FILED
APR 29 2010
CITY CLERK

SPECIAL ORDINANCE NO. 15, 2010

An Ordinance Vacating a Platted 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 platted public alley located in the City of Terre Haute, Vigo County, Indiana, which is platted in the City of Terre Haute, Indiana, and described as follows:

> Commencing at the southwest corner of Lot 244 in Fort Harrison Addition to the City of Terre Haute a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14 and 15 in Fort Harrison Heights, a subdivision of the Northwest quarter of Section 11, Township 12 North, Range 9 West; thence east to the south east corner of Lot 245 of said subdivision; thence southwesterly to the northeast corner of Lot 247; thence west to a point due south of the southwest corner of Lot 244; thence north to the southwest corner of Lot 244 of said subdivision.

SECTION 2. Be it further ordained that said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting owner, Rick Lasure, 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 it passage by the Common Council of Terre Haute, and its approval by the mayor and publication as by law provided.

Presented by Council Member, _____

Passed in Open Council this ____ day of _____, 2010.

_____
Neil Garrison-City Council President

ATTEST: _____
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this ____ day of _____, 2010.

_____
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2010.

_____
Duke Bennett, Mayor

ATTEST: _____
Charles P. Hanley, City Clerk

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Rhonda D. Oldham

This instrument prepared by: Rhonda Oldham 191 Harding Avenue P.O. Box 9808, Terre Haute, Indiana 47808-9808 Telephone Number: (812) 238-2421.

PETITION FOR VACATION OF PUBLIC ALLEY

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

COUNCIL MEMBERS:

Rick Lasure, being owner of land abutting a Public Alley platted and located in Terre Haute, Indiana respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate the Public Alley described below pursuant to the provisions of I.C. 36-7-3-12 and in support thereof would show to the Common Council of said City the following:

1. That the petitioner owns the following described real estate located in Vigo County, State of Indiana:

Lot Numbers Two hundred forty-four (244), Two hundred forty-five (245) and Two hundred forty-six (246) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots One (1), Two (2), Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

ALSO

Commencing at a point 144 feet East of the North West corner of Lot Number 247 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section 11, Township 12 North, Range 9 West, thence East to the

Northeast corner of said Lot 247; thence Southwesterly along the East line of said Lot 247 to a point due South of the point of beginning; thence North to the point of beginning.

Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

Commonly known as 2425 Ft. Harrison, Terre Haute, IN 47804.

2. That the names and addresses of owners of land adjacent to but not abutting the alley to be vacated who are not Petitioners herein are as follows:

a. Tim Mullins owner of 2423 Ft. Harrison Road, Terre Haute, IN 47804; and

b. Richard Comer owner of 2417 Ft. Harrison Road, Terre Haute, IN 47804.

3. That a copy of a portion of the plat of the Public Alley which runs between the Petitioner's parcels of real estate abutting the alley to be vacated is attached hereto as Exhibit A.

4. That said Public Alley to be vacated is specifically described as follows:

The alley running east and west between Petitioner's parcels:

Commencing at the southwest corner of Lot 244 in Fort Harrison Addition to the City of Terre Haute a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14 and 15 in Fort Harrison Heights, a subdivision of the Northwest quarter of Section 11, Township 12 North, Range 9 West; thence east to the south east corner of Lot 245 of said subdivision; thence southwesterly to the northeast corner of Lot 247; thence west to a point due south of the southwest corner of Lot 244; thence north to the southwest corner of Lot 244 of said subdivision.

That said alley has never been opened for public travel.

5. That said Alley is not open for use of the general public and no landowner adjoining and abutting the alley to be vacated would be adversely affected by the vacation of the Alley.

6. Petitioner proposes the vacation of the alley in order to allow more effective use of the lots by the Petitioners.

7. The proposed vacation would not hinder the use of a public way by the neighborhood in which such alley is located or to which they are contiguous since all owners have direct access to a city street. The proposed vacation of the alley would not make access to any land by any person by means of a public way more difficult or inconvenient not would it hinder any member of the public's access to a church, school or other public building or place nor will it interfere with the provision of utility service.

