

FILED

JAN 21 2022

SPECIAL ORDINANCE NO. 3, 2022

CITY CLERK

AN ORDINANCE VACATING A PORTION OF A CERTAIN PLATTED ROADS, STREETS, AND ALLEYWAYS LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED 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 certain platted roads, streets, and alleyways located in the City of Terre Haute, Vigo County, Indiana, which are now laid out in the City of Terre Haute, Indiana, and described as follows:


SEE EXHIBIT A.

SECTION 2. Be it further ordained that said portion of said platted roads, streets, and alleyways in the City of Terre Haute, Indiana, above described, be and the same are vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

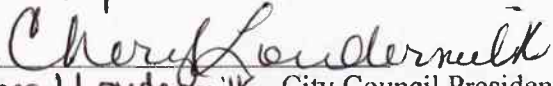
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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.

Signature appears on the following page.

Presented by 
Councilperson Neil Garrison

Passed in open Council this 14th day of April, 2022.

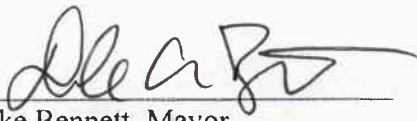

Cheryl Loudermilk, City Council President


Attest Michelle Edwards, City Clerk

Presented by me to the Mayor this 18th day of April, 2022.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 18th day of April, 2022.


Duke Bennett, Mayor


Attest: Michelle Edwards City Clerk

I have prepared the foregoing instrument and 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.

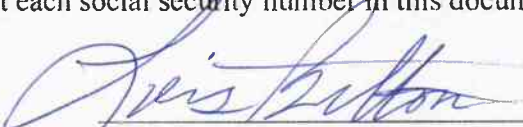

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

EXHIBIT A

DESCRIPTION OF ALLEY TO BE VACATED

North / South Alley Vacation Description

All of the alley between Lots 65 through 70 inclusive and Lots 79 and 84 inclusive in Whitcomb and McColloch's Fort Harrison Subdivision being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

Beginning at an iron pin with a plastic Wilson cap at the Southwest Corner of Lot 65 in said subdivision; thence South 88 degrees 17 minutes 09 seconds West a distance of 15.01 feet to the Southeast Corner of Lot 79 in said subdivision; thence North 00 degrees 12 minutes 08 seconds East along the East line of Lot 79 through Lot 84 in said subdivision a distance of 234.00 feet to an iron pin with a plastic Wilson Cap at the Northeast Corner of said Lot 84; thence North 89 degrees 57 minutes 08 seconds East along the South line of McColloch Avenue a distance of 15.00 feet to an iron pin at the Northwest Corner of Lot 70 in said subdivision; thence South 00 degrees 12 minutes 08 seconds West along the West line of Lot 70 through Lot 65 in said subdivision a distance of 233.56 feet to the **Point of Beginning** containing 0.08 acres (3,507 square feet) more or less.

North Fifth Street Vacation Description

All of North Fifth Street between Lots 51 through 56 inclusive and Lots 65 and 70 inclusive in Whitcomb and McColloch's Fort Harrison Subdivision being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

Beginning at an iron pin at the Southeast Corner of Lot 65 in said subdivision; thence North 00 degrees 12 minutes 08 seconds East along the East line of Lot 65 through Lot 70 in said subdivision a distance of 233.66 feet to an iron pin with a plastic Wilson Cap at the Northeast Corner of said Lot 70; thence North 89 degrees 57 minutes 08 seconds East along the South line of McColloch Avenue a distance of 50.00 feet to the Northwest Corner of Lot 56 in said subdivision; thence South 00 degrees 12 minutes 08 seconds West along the West line of Lot 56 through Lot 51 in said subdivision a distance of 234 feet to the Southwest Corner of Lot 51; thence North 89 degrees 39 minutes 10 seconds West a distance of 50.00 feet to the **Point of Beginning** containing 0.27 acres (11,691 square feet) more or less.

