

SPECIAL ORDINANCE NO. 14, 2015

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:

Commencing at a point sixteen feet (16') North of the Southeast corner of Lot Number One Hundred Eighty-three (183) in Ardmore, a Subdivision of a part of the North half ($\frac{1}{2}$) of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana being a place of beginning; thence North along the East line of Lot Numbers One Hundred Eighty-three (183), One Hundred Eighty-Two (182), One Hundred Eighty-one (181) and One Hundred Eighty (180) to the Northeast corner of Lot Number One Hundred Eighty-two (182) in Ardmore; thence East sixteen feet (16') more or less to the Northwest corner of Lot Number Two Hundred Thirty-seven (237) in Ardmore; thence South along the East line of Lot Numbers Two Hundred Thirty-seven (237), Two Hundred Thirty-six (236), Two Hundred Thirty-five (235), and Two Hundred Thirty-four (234) to a point sixteen feet (16') North of the Southwest corner of said Lot Number Two Hundred Thirty-four (234) in Ardmore; thence West sixteen feet (16') more or less to the East line of Lot Number One Hundred Eighty-three (183) in Ardmore, being the place of beginning.

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,

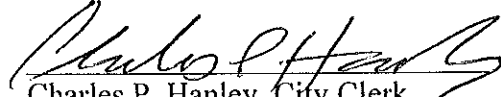

Amy Auler, Councilperson

Passed in open Council this 10th day of September, 2015.



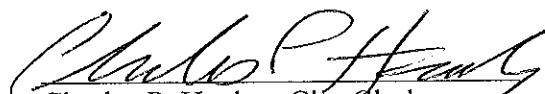
John Mulligan, President

ATTEST:



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 11th day of September 2015.



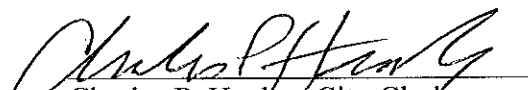
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 11th day of SEPTEMBER, 2015.



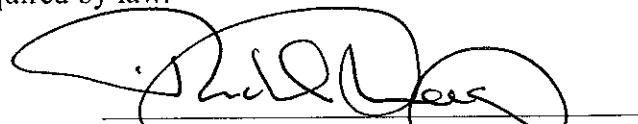
Duke Bennett, Mayor

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, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

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:

Elks Run Properties, Inc. and Mark A. Dick, 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. Elks Run Properties, Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots Number One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3006 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3020 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred Thirty-six (236), Two Hundred Thirty-seven (237) and Two Hundred Thirty-eight (238) in Ardmore, a Subdivision of a part of the North $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 3. Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3007 S. 11 $\frac{1}{2}$ Street, Terre Haute, IN 47802

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

2. Mark A. Dick, the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:.

Lots Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

Commonly known as: 3013 S. 11 ½ Street, Terre Haute, IN 47802

4. 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.

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

Commencing at a point sixteen feet (16') North of the Southeast corner of Lot Number One Hundred Eighty-three (183) in Ardmore, a Subdivision of a part of the North half (½) of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana being a place of beginning; thence North along the East line of Lot Numbers One Hundred Eighty-three (183), One Hundred Eighty-Two (182), One Hundred Eighty-one (181) and One Hundred Eighty (180) to the Northeast corner of Lot Number One Hundred Eighty-two (182) in Ardmore; thence East sixteen feet (16') more or less to the Northwest corner of Lot Number Two Hundred Thirty-seven (237) in Ardmore; thence South along the East line of Lot Numbers Two Hundred Thirty-seven (237), Two Hundred Thirty-six (236), Two Hundred Thirty-five (235), and Two Hundred Thirty-four (234) to a point sixteen feet (16') North of the Southwest corner of said Lot Number Two Hundred Thirty-four (234) in Ardmore; thence West sixteen feet (16') more or less to the East line of Lot Number One Hundred Eighty-three (183) in Ardmore, being the place of beginning.

6. 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 the said Public Alley will serve no functional purpose to the public. Since the Petitioners will deed or dedicate a portion of the Public Alley from the current Public Alley to 11th Street.

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

8. 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.

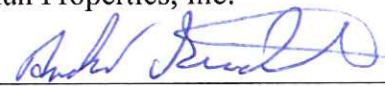
9. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioners.

