

SPECIAL ORDINANCE NO. 51, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1361-1365 Poplar Street, Terre Haute, IN 47807  
Parcel No. 84-06-27-202-007.000-002, 84-06-27-202-008.000-002,  
84-06-27-202-009.000-002 and 84-06-27-202-010.000-002

and

1351 Poplar Street, Terre Haute, IN 47807  
Parcel No. 84-06-27-202-006.000-002

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Rezone From: C-6 Strip Business

Rezone To: C-5 General Central Business District

Proposed Use: Storage Units

Name of Owners: DIY Rentals, Inc.

Address of Owners: 1251 N. Fruitridge Ave.  
Terre Haute, IN 47807

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: Martha Crossen

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

DEC 07 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 51, 2022**

**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 ORDANED 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:

Tract I

Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II

Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III

Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot

No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west ½ of North East ¼ of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
84-06-27-202-008.000-002  
84-06-27-202-009.000-002  
84-06-27-202-010.000-002

Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, Terre Haute, IN 47807

Be and the same is hereby established as a C-5 General 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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this 12 day of January, 2023.

Curtis DeBaun IV  
Curtis DeBaun IV, President

ATTEST:

Michelle Edwards  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 12 day of January, 2023.

Michelle Edwards  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of JANUARY, 2023.

Duke A. Bennett  
Duke A. Bennett, Mayor

ATTEST:

Michelle 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.

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, Eric Wuestefield, President of DIY Renalts, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract I: Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II: Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III: Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV: A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12

North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
84-06-27-202-008.000-002  
84-06-27-202-009.000-002  
84-06-27-202-010.000-002

Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, 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-6 Strip Business.

Your Petitioner intends to use this real estate for an extension of the self-storage units that currently are located directly to the west of this real estate. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and DIY Rentals, Inc. is the owner of several parcels of real estate with the common address of 1361-1365 Poplar Street, Terre Haute, IN 47807 and 1351 Poplar Street, Terre Haute, IN 47807.

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-5 General 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 WITNESS WHEREOF, this petition has been duly executed this 6 day of ~~January~~, 2023.  
December 2022

PETITIONER:

DIY Rentals, Inc.

By:   
Eric Wuestefeld, President

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

AFFIDAVIT

Comes now, Eric Wuestefeld, President of DIY Renatls, Inc., being duly sworn upon his oath, deposes and says:

1. That DIY Rentals, Inc. 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:

Tract I: Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II: Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III: Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV: A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established



thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
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Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

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Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, Terre Haute, IN 47807

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, are attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that DIY Rentals, Inc. 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 Eric Wuestefeld, President of DIY rentals, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_\_ day of December, 2022.

DIY Rentals, Inc.

By: [Signature]  
Eric Wuestefeld, President

STATE OF INDIANA )

) SS:

COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 7<sup>th</sup> day of December, 2022.

[Signature]  
Julie R Baysinger Notary Public



My Commission expires: 9-24-2028

My County of Residence: Vermillion

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.

ENTERED FOR RECORDED  
Subject to final acceptance for Transfer

2021001638 WD \$25.00  
02/09/2021 09:13:58A 4 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented

FEB 09 2021

*Diana Winsted-Smith*  
VIGO COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Shernaz R. Irani, of Orange County, State of California, and Meher Shahabadi, of Orange County, State of California, 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 J.G. Huber, of Vigo County, State of Indiana, and Cathleen D. Huber, of Vigo County, State of Indiana, as joint tenants with rights of survivorship, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

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Parcel No. 84-06-27-202-006.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Shernaz R. Irani and Meher Shahabadi have hereunto set their hands and seals, this 4<sup>th</sup> day of February, 2021.

[Remainder of Page Left Blank]

[Notary Acknowledgment Follows]

(SEAL)

Meher Shahabadi

Executed in my Presence:

[Handwritten Signature]  
Signature

Serna Goan  
Printed Name

STATE OF CALIFORNIA, Orange COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 4th day of FEBRUARY, 2021, personally appeared Meher Shahabadi and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: 09-06-2023

[Handwritten Signature]  
Notary Public

My County of residence is: Orange

MONICA BUENO ZAMORA  
Typewritten or printed name of notary

STATE OF CALIFORNIA, Orange COUNTY, SS:

Before me, a Notary Public in and for said County and State, on 2/4/21, personally appeared the above named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Meher Shahabadi to be the individual(s) described herein and who executed the foregoing instrument; that said WITNESS was present and saw Meher Shahabadi execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto; and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

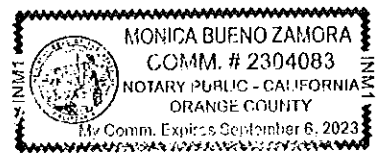
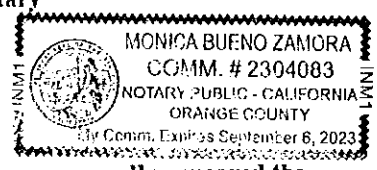
WITNESS my hand and Notarial Seal.

