



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 41

COMMON ADDRESS OF LOTS TO BE REZONED:

906 & 914 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Parcel Number: 84-06-13-179-005.000-002

Current Zoning: C 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / RI SINGLE FAMILY RESIDENCE

Requested Zoning: C4 RESTRICTED CENTRAL BUSINESS DISTRICT

Proposed Use: EQUIPMENT & PARTY RENTAL STORE

Name of Owner: DIY RENTALS INC

Address of Owner: 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Phone Number of Owner: 812-232-2500

Attorney Representing Owner (if any): NA

Address of Attorney: NA

Phone Number of Attorney: NA

For Information Contact: ERIC WUESTEFELD

Council Sponsor: Cheryl Loudermilk

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

FILED

OCT 16 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 41, 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:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of
Indiana, to-wit:

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of
Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the
records in the Recorder's office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in
Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect A, as
described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County,
Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3rd,
1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County,
Indiana.

ALSO EXCEPT that part thereof conveyed to the City of Terre Haute by deed dated May 20, 1971 and
recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo
County, Indiana.

Parcel Numbers 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002.

Commonly known as: 906 & 914 N Fruitridge Ave., Terre Haute, IN 47807

Be and the same is hereby established as a C4 Restricted Central Business 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, *Curtis DeBaun*

Passed in Open Council this 7th day of December, 2023 *Curtis DeBaun*

ATTEST: *Michelle Edwards*

Curtis DeBaun
Curtis DeBaun IV-President

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 8th day of December 2023

Michelle Edwards

Michelle Edwards, City Clerk

Approved by me, the Mayor, this 8th day of December, 2023

Duke A Bennett

Duke A Bennett, Mayor

ATTEST: Michelle Edwards
Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

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

Eric Wuestefeld
ERIC Wuestefeld

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, DIY RENTALS INC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

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Commonly known as: 906 & 914 N Fruitridge Ave Terre Haute, IN 47807

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 C 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / R1 SINGLE FAMILY RESIDENCE.

Your petitioner would respectfully state that the real estate is now A VACANT BUILDING AND LOT. Your petitioner intends to use the real estate to UTILIZE AS AN EQUIPMENT & PARTY RENTAL STORE.

Your petitioner would request that the real estate described herein shall be zoned as a C 4 RESTRICTED CENTRAL BUSINESS DISTRICT. Your petitioner would allege that the C 4 RESTRICTED CENTRAL BUSINESS DISTRICT 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, 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 the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C4 Restricted Central Business 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 WITNES WHEREOF, This petition has been duly executed this 16 day of OCTOBER, 2023

BY:  DIY RENTALS INC.

PETITIONER: DIY RENTALS INC 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

This instrument was prepared by ERIC WUESTEFELD 3834 LINDEN ST TERRE HAUTE, IN 47804.

AFFIDAVIT OF:

COMES NOW affiant ERIC WUESTEFELD

and affirms under penalty of law that affiant is the owner of record of the property located at _____

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

DIY Rentals Inc, Eric Wuestefeld

SIGNATURE: [Signature]
SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

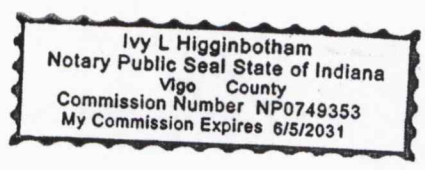
Personally appeared before me, a Notary Public in and for said County and State, Vigo Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

