

WITHDRAWN

SPECIAL ORDINANCE NO. 19, 2019

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:
621 Center Street, Terre Haute, IN 47802

Rezoned From: R-2 Two Family Residential District

Rezoned To: R-3 General Residential District

Proposed Use: Three Unit Rental Building

Name of Owners: Affordable Rentals of Terre Haute, LLC

Address of Owners: 22 Allendale
Terre Haute, IN 47802

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Todd Nation

=====
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUL 03 2019

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 19, 2019**

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

SECTION I. 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:

The South half of Lot Number 8 Britton's Subdivision in Out Lot Number 60.

ALSO

Commencing 37 feet and 6 inches South of the Northwest corner of Lot Number 8 Britton's Subdivision in Out Lot Number 60; thence West to an alley; thence South 377 feet and 6 inches; thence East to the Southwest corner of said Lot Number 8 Britton's Subdivision; thence North 37 feet and 6 inches to the place of beginning.

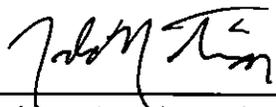
Commonly known as: 621 S. Center Street, Terre Haute, IN 47802.

Parcel Nos. 84-06-28-231-033.000-002

Be and the same is hereby established as an R-3 General Residential 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,



Todd Nation, Councilperson

Passed in open Council this ____ day of _____, 2019.

Martha Crossen, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____,
2019.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____,
2019.

Duke A. 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.

/s/ Richard J. Shagley II

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 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, Ciara Foster, Member of Affordable Rentals of Terre Haute, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The South half of Lot Number 8 Britton's Subdivision in Out Lot Number 60.

ALSO

Commencing 37 feet and 6 inches South of the Northwest corner of Lot Number 8 Britton's Subdivision in Out Lot Number 60; thence West to an alley; thence South 377 feet and 6 inches; thence East to the Southwest corner of said Lot Number 8 Britton's Subdivision; thence North 37 feet and 6 inches to the place of beginning.

Commonly known as: 621 S. Center Street, Terre Haute, IN 47802.

Parcel Nos. 84-06-28-231-033.000-002

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-2 Two Family Residential District.

There currently is a home that has two living units within the existing structure and Petitioner desires to create a third unit. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residential District.

Your Petitioner would allege that the General Residential District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the an R-3 General Residential 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 3rd day of July, 2019.

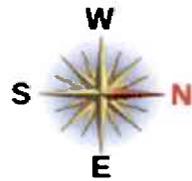
PETITIONER:

Affordable Rentals of Terre Haute, LLC



Ciara, Member

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.



Site Plan
621 S. Center Street



Rezone from R-2 to R-3
Current: 5 bedroom house
Plan. 2 – 1 Bedroom Apartments
1 – 3 Bedroom Apartment

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Ciara Foster, Member of Affordable Rentals of Terre Haute, LLC, being duly sworn upon his oath, deposes and says:

1. That Affordable Rentals of Terre Haute, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

The South half of Lot Number 8 Britton's Subdivision in Out Lot Number 60.

ALSO

Commencing 37 feet and 6 inches South of the Northwest corner of Lot Number 8 Britton's Subdivision in Out Lot Number 60; thence West to an alley; thence South 377 feet and 6 inches; thence East to the Southwest corner of said Lot Number 8 Britton's Subdivision; thence North 37 feet and 6 inches to the place of beginning.

Commonly known as: 621 S. Center Street, Terre Haute, IN 47802.

Parcel Nos. 84-06-28-231-033.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that Affordable Rentals of Terre Haute, LLC 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 Ciara Foster, Member of Affordable Rentals of Terre Haute, LLC.

4. Further, Affiant saith not.

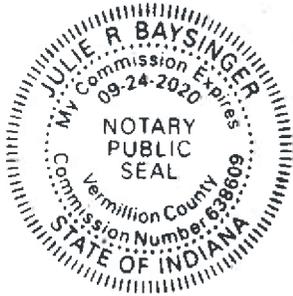
Dated at Terre Haute, Indiana this 3rd day of July, 2019.

Ciara Foster

Ciara Foster, Member of Affordable
Rentals of Terre Haute, LLC

STATE OF Indiana
COUNTY OF Vermillion :SS

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County
and State, this 3rd day of July, 2019.