My Commission Expires: 09-06-23

[Handwritten Signature]  
Notary Public

My County of residence is: Orange

MONICA BUENO ZAMORA  
Typewritten or printed name of notary



Shernaz R. Irani (SEAL)  
Shernaz R. Irani

Executed in my Presence:

Jeanine Lomax Jones  
Signature

Commonwealth of Pennsylvania - Notary Seal  
JEANINE L. LOMAX-JONES, Notary Public  
Philadelphia County  
My Commission Expires September 28, 2024  
Commission Number 1246243

Fareshte Irani  
Printed Name

STATE OF PENNSYLVANIA, PHILADELPHIA COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 4 day of February, 2021, personally appeared Shernaz R. Irani and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:  
9-28-24

Jeanine L. Lomax Jones  
Notary Public

My County of residence is:  
Philadelphia

Jeanine L. Lomax Jones  
Typewritten or printed name of notary

STATE OF PENNSYLVANIA, PHILADELPHIA COUNTY, SS:

Before me, a Notary Public in and for said County and State, on 2-4-2021, personally appeared the above named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Shernaz R. Irani to be the individual(s) described herein and who executed the foregoing instrument voluntarily and without duress, coercion, fraud, or undue influence, and that he/she is not a party to the foregoing instrument and willing to testify to the contents of the foregoing instrument and willing to testify to the contents of the foregoing instrument.

WITNESS my hand and Notarial Seal.

My Commission Expires:  
9-28-2024

Jeanine Lomax Jones  
Notary Public

My County of residence is:  
Philadelphia

Jeanine L. Lomax Jones  
Typewritten or printed name of notary

Commonwealth of Pennsylvania - Notary Seal  
JEANINE L. LOMAX-JONES, Notary Public  
Philadelphia County  
My Commission Expires September 28, 2024  
Commission Number 1246243

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.

Leah Shattuck  
Signature

Leah Shattuck  
Printed Name

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807, 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 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 ADDRESS: 431 Meadows Dr., Terre Haute, IN 47803

MAIL TAX STATEMENTS TO: same

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2022010701 WD \$25.00  
08/26/2022 02:14:18P 3 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented

AUG 26 2022

*James W Bramble*  
VIGO COUNTY AUDITOR

## WARRANTY DEED

THIS INDENTURE WITNESSETH that Sherry L. Lamb, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to DIY Rentals, Inc., "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

### Tract I

Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

### Tract II

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### Tract III

Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

### Tract IV

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to-wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 1/2) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana.

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

Parcel No.: 84-06-27-202-007.000-002

84-06-27-202-008.000-002

84-06-27-202-009.000-002

84-06-27-202-010.000-002

Commonly known as: 1361-1365 Poplar St., Terre Haute, IN 47807

Taxes shall be prorated to the date of this 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.

DATED this 25<sup>th</sup> day of August, 2022.

Sherry L. Lamb  
Sherry L. Lamb

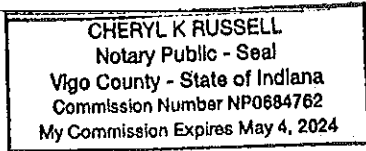


STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

25<sup>th</sup> Before me, the undersigned, a Notary Public in and for said County and State, this day of August, 2022, personally appeared Sherry L. Lamb, and acknowledged the execution of the foregoing deed.

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

My Commission Expires:



Cheryl K Russell  
Notary Public  
Printed: \_\_\_\_\_  
Residing in \_\_\_\_\_ County

Mail Tax Statements To Grantee at: 12 51 N Fruitridge Ave.  
Terre Haute, IN 47807

