



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 48

COMMON ADDRESS OF LOTS TO BE REZONED:

See attached map

Parcel Number: 84-07-31-401-006.000-009 (a portion of – new parcel to be assigned)

Current Zoning: C-3 Regional Commerce Zone

Requested Zoning: C-4 Restricted Central Business District Zone

Proposed Use: Office space and warehousing

Name of Owner: Fontanet Land Company LLC

Address of Owner: 3200 E. Haythorne Ave., Terre Haute, IN 47805

Phone Number of Owner: (812) 466-1233

Attorney Representing Owner (if any): Darrell E. Felling II

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 234-5463

For Information Contact: Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 47807

Introduced by Council Member: O. Earl Elliott

FILED

DEC 08 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 48, 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 ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

A portion of the land in the name of Fontanet Land Company LLC (Instrument No. 2018005976) known as New Margaret Avenue One Lot Subdivision (Instrument No. 2018005976) being a part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on December 1, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 23-091) as follows:

Beginning at an iron pin monumenting the Southeast corner of said Subdivision and the West right of way of Sycamore Terrace Court, thence North 89 degrees 53 minutes 06 seconds West (basis of bearings is Indiana State Plane Coordinate System West Zone, Grid North) along the South line of said Subdivision a distance of 388.49 feet; thence North 00 degrees 06 minutes 54 seconds East a distance of 9.35 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 72.77 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 187.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 372.71 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 81.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 46.08 feet; thence North 87 degrees 04 minutes 27 seconds East a distance of 15.80 feet; thence South 79 degrees 21 minutes 00 seconds East a distance of 28.33 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 242.94 feet to the West right of way of said Sycamore Terrace Court and the East side of said subdivision; thence along said right of way South 35 degrees 01 minute 39 seconds West a distance of 14.73 feet; thence South 07 degrees 55 minutes 21 seconds West a distance of 83.87 feet to the start of a non-tangent curve concave Easterly having a radius of 510.00 feet, a chord length of 179.87 feet and a chord bearing of South 26 degrees 15 minutes 01 second West; thence Southerly along said curve a distance of 180.81 feet to the **Point of Beginning** containing 4.01 acres, more or less.

Commonly known as: South Sycamore Terrace Court, Terre Haute, Vigo County Indiana 47803 (no additional identifying physical address)

Be and the same is hereby established as a C-4 Restricted Business District Zone 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.

Introduced by Council Member: O. Earl Elliott
O. Earl Elliott

Passed in Open Council this 4th day of January, 2023.

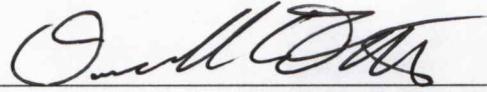
ATTEST: Michelle Edwards
Michelle Edwards, City Clerk
Tammy Boland
Tammy Boland, President

Presented by me to the Mayor of the City of Terre Haute this 5th day of January 2023, at 2 : 36 p.m
Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 5th day of January, 2023.
Brandon Sakbun
Brandon Sakbun, 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.

A handwritten signature in black ink, appearing to read "Darrell E. Felling II", written over a horizontal line.

Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 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 GENTLEMEN:

The undersigned, Fontanet Land Company LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of Fontanet Land Company LLC (Instrument No. 2018005976) known as New Margaret Avenue One Lot Subdivision (Instrument No. 2018005976) being a part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on December 1, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 23-091) as follows:

Beginning at an iron pin monumenting the Southeast corner of said Subdivision and the West right of way of Sycamore Terrace Court, thence North 89 degrees 53 minutes 06 seconds West (basis of bearings is Indiana State Plane Coordinate System West Zone, Grid North) along the South line of said Subdivision a distance of 388.49 feet; thence North 00 degrees 06 minutes 54 seconds East a distance of 9.35 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 72.77 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 187.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 372.71 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 81.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 46.08 feet; thence North 87 degrees 04 minutes 27 seconds East a distance of 15.80 feet; thence South 79 degrees 21 minutes 00 seconds East a distance of 28.33 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 242.94 feet to the West right of way of said Sycamore Terrace Court and the East side of said subdivision; thence along said right of way South 35 degrees 01 minute 39 seconds West a distance of 14.73 feet; thence South 07 degrees 55 minutes 21 seconds West a distance of 83.87 feet to the start of a non-tangent curve concave Easterly having a radius of 510.00 feet, a chord length of 179.87 feet and a chord bearing of South 26 degrees 15 minutes 01 second West; thence Southerly along said curve a distance of 180.81 feet to the **Point of Beginning** containing 4.01 acres, more or less.

