



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 30 - 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7), Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802

Parcel Numbers: 84-09-04-283-020.000-005, 84-09-04-283-019.000-005, 84-09-04-283-018.000-005, 84-09-04-283-022.000-005, 84-09-04-283-021.000-005, 84-09-04-283-016.000-005, 84-09-04-283-015.000-005 and 84-09-04-283-014.000-005.

Current Zoning: Meyers Lots 1, 6 and 7 are C-2 Community Commercial District; Meyers Lots 2, 3, 4, 5, 8 and 9 are R-1 Single Family Residential District

Requested Zoning: C-6 Strip Business District

Proposed Use: Finzel's Mastertech - auto repair services

Name of Owner: Scott Holding Company, Inc.

Address of Owner: 4720 Cart Path, Terre Haute, IN 47802

Phone Number of Owner: (812) 232-4311

Attorney Representing Owner (if any): Jeffrey A. Lewellyn

Address of Attorney: 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: Amy Auler

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

FILED

OCT 06 2020

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 30 - 2020
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" 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:

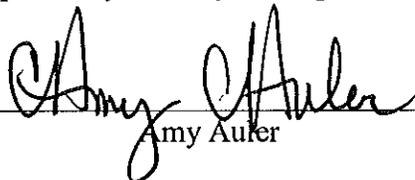
Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) in Meyer's Subdivision in Section 4, Township 11 North, Range 9 West as the same appears on the recorded plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder's Office of Vigo County, Indiana, together with oil, coal and mineral rights.

Commonly known as: 3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7, Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802

be and the same is, hereby established as a **(C-6) Strip Business District**, together with all rights and privileges that may inure to said real estate and 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
Common Council of
City of Terre Haute, Indiana

ATTEST:

Michelle Edwards, City Clerk

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

Michelle Edwards, City Clerk

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

Duke Bennett, Mayor,
City of Terre Haute, Indiana

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.

Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney, 333 Ohio Street, Terre Haute, IN 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
OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Scott Holding Company, Inc.**, respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) in Meyer's Subdivision in Section 4, Township 11 North, Range 9 West as the same appears on the recorded plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder's Office of Vigo County, Indiana, together with oil, coal and mineral rights.

Commonly known as: 3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7, Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802

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 C-2 Community Commercial District for Lots 1, 6 and 7, and R-1 Single Family Residential District for Lots 2, 3, 4, 5, 8 and 9.

Your Petitioner would respectively state that the real property at issue is currently unimproved land. The property site has mixed zoning classifications of R-1, C-2 and C-6 in the surrounding area. Petitioner has entered into a purchase-sale agreement that is contingent upon rezoning the property to allow for the intended development of the land for use by Finzel's Mastertech for auto repair services, as currently exists across 7th Street to the east.

Your Petitioner requests that the real estate described herein shall be zoned as a **(C-6) Strip Business District**. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood.

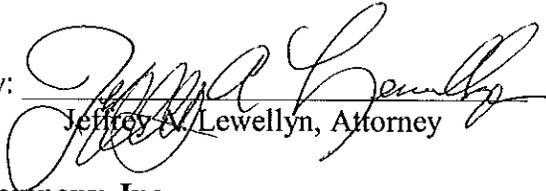
Your Petitioner would respectively show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectively requests that the Area Plan Commission of 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, 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 **(C-6) Strip Business District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 6th day of October, 2020.

Scott Holding Company, Inc.