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

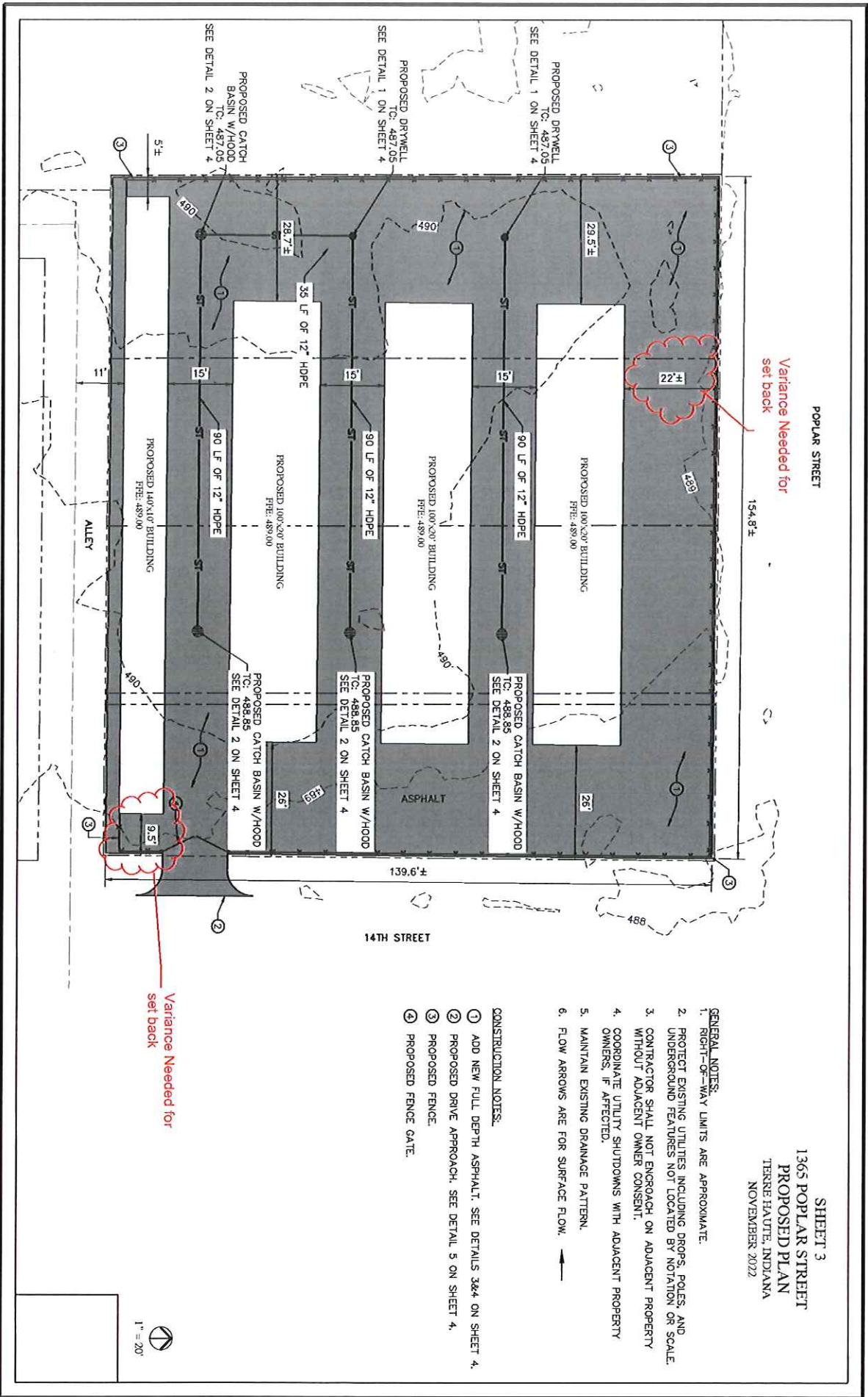
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Cheryl K Russell

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 or 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: 22 06122

# Site Plan



Variance Needed for set back

Variance Needed for set back

SHEET 3  
 1365 POPLAR STREET  
 PROPOSED PLAN  
 TERRE HAUTE, INDIANA  
 NOVEMBER 2022

- GENERAL NOTES:**
1. RIGHT-OF-WAY LIMITS ARE APPROXIMATE.
  2. PROTECT EXISTING UTILITIES INCLUDING DROPS, POLES, AND UNDERGROUND FEATURES NOT LOCATED BY NOTATION OR SCALE.
  3. CONTRACTOR SHALL NOT ENCRUCH ON ADJACENT PROPERTY WITHOUT ADJACENT OWNER CONSENT.
  4. COORDINATE UTILITY SHUTDOWNS WITH ADJACENT PROPERTY OWNERS, IF AFFECTED.
  5. MAINTAIN EXISTING DRAINAGE PATTERN.
  6. FLOW ARROWS ARE FOR SURFACE FLOW. →
- CONSTRUCTION NOTES:**
1. ADD NEW FULL DEPTH ASPHALT. SEE DETAILS 3&4 ON SHEET 4.
  2. PROPOSED DRIVE APPROACH. SEE DETAIL 5 ON SHEET 4.
  3. PROPOSED FENCE.
  4. PROPOSED FENCE GATE.



Receipt

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

Date: 12/7/22

Name: DIY Rental

Reason: Rezoning - notice of filing \$25

rezoning petition \$20

\$45

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

Check: #073102

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

Total: \$45

TERRE HAUTE, IN  
PAID  
DEC - 7 2022  
CONTROLLER

Received By: Eritz



# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

**TERRE HAUTE**  
A LITTLE ABOVE.

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: January 5, 2023

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 51-22

CERTIFICATION DATE: January 4, 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. 51-22. This Ordinance is a rezoning of 1351 Poplar Street and 1361-1365 Poplar Street. Parcels # 84-06-27-202-006.000-002 and # 84-06-27-202-007.000-002/008/009/010. The Petitioner, DIY Rentals, Inc petitions the Plan Commission to rezone said storage units from zoning classification C-6 to C-5 General 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. 51-22 at a public meeting and hearing held Wednesday, January 4, 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. 51-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 51-22 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. 51-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1. Approval of variances by BZA 2. Site plan and storm water drainage plan approval by City Engineering.



