

**SPECIAL ORDINANCE NO. 49, 2015**

AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

WHEREAS, by Special Ordinance No. 8, 2011, As Amended, passed on May 12, 2011, the Common Council for the City of Terre Haute vacated a portion of 4<sup>th</sup> Street from Cherry Street to Tippecanoe Street on Indiana State University's campus; and

WHEREAS, an area of public right-of-way was specifically excluded from the May 12, 2011 street vacation to allow for a public biking/walking trail that existed adjacent to the public street to remain; and

WHEREAS, Petitioner wishes to vacate a portion of said remaining public right-of-way and relocate said biking/walking trail to allow for the expansion of an existing building located on Petitioner's property.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana as follows:

SECTION I. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of right-of-way located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, as a public biking/walking trail, and described as follows:

A part of 4th Street North of Cherry Street and South of Chestnut Street, Terre Haute, Indiana, being in Section 21, Township 12 North, Range 9 West of the 2<sup>nd</sup> Principal Meridian described as follows: Commencing at the intersection of the East right of way of 4th Street and the North right of way of Cherry Street; thence South 89 degrees 48 minutes 16 seconds West, bearing is assumed, along said North right of way a distance of 9.44 feet to the existing East back of curb of the Trail Path and the Point of Beginning of this description; thence continuing along said course a distance of 11.08 feet to an extension Southward of the existing West back of curb of the Trail Path; thence North 00 degrees 04 minutes 40 seconds West along said extension, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1064.09 feet to the centerline of Chestnut Street; thence North 00 degrees 08 minutes 27 seconds West along said extension of the back of curb, along the West back of curb and along any curb cuts or depressed curb area a distance of 1719.11 feet to the South right of way of Tippecanoe Street; thence North 89 degrees 45 minutes 30 seconds East along said South right of way line a distance of 10.95 feet to an extension Northward of the existing East back of curb of the Trail Path; thence South 00 degrees 08 minutes 48 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of

1719.18 feet to the centerline of Chestnut Street; thence South 00 degrees 04 minutes 32 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of 1064.03 feet to the Point of Beginning containing 0.71 acres, more or less, and all situated in Harrison Township, Vigo County, Indiana.

EXCEPT

All of that part of the Trail Path being in Section 21, Township 12 North, Range 9 West of the 2nd Principal Meridian also being North of the centerline of Chestnut Street and 576.13 feet South of the South right of way of Tippecanoe Street described as follows:

Commencing at the intersection of the East right of way of 4th Street and the North right of way of Cherry Street; thence South 89 degrees 48 minutes 16 seconds West, bearing is assumed, along said North right of way a distance of 9.44 feet to the existing East back of curb of the Trail Path; thence continuing along said course a distance of 11.08 feet to an extension Southward of the existing West back of curb of the Trail Path; thence North 00 degrees 04 minutes 40 seconds West along said extension, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1064.09 feet to the centerline of Chestnut Street and the **Point of Beginning** of this description; thence North 00 degrees 08 minutes 27 seconds West along said extension of the back of curb, along the West back of curb and along any curb cuts or depressed curb area a distance of 1142.98 feet; thence North 90 degrees 00 minutes 00 seconds East crossing the Trail Path a distance of 11.01 feet to the East line of the Trail Path; thence South 00 degrees 08 minutes 48 seconds East along the East back of curb and along any curb cuts or depressed curb areas a distance of 1143.00 feet to the centerline of Chestnut Street; thence North 89 degrees 52 minutes 47 seconds West along the centerline of Chestnut Street to the **Point of Beginning** containing 0.29 acres, more or less and all situated in Harrison Township, Vigo County, Indiana.

EXCEPT

All of the public right of way of Chestnut Street.

SECTION II. Be it further ordained that said portion of said right-of-way 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 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.

Present by Council Member Todd Nation, Todd Nation

Passed in open Council this 14<sup>th</sup> day of January, 2016.

