

SPECIAL ORDINANCE NO. 14, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1728 N. 8th Street, Terre Haute, IN 47804
Parcel No. 84-06-15-151-012.000-002

Rezone From: R-3 General Residence District

Rezone To: C-2 Community Commerce District

Proposed Use: Medical Clinic

Name of Owners: Terre Haute Land Company, LLC

Address of Owners: 27 Potomac Ave
Terre Haute, IN 47803

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

JUN 08 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 14, 2023**

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:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

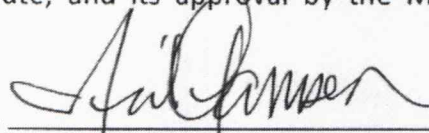
Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

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Be and the same is hereby established as a C-2 Community Commerce Distrcit, 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."

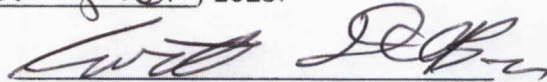
SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,



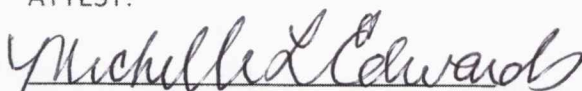
Neil Garrison, Councilperson

Passed in open Council this 3 day of August, 2023.



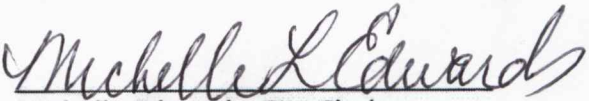
Curtis DeBaun IV, President

ATTEST:

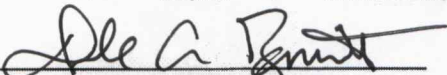


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 4th day of August, 2023.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 4th day of August, 2023.


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.

/s/ Richard J. Shagley II

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, Catherine M. Descrocher, Managing Member of Terre Haute Land Company, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

Parcel No. 84-06-15-151-012.000-002

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 R-3 General Residence District.

This real estate is now vacant, and Petitioner is seeking to rezone the real estate for a medical clinic. 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 Commercial Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood and contains other medical facilities.

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 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 7TH day of June, 2023.

PETITIONER:

A handwritten signature in black ink, appearing to read "Catherine M. Desrocher", is written over a horizontal line.

Catherine M. Desrocher, Member of
Terre Haute Land Company, LLC

This instrument was 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. 14, 2023



1728 N. 8th Street, Terre Haute, Indiana 47804
Parcel No. 84-06-15-151-012.000-002



R-3 General Residence District to C-2 Community Commerce District

Proposed Use: Medical Clinic

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Catherine M. Desrocher, Member of Terre Haute Land Company, LLC, being duly sworn upon her oath, deposes and says:

1. That Terre Haute Land Company, 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:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.


Parcel No. 84-06-15-151-012.000-002

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 Terre Haute Land Company, 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 Catherine M. Catherine M. Desrocher, Member of Terre Haute Land Company, LLC.

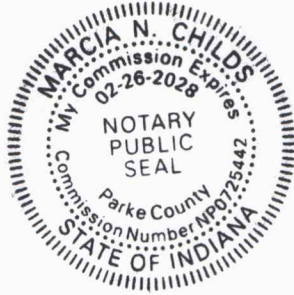
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7TH day of June, 2023.


Catherine M. Desrocher, Member
of Terre Haute Land Company, LLC

STATE OF INDIANA)
COUNTY OF VIGO) :SS

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 7th day of June, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public
My Commission expires: 02-26-2028
My County of Residence: Parke

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.

MAY 30 2008


VIGO COUNTY AUDITOR

WARRANTY DEED

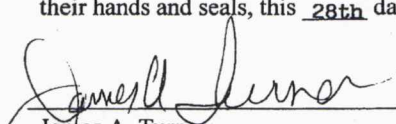
THIS INDENTURE WITNESSETH, THAT James A. Turner and Connie S. Turner, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEY AND WARRANT** unto Terre Haute Land Company, LLC, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

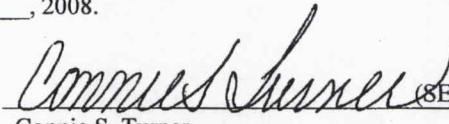
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Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to James A. Turner and Connie S. Turner have hereunto set their hands and seals, this 28th day of May, 2008.


