FILED
AUG 0 3 2015
CITY CLERK

### SPECIAL ORDINANCE NO. 19, 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:

A public alley, formerly a private alley described in Deed Record 221, Page 322, to be vacated being a part of Out Lot 51 and Out Lot 52 of the City of Terre Haute, Harrison Township, Vigo County, Indiana described as follows:

Commencing at the intersection of the East right of way of 6<sup>th</sup> Street with the North right of way of Walnut Street thence South 89 degrees 58 minutes 02 seconds East along said North right of way a distance of 151.02 feet to the Southwest Corner of the East Half of Out Lot 51; thence North 00 degrees 03 minutes 06 seconds West along the West line of the East Half of Out Lot 51 a distance of 100.00 feet to the Southeast Corner of the alley shown on Ross & Brackebush's Subdivision (Plat Record 2, Page 23); thence continue North 00 degrees 03 minutes 06 seconds West along the East line of said subdivision a distance of 8.74 feet to the Southwest Corner of the land described in Deed Record 227, Page 322 and the Point of Beginning of this description; thence North 89 degrees 57 minutes 27 seconds East along the South line of said described land a distance of 237.74 feet to the Northeast Corner of land described in Instrument No. 2014009205; thence North 00 degrees 07 minutes 35 seconds West a distance of 16.00 feet to the North line of land described in Deed Record 221, Page 322; thence South 89 degrees 57 minutes 27 seconds West along said North line a distance of 237.72 feet to the East line of the Ross & Brackebush's Subdivision; thence South 00 degrees 03 minutes 06 seconds East along said East line a distance of 16.00 feet to the Point of Beginning containing 3804 feet, 0.09 acres, more or less.

### **ALSO**

A part of the public alley shown on the Ross & Brackebush's Subdivision of the West Half of Outlot No. 51, Plat Record 2, Page 23, to be vacated being in the City of Terre Haute, Harrison Township, Vigo County, Indiana described as follows:

Commencing at the intersection of the East right of way of 6<sup>th</sup> Street with the North right of way of Walnut Street thence North 00 degrees 01 minute 33 seconds West along said East right of way a distance of 100.00 feet to the

Southwest Corner of the public alley and the Point of Beginning of this description; thence South 89 degrees 58 minutes 02 seconds East along the South line of said Ross & Brackebush's Subdivision a distance of 150.97 feet to the Southeast Corner of said subdivision a distance of 89.34 feet to the Southeast Corner of Lot 7 in said subdivision; thence North 89 degrees 56 minutes 50 seconds West along the South line of Lots 7, 6 and 5 in said subdivision a distance of 60.52 feet to the Southwest Corner of Lost 5 in said subdivision; thence South 00 degrees 03 minutes 10 seconds West a distance of 15.50 feet to the North line of Lost 8 in said subdivision; thence South 89 degrees 56 minutes 50 seconds East along the Northeast line of said Lot 8 a distance of 6.00 feet; thence South 00 degrees 03 minutes 06 seconds East along the East line of Lots 8, 9 and 10 a distance of 51.36 feet; thence South 45 degrees 01 minutes 58 seconds West along the Southwest line of said Lot 10 a distance of 6.00 feet; thence North 89 degrees 58 minutes 02 seconds West along the South line of said Lot 10 a distance of 131.72 feet to the East right of way line of 6th Street; thence South 00 degrees 03 minutes 33 seconds East along said East right of way line a distance of 14.00 feet to the Point of Beginning containing 3968 square feet, 0.09 acres, more or less

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,

Todd Nation, Councilman

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

Ioon Mullican

Council Presiden

ATTEST

Thorles D. Hanley City Clark

Presented by me to the Mayor of the City of Terre Haute, this 1 th day of September, 2015.
Charles P. Hanley, City Clerk
Approved by me, the Mayor of the City of Terre Haute, this Mayor of September, 2015.
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

#### **GENTLEPERSONS:**

FIRST FINANCIAL BANK, N.A., a National Banking Association, the owner of land abutting a certain Public Alley platted, 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 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. FIRST FINANCIAL BANK, N.A., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

#### TRACT 1

Property recorded in Deed Record 407, Page 343 and Deed Record 424, Page 205 as shown in Ross and Brackebush's Subdivision as recorded in Plat Record 2, Page 23 and described as follows:

Lots Numbers Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) in Ross and Brackebush's Subdivision of the West Half of Outlot Number 51, of the Original Outlots of the Town (now City) of Terre Haute, except 100 feet off the South side thereof.