  
Area L. Wilson, President

  
Jared Bayler, Executive Director

Received this 5th day of January, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 51-22

Doc: # 3

Date: January 2023

Page 1 of 3

## APPLICATION INFORMATION

Property Owner: DIY Rentals, Inc

Proposed Use: Storage Units

Proposed Zoning: C-5 General Central Business District

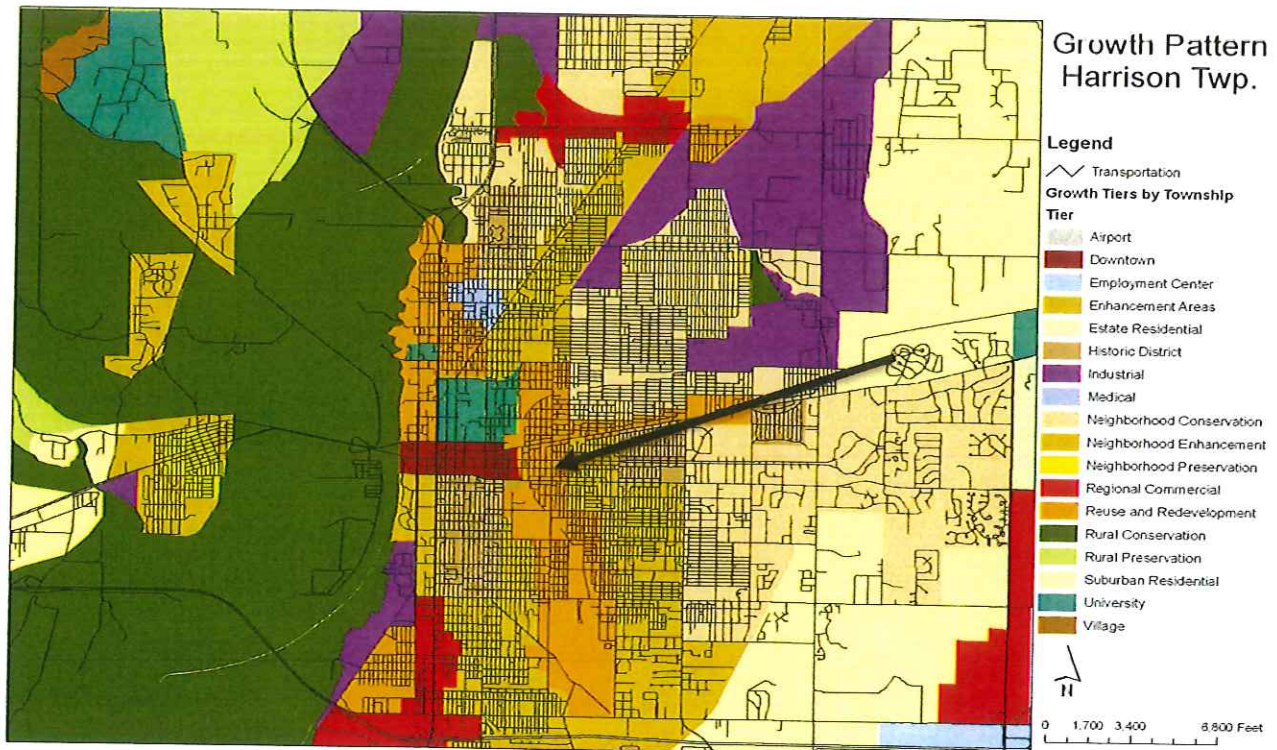
Current Zoning: C-6 (Strip Business District)

Location: The property is located on the corner of Poplar & S. 14<sup>th</sup> Street Paddocks Sub Lots 1-4

Common Address: 1361-1365 Poplar Street- 84-06-27-202-007.000-002/008/009 & 010. 1351 Poplar Street- 84-06-27-202-006.000-002

## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 51-22

Doc: # 3

Date: January 2023

Page 2 of 3

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Reuse and Redevelopment Areas

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

Additional policies for Reuse and Redevelopment Areas include:

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

Street Access: S. 14<sup>th</sup> Street

**ZONING COMPATIBILITY**

North – C-5, C-6

East – C-6

South – R-2

West – C-6

Character of Area: Area has mix uses of Commercial and Residential

---

**ZONING REGULATIONS**

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 51-22

Doc: # 3

Date: January 2023

Page 3 of 3

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (\*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(\*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (\*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

---

## FINDINGS and RECOMMENDATION

Staff Findings: The petitioner is requesting to rezone the properties to allow for mini-warehouses.

This area is designated a reuse and redevelopment area. These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development.