James A. Turner (SEAL)

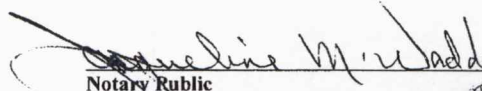

Connie S. Turner (SEAL)

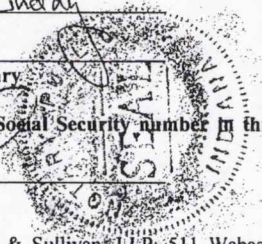
STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 28th day of May, 2008, personally appeared James A. Turner and Connie S. Turner and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: 01/12/2011
My County of residence is: Vigo


Notary Public
Jacqueline M. Waddy
Typewritten or printed name of notary



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.


Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP; 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 625 Woodbine Dr

MAIL TAX STATEMENTS TO: 625 Woodbine Dr Terre Haute In 47803

\\Lawfirm\vol1\USER\WilliamsD\Real Estate\HENDRICH\Deeds\Terre Haute Land Company, LLC 5/6/2008 dgw

FIRST FINANCIAL BANK
Attn: Commercial Loan Department
P.O. BOX 540
TERRE HAUTE, IN 47808-0540



Receipt of Payment

CONTROLLER

JUN - 8 2023

TERRE HAUTE, IN
PAID

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

Date 06/08/23
Name Terre Haute Land Company
Reason Veroning - Notice of filing \$25-
Veroning - petition - \$20/
\$45-

Cash _____

Check \$45-

Ck # 073558

Credit _____

Total \$45-

Received By G. Vitz



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: July 6, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 14-23

CERTIFICATION DATE: July 5, 2023

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. 14-23. This Ordinance is a rezoning of 1728 N. 8th Street, Terre Haute, IN. Parcel number 84-06-15-151-012.000-002. The Petitioner, Terre Haute Land Company LLC petitions the Plan Commission to rezone said medical clinci is currently planned, from zoning classification R-3 to C-2 Limited Community Commerce District.

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. 14-23 at a public meeting and hearing held Wednesday, July 5, 2023. 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. 14-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 14-23 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. 14-23 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Site plan approval including parking and stormwater drainage by the City Engineering Department 2) Approval of required variances by the BZA.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 6th day of July, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 14-23

