

SPECIAL ORDINANCE NO. 17, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:

1325 North 4th Street, Terre Haute, Indiana 47807

Parcel # 84-06-16-404-002.000-002
=====

Rezoned From: Planned Urban Development (PUD)

Rezoned To: R-3 General Residential District

Proposed Use: Unrestricted Affordable Housing

Name of Owners: Kendall Terre Haute, LLC

Address of Owners: 2901 Butterfield Road
Oak Brook Illinois 60523

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: Neil Garrison

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

FILED

MAY 05 2021

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 17, 2021

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 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:

LOT 1 IN VITA STUDENT HOUSING, A SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORDED JULY 28, 2017 AS DOCUMENT 2017007453, OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.


Commonly known as: 1325 North 4th Street, Terre Haute, Indiana 47807

Parcel # 84-06-16-404-002.000-002

Be and the same is hereby established as a 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,


Neil Garrison, Councilperson

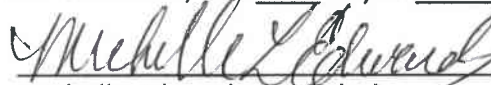
Passed in open Council this 3RD day of JUNE, 2021.


O. Earl Elliott, President


ATTEST:


Michelle Edwards, City Clerk


Presented by me, to the Mayor of the City of Terre Haute, this 4TH day of JUNE, 2021.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 4TH day of JUNE, 2021.


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 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, Suzanne Ballek, Vice President of Kendall 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:

LOT 1 IN VITA STUDENT HOUSING, A SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORDED JULY 28, 2017 AS DOCUMENT 2017007453, OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

FORMERLY DESCRIBED AS FOLLOWS:

TRACT "A":

LOT NUMBER 65 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33- 34- 39 AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

ALSO

A PART OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27,28,33,34,39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16) TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 75 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT SEVENTY (70) AND RUNNING THENCE DUE NORTH EIGHTY (80) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SIXTY-NINE (69), WHICH POINT IS 75 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT SIXTY-NINE (69), AND THENCE RUNNING WEST ALONG THE NORTH LINE OF SAID LOT SIXTY-NINE (69), A DISTANCE OF 35.7 FEET, AND RUNNING THENCE DUE SOUTH EIGHTY (80) FEET TO THE SOUTH LINE OF LOT NUMBER SEVENTY (70) TO A POINT 35.7 FEET WEST OF THE PLACE OF BEGINNING, AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID LOT NUMBER SEVENTY (70) TO THE PLACE OF BEGINNING.

ALSO

LOT NUMBER SIXTY-FOUR (64) IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 33-34-27-28-39 AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

ALSO

LOT NUMBER SIXTY EIGHT (68) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

PARCEL 1:

LOT NUMBER 55 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34- 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 2:

LOTS NUMBER 56 AND 57, IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27- 28-33-34-39 AND 40, OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 3:

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PARCEL 4:

LOT NUMBER 59 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34- 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 5:

LOT NUMBERS 60 AND 61 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27- 28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST IN TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 6:

75 FEET OFF THE WEST END OF LOT NUMBER 62 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39, AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA.

PARCEL 7:

LOT NUMBER SIXTY TWO (62) EXCEPT SEVENTY-FIVE (75) FEET OFF THE WEST END THEREOF IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NO. 27-28-33-34-39 AND 40 OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, INDIANA., VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 8:

LOT 63 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

PARCEL 9:

LOT 66 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

PARCEL 10:

LOT 67 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

PARCEL 11:

29.3 FEET OF EVEN WIDTH OFF OF THE WEST END OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 12:

A PART OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THIRTY-SIX AND FIVE TENTHS (36.5) FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT SEVENTY (70) AND RUNNING THENCE DUE NORTH EIGHTY (80) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SIXTY-NINE (69), WHICH POINT IS THIRTYSIX AND FIVE TENTHS (36.5) FEET WEST OF THE NORTHEAST CORNER OF SAID LOT SIXTY-NINE (69) AND THENCE RUNNING WEST ALONG THE NORTH LINE OF SAID LOT SIXTY-NINE (69), A DISTANCE OF THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET, AND RUNNING THENCE DUE SOUTH EIGHTY (80) FEET TO THE SOUTH LINE OF LOT NUMBER SEVENTY (70) TO A POINT THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET WEST OF THE PLACE OF BEGINNING AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID LOT SEVENTY (70) TO THE PLACE OF BEGINNING.

PARCEL 13:

THIRTY-SIX AND FIVE TENTHS (36.5) FEET OF EVEN WIDTH OFF THE EAST END OF LOTS SIXTYNINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 14:

LOTS NO. 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 110, 111, 112, 113, 114, 115, 116, 117, 118 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, AS SHOWN BY RECORDED PLAT THEREOF RECORDED IN PLAT RECORD 5, PAGE 74, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA. TOGETHER WITH THAT PORTION OF SIXTH AVENUE LYING BETWEEN THIRD STREET AND FOURTH STREET IN THE CITY OF TERRE HAUTE, INDIANA, AS VACATED BY THE VIGO SUPERIOR COURT, DIVISION 1, ON JANUARY 23, 1961 IN ORDER BOOK 126, PAGE 124.

