

FILED

AUG 13 2018

CITY CLERK

SPECIAL ORDINANCE NO. 29, 2018

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY
LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED 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:

SEE EXHIBIT A.

SECTION 2. Be it further ordained that said portion of said alleyway 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 Martha Cross
Councilperson Martha Crossen

Passed in open Council this 13 day of September, 2018.


Curtis DeBaun IV
Curtis DeBaun IV, City Council President


Michelle Edwards
Attest Michelle Edwards, City Clerk

Presented by me to the Mayor this 13 day of September, 2018.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 13th day of SEPTEMBER, 2018.


Duke Bennett, Mayor


Attest:: Michelle Edwards City Clerk

I have prepared the foregoing instrument and 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.


Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

EXHIBIT A

DESCRIPTION OF ALLEY TO BE VACATED

All that part of an alley running East and West between S. 9th St. and S. 10th St., south of Crawford Street and North of Park Street located in Terre Haute, Vigo County, State of Indiana described as follows: Beginning at the southwest corner of Lot 25 in Bement's subdivision in Raymond's subdivision (parcel number 84-06-27-155-001-9000-002) (said point located in the eastern line of S. 9th St.) and continuing easterly along the South line of lots 24 (parcel number 84-06-27-155-002.000-002) and 23 (parcel number 84-06-27-155-003.000-002), in said Bements subdivision in Raymond's subdivision and continuing easterly along the South line of Lot 12 of Raymond's subdivision (parcel numbers 84-06-27-155-004.000-002, 84-06-27-155-005.000-002, 84-06-27-155-006.000-002, 84-06-27-155-007.000-002 and 84-06-27-155-008.000-002) and continuing easterly along the South line of Lot 1 (-84-06-27-155-009.000-002) in Ohms subdivision in Raymond's subdivision to the west line of South 10th St., thence southerly with the west line of S. 10th St., thence westerly along the north line of lots 22 and 28 Bements subdivision (parcel number 84-06-27-155-025.000-002) to the north west corner of said Lot 28, thence northerly to the place of beginning.
Subject to all existing easements for public utilities

PETITION FOR VACATION OF PUBLIC ALLEYWAY

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

Gentlepersons::

Petitioner, Myrtlewood LLC, as the owner of lands abutting a certain alleyway platted in the City of Terre Haute, Indiana, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public alleyway described below pursuant to the 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. Petitioner is the owner of the following described real estate located in Vigo County, State of Indiana: SEE EXHIBIT A

Said real estate is commonly known as 800 S. 9th Street, Terre Haute, Indiana, and 901, 905 and 909 Crawford St. and is generally shown in Exhibit B attached hereto and made a part hereof.

2. That the attached copy of an aerial photo (Exhibit C) discloses the portion of the alleyway which Petitioner seeks to have vacated.

3. That the portion of the alleyway to be vacated as set forth above may be more particularly described as follows, to-wit: **SEE EXHIBIT D**

Subject to all existing utility easements or rights of utilities in existing facilities.

4. No landowner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of said alleyway;

5. Attached as Exhibit E is a list of the persons owning property adjacent to the alley according to the County website and the mailing address for each property owner, according to the County website.

6. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the alleyway is located or to which they are contiguous. All other landowners in the area have and will continue to have direct access to public ways; and as set forth above, the proposed vacation of said portion of said alleyway 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.

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 an Ordinance vacating that portion of the alleyway referred to and described above;
- 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 paragraph 10-125 of the City's Zoning Ordinance;
- c) For all other proper relief in the premises.

Respectfully submitted,

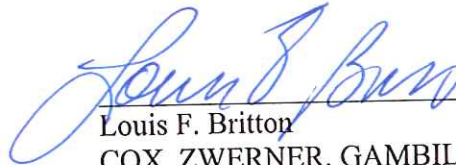
Myrtlewood, LLC

By:


(Signature)

Pat Goodwin, Manager
(Printed Name and Title)

I have prepared the foregoing instrument and 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.



Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

PETITION OF MYRTLEWOOD LLC FOR VACATION OF PUBLIC ALLEYWAY

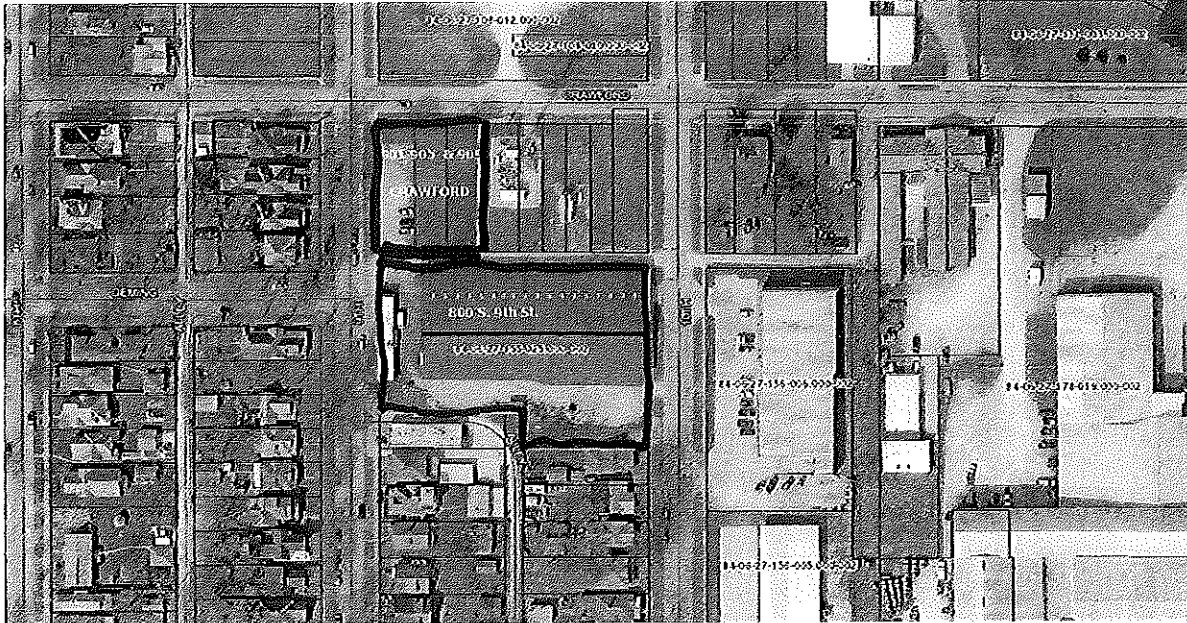
EXHIBIT A

The following described real estate situated in Vigo County, State of Indiana, to-wit:

Lots Number Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-Three (23), Twenty-Four (24), Twenty-Five (25) Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29) in Bement's Subdivision of part of Lot Number Twelve (12) of Raymond's Subdivision of the North West Quarter (1/4) of Section 27, Township 12 North, Range 9 West.

