SPECIAL ORDINANCE NO. 49, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

==========

Common Address of lots to be rezoned:
A vacant lot of E. Park Avenue, Terre Haute, IN 47805,
3116 and 3120 E. Park Avenue, Terre Haute, IN 47805 and
Vacant lots of N. Clinton Street, Terre Haute, IN 47805

Rezone From:	R-1 Single Family Residence District and M-1 Light Industrial District
Rezone To:	C-2 Community Commercial District
Proposed Use:	Commercial Development
Name of Owner: Address of Owner:	Steven A. Reedy 4224 Park Avenue Terre Haute, IN 47805
Phone Number of Owner	c/o Richard J. Shagley II (812) 232-3388
Attorney Representing Owner:	Richard J. Shagley II
Address of Attorney:	Wright, Shagley & Lowery , P.C. PO Box 9849, Terre Haute, IN 47808
For Information Contact:	[ ] Owner [x] Attorney
Council Sponsor:	Karrum Nasser

==========

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED
AUG 31 2017
CITY CLERK

SPECIAL ORDINANCE NO. 49, 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 ORDIANED 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:

TRACT 1 -Beginning on the East line of the Northeast Quarter (1/4) of Section 35, Township 13 North, Range 9 West, at a point 112.0 feet North of the Southeast corner of said Northeast Quarter (1/4) and running thence North on the East line of said Quarter Section a distance of 132.0 feet; thence to the left at an angle of 89° 40' a distance of 25.8 feet to the center line of the old Lafayette Road; thence to the left at an angle of 58° 29' and along the center line of the old Lafayette Road a distance of 105.0 feet to a point 108.0 feet Northeasterly of an iron pin located at the intersection of the center line of U.S. Highway No. 41, and the South line of said Northeast Quarter; thence Southeasterly to the place of beginning.

Also

TRACT II - Commencing at a point at the Southeast corner of the Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence North along the East line of said Section 35, Township 13 North, Range 9 West, a distance of 112.0 feet to an iron pin; thence in a Northwesterly direction to center line of United States Highway No. 41 to a point 180.9 feet Northeasterly of an iron pin located in the center line of intersection of U.S. Highway No. 41 and South Half Section line of said Section 35, Township 13 North, Range 9 West, measured along center line of United States Highway No. 41; thence Southwesterly measured along center line of said United States Highway No. 41 a distance of 71 feet; thence Southeasterly at an angle of 65 degrees and 6 minutes with center line of said United States Highway No. 41 a distance of 87.41 feet; thence South parallel with the East line of said Section 35, Township 13 North, Range 9 West, to the South line of Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence East along said South line of Northeast Quarter of said Section 35, Township 13 North, Range 9 West, 32.14 feet to the place of beginning. Subject to Temporary Easement in favor of Vigo County, Indiana as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

TRACT III- Commencing at the South West comer of the North West Quarter (114) of Section 36, Township 13 North, of Range 9 West, running thence East in the center of the road fifty feet; thence North 215 feet, thence West 50 feet to the West line of said North West Quarter (l/4); thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Beginning on the South line of the North East Quarter of Section 35, Township 13 North, Range 9 West at a point 3 2.13 feet West of the South East comer of said Quarter Section, running thence West on the South line of said Quarter Section a distance of 144.36 feet to an iron pin at the intersection of the South line of said Southeast Quarter and the center line of U.S. Highway No. 41; thence Northeasterly along the center line of said Highway a distance of 109.9 feet; thence to the right at an angle of 65° 05' a distance of 84.31 feet; thence South and parallel to the East line of said Quarter Section to the place of beginning.

Subject to Grant of Anchor Easement to Duke Energy Indiana, Inc., as shown in instrument dated March 11, 2011 and recorded March 15,2011, in Instrument Number 2011003851.

Subject to Temporary Easement in favor of Vigo County, Indiana, as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Commencing at a point in the center of the road 50 feet East of the South West comer of the North West Quarter (l/4) of Section 36, township 13 North, Range 9 West, thence running East along the center of said road 40 feet, thence North 215 feet thence West 40 feet, thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

AND

Commencing Ninety (90) ft East at Southwest Corner of the Northwest quarter of Section Thirty (30) Township 13 North of Range 9 West, thence East in the center of the Road 40 ft thence two hundred fifteen (315) ft of the place of beginning.

