

SPECIAL ORDINANCE NO. 34, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

Lot 05: 2901 S. 1st St., Terre Haute, Indiana
Parcel # 84-06-33-382-006.000-002

Lot 14: 2900 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-001.000-002

Lots 06, 07, 08, 09, 15, and 17: 2929 S. 1st St., Terre Haute, Indiana
(06, 07, 08 and 09) Parcel # 84-06-33-382-007.000-002
(15) Parcel # 84-06-33-382-002.000-002
(17) Parcel # 84-06-33-382-004.000-002

Lot 16: 2914 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-003.000-002

Lot 18: 2 E. Margaret, Terre Haute, Indiana
Parcel # 84-06-33-382-005.000-002

Rezoned From: Lots 05 and 14 R-1 Single Family Residence District
Lots 06, 07, 08, 09, 15, 16, 17, and 18, C-6 Strip Business

Rezoned To: C-3 Regional Commerce District

Proposed Use: National Equipment Rental Company

Name of Owner: Kenneth E. Steiner Jr.
Address of Owner: 3174 W Florine Dr
Terre Haute, IN 47802
Phone Number of Owner: c/o Richard J. Shagley II
(812) 232-3388

Attorney Representing Owner: Richard J. Shagley II
Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47807

For Information Contact: Owner Attorney
Council Sponsor: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

SPECIAL ORDINANCE NO. 34, 2023

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. 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:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

Commonly known as:

Lot 5: 2901 S. 1st St., Terre Haute, Indiana
Parcel # 84-06-33-382-006.000-002

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be the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may inure 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, Amy Auler
Amy Auler, Councilperson

Passed in open Council this 7th day of September, 2023.

Curtis DeBaun
Curtis DeBaun, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 8th day of September, 2023.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of SEPTEMBER, 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, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Kenneth E. Steiner, Jr., respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

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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 District and R-1 Single Family Residence District.

Your Petitioner would respectfully state that the real estate is now a single-family

home and commercial business. The Petitioners intend to sell the real estate for the use of a national equipment rental company.

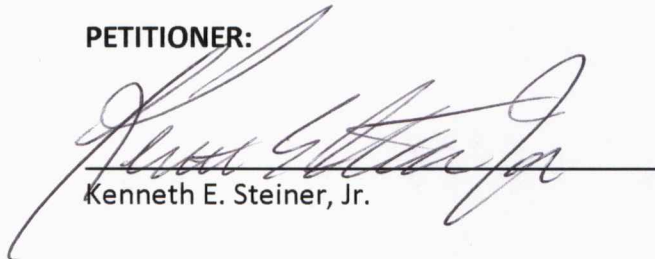
Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood.

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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 15th day of August, 2023.

PETITIONER:


Kenneth E. Steiner, Jr.