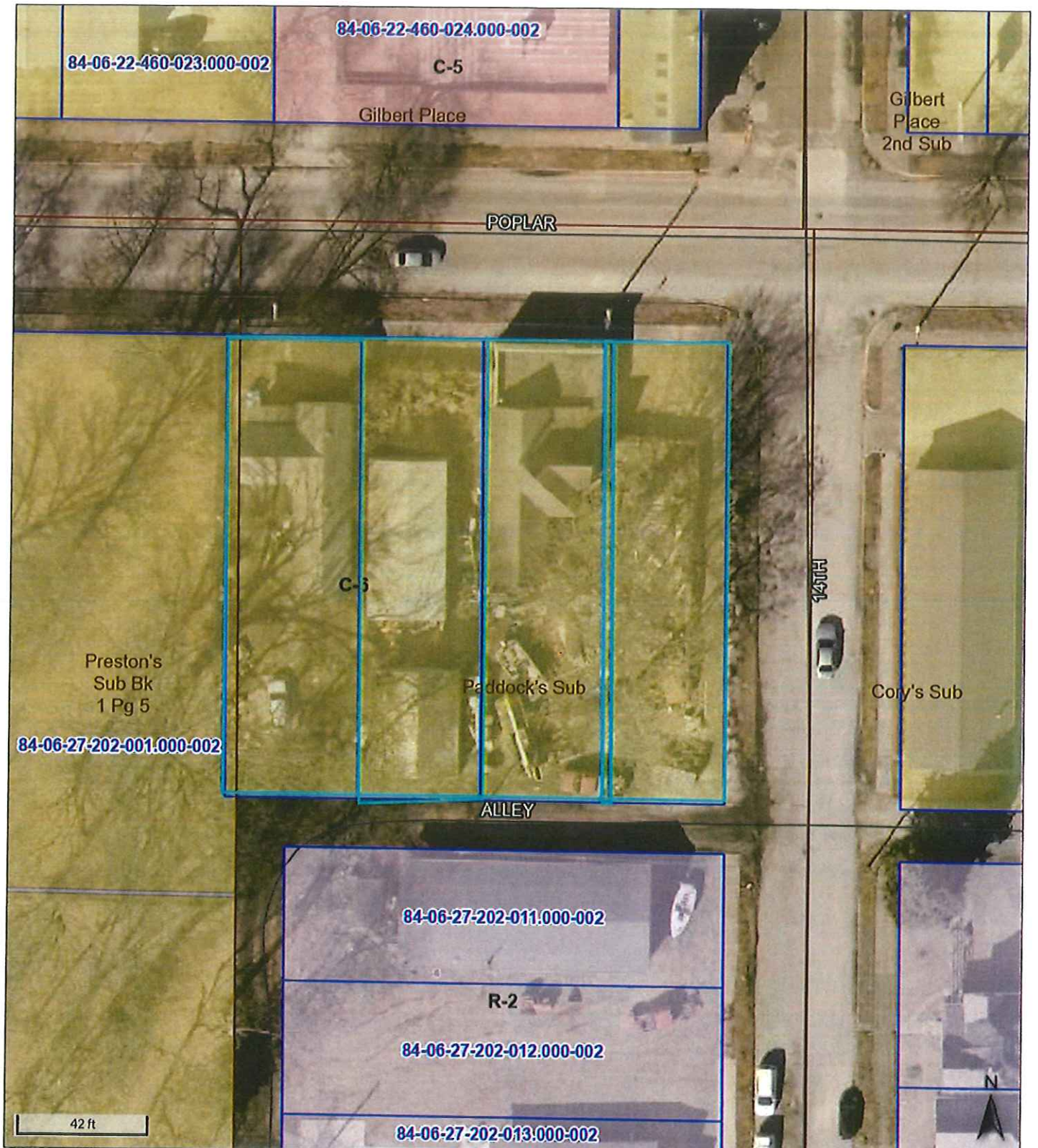
The petitioners are requesting variances for setbacks on Poplar St and 14<sup>th</sup> St, which will be heard at the January 4, 2023, Board of Zoning Appeals meeting.

The site plan and stormwater drainage plan will need to be approved by City Engineering.

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

1. Approval of variances by BZA
2. Site plan and stormwater drainage plan approval by City Engineering

Docket #3 SO #51-22  
1351, 1361-1365 Poplar St





Docket #3

SPECIAL ORDINANCE NO. 51, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1361-1365 Poplar Street, Terre Haute, IN 47807  
Parcel No. 84-06-27-202-007.000-002, 84-06-27-202-008.000-002,  
84-06-27-202-009.000-002 and 84-06-27-202-010.000-002

and

1351 Poplar Street, Terre Haute, IN 47807  
Parcel No. 84-06-27-202-006.000-002

---

Rezone From: C-6 Strip Business

Rezone To: C-5 General Central Business District

Proposed Use: Storage Units

Name of Owners: DIY Rentals, Inc.

Address of Owners: 1251 N. Fruitridge Ave.  
Terre Haute, IN 47807

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: Martha Crossen

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

DEC 07 2022

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 51, 2022**

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:

Tract I

Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II

Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III

Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot

No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west ½ of North East ¼ of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
84-06-27-202-008.000-002  
84-06-27-202-009.000-002  
84-06-27-202-010.000-002

Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, Terre Haute, IN 47807

Be and the same is hereby established as a C-5 General 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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
, 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

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Richard J. Shagley II  
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, Eric Wuestefield, President of DIY Renatls, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract I: Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II: Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III: Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV: A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12

North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
84-06-27-202-008.000-002  
84-06-27-202-009.000-002  
84-06-27-202-010.000-002

Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, 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-6 Strip Business.

