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FILED
NOV - 4 2021
CITY CLERK

SPECIAL ORDINANCE NO. 41, 2021

AN ORDINANCE VACATING A PORTION OF A PUBLIC WAY 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 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, and described as follows:

> ALL THAT PARCEL of land situate in the City of Terre Haute, County of Vigo and State of Indiana, bounded and described according to a plan of survey made by Henry J. Dorman, Registered Land Surveyor, dated June 24, 1977, as follows, viz:
>
> COMMENCING at a Vigo County Survey Monument (designed POT on said plan) at the intersection of centerlines of Lafayette and Elm Streets; thence West 547.5 feet along the centerline of said Elm Street to its intersection with the centerline of 4th Street (65 feet wide); thence East 32.5 feet along the centerline of said Elm Street to its intersection with the Northerly prolongation of the East line of said 4th Street; thence deflecting 89 degrees 53 minutes to the right for a bearing of South 0 degrees 07 minutes East, 176 feet along said prolongated line and said East line of 4th Street, then East along the North line to the point of beginning at the North East corner of Lot 23, then South along the East lot line to the North East corner of Lot 22, then directly East to the west boundary line of Lot 39, then North to the North West Corner of Lot 38, then East to the point of beginning at the North East corner of Lot 23.

SECTION 2. Be it further ordained that said portion of said public 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 easement rights for public utilities.

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SECTION 3. Be it further ordained that the City Clerk be, and she 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, Councilperson

Passed in open Council this 2nd day of December, 2021.

_____
O. Earl Elliot, President

ATTEST:

_____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 2nd day of December, 2021.

_____
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 2nd day of DECEMBER, 2021.

_____
Duke Bennett, Mayor

ATTEST:

_____
Michelle Edwards, 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.

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PETITION FOR VACATION OF PORTION OF A PUBLIC WAY

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

LADIES AND GENTLEMEN:

The undersigned, Denise J. Brokaw Helms and Paul E. Lemont are the owners of land abutting a certain Public Way 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. The undersigned, Denise J. Brokaw Helms and Paul E. Lemont are the owners of the following described real estate located in Vigo County, State of Indiana:

> ALL THAT PARCEL of land situate in the City of Terre Haute, County of Vigo and State of Indiana, bounded and described according to a plan of survey made by Henry J. Dorman, Registered Land Surveyor, dated June 24, 1977, as follows, viz:
>
> COMMENCING at a Vigo County Survey Monument (designed POT on said plan) at the intersection of centerlines of Lafayette and Elm Streets; thence West 547.5 feet along the centerline of said Elm Street to its intersection with the centerline of 4th Street (65 feet wide);
> thence East 32.5 feet along the centerline of said Elm Street to its intersection with the Northerly prolongation of the East line of said 4th Street; thence deflecting 89 degrees 53 minutes to the right for a bearing of South 0 degrees 07 minutes East, 176 feet along said prolongated line and said East line of 4th Street to a survey monument set at the place of beginning for the parcel of land herein to be conveyed;
>
> EXTENDING from said beginning point the following four courses and distances: (1) South 89 degrees 14 minutes East, 298.36 feet following a chain link fence to a survey monument set 180 feet South of the centerline of said Elm Street measured along the West line of 5th Street (65 feet wide) said monument being the Northeast corner of the parcel of land herein described; thence (2) South 0 degrees 07 minutes East 75 feet along said West line of 5th Street to a survey monument set at the Southeast corner of said parcel of land on the Northerly line of land which has been conveyed by The Cleveland, Cincinnati, Chicago and St. Louis Railway Company to Consolidated Rail Corporation (Conrail), said monument being distant 15 feet, measured Northwardly and radially, from the centerline of Railroad Track No. 177 formerly of said
> Railway Company; thence (3) Northwestwardly along said Northerly line of land conveyed to Conrail by a curve to the left which is parallel with the centerline of

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said Railroad Track No. 177, the arc distance of 300.3 feet to a survey monument set at the Southwest corner of the parcel of land herein described on the East line of 4th Street; thence (4) North 0 degrees 07 minutes West 51.5 feet along said East line of 4th Street to the place of beginning.

CONTAINING 15,270 square feet or 0.35 of an acre, more or less.