#### Also

### TRACT 2

Property recorded in Deed Record 407, Page 345, Instrument No. 2010006392, Deed Record 412, Page 321 and Deed Record 443, Page 1461 described as follows:

Beginning at the Northeast corner of Lot Number Seven (7) in Ross and Brackebush's Subdivision as recorded in Plat Record 2, Page 23; thence South 00 degrees 03 minutes 06 seconds East along East line of said subdivision a distance of 199.10 feet to the Southeast corner of said subdivision; thence North 89 degrees 58 minutes 02 seconds West along the South line of said subdivision distance of 91.79 feet to a 5/8 inch rebar with a Myers cap; thence South 00 degrees 10 minutes 49 seconds West a distance of 50.00 feet to a 5/8 inch rebar with a Myers cap; thence continue along the previously described course a distance of 1.0 feet to a point; thence North 89 degrees 58 minutes 02 seconds West a distance of 59.00 feet to a point 1.0 feet South of a 5/8 inch rebar with a Myers cap found on the East right of way line of 6<sup>th</sup> Street; thence South 99 degrees 01 minute 33 seconds East along said East line a distance of 49.00 feet to the North right of way line of Walnut Street; thence South 89 degrees 58 minutes

02 second East along said North line a distance of 428.90 feet; thence North 00 degrees 07 minutes 35 seconds West a distance of 125.22 feet; thence South 89 degrees 48 minutes 12 seconds West, a distance of 9.20 feet; thence North 00 degrees 24 minutes 22 seconds West a distance of 93.06 feet; thence North 89 degrees 27 minutes 13 seconds West a distance of 59.84 feet; thence North 00 degrees 24 minutes 22 seconds West a distance of 20.10 feet; thence North 89 degrees 49 minutes 06 seconds West a distance of 32.47 feet; thence North 00 degrees 11 minutes 06 second East a distance of 59.98 feet also being on the South line of Ohio Street as established and occupied; thence North 89 degrees 55 minutes 02 seconds West along said South line a distance of 175.77 feet to the Point of Beginning containing 1.99 acres (86,757 square feet), more or less, and all situated in Harrison Township, Vigo County, Indiana.

EXCEPT: Beginning at a point being on the North right of way line of Walnut Street and 379.66 feet West of the center line of 7<sup>th</sup> Street; thence North 89 degrees 58 minutes 02 seconds West along said North line a distance of 40.00 feet; thence North 00 degrees 07 minutes 35 seconds West a distance of 109.05 feet; thence North 89 degrees 54 minutes 38 seconds East a distance of 40.00 feet; thence South 00 degrees 07 minutes 35 seconds East a distance of 109.18 feet to the Point of Beginning containing 0.10 acres (4,365 square feet), more or less, and all situated in Harrison Township, Vigo County, Indiana.

#### Also

Beginning at the Southwest corner of that Part of the North one-half (1/2) of 100 feet off the South end of the West one-half (1/2) of Out Lot No. 51, of the Original Town, now City of Terre Haute, of part of the East one-half (1/2) of the Southeast quarter (1/4), of Section 21, Township 12 North, Range 9 West, Vigo County, described as follows:

Beginning at a 5/8 inch rebar with plastic cap stamped "Myers LS 9400006" hereinafter called a monument, at the Northwest corner of said North one-half (1/2) on the East right-of-way line of Sixth (6<sup>th</sup>) Street; thence South 89 degrees 49 minutes 33 seconds East, bearing is assumed, parallel with and 100 feet North of the North right-of-way line of Walnut Street, a distance of 59.18 feet to a monument 5.0 feet East of the East side of a brick building; thence South 00 degrees 19 minutes 36 seconds West, parallel with and 5.0 feet East of said building, a distance of 50.00 feet to a monument on the South line of said North one-half (1/2); thence North 89 degrees 49 minutes 33 seconds West, along said South line, a distance of 59.00 feet, to a monument on the East right-of-way line of Sixth (6<sup>th</sup>) Street; thence North 00 degrees 06 minutes 55 seconds East, along said right-of-way line, a distance of 50.00 feet to the point of beginning, containing 0.07 acres, 2955 sq. ft., more or less.