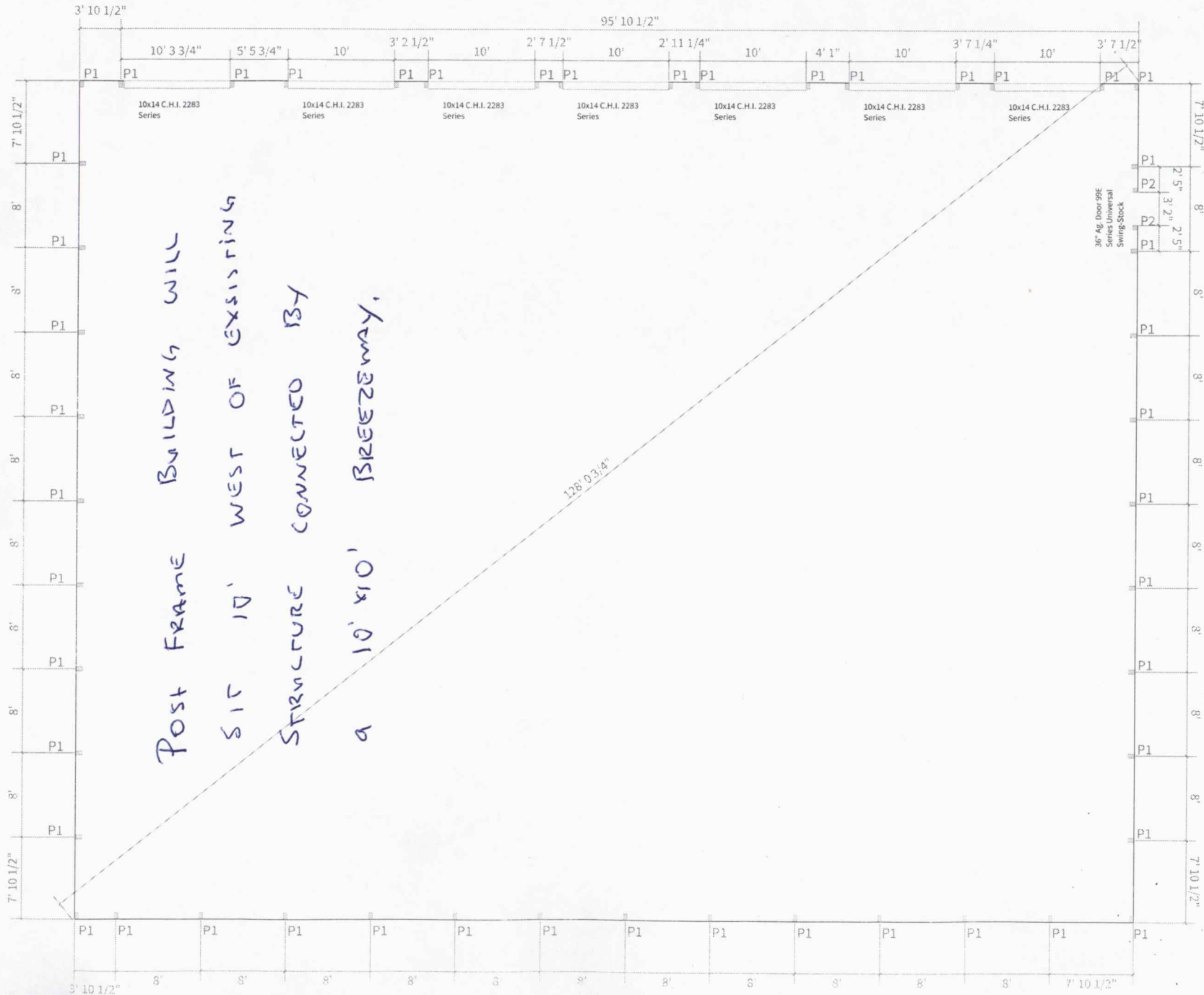
WITNESS my hand and notarial seal, this 16 day of October, 2023.

Notary Public: [Signature]
[Typed name]

My Commission Expires: 06/31/2031
My County Of Residence: Vigo



Post Layout



POST FRAME BUILDING WILL
 SIT 10' WEST OF EXISTING
 STRUCTURE CONNECTED BY
 A 10' X 10' BREEZEWAY.

P1	3 Ply 2x8 Nail Lam
	15" Precast Concrete Cookie
	1' 4"x4' Hole Depth
	80 # Bag Of Sackrete
P2	3 Ply 2x6 Nail Lam
	15" Precast Concrete Cookie
	1' 4"x4' Hole Depth
	80 # Bag Of Sackrete