Commonly known as: South Sycamore Terrace Court, Terre Haute, Vigo County Indiana
47803 (no additional identifying physical address)

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-3 Regional Commerce Zone.

Your petitioner would respectfully state that the real estate is now a vacant lot. Your petitioner intends to use the real estate to construct approximately 3,700 sq/ft of office space to serve an approximately 20,000 sq/ft warehouse.

Your petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District Zone. Your petitioner would allege that the Restricted Central Business District Zone would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted Central Business District Zone of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

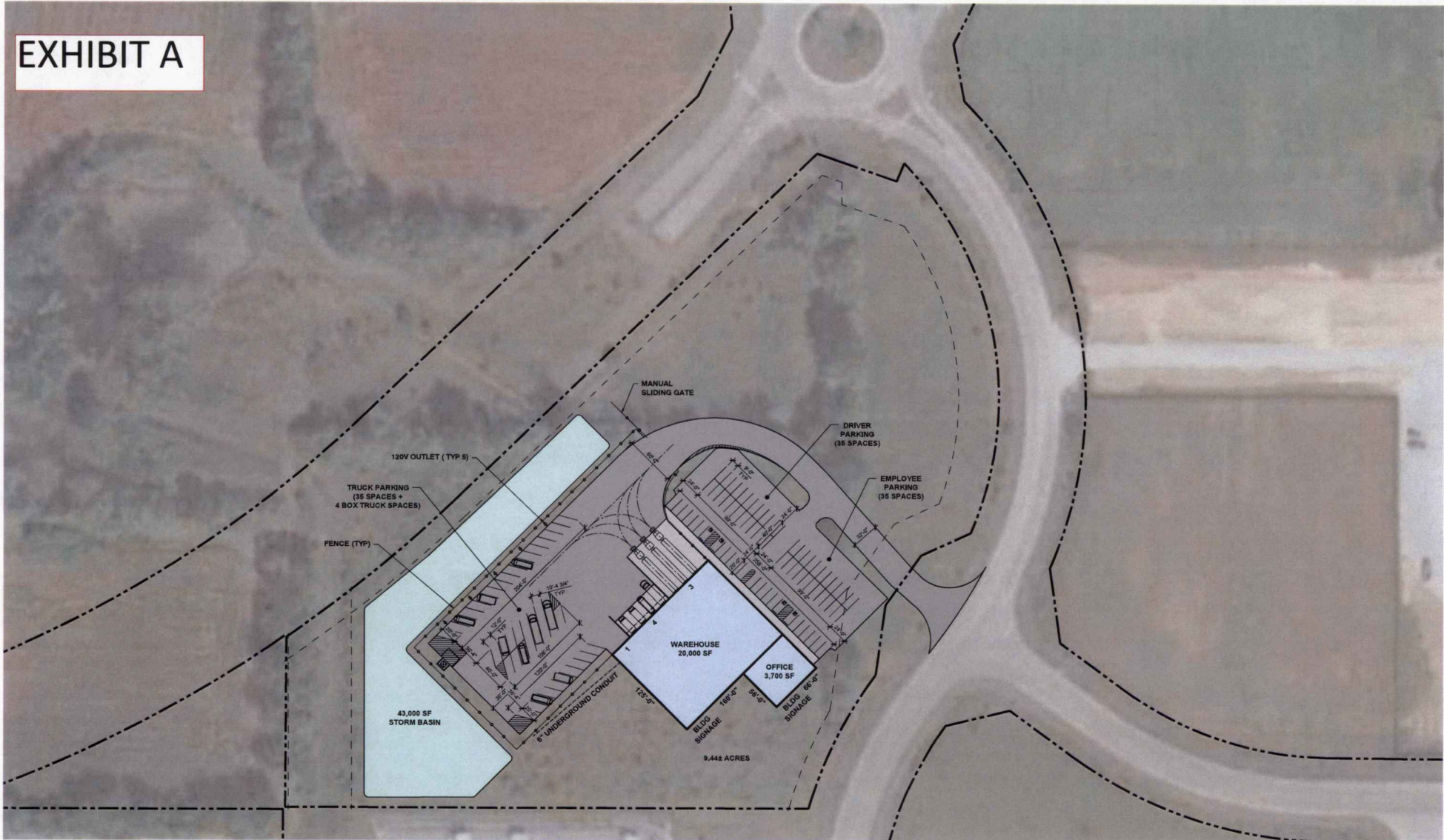
IN WITNES WHEREOF, this petition has been duly executed this 5 day of December, 2023.