McColloch (McCullough) Avenue Vacation Description

All of McColloch (McCullough) Avenue lying West of the centerline of North Fifth Street extended to the North right of way line of said avenue and lying East of the East right of way of Whitcomb Boulevard extended to the North right of way of said avenue being a part of Whitcomb and McColloch's Fort Harrison Subdivision (Plat Book 8, Page 2) being in the Southeast Quarter of Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on January 18, 2022 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on an Exhibit (Align Civil Engineering Consultants Project No. TM21-319) described as follows:

Beginning at an iron pin with a plastic Wilson cap at the Northeast Corner of Lot 70 in said subdivision; thence South 89 degrees 57 minutes 08 seconds West along the North line of Lot 70, Lot 84, Lot 98 and Lot 115 a distance of 704.60 feet to the Northwest Corner of Lot 115 also being the East right of way line of Whitcomb Boulevard; thence North 13 degrees 43 minutes 12 seconds East along the East right of way line of Whitcomb Boulevard extended Northerly a distance of 30.89 feet to the North line of the Whitcomb and McColloch's Fort Harrison Subdivision; thence North 89 degrees 57 minutes 08 seconds East along said North line a distance of 722.38 feet to the centerline of North Fifth Street Extended; thence South 00 degrees 12 minutes 08 seconds West along said centerline a distance of 30.00 feet; thence South 89 degrees 57 minutes 08 seconds West a distance of 25.00 feet to the **Point of Beginning** containing 0.50 acres (21,780 square feet) more or less.

Subject to all existing easements for public utilities

PETITION FOR VACATION OF PUBLIC ALLEYWAY

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

Gentlepersons::

Petitioner, Vigo Hospitality Group, LLC, the owner of lands abutting a certain platted but unimproved, streets, roads, and alleyways within the City of Terre Haute, Indiana, respectfully petitions and requests that the legislative body of the City of Terre Haute, Indiana, vacate portions of certain platted but unimproved public streets, roads, and alleyways as described below pursuant to the 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. Petitioner is the owner of the following described real estate located in Vigo County, State of Indiana: See Exhibit A attached hereto and made a part hereof.
2. The attached Legal Description (Exhibit B) and drawings (Exhibit C, Exhibit D, and Exhibit E) disclose the portions of the platted but unimproved streets, roads, and alleyways which Petitioner seeks to have vacated, subject to all existing utility easements or rights of utilities in existing facilities.
3. The attached Exhibit F is an aerial photo depicting the general area of the streets, roads, and alleyways to be vacated. Exhibit F also indicates the property owned by the petitioner in the area. As can be seen from Exhibit F, there are no improved streets, roads, or alleyways within the portion of the platted but unimproved, streets, roads, or alleyways to be vacated
4. No landowner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of said alleyway.
5. Attached as Exhibit G is a list of the persons owning property adjacent to the platted but unimproved streets, roads, and alleyways to be vacated according to the County website and the mailing address for each property owner, according to the County website.
6. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portions of the platted but unimproved streets, roads and alleyways are located or to which they are contiguous. All other landowners in the area have and will continue to have direct access to public ways; and as set forth above, the proposed vacation 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.

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 streets, roads, and alleyways 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 paragraph 10-125 of the City's Zoning Ordinance;
- c) For all other proper relief in the premises.

Respectfully submitted,

Vigo Hospitality Group, LLC

By: VUPPALA REDDY
(Signature)

VUPPALA REDDY OWNER
(Printed Name and Title)

I have prepared the foregoing instrument and 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.



Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT A

Lots 64 through 70, lots 78 through 84 in Whitcomb and McColloch's Fort Harrison subdivision-Parcel Number 84-06-04-476-001.000-002.

Lot 50 in Whitcomb and McColloch's Fort Harrison subdivision-parcel number 84-06-04-477-002.000-002.

Lots 95 through 98 and lots 113 through 115 in Whitcomb and McColloch's Fort Harrison subdivision-parcel number 84-06-04-451-001.000-002

Parcel Number 84-06-04-426-003.000-002 commonly known as The Landings (formerly known as the Elks Club) as located north of McColloch Avenue.