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47807
Phone: (812) 232-3388

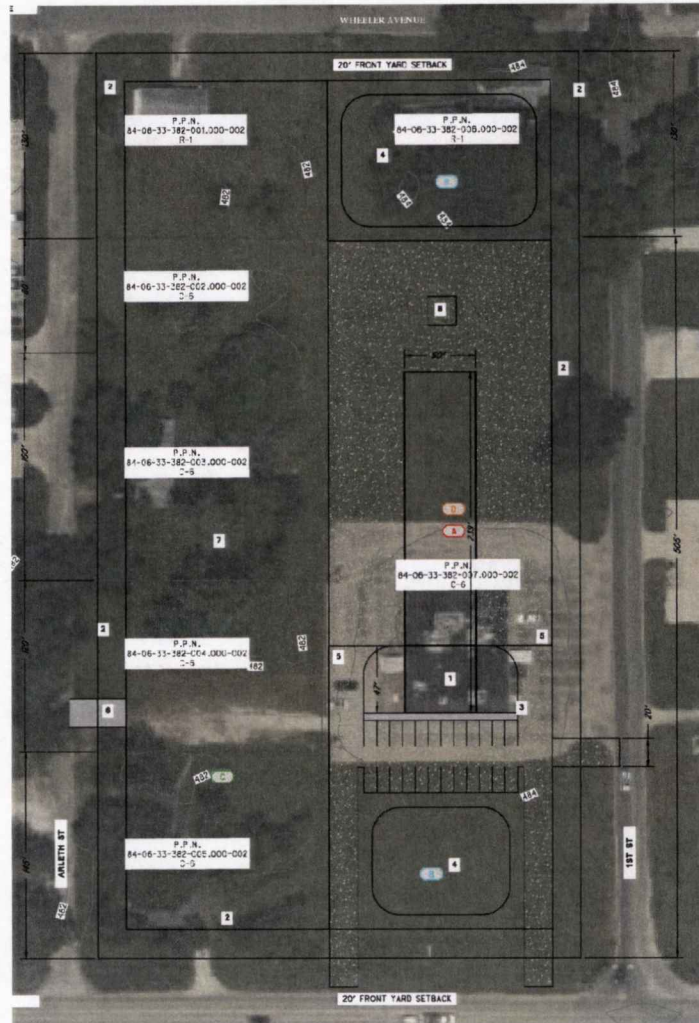
BY: 
Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3174 W Florine Dr., Terre Haute, IN 47802

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

SITE PLAN

SPECIAL ORDINANCE NO. 34, 2023



2901 S. 1st St., Terre Haute, Indiana (Lot 05) Parcel # 84-06-33-382-006.000-002
and
2900 Arleth St., Terre Haute, Indiana (Lot 14) Parcel # 84-06-33-382-001.000-002
(R-1 Single Family Residence District)

2929 S. 1st St., Terre Haute, Indiana
(Lots 06, 07, 08 & 09) Parcel # 84-06-33-382-007.000-002;
(Lot 15) Parcel # 84-06-33-382-002.000-002; and (Lot 17) Parcel # 84-06-33-382-004.000-002
and
2914 Arleth St., Terre Haute, Indiana (Lot 16) Parcel # 84-06-33-382-003.000-002
and
2 E. Margaret, Terre Haute, Indiana (Lot 18) Parcel # 84-06-33-382-005.000-002
(C-6 Strip District)

From R-1 Single Family Residence District & C-6 Strip District to C-3 Regional Commerce District

Proposed Use: National Equipment Rental Company

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Kenneth E. Steiner, Jr., being duly sworn upon his oaths, deposes and says:

1. That Kenneth E. Steiner Jr. is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

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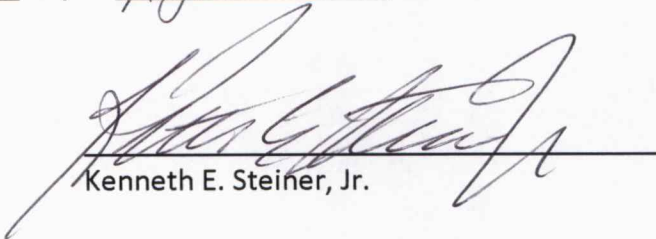
Lot 18: 2 E. Margaret, Terre Haute, Indiana
Parcel # 84-06-33-382-005.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Kenneth E. Steiner Jr., is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that he 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 Kenneth E. Steiner, Jr.


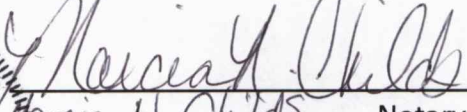
5. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 1st day of August, 2023.


Kenneth E. Steiner, Jr.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of August, 2023.

Marcia N. Childs, Notary Public

My Commission expires:
02-26-2028

My County of Residence:
Parke

WARRANTY DEED



THIS INDENTURE WITNESSETH, Burkle Real Estate, LLC, an Indiana Limited Liability Company, (hereinafter "Grantor"), for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEYS** and **WARRANTS** unto Kenneth E. Steiner, Jr. (hereinafter "Grantee"), the following described **REAL ESTATE** located in the County of Vigo, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

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

Grantor states under oath that there is no gross income tax due and owing as a result of this conveyance.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this Warranty Deed, that he/she holds the office indicated with his/her signature and has been duly authorized by all appropriate action of the Limited Liability Company to execute and deliver this deed; that Grantor has full capacity to convey real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been take; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business.