EXCEPT THAT PART OF LOT 110 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED NOVEMBER 24, 1959 IN DEED RECORD 319, PAGE 691, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

TOGETHER WITH THE VACATED ALLEY ADJOINING AFORESAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED SEPTEMBER 19, 1988 IN BOOK 196 PAGE 651.

EXCEPT THAT PART OF LOT 111, 112, 113, 114, 115, 116, 117 and 118 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED JULY 12, 1962 IN DEED RECORD 328, PAGE 296, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 15:

LOTS NUMBER 97, 98 AND 99 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27-28-33-34-39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA.

PARCEL 16:

LOT NUMBER ONE HUNDRED (100) IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS TWENTY-SEVEN (27), TWENTY-EIGHT (28), THIRTY-THREE (33), THIRTY-FOUR (34), THIRTYNINE (39), AND FORTY (40), IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, INDIANA, IN VIGO COUNTY, INDIANA.

PARCEL 17:

LOT NUMBER 101 IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA.

PARCEL 18:

LOT NUMBER 102 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33- 34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA.

ALSO,

THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

Commonly known as: 1325 North 4th Street, Terre Haute, Indiana 47807

Parcel # 84-06-16-404-002.000-002

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 Planned Urban Development.

The real estate is currently vacant. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residential District for the use as approximately forty (40) new unrestricted affordable housing units. It is intended that each unit to be a two (2) bedroom/two (2) bathroom apartment and for there to be a clubhouse on site.

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 May, 2021.

PETITIONER:

Kendall Terre Haute, LLC


Suzanne Ballek, Vice President

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
1325 N. 4th St.

POD to R-3



RGC collaborative
456 N Meridian St #441247
Indianapolis, Indiana, 46244
(317) 508-4411
(317) 260-7037 (Fax)

