

FILED

AUG 24 2021

CITY CLERK

SPECIAL ORDINANCE NO. 23, 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:

EASTLAWN Subdivision
Blankenbaker Avenue

Part of Blankenbaker Avenue, in EASTLAWN, a subdivision recorded October 21, 1936, in Plat Record 15, Pages 38-39, in the office of the Vigo County Recorder, City of Terre Haute, Indiana, more particularly described as follows:

Beginning at the Northwest Corner of Lot 95, thence Southeasterly, along and with the Northeast line of Blankenbaker Avenue, an approximate distance of 660 feet to the Northwest Corner of Lot 73; thence Southwesterly, along and with the North line of that Property described in Special Ordinance Number 27, 2003, of the Common Council of the City of Terre Haute, Indiana, recorded as Instrument Number 200320754, on September 29, 2003, in the Office of the Vigo County Recorder, to its terminus on the Southwest line of Blankenbaker Avenue, being a point 188 feet from the Southwest corner of 6th Avenue, thence Northwesterly, along and with said Southwest line, an approximate distance of 735 feet to the Westerly prolongation of the North line of the aforesaid Lot 95; thence Westerly, along and with said prolongation, an approximate distance of 47 feet to the Point of Beginning, containing 0.6 acres, more or less.

AND

EASTLAWN Subdivision
38th Street (platted as 35th Street)

Part of 38th Street (platted as 35th Street), in EASTLAWN, a subdivision recorded October 21, 1936, in Plat Record 15, Pages 38-39, in the office of the Vigo County Recorder, City of Terre Haute, Indiana, more particularly described as follows:

Beginning at the Northwest Corner of Lot 87; thence South, along and with the East line of said 38th Street a distance of 240 feet, to the Northwest corner of Lot 93A; thence continuing said course, an approximate distance of 21 feet, to the Northeast line of Blankenbaker Avenue; thence Northwesterly, along and with said Northeast line, an approximate distance of 95 feet, to the South Corner of Lot 95; thence North, along and with the West line of said 38th Street, a distance of 180 feet, to the Northeast corner of Lot 95; thence East, a distance of 50 feet to the Point of Beginning, containing 0.3 acres, more or less.

AND

EASTLAWN Subdivision
Alley: South of 8th Avenue, between 38th Street (platted 35th Street) and 39th Street (platted 36th Street)

Part of EASTLAWN, a subdivision recorded October 21, 1936, in Plat Record 15, Pages 38-39, in the office of the Vigo County Recorder, city of Terre Haute, Indiana, described as follows:

The 15 feet wide Alley South of 8th Avenue, North of Blankenbaker Avenue, between 38th Street (platted 35th Street) and 39th Street (platted 36th Street).

More particularly described as follows:

Beginning at the Northwest Corner of Lot 86; thence South, along and with the East line of said Alley, a distance of 480 feet, to the Northwest corner of Lot 74B; thence continuing said course, an approximate distance of 23 feet, to the Northeast line of Blankenbaker Avenue; thence Northwesterly, along and with said Northeast line, an approximate distance of 29 feet, to the South Corner of Lot 94; thence North, along and with the West line of said Alley, an approximate distance of 478.6 feet, to the Northeast corner of Lot 87; thence East, a distance of 15 feet to the Point of Beginning, containing 0.2 acres more or less.

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.

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, Cheryl Loudermilk
Cheryl Loudermilk, Councilperson

Passed in open Council this 7 day of October, 2021.

O. Earl Elliot
O. Earl Elliot, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 7 day of October, 2021.

Michelle Edwards
Michelle Edwards, City Clerk

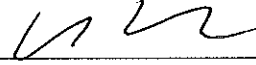
Approved by me, the Mayor of the City of Terre Haute, this 7th day of OCTOBER, 2021.

Duke Bennett
Duke Bennett, Mayor

ATTEST:

Michelle Edwards
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.

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, Roy W. Atkinson, Jr. is 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, Roy W. Atkinson, Jr., is the owners of the following described real estate located in Vigo County, State of Indiana:

Lots Numbers 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 90, 91, 92, 93, 93B and 94 in Eastlawn, A subdivision in the West half (1/2) of Section Thirteen (13), Township Twelve (12) North, of Range Nice (9) West, as per recorded in Plat Record 15, pages 38 and 39, of the records in the Recorders Office of Vigo County, Indiana.

Commonly known as 620 N 39th Street, 700 N 39th Street, 1531 N 38th Street, 1521 N 38th Street, 1511 N 38th Street, 1501 N 38th Street and 620 N 39th Street, Terre Haute, IN 47803.