Julie R. Baysinger
Julie R. Baysinger Notary Public

My Commission expires: 9-24-2020

My County of Residence: Vermillion

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.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 06 2016

2016000114 SWD \$40.00
01/06/2016 09:57:41A 13 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Segura
VIGO COUNTY AUDITOR

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made effective this 4th day of January, 2016, between HUNTER TERRE HAUTE PROPERTIES, LLC, an Indiana limited liability company ("Grantor"), and AFFORDABLE RENTALS OF TERRE HAUTE LLC, an Indiana limited liability company, having an address of 22 Allendale, Terre Haute, Indiana IN 47802 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, SELL, CONVEY, ASSIGN and DELIVER unto Grantee the following described real estate, situated in the County of Vigo and State of Indiana and known and described as follows:

See Exhibit A attached hereto and made part hereof.

SUBJECT ONLY TO: Real Estate taxes for 2015 (payable in 2016) and subsequent years and those exceptions set forth on Exhibit B attached hereto (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the herein described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the said premises unto Grantee, its successors and assigns against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to the Permitted Exceptions.

IN WITNESS WHEREOF, this Special Warranty Deed is executed by Grantor as of the day and year first written above.

HUNTER TERRE HAUTE PROPERTIES,
LLC an Indiana limited liability company

By: *[Signature]*
Name: Eric Rothner
Its: Manager

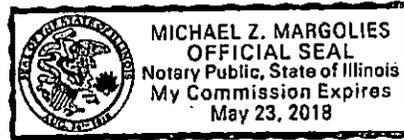
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On this 4th day of January, 2016, before me appeared Eric Rothner to me personally known, who, being by me duly sworn, did say that he is the Manager of HUNTER TERRE HAUTE PROPERTIES, LLC, an Indiana limited liability company, and that the foregoing Special Warranty Deed was signed on behalf of said limited liability company, by authority of such members and managers, and further acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Michael Z. Margolies
Notary Public

My Commission Expires:



I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.

Michael Z. Margolies

After recording, return to: Richard Shagley II, Wright, Shagley & Lowery, Terre Haute, IN 47807

Mail Tax Statements to Affordable Rentals of Terre Haute LLC, 22 Attendale,
Terre Haute, IN 47802

This instrument was prepared by Michael Z. Margolies, 4709 Golf Road, Suite 475, Skokie, IL 60076.

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1

✓ Lot Number Twenty-four (24) in Upland Place, as platted by W.W. Cliver, and being a part of the South half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West of the 2nd Principal Meridian. (*Building #2*)

✓ **Parcel 2**

Lot Number Five (5) in Upland Place as platted by W.W. Cliver being a replat of R.S. Tennants Plat of Upland Place a Subdivision of part of the South Half of the North East Quarter of Section 23, Township 12 North, Range 9 West. (*Building #3*)

✓ **Parcel 3**

Lot Number Four (4) in Upland Place, as made by W.W. Cliver, same being a subdivision of part of the South Half of the North East Quarter of Section 23, Township 12 North of Range 9 West of the 2nd Principal Meridian. (*Building #4*)

✓ **Parcel 4**

Lot Number Two Hundred Twenty-one (221) in the Second Subdivision of Gilbert Place, being a subdivision of part of the South East Quarter of Section 22, Township 12 North of Range 9 West of the 2nd Principal Meridian. (*Building #10*)

✓ **Parcel 5**

Lot Number One (1) and the West ½ of Lot Number Two (2) in Mary and G.F. Cookerlys Subdivision of Lot Number 3 in Nathaniel Prestons Subdivision of the West Half of the North East Quarter of Section 27, Township 12 North, Range 9 West. (*Building #11*)

✓ **Parcel 6**

Thirty feet off of the West side of Lot 4 in Mary and G.F. Cookerly's Subdivision to the City of Terre Haute, per plat thereof recorded in Plat Book 1 Page 323 in the office of the Recorder of Vigo County, Indiana. (*Building #12*)

ALSO

✓ Lot No. 3 and the East ½ of Lot No. 2 in Mary and G.F. Cookerlys Subdivision of Lot No. 3 in Nathaniel Preston Senior's Subdivision of the West ½ of the North East ¼ of Section 27 Township 12 North, Range 9 West.

