

FILED
AUG 04 2011
CITY CLERK

SPECIAL ORDINANCE NO. 27, 2011

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY 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 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:

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section.

SECTION 2. Be it further ordained that said portion of said alley 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.

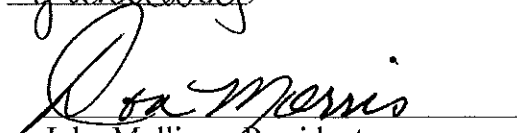
WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,

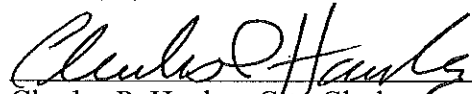


Richard F. Dunkin, Councilman


Passed in open Council this 12th day of January, ~~2011~~²⁰¹².


John Mullican, President
DON MORRIS


ATTEST:


Charles P. Hanley, City Clerk

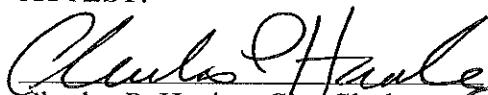
Presented by me to the Mayor of the City of Terre Haute, this 13th day of January, ~~2011~~²⁰¹².


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of JANUARY, 2012

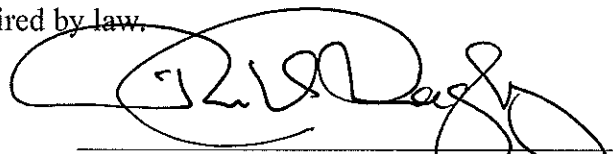

Duke Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Richard J. Shagley, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

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.


Richard J. Shagley

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

GENTLEMEN:

Andrew Stadler, Poplar Development Corporation, Theodore J. McDaniel and Sandra M. McDaniel, Husband and Wife, and Norma Lawson, the owners of land abutting a certain Public Alley platted, which is located in Terre Haute, Indiana and 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. Andrew Stadler, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots 425, 426, 427, 428, and 429 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section.

Except that part conveyed to the City of Terre Haute as part of the Project STP-RRS-T200.

2. Poplar Development Corporation, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots 425, 426, 427, 428, 429, 430, 431, 479 and 480 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section.

Except that part conveyed to the City of Terre Haute as part of the Project STP-RRS-T200

3. Theodore J. McDaniel and Sandra M. McDaniel, Husband and Wife, the Petitioners herein, are the owners of the following described real estate located in Vigo County, State of Indiana:.

Lots 432, 433, 434 and 435, in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

4. Norma Lawson, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot 472 (except 6' off North side), Lots 473 and 474 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of way lines of the Southern Indiana R.R. property, in said quarter Section.

5. That a copy of a portion of the plat of the said Public Alley which runs amongst Owners' properties is attached hereto, made a part hereof and is marked as Exhibit A.

6. That the portion of the Public Alley to be vacated as set forth above may be more particularly described as follows, to-wit:

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section.

7. Petitioners believe that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate is presently being utilized by the Petitioners and the said Public Alley serves no functional purpose to the public.

8. Petitioners propose the vacation of the Public Alley in order to allow more efficient and effective use of Petitioners' real estate.

9. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the Public Alley is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Alley; as set forth above, the proposed vacation of said portion of said Public Alley 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.

10. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioners.

WHEREAS, 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:

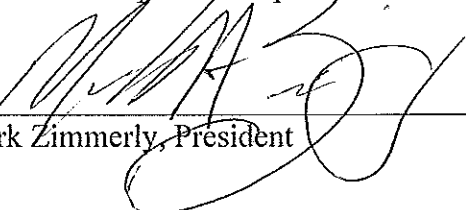
- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording 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.