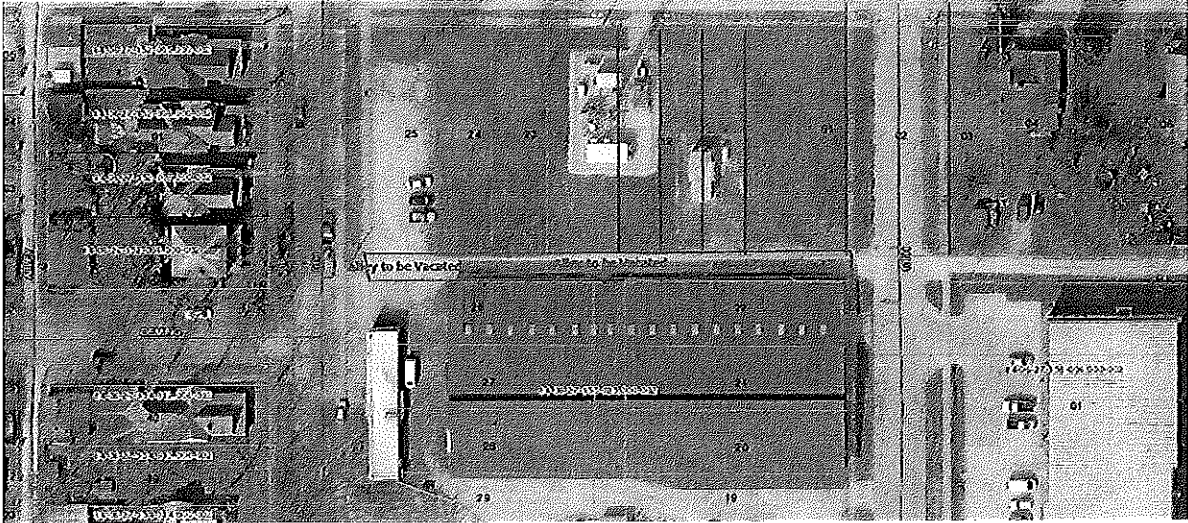
PETITION OF MYRTLEWOOD LLC FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT B



PETITION OF MYRTLEWOOD LLC FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT C



PETITION OF MYRTLEWOOD LLC FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT D

All that part of an alley running East and West between S. 9th St. and S. 10th St., south of Crawford Street and North of Park Street located in Terre Haute, Vigo County, State of Indiana described as follows: Beginning at the southwest corner of Lot 25 in Bement's subdivision in Raymond's subdivision (parcel number 84-06-27-155-001-9000-002) (said point located in the eastern line of S. 9th St.) and continuing easterly along the South line of lots 24 (parcel number 84-06-27-155-002.000-002) and 23 (parcel number 84-06-27-155-003.000-002), in said Bements subdivision in Raymond's subdivision and continuing easterly along the South line of Lot 12 of Raymond's subdivision (parcel numbers 84-06-27-155-004.000-002, 84-06-27-155-005.000-002, 84-06-27-155-006.000-002, 84-06-27-155-007.000-002 and 84-06-27-155-008.000-002) and continuing easterly along the South line of Lot 1 (-84-06-27-155-009.000-002) in Ohms subdivision in Raymond's subdivision to the west line of South 10th St., thence southerly with the west line of S. 10th St., thence westerly along the north line of lots 22 and 28 Bements subdivision (parcel number 84-06-27-155-025.000-002) to the north west corner of said Lot 28, thence northerly to the place of beginning.
Subject to all existing easements for public utilities.

PETITION OF MYRTLEWOOD LLC FOR VACATION OF PUBLIC ALLEYWAY

EXHIBIT E

Deeded Owner

Myrtlewood LLC
800 S 9TH ST
TERRE HAUTE, IN 47807
(84-06-27-155-001.000-002) 901 Crawford St.
(84-06-27-155-025.000-002) 800 S. 9th St.

Deeded Owner

Myrtlewood LLC
2215 N 10TH ST
TERRE HAUTE, IN 47804
(84-06-27-155-002.000-002) 905 Crawford St.
(84-06-27-155-003.000-002) 909 Crawford St.

Deeded Owner

Ennis John D
3663 MYRA CT
TERRE HAUTE, IN 47802
(84-06-27-155-004.000-002) 913 Crawford St.
(84-06-27-155-005.000-002) 917 Crawford St.