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT B

Legal Description of the Portions of Roads, Streets and Alleyways to be vacated

North / South Alley Vacation Description

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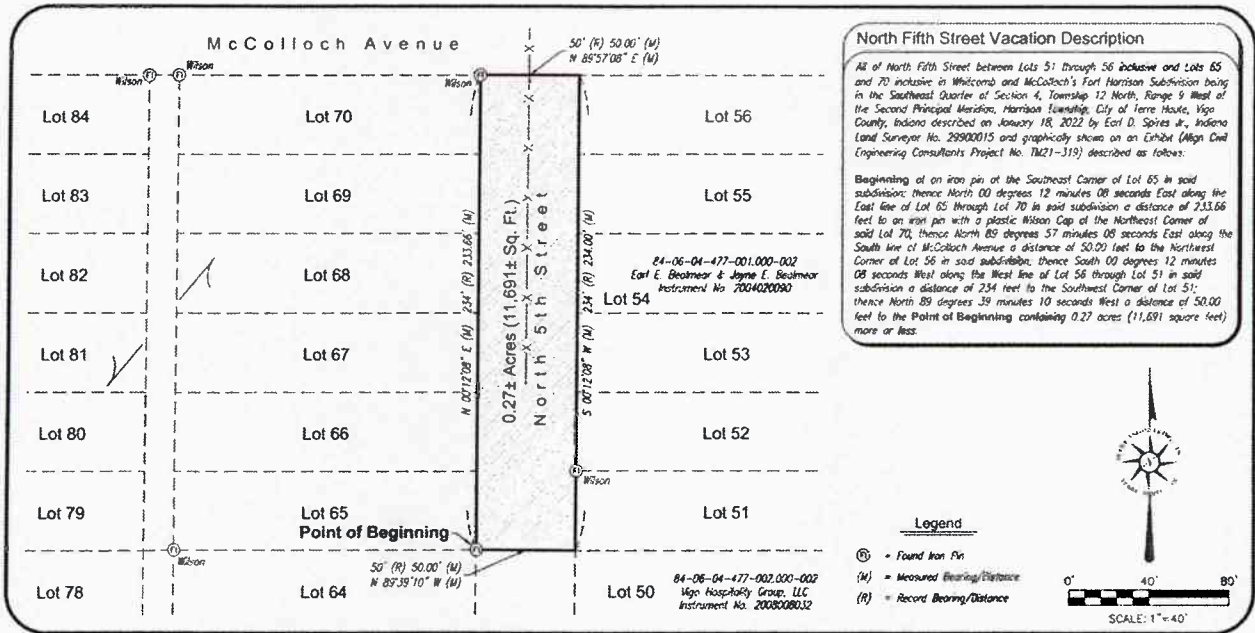
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Subject to easements for all existing public utilities.

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT C



<p>Exhibit Drawing</p> <p>North 5th Street</p> <p>Field Work Completed 1/11/2022</p> <p>Sheet No. 1 of 1</p>	<p>Project Number: TM21-319 1/18/2022 EDS CRW EDS 1"=40' TM21-319 Street Vacations.dwg Drawing Name: Vacation 2</p>	<p>Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana</p> <p>Client: Vigo Hospitality Group, LLC Record Owner: City of Terre Haute</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Revisions</th> <th>By</th> <th>Checked</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Revisions	By	Checked						<p>ALIGN</p> <p>1285 S. Jackson Street, Suite B Greenscastle, IN 46118 716.163.6710</p> <p>525 W. Henry Creek Drive Terre Haute, IN 47802 812.238.9731</p> <p>ALIGN.CS.CORP</p> <p><small>Printed and sealed hard copy is the instrument of service. This drawing may not be reproduced without the written permission of Align Civil Engineering Consultants.</small></p>
No.	Date	Revisions	By	Checked									

