

FILED

OCT 20 2022

CITY CLERK

SPECIAL ORDINANCE NO. 46, 2022

AN ORDINANCE VACATING A PORTION OF A PUBLIC WAY 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 way 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:

Alley Vacations Legal Description Part of the South one-half of the Southeast Quarter of Section 33, Township 12 North, Range 9 West, Harrison Township, Vigo County, City of Terre Haute, Indiana, described as follows; That certain (North to South) alley being 15 feet in width, located between Lots 40, 39, 38 and 37 inclusive and Lots 13, 14, 15, 16, 17, 18, 19 and 20 inclusive in Warren Place Subdivision as per Plat Book 10, page 22; Beginning at the South right-of-way of Wheeler Street; thence South, a distance of 295 feet more or less to the terminus of said alley at the right-of-way of the former Evansville and Indianapolis Railroad, containing 4,425 square feet more or less. Affected tax parcels; 84-06-33-490-003.000-002, 84-06-33-490-002.000-002, 84-06-33-490-001.000-002, 84-06-33-490-006.000-002.

Also That certain alley being 10 feet in width, located between Lots 20, 21, 22, and 23 inclusive and adjacent the right-of-way of the former Evansville and Indianapolis Railroad in Warren Place Subdivision as per Plat Book 10, page 22; Beginning at the Western right-of-way of Seventh Street; thence Northwesterly a distance of 215 feet more or less to the terminus of said alley at Eastern edge of a platted 15 foot wide alley, containing 2,150 square feet more or less. Affected tax parcels; 84-06-33-490-006.000-002, 84-06-33-490-007.000-002.

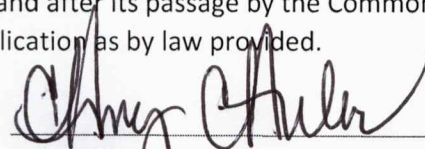
Commonly located at: 2901 S 7th St. Terre Haute, Indiana, 47802

SECTION 2. Be it further ordained that said portion of said public way 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 the 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.

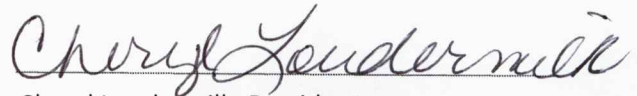
WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,



Amy Auler

Passed in open Council this 10th day of November, 2022



Cheryl Loudermilk, President

ATTEST:



Michelle Edwards, City Clerk

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 14th day of November, 2022.



Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of NOVEMBER, 2022.



Duke Bennett, Mayor

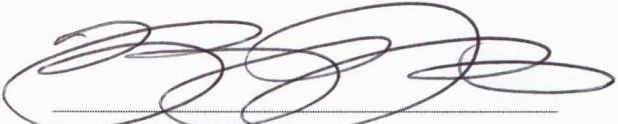
ATTEST:



Michelle Edwards, City Clerk

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.

A handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above a horizontal line.

Jeremy Lucas, Realtor

This instrument prepared by: Jeremy Lucas, 844 Durkees Ferry Road, West Terre Haute, IN 47885

PETITION FOR VACATION OF PORTION OF A PUBLIC WAY

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

LADIES AND GENTLEMEN:

The undersigned, Christway Inc., are the owners of land abutting a certain Public Way platted, which is located in Terre Haute, Indiana 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, Christway Inc., are the owners of the following described real estate located in Vigo County, State of Indiana:

Lots Number 13 and 14, Warren Place, an Addition to the City of Terre Haute, Indiana, being a subdivision of the South Half of the Southeast Quarter of Section 33, Township 12 North, Range 9 west, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in the Plat Record 10 page 22 of the records of the Recorder's Office of Vigo County, Indiana.

Lots 15 and 16 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South half of the Southeast Quarter of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in the Plat Record 10 page 22 of the records of the Recorder's Office of Vigo County, Indiana

Lots 17, 18 and 19 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a subdivision of the South half of the South East quarter of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22 of the records of the Recorder's Office of Vigo County, Indiana.

Subject to right of way for drainage tiles, ditches, feeders and laterals, if any.

Subject to rights of way for public highways.

Subject to lot lot lines, streets alleys and building lines as set forth on the plat of Warren Place recorded July 23, 1909 at Plat Record 10, Page 22.

