

FILED

NOV 01 2012

CITY CLERK

SPECIAL ORDINANCE NO. 49-2012

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET 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 I. Pursuant to the provisions of I.C.36-7-3-12, it is desired and deemed necessary to vacate a portion of 4<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 1 in the City of Terre Haute's Subdivision of Lot Number 21; thence Southerly on the West line of the City of Terre Haute's Subdivision of Lot Number 21 to the Southwest corner of Lot 8; thence Westerly to the Southeast corner of Lot 22 in the School Subdivision of Section 16, Township 12 North, Range 9 West, Vigo County, Indiana; thence Northerly to the Northeast corner of Lot 22; thence Easterly to the place of beginning; containing approximately 22,000 square feet, more or less.

Commonly Located By 1501 N 3<sup>rd</sup> Street, Terre Haute, Indiana 47807  
And 401 8<sup>th</sup> Avenue, Terre Haute, Indiana 47807

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: \_\_\_\_\_

Todd Nation, Council Member

Passed in Open Council this 15<sup>th</sup> day of December, 2012

Don Morris, President

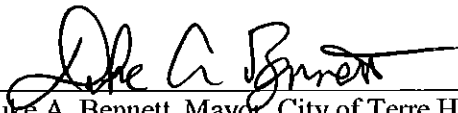
Common Council of Terre Haute, Indiana.

ATTEST: Charles P. Hanley, City Clerk

Presented by me to the Mayor this 14<sup>th</sup> day of December, 2012.

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 14<sup>th</sup> day of DECEMBER, 2012.

  
Duke A. Bennett, Mayor, City of Terre Haute

  
ATTEST: Charles P. Hanley, City Clerk

This instrument prepared by:

Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC, 109 W. Jackson Street,  
PO Box 767, Cicero, Indiana 46034.

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. Julie M. Elliott

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

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

CITY OFFICIALS:

MS Terre Haute, LLC, an Indiana limited liability company, is the contract purchaser of land abutting a certain Public Street, 4<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. Second Christian Church of Terre Haute, , is the owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

84-06-16-402-001.000-002

2. The City of Terre Haute, Indiana, by and through its Board of Public Works, is owner of the following parcels of real estate located in Vigo County, State of Indiana:

PARCELS:

84-06-16-402-002.000-002

3. MS Terre Haute, LLC, an Indiana limited liability company, is the Petitioner herein.
4. 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 1 in the City of Terre Haute's Subdivision of Lot Number 21; thence Southerly on the West line of the City of Terre Haute's Subdivision of Lot Number 21 to the Southwest corner of Lot 8; thence Westerly to the Southeast corner of Lot 22 in the School Subdivision of Section 16, Township 12 North, Range 9 West, Vigo County, Indiana; thence Northerly to the Northeast corner of Lot 22; thence Easterly to the place of beginning; containing approximately 22,000 square feet, more or less.

Commonly Located By 1501 N 3<sup>rd</sup> Street, Terre Haute, Indiana 47807  
And 401 8<sup>th</sup> Avenue, Terre Haute, Indiana 47807

5. 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.
6. Petitioner proposes the vacation of the Public Street in order to develop a skilled nursing, rehab and assisted living facility.

7. 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.
8. The name and address of the owners of land that abuts to the portion of the Public Street proposed to be vacated herein have consented to this Petition for Vacation pursuant to the attached Affidavit of Consent attached hereto and incorporated herein by reference.

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:

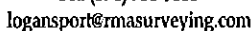
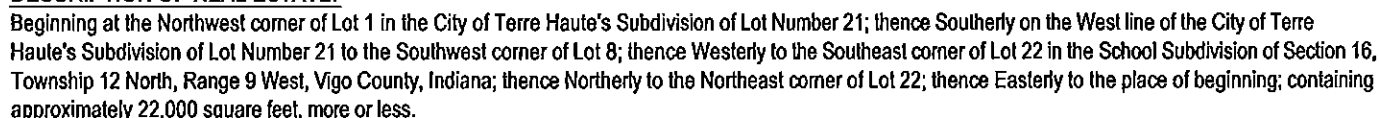
- a.) Adopt an Ordinance vacating that portion of the Public Street referred to and described above, subject to existing easement rights for public utilities;
- b.) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording 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 29<sup>th</sup> day of October, 2012.

BY: Julie M. Elliott  
Julie M. Elliott,  
Associate General Counsel

See attached Owner Consent & Affidavit

This instrument prepared by:  
Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC 109 W. Jackson Street,  
PO Box 767, Cicero, Indiana 46034.

