FILED

MAR 0 2 2011

CITY CLERK

SPECIAL ORDINANCE NO 8- 2011

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA STATE UNIVERSITY

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

SECTION I. Pursuant to the provisions of I.C.36-7-3-12, it is desired and deemed necessary to vacate a portion of 4th St. from Cherry St. to Tippecanoe St., and Chestnut St. from 3rd St. to 5th St. 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:

Portions of the Terre Haute Company Original Plat, Sylvester Sibley's subdivision, Naylor's survey subdivision, Dole's subdivision, and Blinn's subdivision in Section 21, Township 12 North, Range 9 West, Terre Haute, Harrison Township, Vigo County, Indiana, described as follows:

All of the public Right of Way of 4th Street, from the South Right of Way of Tippecanoe Street to the North Right of Way of Cherry Street inclusive, as those Rights of Way existed on November 1, 2010. The bike trail adjacent to 4th St, from Tippecanoe St. to Cherry St. shall remain open and in use.

Also, Portions of the Terre Haute Company Original Plat, Blinn's Subdivision, and Dole's Subdivision in Section 21, Township 12 North, Range 9 West, Terre Haute, Harrison Township, Vigo County, Indiana, described as follows:

All of the public Right of Way of Chestnut Street, from the East Right of Way of Third (3rd)Street to the West Right of Way of Fifth (5th) Street inclusive, as those Rights of Way existed on November 1, 2010.

SECTION II. Be it further ordained that said portion of said street 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 rights for public utilities.

SECITION III. Be it further ordained that the City of 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.

Presented by Council Member, _____Todd Nation.

Passed in open Council this ____day of _____, 2011.

_____

John Mullican, President

ATTEST:

_____
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this __ day of _____, 2011.

_____
Charles P. Hanley, City Clerk

Approved by me, the mayor of the City of Terre Haute, this ___ day of _____, 2011.

_____
Duke A. Bennett, Mayor

ATTEST:

_____
Charles P. Hanley, City Clerk

This instrument prepared by: Melony A. Sacopulos, Attorney at Law, Parsons Hall 223, Indiana State University, Terre Haute, Indiana 47809.

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.

Melony A. Sacopulos
Melony A. Sacopulos

PETITION FOR VACATION OF PUBLIC STREET

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

Indiana State University Board of Trustees, Petitioner herein, petitions and requests the legislative body of the City of Terre Haute, Indiana to vacate that portion of the public street described below pursuant to the various provisions of IC 36-7-3-12, and in support of this Petition, would show to the Common Council of said City as follows:

1. Indiana State University Board of Trustees, Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

   Portions of the Terre Haute Company Original Plat, Sylvester Sibley's subdivision, Naylor's survey subdivision, Dole's subdivision, and Blinn's subdivision in Section 21, Township 12 North, Range 9 West, Terre Haute, Harrison Township, Vigo County, Indiana, described as follows:

   All of the public Right of Way of 4th Street, from the South Right of Way of Tippecanoe Street to the North Right of Way of Cherry Street inclusive, as those Rights of Way existed on November 1, 2010. The bike trail adjacent to 4th St, from Tippecanoe St. to Cherry St. shall remain open and in use.

   Also, Portions of the Terre Haute Company Original Plat, Blinn's Subdivision, and Dole's Subdivision in Section 21, Township 12 North, Range 9 West, Terre Haute, Harrison Township, Vigo County, Indiana, described as follows:

   All of the public Right of Way of Chestnut Street, from the East Right of Way of Third (3rd)Street to the West Right of Way of Fifth (5th) Street inclusive, as those Rights of Way existed on November 1, 2010.

2. That the attached copy of a portion of the plat of the said street is the portion of the said street which Petitioners seek to have vacated, and said street runs between Petitioner's property. Petitioner is the owner of all of the property abutting the property to be vacated.

3. No landowner adjoining and abutting the street to be vacated would be adversely affected by the vacation of said street.

4. Petitioner proposes the vacation of the street in order to allow more efficient and effective use of all the subject lots by Petitioner.

5. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the street is located or to which they are contiguous since Petitioner is the owner of all lands abutting said portion of said street, and all other landowners in the area have and will continue to have direct access to public ways; as set forth above, the proposed vacation of said portion of

said street 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.

6. The names and addresses of all owners of land that abut that portion of the street above proposed to be vacated is the Petitioner herein.