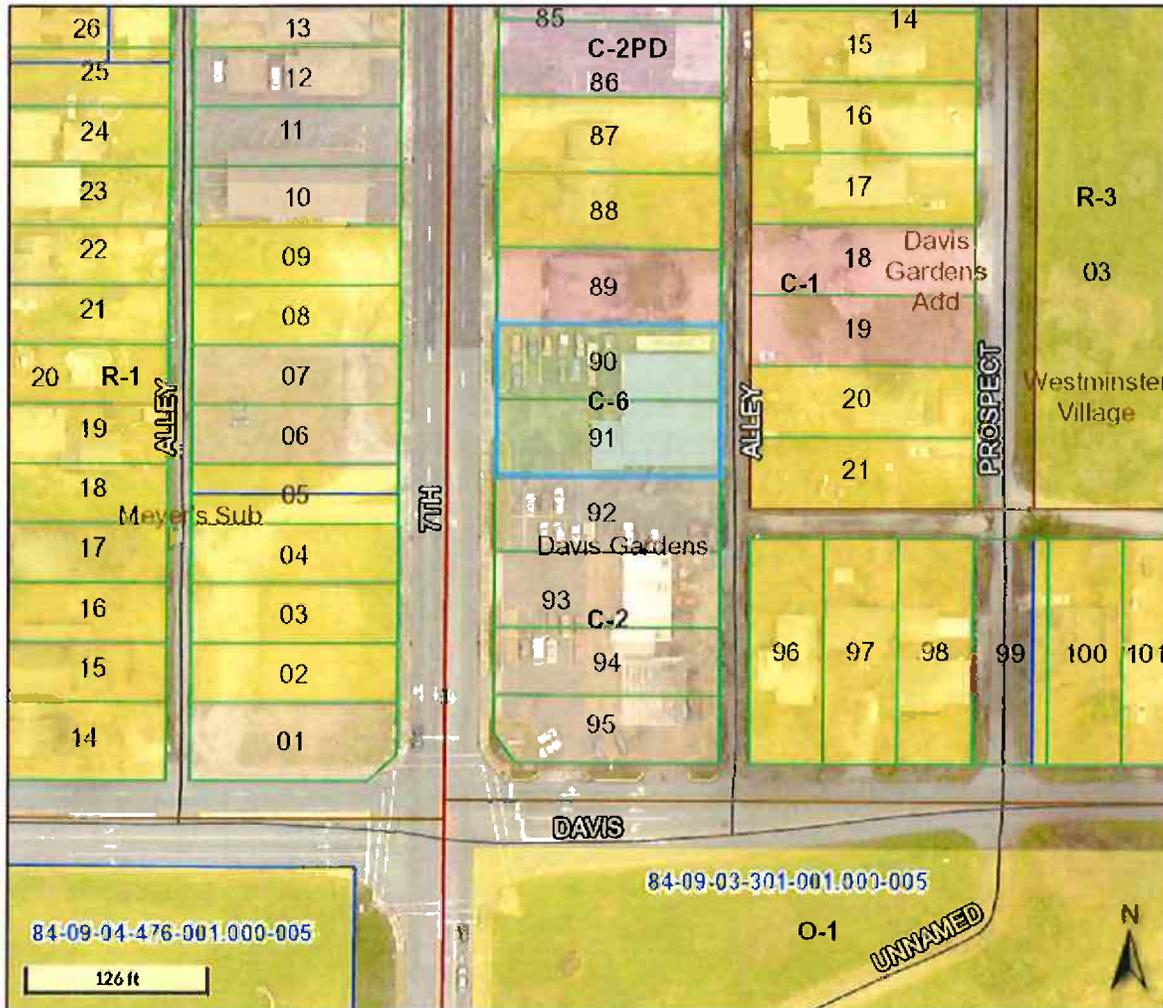
By:



Jeffrey A. Lewellyn, Attorney

Petitioner: **Scott Holding Company, Inc.**
4270 Cart Path
Terre Haute, IN 47802

Prepared By: Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



Overview



Legend

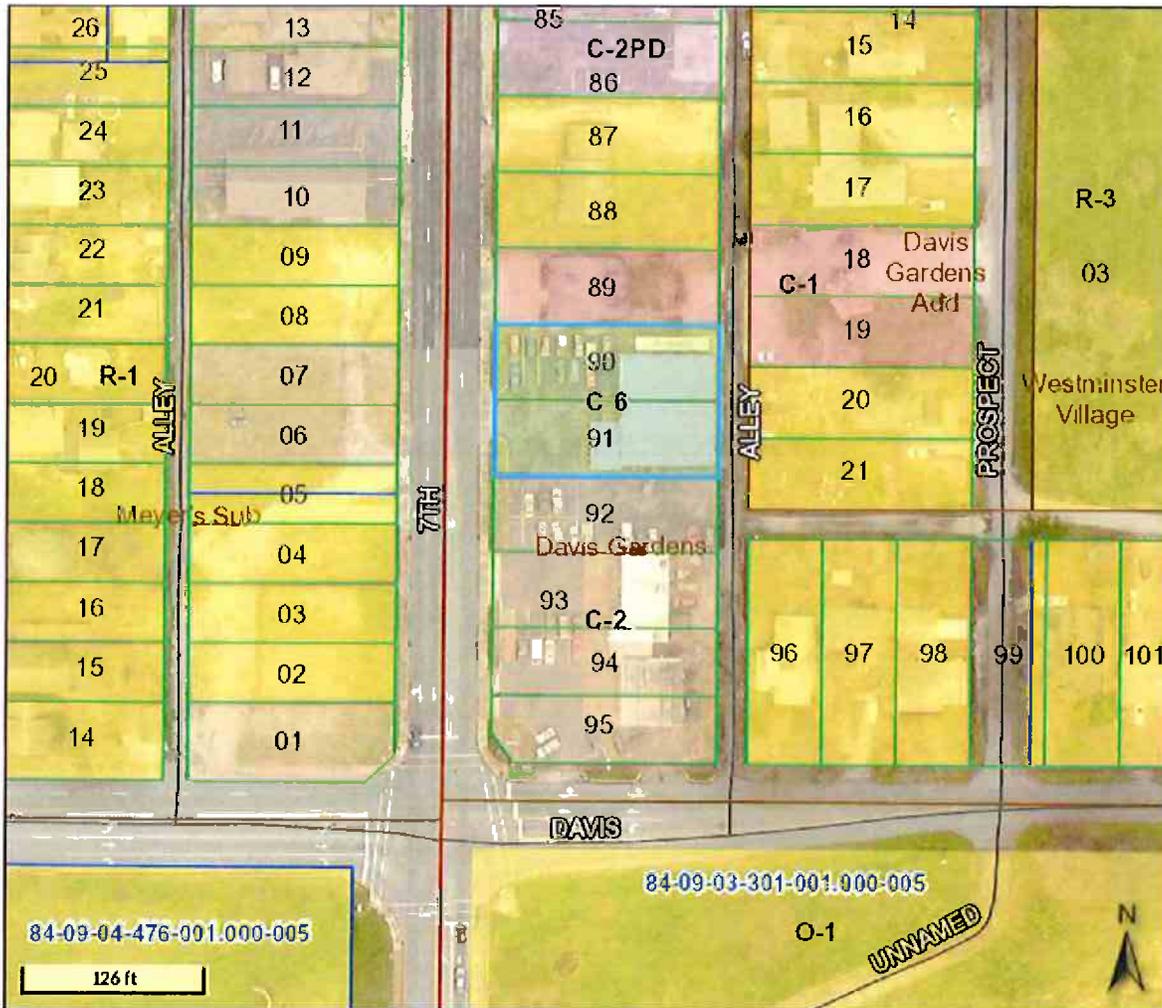
- Corporate Limits
- Political Township
- Sections
- Subdivisions
- Blocks
- Lots
- Parcels
- Road Centerlines

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR



Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

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

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Donald T. Scott, President of **Scott Holding Company, Inc.** ("Scott Holding"), and affirms under penalty of law that Scott Holding is the owner of record of the property identified as Meyers Subdivision Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, located at **South 7th Street and Davis Avenue, Terre Haute, IN 47802**, Parcel Nos. 84-09-04-283-020.000-005, 84-09-04-283-019.000-005, 84-09-04-283-018.000-005, 84-09-04-283-022.000-005, 84-09-04-283-021.000-005, 84-09-04-283-016.000-005, 84-09-04-283-015.000-005 and 84-09-04-283-014.000-005, for which a rezoning is requested. Attached hereto are copies of the deeds evidencing Scott Holding's ownership. Scott Holding is seeking to rezone Meyers Subdivision Lots 1,6 and 7 of the subject property from its current zoning of (C-2) Community Commercial District, and Meyers Subdivision Lots 2, 3, 4, 5, 8 and 9 of the subject property from its current zoning of (R-1) Single Family Residential District, all to (C-6) **Strip Business District**.

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



Donald T. Scott, President

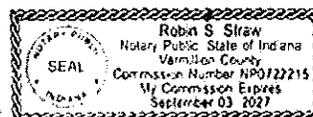
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Donald T. Scott**, President of Scott Holding Company, Inc., who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 16th day of October, 2020.