BY: Gregory L. Gibson
Gregory L. Gibson,
Class A Member of Fontanet Land Company LLC

PETITIONER: Fontanet Land Company LLC, 3200 E. Haythorne Ave., Terre Haute, IN 47805.

This instrument was prepared by Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 47807.

EXHIBIT A



PROPOSED SITE PLAN
SCALE: 1" = 50'-0"



CINTAS UNIFORM SERVICES
NEW TERRE HAUTE FACILITY
OCTOBER 04, 2023
Three | Design Project No.: A23019



AFFIDAVIT OF OWNER

COMES NOW affiant Gregory L. Gibson, on behalf of Fontanet Land Company LLC as a Class A Member, and affirms under penalty of law that affiant is the owner of record of the property located at S. Sycamore Terrace Ct., Terre Haute, IN 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

Gregory L. Gibson

Gregory L. Gibson,
Class A Member of Fontanet Land Company LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Gregory Gibson who acknowledges the execution of the above and foregoing, after being duly sworn upon his/her oath and after having read this Affidavit.

WITNESS my hand and seal this 5 day of December, 2023.



Notary Public:

Stacy Morgan

My Commission Expires 04-10-2027

My County Of Residence: Vermillion

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

CCT 12 2016

Timothy M. Seppala
VIGO COUNTY AUDITOR

2016010387 SWD \$26.00
10/12/2016 03:47:22P 6 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Terre Haute Realty, LLC, an Indiana Limited Liability Company (hereinafter referred to as "GRANTOR"), for and in consideration of the payment to Grantor of Ten Dollars (\$10.00) and other good and value consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONEYS, BARGAINS AND SELLS unto Fontanet Land Company, LLC, an Indiana Limited Liability Company (hereinafter called "GRANTEE"), the following described Real Estate in Vigo County, Indiana, to-wit:

Tract IV

All that part of the following described real estate North of Bill Farr Drive and East of Sycamore Terrace Drive:

Commencing at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 North, Range 8 West; thence East 40 rods; thence South 91 rods 10 links; thence West 40 rods; thence North to the Place of Beginning containing 22 84/100 acres, more or less, all in Vigo County, Indiana.

EXCEPT rights under easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62, Page 53.

SUBJECT to a certain Underground Gas Storage Easement granted in favor of Terre Haute Gas Corporation, dated October 5, 1961, and recorded in Deed Record 326, Page 218.

More particularly and alternately described as follows:

A part of the land in the name of Terre Haute Realty, LLC (Instrument No. 2014014635) also being a part of the Northwest Quarter of the Southeast Quarter of Section 31, Township 12 North, Range 8 West of the 2nd Principal Meridian, Lost Creek Township, Vigo County, Indiana described as follows: Commencing at an iron pin found and held as monumenting the Center Quarter Corner of said section; thence South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter a distance of 321.63 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015" being on the Northwesterly right of way of New Margaret Avenue as described in Instrument No. 2010006547; thence

continue South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter of said section, crossing New Margaret Avenue a distance of 190.17 feet to a point on the Southeasterly right of way being the Point of Beginning of this description; thence continue South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter of said section a distance of 152.15 feet to another capped rebar monumenting the Northeast Corner of said Terre Haute Realty, LLC Land; thence South 00 degrees 20 minutes 42 seconds West along the East line of said Terre Haute Realty, LLC Land a distance of 1260.78 feet to the North line of Bill Farr Drive as described in Instrument No. 2010006547; thence North 89 degrees 27 minutes 28 seconds West along said North line a distance of 81.53 feet to a tangent curve concave Northerly having a radius of 410.00 feet, a chord length of 252.48 feet and a chord bearing of North 71 degrees 31 minutes 30 seconds West; thence Northwesterly along the Northerly curved right of way of said Bill Farr Drive a distance of 256.65 feet to a tangent; thence North 53 degrees 35 minutes 33 seconds West along the Northeasterly right of way of said Bill Farr Drive a distance of 93.84 feet to a transition from Bill Farr Drive to the Easterly right of way of said New Margaret Avenue; thence North 07 degrees 51 minutes 54 seconds West along said Easterly right of way a distance of 90.34 feet to the beginning of a non-tangent curve concave Westerly having a radius of 510.00 feet, a chord length of 566.76 feet and a chord bearing of North 10 degrees 20 minutes 34 seconds West; thence Northerly along said curved right of way a distance of 600.92 feet; thence North 10 degrees 46 minutes 01 second West along the Westerly right of way of said New Margaret Avenue a distance of 69.42 feet; thence North 26 degrees 14 minutes 54 seconds East along said right of way a distance of 148.66 feet; thence North 45 degrees 54 minutes 08 seconds East along said right of way a distance of 226.18 feet to a tangent curve concave Southeasterly having a radius of 950.00 feet, a chord length of 192.10 feet and a chord bearing of North 51 degrees 42 minutes 18 seconds East; thence Northeasterly along said curved right of way a distance of 192.43 feet to the Point of Beginning containing 11.26 acres, more or less.

