TERRE HAUTE
A LEVEL ABOVE

APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 24

COMMON ADDRESS OF LOTS TO BE REZONED:

812 Oak Street, Terre Haute, IN 47807

Current Zoning: R2 – Two Family Residence District. R3 General Residence District

Requested Zoning: R3 – General Residence District

Proposed Use: Apartment Building

Name of Owner: Ricky D. Ward

Address of Owner: 1843 E. Sierra Drive, Haubstadt, IN 47639

Phone Number of Owner: 812-249-9270

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Ricky Ward

Council Sponsor: Todd Nation

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAY 05 2017

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 24, 2017

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Parcel ID: 84-06-27-104-010.000-002
Tax ID: 118-06-27-104-010
Tract 1 - Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.
Commonly known as: 806 Oak Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-008.000-002
Tax ID: 118-06-27-104-008
Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the place of beginning.
Commonly known as: 426 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-009.000-002
Tax ID: 118-06-27-104-009
Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.
Commonly known as: 430 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-007.000-002
Tax ID: 118-06-27-104-007
Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.
Commonly known as: 418 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-011.000-002
Tax ID: 118-06-27-104-011
Fountains ADD 32'W Side Lot 28 (812-814 Oak Street) 2005018931 D-430/289 200316174 27-12-9 Lots 28-31).
Commonly known as: 812 Oak Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-012.000-002
Tax ID: 118-06-27-104-012
Thirty-two (32) feet off the West Side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in the subdivision of the North West Quarter of Section Twenty-seven Dewey as Executor of David Raymond, deceased.
Commonly known as: 818 Oak Street, Terre Haute, Vigo County Indiana 47807

Be and the same is hereby established as a **R3-General Residence District,** together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. 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 required by law.

Presented by Council Member, _____

(George Azar)

Passed in Open Council this _____day of _____, 20____.

_____
Karrum Nasser-President

ATTEST: _____

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____day of _____ 20__.

_____
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____day of _____, 20__.

_____
Duke A. 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_____
Ricky D Ward

This instrument prepared by: **Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47807. Phone: 812-249-9270.**

PETITION TO REZONE REAL PROPERTY

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

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Ricky D. Ward,** respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Parcel ID: 84-06-27-104-010.000-002
Tax ID: 118-06-27-104-010
Tract 1 – Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.
Commonly known as: 806 Oak Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-008.000-002
Tax ID: 118-06-27-104-008
Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the place of beginning.
Commonly known as: 426 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-009.000-002
Tax ID: 118-06-27-104-009
Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.
Commonly known as: 430 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-007.000-002
Tax ID: 118-06-27-104-007
Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.
Commonly known as: 418 South 8th Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-011.000-002
Tax ID: 118-06-27-104-011
Fountains ADD 32'W Side Lot 28 (812-814 Oak Street) 2005018931 D-430/289 200316174 27-12-9 Lots 28-31).
Commonly known as: 812 Oak Street, Terre Haute, Vigo County Indiana 47807

Parcel ID: 84-06-27-104-012.000-002
Tax ID: 118-06-27-104-012
Thirty-two (32) feet off the West Side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in the subdivision of the North West Quarter of Section Twenty-seven Dewey as Executor of David Raymond, deceased.
Commonly known as: 818 Oak Street, Terre Haute, Vigo County Indiana 47807

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R2 – Two Family Residence District. R3 General Residence District.**

Your petitioner would respectfully state that the real estate is now **apartments.** Your petitioner intends to use the real estate to **continued use as apartments.**

Your petitioner would request that the real estate described herein shall be zoned as a **R3-General Residence District**. Your petitioner would allege that the **R3-General Residence District** would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R3-General Residence District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 5th day of May, 2017.

BY: _____
Ricky D. Ward

PETITIONER: **Ricky D. Ward**

This instrument was prepared by **Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47639.**

AFFIDAVIT OF:

COMES NOW affiant **Ricky D. Ward**

and affirms under penalty of law that affiant is the owner of record of the property located

at 812 Oak Street, 806 Oak St, 426 S. 8th St, 430 S. 8th St., 418 S. 8th Sts, & 818 Oak St.

