

SPECIAL ORDINANCE NO. 13, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Addresses of lots to be rezoned:
2620 Jackson Street, Terre Haute, Indiana 47802
2626 Jackson Street, Terre Haute, Indiana 47802

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Current Zoning: R-1 Single Residence District (Planned Development)

Rezone To: C-2 Community Commerce District

Proposed Use: Commercial Development

Name of Owner: Jodagran, LLC

Address of Owner: P.O. Box 10159

Terre Haute, IN 47801

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II/Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.

500 Ohio Street, Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 08 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2023**

CITY CLERK

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

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

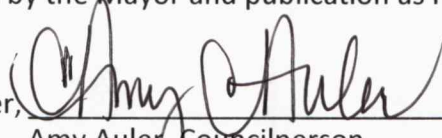
Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

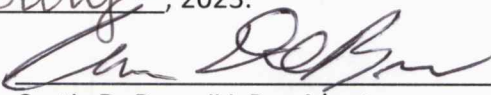
Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and 2626 Jackson Street, Terre Haute, Indiana 47802

Be and the same is hereby established as a C-2 Community Commerce 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, 
Amy Auler, Councilperson

Passed in open Council this 13th day of July, 2023.

Curtis DeBaun IV, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 14th day of July, 2023.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of July, 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, Jodagran, LLC, by its Sole Member, Joseph B. Card, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

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 a R-1 Single Residence District with a Planned Development that did not develop in a timely manner.

Your Petitioner intends to use this real estate for commercial development. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood.

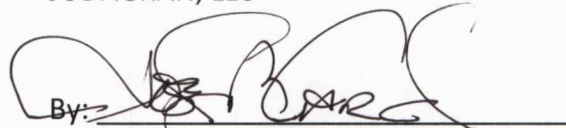
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce District Planned Development 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 6th day of June 2023.

PETITIONER:

JODAGRAN, LLC

By: 
Joseph B. Card, Sole Member

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

SITE PLAN

SPECIAL ORDINANCE NO. 13, 2023



2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

R-1 Single Residence District (Planned Development)
to
C-2 Community Commerce District

Proposed Use: Commercial Development

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jodagran, LLC, by its Sole Member, Joseph B. Card, being duly sworn upon his oath, deposes and says:

1. That Jodagran, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

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

3. That Affiant makes this Affidavit for the sole purpose of affirming that Jodagran, LLC is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Jodagran, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 22nd day of May, 2023.

JODAGRAN, LLC

By: 

Joseph B. Card, Sole Member

[Notary to Follow]

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2nd day of May, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public


My Commission expires: 02-26-2028

My County of Residence: Parke

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

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUL 08 2003


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

LAE Date 07/08/2003 Time 15:23:24
Mitchell Newton
Vigo County Recorder
Filing Fee: 18.00
I. 200319810
Page 1 of 3

THIS INDENTURE WITNESSETH, That CAVU OPS., INC., an Indiana corporation ("Grantor") CONVEYS AND WARRANTS to Jodagran, LLC, an Indiana limited liability company ("Grantee") with a mailing address of P. O. Box 10159, Terre Haute, State of Indiana 47801, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

TRACT 1

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

TRACT 2

Lot Number Three Hundred Seventy-two (372) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West of the 2d Principal Meridian.

TRACT 3

Lots Number One hundred sixty (160), one hundred sixty one (161), one hundred sixty two (162), one hundred sixty three (163), one hundred sixty four (164), one hundred sixty five (165), one hundred sixty six (166), one hundred sixty seven (167), one hundred sixty eight (168), one hundred sixty nine (169), one hundred seventy (170), one hundred seventy one (171), one hundred seventy two (172) and one hundred seventy three (173) in Krumbhaar Place Land Company's 1st Subdivision being a Subdivision of Lots No. 1-2-5-6-9-10-13-14-17-18 and 21 in Krumbhaar Place in the South West quarter of Section 33 Town 12 North of Range 9 West of the 2d Principal Meridian.

TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grantor in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and
- (c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described

real estate.

SUBJECT TO Indiana general real property taxes prorated to the date of this deed, and all subsequent such taxes.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to public utilities.

This deed does not contain nor is it to be construed as containing any implied covenants or warranties of title with respect to any land located within a heretofore platted or dedicated street or alley which has not yet been vacated.

