

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 11, 2020

Common Address of lots to be rezoned: **4701 Margaret Ave., Terre Haute, IN**

Rezone From: **0-1 Open Space District**

Rezone To: **C-2, Community Commerce District**

Proposed Use: **Offices-autism clinical services**

Name of Owner: **Gerald Wayne Collins Enterprises, LLC**

Address of Owner: **1208 S 3RD ST STE B TERRE HAUTE, IN 47802**

Phone Number of Owner: **c/o (812) 232-6003 Louis F. Britton**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: Owner Attorney

Council Sponsor: O. Earl Elliott

Cox Zwerner Gambill and Sullivan,
attorneys for Owner

By: 
Traci Orman

FILED

AUG 4 2020

CITY CLERK

SPECIAL ORDINANCE NO. 11, 2020

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

SECTION 1. 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:

See Exhibit A.

Commonly known as 4701 Margaret Ave., Terre Haute, IN, be and the same are hereby established as C-2, Community Commerce District as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-2, Community Commerce District authorizing the use of said real estate for the operation of offices for treatment of autistic persons as well as the other uses permitted by such designation, together with all rights, privileges, and provisions 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 2. 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 approval by the Mayor and publication as required by law.

PRESENTED BY COUNCILPERSON Earl Elliott
Earl Elliott

Passed in open Council this _____ day of _____, 2020.

George Azar President

ATTEST: _____, City Clerk
Michelle Edwards

Presented by me to the Mayor this _____ day of _____, 2020.

Michelle Edwards, City Clerk

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

Duke Bennett, Mayor
City of Terre Haute

ATTEST: _____
Michelle Edwards, City Clerk

I have prepared the foregoing instrument 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.

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

Exhibit A to Special Ordinance 11-2020

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

Except that part sold to R.K.R. Partners as described below:

Lot 1 in Whiteco Metrocom Subdivision, being a subdivision of a part of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, as shown by the recorded plat thereof, recorded in Plat Record 27, page 33, records of the Recorder's Office of Vigo County, Indiana.

Also Except that part conveyed to the City of Terre Haute, for the use and benefit of the Board of Public Works as shown in Warranty Deed dated August 4, 2001 and recorded August 15, 2011 as Instrument No. 2011010808, records of the Recorder's Office of Vigo County, Indiana.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Subject to Grant of Permanent and Temporary Easement unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana recorded September 18, 2001 as Instrument No. 200119296.

b) Subject to Temporary Easement Grant unto the City of Terre Haute, Indiana for the use and benefit of the Board of Public Works recorded August 15, 2011 as Instrument No. 2011010809.

c) Subject to rights under Easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62 page 53.

d) Subject to Easement for gas storage granted Terre Haute Gas Corporation in Deed Record 326, page 218.

e) Subject to an Easement for a billboard over, under and across the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl Spires, Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project NO. TM19-265, and shown on Easement recorded January 4, 2020 as Instrument No. 20200000283 as follows:

Commencing at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015: at the Southwest Corner of the land conveyed for right of way (Instrument No. 2011010808); thence South 89 degrees 53 minutes 24 seconds East along the South line of said right of way (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 53.79 feet to the point of Beginning of this description; thence continue the previous course a distance of 20.00 feet; thence South 00 degrees 06 minutes 36 seconds East perpendicular to the previous course a distance of 40.00 feet; thence North 89 degrees 53 minutes 24 seconds West perpendicular to the previous course a distance of 20.00 feet; thence North 00 degrees 06 minutes 36 seconds West perpendicular to the previous course a distance of 40.00 feet to the Point of Beginning containing 800 square feet, more or less.

f) Subject to an Easement for a billboard over, under and across the South 50.00 feet of even width of the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl D. Spires, Jr., Indiana Land Surveyor 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No. 2020000283 containing 0.20 acres (8,516 sq ft), more or less.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

Gerald Wayne Collins Enterprises, LLC, ("Petitioner") is the owners of the following described real estate located in Vigo County, Indiana, to-wit:

See Attached

which real estate is commonly known as: **4701 Margaret Ave., Terre Haute, IN**

Petitioner is informed and believe that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned O-1, Open Space District of the City of Terre Haute, Indiana. Petitioner proposes to lease the subject property to Unlocking the Spectrum to provide clinical services to autistic persons and is further informed and believes that the operation of the proposed businesses would require said real estate to be rezoned to the classification as C-2, Community Commerce District, under which classification Section 10.207(g), "Uses Permitted in C-2 Zone" would authorize such business operations.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- A. That the proposed business would be beneficial to the local community;
- B. That said real estate is located near an area which is zoned/used for commerce and manufacturing and the proposed use would not adversely affect the surrounding uses;
- C. That said real estate is located on Margaret Avenue which provide provides access to businesses and patients in the immediate area as well as in other parts of town;
- D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood.
- E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area;

A copy of the survey of the property and a parking plan are attached.