Doc: # 54

Date: July 2023

Page 1 of 4

APPLICATION INFORMATION

Property Owner: Terre Haute Land Company LLC
Representative: Richard Shagley II

Proposed Use: Medical Clinic

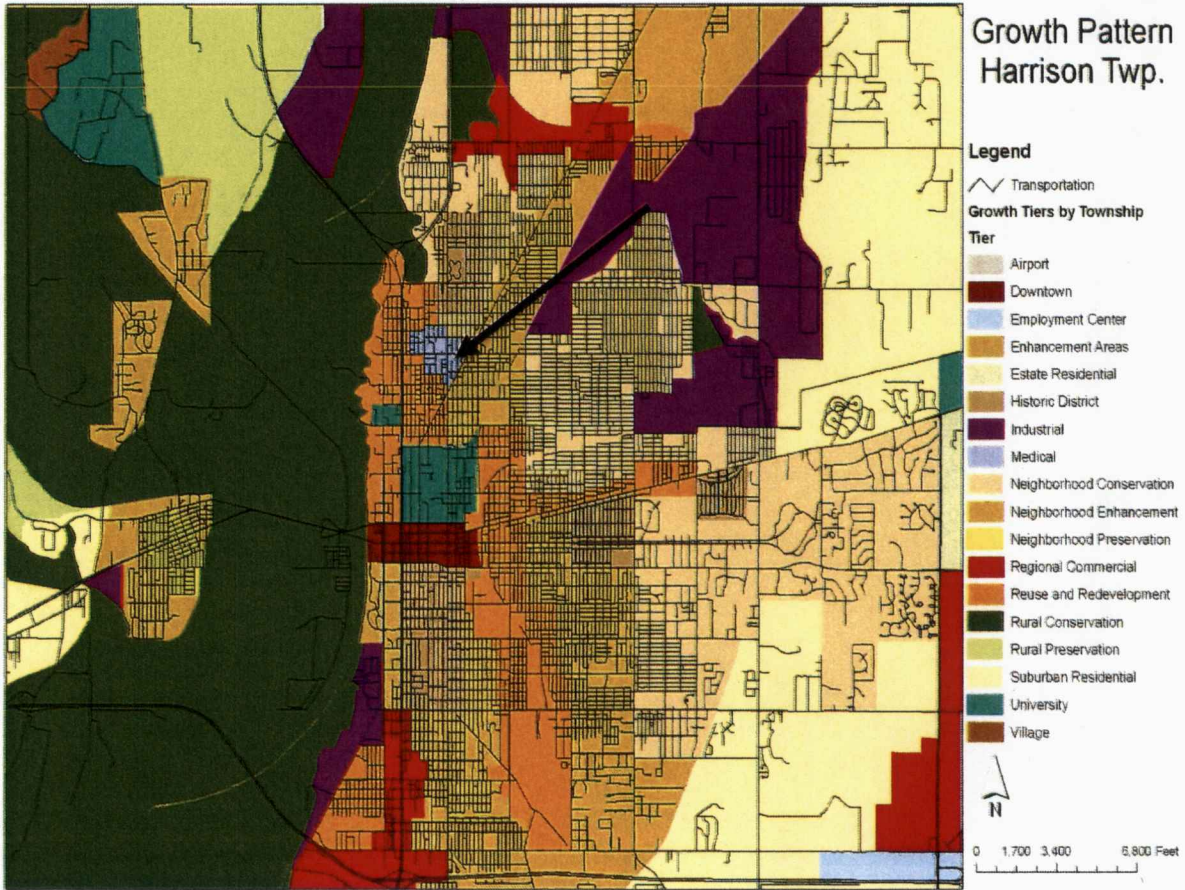
Proposed Zoning: C-2 Limited Community Commerce

Current Zoning: R-3, General Residence District

Common Address: 1728 N 8th Street, Terre Haute
Parcel#84-06-15-151-012.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 14-23

Doc: # 54

Date: July 2023

Page 2 of 4

Medical/Hospital Areas

The land within these areas is intended for uses that have a large concentration of existing medical activities. In addition to the hospitals, various clinics and offices of medical practitioners, support activities such as hospital equipment, medical supplies, pharmacies, medical and dental laboratories are appropriate for these areas. Ancillary retail activities for hospital visitors or employees may be appropriate – florists, limited restaurants, lodging facilities, insurance services, banking services, etc. It should be recognized Terre Haute’s hospitals are regional health care providers servicing a large number of counties in West Central Indiana and East Central Illinois. Evidence suggests that the hospitals will continue future growth at least in a regional context.

Three future planning principles need to be followed as future development projects emerge in these areas:

- The size of the district(s) and the spill over effects of traffic and medical activities into adjacent residential neighborhoods should be contained and limited. This should be accomplished in a manner that does not inhibit future medical growth or development opportunities but at the same time does not cause displacement or conversion of residential uses for medical activities.
- The district should be planned as a whole with clear and controlled access, direction signage, controlled drive cuts, cooperative district wide parking, and careful planning of the spatial interrelationships between various land uses and activities.
- Along the edges of the district(s) special attention should be devoted to buffering, perhaps through landscaping, to clearly separate and distinguish the hospital/medical area from the adjacent residential areas. Within the hospital/medical district landscaping, streetscape details and pedestrian amenities should be enhanced and coordinated.

Available Services: Area is well served by utilities.

