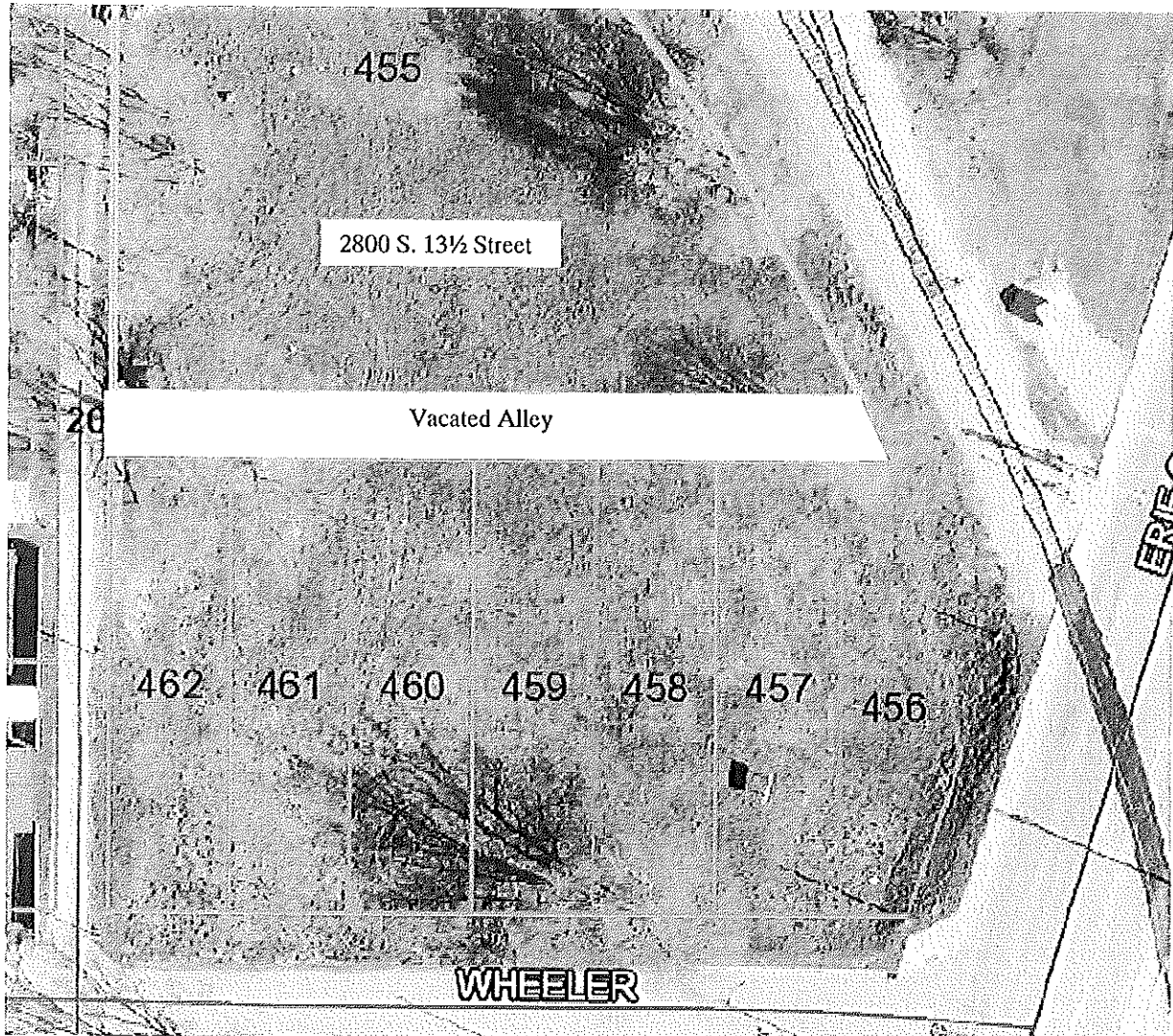
By: _____


John Lankhaar, Member

Petitioner's Addresses: 3300 College Avenue, Terre Haute, IN 47803

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

SITE PLAN
SPECIAL ORDINANCE NO. 56, 2017



Receipt

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

Date: 9/29/17

Name: Landmark Property Development

Reason: Vacating an Alley

Cash: _____

Check: # 067774 \$5.00

Credit: _____

Total: \$5.00

TERRE HAUTE, IN
SEP 29 2017
CONTROLLER

Received By: L Elbs/gm

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

FILED

NOV 02 2017

CITY CLERK

To: **Engineering Department, City of Terre Haute**

Special Ordinance 56, 2017

October 24, 2017

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 October 31, 2017.

No Problems Noted

Problems as noted below

Marcus E. Mauck
(Signature)

Marcus E. Mauck
(Printed name)

Staff Engineer II
(Title)

10/24/2017
(Date)

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

FILED

NOV 03 2017

CITY CLERK

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

Special Ordinance 56, 2017

October 24, 2017

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 October 31, 2017.

Daniel Bell
(Signature)

Lead Inspector
(Title)

Danrel Bell
(Printed name)

10-25-2017
(Date Posted)