Your Petitioner intends to use this real estate for an extension of the self-storage units that currently are located directly to the west of this real estate. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and DIY Rentals, Inc. is the owner of several parcels of real estate with the common address of 1361-1365 Poplar Street, Terre Haute, IN 47807 and 1351 Poplar Street, Terre Haute, IN 47807.

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-5 General 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 WITNESS WHEREOF, this petition has been duly executed this 6 day  
of ~~January~~, 2023.  
December 2022

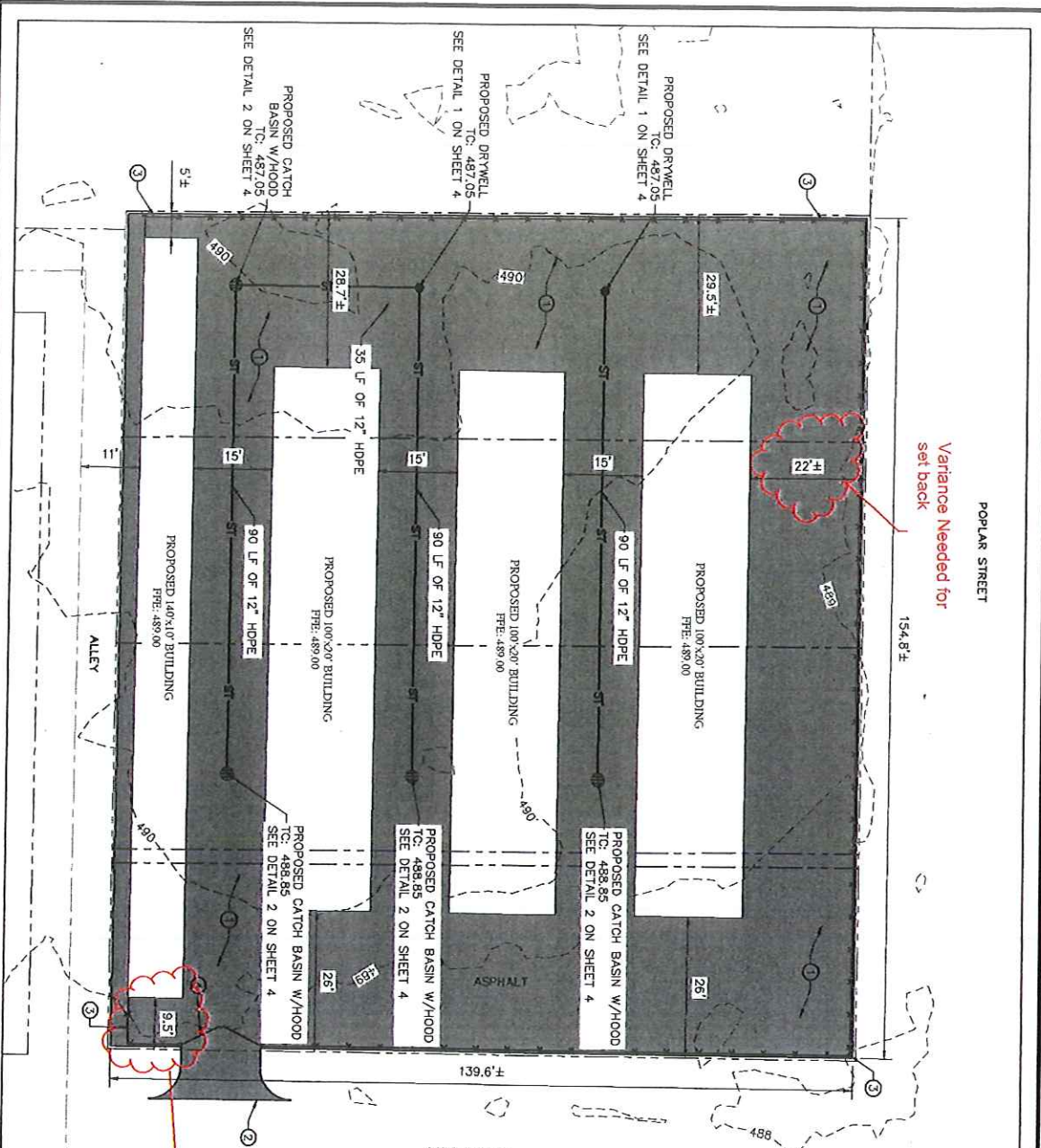
PETITIONER:

DIY Rentals, Inc.