Todd Nation  
\_\_\_\_\_  
, President

ATTEST: Charles P. Hanley  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 15<sup>th</sup> day of January 2016.

Charles P. Hanley  
\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15<sup>th</sup> day of JANUARY, 2016.

Duke A. Bennett  
\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley  
Charles P. Hanley, City Clerk

This instrument prepared by:

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.

Bridget K. Butwin  
\_\_\_\_\_  
Bridget K. Butwin

# Vacation Exhibit

Part of Section 21, Township 12 North, Range 09 West,  
Harrison Township, City of Terre Haute, Vigo County, Indiana

## Vacation Description

A part of 4th Street North of Cherry Street and South of Chestnut Street, Terre Haute, Indiana, being in Section 21, Township 12 North, Range 9 West of the 2nd Principal Meridian described as follows:

Commencing at the intersection of the East right of way of 4th Street and the North right of way of Cherry Street; thence South 89 degrees 48 minutes 16 seconds West, bearing is assumed, along said North right of way a distance of 9.44 feet to the existing East back of curb of the Trail Path and the Point of Beginning of this description; thence continuing along said course a distance of 11.08 feet to an extension Southward of the existing West back of curb of the Trail Path; thence North 00 degrees 04 minutes 40 seconds West along said extension, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1064.09 feet to the centerline of Chestnut Street; thence North 00 degrees 08 minutes 27 seconds West along said extension of the back of curb, along the West back of curb and along any curb cuts or depressed curb area a distance of 1719.11 feet to the South right of way of Tippecanoe Street; thence North 89 degrees 45 minutes 30 seconds East along said South right of way line a distance of 10.95 feet to an extension Northward of the existing East back of curb of the Trail Path; thence South 00 degrees 08 minutes 48 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of 1719.18 feet to the centerline of Chestnut Street; thence South 00 degrees 04 minutes 32 seconds East along said extension of the back of curb, along the East back of curb and along any curb cuts or depressed curb areas a distance of 1064.03 feet to the Point of Beginning containing 0.71 acres, more or less, and all situated in Harrison Township, Vigo County, Indiana.