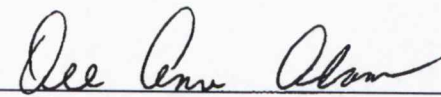
IN WITNESS WHEREOF, Burkle Real Estate, LLC has caused this deed to be executed in its name and on its behalf by its duly authorized officer this 3 day of May, 2018.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

MAY 03 2018


VIGO COUNTY AUDITOR

Burkle Real Estate, LLC

By: 
Dee Anne Adams, Manager

STATE OF INDIANA)

) SS:

COUNTY OF VIGO)

Before me the undersigned, a Notary Public for Vigo County, State of Indiana, personally appeared Dee Anne Adams, Manager of Burkle Real Estate, LLC and acknowledged the execution of the foregoing this 3rd day of May, 2018.

Kathleen G Cox

Notary Public, a resident of
Vigo County, Indiana

My commission expires:

February 3, 2025



Tax Duplicate Sent To: 3174 W. Florine Dr., Terre Haute, IN 47802

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.

Kathleen G Cox

Kathleen G Cox

Prepared By: Michael Sacopulos, Sacopulos, Johnson & Sacopulos, 676 Ohio Street, Terre Haute, IN 47807.



Receipt of Payment

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

Date 08/02/23
 Name Kenneth Stienner
 Reason Veroning - notice of filing \$25
Veroning - petition \$20
\$45-

Cash _____
 Check 45-
 Credit _____
 Total \$45-

Ck # 073684

TERRE HAUTE, IN.
PAID
 AUG - 2 2023
 CONTROLLER

Received By gmm wtz



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: September 7, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 34-23

CERTIFICATION DATE: September 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. 34-23. This Ordinance is a rezoning of 2901, 2929 S. 1st Street, 2900, 2914 Arleth Street, and 2 E. Margaret Avenue, Terre Haute, IN. Parcel numbers 84-06-33-382-006.000-002/001/002/003/004/005/007. The Petitioner, Kenneth Steiner, petitions the Plan Commission to rezone said National Equipment Rental Co. from zoning classification R-1 and C-6 to C-3 Regional Commerce District.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 34-23 at a public meeting and hearing held Wednesday, September 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. 34-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 34-23 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. 34-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan approval with parking and stormwater drainage by City 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 September, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #34-23
Date: September 2023