Parcel # 84-06-21-208-009.000-002
Commonly known as 700 N. 5th St., Terre Haute, Indiana

2. That a copy of a map that shows the alley which runs between the Owners' 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:

ALL THAT PARCEL of land situate in the City of Terre Haute, County of Vigo and State of Indiana, bounded and described according to a plan of survey made by Henry J. Dorman, Registered Land Surveyor, dated June 24, 1977, as follows, viz:

COMMENCING at a Vigo County Survey Monument (designed POT on said plan) at the intersection of centerlines of Lafayette and Elm Streets; thence West 547.5 feet along the centerline of said Elm Street to its intersection with the centerline of 4th Street (65 feet wide); thence East 32.5 feet along the centerline of said Elm Street to its intersection with the Northerly prolongation of the East line of said 4th Street; thence deflecting 89 degrees 53 minutes to the right for a bearing of South 0 degrees 07 minutes East, 176 feet along said prolongated line and said East line of 4th Street, then East along the North line to the point of beginning at the North East corner of Lot 23, then South along the East lot line to the North East corner of Lot 22, then directly East to the west boundary line of Lot 39, then North to the North West Corner of Lot 38, then East to the point of beginning at the North East corner of Lot 23.

6. Petitioner believes that no landowner adjoining and abutting the Public Way to be vacated would be adversely affected by the vacation of said Public Way, since the real estate is the said Public Way does not nor will not serve a functional purpose to the public.

7. Petitioners propose the vacation of the Public Way 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 Way is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Way; as set forth above, the proposed vacation of said portion of said Public Way would not

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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 Way above proposed to be vacated are the following:

Christian Campus Ministry of Terre Haute
722 N. 5th Street
Terre Haute, IN 47807

CSX Railroad
2301 S. 19th St.
Terre Haute, IN 47802

Eric Cook
727 N. 4th Street
Terre Haute, IN 47807

Vigo County
680 N. 5th Street
Terre Haute, IN 47807

That notice of said vacation has been sent by USPS Certified Mail to the above property owners.

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 Way 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.

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PETITIONER:

DocuSigned by:
Denise Brokaw Helms
D584ECA044484EC...

Denise J. Brokaw Helms

DocuSigned by:
Paul E Lemont
8A00E3856DE44A7...

Paul E. Lemont

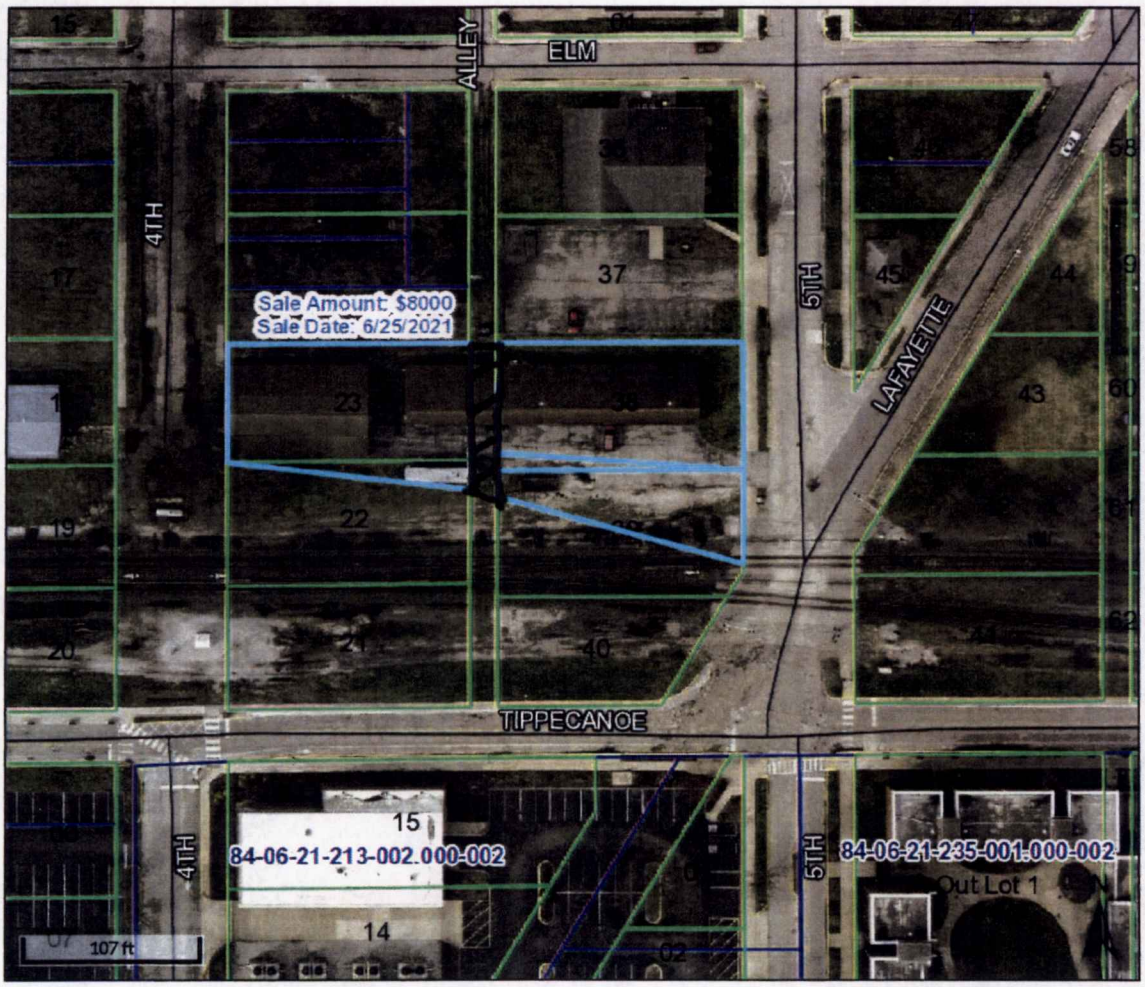
Petitioner's Address: 3351 E. Buttercup Ave., Terre Haute IN 47805.