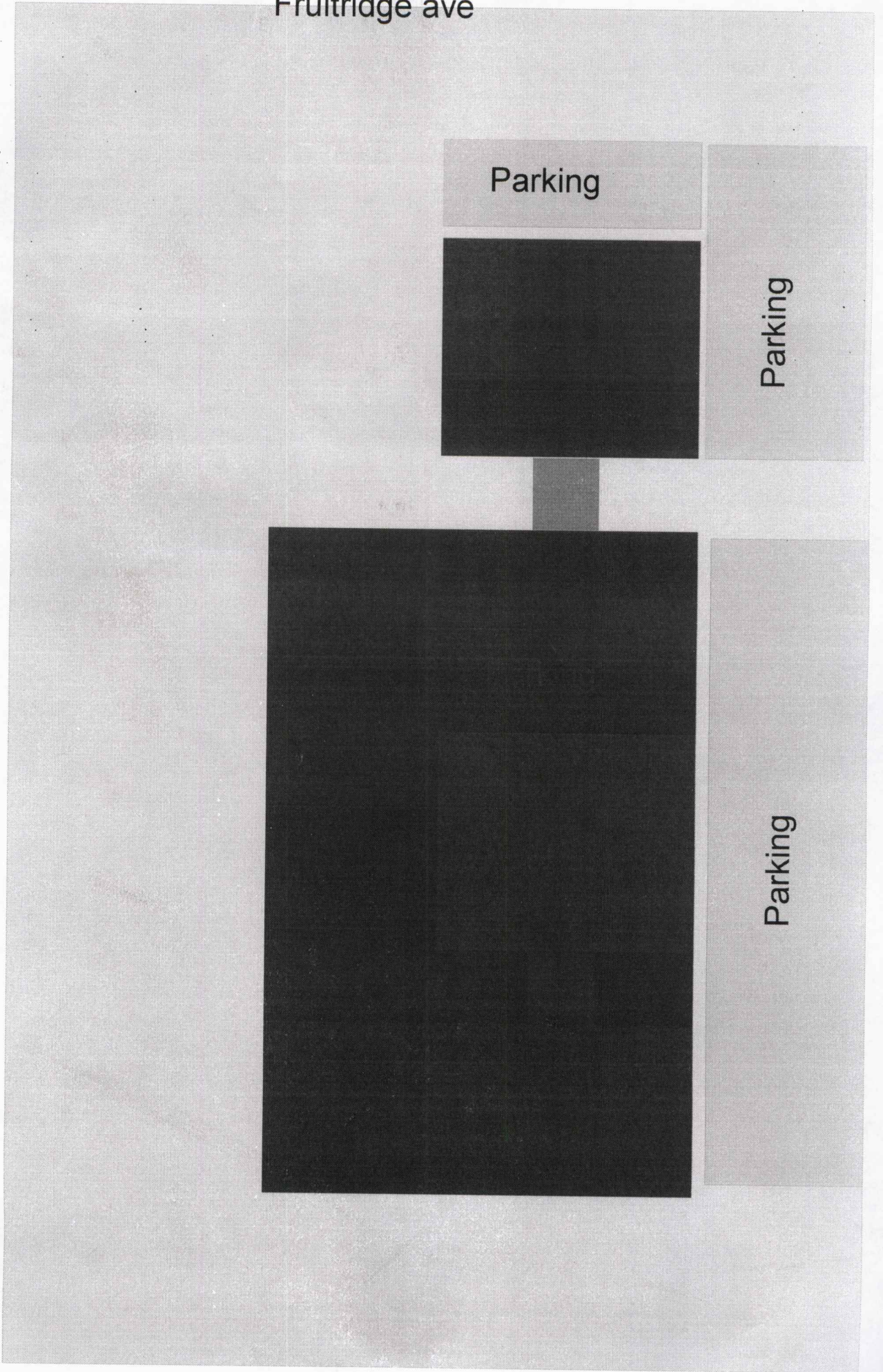
Fruitridge ave

Parking

Parking

Plum st

Parking



COPY

2023009581 WD \$25.00
08/25/2023 10:06:28A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

AUG 25 2023



Jesse W Bramble
VIGO COUNTY AUDITOR

**LIMITED LIABILITY COMPANY
WARRANTY DEED**

THIS INDENTURE WITNESSETH that **JFC Holdings, LLC**, a limited liability company, organized and existing under the laws of the State of Indiana (hereinafter referred to as Grantor), for and in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby CONVEYS, GRANTS and WARRANTS to **DIY Rentals, Inc.**, (hereinafter referred to as Grantee), organized and existing in accordance with the laws of the State of Indiana, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect. A, being a Subdivision of part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's Office of Vigo County, Indiana.

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Parcel Numbers: 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002

Commonly known as: 906 & 914 N. Fruitridge Ave., Terre Haute, IN 47807

Taxes shall be prorated to the date of deed.

Subject to any and all covenants, conditions, restrictions, ordinances, by-laws, easements, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

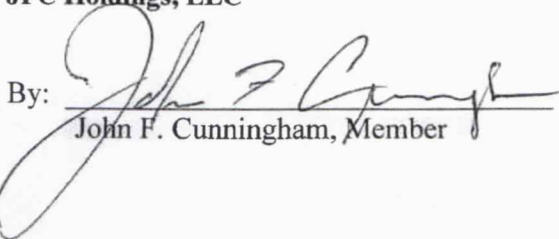
As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Warranty Deed, that they have been fully empowered by the Articles of Organization of Grantor and proper resolution of Grantor to execute and deliver this deed; that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; Grantor further states under oath that no Indiana gross income tax is due or payable with respect to the transfer of the above-described real estate.

Grantor certifies that the above-described real estate is not "property" as defined by I.C. 13-11-2-174 and that the above-described real estate does not contain facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022) and is not the site of underground storage tanks for which notification is required under 42 U.S.C. 8991a or L.C. 13-23-1-2(c)(8)(A) and is not listed on the Comprehensive Environmental Response System (CERLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616), and that, consequently, no disclosure document under Indiana Code 13-25-3-1 et seq. (Indiana Responsible Transfer Law) is required for this transaction.

This conveyance is being made pursuant to Section IC 23-18-9-3 of the Indiana Code as part of the process of winding up the affairs of JFC Holdings, LLC, an Indiana Limited Liability Company, which has been administratively dissolved.

DATED this 17 day of August, 2023.

