

FILED
OCT 27 2020
CITY CLERK

SPECIAL ORDINANCE NO. 34, 2020

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:

Legal Description of alley, and part of a cul-de-sac, between Lot 16, and Lot 17 in Terre Town Subdivision, Block1.

Part of the East-half of the Northeast Quarter of Section 2, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Indiana, described as follows:

A platted alley, and part of a platted cul-de-sac in Terre Town Subdivision Block 1, per recorded plat thereof, recorded May 10, 1923, in Plat Record 13, Page 14 of the records of the Vigo County Recorder's Office, more particularly described as follows:

Beginning at the Southeast corner of Lot 17 of said subdivision; thence Northerly along and with the East of said Lot, a distance of 130 feet to the Northeast corner thereof; thence Easterly, along and with the Easterly prolongation of the North line of Lot 17, to its intersection with the Northwesterly prolongation of the East line of Lot 16 of said subdivision; thence Southeasterly, along and with said Northwesterly prolongation, to the Northeast corner of Lot 16; thence Southwesterly, along and with the North line of Lot 16, an arc distance of 14.23 feet, to the Northwest corner thereof; thence Southerly, along and with the West line of Lot 16, a distance of 110 feet to the Southwest corner thereof; thence Westerly to the Point of Beginning, containing 2180.5 sq. ft.

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, Cheryl Loudermilk
Cheryl Loudermilk, Councilperson

Passed in open Council this 3 day of December, 2020.

[Signature]
George Azar, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 4 day of December 2020.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 4th day of December, 2020.

[Signature]
Duke Bennett, Mayor

ATTEST:

Michelle Edwards
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.

/s/ Richard 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, Wendy Jane Cain and Jonah Thomas Cain are the owners 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, Wendy Jane Cain and Jonah Thomas Cain, are the owners of the following described real estate located in Vigo County, State of Indiana:

Lots Numbers 16, 17, and 18 in the Plat of Block No. 1 of Terre Town Subdivision of part of the East ½ of the North West Quarter of Section 2, Township 12 North, Range 9 West, as per recorded plat thereof recorded in Plat Record 13, page 44 in the Vigo County Recorder's Office.

Commonly known as 2430 Orleans Avenue, Terre Haute, IN 47805.

2. That a copy of a map that shows the alley which runs between the Owners' 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:

Legal Description of alley, and part of a cul-de-sac, between Lot 16, and Lot 17 in Terre Town Subdivision, Block1.

Part of the East-half of the Northeast Quarter of Section 2, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Indiana, described as follows:

A platted alley, and part of a platted cul-de-sac in Terre Town Subdivision Block 1, per recorded plat thereof, recorded May 10, 1923, in Plat Record 13, Page 14 of the records of the Vigo County Recorder's Office, more particularly described as follows:

Beginning at the Southeast corner of Lot 17 of said subdivision; thence Northerly along and with the East of said Lot, a distance of 130 feet to the Northeast corner thereof; thence Easterly, along and with the Easterly prolongation of the North line of Lot 17, to its intersection with the Northwesterly prolongation of the East line of Lot 16 of said subdivision; thence Southeasterly, along and with said Northwesterly prolongation, to

the Northeast corner of Lot 16; thence Southwesterly, along and with the North line of Lot 16, an arc distance of 14.23 feet, to the Northwest corner thereof; thence Southerly, along and with the West line of Lot 16, a distance of 110 feet to the Southwest corner thereof; thence Westerly to the Point of Beginning, containing 2180.5 sq. ft.

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. Petitioners propose 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, Wiper Corporation (4410 N. 25th Street), Loretta and Donald Marshall (4414 N. 25th Street), Sun Ann Wilson & Kenneth R. Wilson & Sally Wilson & Kenneth Wilson Jr. T/C (2451 Winslow Ave.) and nearby Brian Lewis (2332 Orleans Ave) and Harold E. Loyd & Edna M. Le Fee Co-trustees the Harold E. & Edna Marie (2320 Orleans Ave). That notice of said vacation has been sent by USPS Certified Mail to Wiper Corporation, Loretta and Donald Marshall, Sun Ann Wilson & Kenneth R. Wilson & Sally Wilson & Kenneth Wilson Jr. T/C and nearby Brian Lewis and Harold E. Loyd & Edna M. Le Fee Co-trustees the Harold E. & Edna Marie at their addresses.

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.