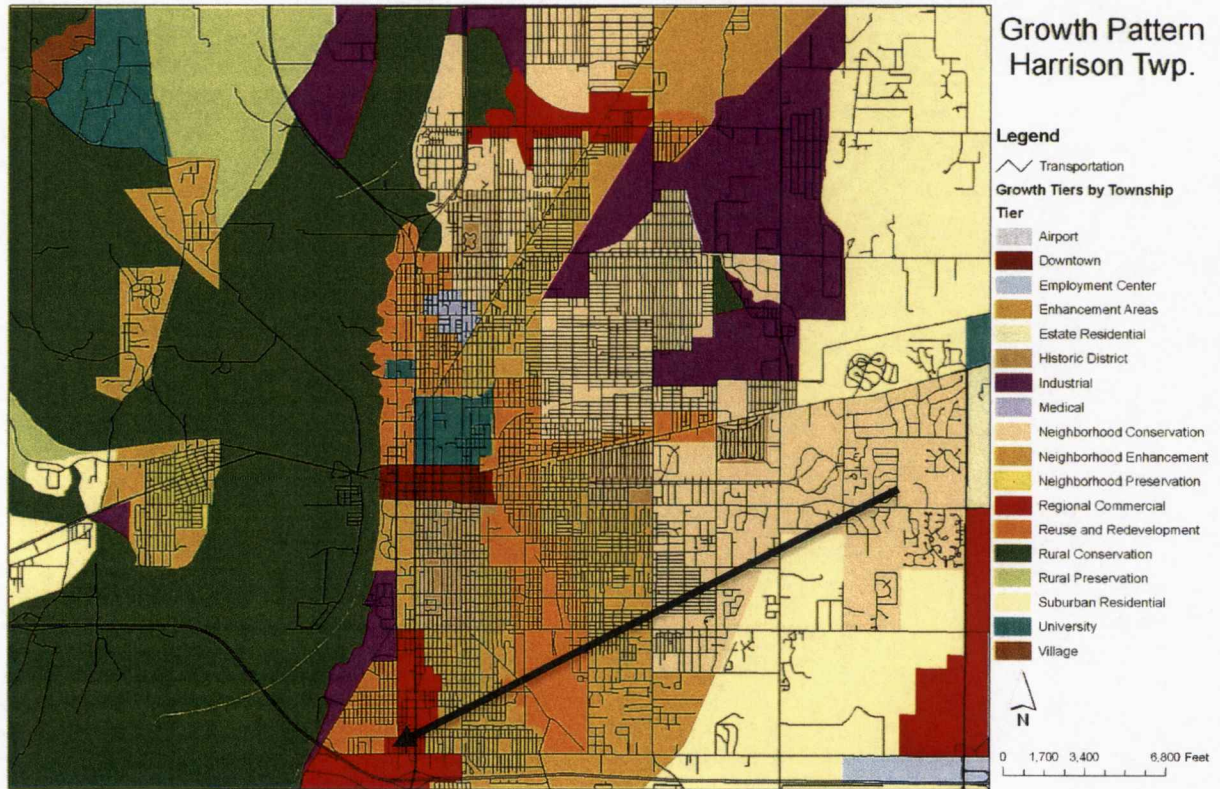
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Page 1 of 3

APPLICATION INFORMATION

Property Owners: Kenneth E. Steiner Jr.
Proposed Use: National Equipment Rental Co.
Proposed Zoning: C-3, Regional Commerce District
Current Zoning: R-1, Single Family Residence District- Lot 5 & 14
C-6, Strip Business- Lots 6, 7, 8,9,15, 16, 17 & 18- Axtell Park
Representative: Richard Shagley
Location: The lots are located on the corner of S. 1st Street, Wheeler Ave, Arleth Street and E. Margaret Ave.
Common Address: 2901, 2929 S. 1st St., 2900, 2914 Arleth St., & 2. E. Margaret Ave, T.H. 84-06-33-382-006.000-002/001/002/003/004/005/007

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY**Regional Commercial**

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages between and among major existing activity centers.
 - Increase the identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
 - Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes.
 - Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
 - Ensure that future retail commercial development in the area does not detract from the viability of existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Available Services: Area is well served by utilities.

Street Access: S. 1st Street

Sur. Zones and Uses:

North – R-1, C-6, C-3

West – C-2 & R-3

South – C-3

East – C-2, R-1

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #34-23
Date: September 2023

Doc: #76
Page 3 of 3

ZONING REGULATIONS

- C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.
- C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.
- C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.
-

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioners are requesting to rezone to C-3, Regional Commerce District, for a rental company. The area is mixed-use with commercial and residential. Five of the seven parcels requesting to be rezoned are currently zoned C-6, Strip Business Zone.

Hard-surfacing is required and a stormwater drainage plan must be approved by City Engineering. Any remaining single-family homes will need to be removed. The lots may need to be combined.

The Department of Engineering has noted that there are future plans to widen Margaret Avenue to accommodate higher traffic volumes and that the rezoning aligns with the current and future development plans for Margaret Avenue.