✓ **Parcel 7**

Eight (8) feet off the North side of Thirty-five (35) feet off the South side of Lot Number Forty-six (46) in Gilbert Place, a subdivision of part of the South East Quarter of Section 22, Township 12 North of Range 9 West. (*Building #13A and Building #13B*)

AND

✓ Forty (40) feet off the North side of Lot No. Forty-six (46) in Gilbert Place, in the City of Terre Haute, Indiana, as the same appears on the recorded plat thereof in Plat Record 1 Page 127 of the record of the office of the Recorder of Vigo County, Indiana.

✓ **Parcel 8**

Twenty-six and Seventy-one hundredths (26 71/100) feet off the South side of Lot No. Eleven (11) and Thirteen and Three tenths (13 3/10) feet off the North side of Lot No. Ten (10) in Condit's 2nd Subdivision, being a subdivision of part of Out Lot No. 65 of the original Out Lots of the Town, now City, of Terre Haute. (*Building #15*)

✓ **Parcel 9**

Part of Out Lot 57 of the Original Town, now City, of Terre Haute, Indiana, described as follows, to-wit: Commencing at a point where the North line of Oak Street in said City intersects the West line of South Center or Sixth and a half Street and running thence West 64 feet, thence North 92 feet, thence East to the West line of said Center Street, thence South to the place of beginning. (Building #21)

✓ Parcel 10

Part of Lots 4 and 5 in Weber's Subdivision of Lot 10 and 33 feet 7 inches off the South side of Lot 8, both in Block 12, of McGaughey and Roache's Subdivision of 56 66/100 acres of the middle part of the South West Quarter of Section 15, Township 12 North, Range 9 West, bounded as follows: Beginning at a point on the West line of Thirteenth Street, as now located and established, in the City of Terre Haute, which point is 44 feet North of the South East corner of said Lot 5; thence West to the West line of said Lot 4; thence North along the West line of said Lot 4, 38 feet; thence East to the West line of said Thirteenth Street; thence South along the West line of said Thirteenth Street 38 feet to the place of beginning. (Building #24)

✓ Parcel 11

Lot 341 in the 3rd Subdivision of Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West, except 55 feet off the West end thereof. (Building #25)

✓ Parcel 12

Lot Number One Hundred Twenty-five (125) in Gilbert's Fourth Subdivision of part of the South East Quarter of Section 22, Township 12 North of Range 9 West of the 2nd Principal Meridian. (Building #26)

✓ Parcel 13

Lot Number One Hundred Thirty-one (131) in Gilbert's Fourth Subdivision, being a part of the South East Quarter of Section 22, Township 12 North, Range 9 West of the 2nd Principal Meridian. (Building #27)

✓ Parcel 14

Thirty (30) feet off of the North side of Lot Number Forty-one (41), in the plat of Gilbert Place, laid off on the West side of the South East Quarter of Section Twenty-two (22), Township Twelve (12) North, Range 9 West, between the National and Bloomington Roads. (Building #28)

✓ Parcel 15

Forty-two (42) feet of even width off of the South side of Lot Number Thirty-nine (39) in Gilbert Place, a subdivision of a part of the South East Quarter (1/4) of Section Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, as shown by the recorded plat thereof, in Plat Record 1 Page 127, records of the Recorder's Office, Vigo County, Indiana. (Building #29)

✓ Parcel 16

Lot Number Forty-five (45) except Thirty-five (35) feet off the South side thereof, in Gilbert Place a Subdivision of part of the South East Quarter of Section 22, Township 12 North of Range 9 West of the 2nd Principal Meridian. (Building #30)

✓ Parcel 17

Lot Number Twenty-five (25) in the Administrator's Subdivision of Lot Number Fourteen (14), and the South Half of Lot Number Twelve (12) of Raymond's Subdivision of the Northwest Quarter of Section 27, Township 12 North of Range 9 West of the 2nd Principal Meridian, belonging to the Estate of Charles Cruft. Said Lot 25 being part of said Lot 14. (Building #31)

