



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 8, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

10 Home Avenue, Terre Haute, Indiana 47803

Current Zoning: C-2 Limited Community Commerce

Requested Zoning: R-1 Single Family Residential District

Proposed Use: Single family residence

Name of Owner: Highland Property Group, LLC

Address of Owner: 100 Circle Street, Terre Haute, IN 47803

Phone Number of Owner: 812-249-0238

Attorney Representing Owner (if any): David P. Friedrich

Address of Attorney: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: David P. Friedrich

Council Sponsor: Cheryl Loudermilk

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

FILED

MAR 28 2022

SPECIAL ORDINANCE FOR REZONING

SPECIAL ORDINANCE NO. 8, 2022

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting a Code of Ordinances for the City of Terre Haute, Indiana; Establishing The Same; Providing For Repeal of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing a Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance of Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2nd Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana
47803

Parcel No. 84-06-23-252-037.000-002

Be and the same is, hereby established as an R-2 Apartment Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate shall be an R-1 Single Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

WHEREAS, Special Ordinance No. 8, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk
Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 2022.

Cheryl Loudermilk-President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 2022.

Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2022.

Duke Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,
Terre Haute, IN 47807

I affirm, under the penalties
for perjury, that I have taken
responsible care to redact
each social security number
in this document, unless required
by law.

David P. Friedrich
David P. Friedrich

PETITION FOR A PLANNED DEVELOPMENT

PETITION TO REZONE REAL ESTATE

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2nd Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

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The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a single family residence.

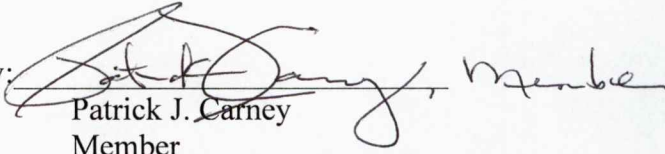
Your Petitioner would respectfully state the real estate herein shall be zoned as a R-1 Single Family Residential District. Your Petitioner would assert the proposed use would not alter the general characteristics of this neighborhood.

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, the Petitioner respectfully 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 District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-1 Single Family Residential District of the City of Terre Haute, 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 21st day of March, 2022.

PETITIONER:

By:  member
Patrick J. Carney
Member
Highland Property Group, LLC

Special Ordinance No. 8, 2022

SITE PLAN

C-2 TO R-1

10 Home Avenue

Terre Haute, IN 47803

Current Zoning: C-2

Proposed Zoning: R-1



ENTERED FOR TAXATION
Subject to final acceptance for Transfer

SEP 16 2021

James W Bramble
VIGO COUNTY AUDITOR

2021012172 PD \$25.00
09/16/2021 09:14:50A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



PERSONAL REPRESENTATIVE'S DEED

Jonathan W. Tarrh, as personal representative of the Unsupervised Estate of William L. Tarrh, deceased October 29, 2019, under CAUSE NO. 84D03-2007-EU-003329 in the Office of the Clerk of the Superior Court of Vigo County, Indiana, for good and sufficient consideration, conveys to **Highland Property Group LLC**, the following described real estate in Vigo County, State of Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2d Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Subject to all restrictions, reservations, easements, and encumbrances of record.

Parcel No.: 84-06-23-252-037.000-002

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Grantor warrants and affirms that the Estate of William L. Tarrh who died October 29, 2019, was not of sufficient size to incur liability for Federal Estate Tax or that such taxes due and owing have been paid.

IN WITNESS WHEREOF, the said **Jonathan W. Tarrh**, as personal representative of the estate of **William L. Tarrh**, has hereunto set his hand and seal this 15 day of September, 2021.

Jonathan W. Tarrh
Jonathan W. Tarrh, Personal Representative of the Estate of William L. Tarrh

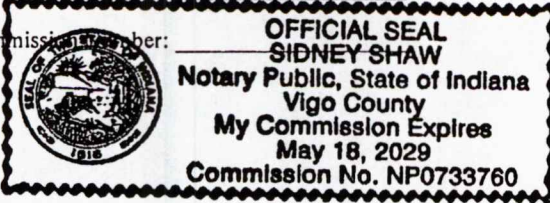
STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared **Jonathan W. Tarrh**, as **personal representative of the estate of William L. Tarrh**, and acknowledged the execution of said deed to be his voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this 15 day of September, 2021.

My Commission Expires:

My Commission Number:



Sidney Shaw
Notary Public
Name Printed: Sidney Shaw
A Resident of Vigo County

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.

/S/ Thomas C. Newlin
Thomas C. Newlin

*Prepared by Thomas C. Newlin, #10883-84
FLECHNER, STARK, TANOOS & NEWLIN
201 Ohio Street, Terre Haute, IN 47807, (812) 232-2000*

Send Tax Statements to/Grantee address: 433 Wygenwood Ln. Terre Haute, IN 47803

AFFIDAVIT OF PATRICK J. CARNEY

Patrick J. Carney ("Carney"), being first duly sworn upon her oath, deposes and states:

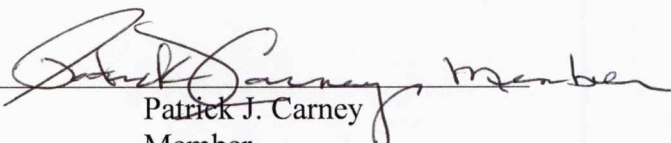
1. Carney is a Member of Highland Property Group, LLC.
2. Highland Property Group, LLC. is the fee simple owner of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2nd Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

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3. Copies of the deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Highland Property Group, LLC. is attached to this affidavit as Exhibit A.
4. Carney submits this affidavit for the sole purpose of affirming that Highland Property Group, 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 Highland Property Group, LLC.
5. The affiant further sayeth not.


Patrick J. Carney
Member
Highland Property Group, LLC

STATE OF INDIANA)

:SS

COUNTY OF VIGO)

Subscribed and sworn to before me, a Notary Public, this 21st day of
March, 2022.

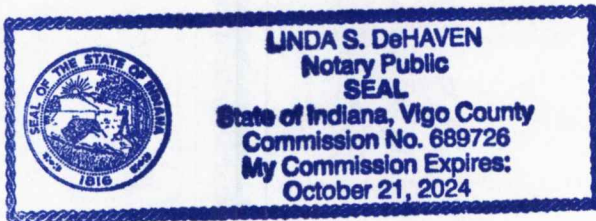
MY COMMISSION EXPIRES:



NOTARY PUBLIC

COUNTY OF RESIDENCE:

(Printed Name)



TERRE HAUTE, IN.
PAID
MAR 28 2022
CONTROLLER

Receipt

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

Date: 3/28/22

Name: Dave Friedrich

Reason: Reznig - notice of filing 25.00

Reznig - Petition 20.00

Cash: _____

Check: 45.00 CN 104906

Credit: _____

Total: 45.00

Received By: Cork Dawson