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 street referred to and described above;

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; and

c. For all other proper relief in the premises.

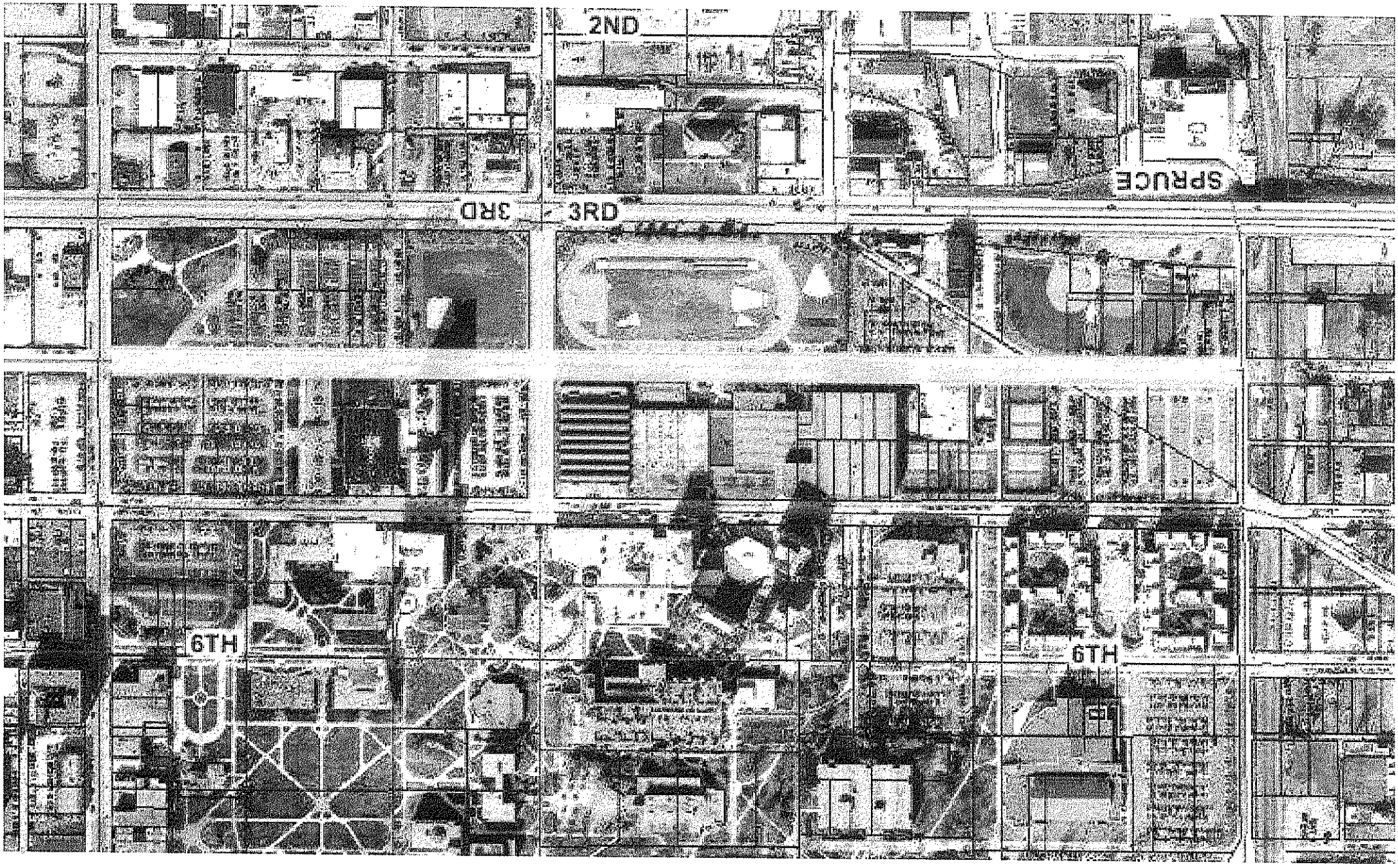
PETITIONER

INDIANA STATE UNIVERSITY BOARD OF TRUSTEES

By: Diann E. McKee

Diann E. McKee, Vice President for Business Affairs & Treasurer

This instrument prepared by: Melony A. Sacopulos, Attorney at Law, Parsons Hall 223, Indiana State University, Terre Haute, Indiana 47809.


2ND
SPRUCE
3RD
3RD
6TH
6TH