As a further consideration of the payment of the above sum, the undersigned persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Corporate Warranty Deed, that they are duly elected officers of Grantor and have been fully empowered, by either Grantor's By-Laws or by proper resolution of the Board of Directors of Grantor, to execute, acknowledge and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein and conveyed hereby; that the real estate conveyed by this indenture is conveyed in Grantor's usual and regular course of business of Grantor; that this conveyance follows the complete fulfillment by Grantee of that certain written installment sale contract between the parties hereto; and all necessary corporate action for the making of such conveyance has been taken and done.

The undersigned certify that no corporate gross income tax is due and owing with respect to this conveyance.

16th IN WITNESS WHEREOF, Grantor has caused this deed to be executed this day of May, 2003.

CAVU OPS., INC.
By Joseph B. Card President
Joseph B. Card, President

ATTEST:
Rebecca Lawson
Rebecca Lawson, Secretary

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Joseph B. Card and Rebecca Lawson, the President and Secretary, respectively, of CAVU OPS., INC., an Indiana corporation, who each acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 16th day of May, 2003.

Karen J. McCammon
Notary Public

Karen J. McCammon
Printed Name

County of Residence: Vi

My Commission Expires:
8-12-07

This instrument prepared by William M. Olah, Attorney,
333 Ohio Street, P.O. Box 800, Terre Haute, IN 47808-0800.

Send Tax Bills To: P.O. Box 10159, Terre Haute, IN 47801.



Receipt of Payment

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

Date 06/08/23
Name Joseph Card
Reason re zoning - notice of filing \$25
re zoning - petition \$20
\$45-

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

Ck # 073550

CONTROLLED
JUN - 8 2023
TERRE HAUTE, IN
PAID

Received By Evitz



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: July 6, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 13-23

CERTIFICATION DATE: July 5, 2023

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 13-23. This Ordinance is a rezoning of 2620 and 2626 Jackson Street, Terre Haute, IN. Parcel numbers 84-06-33-308-001.000-002/002. The Petitioner, Jodagran, LLC petitions the Plan Commission to rezone said commercial development is currently planned, from zoning classification R-1 to C-2 Limited Community Commerce District.

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

The Area Plan Commission considered Special Ordinance No. 13-23 at a public meeting and hearing held Wednesday, July 5, 2023. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 13-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-23 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. 13-23 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Site plan approval including parking and stormwater drainage by the City Engineering Department 2) Approval of required variances by the BZA.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 6th day of July, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-23

Doc: # 53

Date: July 2023

Page 1 of 3

APPLICATION INFORMATION

Property Owner: Jodagran, LLC

Representative: Richard Shagley II

Proposed Use: Commercial Development

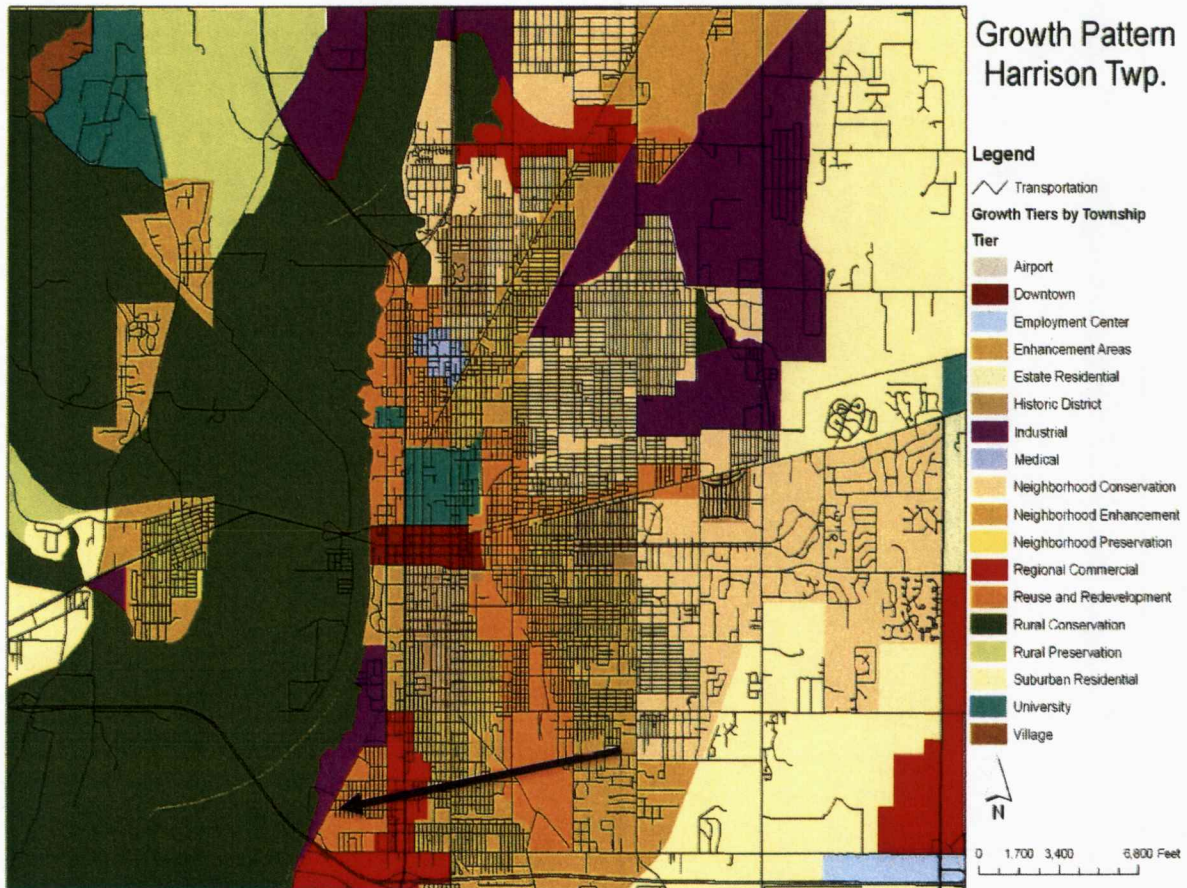
Proposed Zoning: C-2 Limited Community Commerce

