

FILED

SEP 29 2022

CITY CLERK

SPECIAL ORDINANCE NO. 43- 2022

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY 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 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 part of Krumbhaar Place Land Company's Second Subdivision, being a Subdivision of Lots one, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North, Range 9 West in Vigo County, State of Indiana more particularly described as follows:

Beginning at the Northwest corner of Lot 358 in said subdivision and a continuing southerly from said point along the West property lines of lots 358, 359, and 360 in said subdivision to the Southwest corner of Lot 360 in said subdivision;

Thence westerly to the southeast corner of Lot 367 in said subdivision;

Thence northerly with the East line of lots 367, 366, and 365 in said subdivision to the north east corner of Lot 365 in said subdivision;

Thence easterly to the point of beginning.

*Subject to all existing easements for public utilities*

SECTION 2. Be it further ordained that said portion of said alleyway 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 Amy Auler  
Councilperson Amy Auler

Passed in open Council this 10<sup>th</sup> day of November 2022.

Cheryl Loudermilk  
Cheryl Loudermilk, City Council President

Michelle Edwards  
Attest Michelle Edwards, City Clerk

Presented by me to the Mayor this 14<sup>th</sup> day of November, 2022.

Michelle Edwards  
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 14<sup>th</sup> day of NOVEMBER, 2022.

Duke Bennett  
Duke Bennett, Mayor

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

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::

Petitioners, Wayne R. Bower and Paula E. Bower, as the owners of lands abutting a certain alleyway platted in the City of Terre Haute, Indiana, respectfully petition and request the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public alleyway 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. Petitioners are the owners of the following described real estate located in Vigo County, State of Indiana:

Real estate is commonly known as:

2711 Jackson St. Terre Haute, IN -Parcel Number: 84-06-33-311-004.000-002

2700 Prairieton Road, Terre Haute, Indiana -Parcel Number: 84-06-33-311-001.000-002

2710 Prairieton Road, Terre Haute, Indiana-Parcel Number: 84-06-33-311-002.000-002

shown in Exhibit A attached hereto and made a part hereof.

2. That the attached drawing (Exhibit B) discloses the portion of the alleyway which Petitioners seek to have vacated.

3. That the portion of the alleyway to be vacated as set forth above may be more particularly described as follows, to-wit: **SEE EXHIBIT C**

Subject to all existing utility easements or rights of utilities in existing facilities.

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 D is a list of the persons owning property adjacent to the alley 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 portion of the alleyway is 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 of said portion of said alleyway 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, Petitioners respectfully request and petition the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

a) give proper notice of the filing of this petition and the date, time, and place fixed for the hearing thereon to the adjoining owner by certified mail


b) Adopt an Ordinance vacating that portion of the alleyway referred to and described above;

c) 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;


d) For all other proper relief in the premises.

Respectfully submitted,

Wayne R. Bower

  
\_\_\_\_\_  
(Signature)

