

FILED

SEP 02 2016

CITY CLERK

SPECIAL ORDINANCE NO. 36, 2016

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:

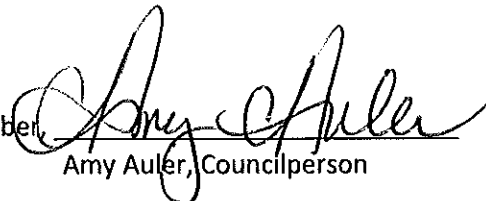
Commencing in the North West corner of Lot 4, in Scholz Heirs Subdivision, being a replat of 6 201/1000 acres in the North East quarter of Section 33, Township 12 North, Range 9 West, thence South Two Hundred Thirty One 45/100 (231.45) feet, more or less, along the West lot lines of Lots 5, 6, 7 and 8 of Scholz Heirs Subdivision, thence West Sixteen Feet to the South East corner of Lot 4 in Wey's Replat of Lots Numbers Nine (9) and Ten (10) in Scholz Heirs Subdivision of 6.201 acres in the North East Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, thence North Two Hundred Thirty One Fee 45/100 (231.45) feet, more or less, thence East Sixteen Feet to 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.

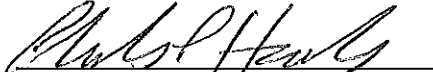
Presented by Council Member


Amy Auler, Councilperson

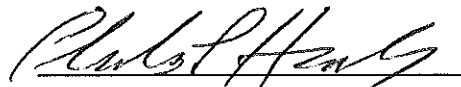
Passed in open Council this 13th day of October 2016.


Todd Nation, President

ATTEST:


Charles P. Hanley, City Clerk

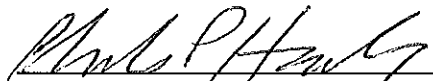
Presented by me to the Mayor of the City of Terre Haute, this 14th day of OCTOBER, 2016.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of OCTOBER, 2016.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

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 II

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

COUNCILPERSONS:

Armand Gottardi, as trustee of the Armand Gottardi Revocable Trust u/a/d January 11, 1996 and Esther L. Pfister, as managing member of A.E.R. Limited Liability Company, 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. The Armand Gottardi Revocable Trust u/a/d January 11, a Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots 4, 13 and 14 in Scholz Heirs Subdivision, being a replat of 6 201/1000 acres in the North East quarter of Section 33, Township 12 North, Range 9 West.

Also;

Lot Number Fifteen (15) in Scholz Heirs Subdivision, being a replat of 6 201/1000 acres in the Northeast quarter of Section 33, Township 12 North of Range 9 West as same appears on the recorded plat thereof in Plat Book 7, page 13 of Records of the office of the Recorder of Vigo County, Indiana.

All of which are subject to covenants, conditions, restrictions, easements, rights-of-way and other matters of record affecting title.

2. Armandi Gottardi, Esther L. Pfister and Roseanne Bussey, d/b/a A.E.R. Limited Liability Company, Petitioners herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lots Numbers Five (5), Six (6), Eleven (11) and Twelve (12) in Scholz Heirs Subdivision, being a Replat of 6 201/1000 acres in the North East quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, as same appears on the recorded plat thereof in Plat Book 7 Page 13 of Records of Office of Recorder of Vigo County, Indiana.

Also;

Lot Number Seven (7) except twenty-two (22) feet and two and one-half (2 ½) inches of the South side thereof, and Twenty-one (21) feet and five (5) inches off of the South side of Lot Number Six (6) in Scholz's Subdivision of a part of the North East quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West.

Also;

Lot Number eight (8) and Twenty-two (22) feet and two and one-half (2 ½) inches off the South side of Lot Number Seven (7) of Scholz's Subdivision of the City of Terre Haute, Vigo County, Indiana.

Also;

Lots Numbers One (1), Two (2), Three (3) and Four (4) in Wey's Replat of Lots Numbers Nine (9) and Ten (10) in Scholz Heirs Subdivision of 6.201 acres in the North East Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 11, page 53, records of Recorder's Office of Vigo County, Indiana.