Subject to covenants in deed dated March 29, 1918 and recorded in Deed Record 151, Page 106

Subject to easements, covenants, and restrictions of record affecting title to the subject real estate

Subject to taxes for 2004, payable in 2005, prorated from the date hereof.

Parcel # 84-06-33-490-003.002

Commonly known as: 2901 S 7th St. Terre Haute, Indiana, 47802

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

Alley Vacations Legal Description Part of the South one-half of the Southeast Quarter of Section 33, Township 12 North, Range 9 West, Harrison Township, Vigo County, City of Terre Haute, Indiana, described as follows; That certain (North to South) alley being 15 feet in width, located between Lots 40, 39, 38 and 37 inclusive and Lots 13, 14, 15, 16, 17, 18, 19 and 20 inclusive in Warren Place Subdivision as per Plat Book 10, page 22; Beginning at the South right of-way of Wheeler Street; thence South, a distance of 295 feet more or less to the terminus of said alley at the right-of-way of the former Evansville and Indianapolis Railroad, containing 4,425 square feet more or less. Affected tax parcels; 84-06-33-490-003.000-002, 84-06-33-490-002.000-002, 84-06-33-490-001.000-002, 84-06-33-490-006.000-002.

Also That certain alley being 10 feet in width, located between Lots 20, 21, 22, and 23 inclusive and adjacent the right-of-way of the former Evansville and Indianapolis Railroad in Warren Place Subdivision as per Plat Book 10, page 22; Beginning at the Western right-of-way of Seventh Street; thence Northwesterly a distance of 215 feet more or less to the terminus of said alley at Eastern edge of a platted 15 foot wide alley, containing 2,150 square feet more or less. Affected tax parcels; 84-06-33-490-006.000-002, 84-06-33-490-007.000-002.

6. Petitioner believes that no landowner adjoining and abutting the Public Way to be vacated would be adversely affected by the vacation of said Public Way, since the real estate is the said Public Way does not nor will not serve a functional purpose to the public.

7. Petitioners propose the vacation of the Public Way 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 Way is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Way; as set forth above, the proposed vacation of said portion of said Public Way 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.

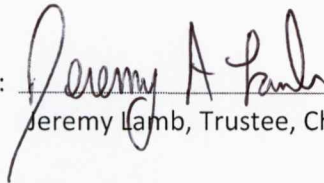
WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a) Adopt an Ordinance vacating that portion of the Public Way 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.