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

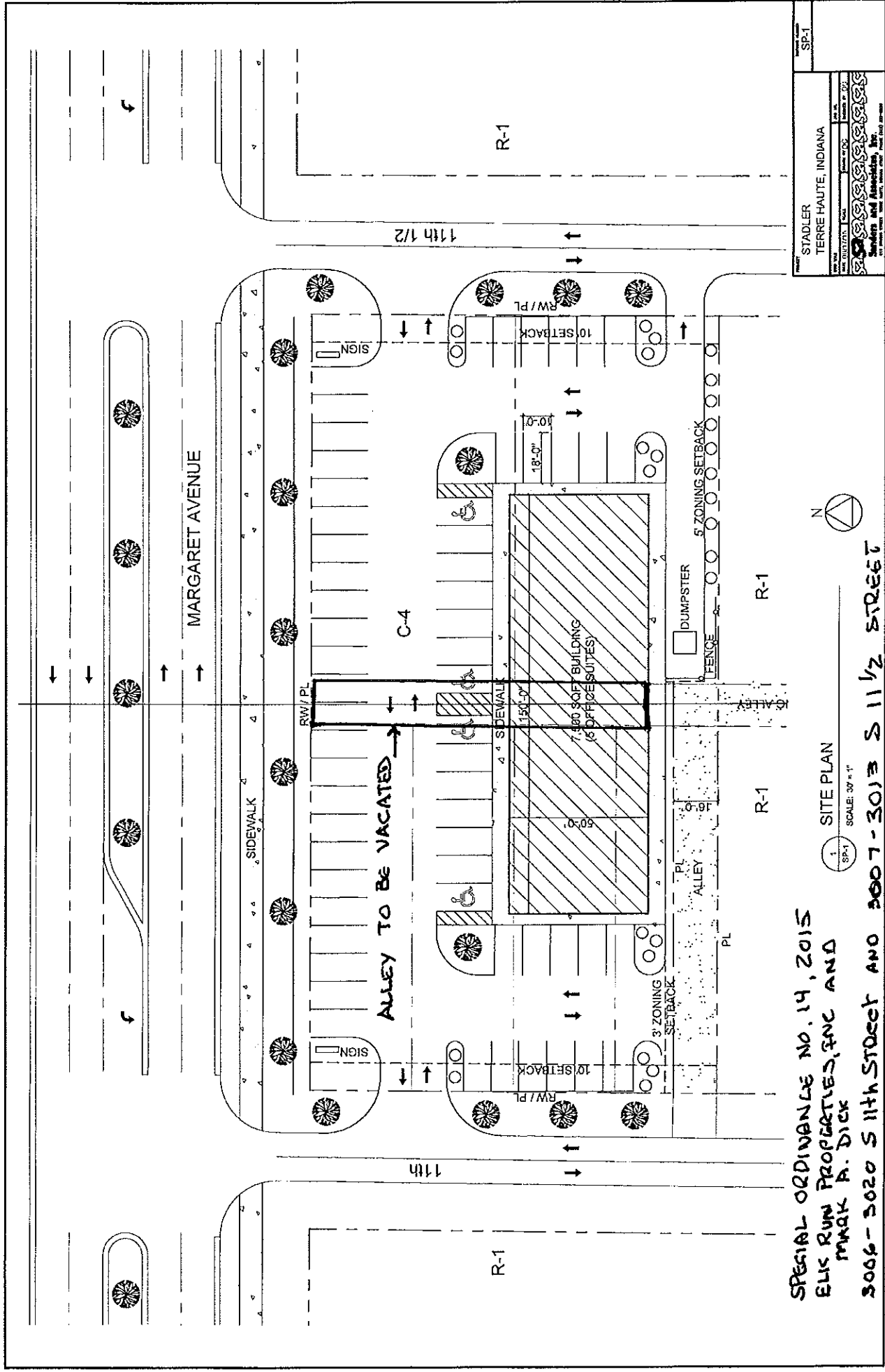
Elk Run Properties, Inc.

By: 
Andrew Stadler, President


Mark A. Dick

Petitioners' Addresses: Elk Run Properties, Inc, c/o Andrew Stadler, 2955 Erie Canal Road, Terre Haute, IN 47802; Mark A. Dick, 3013 S. 11 ½ 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.