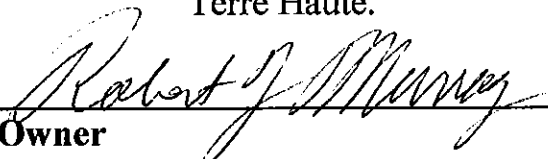


# AFFIDAVIT OF CONSENT OF PROPERTY OWNER

(To be presented with Petition to Vacate Street/Alley)

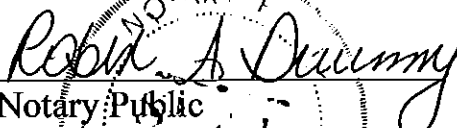
As a duly authorized representative of the City of Terre Haute, by and through the Board of Public Works ("Owner"), which is listed as the owner of the property located at 1501 N. Third Street, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. The Owner of the property described in the attached petition which has been filed before the Common Council of the City of Terre Haute, Indiana, hereby authorizes MS Terre Haute, LLC, an Indiana limited liability company, or its assigns, as Petitioner to file said attached petition with the Common Council of the City of Terre Haute.

  
Owner

10-30-12  
Date

Subscribed and sworn to before me this 30 day of October, 2012.

  
Notary Public

My Commission Expires:

6-2-2016

# **AFFIDAVIT OF CONSENT OF PROPERTY OWNER**

(To be presented with Petition to Vacate Street/Alley)

As a duly authorized representative of the Second Christian Church ("Owner"), which is listed as the owner of the property located at 401 8<sup>th</sup> Avenue, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. The Owner of the property described in the attached petition which has been filed before the Common Council of the City of Terre Haute, Indiana, hereby authorizes MS Terre Haute, LLC, an Indiana limited liability company, or its assigns, as Petitioner to file said attached petition with the Common Council of the City of Terre Haute.

**Second Christian Church**

By: Ted Bradburn

Ted Bradburn  
Elder and Board Chairman

**Owner**

10-29-12  
**Date**

Subscribed and sworn to before me this 29th day of October, 2012.

Lynn A. Adams  
Notary Public Lynn A. Adams

My Commission Expires: 10-4-2016

County of Residence: Vigo



## Receipt

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

Date: 11/1/12

Name: Randall Miller & Assoc.

Reason: \_\_\_\_\_

2 Reopening fees  
2 Vacates

TERRE HAUTE, IN  
**PAID**

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

NOV - 1 2012

Check: \$100<sup>00</sup>

**CONTROLLER**

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

Total: \$100<sup>00</sup>

Received By: Sat Heelis



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

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 49, 2012

November 13, 2012

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 November 30, 2012.

X No Problems Noted

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

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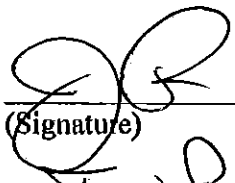
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(Signature)  
JOHN PLASSE  
(Printed name)

CHIEF OF POLICE  
(Title)  
11-14-12  
(Date)

**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 49, 2012

November 13, 2012

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 November 30, 2012.

☒ No Problems Noted

☐ Problems as noted below

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Marcus E. Maurer  
(Signature)

Marcus E. Maurer  
(Printed name)

Staff Engineer  
(Title)

11/15/2012  
(Date)

OK

**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 49, 2012

November 13, 2012

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 November 30, 2012.

☒ No Problems Noted ☐ Problems as noted below

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Bradley S. Miller  
(Signature)  
BRADLEY S. MILLER  
(Printed name)

TRANSPORTATION DIRECTOR  
(Title)  
11.15.2012  
(Date)

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

To: TERRE HAUTE FIRE DEPARTMENT

Special Ordinance 49, 2012

November 13, 2012

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 November 30, 2012.

☐ No Problems Noted

☒ Problems as noted below

*Do not agree with closing of this street.*

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*[Signature]*  
(Signature)  
*Jeffrey W. Fisher*  
(Printed name)

*FIRE CHIEF*  
(Title)  
*12-5-12*  
(Date)

## Edwards,Michelle

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**From:** Fisher, Jeff  
**Sent:** Thursday, December 06, 2012 11:16 AM  
**To:** Edwards,Michelle  
**Subject:** Special Ord 49

Michelle,

I received more information regarding Special Ordinance 49 2012. I do no longer have a problem with vacating this street. If you need another form filled out stating this or change the one you have, that is fine. Or if needed to commit on this at the meeting tonight, I'm ok with that too.

Let me know.

I left you a voicemail on your office phone also.

**Jeffery W. Fisher**  
*Fire Chief*  
**TERRE HAUTE FIRE DEPARTMENT**  
25 Spruce Street  
Terre Haute, IN. 47807  
Office: 812-244-2803  
Fax: 812-244-2805  
Cell: 812-208-3510  
[Jeff.fisher@terrehaute.in.gov](mailto:Jeff.fisher@terrehaute.in.gov)