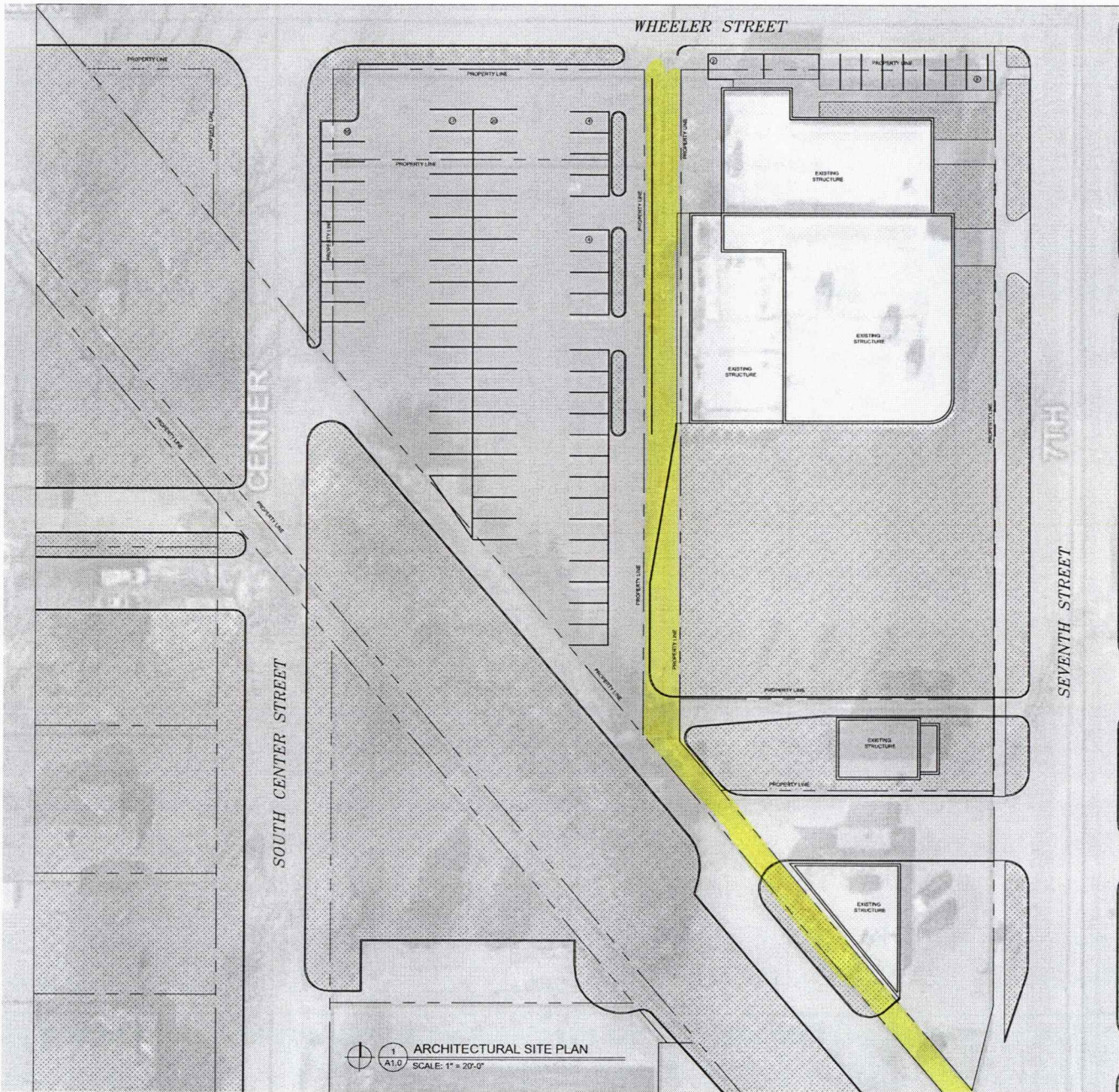
- c) For all other proper relief in the premises.

PETITIONER:



Jeremy Lamb, Trustee, Christway Inc.

This instrument prepared by: Jeremy Lucas, 844 Durkees Ferry Road, West Terre Haute, IN 47885



GENERAL SITE NOTES:

IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO BEAR ANY AND ALL EXPENSES TO REMOVE, RELOCATE AND/OR MODIFY ALL UTILITIES PRIVATE, PUBLIC OR OTHERWISE. IT FURTHER SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO WORK WITH EACH UTILITY OWNER TO WHOM IS RESPONSIBLE TO REMOVE, RELOCATE AND/OR MODIFY SUCH UTILITIES EXISTING OR PROPOSED FOR THESE PLANS OR FUTURE UTILITIES PROPOSED BY OTHERS NOT INDICATED HEREIN.

THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE AT HIS EXPENSE ALL AUTOMOBILE AND PEDESTRIAN CONTROL DEVICES REQUIRED BY FEDERAL, STATE, COUNTY, CITY OR LOCAL AGENCY, THE AMOUNT, LOCATION, AND SIZE SHALL BE PER DIRECTION OF SUCH AGENCY.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE MUD, DIRT, GRAVEL, AND ANY OTHER MATERIALS TRACKED ONTO OR PLACED ONTO ANY PUBLIC OR PRIVATE STREETS, DRIVES, OR SIDEWALKS. THE CONTRACTOR MUST CLEAN THESE AREAS DAILY. THE CONTRACTOR MUST USE WATER OR OTHER METHODS TO ABATE AIRBORNE DUST.

THE UTILITIES ON THESE PLANS MAY NOT BE A COMPLETE INVENTORY OF ALL THE UTILITIES PRESENT. THE LOCATION AND SIZE OF THESE UTILITIES ARE APPROXIMATE BASED ON INFORMATION GATHERED OR SUPPLIED BY THE ARCHITECT. THE ARCHITECT SHALL NOT BE LIABLE FOR ANY INCORRECT OR MISLEADING UTILITY INFORMATION INDICATED OR NOT INDICATED ON THESE PLANS. CONTRACTOR IS TO VERIFY ALL EXISTING UTILITY LOCATIONS PRIOR TO STARTING DEMOLITION.