Commonly known as: A vacant lot of E. Park Avenue, Terre Haute, IN 47805, 3116 and 3120 E. Park Avenue, Terre Haute, IN 47805, and vacant lots of N. Clinton Street, Terre Haute, IN 47805.

Parcel Nos. 84-02-36-152-003.000-014, 84-02-36-152-004.000-014, 84-02-36-152-005.000-014, 84-02-35-278-001.000-014, and 84-02-35-278-003.000-014

be the same is hereby established as a C-2 Community Commercial District, together with all rights and privileges that may inure 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, _____
Karrum Nasser, Councilperson

Passed in open Council this 12 day of October, 2017.

_____
Karrum Nasser, President

ATTEST:

_____
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13 day of October, 2017.

_____
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of October, 2017.

_____
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.

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Steven A. Reedy respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

TRACT 1 -Beginning on the East line of the Northeast Quarter (1/4) of Section 35, Township 13 North, Range 9 West, at a point 112.0 feet North of the Southeast corner of said Northeast Quarter (1/4) and running thence North on the East line of said Quarter Section a distance of 132.0 feet; thence to the left at an angle of 89° 40' a distance of 25.8 feet to the center line of the old Lafayette Road; thence to the left at an angle of 58° 29' and along the center line of the old Lafayette Road a distance of 105.0 feet to a point 108.0 feet Northeasterly of an iron pin located at the intersection of the center line of U.S. Highway No. 41, and the South line of said Northeast Quarter; thence Southeasterly to the place of beginning.

Also

TRACT II - Commencing at a point at the Southeast corner of the Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence North along the East line of said Section 35, Township 13 North, Range 9 West, a distance of 112.0 feet to an iron pin; thence in a Northwesterly direction to center line of United States Highway No. 41 to a point 180.9 feet Northeasterly of an iron pin located in the center line of intersection of U.S. Highway No. 41 and South Half Section line of said Section 35, Township 13 North, Range 9 West, measured along center line of United States Highway No. 41; thence Southwesterly measured along center line of said United States Highway No. 41 a distance of 71 feet; thence Southeasterly at an angle of 65 degrees and 6 minutes with center line of said United States Highway No. 41 a distance of 87.41 feet; thence South parallel with the East line of said Section 35, Township 13 North, Range 9 West, to the South line of Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence East along said South line of Northeast Quarter of said Section 35, Township 13 North, Range 9 West, 32.14 feet to the place of beginning. Subject to Temporary Easement in favor of Vigo County, Indiana as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

TRACT III- Commencing at the South West comer of the North West Quarter (114) of Section 36, Township 13 North, of Range 9 West, running thence East in the center of the road fifty feet; thence North 215 feet, thence West 50 feet to the West line of said North West Quarter (l/4); thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Beginning on the South line of the North East Quarter of Section 35, Township 13 North, Range 9 West at a point 3 2.13 feet West of the South East comer of said Quarter Section, running thence West on the South line of said Quarter Section a distance of 144.36 feet to an iron pin at the intersection of the South line of said Southeast Quarter and the center line of U.S. Highway No. 41; thence Northeasterly along the center line of said Highway a distance of 109.9 feet; thence to the right at an angle of 65° 05' a distance of 84.31 feet; thence South and parallel to the East line of said Quarter Section to the place of beginning.

Subject to Grant of Anchor Easement to Duke Energy Indiana, Inc., as shown in instrument dated March 11, 2011 and recorded March 15,2011, in Instrument Number 2011003851.

Subject to Temporary Easement in favor of Vigo County, Indiana, as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Commencing at a point in the center of the road 50 feet East of the South West comer of the North West Quarter (l/4) of Section 36, township 13 North, Range 9 West, thence running East along the center of said road 40 feet, thence North 215 feet thence West 40 feet, thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

AND

Commencing Ninety (90) ft East at Southwest Corner of the Northwest quarter of Section Thirty (30) Township 13 North of Range 9 West, thence East in the center of the Road 40 ft thence two hundred fifteen (315) ft of the place of beginning.

Commonly known as: A vacant lot of E. Park Avenue, Terre Haute, IN 47805, 3116 and 3120 E. Park Avenue, Terre Haute, IN 47805, and vacant lots of N. Clinton Street, Terre Haute, IN 47805.

Parcel Nos. 84-02-36-152-003.000-014, 84-02-36-152-004.000-014, 84-02-36-152-005.000-014, 84-02-35-278-001.000-014, and 84-02-35-278-003.000-014

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 R-1 Single-Family Residential District and M-Light Industrial District.