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT D

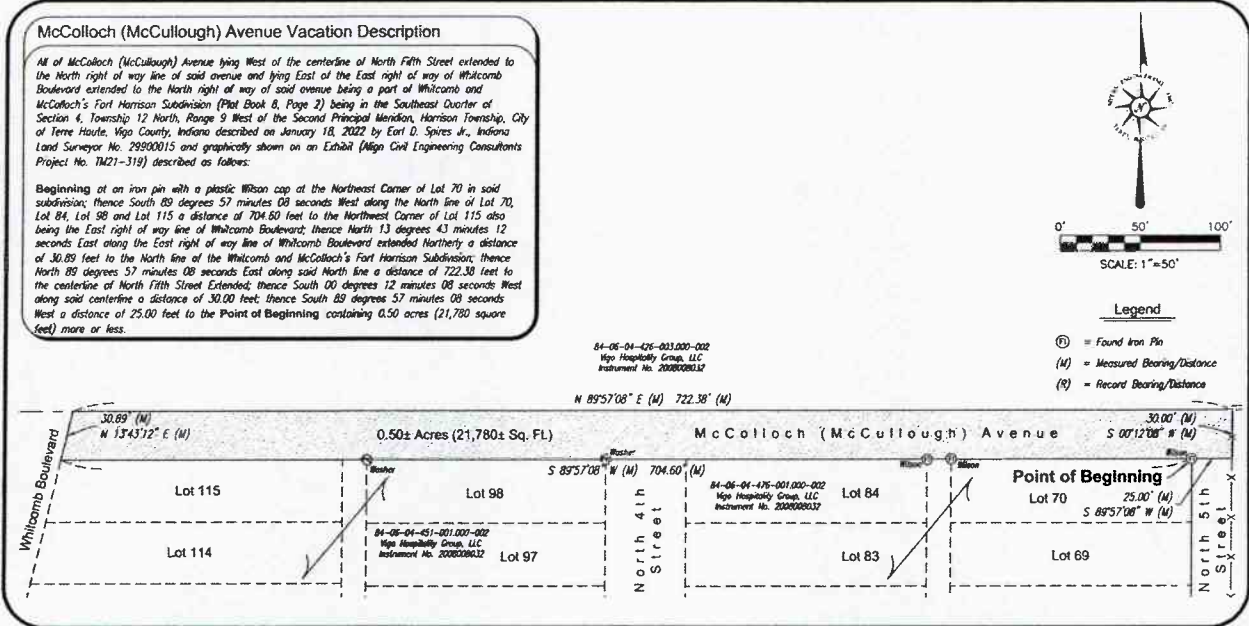


Exhibit Drawing

McColloch Avenue

Field Work Completed
1/11/2022

Sheet No. 1 of 1

Project Number: TM21-319
 Date: 1/18/2022
 Drawn By: EDS
 Checked By: CRW
 Approved By: EDS
 Scale: 1"=40'
 File Name: TM21-319 Street Vacations.dwg
 Drawing Name: Vacation 3

Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Client		Record Owner	
Vigo Hospitality Group, LLC		City of Terre Haute	
No.	Date	Revisions	By Checked

ALIGN

1285 S Jackson Street, Suite B 525 W. Hurray Creek Drive
 Greencastle, IN 46635 Terre Haute, IN 47607
 765.653.6743 802.238.9731

ALIGNCEC.COM

Signed and sealed here copy is the instrument of service. This drawing may not be reproduced without the written permission of Align Civil Engineering Consultants.