Thence South 89 degrees 49 minutes 33 seconds East along the South line of said 0.07 acres 59.00 feet to a monument; thence South 00 degrees 19 minutes 36 seconds West, a distance of 1.0 feet; thence North 89 degrees 49 minutes 33 seconds West, parallel with and 1.0 feet South of said South line, a distance of 59.00 feet, to the East right-of-way line of Sixth (6<sup>th</sup>) Street; thence North 00

degrees 06 minutes 55 seconds East, along said right-of-way line, a distance of 1.0 feet to the point of beginning, containing 59 sq. ft., more or less.

- 2. That a copy of a portion of the plat of the said Public Alley which runs amongst Owner's property is attached hereto, made a part hereof and is marked as Exhibit A.
- 3. That the portion of the Public Alley to be vacated as set forth above may be more particularly described as follows, to-wit:

A public alley, formerly a private alley described in Deed Record 227, Page 322, to be vacated being a part of Out Lot 51 and Out Lot 52 of the City of Terre Haute, Harrison Township, Vigo County, Indiana described as follows:

Commencing at the intersection of the East right of way of 6th Street with the North right of way of Walnut Street thence South 89 degrees 58 minutes 02 seconds East along said North right of way a distance of 151.02 feet to the Southwest Corner of the East Half of Out Lot 51; thence North 00 degrees 03 minutes 06 seconds West along the West line of the East Half of Out Lot 51 a distance of 100.00 feet to the Southeast Corner of the alley shown on Ross & Brackebush's Subdivision (Plat Record 2, Page 23); thence continue North 00 degrees 03 minutes 06 seconds West along the East line of said subdivision a distance of 8.74 feet to the Southwest Corner of the land described in Deed Record 227, Page 322 and the Point of Beginning of this description; thence North 89 degrees 57 minutes 27 seconds East along the South line of said described land a distance of 237.74 feet to the Northeast Corner of land described in Instrument No. 2014009205; thence North 00 degrees 07 minutes 35 seconds West a distance of 16.00 feet to the North line of land described in Deed Record 227, Page 322; thence South 89 degrees 57 minutes 27 seconds West along said North line a distance of 237.72 feet to the East line of the Ross & Brackebush's Subdivision; thence South 00 degrees 03 minutes 06 seconds East along said East line a distance of 16.00 feet to the Point of Beginning containing 3804 square feet, 0.09 acres, more or less.

#### **ALSO**

A part of the public alley shown on the Ross & Brackebush's Subdivision of the West Half of Outlot No. 51, Plat Record 2, Page 23, to be vacated being in the City of Terre Haute, Harrison Township, Vigo County, Indiana described as follows:

Commencing at the intersection of the East right of way of 6th Street with the North right of way of Walnut Street thence North 00 degrees 01 minute 33 seconds West along said East right of way a distance of 100.00 feet to the Southwest Corner of the public alley and the Point of Beginning of this description; thence South 89 degrees 58 minutes 02 seconds East along the South line of said Ross & Brackebush's Subdivision a distance of 150.97 feet to the Southeast Corner of said subdivision; thence North 00 degrees 03 minutes 06 seconds West along the East line of said subdivision a distance of 89.34 feet to the Southeast Corner of Lot 7 in said subdivision; thence North 89 degrees 56