Owner _____

MAIN STREET HOUSING _____

FOR CONSTRUCTION

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MAIN STREET HOUSING

N. 4TH ST., 4TH AVE., N. 3RD ST
TERRE HAUTE, INDIANA

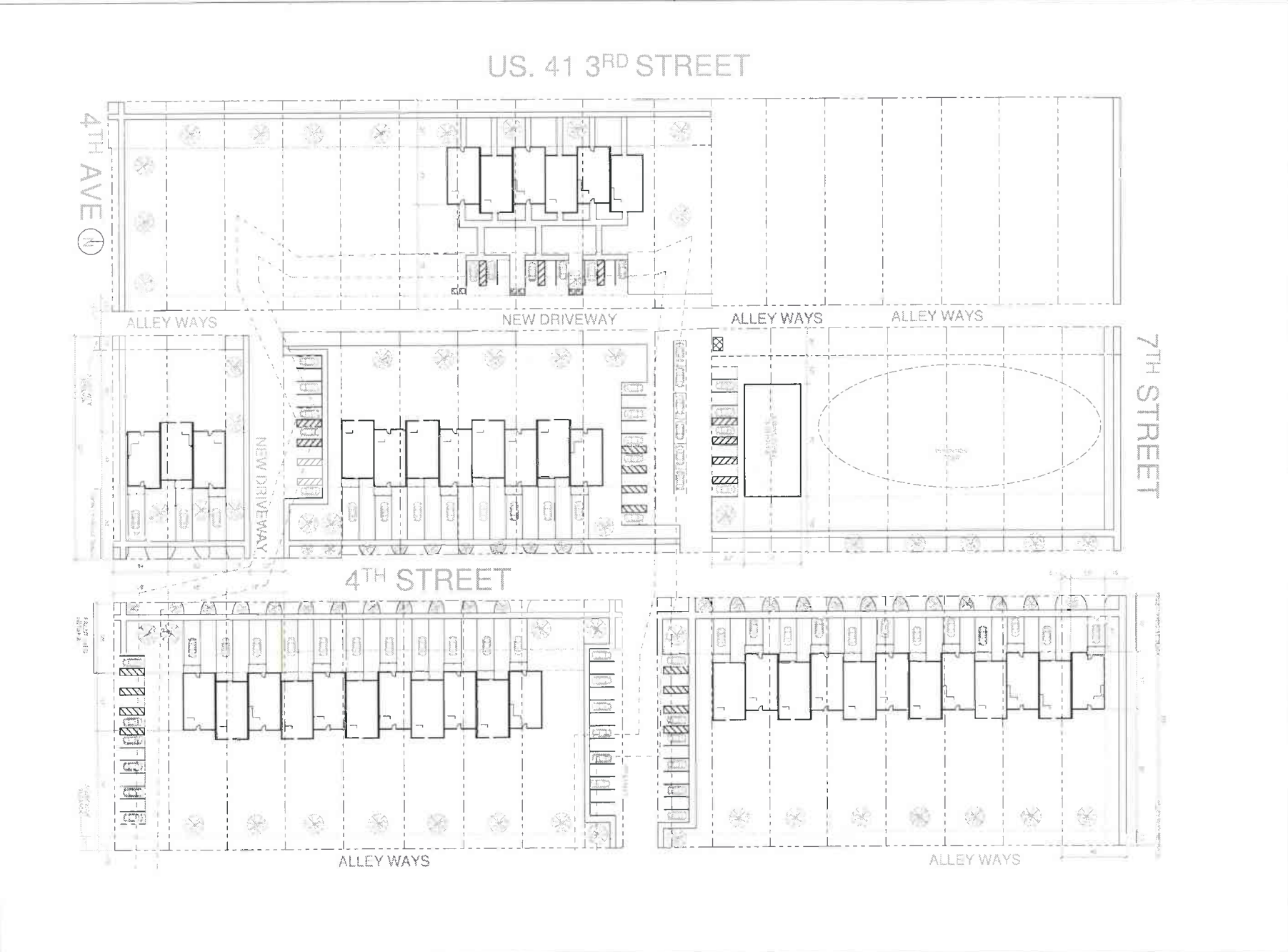
For Use Only / Do Not Create

PROJECT NUMBER 2172K
DATE 05-04-2021
DRAWN BY EKH
CHECKED BY Check

NO.	DESCRIPTION	DATE

SITE PLAN

A-102



S:\PROJECTS\7 Residential\2172020 Terre Haute LTH\001 Revit\Fig\2172020_Terre Haute LTH\RG_Collab_04-30-2021.rvt
5/4/2021 11:21:38 AM

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Suzanne Ballek, Vice President of Kendall Terre Haute, LLC, being duly sworn upon her oath, deposes and says:

1. That Kendall 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:

LOT 1 IN VITA STUDENT HOUSING, A SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORDED JULY 28, 2017 AS DOCUMENT 2017007453, OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

FORMERLY DESCRIBED AS FOLLOWS:

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ALSO

LOT NUMBER SIXTY-FOUR (64) IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 33-34-27-28-39 AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS

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PARCEL 1:

LOT NUMBER 55 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34- 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 2:

LOTS NUMBER 56 AND 57, IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27- 28-33-34-39 AND 40, OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

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LOT NUMBER 58 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34- 39-40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 4:

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PARCEL 5:

LOT NUMBERS 60 AND 61 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27- 28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST IN TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF

THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

PARCEL 6:

75 FEET OFF THE WEST END OF LOT NUMBER 62 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39, AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA.

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LOT NUMBER SIXTY TWO (62) EXCEPT SEVENTY-FIVE (75) FEET OFF THE WEST END THEREOF IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NO. 27-28-33-34-39 AND 40 OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, INDIANA., VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

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PARCEL 10:

LOT 67 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

PARCEL 11:

29.3 FEET OF EVEN WIDTH OFF OF THE WEST END OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 12:

A PART OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THIRTY-SIX AND FIVE

TENTHS (36.5) FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT SEVENTY (70) AND RUNNING THENCE DUE NORTH EIGHTY (80) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SIXTY-NINE (69), WHICH POINT IS THIRTYSIX AND FIVE TENTHS (36.5) FEET WEST OF THE NORTHEAST CORNER OF SAID LOT SIXTY-NINE (69) AND THENCE RUNNING WEST ALONG THE NORTH LINE OF SAID LOT SIXTY-NINE (69), A DISTANCE OF THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET, AND RUNNING THENCE DUE SOUTH EIGHTY (80) FEET TO THE SOUTH LINE OF LOT NUMBER SEVENTY (70) TO A POINT THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET WEST OF THE PLACE OF BEGINNING AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID LOT SEVENTY (70) TO THE PLACE OF BEGINNING.

PARCEL 13:

THIRTY-SIX AND FIVE TENTHS (36.5) FEET OF EVEN WIDTH OFF THE EAST END OF LOTS SIXTYNINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 14:

LOTS NO. 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 110, 111, 112, 113, 114, 115, 116, 117, 118 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, AS SHOWN BY RECORDED PLAT THEREOF RECORDED IN PLAT RECORD 5, PAGE 74, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA. TOGETHER WITH THAT PORTION OF SIXTH AVENUE LYING BETWEEN THIRD STREET AND FOURTH STREET IN THE CITY OF TERRE HAUTE, INDIANA, AS VACATED BY THE VIGO SUPERIOR COURT, DIVISION 1, ON JANUARY 23, 1961 IN ORDER BOOK 126, PAGE 124.