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

1. Site plan approval with parking and stormwater drainage by City 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: August 17, 2023

RE: **Special Ordinance No. 34-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Kenneth E. Steiner Jr. for the following at 1st Street and Margaret Avenue in Axtell Park Subdivision:

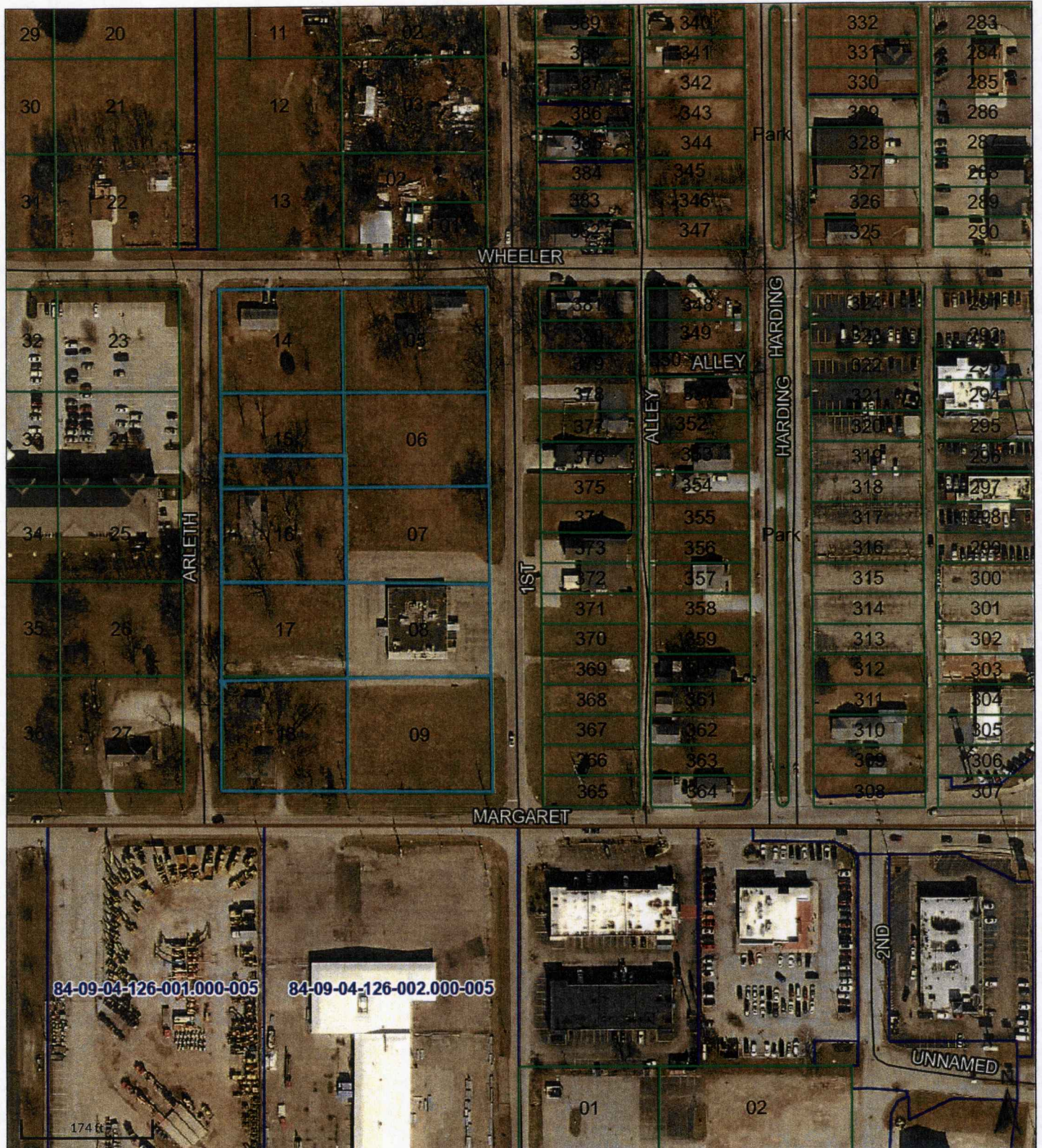
- Lot 14 – 2900 Arleth Street from R-1 Single Family Residential District to C-3 Regional Commerce District
- Lot 5 – 2901 S. 1st Street from R-1 Single Family Residential District to C-3 Regional Commerce District.
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- Lot 16 – 2914 Arleth Street from C-6 Strip Business to C-3 Regional Commerce District
- Lot 18 – 2 E. Margaret Avenue from C-6 Strip Business to C-3 Regional Commerce District