Your Petitioner would respectfully state that the real estate is now vacant lots. The Petitioner intends to use this real estate for commercial development.

Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commercial District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the C-2 Community Commercial District would not alter the general characteristics of this neighborhood as your Petitioner is the owner of adjacent real estate that is already zoned C-2 Community Commercial District.

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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-2 Community Commercial District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 24th day of August, 2017.

PETITIONER:

Steven A. Reedy

Steven A. Reedy

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street, PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

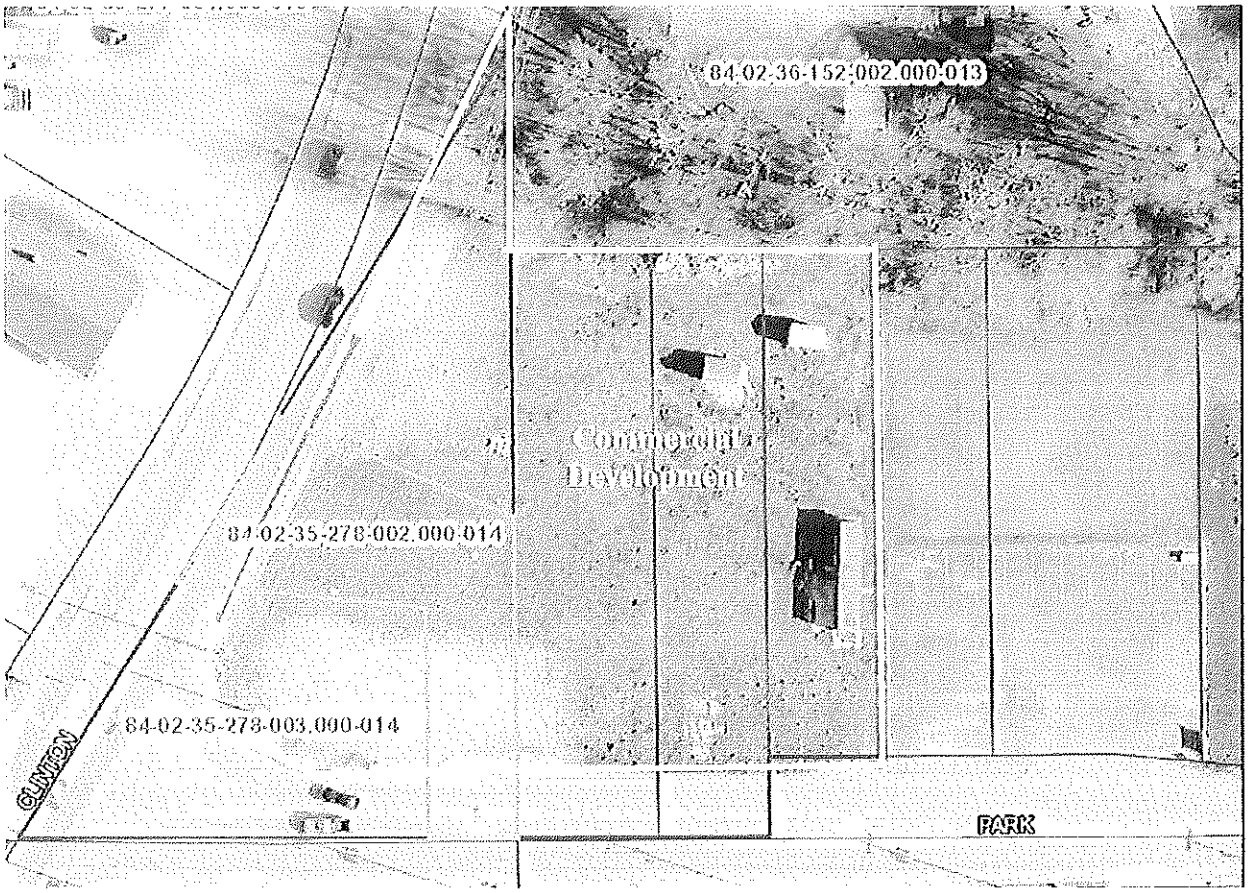
BY: _____
Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3951 E. Margaret Drive, Terre Haute, IN 47803

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.