Also;

The alley 9.3 feet in width and adjoining said Lots Numbers One (1), Two (2), Three (3) and Four (4) on the North as vacated in Cause No. 45798 in Vigo Circuit Court as shown by Order Book 136 page 611 of the records of said Court.

3. That the attached copy of a portion of the plat of the said Public Alley, which Petitioners seek to have vacated and said alleyway runs between Petitioners' property, is made a part hereof and marked as Exhibit "A". Petitioners are the owners of all of the property abutting the property to be vacated.

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

Commencing in the North West corner of Lot 4, in Scholz Heirs Subdivision, being a Replat of 6 201/1000 acres in the North East quarter of Section 33, Township 12 North, Range 9 West, thence South Two Hundred Thirty One 45/100 (231.45) feet, more or less, along the West lot lines of Lots 5, 6, 7 and 8 of Scholz Heirs Subdivision, thence West Sixteen Feet to the South East corner of Lot 4 in Wey's Replat of Lots Numbers Nine (9) and Ten (10) in Scholz Heirs Subdivision of 6.201 acres in the North East Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, thence North Two Hundred Thirty One Fee 45/100 (231.45) feet, more or less, thence East Sixteen Feet to the place of beginning.

5. 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. Petitioners are the owners of all property adjoining and abutting the Public Alley to be vacated.

6. Petitioners propose the vacation of the Public Alley in order to allow more efficient and effective use of all the subject lots by Petitioners. The said Public Alley serves no functional purpose to the public, since this portion of the alley has not been used by the public.

7. 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 all lands abutting said portion of said Public Alley, 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 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.

8. The name and address of the owners of land that abut that portion of the Public Alley above proposed to be vacated are the Petitioners herein.

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:

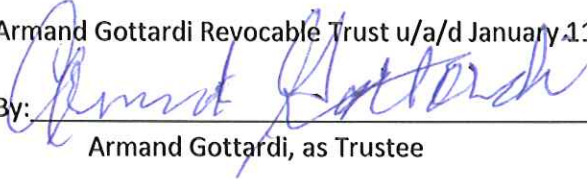
- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording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

Remainder of this page intentionally left blank.

Petitioners:

Armand Gottardi Revocable Trust u/a/d January 11, 1996

By:



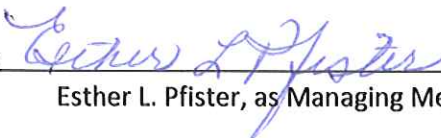
Armand Gottardi, as Trustee

Dated:

9/1/16

A.E.R. Limited Liability Company

By:



Esther L. Pfister, as Managing Member

Dated:

9/1/16

Petitioner's Address:

Armand Gottardi Revocable Trust u/a/d January 11, 1996
1823 S. 3rd Street
Terre Haute, IN 47802