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such

ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Ricky D. Ward

SIGNATURE: n/k

SIGNATURE: n/k

STATE OF INDIANA
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, Indiana, Ricky D. Ward

who acknowledges the execution of the above and foregoing, after being duly sworn upon his

oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 5th day of May, ~~200~~2017.

Notary Public: Rhonda Kay Coombs

Rhonda Kay Coombs
[Typed name]

My Commission Expires: 08/01/2021

My County Of Residence: Vigo

Google Earth

feet 100
meters 30

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

AUG 21 2014

Timothy M Spencer
VIGO COUNTY AUDITOR

2014010835 QD $18.00
08/21/2014 03:04:46P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Space reserved for use by Recorder's Office

Recording requested by: Ricky Dean Ward
When recorded, mail to:
Ricky Dean Ward
11692 E. State Road 445
Bloomfield, IN 47424

Property Tax Parcel/Account Number:
84-06-27-104-010.000-002
84-06-27-104-008.000-002
84-06-27-104-009.000-002
84-06-27-104-007.000-002

Document prepared by:
Ricky Dean Ward
11692 E. State Road 445
Bloomfield, IN 47424

Quitclaim Deed

This Quitclaim Deed is made on August 20, 2014, between Phoenix Investment Corporation (David Axe President) & Janie Shepherd, **Grantor**, of 806 Oak Street, 426 South 8th Street, 430 South 8th Street, & 418 South 8th Street, City of Terre Haute, State of Indiana, and Ricky Dean Ward, **Grantee**, of 806 Oak Street, 426 South 8th Street, 430 South 8th Street, & 418 South 8th Street, City of Terre Haute, State of Indiana.

For valuable consideration, the **Grantor** hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the **Grantee**, and his or her heirs and assigns, to have and hold forever, located at 806 Oak Street, 426 South 8th Street, 430 South 8th Street, & 418 South 8th Street, City of Terre Haute, State of Indiana:

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any. Taxes for the tax year of 2014 (payable 2015) shall be paid by the Grantee.

Dated: August 20, 2014

Signature of Grantor: David Axe
Name of Grantor: Phoenix Investment Corporation

Janie L Shepherd
Janie Shepherd

Signature of Witness #1: Kellee Stevenson
Printed Name of Witness #1: Kellee Stevenson

Signature of Witness #2: Tina Gallagher
Printed Name of Witness #2: Tina Gallagher

State of Indiana County of Greene, On August 20, 2014, the Grantor, Phoenix Investment Corporation & Janie Shepherd personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Carla Gambill
Notary Signature: Carla Gambill

Notary Public,
In and for the County of Greene State of Indiana
My commission expires: May 30, 2016 SEAL

Send all tax statements to Grantee.
See attachment for additional legal description of parcels.

2

Sales Disclosure Additional Information
Four Parcels

Properties (Land) Legal Description:

806 Oak Street, Terre Haute, Indiana 47807
Parcel ID: 84-06-27-104-010.000-002
Tax ID: 118-06-27-104-010
Tract 1- Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.

426 South 8th Street, Terre Haute, Indiana 47807
Parcel ID: 84-06-27-104-008.000-002
Tax ID: 118-06-27-104-008
Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the place of beginning.

430 South 8th Street, Terre Haute, Indiana 47807
Parcel ID: 84-06-27-104-009.000-002
Tax ID: 118-06-27-104-009
Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.

418 South 8th Street, Terre Haute, Indiana 47807
Parcel ID: 84-06-27-104-007.000-002
Tax ID: 118-06-27-104-007
Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.

RECORD OWNER:
Tract 1, 3, and 4- Phoenix Investment Corporation.
Tract 2-Janie Shepherd.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 31 2013

VIGO COUNTY AUDITOR

2013002164 WD $18.00
01/31/2013 11:42:51A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

This Indenture Witnesseth that **ROI Development, LLC, a limited liability company,** organized and existing under the laws of the State of Indiana, of Vigo County in the State of Indiana, and **Michael S. Rowe and Teresa Rowe, husband and wife, Convey and Warrant** to **Ricky D. Ward, a competent adult**, of Vigo County in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Vigo County in the State of Indiana, to-wit:

Lot Number 29 in Fontaines Addition to the Town, now City of Terre Haute, Vigo County, Indiana.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

IN WITNESS WHEREOF the above referred to ROI Development, LLC, an Indiana Limited Liability Company, has caused this deed to be executed in its name and on its behalf by its duly authorized sole member, and Michael S. Rowe and Teresa Rowe, husband and wife, have hereunto set their hands and seals this 30th day of January, 2013.