JFC Holdings, LLC

By: 
John F. Cunningham, Member

STATE OF Indiana)
COUNTY OF Vigo) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 17 day of August, 2023, personally appeared John F. Cunningham, an Authorized Member of JFC Holdings, LLC, and acknowledged and affirmed the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
5-11-2029



Cari Hunt
Notary Public
Printed: Cari Hunt
Residing in 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.

John A. Gurchiek, Esq.

Mail Tax Statements To Grantee at: 1251 N Fruitridge Ave, Suite C, Terre Haute, IN 47804.

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., Terre Haute, IN 47807.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.
CMT: 23 0677



Receipt of Payment

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

Date 10/16/23
Name ERIC G. WUBSTEFELD
Reason REZONING FEES - \$ 45.00
906 + 914 N. FRUITRIDGE

Cash 0.00
Check 0.00 Ck # _____
Credit 45.00
Total 45.00

TERRE HAUTE, IN
OCT 16 2023
CONTROLLER

Received By W. Lewis | M.B. ACP



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: December 7, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 41-23

CERTIFICATION DATE: December 6, 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. 41-23. This Ordinance is a rezoning of 906 and 914 N Fruitridge Avenue, Terre Haute, IN. Parcel numbers 84-06-13-179-002/005.000-002. The Petitioner, DIY Rentals, INC, petitions the Plan Commission to rezone said equipment and party rental store from zoning classification C-2, C-6, and R-1 to C-4, Restricted Central Business 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. 41-23 at a public meeting and hearing held Wednesday, December 6, 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. 41-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 41-23 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. 41-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan approval including parking and storm water drainage by the Department of Engineering.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 7th day of December, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #41-23

Doc: #94

Date: December 2023

Page 1 of 4

APPLICATION INFORMATION

Property Owners: DIY Rentals, INC.

Proposed Use: Equipment & Party Rental Store

Proposed Zoning: C-4, Restricted Central Business District

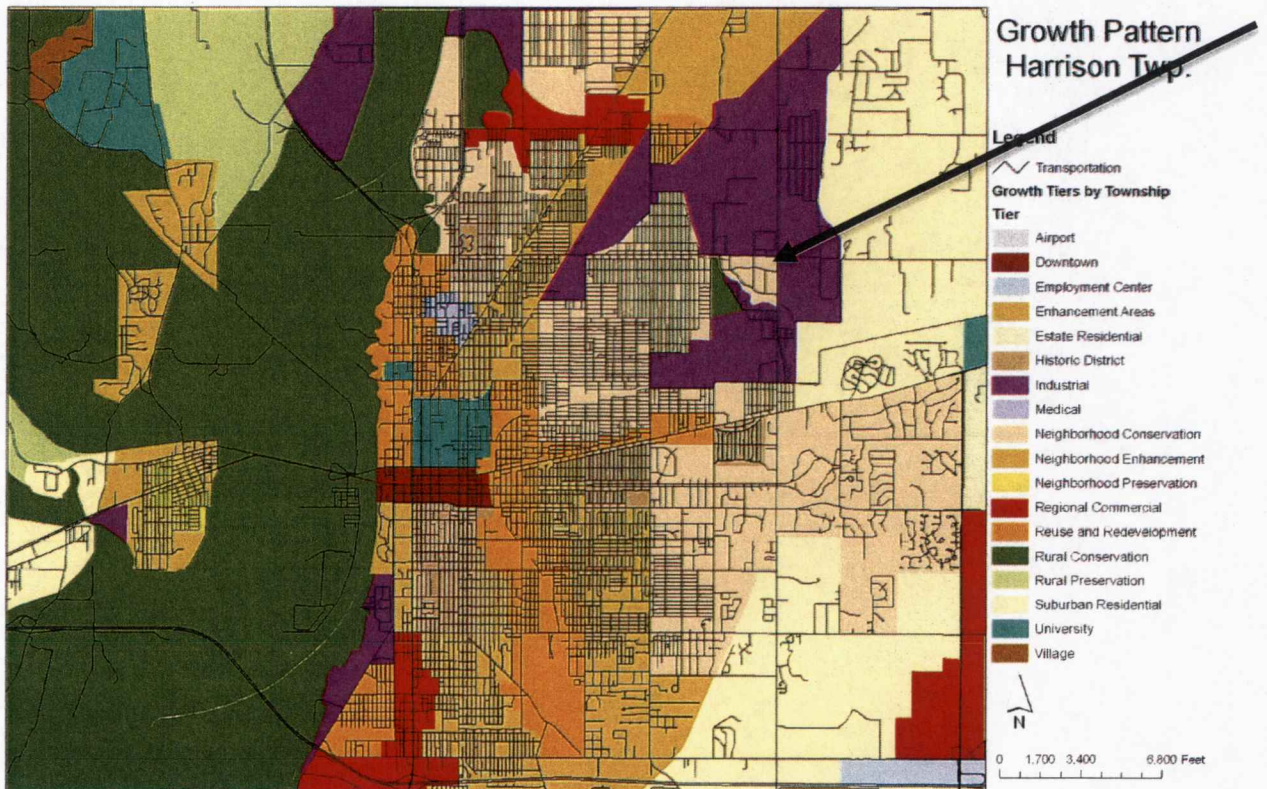
Current Zoning: C-2 Community Commerce District, C-6 Strip Business, & R-1 Single Family Residence District

Location: The property is located on the NW corner of N. Fruitridge Ave & Plum Street.