SPECIAL ORDINANCE NO. 49, 2017
SITE PLAN

Current zoning: R-1 and M-1
Proposed zoning: C-2



*Parcel No. 84-02-35-278-002-000-017 is already zoned C-2.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAY 16 2012

VIGO COUNTY AUDITOR

2012007137 WD $20.00
05/16/2012 12:58:23P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH:

JOHN M. ZELLER, JR., a/k/a and In Title as JOHN ZELLER, a competent adult, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to **STEVE A. REEDY**, of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

TRACT 1 - Beginning on the East line of the Northeast Quarter (1/4) of Section 35, Township 13 North, Range 9 West, at a point 112.0 feet North of the Southeast corner of said Northeast Quarter (1/4) and running thence North on the East line of said Quarter Section a distance of 132.0 feet; thence to the left at an angle of 89° 40' a distance of 25.8 feet to the center line of the old Lafayette Road; thence to the left at an angle of 58° 29' and along the center line of the old Lafayette Road a distance of 105.0 feet to a point 108.0 feet Northeasterly of an iron pin located at the intersection of the center line of U.S. Highway No. 41, and the South line of said Northeast Quarter; thence Southeasterly to the place of beginning.

Also

TRACT II - Commencing at a point at the Southeast corner of the Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence North along the East line of said Section 35, Township 13 North, Range 9 West, a distance of 112.0 feet to an iron pin; thence in a Northwesterly direction to center line of United States Highway No. 41 to a point 180.9 feet Northeasterly of an iron pin located in the center line of intersection of U.S. Highway No. 41 and South Half Section line of said Section 35, Township 13 North, Range 9 West, measured along center line of United States Highway No. 41; thence Southwesterly measured along center line of said United States Highway No. 41 a distance of 71 feet; thence Southeasterly at an angle of 65 degrees and 6 minutes with center line of said United States Highway No. 41 a distance of 87.41 feet; thence South parallel with the East line of said Section 35, Township 13 North, Range 9 West, to the South line of Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence East along said South line of Northeast Quarter of said Section 35, Township 13 North, Range 9 West, 32.14 feet to the place of beginning.

Subject to Temporary Easement in favor of Vigo County, Indiana as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

EXHIBIT
A

Also

TRACT III - Commencing at the South West corner of the North West Quarter (1/4) of Section 36, Township 13 North, of Range 9 West, running thence East in the center of the road fifty feet; thence North 215 feet, thence West 50 feet to the West line of said North West Quarter (1/4); thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Beginning on the South line of the North East Quarter of Section 35, Township 13 North, Range 9 West at a point 32.13 feet West of the South East corner of said Quarter Section, running thence West on the South line of said Quarter Section a distance of 144.36 feet to an iron pin at the intersection of the South line of said Southeast Quarter and the center line of U.S. Highway No. 41; thence Northeasterly along the center line of said Highway a distance of 109.9 feet; thence to the right at an angle of 65° 05' a distance of 84.31 feet; thence South and parallel to the East line of said Quarter Section to the place of beginning.

Subject to Grant of Anchor Easement to Duke Energy Indiana, Inc., as shown in instrument dated March 11, 2011 and recorded March 15, 2011, in Instrument Number 2011003851.

Subject to Temporary Easement in favor of Vigo County, Indiana, as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Commencing at a point in the center of the road 50 feet East of the South West corner of the North West Quarter (1/4) of Section 36, township 13 North, Range 9 West, thence running East along the center of said road 40 feet, thence North 215 feet thence West 40 feet, thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

3

IN WITNESS WHEREOF, the said Grantor above named **John M. Zeller, Jr., a/k/a and In Title as John Zeller**, has hereunto set his hand and seal this 15th day of May, 2012.

John M. Zeller, Jr.

STATE OF INDIANA)
COUNTY OF VIGO) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 15th day of May, 2012, personally appeared the within named **John M. Zeller, Jr., a/k/a and In Title as John Zeller,** Grantor in the above conveyance, and acknowledged the execution of the same to be his voluntary act and deed.

