

FILED
APR 03 2012
CITY CLERK

SPECIAL ORDINANCE NO. 14, 2012

AN ORDINANCE VACATING PUBLIC ALLEYS 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 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:

A part of out lot Number 1 of the original out lots of the town, now City of Terre Haute, described as follows:

Commencing at a point 389 feet and 7 inches South and 150 feet 6 inches West of the South East corner of Section 16 in Township 12 North, Range 9 West; thence North 90 feet to the place of beginning; thence West 141.17 feet to the East line of North 6 ½ Street; thence North 8 feet; thence East 141.17 feet to an alley; thence South 8 feet to the place of beginning.

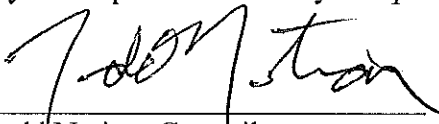
Commonly known as 817 N. 6 ½ Street, Terre Haute, Indiana 47807.

SECTION 2. Be it further ordained that said public alley in the City of Terre Haute, Indiana, above described, be and the same are vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

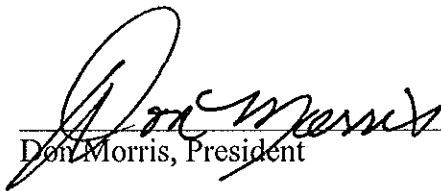
SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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.

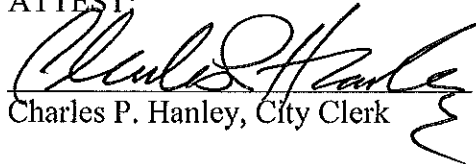
Presented by Council Member,


Todd Nation, Councilman

Passed in open Council this 10th day of May, 2012.


Don Morris, President

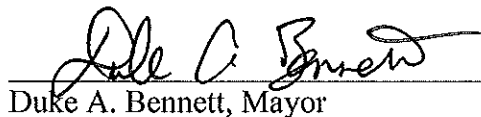
ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 11th day of May, 2012.


Charles P. Hanley, City Clerk

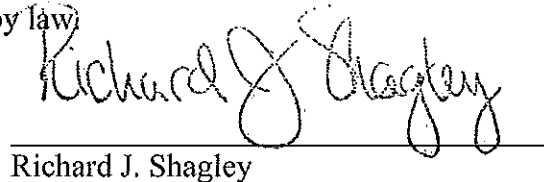
Approved by me, the Mayor of the City of Terre Haute, this 11th day of MAY, 2012.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, 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.


Richard J. Shagley

This instrument prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION FOR VACATION OF PUBLIC ALLEY

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

GENTLEMEN:

Jerome J. Hellmann and Mary Ann Hellmann, James P. Hellmann and Sharon C. Hellmann, the owners of land abutting 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 the 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. Jerome J. Hellmann and Mary Ann Hellmann, James P. Hellmann and Sharon C. Hellmann, Petitioners herein, are the owners of the following described real estate located in Vigo County, State of Indiana:

Part of Out Lot No. One (1) of the original In and Out Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit:

Commencing at a point 389 feet and 7 inches South and 187 feet and 1 inch West of the South East corner of Section 16 in Township 12 North of Range 9 West, thence West 36 feet and 7 inches thence North 90 feet to a private alley 8 feet in width thence East 36 feet and 7 inches, thence south 90 feet to the place of beginning.

ALSO

Part of Out Lot No. One of the original In and Out Lots of the Town, now City of Terre Haute, Indiana, described as follows, to-wit: Commencing at a point 389 feet 7 inches South and 222 feet 9 inches West of the Southeast Corner of Section 16, Township 12 North of Range 9 West; thence West 35 feet; thence North 90 feet; thence East 35 feet; thence South 90 feet to the place of beginning.