✓ Parcel 18

Part of Out Lot 61 of the original Out Lots of the Town, now City, of Terre Haute, bounded as follows: Beginning at a point in the West line of Seventh Street, as now located and established in said City, 36 feet South of the North line of said Out Lot; thence West to an alley running North and South through said Out Lot; thence South along the East line of said alley 37 feet and 7 inches; thence East to the West line

of said Seventh Street; thence North along the West line of said Seventh Street 37 feet and 7 inches to the place of beginning. (*Building #32*)

✓ Parcel 19

Lot Number Four (4) in Duncan's Subdivision of part of Out Lot 65 of the original Town, now City, of Terre Haute, being subdivision of 230 feet off the North side thereof, lying between Sixth and Seventh Streets in said City as the same appears on the recorded plat thereof in Plat Record 1 Page 327 of the records of the Office of the Recorder of Vigo County, Indiana. (*Building #33*)

✓ Parcel 20

Lot No. Five (5) of R.L. Thompson's Estate Subdivision of part of Out Lot Sixty-five (65) of the original Town (now City of Terre Haute. (*Building #34*)

✓ Parcel 21

The South Half of part of Out Lot Number Sixty-one (61) of the original Town (now City) of Terre Haute, Indiana, described as follows, to-wit: Commencing 50 feet South of the intersection of the North line of said Out Lot with the East line of Sixth and One-half Street; thence South 55 feet; thence East to an alley located between 6 ½ and 7th Streets 142 feet more or less; thence North along West line of said alley 55 feet; thence West to the place of beginning. (*Building #35*)

✓ Parcel 22

Part of Out Lot No. Sixty-one (61) of the original Town of Terre Haute, commencing 460 feet East of and 80 feet North of the South West corner of said Out Lot; thence East 105 feet, more or less, to a point within 40 feet of the alley; thence North 7 feet; thence East 40 feet to an alley; thence North 18 feet; thence West 145 feet, more or less, to the East line of Center Street; thence South 25 feet to the place of beginning. (*Building #36*)

✓ Parcel 23

Part of Out Lot No. Sixty-one (61) of the Original Town (now City) of Terre Haute described as follows to-wit: Commencing 460 feet East and 37 feet North of the South West corner of said Out Lot, thence East 105 feet more or less on the North line of Deming Street as now located to the West line of the property conveyed to Richard C. and Emma Orman, thence North 43 feet, thence West 105 feet more or less to the East line of 6 ½ or Center Street as now located thence South along the East line of Center Street to the place of beginning. (*Building #37*)

✓ Parcel 24

A part of Out Lot Number Fifty-seven (57) of the Original Outlots of the Town, now City of Terre Haute, viz: Commencing at a point on the North line of Oak Street Sixty-four feet (64') West of Sixth and One half (6 ½) Street, thence West Forty-five feet (45'); thence North One Hundred Forty-two feet (142'); thence East Forty-five (45') and thence South One Hundred Forty-two feet (142') to the place of beginning. (*Building #39*)

✓ Parcel 25

A part of Out Lot No. Fifty-eight (58) described as follows: Commencing on the North line of Oak Street, Two Hundred Two (202) feet East of the South West corner of said Out Lot; thence running North One Hundred Fifty (150) feet; thence East Fifty (50) feet; thence South One Hundred Fifty (150) feet; thence West to the place of beginning. Being in the original Town now City, of Terre Haute. (*Building #40*)

✓ Parcel 26

A part of Out Lot No. 65 of the original Out Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit: The East ½ of the following described real estate to-wit: 50 feet running from Fourth Street to Fifth Street off of the South side of the following described real estate: Commencing at a point 332 1/3 feet East of a point 690 feet South of the Northwest corner of said Out Lot No. 65 in Market

6

Street, now Third Street; thence East 362 1/3 feet to the center of Fifth Street; thence North 125 feet; thence West 362 1/3 feet; thence South along Fourth Street to the place of beginning. (*Building #41*)

✓ **Parcel 27**

Lot Number One (1) in George A. Seeburgers Subdivision, the same being a replat of Lots 21 and 22 of Mrs. Anna E. Pattersons Subdivision of the West Half of Lot Number One (1) of Bullitts Heirs Subdivision of Out Lot 66 of the original Out Lots of the Town (now City) of Terre Haute, Indiana. (*Building #42*)

✓ **Parcel 28**

Lot 261 in the Second Subdivision of Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana. (*Building #44*)