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

Commission expires: 09-06-2015
Resident of VIGO County

Daryl L. McCleary Notary Public

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

Mail to: Steve A. Reedy, 4224 Park Avenue, Terre Haute, IN 47805

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, Wright, Shagley & Lowery, 500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47808

T:\OFFICE\WPWIN\RICHARD II\Deeds\Warranty\Zeller to Reedy.wpd

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

AUG 10 2012

Timothy M Spence
VIGO COUNTY AUDITOR

2012012298 WD $20.00
08/10/2012 02:50:55P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Recording requested by: _____

When recorded, mail to:
Steven A. Reedy
4224 Park AVE
Terre HAUTE IN
47805

Space above for Recorder's Use Only

Title Order # _____

Escrow # _____

Document Prepared by: _____

Warranty Deed

The undersigned Grantor(s) declare:

The Document Transfer Tax is $ _____

Assessor's Parcel # 84-02-36-152-005.000-013

___ Unincorporated Area or ___ City of Terre HAUTE

___ Tax computed on full value of property conveyed, or

___ Tax computed on full value less value of liens or encumbrances remaining at time of sale

This Warranty Deed is made on See page 2*, between Kimberly Jackson, Grantor(s), of Vigo Co St. of IN. 1213 N 9th Terre Haute IN. (address), and Steven A. Reedy, Grantee(s), of 4224 Park AVE Terre HAUTE IN. 47805 (address).

For valuable consideration, the Grantor hereby sells, grants, and conveys the following described real estate, in fee simple, to the Grantee to have and hold forever, along with all easements, rights, and buildings belonging to the described property, located at 3120 Park AVE Terre HAUTE, City of Terre HAUTE, State of INDIANA:

Property Number:	84-02-36-152-005.000-013
Property Type:	Real
Map Number:	109-02-36-152-005
Tax Set:	13-OTTER CREEK TOWNSHIP - SAN

The Grantor warrants that it is lawful owner and has full right to convey the property, and that the property is free from all claims, liabilities, or indebtedness, and that the Grantor and its successors will warrant and

2

7. This Offer shall remain open until _____ o'clock, on _____.
If not accepted by the Owner by this time, this Offer is rescinded and the deposit money shall be returned.

Steven A Reedy
Buyer's Signature

Owner's Signature

STEVEN A. Reedy
Buyer's Printed Name

Kimberly Jackson
Owner's Printed Name

08-10-12
Date Signed

08-10-12
Date Signed

Parcel No. 8402 36 152 005 000 013
Commencing Ninety(90) ft East of Southwest Corner of the. Northwest quarter of Section Thirty (36) Township 13 North of Range 9 West, thence East in the center of the Road North. thence two hundred fifteen (215) ft of the place of beginning.

Dated: 08-10-12

Signature of Grantor

Kimberly Jackson
Name of Grantor

Signature of Witness #1 | Printed Name of Witness #1

Signature of Witness #2 | Printed Name of Witness #2

State of INDIANA County of VIGO

On AUGUST 10, 2012, the Grantor, KIMBERLY A. JACKSON, personally came before me and, being duly sworn, did state, acknowledge and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Susan K. Overpeck
Notary Signature

Notary Public,
In and for the County of VIGO State of INDIANA
My commission expires: 10/28/14 Seal

Send all tax statements to Grantee.

SUSAN K. OVERPECK
NOTARY PUBLIC, STATE OF INDIANA
VIGO COUNTY
MY COMMISSION EXPIRES
OCT. 28, 2014

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Steven A. Reedy, being duly sworn upon his oaths, deposes and says:

1. That Steven A. Reedy is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

TRACT 1 -Beginning on the East line of the Northeast Quarter (1/4) of Section 35, Township 13 North, Range 9 West, at a point 112.0 feet North of the Southeast corner of said Northeast Quarter (1/4) and running thence North on the East line of said Quarter Section a distance of 132.0 feet; thence to the left at an angle of 89° 40' a distance of 25.8 feet to the center line of the old Lafayette Road; thence to the left at an angle of 58° 29' and along the center line of the old Lafayette Road a distance of 105.0 feet to a point 108.0 feet Northeasterly of an iron pin located at the intersection of the center line of U.S. Highway No. 41, and the South line of said Northeast Quarter; thence Southeasterly to the place of beginning.