EXCEPT THAT PART OF LOT 110 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED NOVEMBER 24, 1959 IN DEED RECORD 319, PAGE 691, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

TOGETHER WITH THE VACATED ALLEY ADJOINING AFORESAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED SEPTEMBER 19, 1988 IN BOOK 196 PAGE 651.

EXCEPT THAT PART OF LOT 111, 112, 113, 114, 115, 116, 117 and 118 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED JULY 12, 1962 IN DEED RECORD 328, PAGE 296, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

PARCEL 15:

LOTS NUMBER 97, 98 AND 99 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27-28-33-34-39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA.

PARCEL 16:

LOT NUMBER ONE HUNDRED (100) IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS TWENTY-SEVEN (27), TWENTY-EIGHT (28), THIRTY-THREE (33), THIRTY-FOUR (34), THIRTYNINE (39), AND FORTY (40), IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, INDIANA, IN VIGO COUNTY, INDIANA.

PARCEL 17:

LOT NUMBER 101 IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA.

PARCEL 18:

LOT NUMBER 102 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33- 34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA.

ALSO,

THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

Commonly known as: 1325 North 4th Street, Terre Haute, Indiana 47807

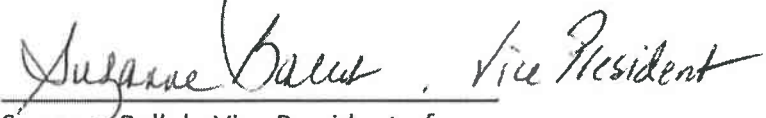
Parcel # 84-06-16-404-002.000-002

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 Affiant makes this Affidavit for the sole purpose of affirming that Kendall 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 Suzanne Ballek, Vice President of Kendall Terre Haute, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 3rd day of May, 2021.


Suzanne Ballek, Vice President of
Kendall Terre Haute, LLC

STATE OF ILLINOIS)
COUNTY OF DuPage) :SS


SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State,
this 31st day of May, 2021.

Official Seal
Notary Public
State of Illinois
My Commission Expires

3/26/23
Valerie Medina

Valerie Medina
Valerie Medina, Notary Public
My Commission expires: 3-26-23
My County of Residence: COOK

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.

2020013588 SD \$25.00
10/15/2020 10:39:27A 10 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented


OCT 15 2020

10/15/2020 Sale # _____


VIGO COUNTY AUDITOR

SHERIFF'S DEED

THIS INDENTURE WITNESSETH that John Plasse, as Sheriff of Vigo County, Indiana, conveys to KENDALL TERRE HAUTE, LLC, a Delaware limited liability company, in consideration of the sum of 2,016,925.50 Dollars (\$) the receipt of which is hereby acknowledged, on sale made pursuant to a judgment of foreclosure, issued from the Superior Court #3 of Vigo County, in the State of Indiana, pursuant to the laws of the State of Indiana on the 24th day of June, 2020, in Cause No. 84D03-1902-PL-001138 wherein Kendall Investment Corporation, an Illinois Corporation, was the plaintiff and MSL ISU Terre Haute, LLC, an Indiana limited-liability company, Mainstreet Property Group, LLC, an Indiana limited-liability company, and HWC Engineering, Inc., an Indiana corporation were defendants, and of which KENDALL TERRE HAUTE, LLC is the assignee, in consideration of said sum aforesaid, the following described real estate located in Vigo County, Indiana:

LOT NUMBER 65 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

Parcel No.: 118-06-16-432-003 / State ID: 84-06-16-432-003.000-002

Address: 1325 North 4th Street, Terre Haute, IN

A PART OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16) TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 75 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT SEVENTY (70) AND RUNNING THENCE DUE NORTH EIGHTY (80) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SIXTY-NINE (69), A DISTANCE OF 35.7 FEET, AND RUNNING THENCE DUE SOUTH EIGHTY (80) FEET TO THE SOUTH LINE OF LOT NUMBER SEVENTY (70) TO A POINT 35.7 FEET WEST OF THE PLACE OF BEGINNING, AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID LOT NUMBER SEVENTY (70) TO THE PLACE OF BEGINNING.

Parcel No.: 118-06-16-432-009 / State ID: 84-06-16-432-009.000-002

Address: 406 4th Street, Terre Haute, IN

LOT NUMBER SIXTY-FOUR (64) IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 33-34-27-28-39 AND 40 IN THE SUBDIVISION OF

SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

Parcel No.: 118-06-16-432-002 / State ID: 84-06-16-432-002.000-002

Address: 1329 4th Street, Terre Haute, IN

LOT NUMBER SIXTY EIGHT (68) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA. ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

Parcel No.: 118-06-16-432-006 / State ID # 84-06-16-432-006.000-002

Address: 1311 North 4th Street, Terre Haute, IN

PARCEL 1:

LOT NUMBER 55 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-001.000-002 (Affects Parcel 1)