minutes 50 seconds West along the South line of Lots 7, 6 and 5 in said subdivision a distance of 60.52 feet to the Southwest Corner of Lot 5 in said subdivision; thence South 00 degrees 03 minutes 10 seconds West a distance of 15.50 feet to the North line of Lot 8 in said subdivision; thence South 89 degrees 56 minutes 50 seconds East along the North line of Lot 8 a distance of 41.32 feet; thence South 44 degrees 56 minutes 50 seconds East along the Northeast line of said Lot 8 a distance of 6.00 feet; thence South 00 degrees 03 minutes 06 seconds East along the East line of Lots 8, 9 and 10 a distance of 51.36 feet; thence South 45 degrees 01 minute 58 seconds West along the Southwest line of said Lot 10 a distance of 6.00 feet; thence North 89 degrees 58 minutes 02 seconds West along the South line of said Lot 10 a distance of 131.72 feet to the East right of way line of 6th Street; thence South 00 degrees 03 minutes 33 seconds East along said East right of way line a distance of 14.00 feet to the Point of Beginning containing 3968 square feet, 0.09 acres, more or less.

- 4. Petitioner believes 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 owned and being utilized by the Petitioner and the said Public Alley serves no functional purpose to the public.
- 5. Petitioner proposes the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner's real estate.
- 6. 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 Petitioner is the owner 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.
- 7. The name and address of all owners of land that abuts that portion of the Public Alley above proposed to be vacated is that of the Petitioner.

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 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.

### **PETITIONER**

FIRST FINANCIAL BANK, N.A., a National Banking Association

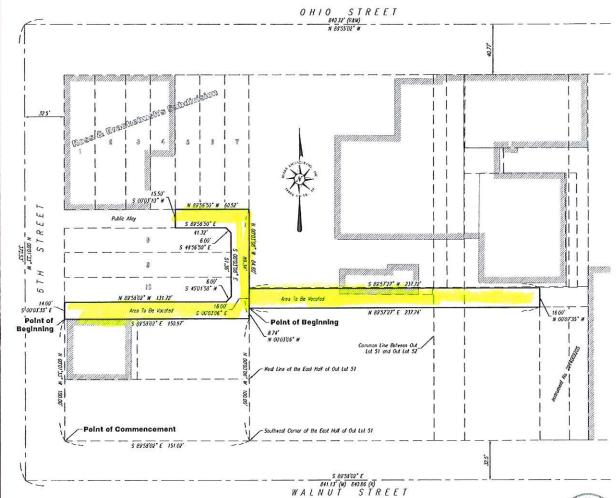
Norman L. Lowery, President and EO

Petitioner's Address: FIRST FINANICAL BANK, N.A., c/o Norman D. Lowery, One First Financial Plaza, Terre Haute, Indiana, 47807

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

# **Exhibit of Alley Vacation**

A Part of Outlot 51 and Outlot 52 in Terre Haute, Indiana and a Part of Ross and Brackebush's Subdivision of the West Half of Outlot 51 Being in Section 21, Township 12 North, Range 9 West



#### **Boundary Description**

A public allay, formerly a private allay described in Oced Record 227, Page 322, to be vacated being a part of Out Lot 51 and Out Lot 52 of the City of Torse Houte, Harrison Township, Vigo County, Indiana described as follows:

Commercing at the intersection of the East right of way of 6th Street with the North right of way of Whinut Street theree South 89 dayses 38 minutes 02 seconds East along sold North right of way of datases of 15100 feet to the Southeast Corner of the East Haif of Out Led 51, these North 00 dayses 00 minutes 05 seconds West along the West live of the East Haif of Out Led 51 or distance of 10000 feet to the Southeast Corner of the alloy shown on Resu & Broutheast's Soldiebies Report 2, Page 121, these contributes North 00 dayses 00 minutes 05 seconds West doing the East live of 31 subdivision or distance of 214 feet to the Southeast Corner of the land described in Geed Record 227, Page 122 and the Proint of Beginning of this described has distance at 217.14 feet to the Corner of the land described in Geed Record 227, Page 122 and 123 feet to 124 fe

A port of the public olley steam on the Ross & Brockebush's Subdivision of the West Half of Outlid No. 51, Flot Record 2, Roge 23, to be vocated being in the City of Force Houle, Harrison Revealing, Vigo County, Indiana described on Follows:

Commencing at the intersection of the East right of way of Eth Street with the North right of way of Whital Street Brance North 10 degrees 01 minute 33 seconds West along said East right of way a distance of 1900 feet to the Sudhwest Corner of the public oldy and the Point of Respiriting of this description; Hance Such 28 degrees 35 minutes 02 seconds East oldow the Such the of said feets of Excellent's Sudhwistinia a distance of 15937 feet to the Sudhwest Corner of last 2 seconds East oldow the East East and Sudhwistinia and distance of 15937 feet to the Sudhwest Corner of Last 2 seconds East Sudhwistinia and distance of 15937 feet to the Sudhwest Corner of Last 2 seconds which seconds West oldows the East East 2 seconds Sudhwistinia and distance of 15937 feet to the Sudhwest Corner of Last 2 seconds which seconds West 2 seconds West



## 6th & Walnut Street

MYERS Set Spring Case Color Spring Color C

City of Terre Haute

#### **Exhibit of Alley Vacation**

DRAWN BY	EOS	DATE	5/27/2015
CHECKED	BY:	PROJECT NUMBER	E TM10-218
APPROVE	SY: EOS	FILE NAME:	THIS-218 Alleyday
SCALE	1"=30	DRAWING NAVE	Alley
	DO NO	T SCALE PRINT	SHEET 1 OF 1







SOLD AND SEALD WITH COTY IS THE INSTRUMENT OF SEPACE. THIS DEFINING WITH INC. THE PROPERTY WITHOUT THE WITHER POSSESSION OF WITHIN DESIREDING, MC.



# Receipt

	Receipt	TERRE HAUTE, IN
The following was p	aid to the City of Terre Haute	e, Controller's Office
Date: 8/3/15		CONT. AUG 03 2015
Name: Wright Shogley Y	howery	CONTROLLER
Reason:		
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	rate alley Rev. FFB Mace Prop	verty
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Cash:	,	
Check: 500 CK#L	04634	
Credit:		
Total: 500		\
	Received By:	1 Leeus

AUG 2 0 2015

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

CITY CLERK

To: **Building Inspector, City of Terre Haute** 

Special Ordinance 19, 2015

August 18, 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 August 31, 2015.

LEAD Inspector
(Title)

J-19-2015

(Date Posted)

# FILED

AUG 2 0 2015

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

**CITY CLERK** 

To:	Street Department, City of Terre Haute	
Specia	ial Ordinance 19, 2015	
Augu	ast 18, 2015	
depar ordina	cordance with General Ordinance 7, 1990, the City Clerk's Office must poll various rements in regard to the closing of a street or alley. Please review the attached ance and indicate any problems you see with the proposed closing. If there are any ems, please write in the space below. Return to the City Clerk's Office by August 015.	
V	No Problems NotedProblems as noted below	
7	×	
11		
1		
	Bankmille TRANSPORTATION DIRECTOR	R
(Signa	(Title)	
<u> </u>	SEAD MILLER 8/19/2015	
(Print	ted name) (Date)	

/ FILED
AUG 2 4 2015

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

CITY CLERK

To:	TERRE HAUTE FIRE DEPARTMENT

Special Ordinance 19, 2015

August 18, 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 August 31, 2015.

No Problems Noted	Problems as noted below
Signature)  Strong W. FISHER  (Printed name)	FIRE CHIEF  (Title)  8/34/15  (Date)

# FILED

AUG 3 1 2015

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

CITY CLERK

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 19, 2015

August 18, 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 August 31, 2015.

No Problems Noted	Problems as noted below
<del></del>	
Signature)	CHIEF OF POLICE
JOHN PLASSE	8-17-15
Printed name)	(Date)

# FILED

AUG 28 2015

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

CITY CLERK

To: Engineer	ing Department, City of Terr	e Haute
Special Ordinanc	e 19, 2015	
August 18, 2015		
departments in re ordinance and inc	gard to the closing of a street or licate any problems you see wit	the City Clerk's Office must poll various ralley. Please review the attached the the proposed closing. If there are any rn to the City Clerk's Office by August
No Proble	ems Noted	Problems as noted below
		<u> </u>
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Marcus	59. Moun E. Mours	Staff Englacer (Title) (Date)