

FILED

MAY 11 2011

CITY CLERK

SPECIAL ORDINANCE NO 8-2011
AS AMENDED

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 February 7, 2011.

EXCEPT

A part of 4th Street North of Cherry Street and South of Chestnut Street Terre Haute, Indiana, being in Section 21, Township 12 North, Range 9 West of the 2nd Principal Meridian described as follows:

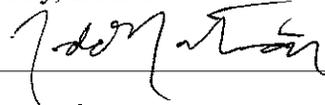
Commencing at the intersection of the East right of way of 4th Street and the North right of way of Cherry Street; thence South 89 degrees 48 minutes 16 seconds West, bearing is assumed, along said North right of way a distance of 9.44 feet to the existing East back of curb of the Trail Path and the point of Beginning of this description; thence continuing along said course a distance of 11.08 feet to an extension Southward of the existing West back of curb of the Trail Path; thence North 00 degrees 04 minutes 40 seconds West along said extension, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1064.09 feet to the centerline of Chestnut Street; thence North 00 degrees 08 minutes 27 seconds West along said extension of the back of curb, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1719.11 feet to the South right of way of Tippecanoe Street; thence North 89 degrees 45 minutes 30 seconds East along said South right of way line a distance of 10.95 feet to an extension Northward of the existing East back of curb of the Trail path; thence South 00 degrees 08 minutes 48 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of 1719.18 feet to the centerline of Chestnut Street; thence South 00 degrees 04 minutes 32 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of 1064.03 feet to the Point of Beginning containing 0.71 acres, more or less, and all situated in Harrison Township, Vigo County, Indiana.

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.

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 Council Member,  Todd Nation.

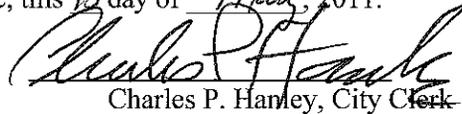
Passed in open Council this 12th day of May, 2011.


John Mullican, President

ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 13th day of May, 2011.


Charles P. Hanley, City Clerk

Approved by me, the mayor of the City of Terre Haute, this 17th day of MAY, 2011.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by: Melony A. Sacopulos, Attorney at Law and General Counsel for Indiana State University, 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.


Diann McKee

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:

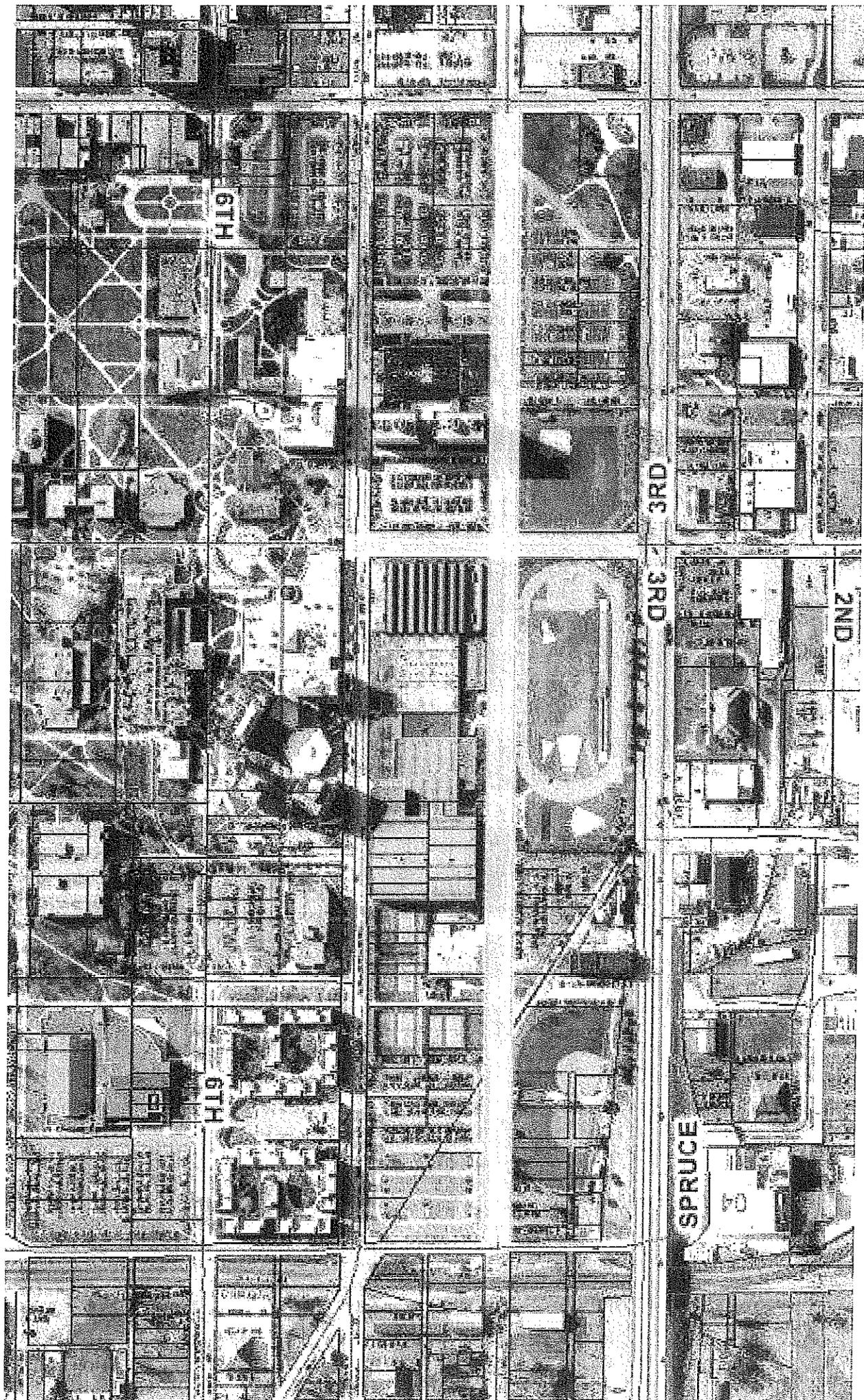
- a. Adopt an Ordinance vacating that portion of the street referred to and described above;
- b. Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the county Recorder of Vigo County for recording and to the County Auditor, and to thereupon cause the Recorder 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, 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.