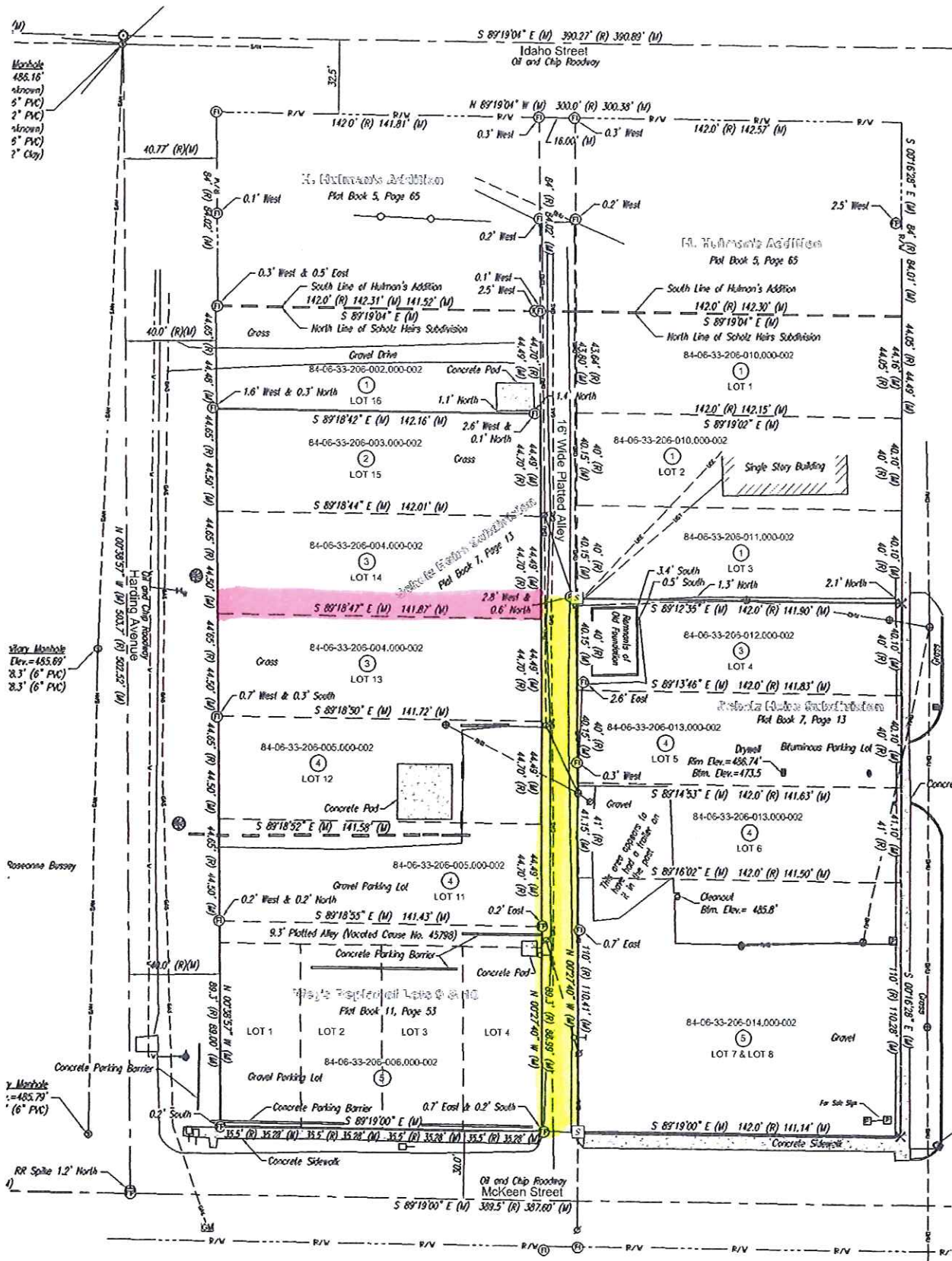
Petitioner's Address:

A.E.R. Limited Liability Company
c/o Esther L. Pfister
P.O. Box 3001
Terre Haute, IN 47803

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



ownship 12 North, Range 9 West of
ncipal Meridian, Harrison Township,
erre Haute, Vigo County, Indiana



Yellow : proposed Alley to vacate
 Pink : possible future Alley for access

Receipt

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

Date: 9-2-16

Name: Richard Shagley

Reason: Dirt buster

TERRE HAUTE, IN
PAID

SEP 2 2016

CONTROLLER

Cash: _____

Check: \$5.00

Credit: _____

Total: \$ 5.00

Received By: M Jansen

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

FILED

SEP 14 2016

CITY CLERK

To: **Engineering Department, City of Terre Haute**

Special Ordinance 36, 2016

September 13, 2016

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 September 30, 2016.

 No Problems Noted

 X Problems as noted below

Although the map indicates a possible alley dedication with access to Harding St, the petition makes no mention of dedicating and constructing an alley so that a dead end alley is not created. I will support this alley vacation if an alternate alley is dedicated to prevent creating a dead end alley

Marcus E. Maurer
(Signature)

Marcus E. Maurer
(Printed name)

Staff Engineer II
(Title)

9/14/2016
(Date)

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

FILED
SEP 16 2016
CITY CLERK

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

Special Ordinance 36, 2016

September 13, 2016

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 September 30, 2016.

Daniel Bell
(Signature)

LEAD inspector
(Title)

Daniel J. Bell
(Printed name)

9-16-2016
(Date Posted)