Address: Lies west of the alley, north of 6th Avenue, east of North 4th Street and south of 7th Avenue

PARCEL 2:

LOTS NUMBER 56 AND 57, IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40, OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-002.000-000 (Affects Parcel 2)

Address: 1421 N. 4th Street, Terre Haute, Indiana

PARCEL 3:

LOT NUMBER 58 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39-40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-003.000-002 (Affects Parcel 3)

Address: 1417 N. 4th Street, Terre Haute, Indiana

PARCEL 4:

LOT NUMBER 59 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-004.000-002 (Affects Parcel 4)

Address: 1415 N. 4th Street, Terre Haute, Indiana

PARCEL 5:

LOT NUMBERS 60 AND 61 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST IN TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-005.000-002 (Affects Parcel 5)

Address: 1405 N. 4th Street, Terre Haute, Indiana

PARCEL 6:

75 FEET OFF THE WEST END OF LOT NUMBER 62 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39, AND 40 IN THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-428-006.000-002 (Affects Parcel 6)

Address: 1401 N. 4th Street, Terre Haute, Indiana

PARCEL 7:

LOT NUMBER SIXTY TWO (62) EXCEPT SEVENTY-FIVE (75) FEET OFF THE WEST END THEREOF IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NO. 27-28-33-34-39 AND 40 OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, IND., VIGO COUNTY, INDIANA, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOT, VACATED BY SPECIAL ORDINANCE RECORDED APRIL 4, 2016 AS DOCUMENT 2016003289.

Parcel No.: 84-06-16-428-007.000-002 (Affects Parcel 7)

Address: 410 6th Avenue, Terre Haute, Indiana

PARCEL 8:

LOT 63 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-432-001.000-002 (Affects Parcel 8)

Address: 1333 N. 4th Street, Terre Haute, IN

PARCEL 9:

LOT 66 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-432-004.000-002 (Affects Parcel 9)

Address: 1319 N. 4th Street, Terre Haute, IN

PARCEL 10:

LOT 67 IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS NO. 27, 28, 33, 34, 39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-432-005.000-002 (Affects Parcel 10)

Address: 1315 N. 4th Street, Terre Haute, IN

PARCEL 11:

29.3 FEET OF EVEN WIDTH OFF OF THE WEST END OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-432-007.000-002 (Affects part of Parcel 11)

Parcel No.: 84-06-16-432-008.000-002 (Affects remainder of Parcel 11)

Address: 400 4th Avenue, Terre Haute, IN

PARCEL 12:

A PART OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, IN VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THIRTY-SIX AND FIVE TENTHS (36.5) FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT SEVENTY (70) AND RUNNING THENCE DUE NORTH EIGHTY (80) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SIXTY-NINE (69), WHICH POINT IS THIRTY-SIX AND FIVE TENTHS (36.5) FEET WEST OF THE NORTHEAST CORNER OF SAID LOT SIXTY-NINE (69) AND THENCE RUNNING WEST ALONG THE NORTH LINE OF SAID LOT SIXTY-NINE (69), A DISTANCE OF THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET, AND RUNNING THENCE DUE SOUTH EIGHTY (80) FEET TO THE SOUTH LINE OF LOT NUMBER SEVENTY (70) TO A POINT THIRTY-EIGHT AND FIVE TENTHS (38.5) FEET WEST OF THE PLACE OF BEGINNING AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID LOT SEVENTY (70) TO THE PLACE OF BEGINNING.

Parcel No.: 84-06-16-432-010.000-002 (Affects Parcel 12)

Address: 408 4th Avenue, Terre Haute, IN

PARCEL 13:

THIRTY-SIX AND FIVE TENTHS (36.5) FEET OF EVEN WIDTH OFF THE EAST END OF LOTS SIXTY-NINE (69) AND SEVENTY (70) IN EARLY GROVE PLACE, A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9)

WEST, IN VIGO COUNTY, INDIANA, AS SHOWN BY PLAT RECORD 5, PAGE 74 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-432-011.000-002 (Affects Parcel 13)

Address: 412 4th Avenue, Terre Haute, IN

PARCEL 14:

LOTS NO. 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 110, 111, 112, 113, 114, 115, 116, 117, 118 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, INDIANA, AS SHOWN BY RECORDED PLAT THEREOF RECORDED IN PLAT RECORD 5, PAGE 74, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA. TOGETHER WITH THAT PORTION OF SIXTH AVENUE LYING BETWEEN THIRD STREET AND FOURTH STREET IN THE CITY OF TERRE HAUTE, INDIANA, AS VACATED BY THE VIGO SUPERIOR COURT, DIVISION 1, ON JANUARY 23, 1961 IN ORDER BOOK 126, PAGE 124.