Common Address: 906 & 914 N. Fruitridge Ave, T.H. 84-06-13-179-002/005.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY

Suburban Residential

These are largely undeveloped areas lying within the boundaries of existing and planned urban services. Current residential densities range from building on lots of ½ acre to 2 acres in size, this should be used as a minimum density. Over time, densities should be encouraged to increase moderately to allow average densities of three to three and one-half (3 to 3.5) households per acre. In the case of all residential densities, densities are stated as an average for the entire area in a given land use categories.

Promotion of monotonous suburban tract housing is not the intent of this growth pattern, although this may be an undesirable consequence. To avoid this outcome, careful consideration of alternative site development schemes should be undertaken by planning, engineering, development and real estate professionals for each new residential tract.

Increasing residential densities within this growth pattern offers four distinct advantages over typical low-density development.

- Optimization of the relationship between public infrastructure capacity and average development densities.
- Reduction in the need for infrastructure extensions and expansions, thereby saving public capital cost.
- Provides pedestrian scale residential neighborhoods, which will blend with existing Terre Haute neighborhoods that were developed at five to seven (5 to 7) units per acre and at the same time provide enhanced opportunities for non-motorized travel.
- Minimize land consumption and limits land disturbance.

Not every new subdivision will provide developed densities approaching four (4) units per acre, Yet, as cluster housing, patio homes, variations of zero-lot line housing and integrated neighborhoods of town houses, garden apartment, and single family dwelling units become more common and more fashionable, average densities will increase. Traditionally, allowable densities controlled mix and pattern of suburban residential development. Density, per se, is increasingly viewed by development professionals as only one of many variables that must be considered in making site development decisions. The infrastructure capacity relative to undeveloped areas and special environmental conditions of a specific development site, as well as, the site plan itself and its impact on surrounding property should primarily control the developed density. This should especially be the case as development moves beyond minimum residential densities. In all cases, density and the arrangement of uses on a developed site should be sensitive to surrounding development patterns, making land use transitions within the new development and utilizing natural features as transitions or buffers.

Policies for Suburban Residential areas should include:

- Houses on lots ranging from one-half to two acres depending on wastewater treatment needs.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Page 3 of 4

- The extent of non-residential uses should be limited to parks, churches, and schools.
- Residential subdivision lots should not have frontage on county roads, rather they should be required to build local level public streets to provide access from the county road to the lots.
- Medium range plans for expanding needed infrastructure should be developed, considering projected demand and funding.

Available Services: Area should be well served by utilities.

Character of Area: Low intensity residential

Street Access: Plum Street

Sur. Zones and Uses:

North – R-1
West – R-1
South – C-2, R-1
East – M-2

ZONING REGULATIONS

(A) The following uses are permitted in the C-4 Zone except as may be allowed for planned developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

1. Any use permitted in the C-3 Zone unless otherwise set forth or Superseded hereinafter. However, restrictions on ground floor location for any use designated with an asterisk (*) in the C-3 zone shall not apply unless such use is designated hereinafter with an asterisk.
2. Apartment hotel and hotels, no other type of dwelling unit is permitted.
3. Employment agencies.
4. Machinery Sales, with no repair or servicing, provided that storage and display of machinery, except of household appliances and office machines such as typewriters, shall be restricted to floor samples.
5. Printing and publishing.
6. Recording studios.*
7. Schools (as permitted in the C-3 Zone, Subsection g.(1)(C)4.
8. Theatres, excluding drive-in theatres.

9. Travel bureaus and transportation ticket offices.

10. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone to C-4 for an equipment and party rental store. The property is currently an abandoned liquor store and vacant residential lot. They are proposing an addition of unspecified size to sit 10' to the west of the existing structure, connected by a 10'x10' breezeway. The property addressed as 906 Fruitridge is already zoned commercially (C-2 and C-6). The area is a mix of residential, commercial, and manufacturing.

The Department of Engineering has stated (attached) that the intended use of the property as an equipment and party rental store would not alter the neighborhood's characteristic, create any traffic hazards or create any significant problems for the surrounding area.

The lots may need to be combined.