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT E

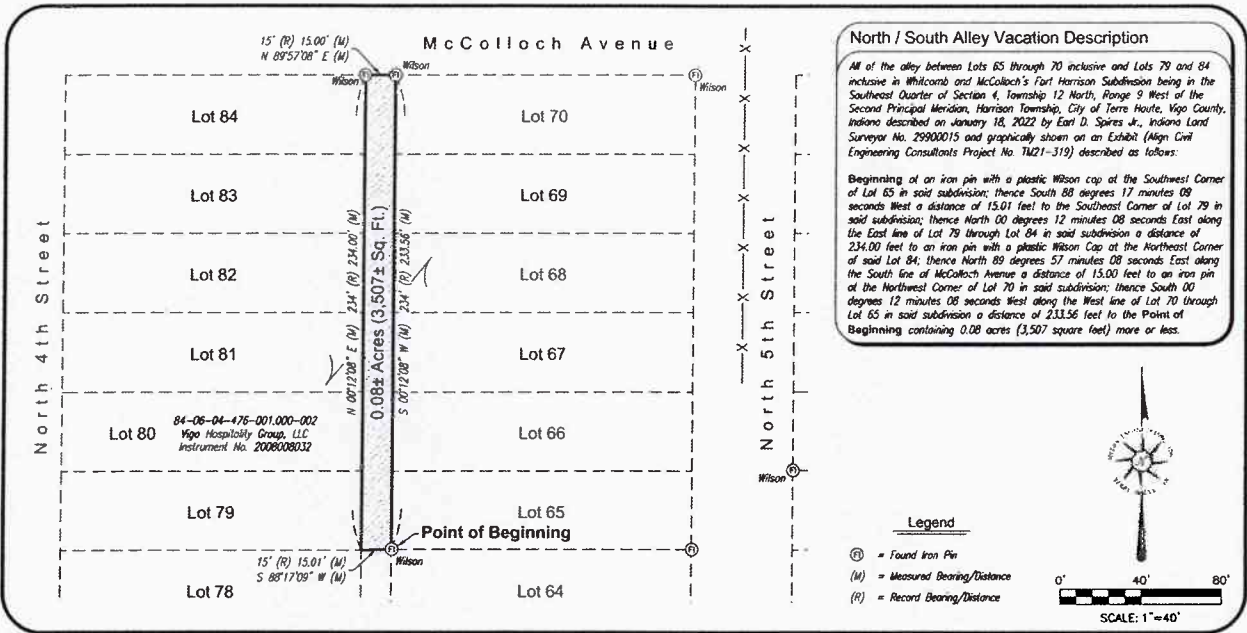


Exhibit Drawing

North/South Alley

Field Work Completed
1/11/2022

Sheet No. 1 of 1

Project Number: TM21-319
 Date: 1/18/2022
 Drawn By: EDS
 Checked By: CRW
 Approved By: EDS
 Scale: 1"=40'
 File Name: TM21-319 Street Vacations.dwg
 Drawing Name: Vacation 1

Section 4, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Client
Vigo Hospitality Group, LLC

Record Owner
City of Terre Haute

No.	Date	Revisions	By	Checked

ALIGN

1285 S. Jackson Street, Suite B Greencastle, IN 46135 765-653-6740

525 W. Honey Creek Drive Terre Haute, IN 47802 812-236-9731

ALIGNCEC.COM

Signed and sealed hard copy in the instrument of service. This drawing may not be reproduced without the written permission of Align Civil Engineering Consultants

PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT F



PETITION OF VIGO HOSPITALITY GROUP, LLC

EXHIBIT G

List of property owners owning property adjoining portions of planted and unimproved roads, streets, and alleys to be vacated:

**Earl and Jane Bealmear
501 McCullough Avenue
Terre Haute, IN 47804**

RECEIPT

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

Date: 1-21-22

Name: Ugo Co. Hospitality

Reason: Vacating Alley \$5.00

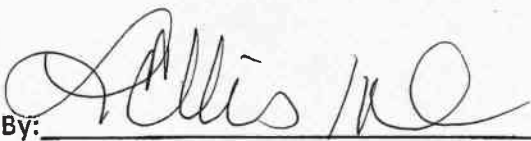
Cash: _____

Check: 5.00 CHK # 72210

Credit: _____

TOTAL: 5.00

JAN 21 2022
CONTROLLER

Received By: 

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

**FILED
FEB 11 2022
CITY CLERK**

To: Engineering Department, City of Terre Haute

Special Ordinance 3, 2022

February 8, 2022

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 February 18, 2022.

X No Problems Noted

_____ Problems as noted below

Caleb Williams

(Signature)

Caleb Williams

(Printed name)

Staff Engineer

(Title)

2-11-2022

(Date)

FILED

FEB 16 2022

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

CITY CLERK

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 3, 2022

February 8, 2022

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 February 18, 2022.

No Problems Noted

Problems as noted below


(Signature)

Brenton Lloyd
(Printed name)

Assistant Chief
(Title)

2/16/22
(Date)

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

**FILED
FEB 11 2022
CITY CLERK**

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 3, 2022

February 8, 2022

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 February 18, 2022.

No Problems Noted

Problems as noted below


(Signature)

SHAWN KEEN
(Printed name)

CHIEF OF POLICE
(Title)

2-11-22
(Date)

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

FILED

FEB - 9 2022

CITY CLERK

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

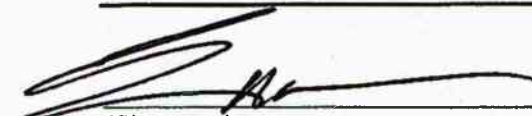
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No Problems Noted

Problems as noted below


(Signature)

Forest R. Mills
(Printed name)

COMMISSIONER OF STREETS
(Title)

02/09/2022
(Date)