ALL AREAS WHERE THE EXISTING PAVEMENT OR PAVEMENTS ARE DAMAGED DURING CONSTRUCTION FROM HEAVY TRAFFIC OR EQUIPMENT FUEL, OIL, GASOLINE ETC. BY THE GENERAL CONTRACTOR, SUB-CONTRACTOR, OR SUPPLIER SHALL BE RECONSTRUCTED AND PAVED AT LEAST TO ITS ORIGINAL CONDITION AFTER THE CONSTRUCTION WORK IS COMPLETE.

ALL STRIPES ARE TO BE 4 INCH, WHITE, UNLESS NOTED OTHERWISE.

THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD BEFORE STARTING CONSTRUCTION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS. IF ANY DISCREPANCIES ARE FOUND IN THESE PLANS FROM ACTUAL FIELD CONDITIONS, THE GENERAL CONTRACTOR SHALL CONTACT THE ARCHITECT IMMEDIATELY.

THE EXCAVATION CONTRACTOR MUST TAKE PARTICULAR CARE WHEN EXCAVATING IN AND AROUND EXISTING UTILITY LINES AND EQUIPMENT. VERIFY MINIMUM COVER REQUIREMENTS BY UTILITY CONTRACTORS AND/OR UTILITY COMPANIES DO NOT TO CAUSE DAMAGE.

IT IS THE GENERAL CONTRACTORS RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES 72 HOURS BEFORE CONSTRUCTION IS TO START TO VERIFY IF ANY UTILITIES ARE PRESENT ON SITE. ALL VERIFICATION LOCATION, SIZE, AND DEPTH SHALL BE MADE BY THE APPROPRIATE UTILITY COMPANIES. WHEN EXCAVATION IS AROUND OR OVER EXISTING UTILITIES, THE CONTRACTOR MUST NOTIFY THE UTILITY COMPANY SO A REPRESENTATIVE OF THE UTILITY COMPANY CAN BE PRESENT TO INSTRUCT AND OBSERVE DURING EXCAVATION.

HANDICAP RAMPS ALONG CURBS ARE TO HAVE A MINIMUM SLOPE OF 1 INCH IN 12 INCH LONGITUDINALLY. HANDICAP RAMP AND SPONGE SHALL BE IN ACCORDANCE WITH FEDERAL, STATE, COUNTY, CITY, AND LOCAL CODES WHOEVER HAS JURISDICTION. SEE SITE PLAN FOR LOCATION AND SITE DETAILS.

CARE SHOULD BE EXERCISED DURING CONSTRUCTION. THE TRAFFIC OF ALL EQUIPMENT MAY CREATE PUMPING AND GENERAL DETERIORATION OF THE SHALLOWER SOILS IF EXCESS SURFACE WATER IS PRESENT. PROPER PRECAUTIONARY STEPS MUST BE TAKEN TO ALLEVIATE SUCH DAMAGE.

ALL CONSTRUCTION AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE FEDERAL, STATE, COUNTY, CITY OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.

ROAD, ROAD SHOULDERS, ROAD PAVEMENT, PARKING PAVEMENT, CURBS, DRIVEWAYS, SIDEWALKS, DITCHES, DRAINAGE PIPES AND STRUCTURES, FENCES, LAWNS, TREES, BUSHES, MANHOLE, STREET AND PUBLIC SIGNS, ADVERTISEMENTS SIGNS, ETC. DAMAGED DURING CONSTRUCTION SHALL BE RESTORED, RECONSTRUCTED, REPLACED OR PROTECTED BY THE GENERAL CONTRACTOR AT HIS EXPENSE. ALL DAMAGE, EXCAVATION AND/OR REMOVAL OF ANY AND ALL EXISTING PROPERTIES SHALL BE KEPT TO A MINIMUM.

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR OR CONTRACTORS TO OBTAIN ALL FEDERAL, STATE, COUNTY, CITY AND LOCAL PERMITS FOR ANY AND ALL WORK REQUIRED UNLESS NOTED OTHERWISE. THE GENERAL CONTRACTOR OR CONTRACTORS ARE RESPONSIBLE TO PAY FOR ALL PERMITS AND INSPECTION UNLESS NOTED OTHERWISE BY CONTRACT OR SPECIFICATION.