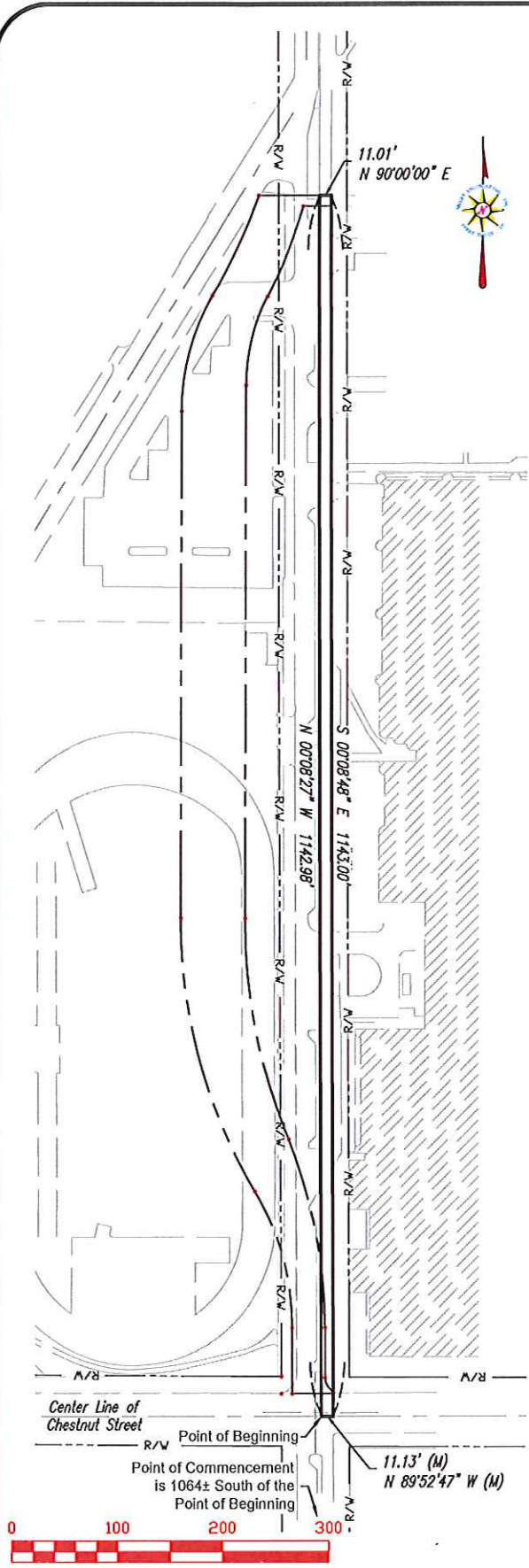
## EXCEPT


All of that part of the Trail Path being in Section 21, Township 12 North, Range 9 West of the 2nd Principal Meridian also being North of the centerline of Chestnut Street and 576.13 feet South of the South right of way of Tippecanoe Street described as follows:

Commencing at the intersection of the East right of way of 4th Street and the North right of way of Cherry Street; thence South 89 degrees 48 minutes 16 seconds West, bearing is assumed, along said North right of way a distance of 9.44 feet to the existing East back of curb of the Trail Path; thence continuing along said course a distance of 11.08 feet to an extension Southward of the existing West back of curb of the Trail Path; thence North 00 degrees 04 minutes 40 seconds West along said extension, along the West back of curb and along any curb cuts or depressed curb areas a distance of 1064.09 feet to the centerline of Chestnut Street and the Point of Beginning of this description; thence North 00 degrees 08 minutes 27 seconds West along said extension of the back of curb, along the West back of curb and along any curb cuts or depressed curb area a distance of 1142.98 feet; thence North 90 degrees 00 minutes 00 seconds East crossing the Trail Path a distance of 11.01 feet to the East line of the Trail Path; thence South 00 degrees 08 minutes 48 seconds East along the East back of curb and along any curb cuts or depressed curb areas a distance of 1143.00 feet to the centerline of Chestnut Street; thence North 89 degrees 52 minutes 47 seconds West along the centerline of Chestnut Street to the Point of Beginning containing 0.29 acres, more or less and all situated in Harrison Township, Vigo County, Indiana.

## EXCEPT

All of the public right of way of Chestnut Street.





**MYERS**  
ENGINEERING, INC.  
Copyright © 2015

MYERS ENGINEERING, INC.  
525 W. HONEY CREEK DR.  
TERRE HAUTE, INDIANA 47802  
PHONE: (812) 238-9731  
FAX: (812) 235-1353  
<http://MyersEngineering.com>

DATE	NO.	REVISIONS	BY	CHECKED
			MJV	

CLIENT: ISU

RECORD OWNER: ISU

## Indiana State University

### Trail Path Vacation

DRAWN BY: EDS	DATE: 12/09/2015
CHECKED BY: CLT	PROJECT NUMBER: TM15-186-01
APPROVED BY:	FILE NAME: TM15-186-01B.dwg
SCALE: 1" = 100'	DRAWING NAME: Trail Vacation

DO NOT SCALE PRINT SHEET 1 OF 1

SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.

## PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

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

Indiana State University Board of Trustees, Petitioner herein, petitions and requests the Common Council of the City of Terre Haute, Indiana to vacate that portion of the public right-of-way 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 the City of Terre Haute as follows:

1. Indiana State University Board of Trustees, Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

A part of Section 21, Township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, being more particularly described in Instrument No. 201401224 recorded in the Records of the Vigo County Recorder's Office on September 29, 2014. Parcel No. 84-06-21-260-003.000-002 commonly known as 411 North 3<sup>rd</sup> Street, Terre Haute, Indiana and Parcel No. 84-06-21-261-001.000-002 commonly known as 400 Chestnut Street, Terre Haute, Indiana.