ALSO

A strip Twenty (20) feet wide off the South side of the following described part of Out Lot Number One (1) in the Original Town, now City of Terre Haute, Indiana;
Commencing at a point 240 feet 5 inches South and 187 feet 1 inch West of the Southeast Corner of Section 16-12-9, running thence South 51 feet 2 inches, thence West 141 feet 7 inches, thence North 51 feet 2 inches and thence East 141 feet 7 inches to the place of beginning.

ALSO

Part of Out Lot No. One (1) Terre Haute, commencing at the North East corner of Six and one-half (6 ½) and Elm Streets, thence East Thirty-five (35) feet; thence North Ninety (90) feet; thence West thirty-five (35) feet; thence South Ninety (90) feet to beginning, in Section 21, Township 12 North, Range 9 West.

ALSO

Part of Out Lot Number One Terre Haute, commencing 35 feet East of Northeast Corner of Sixth and One Half and Elm Street, running thence East 35 feet, thence North 90 feet, thence West 35 feet, thence South 90 feet to beginning.

2. That a copy of the Site Plan of said Public Alley which runs along Owners' properties is attached hereto, made a part hereof and is marked as Exhibit A.

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

A part of out lot Number 1 of the original out lots of the town, now City of Terre Haute, described as follows:

Commencing at a point 389 feet and 7 inches South and 150 feet 6 inches West of the South East corner of Section 16 in Township 12 North, Range 9 West; thence North 90 feet to the place of beginning; thence West 141.17 feet to the East line of North 6 ½ Street; thence North 8 feet; thence East 141.17 feet to an alley; thence South 8 feet to the place of beginning.

4. 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 Petitioners are the owners of all of the real estate abutting the Public Alley.

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

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

7. 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 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.