HOLDER DESIGN, INC.
24 South 5th Street
Terre Haute, Indiana
47804
PH: 812.236.1360
www.holderdesign.net

SCOPE DOCUMENT
THE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT AS TERMS OF PROFESSIONAL DESIGN CONCEPT. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK THAT IS REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE PROJECT. THE GENERAL SCOPE INDICATED OR DESCRIBED IN THESE DRAWINGS SHALL BE THE BASIS FOR THE PROPER SPECIFICATION AND COMPLETION OF THE WORK.

PERMITS REQUIRED ONLY FOR CONSTRUCTION

THE SEAL AND SIGNATURE SHALL APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE APPLIED AND WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR REFERRED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.

COPYRIGHT © 2022 HOLDER DESIGN, INC.

DRAWN BY: MCH
CHECKED BY: MCH
DATE: 06/17/2022

INSTRUCTIONS FOR:
CHRISTWAY
MASTER PLANNING
TERRE HAUTE, INDIANA

SHEET DESCRIPTION: ARCHITECTURAL SITE PLAN

REVISIONS

SHEET NO: **A1.0**
JOB NO: A22-017

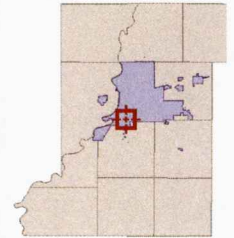
811
Know what's Below.
Call before you dig.

LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON ANY AND ALL AVAILABLE GROUND EVIDENCE (INCLUDING, BUT NOT LIMITED TO, MANHOLES, INLETS, VALVES, AND MARKS MADE UPON THE GROUND BY OTHERS) AND ARE SPECULATIVE IN NATURE. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBSERVED. THE EXACT LOCATION OF ALL EXISTING UNDERGROUND UTILITIES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.

**CALL 811 OR 1-800-382-5544
48 HOURS BEFORE DIGGING**



Overview



Legend

-  Corporate Limits
-  Political Township
-  Sections
-  Blocks
-  Parcels
-  Road Centerlines
-  2022 Sales

Parcel ID	84-06-33-490-003.000-002	Alternate ID	84-06-33-490-003.000-002	Owner Address	Christway Inc
Sec/Twp/Rng	33	Class	Exempt: Churches		2901 S 7th St
Property Address	2901 S 7TH ST	Acreage	n/a		Terre Haute, IN 47802
	TERRE HAUTE				
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	WARREN PLACE				
	33-12-9 LOTS 13-19				
	(Note: Not to be used on legal documents)				

Date created: 10/20/2022
 Last Data Uploaded: 10/20/2022 5:36:52 AM

Developed by  **Schneider**
 GEOSPATIAL

Receipt

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

Date: 10/20/2022

Name: Jeremy Lucas

Reason: Vacating Alley \$5.00

Cash: \$5.00

Check: _____

Credit: _____

Total: \$5.00

Received By: LELLIS J. GORMAN

TERRE HAUTE, IN
PAID
OCT 20 2022
CONTROLLER

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

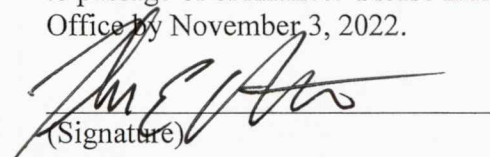
**FILED
OCT 27 2022
CITY CLERK**

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

Special Ordinance 46, 2022

October 26, 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 November 3, 2022.


(Signature)

JOHN E AKRELES
(Printed name)

Building Insp.
(Title)

10/27/22
(Date Posted)

FILED

OCT 28 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 46, 2022

October 26, 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 November 3, 2022.

X No Problems Noted

 Problems as noted below

Jay Daugherty
(Signature)

Jose Y Daugherty
(Printed name)

Staff Engineer
(Title)

10-28-22
(Date)

FILED

OCT 27 2022

CITY CLERK

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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 46, 2022

October 26, 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 November 3, 2022.

X No Problems Noted

_____ Problems as noted below


(Signature)

CHIEF
(Title)

SHAWN KEEN
(Printed name)

10-27-22
(Date)