2. That the attached Exhibit A describes and depicts that portion of the plat of said right-of-way which Petitioner seeks to have vacated, and said right-of-way runs between Petitioner-owned properties. Petitioner is the owner of all of the property adjacent to and abutting the right-of-way to be vacated.
3. No landowner adjoining and abutting the right-of-way to be vacated would be adversely affected by the vacation of said right-of-way.
4. Petitioner proposes the vacation of the right-of-way in order to allow expansion of an existing building which provides a more efficient and effective use of Petitioner's property.
5. The proposed vacation would not hinder the use of a public right-of-way by the neighborhood in which said portion of right-of-way is located or to which they are contiguous because Petitioner is the owner of all lands abutting said portion of right-of-way, and all land abutting said portion of said right-of-way, and all other landowners in the area have and will continue to have direct access to public ways; as set forth above, the proposed vacation of said portion of said right-of-way will 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.

6. No additional names or addresses of land owners that abut this portion of the public right-of-way proposed to be vacated are included as Petitioner owns all abutting and adjacent property.

WHEREFORE, 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 Special Ordinance No. 49, 2015 vacating that portion of the right-of-way referred to and described above;
- b. Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the Vigo County Recorder's Office for recording and to the Vigo County Auditor's Office, 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; and
- c. For all other proper relief in the premises.

PETITIONER  
INDIANA STATE UNIVERSITY  
BOARD OF TRUSTEES

By: \_\_\_\_\_  
Diann E. McKee, Senior Vice President  
Finance and Administration/University Treasurer



FILED

DEC 17 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 49, 2015

December 15, 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 January 4, 2016.

No Problems Noted

Problems as noted below

---



---



---



---



---



---



---



---



---



---

Marcus E. Maurer  
(Signature)

Marcus E. Maurer  
(Printed name)

Staff Engineer II  
(Title)

12/17/2015  
(Date)



FILED

DEC 23 2015

CITY CLERK

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

To: **TERRE HAUTE FIRE DEPARTMENT**

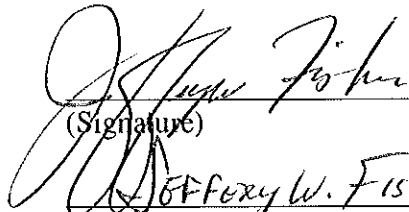
Special Ordinance 49, 2015

December 15, 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 January 4, 2016.

No Problems Noted                       Problems as noted below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
(Signature)  
**JEFFREY W. FISHER**  
\_\_\_\_\_  
(Printed name)

**FIRE CHIEF**  
\_\_\_\_\_  
(Title)  
**12-21-15**  
\_\_\_\_\_  
(Date)

FILED

DEC 15 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 49, 2015

December 15, 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 January 4, 2016.

No Problems Noted

Problems as noted below

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Shawn Keen*  
(Signature)

*CHIEF (ACCIDENT)*  
(Title)

SHAWN KEEN  
(Printed name)

12-14-15  
(Date)

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

FILED  
DEC 17 2015  
CITY CLERK

To: Street Department, City of Terre Haute

Special Ordinance 49, 2015

December 15, 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 January 4, 2015.

No Problems Noted

Problems as noted below

---

---

---

---

---

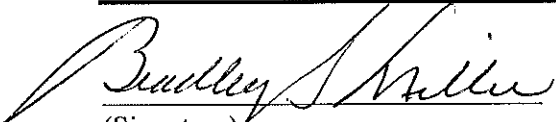
---

---

---

---

---

  
(Signature)  
BRADLEY S. MILLER  
(Printed name)

TRANSPORTATION DIRECTOR  
(Title)  
12/15/2015  
(Date)

FILED

DEC 15 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 49, 2015

December 15, 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 January 4, 2016.

Daniel Bell

(Signature)

Daniel Bell

(Printed name)

LEAD Inspector

(Title)

12-16-2015

(Date Posted)