Recommendation:

Staff recommends a favorable recommendation with the following conditions:

1. Site plan approval including parking and storm water drainage by the Department of Engineering



**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: Josey Daugherty
Assistant City Engineer

DATE: November 16, 2023

RE: **Special Ordinance No. 41-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Eric Wuestefeld for the following:

- Rezoning of 906 & 914 N Fruitridge Avenue from R-1 Single Family Residence, C-2 Community Commerce District, and C-6 Strip Business Zone to C-4 Restricted Central Business District.

The property is currently an abandoned liquor store and a vacant residential lot. The parcels surrounding this property are zoned R-1 to the west and north, C-2 to the south and M-2 to the east. The intended use of the property as an equipment and party rental store would not alter the neighborhood's characteristic, create any traffic hazards or create any significant problems for the surrounding area.

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



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906 & 914 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Parcel Number: 84-06-13-179-005.000-002

Current Zoning: C 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / R1 SINGLE FAMILY RESIDENCE

Requested Zoning: C4 RESTRICTED CENTRAL BUSINESS DISTRICT

Proposed Use: EQUIPMENT & PARTY RENTAL STORE

Name of Owner: DIY RENTALS INC

Address of Owner: 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Phone Number of Owner: 812-232-2500

Attorney Representing Owner (if any): NA

Address of Attorney: NA

Phone Number of Attorney: NA

For Information Contact: ERIC WUESTEFELD

Council Sponsor: Cheryl Loudermilk

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

FILED

OCT 16 2023

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CITY CLERK

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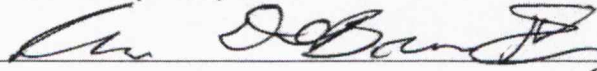
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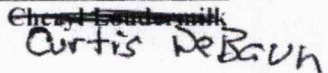
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Commonly known as: 906 & 914 N Fruitridge Ave., Terre Haute, IN 47807

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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, 

Passed in Open Council this _____ day of _____, 20____ 

Curtis DeBaun IV-President

ATTEST: _____

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____, 20__.

Michelle Edwards, City Clerk

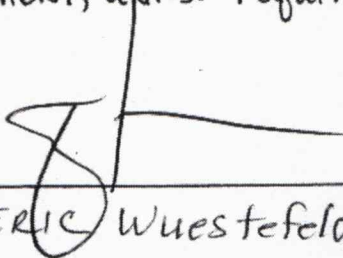
Approved by me, the Mayor, this _____ day of _____, 20__.

Duke A Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

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



ERIC Wuestefeld

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, DIY RENTALS INC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect A, as described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3rd, 1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof conveyed to the City of Terre Haute by deed dated May 20, 1971 and recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel Numbers 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002.

Commonly known as: 906 & 914 N Fruitridge Ave Terre Haute, IN 47807

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 C 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / R1 SINGLE FAMILY RESIDENCE.

Your petitioner would respectfully state that the real estate is now A VACANT BUILDING AND LOT. Your petitioner intends to use the real estate to UTILIZE AS AN EQUIPMENT & PARTY RENTAL STORE.

Your petitioner would request that the real estate described herein shall be zoned as a C 4 RESTRICTED CENTRAL BUSINESS DISTRICT. Your petitioner would allege that the C 4 RESTRICTED CENTRAL BUSINESS DISTRICT 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, 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 the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C4 Restricted Central Business 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 WITNES WHEREOF, This petition has been duly executed this 16 day of OCTOBER, 2023

BY:  DIY RENTALS INC.

PETITIONER: DIY RENTALS INC 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

This instrument was prepared by ERIC WUESTEFELD 3834 LINDEN ST TERRE HAUTE, IN 47804.

AFFIDAVIT OF:

COMES NOW affiant ERIC WUESTEFELD

and affirms under penalty of law that affiant is the owner of record of the property located at _____

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

DIY Rentals Inc, Eric Wuestefeld

SIGNATURE: [Signature]

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Vigo Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 16 day of October, 2023.

Notary Public:

[Signature]
[Typed name]

My Commission Expires:

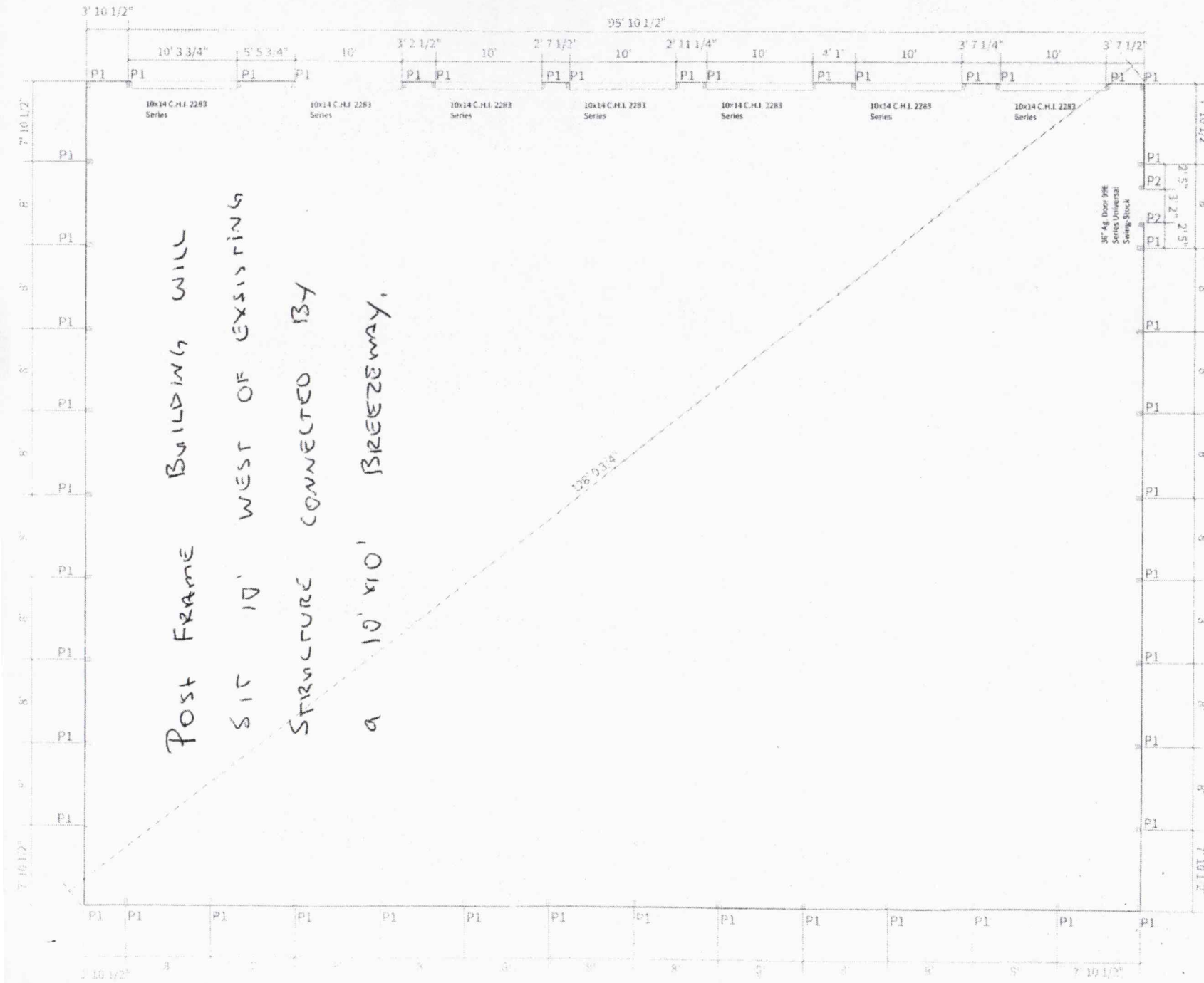
06/5/2031

My County Of Residence:

Vigo



Post Layout

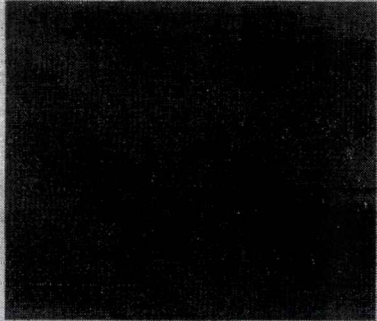


POST FRAME BUILDING WILL
 SIT 10' WEST OF EXISTING
 STRUCTURE CONNECTED BY
 A 10' X 10' BREEZEWAY.

