

SPECIAL ORDINANCE NO. 21, 2019.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Addresses of lots to be rezoned:
2918 Harding Avenue, Terre Haute, IN 47802
2930 Harding Avenue, Terre Haute, IN 47802
2940 Harding Avenue, Terre Haute, IN 47802
2941 S. Third Street, Terre Haute, IN 47802

Rezone From: R-1 Single Family Residence District (Lots 313-320)
C-6 Strip Business District (Lots 300-303)

Rezone To: C-3 Regional Commerce District

Proposed Use: Hotel, Bar and Restaurant

Name of Owner: Milton B. Derickson and Sharon K. Derickson

Address of Owner: P.O. Box 77
Terre Haute, IN 47808

Phone Number of Owner: Contact Attorney 812-232-3388

Attorney Representing Owner: Richard J. Shagley II

Address of Attorney: 500 Ohio St., Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

AUG 9 2019

CITY CLERK

SPECIAL ORDINANCE NO. 21, 2019

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

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, Article 2, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots 300, 301, 302 and 303 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2941 S. Third Street, Terre Haute, IN 47802

And

Lots 318, 319 and 320, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana. Commonly known as 2918 Harding Avenue, Terre Haute, IN 47802

And

Lots 315, 316 and 317 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2930 Harding Avenue, Terre Haute, IN 47802

And

Lots 313 and 314 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2940 Harding Avenue, Terre Haute, IN 47802

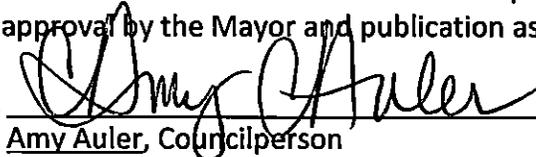
be, and the same are, hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 21, 2019, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

SECTION III. WHEREAS, as an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

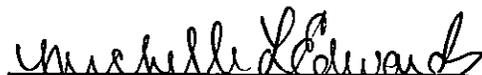
Presented by Council Member,


Amy Auler, Councilperson

Passed in open Council this 12TH day of SEPTEMBER, 2019.


Martha Crossen, President

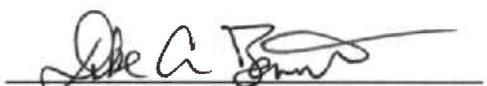
ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13TH day of SEPTEMBER, 2019.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13TH day of SEPTEMBER, 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.


Richard J. Shagley, #23135-84

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

FILED

AUG 9 2019

CITY CLERK

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, Milton B. Derickson, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots 300, 301, 302 and 303 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2941 S. Third Street, Terre Haute, IN 47802

And

Lots 318, 319 and 320, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2918 Harding Avenue, Terre Haute, IN 47802

And

Lots 315, 316 and 317 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2930 Harding Avenue, Terre Haute, IN 47802

And

Lots 313 and 314 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2940 Harding Avenue, Terre Haute, IN 47802

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2, of the Municipal Code designated as "The Comprehensive Zoning Ordinance for Terre Haute," as amended, the above described real estate is now zoned as C-6 Business District and R-1 Planned Development Districts.

Your Petitioner would respectfully state that the real estate is currently vacant lots. Your Petitioner intends to sell the real estate for the use of a hotel, bar and restaurant.

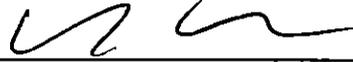
Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by the Petitioners. Your Petitioner would allege that the proposed hotel, bar and restaurant would not alter the general characteristics of this neighborhood, since the real estate is located in a mixed district, that a portion of the real estate is currently used and zoned for a commercial use, and that the real estate is on a major thoroughfare.

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 area.

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 and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and are 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, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed this 7th day of August, 2019.