✓ **Parcel 29**

Lot Number 260 in the Second Subdivision of Gilbert Place in the South East Quarter of Section 22, Township 12 North, Range 9 West, in Terre Haute, Indiana. (*Building #45*)

✓ **Parcel 30**

Lot Number Eleven (11) in the Administrator's Subdivision of Lot Number Fourteen (14), and the South Half of Lot Number Twelve (12) in Raymond's Subdivision of the North West Quarter of Section 27, Township 12 North, Range 9 Wests, in the City of Terre Haute, belonging to the Estate of Charles Cruft. (*Building #52*)

✓ **Parcel 31**

Lot Number Three (3) in U.F. Shalter's Subdivision of part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 26, Township 12 North, Range 9 West in the City of Terre Haute, as shown by the recorded plat thereof in Plat Book 9 at Page 18 in the Recorder's Office of Vigo County, Indiana. (*Building #56*)

✓ **Parcel 32**

Lot No. 56 in Mrs. Orinthia A. McGregor's Subdivision of Lot 12 in Nathaniel Preston's Subdivision of the East ½ of the North East ¼ of Section 27, Township 12 North, Range 9 West. (*Building #57*)

✓ **Parcel 33**

Lot Number Seven (7) in Block Number Six (6) of the Commissioner's Subdivision of Cruft Farm, being the South West ¼ of Section 27, Township 12 North of Range 9 West of the 2nd Principal Meridian. (*Building #59*)

✓ **Parcel 34**

Lot 12 Block 7 in the subdivision of the Cruft Farm, being the Southwest Quarter of Section 27, Township 12 North, Range 9 West in Terre Haute, Vigo County, Indiana. (*Building #61*)

✓ **Parcel 35**

Part of Out Lot Number Thirty Four (34) of the original Out Lots of the Town now City of Terre Haute, Indiana, bounded and described as follows: Commencing at a point thirty (30) feet North and One hundred Ninety (190) feet West of the South East corner of said Out Lot running thence North fifty four (54) feet thence West to the East line of Fifth Street in said City as now located thence South fifty four (54) feet to the North line of Crawford Street as now located and thence East to the place of beginning. (*Building #64*)

Parcel 36

Beginning at the North East corner of Lot 1, Block 3 in C.E. Temples Subdivision of 4 4/9 acres in the North West Quarter of Section 26, Township 12 North, Range 9 West as shown by Plat Record 4 Page 66 in the Vigo County Recorder's Office, running thence North from said beginning point 40 feet, more or less, to the South East corner of Lot No. 7 in Block 2 in said C.E. Temples Subdivision; thence West to

7

the South West corner of said Lot 7, Block 2; thence South 40 feet, more or less, to the North West corner of said Lot 1, Block 3; thence East to the place of beginning, being a part of Oak Street vacated by the City of Terre Haute. (Building #65)

ALSO

Lot 7, except 39 ½ feet off the North side of said lot taken for opening Oak Street, in Block 2 in C.E. Temples Subdivision of 4 4/9 acres in the North West Quarter of Section 26, Township 12 North, Range 9 West as shown by Plat Record 4 Page 66 in the Vigo County Recorder's Office.

✓ Parcel 37

The South half of Lot Number 8 Britton's Subdivision in Out Lot Number 60. (Building #66)

ALSO

Commencing 37 feet and 6 inches South of the Northwest corner of Lot Number 8 Britton's Subdivision in Out Lot Number 60; thence West to an alley; thence South 37 feet and 6 inches; thence East to the Southwest corner of said Lot Number 8 Britton's Subdivision; thence North 37 feet and 6 inches to the place of beginning.

