

JUN 05 2017

SPECIAL ORDINANCE NO. 31, 2017

CITY CLERK

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 portion of a public alley in Biel and Frederick's Subdivision of Lots 11 and 29 and 33 to 39 inclusive, in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision 100 acres off North side of Northeast Quarter of Section 22, Township 12 North, Range 9 West, and more particularly described as follows:

Commencing at a point 16 feet North of the South line of Lot 15 in Biel and Fredrick's Subdivision where there is a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015" and running thence South along the West line of Lots 15, 16, 17 and 18 in Biel and Frederick's Subdivision 105.25 feet, more or less; thence West 15 feet, more or less, to the Southeast corner of Lot 4 in Baiersdorf's Subdivision where there is a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"; thence North along East line of Lots 4, 3, and 2 in Baiersdorf's Subdivision 105.25 feet, more or less, to a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"; thence East 15 feet to the place of beginning.

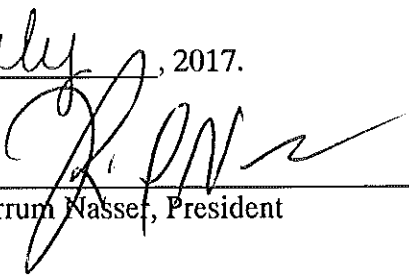
SECTION 2. Be it further ordained that said portion of said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

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, Martha Crossen  
Martha Crossen, Councilperson

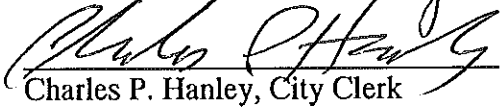
Passed in open Council this 13<sup>th</sup> day of July, 2017.

  
Karrum Nasset, President

ATTEST:

  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 17<sup>th</sup> day of July, 2017.

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 17<sup>th</sup> day of July, 2017.

  
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 II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

**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

LADIES AND GENTLEMEN:

Richard J. Shagley II, attorney for Roman Catholic Archdiocese of Indianapolis Properties, Inc., 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. Roman Catholic Archdiocese of Indianapolis Properties, Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot 1, 2, 3, and 4 in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision 100 acres off North side of Northeast Quarter of Section 22, Township 12 North, Range 9 West.

ALSO,

Lots 13, 14, 15, 16, 17, 18, and 19 in Biel and Frederick's Subdivision of Lots 11 and 29 and 33 to 39 inclusive, in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of 100 acres off North side of Northeast Quarter of Section 22, Township 12 North, Range 9 West.

ALSO,

That part of an alley vacated by Declaratory Resolution No. 1 of the Board of Public Works of the City of Terre Haute, Indiana, running North-South, North of Liberty Avenue in said City described as follows, to-wit:  
Beginning at a point 16 feet North of the South line of Lot 15 in Biel and Frederick's Subdivision and running thence North to the right of way of the Terre Haute and Indianapolis Railroad, thence in an Easterly direction between said railroad and North line of Lot 13 said subdivision to the west line of 14 ½ Street. Adopted March 15, 1911. Confirmed April 6, 1911.

ALSO,

All of North 14 ½ Street lying North of the North line of Spruce Street and South of the right of way of the Pennsylvania Railroad Company and all of an alley 15.5 feet wide lying adjacent and parallel to said railroad right of way and immediately

North of Lot 12 in Biel and Fredericks Subdivision, vacated by order of the Vigo Circuit Court, entered December 16, 1960, in Cause Number 42252, appearing in Order Book 128, page 112 ½ of said court.

Commonly known as: 423 and 431 N. 14<sup>th</sup> Street and 430 N. 14 ½ Street, Terre Haute, Indiana 47807.

4. That a copy of a portion of the plat of the said Public Alley which runs along the north side of Owner's 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:

A portion of a public alley in Biel and Frederick's Subdivision of Lots 11 and 29 and 33 to 39 inclusive, in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision 100 acres off North side of Northeast Quarter of Section 22, Township 12 North, Range 9 West, and more particularly described as follows:

Commencing at a point 16 feet North of the South line of Lot 15 in Biel and Fredrick's Subdivision where there is a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015" and running thence South along the West line of Lots 15, 16, 17 and 18 in Biel and Frederick's Subdivision 105.25 feet, more or less; thence West 15 feet, more or less, to the Southeast corner of Lot 4 in Baiersdorf's Subdivision where there is a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"; thence North along East line of Lots 4, 3, and 2 in Baiersdorf's Subdivision 105.25 feet, more or less, to a set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"; thence East 15 feet to the place of beginning.

6. 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 the said Public Alley does not nor will not serve a functional purpose to the public.

7. Petitioner propose the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner's 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.

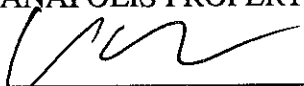
9. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioner, and Anton Fred Smodilla, IV, 2091 S. Cottrell Lane, Terre Haute, IN 47802. That notice of said vacation has been sent by certified mail to Anton Fred Smodilla, IV, 2091 S. Cottrell Lane, Terre Haute, IN 47802.

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:**

ROMAN CATHOLIC ARCHDIOCESE OF  
INDIANAPOLIS PROPERTIES, INC.