Michael S. Rowe

Teresa Rowe

ROI DEVELOPMENT, LLC

By

Michael S. Rowe, its sole member

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 30th day of January, 2013, personally appeared Michael S. Rowe, being the sole member of ROI Development, LLC, an Indiana Limited Liability Company, who stated that all of the facts and figures above set forth were true and thereupon executed and acknowledged execution of the foregoing instrument on behalf of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 09-06-2015

DARYL L. McCLEARY
Notary Public - State of Indiana
Vigo County
My Commission Expires
September 06, 2015

Daryl L. McCleary Notary Public

A resident of Vigo County, Indiana

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 30th day of January, 2013, personally appeared Michael S. Rowe and Teresa Rowe, husband and wife, who acknowledged the execution of the foregoing Warranty Deed to be their voluntary act and deed and stated that the representations therein contained are true as they verily believe.

2

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

DARYL L. McCLEARY
Notary Public - State of Indiana
Vigo County
My Commission Expires
September 05, 2015

My Commission Expires:

09-06-2015

Daryl L. McCleary, Notary Public

A resident of Vigo County, Indiana

Mail tax duplicates to: 11692 E. State Road 445 Bloomfield, IN 47424

Mailing addresses of the real estate is 812-814 Oak Street, Terre Haute, Indiana 47807.

Mailing address of the Grantee is 11692 E. State Road 445 Bloomfield, IN 47424

This instrument prepared by: C. Don Nattkemper, Attorney at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 47803.

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.

2014010542 QD $20.00
08/13/2014 11:26:10A 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Recording requested by: Ricky Ward
When recorded, mail to:
Name: Ricky Ward
Address: 11692 E. State Rd 445
City: Bloomfield
State/Zip: IN, 47424

Space above reserved for use by Recorder's Office
Document prepared by:
Name Michael S Rowe
Address 11283 S Sr 63
City/State/Zip Terre Haute IN 47802

Property Tax Parcel/Account Number:
84-06-27-104-012.000-002

Quitclaim Deed

This Quitclaim Deed is made on August 13, 2014, between ROI Development LLC Michael S Rowe, Grantor, of 818 OAK St., City of Terre Haute, State of Indiana, and Ricky Dean Ward, Grantee, of 818 OAK St., City of Terre Haute, State of Indiana.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 818 OAK St., City of Terre Haute, State of Indiana:

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any. Taxes for the tax year of 2014 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

2

Dated: 8-13-14

Signature of Grantor

RDI Dev. LLC
Name of Grantor

Signature of Witness #1

Ryan Wickens
Printed Name of Witness #1

Signature of Witness #2

Jared Bayler
Printed Name of Witness #2

State of Indiana County of Vigo
On 8-13-14, the Grantor, RDI Dev. LLC Michael S Rova
personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Vickie L. French
Notary Signature Vickie L. French

VICKIE L. FRENCH
Notary Public, State of Indiana
Vigo County
My Commission Expires
February 17, 2017

Notary Public,
In and for the County of Vigo State of IN
My commission expires: 2-17-2017 Seal

Send all tax statements to Grantee.

Thirty-two (32) feet off the West side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in the subdivision of the North West Quarter of Section Twenty-seven (27) Township Twelve (12), Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.

commonly known as 818 Oak Street, Terre Haute, Indiana.

TERRE HAUTE
A LEVEL ABOVE

Receipt

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

TERRE HAUTE, IN
PAID
MAY 05 2017
CONTROLLER

Date: 5/5/17

Name: Ricky Ward

Reason: Rezoning - Notice of Filing $25.00

Rezoning - Petition $20.00

$45.00

Cash: 45.00

Check:

Credit:

Total: $45.00

Received By: LEbolgn