✓ Parcel 38

Lot No. Seven (7) in the Administrator's Subdivision of Lot Number 14 and the South Half of Lot Number 12 of Raymond's Subdivision of the Northwest Quarter of Section 27, Township 12 North of Range 9 West of the 2nd Principal Meridian. (Building #69)

✓ Parcel 39

Twenty (20) feet off the North side of Lot Number Eleven (11) and Thirty (30) feet off the South side of Lot Number Twelve (12), all in Block Number Twenty-two (22) of the Commissioners Subdivision of Cruft Farm, being in the South West Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in the City of Terre Haute, Vigo County, Indiana. (Building #71)

✓ Parcel 40

Lot Number Thirty-one (31) in Charles F. Zimmerman's Subdivision of part of the Southwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, as per recorded plat of the same recorded in Plat Record 7, Page 36 of the Recorder's Office of Vigo County, Indiana. (Building #72)

✓ Parcel 41

Lot Number 16 in College Avenue Place, being a subdivision of Lot Number 11 in Nathaniel Preston's Subdivision of the East ½ of the North East ¼ of Section 27, Township 12 North, Range 9 West, Terre Haute, Indiana. (Building #73)

County Parcel 42

Beginning at a point 435.60 feet East and 1322.62 feet North of the Southwest corner of Section 24, Township 13 North, Range 9 West; thence North 453.08 feet to a point 883.4 feet South of the North line of said Southwest quarter; thence East and parallel to the North line of the said Southwest quarter a distance of 269.0 feet; thence South and parallel to the West line of said Quarter Section a distance of 452.08 feet, more or less, to a point 1322.62 feet North of the South line of said Quarter Section; thence West to the place of beginning.

Also an Easement over a 30 foot strip of land adjoining the above on the South and running South to the South line of aforesaid Section, with right of ingress and egress to and from the above described tract of land. (Buildings #82-83-84-85-86-87-88-89)

EXHIBIT B

Permitted Exceptions

1. Tenant leases and rights of lessees thereunder.
2. Minerals or mineral rights or any other subsurface substances (including, without limitation, oil, gas and coal), and all rights incident thereto, now or previously leased, granted, excepted or reserved.
3. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 5, page 58 and corrected in 5, page 61 for Upland Place.
4. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 2, page 56 for Gilbert Place Second Subdivision.
5. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 1, page 323 for G. F. Cookerlys Subdivision.
6. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 1, page 127 for Gilbert Place.
7. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 5, page 19 for Condit's Second Subdivision.
8. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 25, page 91 for Richland Manor Phase 2.
9. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 10, page 18 for Weber's Subdivision.
10. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 5, page 39 for Gilberts Fourth Subdivision.
11. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 3, page 133 or deed record 64, page 471 for Cruft Heirs Subdivision.
12. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record for Original Out Lots of Town (now City) of Terre Haute.
13. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 1, page 327 for Duncan's Subdivision.

14. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 4, page 37 for Thomson Estate Subdivision.
15. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 12, page 32 for George A. Seeburgers Subdivision.
16. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 2, page 56 for Gilberts Place Second Subdivision.
17. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 9, page 18 for U. F. Shalter's Subdivision.
18. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 5, page 95 for Orinthia A. McGregor's Subdivision.
19. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 3, page 140 for Cruft Farm Sub.
20. Easements, covenants, conditions and restrictions, and set-back lines set forth in deed record 15, page 299 for Britton's Subdivision.
21. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 7, page 36 for Charles F. Zimmerman Subdivision.
22. Easements, covenants, conditions and restrictions, and set-back lines set forth in plat record 5, page 60 for College Avenue Place. Rights of the public, county, state and/or municipality in and to that portion of the property located in a public road or right of way.
23. Right of way for drainage tiles, ditches, feeders and laterals, if any.
24. Conditions and Street Rights of Way contained in the plats of the Upland Place Subdivision, Plat Record 5 Page 61; Gilbert Place Second Subdivision, Plat Record 2 Pages 45 & 56; Mary and G. F. Cookerlys Subdivision, Plat Record 1 Page 323; Gilbert Place, Plat Record 1 Page 127; Condit's 2nd Subdivision, Plat Record 5 Page 19; Commissioner's Subdivision of Cruft Farm, Plat Record 3 Page 140; Weber's Subdivision, Plat Record 10 Page 18; Gilbert Place 3rd Subdivision, Plat Record 4 Page 98; Gilbert's Fourth Subdivision, Plat Record 5 Page 39; Administrator's Subdivision, Plat Record 3 Page 133; Duncan's Subdivision, Plat Record 1 Page 327; R. L. Thompson's Estate Subdivision, Plat Record 4 Page 37; George A Seeburgers Subdivision, Plat Record 12 Page 32; Sarah C. Deming's Subdivision, Plat Record 2 Page 59; U. F. Shalter's Subdivision, Plat Record 9 Page 18; Mrs. Orinthia A. McGregor's Subdivision, Plat Record 5 Page 95; William McMurrans Subdivision, Deed Record 8