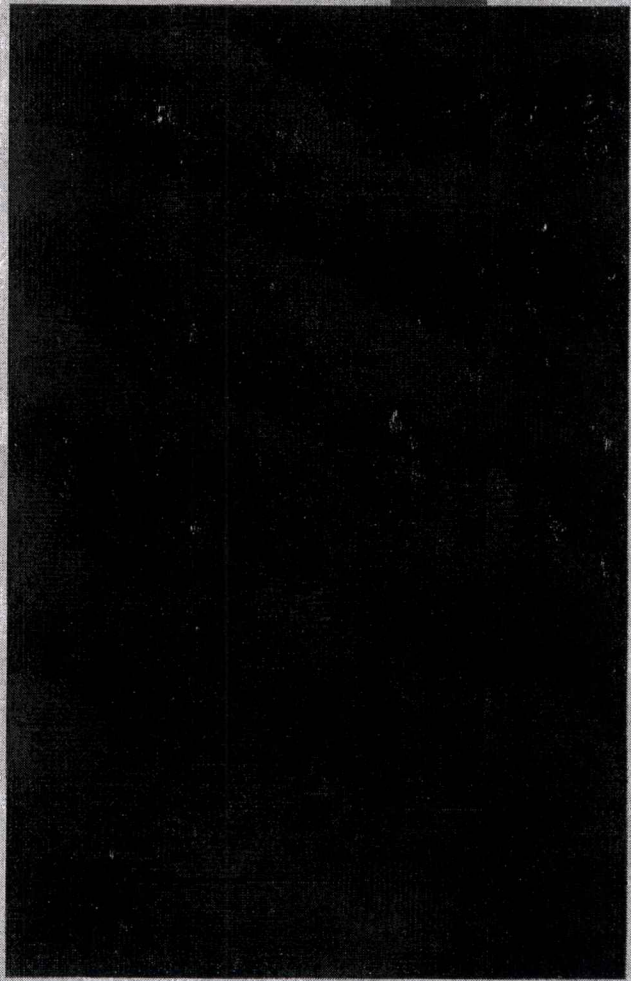
	3 Ply 2x8 Nail Lam
	15" Precast Concrete Cookie
P1	1' 4"x4' Hole Depth 80 # Bag Of Sackrete
	3 Ply 2x6 Nail Lam
	15" Precast Concrete Cookie
P2	1' 4"x4' Hole Depth 80 # Bag Of Sackrete

Fruitridge ave

Parking



Parking



Parking

Plum st

COPY

2023009581 WD \$25.00
08/25/2023 10:06:28A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



AUG 25 2023

James W Bramble
VIGO COUNTY AUDITOR

**LIMITED LIABILITY COMPANY
WARRANTY DEED**

THIS INDENTURE WITNESSETH that **JFC Holdings, LLC**, a limited liability company, organized and existing under the laws of the State of Indiana (hereinafter referred to as Grantor), for and in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby CONVEYS, GRANTS and WARRANTS to **DIY Rentals, Inc.**, (hereinafter referred to as Grantee), organized and existing in accordance with the laws of the State of Indiana, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect. A, being a Subdivision of part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's Office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect. A, as described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3, 1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof conveyed to The City of Terre Haute by deed dated May 20, 1971 and recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel Numbers: 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002

Commonly known as: 906 & 914 N. Fruitridge Ave., Terre Haute, IN 47807

Taxes shall be prorated to the date of deed.

Subject to any and all covenants, conditions, restrictions, ordinances, by-laws, easements, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Warranty Deed, that they have been fully empowered by the Articles of Organization of Grantor and proper resolution of Grantor to execute and deliver this deed; that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; Grantor further states under oath that no Indiana gross income tax is due or payable with respect to the transfer of the above-described real estate.

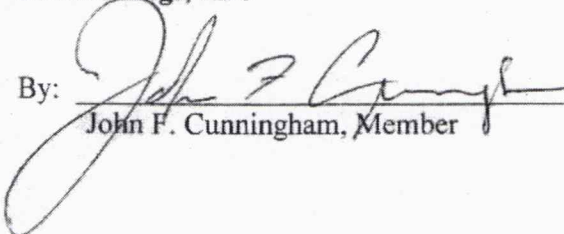
Grantor certifies that the above-described real estate is not "property" as defined by I.C. 13-11-2-174 and that the above-described real estate does not contain facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022) and is not the site of underground storage tanks for which notification is required under 42 U.S.C. 8991a or L.C. 13-23-1-2(c)(8)(A) and is not listed on the Comprehensive Environmental Response System (CERLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616), and that, consequently, no disclosure document under Indiana Code 13-25-3-1 et seq. (Indiana Responsible Transfer Law) is required for this transaction.

This conveyance is being made pursuant to Section IC 23-18-9-3 of the Indiana Code as part of the process of winding up the affairs of JFC Holdings, LLC, an Indiana Limited Liability Company, which has been administratively dissolved.

DATED this 17 day of August, 2023.

JFC Holdings, LLC

By:


John F. Cunningham, Member

STATE OF Indiana)
COUNTY OF Vigo) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 17 day of August, 2023, personally appeared John F. Cunningham, an Authorized Member of JFC Holdings, LLC, and acknowledged and affirmed the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
5-11-2029

Cari Hunt
Notary Public
Printed: Cari Hunt
Residing in 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.

John A. Gurchiek, Esq.

Mail Tax Statements To Grantee at: 1251 N Fruitridge Ave, Suite C, Terre Haute, IN 47804.

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., Terre Haute, IN 47807.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.
CMT: 23 0677



Receipt of Payment

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

Date 10/16/23

Name ERIC G. WUBSTEFELD

Reason ROZONING FEES - \$ 45.00
906 + 914 N. FRUITRIDGE

Cash 0.00

Check 0.00 Ck # _____

Credit 45.00

Total 45.00

Received By LS Lewis | MBS ACP

Docket #94 SO #41-23
906 and 914 N Fruitridge Ave