EXCEPT THAT PART OF LOT 110 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED NOVEMBER 24, 1959 IN DEED RECORD 319, PAGE 691, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

TOGETHER WITH THE VACATED ALLEY ADJOINING AFORESAID LOTS, VACATED BY SPECIAL ORDINANCE RECORDED SEPTEMBER 19, 1988 IN BOOK 196 PAGE 651.

EXCEPT THAT PART OF LOT 111, 112, 113, 114, 115, 116, 117 AND 118 CONVEYED TO STATE OF INDIANA FOR RIGHT OF WAY, BY DEED RECORDED JULY 12, 1962 IN DEED RECORD 328, PAGE 296, RECORDS OF RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-404-003.000-002 (Affects part of Parcel 14)

Address: 1320 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-403-009.000-002 (Affects part of Parcel 14)

Address: 1404 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-403-010.000-002 (Affects part of Parcel 14)

Address: 1402 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-404-002.000-002 (Affects part of Parcel 14)

Address: 1310 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-403-013.000-002 (Affects remainder of Parcel 14)

Address: 1400 N. 4th Street, Terre Haute, IN

PARCEL 15:

LOTS NUMBER 97, 98 AND 99 IN EARLY GROVE PLACE BEING A SUBDIVISION OF LOTS NUMBERS 27-28-33-34-39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-403-008.000-002 (Affects part of Parcel 15)

Address: 1408 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-403-012.000-002 (Affects part of parcel 15)

Address: 1412 N. 4th Street, Terre Haute, IN

Parcel No.: 84-06-16-403-007.000-002 (Affects remainder of Parcel 15)

Address: 1416 N. 4th Street, Terre Haute, IN

PARCEL 16:

LOT NUMBER ONE HUNDRED (100) IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS TWENTY-SEVEN (27), TWENTY-EIGHT (28), THIRTY-THREE (33), THIRTY-FOUR (34), THIRTY-NINE (39), AND FORTY (40), IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, TERRE HAUTE, INDIANA, IN VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-403-006.000-002 (Affects Parcel 16)

Address: 1420 N. 4th Street, Terre Haute, IN

PARCEL 17:

LOT NUMBER 101 IN EARLY GROVE PLACE THE SAME BEING A SUBDIVISION OF LOTS 27, 28, 33, 34, 39 AND 40 OF THE SUBDIVISION OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, IN VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-403-005.000-002 (Affects Parcel 17)

Address: 1422 N. 4th Street, Terre Haute, IN

PARCEL 18:

LOT NUMBER 102 IN EARLY GROVE PLACE, THE SAME BEING A SUBDIVISION OF LOTS 27-28-33-34-39 AND 40 OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 9 WEST, TERRE HAUTE, VIGO COUNTY, INDIANA.

Parcel No.: 84-06-16-403-004.000-002 (Affects Parcel 18)

Address: 1432 N. 4th Street, Terre Haute, IN

ALSO, THAT PORTION OF PUBLIC RIGHT OF WAY THAT WAS VACATED PURSUANT TO SPECIAL ORDINANCE NO. 46-2016 RECORDED ON FEBRUARY 15, 2017 AS INSTRUMENT NO. 2017001462 IN THE VIGO COUNTY RECORDER'S OFFICE.

To have and to hold the premises aforesaid with the privileges and appurtenances to said purchaser, their grantees and assigns, forever, in full and ample manner with all rights, title, and interest held or claimed by or through the aforesaid defendants.

[Signature page follows.]

IN WITNESS WHEREOF, I, THE UNDERSIGNED, Sheriff aforesaid having hereunto set my hand and seal this 15th day of October, 2020.




John Plasse, Sheriff of Vigo County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

Before me, a Notary Public in and for the State of Indiana, personally appeared John Lasse, on the 15th day of October 2020, and in the capacity of Sheriff of Vigo County, Indiana, acknowledged the execution of the foregoing "Sheriff's Deed."

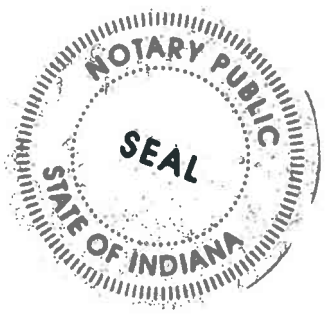
Witness my hand and Notarial Seal this 15th day of October 2020.



Notary Public
Printed: Paula Moats

I am a resident of
Vigo County, Indiana.

My commission expires:
6-20-24



EXECUTED AND DELIVERED in my presence:

Deanna Swearingen [Witness' Signature]

Witness: Deanna Swearingen [Witness' Printed Name]

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

Deanna Swearingen Before me, a Notary Public in and for the State of Indiana, personally appeared being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by John Lasse, the Sheriff of Vigo County, Indiana who acknowledged the execution of the foregoing Sheriff's Deed in such capacity.

Witness my hand and Notarial Seal this 15th day of October 2020.