By: \_\_\_\_\_

Eric Wuestefeld, President

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



POPULAR STREET  
154.8'±  
Variance Needed for set back

14TH STREET

Variance Needed for set back

SHEET 3  
1365 POPULAR STREET  
PROPOSED PLAN  
TERRE HAUTE, INDIANA  
NOVEMBER 2022

- GENERAL NOTES:
1. RIGHT-OF-WAY LIMITS ARE APPROXIMATE.
  2. PROTECT EXISTING UTILITIES INCLUDING DROPS, POLES, AND UNDERGROUND FEATURES NOT LOCATED BY NOTATION OR SCALE.
  3. CONTRACTOR SHALL NOT ENCROUGH ON ADJACENT PROPERTY WITHOUT ADJACENT OWNER CONSENT.
  4. COORDINATE UTILITY SHUTDOWNS WITH ADJACENT PROPERTY OWNERS, IF AFFECTED.
  5. MAINTAIN EXISTING DRAINAGE PATTERN.
  6. FLOW ARROWS ARE FOR SURFACE FLOW. →

- CONSTRUCTION NOTES:
- ① ADD NEW FULL DEPTH ASPHALT. SEE DETAILS 3&4 ON SHEET 4.
  - ② PROPOSED DRIVE APPROACH. SEE DETAIL 5 ON SHEET 4.
  - ③ PROPOSED FENCE.
  - ④ PROPOSED FENCE GATE.





STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

AFFIDAVIT

Comes now, Eric Wuestefeld, President of DIY Renatls, Inc., being duly sworn upon his oath, deposes and says:

1. That DIY Rentals, Inc. 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:

Tract I: Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Tract II: Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

Tract III: Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

Tract IV: A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established

thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 ½) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana

Parcel No.: 84-06-27-202-007.000-002  
84-06-27-202-008.000-002  
84-06-27-202-009.000-002  
84-06-27-202-010.000-002

Commonly known as : 1361-1365 Poplar Street, Terre Haute, IN 47807

and

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Commonly known as: 1351 Poplar Street, Terre Haute, IN 47807

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, are attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that DIY Rentals, Inc. 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 Eric Wuestefeld, President of DIY rentals, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_\_ day of December, 2022.

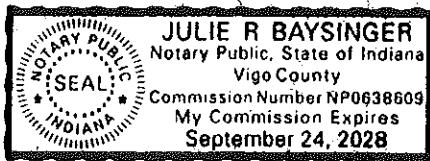
DIY Rentals, Inc.

By: [Signature]  
Eric Wuestefeld, President

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 6<sup>th</sup> day of December, 2022.

Julie R. Baysinger  
Julie R. Baysinger Notary Public




My Commission expires: 9-24-2028

My County of Residence: Vermillion

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.

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2021001638 WD \$25.00  
02/09/2021 09:13:58A 4 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented  


FEB 09 2021

  
VIGO COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Shernaz R. Irani, of Orange County, State of California, and Meher Shahabadi, of Orange County, State of California, 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 J.G. Huber, of Vigo County, State of Indiana, and Cathleen D. Huber, of Vigo County, State of Indiana, as joint tenants with rights of survivorship, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

TRACT I: Lot Number 1 in William Paddock's Subdivision of 175 feet off the East side of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West, as shown in the plat recorded August 11, 1880 at Plat Record 3, page 105, records of Recorder's Office of Vigo County, Indiana.

TRACT II: Commencing at a point 175 feet West of the Northeast Corner of Lot Number 1 in Nathaniel Preston's Subdivision of the West Half of the Northeast Quarter of Section 27, Township 12 North, Range 9 West; thence West 4 feet; thence South 140 feet; thence East 4 feet; thence North 140 feet to the place of beginning, as shown in the plat recorded July 26, 1852 at Plat Record 1, page 5, records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-27-202-006.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Shernaz R. Irani and Meher Shahabadi have hereunto set their hands and seals, this 4<sup>th</sup> day of February, 2021.

[Remainder of Page Left Blank]

[Notary Acknowledgment Follows]

Meher Shahabadi (SEAL)

Executed in my Presence:

[Signature]  
Signature

Jenna Goan  
Printed Name

STATE OF CALIFORNIA, Orange COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 4th day of FEBRUARY, 2021, personally appeared Meher Shahabadi and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:  
09-06-2023

My County of residence is:  
Orange

[Signature]  
Notary Public

MONICA BUENO ZAMORA  
Typewritten or printed name of notary

STATE OF CALIFORNIA, Orange COUNTY, SS:

Before me, a Notary Public in and for said County and State, on 2/4/21, personally appeared the above named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Meher Shahabadi to be the individual(s) described herein and who executed the foregoing instrument; that said WITNESS was present and saw Meher Shahabadi execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto; and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

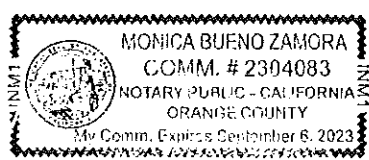
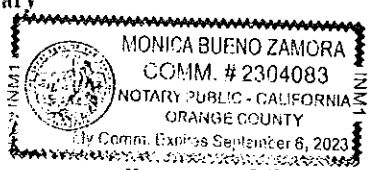
WITNESS my hand and Notarial Seal.