PETITIONER:



Milton B. Derickson

RICHARD SHAGLEY II -
Attorney for Milton B.
Derickson

The owner and mailing address: Milton B. and Sharon K. Derickson
P.O. Box 77
Terre Haute, IN 47808

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

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SITE PLAN



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines

Parcel ID	84-06-33-461-004.000-002	Alternate ID	118-06-33 461-004	Owner Address	2749 INVESTMENTS LLC
Sec/Twp/Rng	33	Class	Com Other commercial structure		2749 S THIRD ST
Property Address	2918 S 1ST ST	Acreage	n/a		TERRE HAUTE, IN 47802
	TERRE HAUTE				
Neighborhood	118317 - HARRISON				
District	002 HARRISON				
Brief Tax Description	WARREN PLACE				
	2003026386 33-12-9 LOTS 372-373				
	(Note: Not to be used on legal documents)				

Date created: 8/9/2019
 Last Data Uploaded: 8/8/2019 7:03:43 PM

Developed by Schneider
 GEOSPATIAL

2918 HARDING AVE R-1 to C-3
 2930 HARDING AVE R-1 to C-3
 2940 HARDING AVE R-1 to C3
 2941 S. 3rd ST. C-6 to C3

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Milton B. Derickson, who being duly sworn upon his oath, deposes and says:

1. That Milton B. Derickson and Sharon K. Derickson, are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 300, 301, 302 and 303 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder’s Office of Vigo County, Indiana.

Commonly known as 2941 S. Third Street, Terre Haute, IN 47802

And

Lots 318, 319 and 320, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South ½ of the South-East ¼ of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder’s Office of Vigo County, Indiana.

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Commonly known as 2930 Harding Avenue, Terre Haute, IN 47802

And

Lots 313 and 314 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South 1/2 of the South-East 1/4 of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2940 Harding Avenue, Terre Haute, IN 47802

2. That a copy of the Deeds, dated and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, are attached hereto and made a part hereof and marked as Exhibit A.

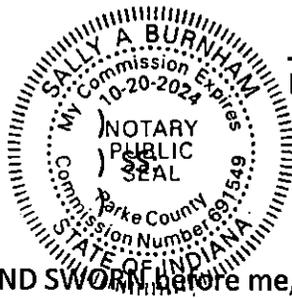
3. That Affiant makes this Affidavit for the sole purpose of affirming that Milton B. Derickson and Sharon K. Derickson, are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Milton B. Derickson and Sharon K. Derickson.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7th day of August, 2019.

STATE OF INDIANA

COUNTY OF VIGO



[Handwritten Signature]

Milton B. Derickson RICHARD SHAGLEY II
Attorney for Milton B. Derickson

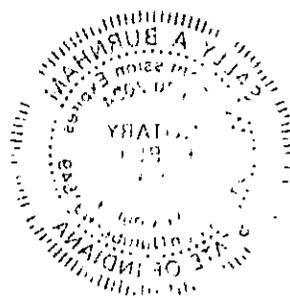
SUBSCRIBED AND SWORN before me, a Notary Public in and for said County and State, this 7th day of August, 2019.

Sally A. Burnham
Sally A. Burnham, Notary Public

My Commission expires:
10/20/24

My County of Residence:
Parke

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



CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Watts-Watts-Evans, Inc., an Indiana corporation ("Grantor") CONVEYS AND WARRANTS to M. B. Derickson and Sharon K. Derickson ("Grantee") of P. O. Box 77, Terre Haute, Vigo County, State of Indiana 47808, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

Lots 300, 301, 302, 303, 315, 316, 317, in Warren Place, an Addition to the city of Terre Haute, Indiana, being a subdivision of the South Half of the southeast quarter of Section 33, township 12 North, Range 9 West, excepting the right of ways of the southern Indiana Railroad and the Terre Haute and Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, page 22, of the records of the Recorder's Office of Vigo County, Indiana.

[having the commonly known street address of 2941 South 3rd Street, Terre Haute, Indiana 47802]

TOGETHER WITH all improvements thereon and appurtenances thereto.