STADLER TERRE HAUTE, INDIANA	
DATE: 08/17/15	SCALE: 3/8" = 1'-0"
PROJECT: 3006-3020 S 11th STREET AND 3007-3013 S 11 1/2 STREET	DATE: 08/17/15
STADLER ARCHITECTS, INC. 117 W. MARKET STREET, TERRE HAUTE, INDIANA 47787	

SPECIAL ORDINANCE NO. 14, 2015
 ELK RUN PROPERTIES, INC AND
 MARK A. DICK
 3006-3020 S 11th Street AND 3007-3013 S 11 1/2 STREET

1 SITE PLAN
 SP-1 SCALE: 3/8" = 1'-0"

TERRE HAUTE
A LEVEL ABOVE

Receipt

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

Date: July 7, 2015
Name: Wright, Shagley + Rowley
Reason: Vacating an Alley
Andy Stadler

TERRE HAUTE, IN
PAID

JUL 07 2015

Cash: _____

Check: \$5.00 CK# 65520

Credit: _____

Total: \$5.00

CONTROLLER

Received By: M. Dorwell



FILED

AUG 03 2015

CITY CLERK

Legal Solutions with Skill and Integrity

Since 1946

500 Ohio Street
P.O. Box 9849
Terre Haute, Indiana
47807-3517
Phone: 812.232.3388
Fax: 812.232.8817
www.wslfirm.com

July 30, 2015

Michelle Edwards
Terre Haute Clerk's Office
17 Harding Ave # 102
Terre Haute, IN 47807

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Ann Smith Mischler
amischler@wslfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Also Licensed in Illinois

Re: Special Ordinances 14 and 15, 2015

Michelle:

On behalf of our client, Elkhorn Properties, Inc. we would request that Special Ordinances 14 and 15, 2015, be tabled for one (1) month. It has come to our attention that there may be an issue with one of the legal descriptions of the real estate, which we will resolve prior to the next meeting of the Council.

Thank you for your assistance and cooperation in regard to this matter.

Sincerely,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley

CC: Area Planning Department
Andrew Stadler, Elkhorn Properties, Inc.

FILED

AUG 05 2015

CITY CLERK

**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 14, 2015

July 17, 2015

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 attached ordinance 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 July 31, 2015.

 No Problems Noted

 X Problems as noted below

It does not appear that a trash
truck can make this turn without entering
private property.

Marcus E. Maurer
(Signature)

Marcus E. Maurer
(Printed name)

Staff Engineer II
(Title)

08/24/2015
(Date)

FILED

AUG 04 2015

CITY CLERK

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

To: TERRE HAUTE CITY POLICE DEPARTMENT


Special Ordinance 14, 2015

July 17, 2015

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 attached ordinance 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 July 31, 2015.

X No Problems Noted

_____ Problems as noted below


(Signature)
John Plasse
(Printed name)

CHIEF OF POLICE
(Title)
8-4-15
(Date)

FILED

JUL 21 2015

CITY CLERK

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

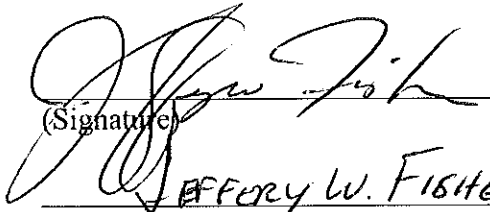
To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 14, 2015

July 17, 2015

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 attached ordinance 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 July 31, 2015.

No Problems Noted Problems as noted below


(Signature)
JEFFERY W. FISHER
(Printed name)

FIRE CHIEF
(Title)
7-21-15
(Date)

FILED

JUL 22 2015

CITY CLERK

**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 14, 2015

July 17, 2015

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 attached ordinance 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 July 31, 2015.

 ✓ No Problems Noted Problems as noted below

Orvel E Woolard Jr

(Signature)

Foreman

(Title)

Orvel E Woolard JR

(Printed name)

7/22/15

(Date)

FILED

JUL 20 2015

CITY CLERK

**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, 2015

July 17, 2015

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 July 31, 2015.

Daniel Bell
(Signature)

Lead Inspector
(Title)

DANIEL BELL
(Printed name)

7-20-2015
(Date Posted)