PETITIONERS




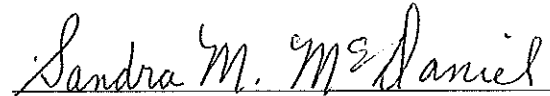
Andrew Stadler


Poplar Development Corporation

By: 

Mark Zimmerly, President


Theodore J. McDaniel


Sandra M. McDaniel

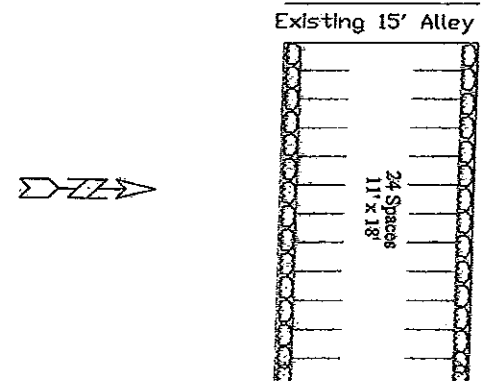

Norma Lawson

Petitioners' Addresses: Andrew Stadler, 1101 E. Margaret Avenue, Terre Haute, IN 47802, Poplar Development Corporation, 3300 College Avenue, Terre Haute, Indiana 47803, Theodore J. McDaniel & Sandra M. McDaniel, 2956 S. 13 ½ Street, Terre Haute, IN 47804, and Norma Lawson, 2933 S. 14th Street, Terre Haute, IN 47802 .

This instrument prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

PRELIMINARY SITE PLAN

24600 Sq Ft - Footprint
 Lower Floor
 14400 Sq Ft Storage
 10200 Sq Ft Commercial Space
 Upper Floor
 24600 Sq Ft Commercial Space
 Total of 34800 Sq Ft Commercial Space