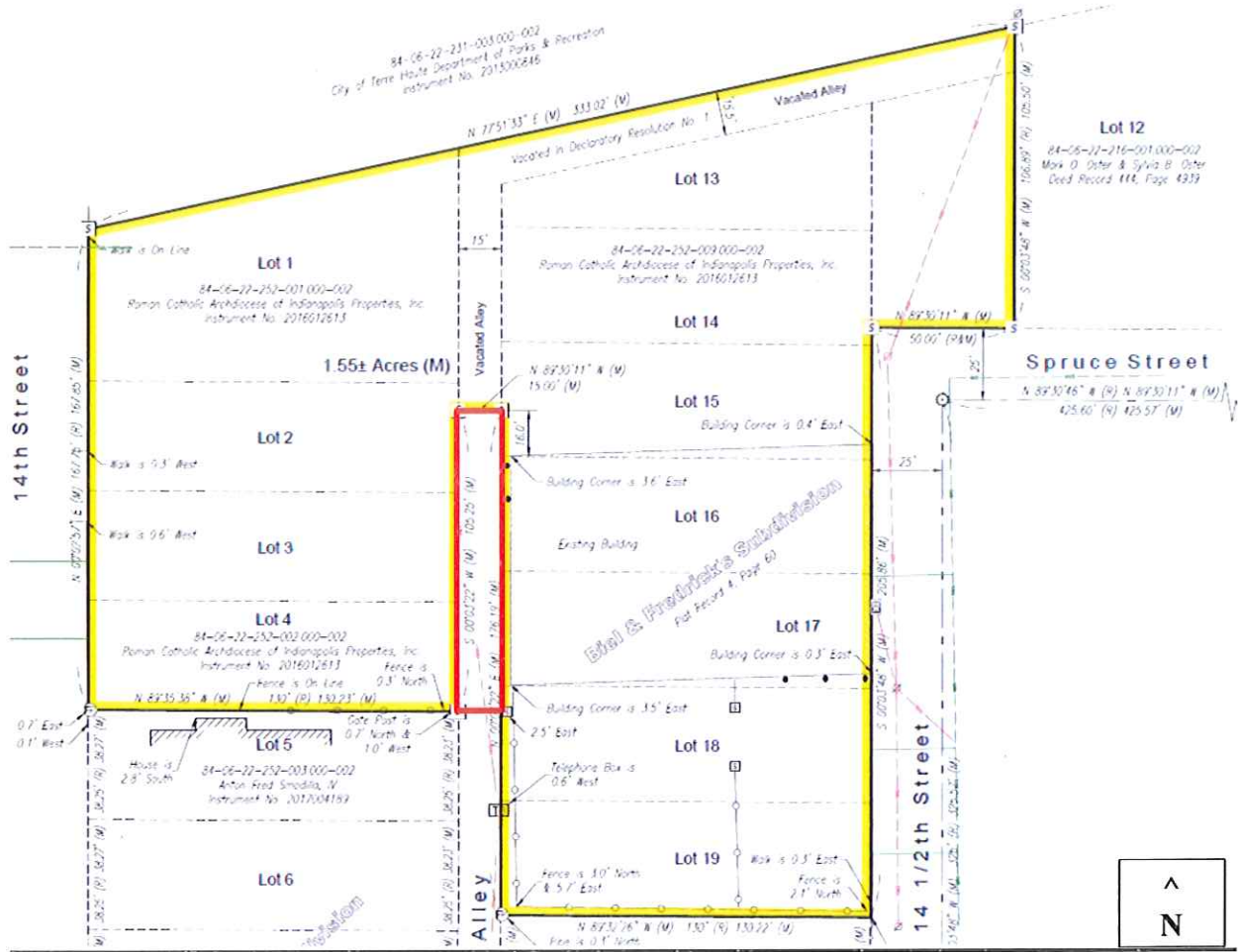
By:   
Richard J. Shagley II, Attorney

Petitioner's Address:  
Roman Catholic Archdiocese of Indianapolis Properties, Inc.  
Office of Management Services  
1400 N. Meridian Street  
Indianapolis, IN 46202

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

**SPECIAL ORDINANCE NO. 31, 2017**  
**SITE PLAN**

Portion of Public Alley West of 430 N. 14 1/2 Street, Terre Haute, Indiana 47807  
 Proposed Portion of Vacated Alley indicated in red.  
 Dimensions of Portion of Vacated Alley: 15' x 105.25', more or less.



Receipt

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

Date: 06-05-17

Name: Roman Catholic Archdiocese

Reason: Vacating Alley

Cash: \_\_\_\_\_

Check: \$5.00 #067422

Credit: \_\_\_\_\_

Total: \$5.00

TERRE HAUTE, IN  
PAID

JUN 05 2017

CONTROLLER

Received By: LeWish









**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 31, 2017

June 16, 2017

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 June 30, 2017.

No Problems Noted

Problems as noted below

We typically don't recommend approval of dead end alley vacates, but this will just be the shortening of an existing dead end alley

Marcus E. Maurer  
(Signature)

Marcus E. Maurer  
(Printed name)

Staff Engineer II  
(Title)

6/21/2017  
(Date)

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

FILED

JUL 03 2017

CITY CLERK

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

Special Ordinance 31, 2017

June 16, 2017

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 June 30, 2017

Daniel J. Bell  
(Signature)

Lead Inspector  
(Title)

Daniel J. Bell  
(Printed name)

6-19-2017  
(Date Posted)