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:

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distance of 478.6 feet, to the Northeast corner of Lot 87; thence East, a distance of 15 feet to the Point of Beginning, containing 0.2 acres more or less.

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 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:

S & G Excavating
3721 8th Avenue
Terre Haute, IN 47803

Phillip & Helen Jane Fields
802 N 38th Street
Terre Haute, IN 47803

Jeff & Janice McCullough
801 N 38th Street
Terre Haute, IN 47803

Ronald & Kathy Shaffer
808 N 39th Street
Terre Haute, IN 478003

Gordon L. Forte
614 N 39th Street
Terre Haute, IN 47803

Linda Huston
3895 8th Avenue

Terre Haute, IN 47803

Donald P. Featherston
3803 8th Avenue
Terre Haute, IN 47803

Glen Featherston
3737 8th Avenue
Terre Haute, IN 47803

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.

PETITIONER: ROY W. ATKINSON, JR.



A handwritten signature in cursive script, reading "Roy W. Atkinson Jr.", is written over a horizontal line.

Petitioner's Address: 700 N. 39th Street, Terre Haute, IN 47804.

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

Site Plan

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

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

Parcel ID	84-06-13-327-015.000-002	Alternate ID	84-06-13-327-015.000-002	Owner Address	Atkinson Roy Wilson Jr Revocable Trust PO Box 3575 Terre Haute, IN 47803
Sec/Twp/Rng	13	Class	Res Mob/manuf home platted lot		
Property Address	730 N 39TH ST TERRE HAUTE	Acreage	n/a		
Neighborhood	118513 - HARRISON				
District	002 HARRISON				
Brief Tax Description	EASTLAWN SUB 200230172 13-12-9 LOTS 82-83 (Note: Not to be used on legal documents)				

Date created: 8/11/2021
 Last Data Uploaded: 8/11/2021 5:19:14 AM

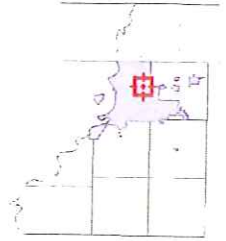
Developed by Schneider
 GEOSPATIAL

= proposed vacated public way

Beacon™ Vigo County, IN / City of Terre Haute



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Sec/Twp/Rng	13	Class	Res Mob/manuf home platted lot	Address	PO Box 3575 Terre Haute, IN 47803
Property Address	730 N 39TH ST TERRE HAUTE	Acreage	n/a		
Neighborhood	118513 - HARRISON				
District	002 HARRISON				
Brief Tax Description	EASTLAWNSUB 200230172 13-12-9 LOTS 82-83 (Note: Not to be used on legal documents)				

Date created: 8/11/2021
Last Data Uploaded: 8/11/2021 5:19:14 AM

Developed by Schneider GEOSPATIAL

= proposed vacated public way

RECEIPT

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

Date: 8-24-21

Name: Foy Atkinson

Reason: Vacate Alley

TERRE HAUTE
AUG 24 2021
\$5.00

Cash: _____

Check: 5.00 CK# 71836

Credit: _____

TOTAL: 5.00

Received By: [Signature]

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

FILED

AUG 31 2021

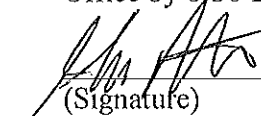
CITY CLERK

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

Special Ordinance 23, 2021

August 26, 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 8-30-2021.



(Signature)

JOHN AKERS

(Printed name)

Building Inspector

(Title)

8/30/21

(Date Posted)



Street Department

TO: Michelle Edwards

FROM: Ernie Meeks
Terre Haute Street Department

DATE: August 30, 2021

RE: Request to Vacate Alley(s)

This request does not have any apparent concerns regarding traffic flow for the area. However, there is a property located at 3803 8th Av, which has a structure and a porch that appear to be within in the area that has been requested for vacation. The porch is approximately 39 feet from the house at 3737 8th Av and the other structure is approximately 46 feet from the house at the same address. According to Beacon the area requested for vacation should be 50 feet wide.

Professionally,

Ernie Meeks
Street Commissioner
Terre Haute Street Department
Terre Haute, Indiana

1329 Deming Street
Terre Haute, IN 47807

Phone: 812-244-2900
Fax: 812-232-7529

Duke A. Bennett
Mayor

Ernie Meeks
Street Commissioner

FILED

AUG 26 2021

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

CITY CLERK

To: Engineering Department, City of Terre Haute

Special Ordinance 23, 2021

August 26, 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 September 2, 2021.

No Problems Noted

Problems as noted below

Maxwell E. Maurer
(Signature)

Assistant City Engineer
(Title)

Maxwell E. Maurer
(Printed name)

8/26/2021
(Date)