Thirteenth & One Half Street 50

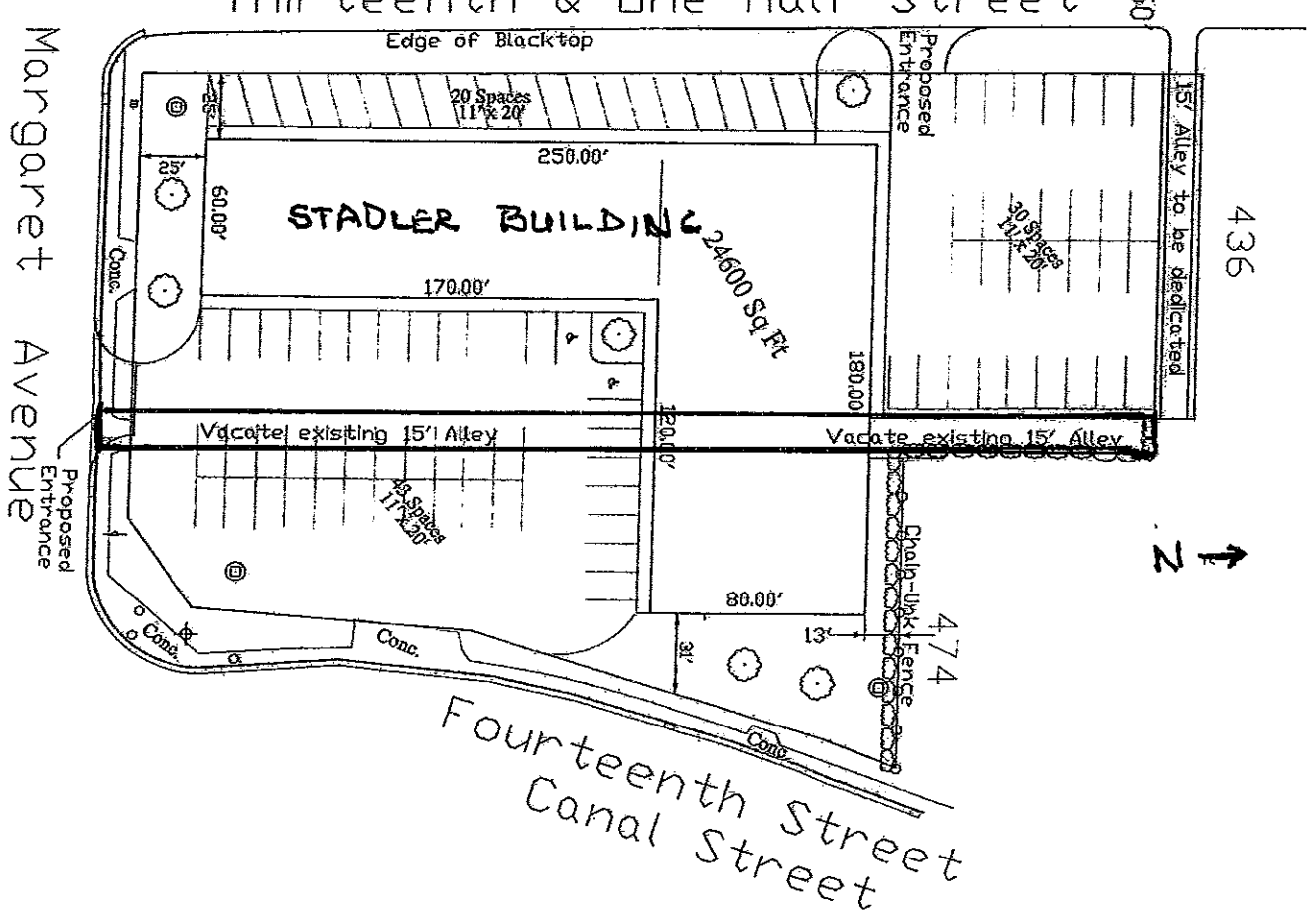


EXHIBIT A



Receipt

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

Date: 8/4/11

Name: Andy Stadler

Reason: _____

Vacating Alley

TERRE HAUTE, IN
PAID

AUG - 4 2011

Cash: _____

CONTROLLER

Check: \$500 ck # 59090

Credit: _____

Total: \$500

Received By: Sat (S) Ellis

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

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 27, 2011

August 15, 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 August 29, 2011.

X No Problems Noted

_____ Problems as noted below

Sgt. S. Lewis 88
(Signature)

Sgt. S. Lewis
(Printed name)

TRAFFIC Div. Sgt.
(Title)

8-16-11
(Date)

**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 27, 2011

August 15, 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 August 29, 2011

Daniel Bell
(Signature)

Daniel Bell
(Printed name)

LEADED INSPECTOR
(Title)

8-24-2011
(Date Posted)



WRIGHT
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LOWERY, P.C.

Legal Solutions with Skill and Integrity

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500 Ohio Street
P.O. Box 9849
Terre Haute, Indiana
47807-3517

Phone: 812.232.3388
Fax: 812.232.6817

www.wsllfirm.com

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Bradley A. Bough*
bbough@wsllfirm.com

Richard J. Shagley II
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Thomas S. Clary II**
tclary@wsllfirm.com

Michael J. Wright
mwright@wsllfirm.com

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Also Licensed in Illinois

October 31, 2011

VIA E-MAIL AND FIRST CLASS MAIL
John.Mullican@Terrehaute.IN.GOV

Mr. John Mullican
President, City Council
City of Terre Haute
17 Harding Avenue
Terre Haute, IN 47807

RE: Special Ordinances 27 and 28, 2011

Dear Mr. Mullican:

As you are aware, we represent Andrew Stadler in regard to the development of the property at 1350 Margaret Avenue, Terre Haute, Indiana 47802.

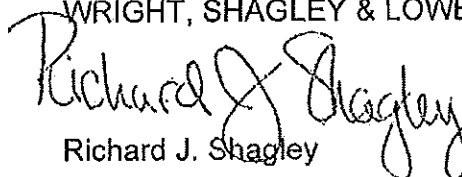
Mr. Stadler would request tabling of Special Ordinances No. 27 and 28, 2011 to allow for additional time for development work on the project.

Mr. Stadler and the Petitioners would request that the Ordinances be considered at your regularly scheduled meetings in December 2011.

Thank you for your consideration in regard to the same. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.


Richard J. Shagley

RJS/jjb

CC: Andrew Stadler
Theodore & Sandra McDaniel
Kenneth E. Steiner, Jr.
Poplar Development Corporation



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Michael J. Wright
mwright@wsfirm.com

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Also Licensed in Illinois

September 29, 2011

VIA E-MAIL AND FIRST CLASS MAIL
John.Mullican@Terrehaute.IN.GOV

Mr. John Mullican
President, City Council
City of Terre Haute
17 Harding Avenue
Terre Haute, IN 47807

RE: Special Ordinances 27 and 28, 2011

Dear Mr. Mullican:

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Mr. Stadler would request tabling of Special Ordinances No. 27 and 28, 2011 to allow for additional time for development work on the project.

Mr. Stadler and the Petitioners would request that the Ordinances be considered at your regularly scheduled meetings in November 2011.

Thank you for your consideration in regard to the same. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley

RJS/jjb

CC: Andrew Stadler
Theodore & Sandra McDaniel
Kenneth E. Steiner, Jr.
Poplar Development Corporation