

Withdrawn

FILED

NOV 04 2011

CITY CLERK

SPECIAL ORDINANCE NO. 47, 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 IC.36-7-3-12, it is desired and deemed necessary to vacate a portion of North 40<sup>th</sup> Street 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:

Beginning at the northwest corner of lot 19, of Eastlawn Subdivision. As platted and recorded in the Vigo County Recorder's Office. Thence S-01\* 49' 00"-E (Assumed bearing) Along the west line of lots 19 thru 27; thence N-89\* 51' 00" -W 50.00 feet to the southeast corner of lot 46; thence N-01\* 49' 00"-E 360.00 feet to the northeast corner of lot 54. Thence S-89\* 51' 00"-E 50.00 feet to the point of beginning. Containing 0.41 acres more or less.

Beginning at the northwest corner of lot 19, of Eastlawn Subdivision. As platted and recorded in the Vigo County Recorder's Office. Thence S-01\* 49' 00"-E (Assumed bearing) Along the west line of lots 19 thru 27; thence N-89\* 51' 00" -W 50.00 feet to the southeast corner of lot 46; thence N-01\* 49' 00"-E 200.00 feet to the northeast corner of lot 50. Thence S-89\* 51' 00"-E 25.0 feet; thence N-01\* 49' 00"-E 160.00 feet along the centerline of North 40<sup>th</sup> Street to the south line of 8<sup>th</sup> Avenue; thence S-89\* 51' 00"-E 25.00 feet to the point of beginning. Containing 0.30 acres more or less.

Beginning at a point N-89\* 51' 00"-W 25.00 feet, from the northwest corner of lot-19 of Eastlawn Addition, as platted and recorded in the records of the Vigo County Recorder's Offices. Thence S-01\* 49' 00"-E along the centerline of platted North 40<sup>th</sup> Street 200.00 feet; thence N-89\* 51' 00"-W 25.00 feet; thence N-01\* 49' 00"-W along the east line of lots 51 thru 54 of said subdivision 200 feet; thence S-89\* 51' 00"-E 25.00 feet to the point of beginning. Containing 0.11 acres more or less.

Commonly Located By 724 North Fruitridge Avenue Terre Haute, IN 47803

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.

SECTION 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 Councilmember:

  
Norm Loudermilk, Councilmember

Withdrawn

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
John Mullican, President  
Common Council of Terre Haute, Indiana.

\_\_\_\_\_  
ATTEST: Charles P. Hanley, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

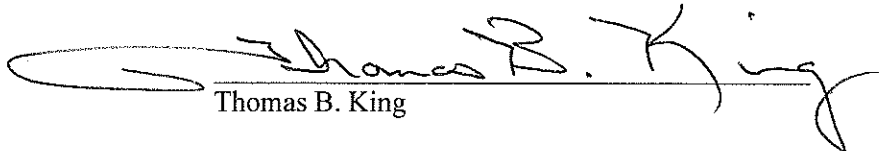
Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke A. Bennett, Mayor, City of Terre Haute

\_\_\_\_\_  
ATTEST: Charles P. Hanley, City Clerk

This instrument prepared by: Thomas B. King 724 North Fruitridge Avenue Terre Haute, IN 47803

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.

  
\_\_\_\_\_  
Thomas B. King

**PETITION FOR VACATION OF PORTION OF A PUBLIC ALLEY**

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

CITY OFFICIALS:

Thomas B. King D.B.A. Crown Marketing Group LLC, of Terre Haute, Indiana is the owner of land abutting a certain Public Street, North 40<sup>th</sup> Street, which is located in Terre Haute, Indiana, and respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana to vacate that portion of a Public Street 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. Thomas B. King D.B.A. Crown Marketing Group LLC, the petitioner, is the owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

1. 84-06-13-329-001.000-002
2. 84-06-13-329-002.000-002
3. 84-06-13-329-003.000-002
4. 84-06-13-329-004.000-002
5. 84-06-13-329-005.000-002
6. 84-06-13-329-006.000-002
7. 84-06-13-329-007.000-002
8. 84-06-13-329-008.000-002
9. 84-06-13-328-018.000.002
10. 84-06-13-328-019.000.002
11. 84-06-13-328-020.000.002
12. 84-06-13-328-021.000.002
13. 84-06-13-328-022.000.002

2. Michael and Ronda Keltz, 3975 8<sup>th</sup> Avenue Terre Haute, IN 47803 is owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

1. 84-06-13-328-017.000.002

3. That the portion of the Street to be vacated as set forth may be more particularly described as follows, to-wit:

Beginning at the northwest corner of lot 19, of Eastlawn Subdivision. As platted and recorded in the Vigo County Recorder's Office. Thence S-01° 49' 00"-E (Assumed bearing) Along the west line of lots 19 thru 27; thence N-89° 51' 00" -W 50.00 feet to the southeast corner of lot 46; thence N-01° 49' 00"-E 360.00 feet to the northeast corner of lot 54. Thence S-89° 51' 00"-E 50.00 feet to the point of beginning. Containing 0.41 acres more or less.

Beginning at the northwest corner of lot 19, of Eastlawn Subdivision. As platted and recorded in the Vigo County Recorder's Office. Thence S-01\* 49' 00"-E (Assumed bearing) Along the west line of lots 19 thru 27; thence N-89\* 51' 00"-W 50.00 feet to the southeast corner of lot 46; thence N-01\* 49' 00"-E 200.00 feet to the northeast corner of lot 50. Thence S-89\* 51' 00"-E 25.0 feet; thence N-01\* 49' 00"-E 160.00 feet along the centerline of North 40<sup>th</sup> Street to the south line of 8<sup>th</sup> Avenue; thence S-89\* 51' 00"-E 25.00 feet to the point of beginning. Containing 0.30 acres more or less.

Beginning at a point N-89\* 51' 00"-W 25.00 feet, from the northwest corner of lot-19 of Eastlawn Addition, as platted and recorded in the records of the Vigo County Recorder's Offices. Thence S-01\* 49' 00"-E along the centerline of platted North 40<sup>th</sup> Street 200.00 feet; thence N-89\* 51' 00"-W 25.00 feet; thence N-01\* 49' 00"-W along the east line of lots 51 thru 54 of said subdivision 200 feet; thence S-89\* 51' 00"-E 25.00 feet to the point of beginning. Containing 0.11 acres more or less.

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4. No landowner adjoining and abutting the Public Street to be vacated would be adversely affected by the vacation of said Public Street. Listed landowners of the affected properties are the owners of all property adjoining and abutting the Public Street to be vacated.
5. Petitioner proposes the vacation of the Public Street in order to provide better access to the property owner's parcels.
6. Vacating the Public Street will not interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.

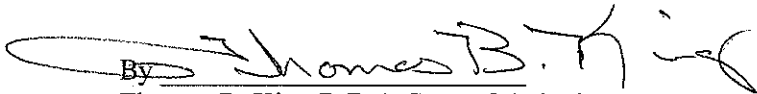
WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a.) Adopt an Ordinance vacating that portion of the Public Street 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 4<sup>TH</sup> day of

Nov., 2011.

Withdrawn

By   
Thomas B. King D.B.A Crown Marketing Group LLC

Petitioner: Thomas B. King D.B.A Crown Marketing Group LLC, 724 North Fruitridge Avenue, Terre Haute, IN 47803

This instrument prepared by Thomas B. King 724 Fruitridge Avenue Terre Haute, IN 47803