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

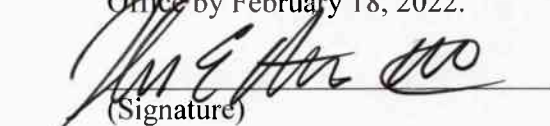
**FILED
FEB 18 2022
CITY CLERK**

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

Special Ordinance 3, 2022

February 9, 2022

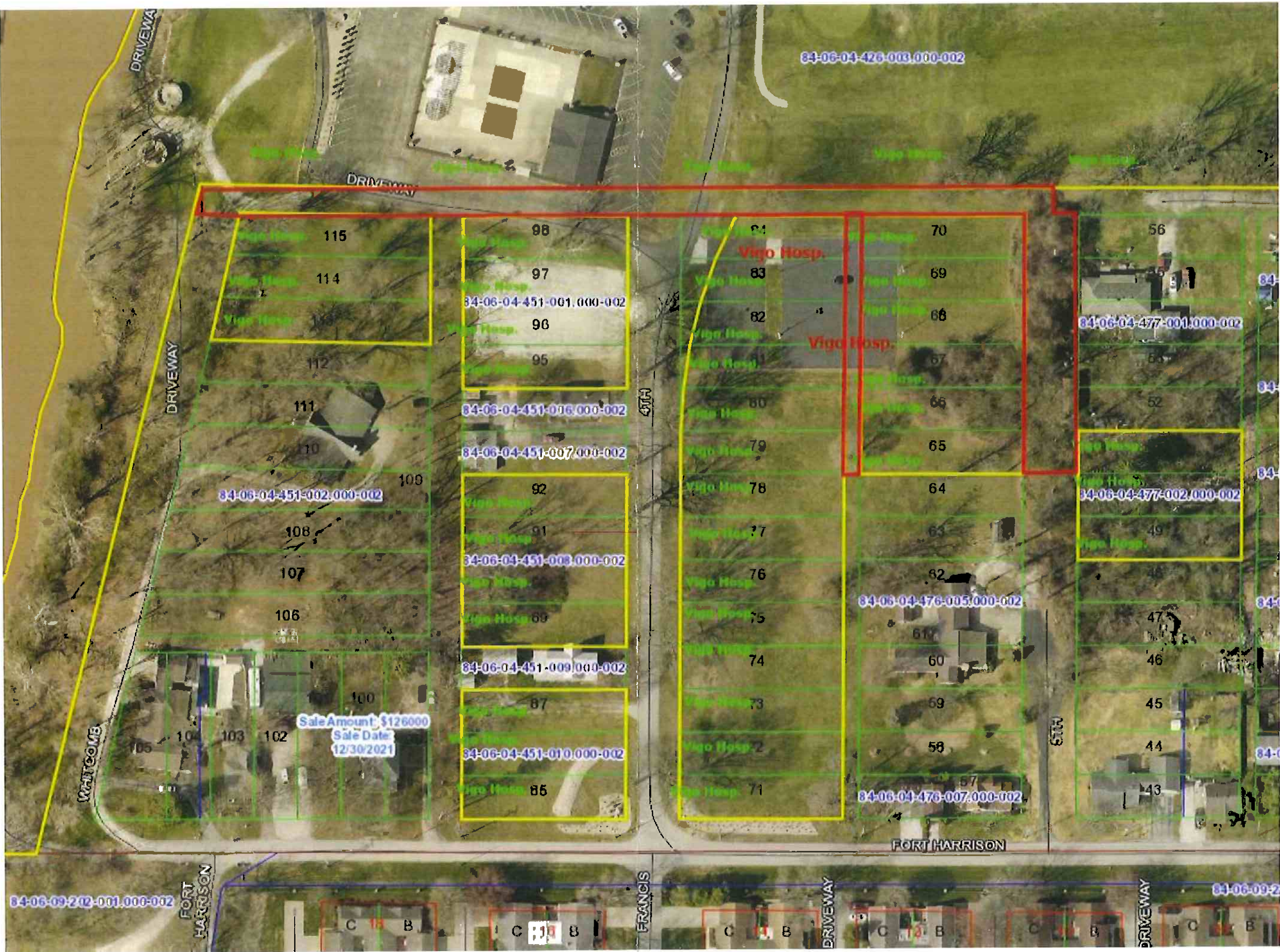
The street/alley as noted on attached ordinance needs posting at least ten (10) days prior to passage of ordinance. Please indicate posting date and return to the City Clerk's Office by February 18, 2022.


(Signature)

JOHN E AKERS III
(Printed name)

Building Inspector
(Title)

2/17/22
(Date Posted)



84-06-04-426-003.000-002

DRIVEWAY

DRIVEWAY

DRIVEWAY

WHITECOMB

5TH

5TH

FORT HARRISON

Sale Amount: \$126000
Sale Date: 12/30/2021

115

114

112

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