Paola Moats
Notary Public
Printed: Paola Moats

I am a resident of
Vigo County, Indiana.

My commission expires:
6-20-24



Send tax statements to: KENDALL TERRE HAUTE, LLC
2901 Butterfield Road
Oak Brook, IL 60523

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. - Jason A. McNiel, Esq.

This instrument was prepared by Jason A. McNiel, ICE MILLER LLP, One American Square, Suite 2900, Indianapolis, IN 46282-0200, telephone (317) 236-2100.

Receipt

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

Date: 5/5/21

Name: New Directions

Reason: Re zoning Petition 20.00
Notice of Filing 25.00

Cash: _____

Check: # 71578 \$45.00

Credit: _____

Total: \$45.00

Received By: [Signature]

TERRE HAUTE, INC
PAID
MAY 05 2021
CONTROLLER



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

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Terre Haute • West Terre Haute • Riley • Seelyville

DATE: June 3, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 17-21

CERTIFICATION DATE: June 2, 2021

TO: The Honorable Common Council of the City of Terre Haute

Dear Members:

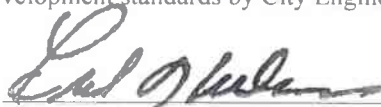
The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 17-21. This Ordinance is a rezoning of the property located at 1325 N. 4th Street. The Petitioner, Kendall Terre Haute Inc., petitioned the Plan Commission to rezone said real estate from zoning classification PUD to R-3 General Residence District in order to build unrestricted affordable housing.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 17-21 at a public meeting and hearing held Wednesday, June 2, 2021. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 17-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 17-21 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 17-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Must be recorded in 90 days 2) Approval of the site plan from the necessary emergency response agencies 3) Approval of all necessary development standards by City Engineering.




Fred L. Wilson, President


Jared Bayley, Executive Director

Received this 3rd day of June, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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APPLICATION INFORMATION

Owner: Kendall Terre Haute, LLC

Representative: Richard Shagley II

Proposed Use: Unrestricted Affordable Housing

Proposed Zoning: R-3, General Residence District

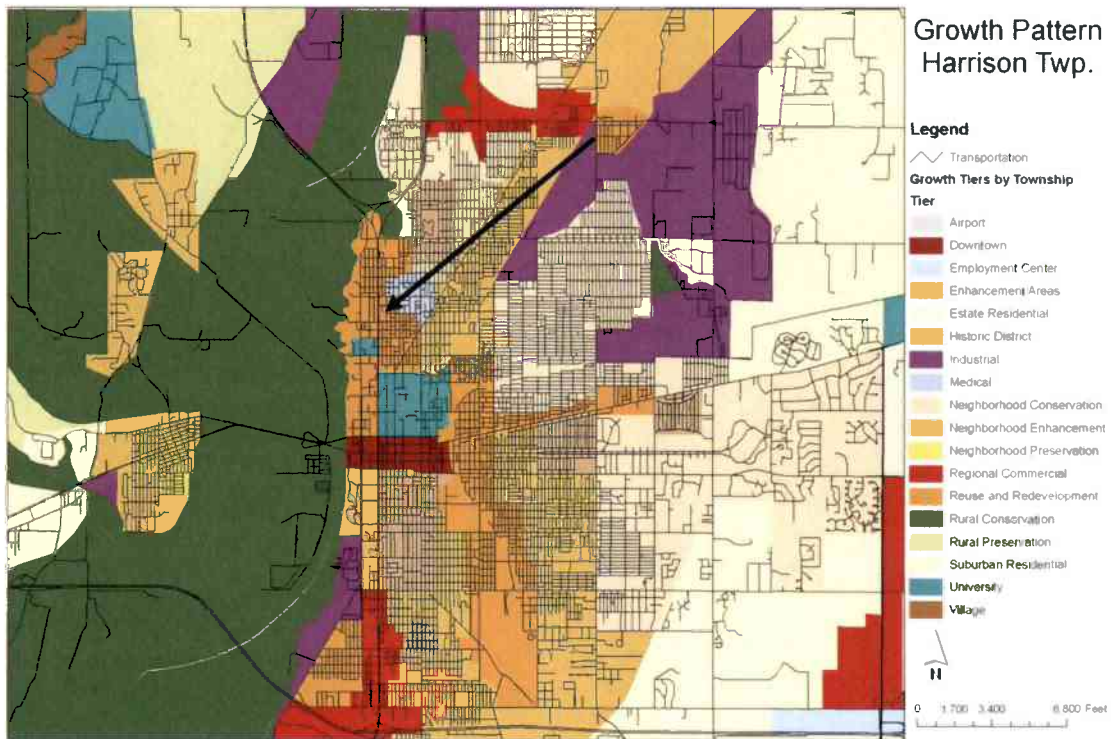
Current Zoning: Planned Unit Development that did not materialize

Location: The property is located on the corner N. 3rd Street and 4th Avenue and goes to 7th Avenue.