ALSO, all that part of the following described real estate North of New Margaret Avenue:

Commencing at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 North, Range 8 West; thence East 40 rods; thence South 91 rods 10 links; thence West 40 rods; thence North to the Place of Beginning containing 22 84/100 acres, more or less, all in Vigo County, Indiana.

EXCEPT rights under easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62, Page 53.

SUBJECT to a certain Underground Gas Storage Easement granted in favor of Terre Haute Gas Corporation, dated October 5, 1961, and recorded in Deed Record 326, Page 218.

All records of the Recorder's Office of Vigo County, Indiana.

More particularly and alternately described as follows:

A part of the land in the name of Terre Haute Realty, LLC (Instrument No. 2014014635) also being a part of the Northwest Quarter of the Southeast Quarter of Section 31, Township 12 North, Range 8 West of the 2nd Principal Meridian, Lost Creek Township, Vigo County, Indiana described as follows: Beginning at an iron pin found and held as monumenting the Center Quarter Corner of said section; thence South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter a distance of 321.63 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES INLS 29900015" being on the Northwesterly right of way of New Margaret Avenue as described in Instrument No. 2010006547 also being the beginning of a non-tangent curve concave Southeast having a radius of 1065.00 feet, a chord length of 55.51 feet and a chord bearing of South 47 degrees 23 minutes 14 seconds West; thence along said curved right of way a distance of 55.21 feet to a tangent; thence South 45 degrees 54 minutes 08 seconds West along the Northwesterly right of way a distance of 336.18 feet; thence North 77 degrees 04 minutes 54 seconds West along the Northerly right of way a distance of 42.22 feet to the West line of the Southeast Quarter of said section; thence North 00 degrees 20 minutes 42 seconds East along said West line a distance of 263 .44 feet to the Point of Beginning containing 1.13 acres, more or less.

Grantor, Terre Haute Realty, LLC, by its Vice President and Secretary, states under oath that there is no gross income tax due and owing in this conveyance.

Grantor covenants with the Grantee and its assigns that the above-described real estate is not subject to any encumbrances or conveyances made by Grantor or Grantor's immediate predecessor, Hulman & Company (except as noted above) and the Grantor will warrant and defend the same to the said Grantee and its assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor or Grantor's immediate predecessor, Hulman & Company (except as noted above), but against none other.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Terre Haute Realty, LLC represents and certifies, for the purpose of inducing Grantee to accept this Special Warranty Deed, that she is the duly appointed Vice President of Grantor Terre Haute Realty, LLC and has been fully empowered by the Members of Terre Haute Realty, LLC to execute and deliver this deed; that Terre Haute Realty, LLC has full capacity to convey the real estate owned by it and that all necessary action for the making of such conveyance has been taken.

Notwithstanding anything in this Special Warranty Deed to the contrary, Grantor expressly conveys with the Real Estate contemplated hereunder the mineral interests, including the Oil and Gas Interests on the following terms:

- a. Grantee shall have sole control over the surface of the Real Estate and any decision as to whether or not to allow access to the surface of the Real Estate for the extraction, removal or production of Oil and Gas shall be at the discretion of Grantee, provided Grantee shall not unreasonably withhold consent for access to the surface for non-invasive testing for the presence of Oil and Gas.
- b. Subject to item a. above, decisions to negotiate terms, execute, modify, terminate, extend, renew or grant or withhold consents relating to an existing or future Oil and Gas Lease or otherwise impact the Oil and Gas Interest during the Reservation Period shall be mutually determined by Grantee and Grantor, provided that the parties shall negotiate in good faith with the intention to maximize Revenues during the Reservation Period. In addition, neither party shall be entitled to withhold its assent to and execution of an Oil and Gas Lease that is on terms materially similar to the terms of any Oil and Gas Lease in existence at the Closing.
- c. Grantee shall have the sole obligation to pay real property taxes and assessments with respect to the Real Estate (including, without limitation, with respect to all Oil and Gas),

provided, however, that Grantor and Grantee shall share equally in any taxes assessed against the Oil and Gas in a separate parcel created due to the existence of a Mineral Lease to the extent the lessee thereunder does not do so.