Paula E. Bower

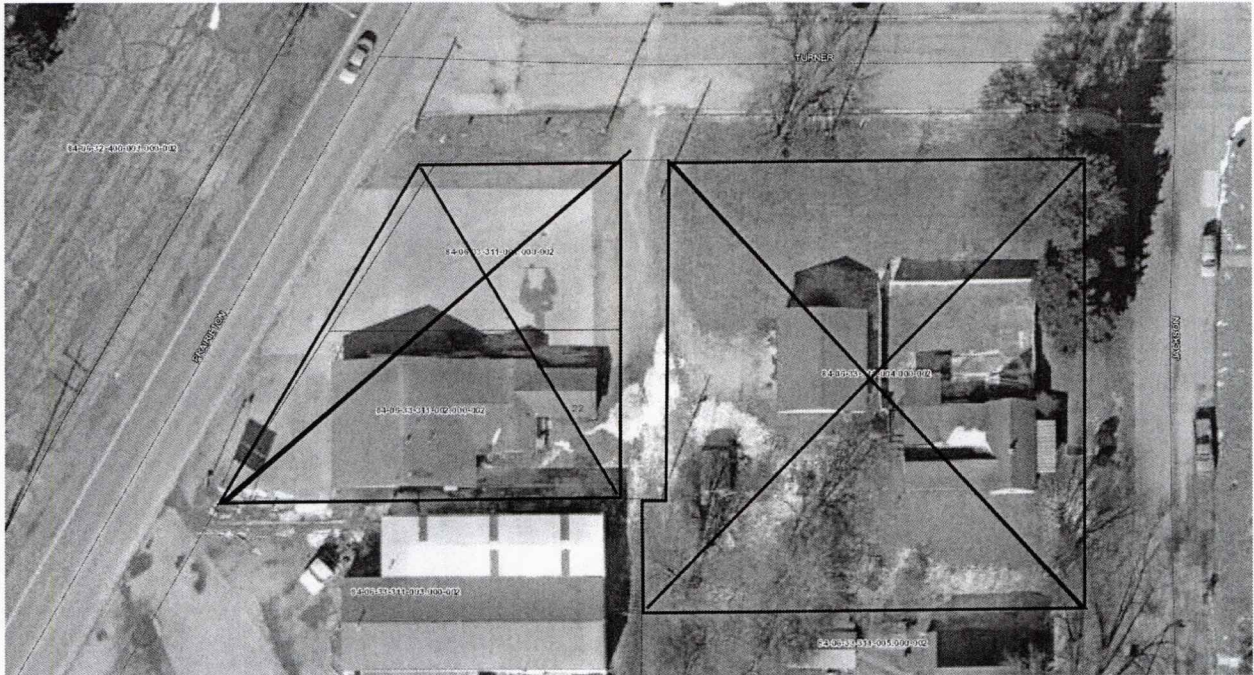
  
\_\_\_\_\_  
Signature

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



Lots 358, 359, 360 and 361 and the vacated portion of the alleyway adjacent to Lot 361 and Lot 365 in the north one half of Lot 366 in Krumbhaar Place Land Company's Second Subdivision, being a Subdivision of Lots one, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North, Range 9 West in Vigo County, State of Indiana

# EXHIBIT B





### **EXHIBIT C**

#### Alley to be Vacated

A part of Krumbhaar Place Land Company's Second Subdivision, being a Subdivision of Lots one, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North, Range 9 West in Vigo County, State of Indiana more particularly described as follows:

Beginning at the Northwest corner of Lot 358 in said subdivision and a continuing southerly from said point along the West property lines of lots 358, 359, 360 and 361 in said subdivision to the Southwest corner of Lot 361 in said subdivision;

Thence westerly to the southeast corner of Lot 368 in said subdivision;

Thence northerly with the East line of lots 368, 367, 366, and 365 in said subdivision to the east corner of Lot 365 in said subdivision;

Thence easterly to the point of beginning.

*Subject to all existing easements for public utilities*

**EXHIBIT D**  
**Adjoining Owners**

**Wayne R. And Pamela E. Bower**  
**3305 S. 7<sup>th</sup> St.**  
**Terre Haute, IN 47802**

**RBS Inc.**  
**C/O Richard B. Smith**  
**20498 N. 2250<sup>th</sup> Street**  
**Dennison, IL 62423**



Receipt

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

Date: 09/29/22

Name: Bower

Reason: Vacating an Alley

\_\_\_\_\_  
\_\_\_\_\_

Cash: \_\_\_\_\_

Check: # 72208

Credit: \_\_\_\_\_

Total: 105

Received By: *[Signature]*

TERRE HAUTE, IN  
**PAID**  
SEP 29 2022  
CONTROLLER

FILED

OCT 27 2022

CITY CLERK

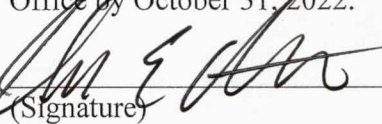
**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

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

Special Ordinance 43, 2022

October 13, 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 October 31, 2022.

  
\_\_\_\_\_  
(Signature)

John E Akers  
\_\_\_\_\_  
(Printed name)

Building Insp.  
\_\_\_\_\_  
(Title)

10/27/22  
\_\_\_\_\_  
(Date Posted)

FILED

OCT 17 2022

CITY CLERK

**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 43, 2022

October 13, 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 October 31, 2022.

No Problems Noted

Problems as noted below

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Josey Dougherty  
(Signature)

Staff Engineer  
(Title)

Josey Dougherty  
(Printed name)

10-17-22  
(Date)





FILED

OCT 17 2022

CITY CLERK

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

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

Special Ordinance 43, 2022

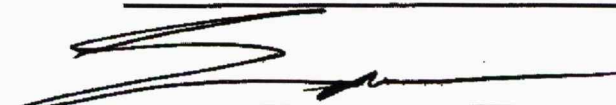
October 13, 2022

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X No Problems Noted

\_\_\_\_\_ Problems as noted below

\_\_\_\_\_  
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\_\_\_\_\_



(Signature)

Ernest R. Meeks

(Printed name)

Commissioner of Streets

(Title)

10/17/2022

(Date)