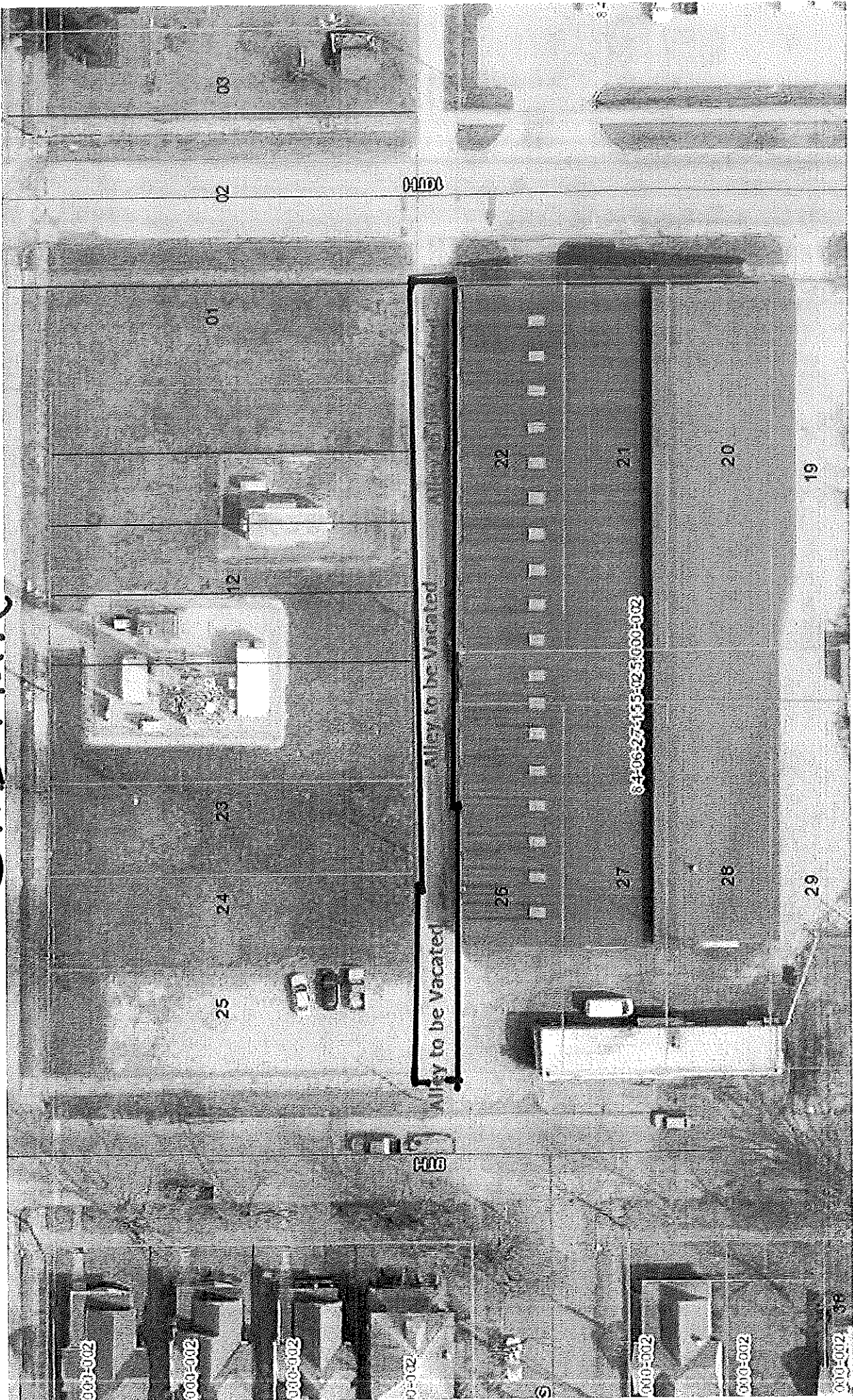
Deeded Owner

Kentucky Data Link Inc
C/O WINDSTREAM ACCTS PAY VENDOR 18512221
P O BOX 26088
PLANO, TX 75075
(84-06-27-155-006.000-002) 919 Crawford St.
(84-06-27-155-008.000-002) 925 Crawford St.
(84-06-27-155-009.000-002) 927 Crawford St.

Deeded Owner

CSL Realty LLC
BENTON BLDG SUITE 300
10802 EXECUTIVE CENTER DR
LITTLE ROCK, AR 72211
(84-06-27-155-007.000-002) 921 Crawford St.