Street Access: N. 8th Street

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** –R-2

East – R-2

South – R-2

West – R-2

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 14-23

Doc: # 54

Date: July 2023

Page 3 of 4

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to C-2 Limited Community Commerce District for a medical clinic. The petitioner did not provide a site plan.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 14-23

Doc: # 54

Date: July 2023

Page 4 of 4

C-2 zoning requires “any area abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum 50’ width measured at right angles to the residential property line”. The property has residential zoning on all sides, although it is located in a medical/hospital district. A variance through the BZA will be required.

The Department of Engineering provided a favorable recommendation for the rezoning (see attached).

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Site plan approval including parking and stormwater drainage by the Department of Engineering
2. Approval of required variances through the BZA



**CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Maitri Desai
City Planner

DATE: June 15, 2023

RE: **Special Ordinance No. 14-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Terre Haute Land Company, LLC for the following:

- Rezoning of 1728 N. 8th street from R-3 General Residence District to C-2 Community Commerce District for a proposed use of a Medical Clinic.

The intended use of the property as a Medical clinic does not alter the neighborhood characteristic. Surrounding parcels are zoned commercial business and with close proximity of Union hospital. This rezoning of the property would not create any significant problems for surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning.

Docket #54 SO #14-23

1728 N 8th St



SPECIAL ORDINANCE NO. 14, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

1728 N. 8th Street, Terre Haute, IN 47804
Parcel No. 84-06-15-151-012.000-002

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Rezoned To: C-2 Community Commerce District

Proposed Use: Medical Clinic

Name of Owners: Terre Haute Land Company, LLC

Address of Owners: 27 Potomac Ave
Terre Haute, IN 47803

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

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 08 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 14, 2023**

CITY CLERK

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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:

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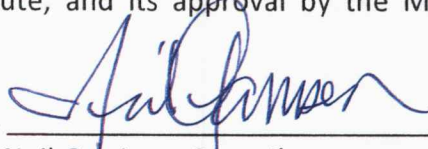
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Presented by Council Member,



Neil Garrison, Councilperson

Passed in open Council this _____ day of _____, 2023.

Curtis DeBaun IV, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____,
2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____,
2023.

Duke A. Bennett, Mayor

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Michelle Edwards, City Clerk

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Social Security Number in this document, unless required by law.

/s/ Richard J. Shagley II

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.

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And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

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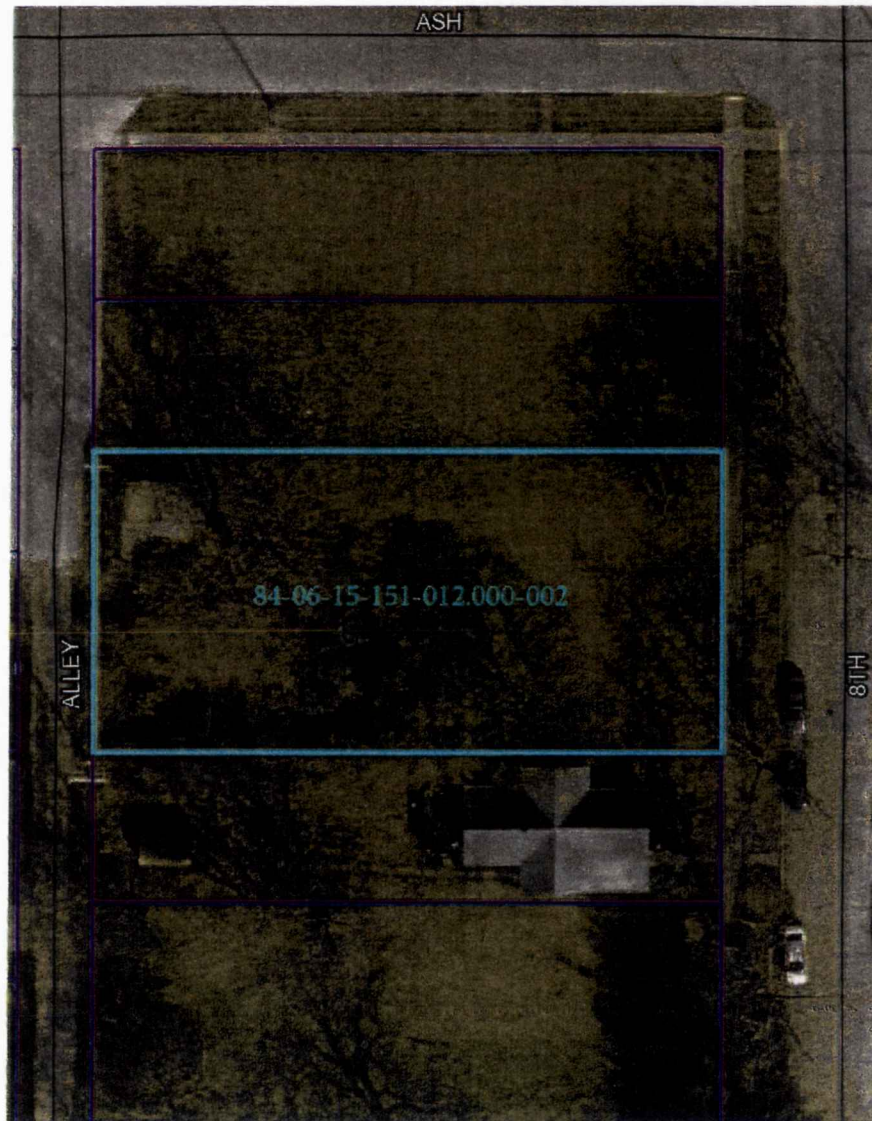
PETITIONER:


Catherine M. Desrocher, Member of
Terre Haute Land Company, LLC

This instrument was 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. 14, 2023



1728 N. 8th Street, Terre Haute, Indiana 47804
Parcel No. 84-06-15-151-012.000-002



R-3 General Residence District to C-2 Community Commerce District

Proposed Use: Medical Clinic

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Catherine M. Desrocher, Member of Terre Haute Land Company, LLC, being duly sworn upon her oath, deposes and says:

1. That Terre Haute Land Company, 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:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.


Parcel No. 84-06-15-151-012.000-002

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 Terre Haute Land Company, 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 Catherine M. Catherine M. Desrocher, Member of Terre Haute Land Company, LLC.

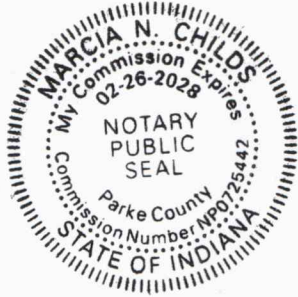
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7TH day of June, 2023.


Catherine M. Desrocher, Member
of Terre Haute Land Company, LLC

STATE OF INDIANA)
COUNTY OF VIGO) :SS

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 7th day of June, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public
My Commission expires: 02-26-2028
My County of Residence: Parke

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.

MAY 30 2008

[Signature]
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT James A. Turner and Connie S. Turner, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEY AND WARRANT** unto Terre Haute Land Company, LLC, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

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

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to James A. Turner and Connie S. Turner have hereunto set their hands and seals, this 28th day of May, 2008.

[Signature] (SEAL)
James A. Turner

[Signature] (SEAL)
Connie S. Turner

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 28th day of May, 2008, personally appeared James A. Turner and Connie S. Turner and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: 01/12/2011
My County of residence is: Vigo

[Signature]
Notary Public
Jacqueline M. Waddy
Typewritten or printed name of notary

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.

[Signature]
Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 625 Woodbine Dr
MAIL TAX STATEMENTS TO: 625 Woodbine Dr Terre Haute In 47803

\\Lawfirm\vol1\USER\WilliamsD\Real Estate\HENDRICH\Deeds\Terre Haute Land Company, LLC 5/6/2008 dgw

FIRST FINANCIAL BANK
Attn: Commercial Loan Department
P.O. BOX 640
TERRE HAUTE, IN 47808-0640