d. In connection with its conveyance of the Oil and Gas Interests to Grantee, Grantor shall be entitled to fifty percent (50%) of all Revenues accruing or generated during the Reservation Period, which shall be remitted to Grantor by Grantee upon receipt.

e. The term "Revenues" means any rent, royalty, bonus, payment or other consideration.

f. The term "Oil and Gas Interests" means the interest of a party in and to (i) all Oil and Gas and (ii) all Revenues related to the exploration, production or removal of Oil and Gas at, from or under the Real Estate.

g. The term "Oil and Gas Lease" means a lease or other agreement whereby the owner of the Oil and Gas Interests is entitled to receive Revenues in connection with the Oil and Gas or Oil and Gas Interests.

h. The term "Reservation Period" means the period from the date hereof to the later of:

(i) the twentieth (20th) anniversary of the date hereof; or

(ii) ten (10) years after Revenues have been generated from the Oil and Gas Interests on such tract where Oil and Gas Revenues have been generated upon such tract between the date hereof and the twentieth (20th) anniversary of the date hereof.

IN WITNESS WHEREOF, the said Grantor, Terre Haute Realty, LLC has caused this Special Warranty Deed to be executed on the 11 day of October, 2016.

TERRE HAUTE REALTY, LLC

By: Gretchen E. Snelling
Gretchen E. Snelling, Vice President & Secretary

(Notary to Follow)

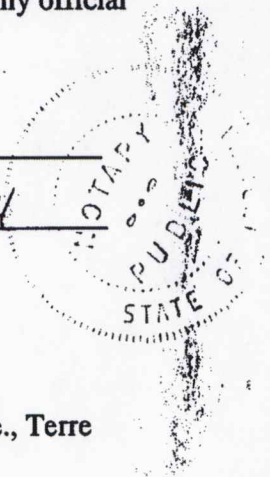
STATE OF INDIANA)
)
COUNTY OF MARION) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 11th day of October, 2016, personally appeared the within named, Gretchen E. Snelling, as Vice President and Secretary of Terre Haute Realty, LLC, an Indiana Limited Liability Company, Grantor in the above conveyance, and acknowledged the execution of the same to be her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Diane M. Farah
Notary Public
Printed: DIANE M. FARAH



My Commission Expires:
Oct 5, 2023

My County of Residence:
MARION

Mail to: Fontanet Land Company, LLC, c/o Gregory Gibson, 3200 E. Haythorne Ave., Terre Haute, IN 47805

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

[Signature]
Richard J. Shagley

This Instrument Prepared By: Richard J. Shagley, Wright Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388.



Receipt of Payment

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

Date 12/8/23

Name Fontanet Land Company LLC

Reason Rezoning - \$45.00

3200 E Haythorne
Terre Haute, IN 4795

Cash _____

Check 45.00 Ck # 6579

Credit _____

Total 45.00

Received By Er/L. Ellis

TERRE HAUTE, IN
PAID

DEC 08 2023

CONTROLLER

TERRE HAUTE CITY COURT

[REDACTED] CITY CLERK
17 HARDING AVENUE, ROOM 102 CITY HALL
TERRE HAUTE, IN 47807

Michelle L. EDWARDS

No 152

DEFENDANT NAME:

Lind Law Firm

CASE NUMBER:

84H01-

Rezoning SO 48, 2023

DATE:

12/8/2023

INFRACTION

RESTITUTION

ORDINANCE

MISDEMEANOR

INFRACTION DEFERRAL

MISDEMEANOR DIVERSION

MISDEMEANOR PARTIAL PAY

AMOUNT DUE:

\$ 25.00

AMOUNT RECEIVED:

\$ 25.00

CHANGE:

\$ 0

RECEIVED BY:

Jess

PAYMENT METHOD:

CASH

MONEY ORDER # _____

CHECK # 6573



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: January 4, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 48-24

CERTIFICATION DATE: January 3, 2024

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. 48-24. This Ordinance is a rezoning of property located on the NW side of S. Sycamore Terrance Street, Terre Haute, IN. Parcel number 84-07-31-401-006.000-009. The Petitioner, Fontanet Land Company, LLC, petitions the Plan Commission to rezone said office space and warehouse from zoning classification C-3 to C-4, Restricted Central Business District.

