

FILED

DEC 01 2017

CITY CLERK

SPECIAL ORDINANCE NO. 60, 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 a public alley in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), more particularly described as follows:

Commencing at the Southwest corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana); thence directly South approximately 15 feet, more or less, to the Northwest corner of Lot 13 in said John H. Berry's Subdivision; thence East approximately 146.45 feet, more or less, along the north boundary line of Lots 13-15 of said John H. Berry's Subdivision to the Northeast corner of said Lot 15; thence North approximately 15 feet, more or less, to the Southeast corner of said Lot 12; thence West approximately 146.45 feet, more or less, along said Lot 12 to the place of beginning.

Commonly known as a Portion of Vacated Alley South of 100 Kent Avenue, Terre Haute, Indiana 47804.

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, Martha Crossen
Martha Crossen, Councilperson

Passed in open Council this 18 day of January, 2018

Curtis DeBarr
Curtis DeBarr, President

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 19 day of January, 2018

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 19th day of January, 2018.

Duke Bennett
Duke Bennett, Mayor

ATTEST:

Charles P. Hanley
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
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, Matthew D. Trembley 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, Matthew D. Trembley., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Commencing at a point 38.87 feet South of the Northeast Corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), and running thence West 146.45 feet more or less to the Ease line of 19th Street, as now located, thence South 39.70 feet more or less to the alley as now located on the South side of said Lot Number 12; thence East 146.45 feet to 20th Street (Kent Ave.) and thence North 39.70 feet to the point of beginning.

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

Tax Parcel Number: 840-06-23-301-003.000-002

Commonly known as: 100 Kent Avenue, Terre Haute, Indiana 47804.

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.

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 a public alley in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), more particularly described as follows:

Commencing at the Southwest corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana); thence directly South approximately 15 feet, more or less, to the Northwest corner of Lot 13 in said John H. Berry's Subdivision; thence East approximately 146.45 feet, more or less, along the north boundary line of Lots 13-15 of said John H. Berry's Subdivision to the Northeast corner

of said Lot 15; thence North approximately 15 feet, more or less, to the Southeast corner of said Lot 12; thence West approximately 146.45 feet, more or less, along said Lot 12 to the place of beginning.

Commonly known as a Portion of Vacated Alley South of 100 Kent Avenue, Terre Haute, Indiana 47804.

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 John Mellinger, 2904 N. 7th Street, Terre Haute, Indiana 47804. That notice of said vacation has been sent by USPS Certified Mail to John Mellinger at his address.

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:

By: 
Matthew D. Trembley

Petitioner's Addresses: 1035 N. 8th Street, Terre Haute, IN 47807.

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. 60, 2017

Portion of Vacated Alley South of 100 Kent Avenue
Terre Haute, IN 47804



Receipt

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

Date: 12/1/17

Name: Matthew Trembley

Reason: Vacating Alley

Cash: _____

Check: 67895 \$5⁰⁰

Credit: _____

Total: 5.00

Received By: L Ellis/gm

TERRE HAUTE, IN
11001
L. J. HAY
CONTROLLER

**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 60, 2017

December 29, 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 January 4, 2018.

No Problems Noted

Problems as noted below

UTILITY easements need to be maintained
in Alley, including Sanitary Sewer.

Josey Daugherty
(Signature)

Josey Daugherty
(Printed name)

Staff Engineer
(Title)

1-3-18
(Date)

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

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CITY CLERK

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

Special Ordinance 60, 2017

December 29, 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 January 4, 2018.

Daniel Bey
(Signature)

Lead Inspector
(Title)

DANIEL BEY
(Printed name)

1-2-2018
(Date Posted)