My commission expires:
September 03, 2021

Robin S. Straw, Notary Public
Resident of Vermillion County, Indiana



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 31 2012

Timothy M. Spencer
VIGO COUNTY AUDITOR

2012001120 WD \$22.00
01/31/2012 02:54:41P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


Investors Titlecorp
Meridian Technology Center
111 Congressional Blvd
Suite 250
Carmel, IN 46032

CORPORATE WARRANTY DEED

11200826S

THIS INDENTURE WITNESSETH, That Miller Floral Co. Inc (Grantor), CONVEYS AND WARRANTS to Scott Holding Company, Inc., (Grantee), for the sum of Ten and No/100--- Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Grantor further certifies that there is no Gross Income Tax due the State of Indiana at this time with respect to this conveyance.

Subject to real estate property taxes for 2011 due and payable in 2012, and subject to real estate property taxes payable thereafter.

Taxing Unit:Terre Haute/Honey Creek Township; Parcel Number 84-09-04-283-020.000-005; 84-09-04-283-019.000-005;84-09-04-283-018.000-005; and 84-09-04-283-022.000-005

Subject to any and all easements, agreements and restrictions of record.

The undersigned person(s) executing this deed on behalf of Grantor represent(s) and certifies/certify that she/he/they is/are (a) duly elected officer(s) of Grantor and has/have been fully empowered, by proper corporate resolution of Grantor, to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Investors Titlecorp,

2

EXHIBIT "A"

Lots Number One (1), Two (2), Three (3), Four (4) and Five (5), except 19 feet and 6 inches of even width off the North side of Lot Number Five (5) in Meyer's Subdivision of Section Four (4), Township Eleven (11) North, Range Nine (9) West, recorded in Plat Record 10, Page 31-1/2 of the records of the Recorder's Office of Vigo County, Indiana.

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Return deed to: **Investors Titlecorp, 111 Congressional Blvd Suite 250 Carmel IN 46032**

The address of such real estate is commonly known as 3419, 3421 S 7th St., Terre Haute, Indiana 47802

Grantees' Post office mailing address is (NO PO BOXES):

4270 Coat Path. Terre Haute IN 47802

Tax bills should be sent to such address unless otherwise noted below.

Same as above

Prepared by Misty Y McDonald, Attorney at Law, Attorney No 22022-83, 400 Wabash Avenue, Suite 215, Terre Haute, Indiana 47807 / (812) 243-4775

"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". Rosanne Taylor

19th day of August, 2014, appeared Diane A. Walton, as a Trustee of Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Clint Baldwin
Clint Baldwin, Notary Public
Printed Name

My Commission Expires: Sep 12, 2021 County of Residence: Marion



Deborah Lynn Crawford

Deborah Lynn Crawford, as a Trustee of Janet T. Angermeier Family Trust Created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

STATE OF Ohio)
)SS:
COUNTY OF Franklin)

Before me, the undersigned, a Notary Public in and for said County and State, this 18 day of August, 2014, appeared Deborah Lynn Crawford, as a Trustee of Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

J. Foster

J. Foster, Notary Public

Printed Name

County of Residence: Franklin

My Commission Expires:
2.28.2017



JEFFERSON D. FOSTER
Notary Public, State of Ohio
My Commission Expires
February 28, 2017

Donna Vohland
Donna Suzanne Vohland, as a Trustee of Janet T. Angermeier Family Trust Created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

STATE OF OHIO)
COUNTY OF Butler)SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 19 day of August, 2014, appeared Donna Suzanne Vohland, as a Trustee of Janet T. Angermeler Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Susan Iceman
Susan Iceman, Notary Public
Printed Name
County of Residence: WARREN

My Commission Expires:
July 17, 2019

This instrument prepared by William M. Olah, Attorney,
333 Ohio Street, Terre Haute, IN 47807.

Send tax duplicates to: 4720 Cart Path, Terre Haute, IN



SUSAN ICEMAN
Notary Public, State of Ohio
My Commission Expires
July 17, 2019

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.

William M. Olah
William M. Olah



Receipt

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

Date: 10-16-2020

Name: Scott Holding Company, Inc.

Reason: Remaining - Notes of funding \$ 25.00

Remaining - Petros \$ 20.00

\$ 45.00

TERRE HAUTE, INC

PAID

Cash:

Check: \$ 45.00 CK# 01022617

OCT 8 2020

Credit:

CONTROLLER

Total: \$ 45.00

Received By: Beluak