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 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.

IN WITNESS WHEREOF, this Petition has been duly executed this 29 day of April, 2010.

By: _____
Rick Lasure

Petitioner's Address: P.O. Box 10602, Terre Haute, IN 47801. This instrument prepared by Rhonda D. Oldham, Attorney at Law, BRAMES & OLDHAM, and 191 Harding Avenue, P.O. Box 9808, Terre Haute, Indiana 47808-9808 Telephone # (812) 238-2421, Facsimile (812) 232-2940.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

_____
Rhonda D. Oldham
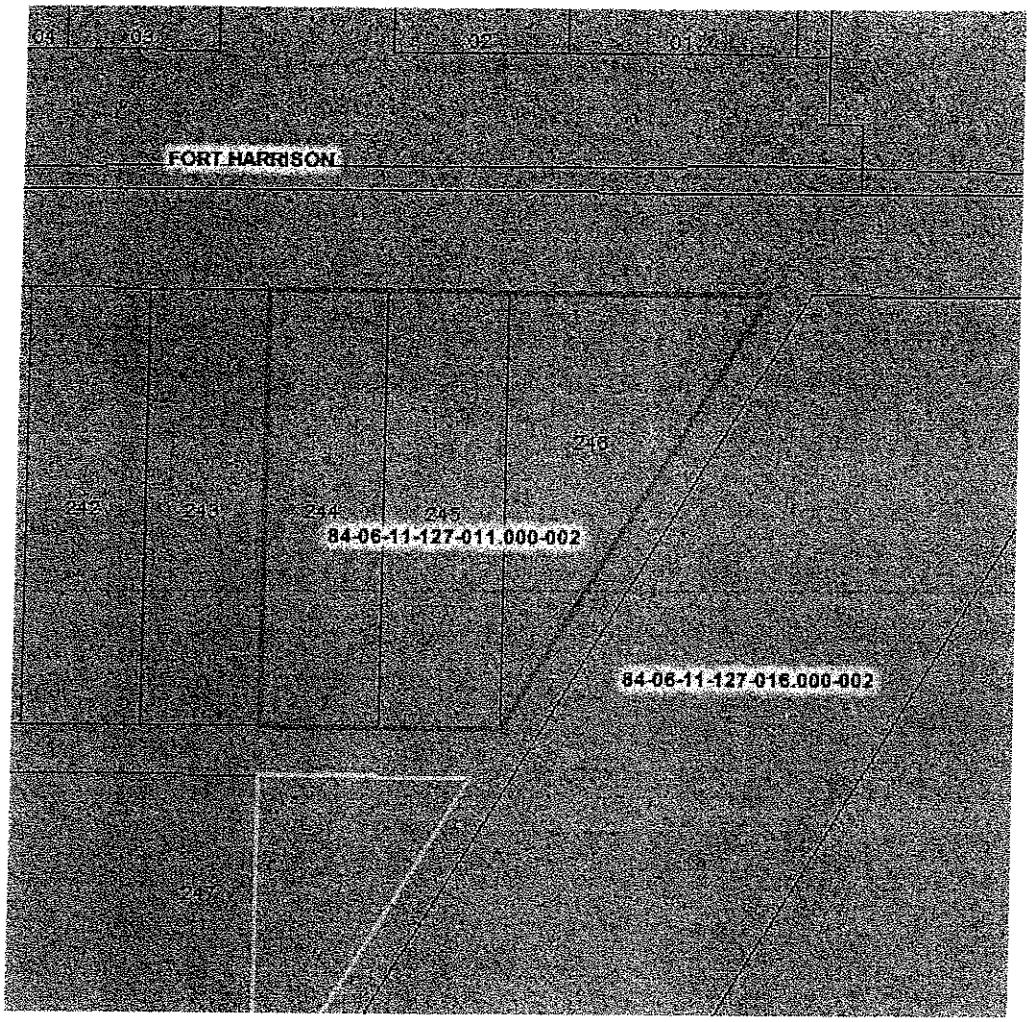
EXHIBIT "A"