10

Page 346; St. Stephens Church Subdivision, Plat Record 1 Page 109; Daniel A. Jones' Subdivision, Plat Record 1 Page 191; C.E. Temples Subdivision, Plat Record 4 Page 66; Britton's Subdivision, Deed Record 15 Page, 299; Farrington's Subdivision, Plat Record 1 Page 85; Charles F. Zimmerman's Subdivision, Plat Record 7 Page 36; College Avenue Place, Plat Record 5 Page 60; Hollywood Subdivision, Plat Record '14 Page 5; described in Schedule C.

25. Building restrictions set forth in Deed dated November 8, 1907 and recorded in Deed Record 122, page 123, of the Vigo County Recorder's Office. (Building #3)
26. Building restrictions set forth in Deed dated February 8, 1895 and recorded in Deed Record 88, Page 255 of the Vigo County Recorder's Office. (Building #4)
27. The following restrictions contained in a deed recorded March 2, 1982 in Deed Record 389, Page 622 of the Vigo County Recorder's Office. (Building #12)
 - a. This property may be sold as part of adjoining property presently owned by grantee or may be said to an adjoining property owner to become part of that owners property with the above restriction to apply to that purchaser. This restriction is to run with the land for a period of 50 years.
 - b. The property must be maintained in compliance with any city ordinance concerning trash, weeds or junk cars after 60 days from the date of this deed.
 - c. The property may not be used for purposes of raising, breeding or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel. ((Building #12)
28. Encroachment into the public street known as Center Street adjoining subject real estate on the East, by a portion of the apartment building belonging to subject real estate as disclosed by a survey prepared by William T. Crowley, Jr., LS No. 06966, dated November 22, 1989 and Donn M. Scotten, dated November 29, 2011, as Project 1-21064 (21) (Building #21)
29. Covenant contained in a Warranty Deed dated February 6, 1906 and recorded March 30, 1906 in Deed Record 116, Page 453 of the Vigo County Recorder's Office limiting the use of the real estate solely for the erection thereon of residence and for no other purpose. (Building #27)
30. Restrictive covenants contained in a Warranty Deed dated September 14, 1908 and recorded February 9, 1909 in Deed Record 124, Page 508 of the Vigo County Recorder's Office prohibiting the building on the premises of any shop, grocery or other store or saloon or to use any building erected on said premises as a shop, grocery or other store or saloon. (Building #27)
31. Easements, lot lines, streets disclosed byte plat appearing in Plat Record 2, Page 56 of the Vigo County Recorder's Office (Building #44)

- 11
32. Easement for ingress and egress over and along a common sidewalk between Lots 260 and 261 as reserved in a Deed dated July 21, 1970 and recorded July 21, 1970 in Deed Record 351, Page 191 of the Vigo County Recorder's Office. (Building #44)
 33. Easements, lot lines, and streets disclosed by the Plat appearing in Plat Record 2, Page 56 of the Vigo County Recorder's Office. (Building #45)
 34. Matters disclosed on the Plat of Cruft Farm recorded March 8, 1844 in Plat Book 3, Page 140 of the Vigo County Recorder's Office. (Building #61)
 35. Rights of way for public highways. (Building #61)
 36. Easement over a 30 foot strip of land for egress and ingress on the South and running South to the South line of aforesaid Section (Buildings #82-89) Electric Pole Line Easement granted Public Service Company of Indiana, Inc. by instruments dated January 22, 1971 and recorded February 19, 1971 in Deed Record 352, Page 646 and by instrument dated June 15, 1979 and recorded July 3, 1979, in Deed Record 379, Page 106-1 (Buildings #83-89)
 37. Rights of the public, the State of Indiana, and the Municipality in and to that part of the premises in question taken or used for road purposes.
 38. Matters disclosed on the following surveys by Donn Scotten, Registered Surveyor:
Building 4 Project No. 1-21064 (4): Porch encroaches over 25' set back line. Overhead utilities encroach upon adjoiner to the north.
 39. Building 10 Project No. 1-21064 (10): Fence does not coincide with east boundary line. Apparent easement for over head utility lines. Wall encroaches over eastern boundary line.
 40. Building 13 Project No. 1-21064 (13): Overhead utilities encroach onto adjoiner to the south. Porch and wood deck encroaches up to 1.4' into Orchard Street right of way. The Company hereby insures against loss or damage sustained by the insured by reason of the entry of a final judgment of a court of competent jurisdiction ordering the enforced removal of said building encroachment. (Building #13)
 41. Building 15 Project No. 1-21064 (15): Overhead utilities encroach onto adjoiner to the south.
 42. Building 21 Project No. 1-21064 (21): Encroachment of bay window on ease side of building Center Street right of way. (Building 21)
 43. Building 24 Project No. 1-21064 (24): Chain line fence encroaches over southern boundary line. Overhead utilities encroach onto adjoiner to the north and south.