The intended use of the property is an equipment rental store. Surrounding parcels are zoned residential to the east and west and residential and commercial to the north. The south side of Margaret Avenue is zoned commercial with a mixture of heavy equipment rental and sales, restaurants, and a postal office distribution center. It should be noted that there are future plans to widen Margaret Avenue to accommodate higher traffic volumes. This rezoning aligns with the current and future development plans for Margaret Avenue.

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

Docket #76 SO #34-23

S. 1st St., Arleth St., E. Margaret



Docket #76

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Phone Number of Owner c/o Richard J. Shagley II
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Attorney Representing Owner: Richard J. Shagley II
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For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

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Lots 06, 07, 08, 09, 15, and 17: 2929 S. 1st St., Terre Haute, Indiana
(06, 07, 08 and 09) Parcel # 84-06-33-382-007.000-002
(15) Parcel # 84-06-33-382-002.000-002
(17) Parcel # 84-06-33-382-004.000-002

Lot 16: 2914 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-003.000-002

Lot 18: 2 E. Margaret, Terre Haute, Indiana
Parcel # 84-06-33-382-005.000-002

be the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may inure 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,


Amy Auler Councilperson

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

Curtis DeBaun, 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

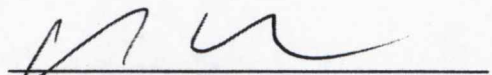
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2023.

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

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Kenneth E. Steiner, Jr., respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

Commonly known as:

Lot 5: 2901 S. 1st St., Terre Haute, Indiana
Parcel # 84-06-33-382-006.000-002

Lot 14: 2900 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-001.000-002

Lots 06, 07, 08, 09, 15, and 17: 2929 S. 1st St., Terre Haute, Indiana
(06, 07, 08 and 09) Parcel # 84-06-33-382-007.000-002
(15) Parcel # 84-06-33-382-002.000-002
(17) Parcel # 84-06-33-382-004.000-002

Lot 16: 2914 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-003.000-002

Lot 18: 2 E. Margaret, Terre Haute, Indiana
Parcel # 84-06-33-382-005.000-002

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as C-6 Strip District and R-1 Single Family Residence District.

Your Petitioner would respectfully state that the real estate is now a single-family

home and commercial business. The Petitioners intend to sell the real estate for the use of a national equipment rental company.

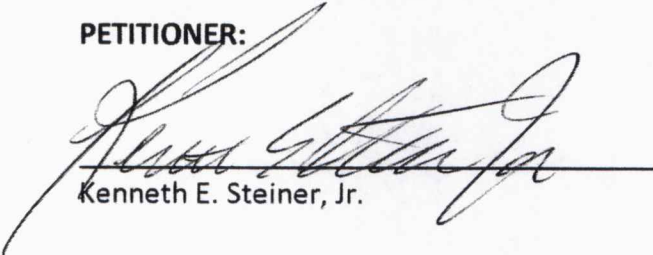
Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood.

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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 15th day of August, 2023.

PETITIONER:


Kenneth E. Steiner, Jr.

