



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 28, 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

1031 S 25th St, Terre Haute, IN 47803

Current Zoning: R-2; and R-2 Planned Development

Requested Zoning: C-6 Strip Business Zone

Proposed Use: Liquor Store

Name of Owner: CORTAPASSI INC.

Address of Owners: Cortapassi Inc.
c/o Daniel Cortapassi and Carmen Garcia
20007 E. 1100 North Rd.
Danville, IL 61834

Phone Number of Owner: 812-243-3166

Attorney Representing Owner: Jeffrey A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffrey A. Lind
400 Ohio Street
Terre Haute, IN 47807
812-234-5463

Council Sponsor: Amy Auler

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

FILED

OCT 02 2020

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 28, 2020**

CITY CLERK

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

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

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

A part of the land in the name of Cortapassi, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 108.18 feet off the South side of Lot No. 7 in John Milner's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Vigo County, Indiana, described on September 23, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-263).

EXCEPT 30.00 feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract West of the East line of the 16 feet wide alley.

Containing 0.28 acres, 12,348 square feet with 0.04 acres, 1,954 square feet in the right of way of 25th Street after said exceptions.

Commonly known as: 1031 S 25th St, Terre Haute, IN 47803

Be and the same is hereby established as a **C-6 Strip Business Zone**, 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,



Amy Auler

Passed in Open Council this ____ day of _____, 2020.

George Azar-President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this ____ day of _____ 2020.

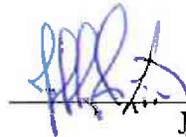
ATTEST: _____
Michelle Edwards, City Clerk

Approved by me, the Mayor, this ____ day of _____, 2020.

Duke Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by, and 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:



Jeffrey A. Lind
400 Ohio Street
Terre Haute, IN 47807
812-234-5463.

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 GENTLEMEN:

The undersigned, **Cortapassi, Inc.**, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A part of the land in the name of Cortapassi, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 108.18 feet off the South side of Lot No. 7 in John Milner's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Vigo County, Indiana, described on September 23, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-263).

EXCEPT 30.00 feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract West of the East line of the 16 feet wide alley.

Containing 0.28 acres, 12,348 square feet with 0.04 acres, 1,954 square feet in the right of way of 25th Street after said exceptions.

Commonly known as: 1031 S 25th St, Terre Haute, IN 47803

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; and R-2 Planned Development**.

Your petitioner would respectfully state that the real estate is located at the Northwest corner of 25th and College and currently has a liquor store and a residential house. The area sought to be rezoned is larger than the lot currently zoned R-2, Planned Development and, as a result of a lot line adjustment enlarges the site upon which a rebuilt, or newly built, liquor store would be placed, expanding off street parking to meet the City Code, comply with building set back line requirements and remove the dual use of the lot at the corner of 25th and College. While a liquor store presently sits upon the

southern portion of the real estate sought to be rezoned, as a consequence of the lot line adjustment, this rezoning is believed to be necessary because of the larger lot size and the anticipated demolition and construction to accomplish the above mentioned parking and set back line goals and eliminate the dual use presently in place at 25th and College. All drives will be paved with asphalt or concrete.

Your petitioner would request that the real estate described herein shall be zoned as a **C-6 Strip Business Zone**. Your petitioner would allege that the **C-6 Strip Business Zone** would not alter the general characteristics of this neighborhood as a liquor store presently sits upon the southern portion of the real estate sought to be rezoned, but (with a rezoning and the planned demolition and construction) positively addresses parking, set back and dual use issues which presently exist, but pre-date the adoption of the Comprehensive Zoning Ordinance for Terre Haute, Indiana.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-6 Strip Business Zone** 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 WITNES WHEREOF, this petition has been duly executed this 10th day of October, 2020.

Cortapassi, Inc.

By Carmen Garcia
Carmen Garcia, Vice President

PETITIONERS: **Cortapassi, Inc.**

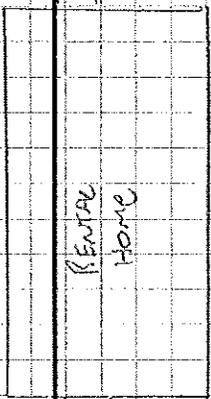
**Address of Owners: c/o Daniel Cortapassi and Carmen Garcia
20007 E. 1100 North Rd.
Danville, IL 61834**

This instrument was prepared by Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, 812-234-5463.

EXISTING LOT FOR LIQUOR STORE

133 X 53

* CAN ADJUST BUILDING SIZE



RENTAL GARAGE



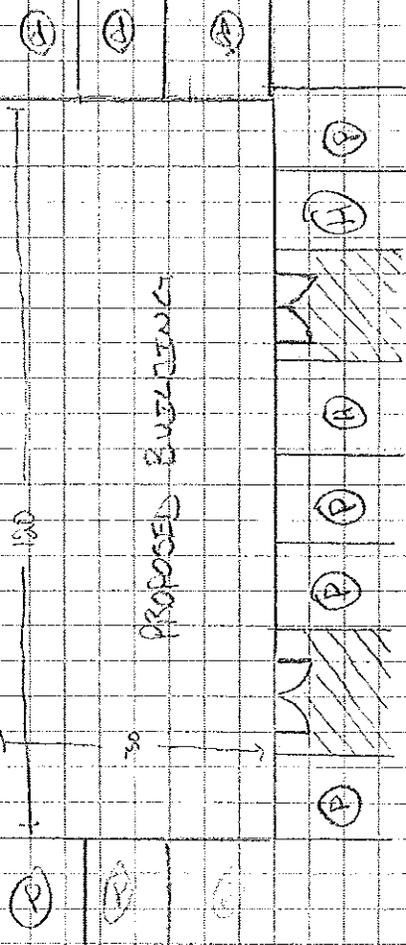
15'