SUBJECT TO:

- (i) Zoning regulations and ordinances and other governmental restrictions affecting the herein conveyed real estate;
- (ii) Encroachments, overlaps, boundary line disputes, conflicts or discrepancies, and any other matters which would be disclosed by an accurate survey and inspection of the herein conveyed real estate;
- (iii) Ditches, legal drains, laterals and feeders, if any, and public streets, highways and rights-of-way;
- (iv) all easements, restrictions and encumbrances now of record; and
- (v) Indiana general real property taxes prorated to the date of indenture.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and all necessary corporate action for the making of such conveyance has been taken and done.

The undersigned certify that no corporate gross income tax is

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Dannie E. Watts, Jr. and Randy H. Evans, the President and Secretary, respectively, of Watts-Watts-Evans, Inc., an Indiana corporation, who each acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 4th day of March, 1993.



William M. Olah
Notary Public

William M. Olah
Printed Name

My Commission Expires:

County of Residence: Vigo

August 12, 1995

This instrument prepared by William M. Olah, Attorney,
333 Ohio Street, P.O. Box 800, Terre Haute, IN 47808-0800.

Send Tax Duplicates To: P. O. Box 77, Terre Haute, IN 47808.

WARRANTY DEED

THIS INDENTURE WITNESSETH: That Nada Zeigler, an adult widow ("Grantor"), CONVEYS and WARRANTS to M. B. Dericksen and Sharon K. Dericksen, husband and wife, of P. O. Box 77, Terre Haute, Indiana 47808 (the "Grantee"), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

Lots 318, 319 and 320, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South 1/2 of the South-East 1/4 of Section 33, Township 12 North, Range 9 West, excepting the right of way of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, Page 22, of the Records of the Recorder's Office of Vigo County, Indiana.

[Commonly known as 2918 Harding Avenue, Terre Haute, IN 47802.]

TOGETHER WITH all improvements thereon and appurtenances thereto.

SUBJECT TO Indiana general real property taxes prorated to the date of indenture.

Grantor avers that on and before March 20, 1990 she was married to Albert Zeigler and she remained continuously married to him until his death on February 15, 1993.

IN WITNESS WHEREOF, the said Nada Zeigler, an adult widow, has hereunto set her hand and seal this 13th day of May, 1994.

Nada Zeigler
Nada Zeigler

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 13th day of May, 1994, appeared Nada Zeigler, an adult widow, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Mary Alice M. Crisaken
Notary Public

Mary Alice McCrisaken
Printed Name
County of Residence: Vigo

My Commission Expires:
June 7, 1995

WARRANTY DEED

THIS INDENTURE WITNESSETH: That Charles W. Schaffer and Rose W. Schaffer, husband and wife ("Grantor"), CONVEY and WARRANT to M. B. Derickson and Sharon K. Derickson, husband and wife, of P. O. Box 77, Terre Haute, Indiana 47808 (the "Grantee"), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

Lots 313 and 314 Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South one-half of the South-East Quarter of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute and Southeastern Railroad, as shown by the recorded plat thereof in Plat Record 10, page 22 of the records of the Recorder's Office of Vigo County, Indiana.

[Commonly known as 2946 Harding Avenue, Terre Haute, Indiana 47802.]

TOGETHER WITH all improvements thereon and appurtenances thereto.

SUBJECT TO Indiana general real property taxes prorated to the date of indenture.

IN WITNESS WHEREOF, the said Charles W. Schaffer and Rose W. Schaffer, husband and wife, have hereunto set their hands and seals this 7th day of September, 1993.

Charles W. Schaffer
Charles W. Schaffer
Rose W. Schaffer
Rose W. Schaffer

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 7th day of September, 1993, appeared Charles W. Schaffer and Rose W. Schaffer, husband and wife, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.



William M. Olah
Notary Public
William M. Olah
Printed Name