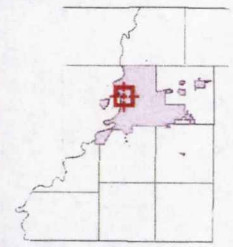
This instrument prepared by Richard J. Shagley, II, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807, at the specific request of Petitioner based solely on information supplied by one or more of the parties to this Petition and without examination of title and abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Petitioners' execution of the instrument.

Site Plan

9N

Beacon™ Vigo County, IN / City of Terre Haute





Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- 2021 Sales

Parcel ID	84-06-21-208-009.000-002	**Alternate ID**	84-06-21-208-009.000-002	**Owner Address**	Helms Denise J Brokaw & Paul E Lemont
Sec/Twp/Rng	21	**Class**	Industrial Small shops		3351 E Buttercup Ave
Property Address	700 N 5TH ST TERRE HAUTE	**Acreage**	0.57		Terre Haute, IN 47805
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	JOHN SIBLEYS SUB N PRTS LOTS 22 38 & 39 D-387/508 21-12-9 LOTS 22-23 & 38-39 .57 AC (Note: Not to be used on legal documents)				

Date created: 10/29/2021
Last Data Uploaded: 10/29/2021 5:24:28 AM

Developed by Schneider GEOSPATIAL

: Alley to be vacated

TERRE HAUTE
A LEVEL ABOVE

TERRE HAUTE, IN
PAID
NOV 04 2021
CONTROLLER

Receipt

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

Date: 11-4-21

Name: Paul Lemont

Reason: Vacating Alley $5.00

Cash:

Check: 5.00 CK# 72033

Credit:

Total: 5.00

Received By:

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

FILED
NOV 22 2021
CITY CLERK

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

Special Ordinance 41, 2021

November 16, 2021

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 November 29, 2021.

(Signature) Building Inspector (Title)

JOHN E AKERS III (Printed name) 11/18/21 (Date Posted)

FILED
NOV 29 2021
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 41, 2021

November 16, 2021

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 November 29, 2021.

X No Problems Noted _____ Problems as noted below

Josey Daugherty
(Signature)

Staff Engineer
(Title)

Josey Daugherty
(Printed name)

11-29-21
(Date)

FILED
NOV 17 2021
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 41, 2021

November 16, 2021

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 November 29, 2021.

✓ No Problems Noted _____ Problems as noted below

(Signature) Fire Chief (Title)

Bill Berry (Printed name) 11-19-21 (Date)