My Commission Expires:  
09-06-23

My County of residence is:  
Orange

[Signature]  
Notary Public

MONICA BUENO ZAMORA  
Typewritten or printed name of notary



Shernaz R. Irani (SEAL)  
Shernaz R. Irani

Executed in my Presence:

Jeanine L. Lomax Jones  
Signature

Commonwealth of Pennsylvania - Notary Seal  
JEANINE L. LOMAX-JONES, Notary Public  
Philadelphia County  
My Commission Expires September 28, 2024  
Commission Number 1246243

Fareshte Erani  
Printed Name

STATE OF PENNSYLVANIA, PHILADELPHIA COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 4 day of February, 2021, personally appeared Shernaz R. Irani and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:  
9-28-24

Jeanine L. Lomax Jones  
Notary Public

My County of residence is:  
Philadelphia

Jeanine L. Lomax Jones  
Typewritten or printed name of notary

STATE OF PENNSYLVANIA, PHILADELPHIA COUNTY, SS:

Before me, a Notary Public in and for said County and State, on 2-4-2021, personally appeared the above named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Shernaz R. Irani to be the individual described herein and who executed the foregoing instrument, that said WITNESS was present at the time of the execution of the instrument and that he/she is the person named in the instrument as the witness to the execution of the instrument and will do so in the future.

WITNESS my hand and Notarial Seal.

My Commission Expires:  
9-28-2024

Jeanine Lomax Jones  
Notary Public

My County of residence is:  
Philadelphia

Jeanine L. Lomax Jones  
Typewritten or printed name of notary

Commonwealth of Pennsylvania - Notary Seal  
JEANINE L. LOMAX-JONES, Notary Public  
Philadelphia County  
My Commission Expires September 28, 2024  
Commission Number 1246243

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.

Leah Shattuck  
Signature

Leah Shattuck  
Printed Name

**THIS INSTRUMENT WAS PREPARED BY:** Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807, 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 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 ADDRESS: 431 Meadonis Dr., Terre Haute, IN 47803

MAIL TAX STATEMENTS TO: same

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2022010701 WD \$25.00  
08/26/2022 02:14:18P 3 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented

AUG 26 2022

  
VIGO COUNTY AUDITOR

## WARRANTY DEED

THIS INDENTURE WITNESSETH that Sherry L. Lamb, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to DIY Rentals, Inc., "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

### Tract I

Lot Number Three (3) and two (2) feet, six (6) inches off the West side of Lot Number Four (4) all in William Paddock's Subdivision of One Hundred Seventy-five (175) feet off the East side of Lot Number One (1) of Nathaniel Preston's Subdivision of the West half (1/2) of the Northeast Quarter (1/4) of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

### Tract II

Lot Number Two (2) in Wm. Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half of the North East Quarter of Section 27, in Township 12 North, of Range 9 West.

### Tract III

Thirty-five (35) feet off the East side of Lot No. Four (4) in William Paddock's Subdivision of 175 feet off the East side of Lot No. One (1) in Nathaniel Preston's Subdivision of the West half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 27, Township 12 North, Range 9 West.

### Tract IV

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of west half (1/2) of the north east quarter (1/4) of Section Twenty seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to-wit: Commencing at the southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running east along the south line of Poplar Street, one hundred and twenty-five (125) feet more or less to the north west corner of Lot No. One (1) in William Paddocks Subdivision of One Hundred and seventy-five (175) feet off east side of Lot No. One (1) of N. Prestons Subdivision of west 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the north line of Oak Street as now located and established thence running west along north line of Oak Street One Hundred and twenty five (125) feet more less to east line of Thirteen & one half (13 1/2) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.



EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 557, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana.

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

Parcel No.: 84-06-27-202-007.000-002

84-06-27-202-008.000-002

84-06-27-202-009.000-002

84-06-27-202-010.000-002

Commonly known as: 1361-1365 Poplar St., Terre Haute, IN 47807

Taxes shall be prorated to the date of this 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.

DATED this 25<sup>th</sup> day of August, 2022.

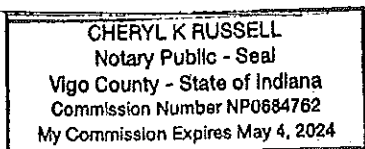
Sherry L. Lamb  
Sherry L. Lamb

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

25<sup>th</sup> Before me, the undersigned, a Notary Public in and for said County and State, this day of August, 2022, personally appeared Sherry L. Lamb, and acknowledged the execution of the foregoing deed.

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

My Commission Expires:



Cheryl K Russell  
Notary Public  
Printed: \_\_\_\_\_  
Residing in \_\_\_\_\_ County

Mail Tax Statements To Grantee at: 12 51 N Fruitridge Ave.  
Terre Haute, IN 47807

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

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.

Cheryl K Russell

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 or 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: 22 06122