

**SPECIAL ORDINANCE NO. 45, 2021**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lot to be rezoned:

2224 Lafayette Avenue, Terre Haute, Indiana 47805

Parcel No. 84-06-02-302-006.000-002

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Rezone From: R-3 Planned Development

Rezone To: C-2 Community Commerce District

Proposed Use: Dental Office

Name of Owners: Thomas C. Abrell

Address of Owners: 2224 Lafayette Ave.  
Terre Haute, IN 47805

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 [x] Attorney

Council Sponsor: Cheryl Loudermilk

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 45, 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:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute 47805.

Be and the same is hereby established as a C-2 Community Commerce 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, Cheryl Loudermilk  
Cheryl Loudermilk, Councilperson

Passed in open Council this 10<sup>th</sup> day of February, 2022.

Cheryl Loudermilk  
Cheryl Loudermilk, President

ATTEST:

Michelle L Edwards  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 11<sup>th</sup> day of February, 2022.

Michelle L Edwards  
Michelle Edwards, City Clerk

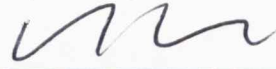
Approved by me, the Mayor of the City of Terre Haute, this 11<sup>th</sup> day of FEBRUARY, 2022.

Duke A Bennett  
Duke A. Bennett, Mayor

ATTEST:

Michelle L Edwards  
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.



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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 GENTLEMEN:

The undersigned, Thomas C. Abrell, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute, Indiana 47805.

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-3 Planned Development.

Your Petitioner intends to continue to use this real estate for a dental office. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 C-2 Community Commerce 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 24<sup>th</sup> day of November, 2021.

**PETITIONER:**

  
\_\_\_\_\_  
Thomas C. Abrell

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

## SPECIAL ORDINANCE NO. 45, 2021



2224 Lafayette Avenue, Terre Haute, IN 47805  
Parcel No.: 84-06-02-302-006.000-002

R-3 Planned Development to C-2 Community Commerce District

Proposed use: Continued use as a Dental Office

STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

**AFFIDAVIT**

Comes now, Thomas C. Abrell, being duly sworn upon his oath, deposes and says:

1. That Thomas C. Abrell 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:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

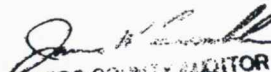




DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

RAYMOND L. MATTS  
VIGO County Recorder IN  
IN 2005011712 CW  
07/12/2005 09:04:30 4 PGS  
Filing Fee: \$20.00

JUL 12 2005

  
VIGO COUNTY AUDITOR

## CORPORATE WARRANTY DEED

**THIS INDENTURE WITNESSETH**, That ATIR Properties, Inc., a corporation organized and existing under the laws of the State of INDIANA, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS and WARRANTS** to Thomas C. Abrell, (hereinafter called GRANTEE(S)), the following described real estate in Vigo County, Indiana, to-wit:

PARCEL II - A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

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

Subject to the taxes prorated from the date hereof.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantees to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.







# Keller Surveying Services

P.O. Box 10255, Terre Haute IN 47801  
(812) 299-3348; FAX (812) 299-3435

## SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED UPON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 2224 N. Lafayette Avenue  
Terre Haute, IN 47805

BUYERS NAME: Thomas C. Abrell  
SELLERS NAME: ATIR Properties

### DESCRIPTION:

A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA (FLOOD PLAIN)  
FIRM PANEL NO: 180264 0002 B Effective Date: December 1, 1981

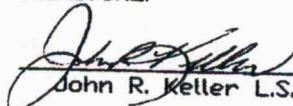
I HEREBY CERTIFY TO THE PARTIES HEREIN NAMED THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY DIRECT SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS TO THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: 06/06/05

LOCATION REPORT NO.: 050608-1

PROPOSED BUYER: Thomas C. Abrell  
PROPOSED LENDER: Owen County State Bank

REGISTERED LAND SURVEYOR'S  
SIGNATURE.

  
John R. Keller L.S. 80920000





# Keller Surveying Services

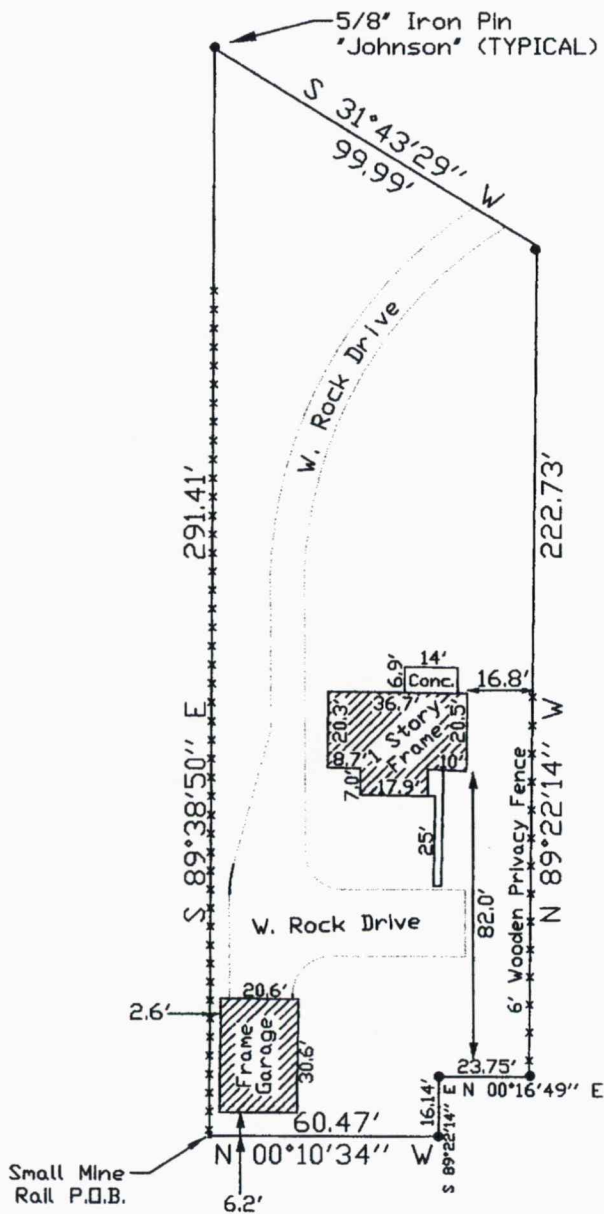
P.O. Box 10255, Terre Haute IN 47801  
(812) 299-3348; FAX (812) 299-3435

## SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED UPON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 2224 N. Lafayette Avenue  
Terre Haute, IN 47805

BUYERS NAME: Thomas C. Abrell  
SELLERS NAME: ATIR Properties





RECEIPT

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

Date: 11-30-21

Name: Dr Abell

Reason: Responding notice of filing \$ 25.00  
Responding - petition \$ 20.00  
 \$ 45.00

Cash: \_\_\_\_\_

Check: 45.00 CHK # 72118

Credit: \_\_\_\_\_

TOTAL: 45.00

TERRE HAUTE, IN.  
PAID

NOV 30 2021

CONTROLLER

Received By: [Signature]