Also

TRACT II - Commencing at a point at the Southeast corner of the Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence North along the East line of said Section 35, Township 13 North, Range 9 West, a distance of 112.0 feet to an iron pin; thence in a Northwesterly direction to center line of United States Highway No. 41 to a point 180.9 feet Northeasterly of an iron pin located in the center line of intersection of U.S. Highway No. 41 and South Half Section line of said Section 35, Township 13 North, Range 9 West, measured along center line of United States Highway No. 41; thence Southwesterly measured along center line of said United States Highway No. 41 a distance of 71 feet; thence Southeasterly at an angle of 65 degrees and 6 minutes with center line of said United States Highway No. 41 a distance of 87.41 feet; thence South parallel with the East line of said Section 35, Township 13 North, Range 9 West, to the South line of Northeast Quarter of Section 35, Township 13 North, Range 9 West, thence East along said South line of Northeast Quarter of said Section 35, Township 13 North, Range 9 West, 32.14 feet to the place of beginning. Subject to Temporary Easement in favor of Vigo County, Indiana as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

TRACT III- Commencing at the South West comer of the North West Quarter (114) of Section 36, Township 13 North, of Range 9 West, running thence East in the center of the road fifty feet; thence North 215 feet, thence West 50 feet to the West line of said North West Quarter (1/4); thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Beginning on the South line of the North East Quarter of Section 35, Township 13 North, Range 9 West at a point 3 2.13 feet West of the South East comer of said Quarter Section, running thence West on the South line of said Quarter Section a distance of 144.36 feet to an iron pin at the intersection of the South line of said Southeast Quarter and the center line of U.S. Highway No. 41; thence Northeasterly along the center line of said Highway a distance of 109.9 feet; thence to the right at an angle of 65° 05' a distance of 84.31 feet; thence South and parallel to the East line of said Quarter Section to the place of beginning.

Subject to Grant of Anchor Easement to Duke Energy Indiana, Inc., as shown in instrument dated March 11, 2011 and recorded March 15,2011, in Instrument Number 2011003851.

Subject to Temporary Easement in favor of Vigo County, Indiana, as established by Cause No. 84D01-1106-PL-05371.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Commencing at a point in the center of the road 50 feet East of the South West comer of the North West Quarter (1/4) of Section 36, township 13 North, Range 9 West, thence running East along the center of said road 40 feet, thence North 215 feet thence West 40 feet, thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

AND

Commencing Ninety (90) ft East at Southwest Corner of the Northwest quarter of Section Thirty (30) Township 13 North of Range 9 West, thence East in the center of the Road 40 ft thence two hundred fifteen (315) ft of the place of beginning.

Commonly known as: A vacant lot of E. Park Avenue, Terre Haute, IN 47805, 3116 and 3120 E. Park Avenue, Terre Haute, IN 47805, and vacant lots of N. Clinton Street, Terre Haute, IN 47805.

Parcel Nos. 84-02-36-152-003.000-014, 84-02-36-152-004.000-014, 84-02-36-152-005.000-014, 84-02-35-278-001.000-014, and 84-02-35-278-003.000-014

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Steven A. Reedy are attached hereto and made a part hereof and marked as Exhibit A and Exhibit B.

3. That Affiant makes this Affidavit for the sole purpose of affirming that she is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Steven A. Reedy.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 24th day of August, 2017.

Steven A. Reedy

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 24th day of August, 2017.

Debra Banta
DEBRA BANTA, Notary Public

My Commission expires: 3/19/23

My County of Residence: Vigo

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

TERRE HAUTE
A CITY ABOVE

Receipt

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

Date: 8/31/17

Name: Steven Reedy

Reason: Rezoning - Notice of Filing $25.00

Rezoning - Petition $20.00

$45.00

Cash:

Check: # 6761 $45.00

Credit:

Total: $45.00

Received By: L Ellis

TERRE HAUTE, IN
RECEIVED
AUG 31 2017
CONTROLLER

Area Planning Department
For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354 *Fax: (812) 234-3248*

TERRE HAUTE

Terre Haute • West Terre Haute • Riley • Seelyville

FILED

OCT 05 2017

CITY CLERK

DATE: October 5, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL ORDINANCE NUMBER #49-17

CERTIFICATION DATE: October 4, 2017

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 49-17. This Ordinance is a rezoning of the property located on East Park Avenue and Clinton Street. The Petitioner, Steven Reedy petitioned the Plan Commission to rezone said real estate from zoning classification R-1 and M-1 to C-2 Community Commerce District, for Commercial Development. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 49-17 at a public meeting and hearing held Wednesday, October 4, 2017. Remonstrators were present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 49-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 49-17 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 49-17 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Must meet all City Development Regulations 2.) Submit a detailed site plan and all plans related to site development 3.) Visual screening adjoining any single family property. 4.) Must have a submitted and approved major subdivision.

AREA PLAN COMMISSION OF VIGO COUNTY, INDIANA SEAL

Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 5th day of October, 2017