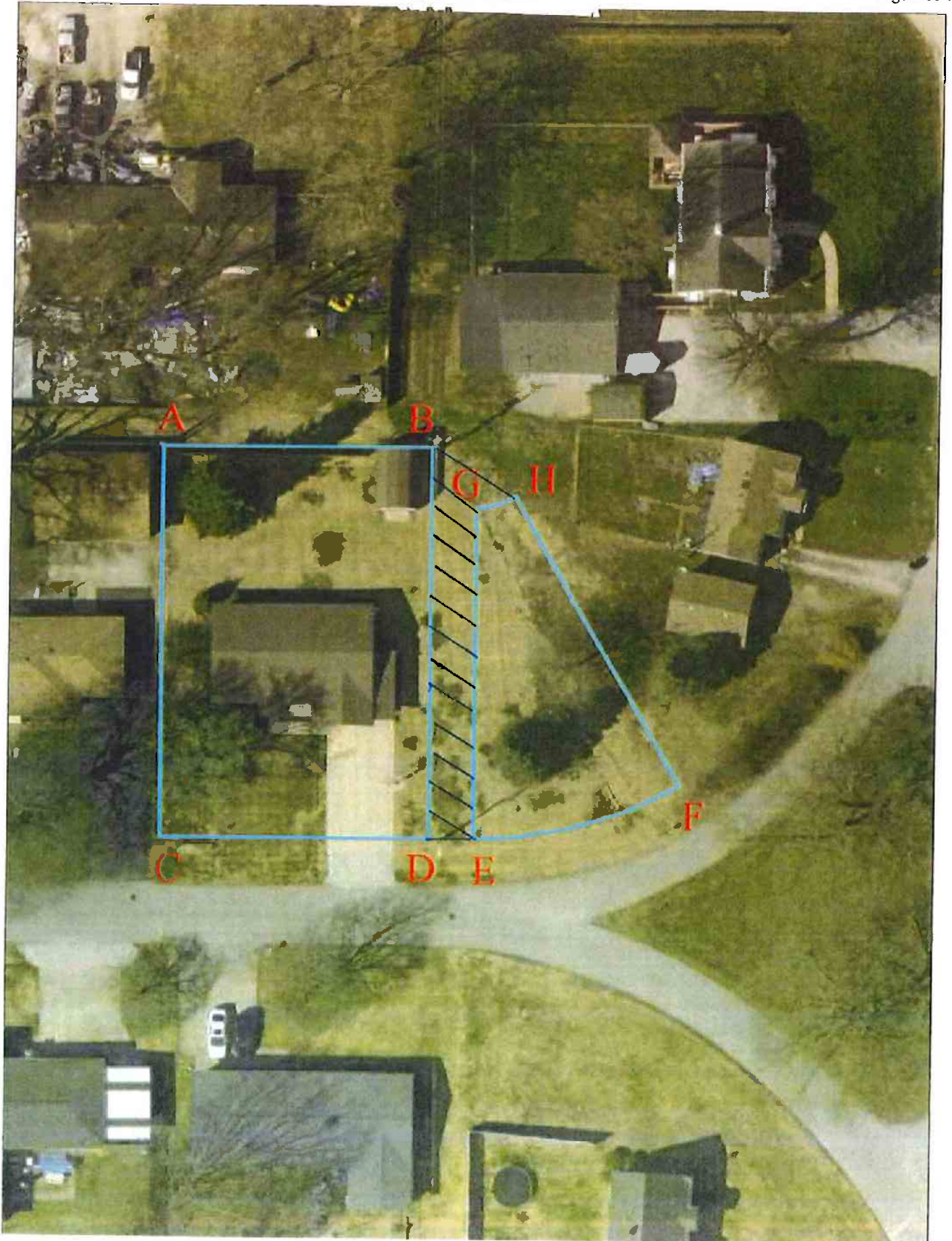
c) For all other proper relief in the premises.

PETITIONER: Wendy Jane Cain and Jonah Thomas Cain

Wendy Jane Cain
Jonah Thomas Cain

Petitioner's Address: 2430 Orleans Avenue, Terre Haute, IN 47805.

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



2430 ORLEANS AVE. TERRE HAUTE IN

TERRE HAUTE
A LEVEL ABOVE

Receipt TERRE HAUTE, INC
PAID

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

OCT 27 2020

Date: Oct 27th 2020

Name: Worley Cain

CONTROLLER

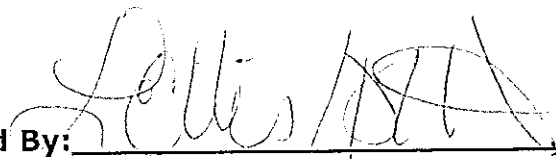
Reason: Riley Docate \$5.00

Cash: _____

Check: #1571058 \$5.00

Credit: _____

Total: \$5.00

Received By: 

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

FILED

NOV 16 2020

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

CITY CLERK

Special Ordinance 34, 2020

November 16, 2020

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 November 25, 2020.

Daniel Bell
(Signature)

Lead Inspector
(Title)

Daniel Bell
(Printed name)

Nov 16 2020
(Date Posted)