Common Address: 1325 N. 4th Street. Terre Haute- Parcel #84-06-16-404-002.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



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Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3
East – R-2, C-3
South – R-2, C-5, C-2
West – R-2, C-6

Character of Area: The petitioned property is located in a mix use area.

Contig. Uses & Zones: The area is being development for commercial uses.

ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels, Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor

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area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards: Minimum Lot Size: N/A;
FAR 0.50 % or 384 Square Feet per bed
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
A parking plan must be approved by the Engineering and Planning Departments.

FINDINGS and RECOMMENDATION

Staff Findings:

Previously the property was rezoned (S.O 18-17) as a PUD and was approved for the development of student housing. That PUD never materialized. Thus the property reverted back to a previous zoning.

As a part of the replatting of the property 4th street between 4th and 7th Ave. along with a portion of 6th Ave. were vacated.

The current petition is to rezone the property to R-3 for the construction of 40, 978 Sq. Ft., two bedroom units along with a clubhouse /leasing office.

The proposed development is less dense than the previously approved project. The petitioner will need to work closely with City Engineering for all drainage and infrastructure.

The Terre Haute City Fire Department has requested an additional hydrant be placed on the corner of 4th Ave. and 3rd St. They are also requiring that the road/alley between 3rd and 4th St. be a minimum of 20ft. in width.

An agreement may be needed between the developer and the City for general public access to the portions of the property that were formally public streets.

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The internal drives must remain private. The petitioner will not have enough parking if the streets are dedicated. Also, parking is not permitted to back into a public street. Rule 5 is applicable to this development.

Reuse and redevelopment in the City of Terre Haute is an encouraged activity.

Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Must be recorded in 90 days
2. Approval of the site plan from the necessary emergency response agencies.
3. Approval of all necessary development standards by City Engineering.

US. 41 3RD STREET

4TH AVE N

OPEN SPACE/
PARK AREA

MOTEL

NEW DRIVEWAY

ALLEY WAYS

NEW DRIVEWAY

DETENTION
POND

7TH AVE

4TH STREET

6TH AVE

ALLEY WAYS

ALLEY WAYS



- 928 SF AVG.
- 2 BED/2 BATH
- 40 UNITS
- 92 PARKING SPACES

RGCcollaborativ
 456 N Meridian St #441247
 Indianapolis, Indiana, 46244
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NEW DIRECTION HOUSING CORPORATION
 RIVER VALLEY APARTMENTS

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RIVER VALLEY APARTMENTS

N. 4TH ST., 4TH AVE., N. 3RD ST
 TERRE HAUTE, INDIANA

PROJECT NUMBER: 117826
 DATE: 05-11-2021
 DRAWN BY: BSH
 CHECKED BY: BE

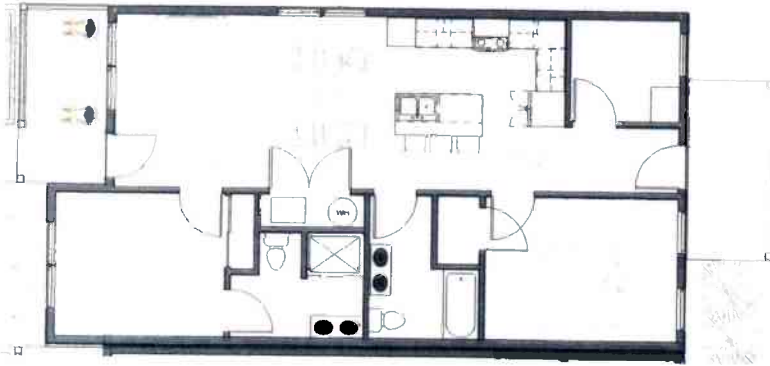
NO.	DESCRIPTION	DATE

SITE PLAN

A-102

6/2/2021 2:08:37 PM S:\PROJECTS\7\Residential\3170200\Terre Haute LITHC\01 Rev1\Fig\3170200_Terre Haute LITHC_RGC_04-30-2021.rvt

6/2/2022 2:39:58 PM S:\PROJECTS\7\Residential\2\70200 Terre Haute LDHC 911\Revit\Fig02\020911 Terre Haute LDHC_RGC_04-30-2022.rvt



1) UNIT PLAN
1/4" = 1'-0"



2) KITCHEN RENDERING



4) FRONT ELEVATION RENDERING



3) BACK ELEVATION RENDERING

RGC Collaborative

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 Indianapolis, Indiana 46204
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RIVER VALLEY APARTMENTS

N 4TH ST., 4TH AVE., N 3RD ST
 TERRE HAUTE, INDIANA

Issue Date / Project Status

PROJECT NUMBER: 2170390
 DATE: 09-03-2021
 DRAWN BY: Author
 CHECKED BY: Checker

NO.	DESCRIPTION	DATE

HOUSING PLANS

A-103