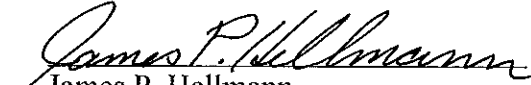
PETITIONERS



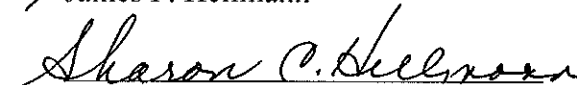
Jerome J. Hellmann



Mary Ann Hellmann



James P. Hellmann

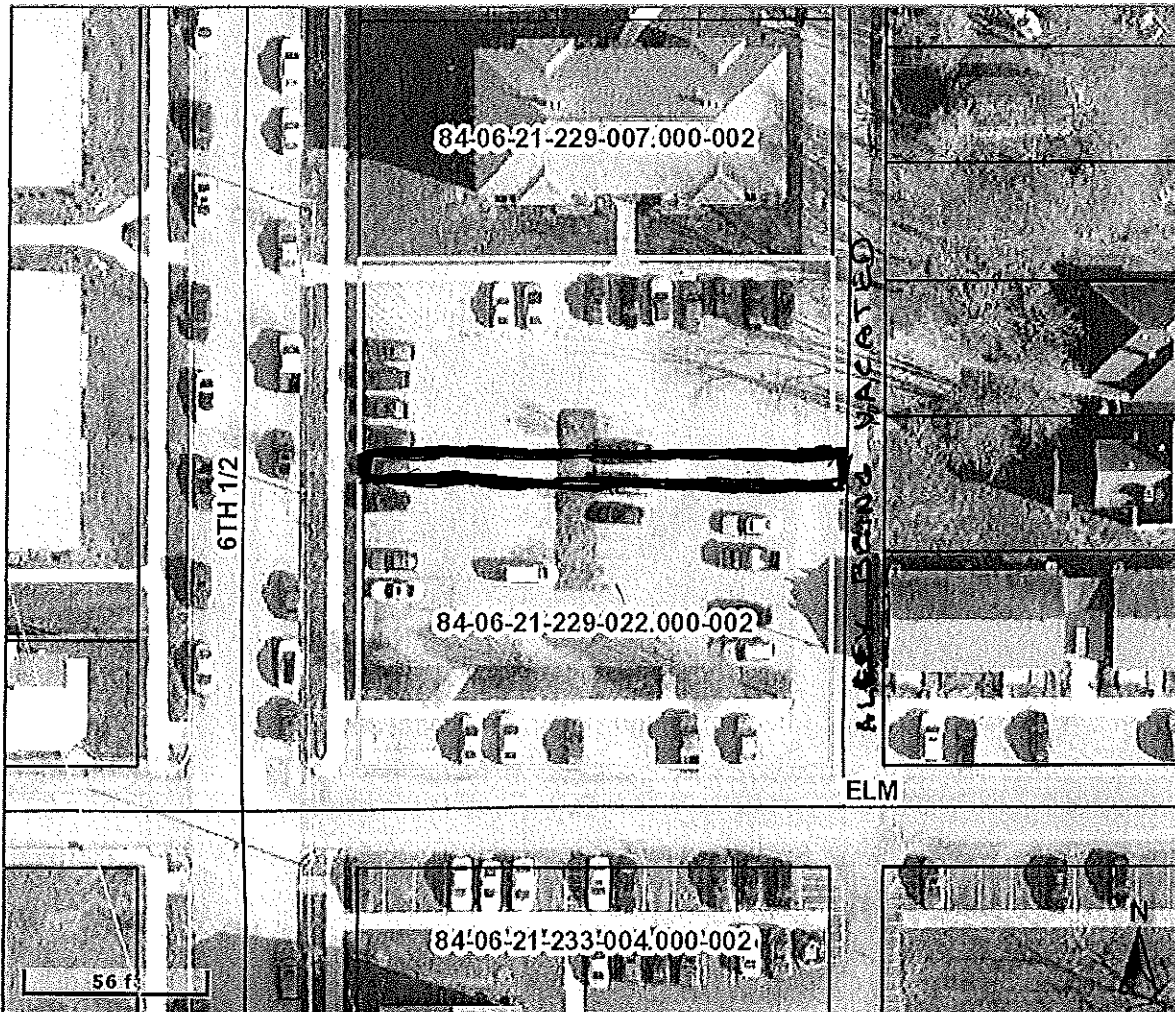


Sharon C. Hellmann

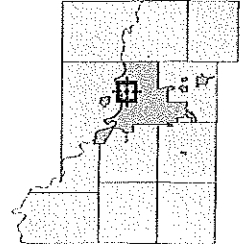
Petitioners' Addresses: Jerome J. Hellmann, Mary Ann Hellmann, James P. Hellmann, Sharon C. Hellmann, 659 Elm Street, Terre Haute, IN 47807.

This instrument prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Date Created: 3/1/2012

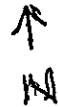


Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines



Parcel ID	84-06-21-229-022.000-002	Alternate ID	118-06-21-229-022	Owner Address	HELLMANN JEROME J & MARY ANN & JAMES & SHARON 659 ELM ST TERRE HAUTE, IN 47807
Sec/Twp/Rng	n/a	Class	Com Parking lot or structure		
Property Address	817 N 6 1/2 ST TERRE HAUTE	Acreage	n/a		
District	002 HARRISON				
Brief Tax Description	T H ORIGINAL PLAT NE COR 6-1/2 ST & ELM ALSO 1/2 VAC ALLEY ADJ (TIF) D-440/5324 21-12-9 O L 1 (Note: Not to be used on legal documents)				

Last Data Upload: 3/1/2012 12:52:55 AM

EXHIBIT "A"



developed by
The Schneider Corporation
www.schneidercorp.com



Receipt

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

Date: 4/3/12

Name: Wright, Shogary & Downey

Reason: Vacating an account | HHT Realty LLC

TERRE HAUTE, IN
PAID

Cash: _____

Check: \$ 5.00 CK# 59997

APR 05 2012

Credit: _____

CONTROLLER

Total: \$ 5.00

Received By: M. Dweil BE

**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 14, 2012

April 24, 2012

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 May 2, 2012.

Daniel Bell
(Signature)

LEAD Inspector
(Title)

Daniel Bell
(Printed name)

4-25-2012
(Date Posted)