WHEREFORE, petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "C-2 Community Commerce District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the Petitioner has duly executed this instrument this 24th day of July, 2020.

Gerald Wayne Collins Enterprises, LLC

By: Gerald Wayne Collins, Manager
(Signature)

GERALD WAYNE COLLINS
(Printed Name and Title)

Exhibit A to Petition for Rezoning

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

Except that part sold to R.K.R. Partners as described below:

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Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

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c) Subject to rights under Easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62 page 53.

d) Subject to Easement for gas storage granted Terre Haute Gas Corporation in Deed Record 326, page 218.

e) Subject to an Easement for a billboard over, under and across the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl Spires, Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project NO. TM19-265, and shown on Easement recorded January 4, 2020 as Instrument No. 2020000283 as follows:

Commencing at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015: at the Southwest Corner of the land conveyed for right of way (Instrument No. 2011010808); thence South 89 degrees 53 minutes 24 seconds East along the South line of said right of way (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 53.79 feet to the point of Beginning of this description; thence continue the previous course a distance of 20.00 feet; thence South 00 degrees 06 minutes 36 seconds East perpendicular to the previous course a distance of 40.00 feet; thence North 89 degrees 53 minutes 24 seconds West perpendicular to the previous course a distance of 20.00 feet; thence North 00 degrees 06 minutes 36 seconds West perpendicular to the previous course a distance of 40.00 feet to the Point of Beginning containing 800 square feet, more or less.

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AFFIDAVIT

COME NOW affiant, the Gerald Wayne Collins Enterprise, LLC, by its duly authorized agent and affirms under penalty of law that it is the owner of record of the property located at 4701 Margaret Ave. Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

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

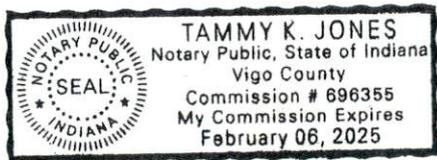
Gerald Wayne Collins Enterprise, LLC.

By Gerald Wayne Collins, Manager
Signature
GERALD WAYNE COLLINS
Printed name and title

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Vigo,
Indiana, who acknowledge the execution of the above and foregoing
Affidavit, after being duly sworn upon their oaths and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 24th day of July, ~~2019~~ 2020



Tammy K. Jones
Notary Public
Tammy K. Jones
(Printed Name)

My Commission Expires:

My County of Residence:

Vigo

Subject to final acceptance for Transfer

2020000282 CORP WD \$25.00
01/09/2020 02:59:52P 4 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented

JAN 09 2020



James W. Brant
COUNTY CLERK

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That

**LAMAR ADVANTAGE GP COMPANY, LLC AS SUCCESSOR IN INTEREST TO
CHANCELLOR MEDIA WHITECO OUTDOOR CORPORATION,**
a Corporation organized and existing under the laws of the State of Delaware,

Conveys and Warrants to

GERALD WAYNE COLLINS ENTERPRISE, LLC,
a Limited Liability Company organized and existing under the laws of the State of INDIANA,

for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

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For information purposes only, the property address is purported to be:
4701 Margaret Avenue, Terre Haute, Indiana 47803.

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Parcel No.: 84-10-06-100-009.000-023

The undersigned person(s) executing this deed on behalf of Grantor hereby represent(s) and certify (certifies) that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute, acknowledge and deliver this Deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity and authority to convey the real estate described; that said real estate does not constitute all or substantially all of the assets of Grantor; and that all necessary corporate action for the making of the conveyance has been duly taken and done.

IN WITNESS WHEREOF, the said Grantor has executed this deed on this 8th day of JANUARY, 2020.

**LAMAR ADVANTAGE GP COMPANY, LLC AS
SUCCESSOR IN INTEREST TO CHANCELLOR
MEDIA WHITECO OUTDOOR CORPORATION, BY
LAMAR MEDIA CORP. MEMBER Central Outdoor, LLC, its sole member**

X
By: [Signature]
Ricky Raven
Title VP

STATE OF Louisiana)
Parish) SS:
~~COURT OF East Baton Rouge~~

SO 11, 2020



Receipt

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

Date: 08-04-2020

Name: Gerald Wayne Collins Enterprises

Reason: Responing - Notice of Filing \$25.00
Responing - Petition \$2000
\$1 45.00

Cash: _____

Check: OK # 100694 \$45.00

Credit: _____

Total: \$ 45.00

TERRE HAUTE, INC
PAID

AUG 04 2020

CONTROLLER

Received By: [Signature]