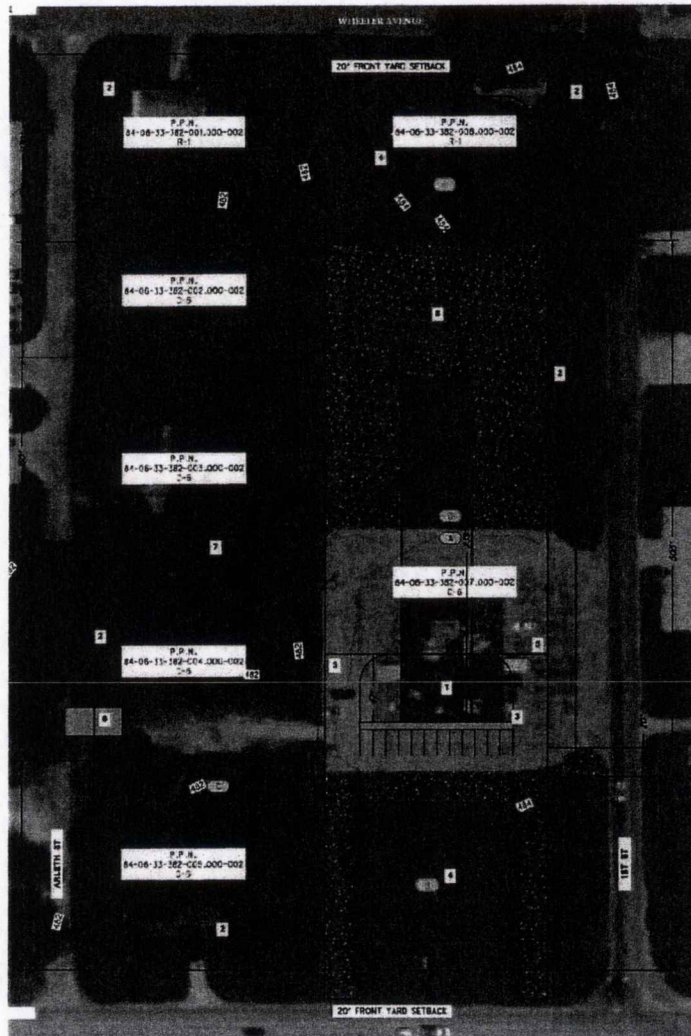
WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47807
Phone: (812) 232-3388

BY: 
Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3174 W Florine Dr., Terre Haute, IN 47802

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

SITE PLAN
SPECIAL ORDINANCE NO. 34, 2023



2901 S. 1st St., Terre Haute, Indiana (Lot 05) Parcel # 84-06-33-382-006.000-002
and
2900 Arleth St., Terre Haute, Indiana (Lot 14) Parcel # 84-06-33-382-001.000-002
(R-1 Single Family Residence District)

2929 S. 1st St., Terre Haute, Indiana
(Lots 06, 07, 08 & 09) Parcel # 84-06-33-382-007.000-002;
(Lot 15) Parcel # 84-06-33-382-002.000-002; and (Lot 17) Parcel # 84-06-33-382-004.000-002
and
2914 Arleth St., Terre Haute, Indiana (Lot 16) Parcel # 84-06-33-382-003.000-002
and
2 E. Margaret, Terre Haute, Indiana (Lot 18) Parcel # 84-06-33-382-005.000-002
(C-6 Strip District)

From R-1 Single Family Residence District & C-6 Strip District to C-3 Regional Commerce District

Proposed Use: National Equipment Rental Company

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Kenneth E. Steiner, Jr., being duly sworn upon his oaths, deposes and says:

1. That Kenneth E. Steiner Jr. is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

Commonly known as:

Lot 5: 2901 S. 1st St., Terre Haute, Indiana
Parcel # 84-06-33-382-006.000-002

Lot 14: 2900 Arleth St., Terre Haute, Indiana
Parcel # 84-06-33-382-001.000-002

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Lot 16: 2914 Arleth St., Terre Haute, Indiana
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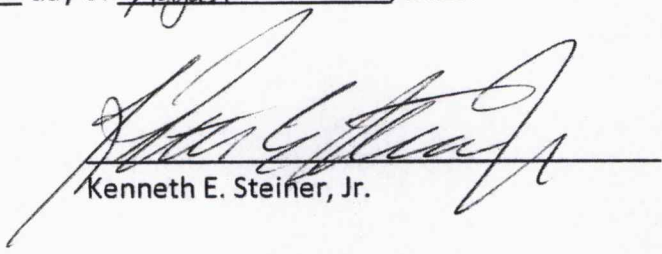
Lot 18: 2 E. Margaret, Terre Haute, Indiana
Parcel # 84-06-33-382-005.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Kenneth E. Steiner Jr., is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that he 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 Kenneth E. Steiner, Jr.