ALLEY

CAN PUT FENCE ON EACH SIDE

FL 50

PROPOSED BUILDING



NEW CONCRETE PARKING

CORB ENTRY

NEW CONCRETE SIDEWALK

70'

COLLECTE

MAXIMUM CONTRACTOR'S REAL ESTATE, LLC.
(705) 719-2355
MSECREST-CONTRACTING@GMAIL.COM

8/31/00

[Handwritten signature]

CORB ENTRY

CORB ENTRY 30'

AFFIDAVIT OF CORTAPASSI, INC.

COMES NOW affiant **Cortapassi, Inc.** and affirm under penalty of law that affiant is the owner of record of the property located at **1031 S 25th St, Terre Haute, IN 47803, as enlarged by lot line adjustment** for which a rezoning is requested and hereto copies of the deed is attached evidencing such ownership.

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

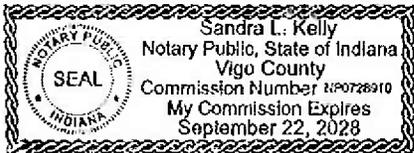
Cortapassi, Inc.

By *Carmen Garcia*
Carmen Garcia, Vice President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Carmen Garcia**, as Vice President of **Cortapassi, Inc.**, who acknowledge the execution of the above and foregoing, after being duly sworn upon her oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1st day of October, 2020.



Sandra L. Kelly
Notary Public

Sandra L. Kelly
Printed name

My Commission Expires: 9/22/2028 My County of Residence: Vigo

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2017003884 HD \$18.00
04/27/2017 09:32:35A 2 PGS
Stacey Joy Fueston
VIGO County Recorder IN
Recorded as Presented

APR 27, 2017

James W. Hamilton
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Zianna N. Alley of Vigo County, State of IN, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEYS AND WARRANTS unto Cortapassi, Inc., of Vigo County, State of IN, the following described real estate situated in the County of Vigo, State of Indiana, to-wit:

Tract 1-Eight-four (84) feet off the South side of Lot Number Seven (7) in John Milner's Subdivision of part of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 1, page 75.

Except Thirty feet off the South side thereof now used as a street.

Also except that part of said tract conveyed to City of Terre Haute as shown by Deed Record 138, page 418, records of Recorder's Office of Vigo County, Indiana.

Also except that part of said tract conveyed to Harry V. Hamilton and Mac Hamilton, husband and wife, as shown by Deed Record 194, page 292, records of Recorder's Office of Vigo County, Indiana.

Also

Tract 2-Beginning at a point 185 feet south of the Northeast corner of a tract of 3 acres off the south side of Lot 7 in John Milner's Subdivision of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, as per recorded plat of the same recorded in the office of the Recorder of Vigo County, Indiana, in Plat Record 1, page 75; thence south 127 feet more or less to a point 84 feet North of the south line of said Lot 7, thence west to a point in the east line of proposed alley, said point being 157.93 feet more or less West of the center line of 25th Street; thence north along the East line of said proposed alley 127 feet more or less to a point directly West of the place of beginning; thence east to the place of beginning. Except 47 feet off the North side thereof.

Also

Tract 3-Beginning at a point 185 feet South of the Northeast corner of three acres off the South side of Lot No. 7 in John Milner's Subdivision of part of the Northwest quarter of Section 26, Township 12 North, Range 9 West as per recorded plat thereof recorded in Plat Record 1, page 75, records of Vigo County Recorder's Office; thence south 47 feet; thence West to a point in a proposed alley being 157.93 feet, more or less, West of the center line of Twenty-fifth Street; thence North 47 feet to a point West of the point of beginning; thence East to the place of beginning.

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

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

84-06-26-187
-020.000
-000

84-06-26-
187-019
000-000

IN WITNESS WHEREOF the above referred to Zianna N. Alley has hereunto set her hand and seal, this 21st day of April, 2017.

Zianna N. Alley (SEAL)
Zianna N. Alley

STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 21st day of April, 2017, personally appeared Zianna N. Alley and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal

My Commission Expires:  GRETSA SARAH DAVIS
Notary Public, State of Indiana
Vigo County
My Commission Expires: April 20, 2022
My County of residence is:

Greta Sarah Davis
Notary Public
Greta Sarah Davis
Typewritten or printed name of notary

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.

Donald J. Bonomo
Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 20007 E. 1100 North Rd, Danville, IL 61834

MAIL TAX STATEMENTS TO: 20007 E. 1100 North Rd, Danville, IL 61834

Receipt

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

Date: 10/2/2020

Name: Cortipassi Inc

Reason: Reasoning - Notice of Filing \$25.00

Reasoning - Petition \$20.00

Cash: _____

Check: # 4562 \$45.00

Credit: _____

Total: \$45.00

Received By: *[Signature]*

TERRE HAUTE INC
PAID
OCT 9 2 2020
CONTROLLER