Site Plan



Receipt

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

Date: 8/13/18

Name: Myrtlewood LLC

Reason: Vacating Alley

Cash: 5.00

Check: _____

Credit: _____

Total: 5.00

Received By: *L. Ellsley*

TERRE HAUTE
8/13/18
CONTROLLER

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-244-2103

Michelle L. Edwards, City Clerk

city of terre haute

August 14, 2018

CSL Realty LLC
Benton Bldg Suite 300
10802 Executive Center Dr
Little Rock, AR 72211

Pursuant to I.C. 36-7-3-12, our office is notifying you of a proposed alley vacating. Enclosed is a copy of Special Ordinance 29, 2018 that vacates a portion of East-West Public Alley located North of Park Street, South of Crawford Street, East of 9th Street and West of 10th St. This East-West Public Alley abuts your property located at 921 Crawford Street. (Parcel No. 84-06-27-155-007.000-002)

If you wish to be heard concerning this ordinance, it will be discussed during the Regular Meeting of the Terre Haute City Council on September 6, 2018. If the Terre Haute City Council does not take action at that meeting, this matter will be continued to the next Regular Meeting of the Terre Haute City Council on September 14, 2018 as well as be acted upon. Both meetings are at 6:00PM in the City Courtroom located on the first floor of City Hall.

If you have any questions, please feel free to contact me at 812-244-2131 Monday through Friday 8:00AM to 4:00PM. You may also reach me by email at Michelle.Edwards@Terrehaute.IN.Gov

Sincerely,



Michelle L. Edwards
City Clerk

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-244-2103

Michelle L. Edwards, City Clerk

city of terre haute

August 14, 2018

Kentucky Data Link Inc
C/O Windstream Accts Pay Vendor 18512221
PO Box 26088
Plano, TX 75075

Pursuant to I.C. 36-7-3-12, our office is notifying you of a proposed alley vacating. Enclosed is a copy of Special Ordinance 29, 2018 that vacates a portion of East-West Public Alley located North of Park Street, South of Crawford Street, East of 9th Street and West of 10th St. This East-West Public Alley abuts your property located at 919, 925 & 927 Crawford Street. (Parcel No. 84-06-27-155-006.000-002)
(Parcel No. 84-06-27-155-008.000-002)
(Parcel No. 84-06-27-155-009.000-002)

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Sincerely,



Michelle L. Edwards
City Clerk

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-244-2103

Michelle L. Edwards, City Clerk

city of terre haute

August 14, 2018

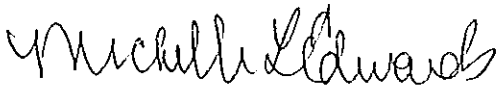
John D. Ennis
3663 Myra Ct.
Terre Haute, IN 47802

Pursuant to I.C. 36-7-3-12, our office is notifying you of a proposed alley vacating. Enclosed is a copy of Special Ordinance 29, 2018 that vacates a portion of East-West Public Alley located North of Park Street, South of Crawford Street, East of 9th Street and West of 10th St. This East-West Public Alley abuts your property located at 913 & 917 Crawford Street. (Parcel No. 84-06-27-155-004.000-002)
(Parcel No. 84-06-27-155-005.000-002)

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Sincerely,



Michelle L. Edwards
City Clerk

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

FILED

AUG 15 2018

CITY CLERK

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

Special Ordinance 29, 2018

August 14, 2018

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 29, 2018.

Daniel Bell
(Signature)

Lead Inspection
(Title)

Daniel Bell
(Printed name)

8-14-2018
(Date Posted)

**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 29, 2018

August 14, 2018

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 29, 2018.

No Problems Noted

Problems as noted below

I have no objection to the vacation of this
alley, but the City will need to retain easement
rights for the existing sanitary sewer.

Marcus E. Maurer

(Signature)

Marcus E. Maurer

(Printed name)

Assistant City Engineer

(Title)

9/6/2018

(Date)