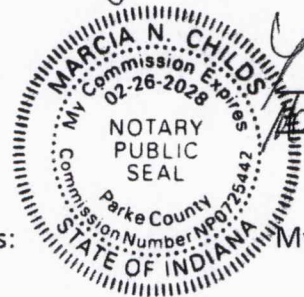
5. Further, Affiant saith not.

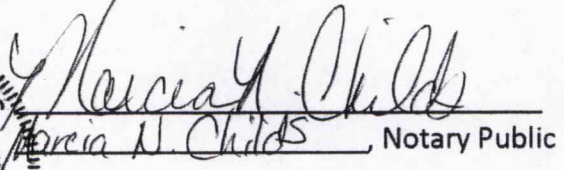
Dated at Terre Haute, Indiana this 1st day of August, 2023.


Kenneth E. Steiner, Jr.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of August, 2023.





Marcia N. Childs, Notary Public

My Commission expires:
02-26-2028

My County of Residence:
Parke

WARRANTY DEED

THIS INDENTURE WITNESSETH, Burkle Real Estate, LLC, an Indiana Limited Liability Company, (hereinafter "Grantor"), for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEYS** and **WARRANTS** unto Kenneth E. Steiner, Jr. (hereinafter "Grantee"), the following described **REAL ESTATE** located in the County of Vigo, State of Indiana, to-wit:

Lot Numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, and 18 in Axtell Park, being a subdivision of part of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, in accordance with the recorded plat thereof, dated April 30, 1923 and recorded June 27, 1923 at Plat Record 13, Page 47, in records of the Recorder's Office of Vigo County, Indiana.

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

Grantor states under oath that there is no gross income tax due and owing as a result of this conveyance.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this Warranty Deed, that he/she holds the office indicated with his/her signature and has been duly authorized by all appropriate action of the Limited Liability Company to execute and deliver this deed; that Grantor has full capacity to convey real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been take; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business.

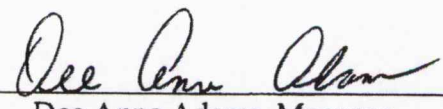
IN WITNESS WHEREOF, Burkle Real Estate, LLC has caused this deed to be executed in its name and on its behalf by its duly authorized officer this 3 day of May, 2018.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

MAY 03 2018


VIGO COUNTY AUDITOR

Burkle Real Estate, LLC

By: 
Dee Anne Adams, Manager

STATE OF INDIANA)

) SS:

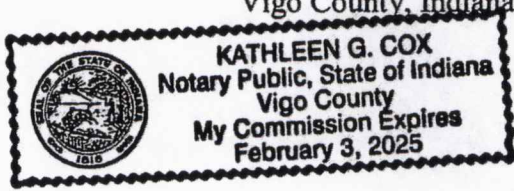
COUNTY OF VIGO)

Before me the undersigned, a Notary Public for Vigo County, State of Indiana, personally appeared Dee Anne Adams, Manager of Burkle Real Estate, LLC and acknowledged the execution of the foregoing this 3rd day of May, 2018.

Kathleen G Cox
Notary Public, a resident of
Vigo County, Indiana

My commission expires:

February 3, 2025



Tax Duplicate Sent To: 3174 W. Florine Dr., Terre Haute, IN 47802

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.

Kathleen G Cox
Kathleen G Cox

Prepared By: Michael Sacopulos, Sacopulos, Johnson & Sacopulos, 676 Ohio Street, Terre Haute, IN 47807.



Receipt of Payment

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

Date 08/02/23
Name Kenneth Stienner
Reason reopening - notice of filing \$25
reopening - petition \$20
\$45-

Cash _____
Check 45-
Credit _____
Total \$45-

Ck # 073684

TERRE HAUTE, IN.
PAID
AUG - 2 2023
CONTROLLER

Received By gmm wtz