Current Zoning: R-1 Planned Development

Common Address: 2620 & 2626 Jackson Street, Terre Haute
Parcel#84-06-33-308-001.000-002/ & 002. Krumbaar Place
Lots 332-334 & 335-337

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-23

Doc: # 53

Date: July 2023

Page 2 of 3

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

Available Services: Area is well served by utilities.

Street Access: Jackson Street

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** –M-1

East – R-1

South – R-1

West – R-1

ZONING REGULATIONS

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

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-23

Doc: # 53

Date: July 2023

Page 3 of 3

auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

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

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to C-2 Limited Community Commerce District for “Commercial Development”. The petition does not describe what kind of business they are intending. Any use allowed in a C-1 or C-2 zoning is allowed. The area is currently a mixed use. The petitioner did not provide a site plan or intended use.

C-2 zoning requires “any area abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum 50’ width measured at right angles to the residential property line”. The property has residential zoning on three sides. Variances through the BZA will be required.

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

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

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



**CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT**

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

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Josey Daugherty
Assistant City Engineer

DATE: June 21, 2023

RE: **Special Ordinance No. 13-2023**

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

- Rezoning of 2620 and 2626 Jackson Street from R-1 Single Residence District (Planned Development) to C-2 Community Commerce District.

There is no intended use specified in the application for rezoning. Surrounding parcels are zoned R-1 to the east, west and south and M-1 to the north. This rezoning of the property would not create any significant problems for surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning with the following conditions:

1. The intended use must conform to the C-2 zoning class.
2. The intended use must comply with the Terre Haute City Code and meet all requirements of the City's Standards and Specifications.

Docket #53 SO #13-23

2620 and 2626 Jackson St



SPECIAL ORDINANCE NO. 13, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Addresses of lots to be rezoned:
2620 Jackson Street, Terre Haute, Indiana 47802
2626 Jackson Street, Terre Haute, Indiana 47802

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Current Zoning: R-1 Single Residence District (Planned Development)

Rezone To: C-2 Community Commerce District

Proposed Use: Commercial Development

Name of Owner: Jodagran, LLC
Address of Owner: P.O. Box 10159
Terre Haute, IN 47801

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II/Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 08 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2023

CITY CLERK

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

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo
County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated
as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121
thereof, District Maps, be, and the same is hereby amended to include as follows:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three
(333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three
Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar
Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-
5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a
Subdivision of part of the South West Quarter of Section 33, Township 12
North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

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



Amy Auler, Councilperson

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

Curtis DeBaun IV, President

ATTEST:

Michelle Edwards, City Clerk

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

Michelle Edwards, City Clerk

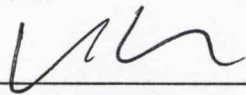
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2023.

Duke A. Bennett, Mayor

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, Jodagran, LLC, by its Sole Member, Joseph B. Card, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

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 a R-1 Single Residence District with a Planned Development that did not develop in a timely manner.

Your Petitioner intends to use this real estate for commercial development. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood.


Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce District Planned Development 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 6th day of June 2023.

PETITIONER:

JODAGRAN, LLC

By: 
Joseph B. Card, Sole Member

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

SITE PLAN

SPECIAL ORDINANCE NO. 13, 2023



2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

R-1 Single Residence District (Planned Development)
to
C-2 Community Commerce District

Proposed Use: Commercial Development

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jodagran, LLC, by its Sole Member, Joseph B. Card, being duly sworn upon his oath, deposes and says:

1. That Jodagran, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

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

3. That Affiant makes this Affidavit for the sole purpose of affirming that Jodagran, LLC is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Jodagran, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 22nd day of May 2023.

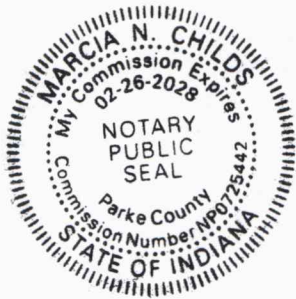
JODAGRAN, LLC

By: 
Joseph B. Card, Sole Member

[Notary to Follow]

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 22nd day of May, 2023.



Marcia N. Childs

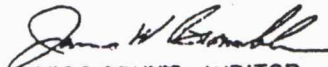
Marcia N. Childs, Notary Public

My Commission expires: 02-26-2028

My County of Residence: Parke

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

JUL 08 2003


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

LAE Date 07/08/2003 Time 15:23:24
Mitchell Neuton
Vigo County Recorder
Filing Fee:
I 200318810
18.00
Page 1 of 3

THIS INDENTURE WITNESSETH, That CAVU OPS., INC., an Indiana corporation ("Grantor") **CONVEYS AND WARRANTS** to Jodagran, LLC, an Indiana limited liability company ("Grantee") with a mailing address of P. O. Box 10159, Terre Haute, State of Indiana 47801, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

TRACT 1

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

TRACT 2

~~Lot Number Three Hundred Seventy-two (372) in Krumbhaar Place Land Company's Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West of the 2d Principal Meridian.~~

TRACT 3

~~Lots Number One hundred sixty (160), one hundred sixty one (161), one hundred sixty two (162), one hundred sixty three (163), one hundred sixty four (164), one hundred sixty five (165), one hundred sixty six (166), one hundred sixty seven (167), one hundred sixty eight (168), one hundred sixty nine (169), one hundred seventy (170), one hundred seventy one (171), one hundred seventy two (172) and one hundred seventy three (173) in Krumbhaar Place Land Company's 1st Subdivision being a Subdivision of Lots No. 1-2-5-6-9-10-13-14-17-18 and 21 in Krumbhaar Place in the South West quarter of Section 33 Town 12 North of Range 9 West of the 2d Principal Meridian.~~

TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grantor in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and
- (c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described

real estate.

SUBJECT TO Indiana general real property taxes prorated to the date of this deed, and all subsequent such taxes.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to public utilities.

This deed does not contain nor is it to be construed as containing any implied covenants or warranties of title with respect to any land located within a heretofore platted or dedicated street or alley which has not yet been vacated.

As a further consideration of the payment of the above sum, the undersigned persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Corporate Warranty Deed, that they are duly elected officers of Grantor and have been fully empowered, by either Grantor's By-Laws or by proper resolution of the Board of Directors of Grantor, to execute, acknowledge and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein and conveyed hereby; that the real estate conveyed by this indenture is conveyed in Grantor's usual and regular course of business of Grantor; that this conveyance follows the complete fulfillment by Grantee of that certain written installment sale contract between the parties hereto; and all necessary corporate action for the making of such conveyance has been taken and done.

The undersigned certify that no corporate gross income tax is due and owing with respect to this conveyance.

16th IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 16 day of May, 2003.

CAVU OPS., INC.

Joseph B. Card
BY Joseph B. Card, President

ATTEST:

Rebecca Lawson
Rebecca Lawson, Secretary

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Joseph B. Card and Rebecca Lawson, the President and Secretary, respectively, of CAVU OPS., INC., an Indiana corporation, who each acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 16th day of May, 2003.

Karen J. McCammon
Notary Public

Karen J. McCammon
Printed Name

County of Residence: Vigo

My Commission Expires:

8-12-07

This instrument prepared by William M. Olah, Attorney,
333 Ohio Street, P.O. Box 800, Terre Haute, IN 47808-0800.

Send Tax Bills To: P.O. Box 10159, Terre Haute, IN 47801.