44. Building 25 Project No. 1-21064 (25): Overhead utilities encroach onto adjoiner to the west.
45. Building 26 Project No. 1-21064 (26): Overhead utilities encroach onto adjoiner to the north.
46. Building 28 Project No. 1-21064 (28): Apparent easement for overhead utilities for adjoiner to the south.
47. Building 29 Project No. 1-21064 (29): Encroachment of concrete walk onto adjoiner to the north.
48. Building 30 Project No. 1-21064 (30): Overhead utilities encroach onto adjoiner to the south. House encroaches into Orchard Street right of way. (Building #30)
49. Building 31 Project No. 1-21064 (31): Overhead utilities encroach onto adjoiner to the north.
50. Building 32 Project No. 1-21064 (32): Concrete pad encroaches onto adjoiner to the north. Overhead utilities encroach onto adjoiners to the north and south.
51. Building 33 Project No. 1-21064 (33): Wood and chain link fences do not coincide with north property line. overhead utilities encroach onto adjoiner to the south.
52. Building 34 Project No. 1-21064 (34): Overhead utilities encroach onto adjoiner to the south. Fence running along southwestern boundary not on line.
53. Building 35 Project No. 1-21064 (35): Apparent easement for overhead utility line. Overhead utility lines encroach onto adjoiner to the south. Concrete walk appurtenant to adjoiner to the south encroaches over the south boundary line.
54. Building 36 Project No. 1-21064 (36): Apparent easement for overhead utility lines. Overhead utilities encroach onto adjoiner to the north.
55. Building 37 Project No. 1-21064 (37): Overhead utilities encroach onto adjoiner to the east.
56. Building 41 Project No. 1-21064 (41): Concrete drive appurtenant to the adjoiner to the south encroaches of south boundary line.
57. Building 44 Project No. 1-21064 (44): Encroachment of concrete walk appurtenant to adjoiner to the south.
58. Building 45 Project No. 1-21064 (45): Concrete walk encroaches onto adjoiner to the north by 0.9'.
59. Building 56 Project No. 1-21064 (56): Apparent easement for overhead utilities.

- 60. Building 57 Project No. 1-21064 (57): Overhead utilities encroach onto adjoiner to the north.
- 61. Building 59 Project No. 1-21064 (59): Apparent easement for overhead utilities. Encroachment of fence appurtenant to adjoiner to the north.
- 62. Building 66 Project No. 1-21064 (56): Overhead utility lines encroach onto adjoiner to the north. Encroachment of concrete walk appurtenant to adjoiner to the north.
- 63. Building 69 Project No. 1-21064 (69): Overhead utility lines encroach onto adjoiner to the south.
- 64. Building 73 Project No. 1-21064 (73): Overhead utilities encroach onto adjoiner to the east.
- 65. Buildings 82-89 Project No. 1-21064 (82-89): Fences do not coincide with boundary lines.

Receipt

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

Date: 7/3/19

Name: W Affordable Rentals

Reason: Rezoning - Notice of Filing #25⁰⁰

Rezoning - Petition - \$ 20⁰⁰
\$ 45⁰⁰

Cash: _____

Check: \$ 45⁰⁰ CR# 069730

Credit: _____

Total: \$ 45⁰⁰

TERRE HAUTE, IN
PAID
JUL 03 2019
CONTROLLER

Received By: J. Ellis / ARB