6TH

5TH

3RD

3RD

2ND

SPRUCE

**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 8, 2011

March 11, 2011

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 March 18, 2011.

Daniel Bell
(Signature)

Lead Inspector
(Title)

Daniel Bell
(Printed name)

3-14-2011
(Date Posted)

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

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 8, 2011

March 11, 2011

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 ordinance attached 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 March 18, 2011.

No Problems Noted

Problems as noted below

I have seen ISU's "Master Plans" for the Streets and I do not have a problem with the "Master Plans." My concerns ARE the possibility of closing and/or narrowing of the streets mentioned. If these streets are vacated by the City of Terre Haute and ISU's Master Plans were to change and the streets were closed, I believe it would put lives and structures in harms way.

Jeff W. Fisher
(Signature)

JEFFERY W. FISHER
(Printed name)

Fire Chief
(Title)

3-15-11
(Date)

**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 8, 2011

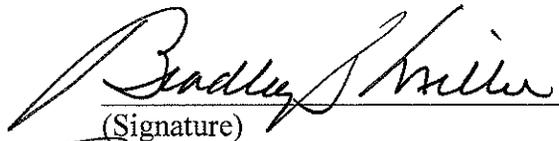
March 11, 2011

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No Problems Noted

Problems as noted below

It should be understood that upon vacation
the Street Dept. will no longer maintain said
property, i.e. pave, stripe, repair potholes, etc.


(Signature)

BRADLEY S. MILLER
(Printed name)

TRANSPORTATION DIRECTOR
(Title)

3-14-2011
(Date)

MEMORANDUM

**CITY OF
TERRE HAUTE
DEPARTMENT
OF ENGINEERING**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807

Phone: 812.232.4028
Fax: 812.234.3973

www.terrehaute.IN.gov

DUKE A. BENNETT
Mayor

CHARLES W. ENNIS, P.E., S.E.
City Engineer

engineering@terrehaute.in.gov

TO: Michelle Edwards, City Clerk's Office

CC: Chuck Ennis, City Engineer

FROM: Larry Robbins, Assistant City Engineer *LR*

DATE: March 25, 2011

RE: Special Ordinance No. 8 – Vacating 4th Street from Cherry Street to Tippecanoe Street and Chestnut Street from 3rd Street to 5th Street

The Engineering Department has reviewed the request to vacate 4th Street from Cherry Street to Tippecanoe Street and Chestnut Street from 3rd Street to 5th Street. There are a few issues that need to be discussed when considering the request. First, there are sanitary sewers in 4th Street and Chestnut Street that the City will require easements for access. Secondly, vacating the rights to 4th Street and Chestnut Street in those sections could potentially change access to ISU's campus for Fire and EMS services which should be discussed with the Fire Department. Finally, the City received Federal Transportation Enhancement Funds to build the trail that runs along 4th Street from Cherry Street to Tippecanoe Street. The MPO (Metropolitan Planning Organization) for Terre Haute has stated that the City cannot vacate the trail. So, the City would have to maintain the section of 4th Street occupied by the trail.