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

The Area Plan Commission considered Special Ordinance No. 48-24 at a public meeting and hearing held Wednesday, January 3, 2024. 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. 48-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 48-24 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. 48-24 was FAVORABLE with the following conditions: 1) approval of subdivision 2) approval of site plan with stormwater drainage by the Department of Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 4th day of January, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #48-24

Doc: #5

Date: January 2024

Page 1 of 4

APPLICATION INFORMATION

Property Owners: Fontanet Land Company LLC

Proposed Use: Office space and warehousing

Proposed Zoning: C-4, Restricted Central Business District

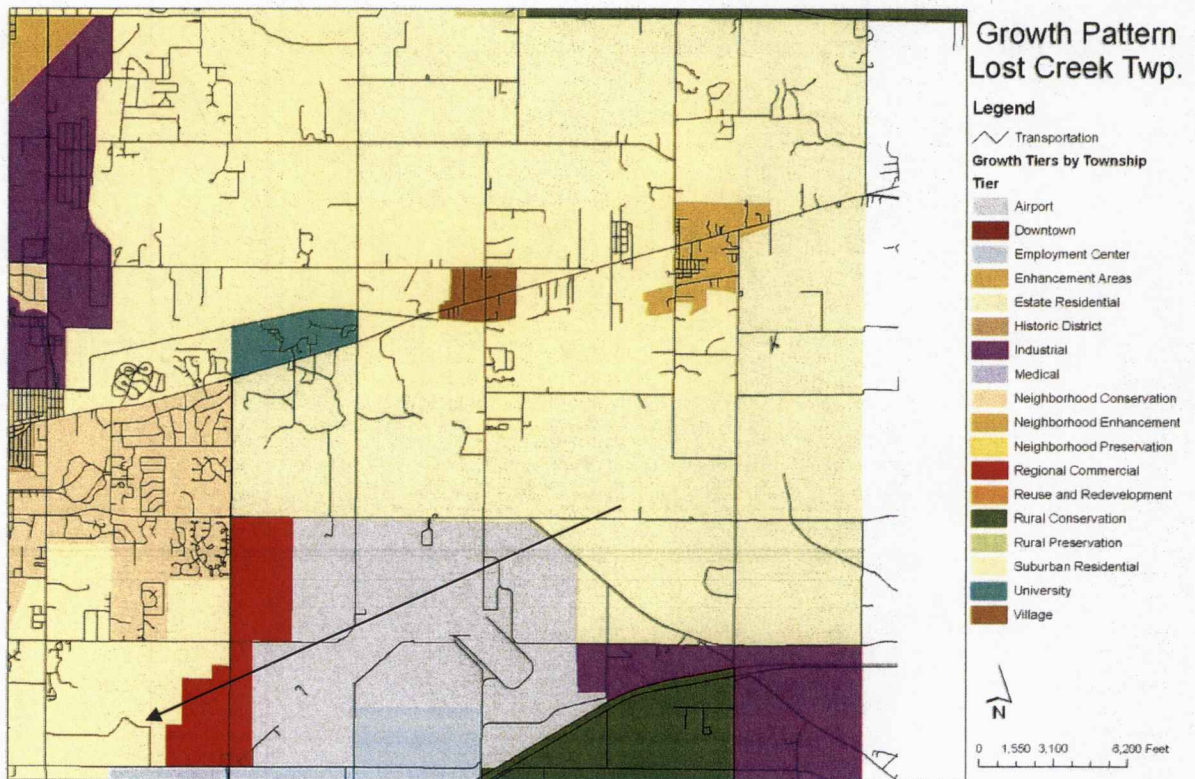
Current Zoning: C-3 Regional Commerce District

Location: The property is located on the NW side of S. Sycamore
Terrance Street before the round about

Common Address: No address assigned: 84-07-31-401-006.000-009/New Margaret
Avenue one lot Sub Lot 1 9.44 acres

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute Lost Creek



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #48-24

Doc: #5

Date: January 2024

Page 2 of 4

ZONING COMPATIBILITY

Suburban Residential

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

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

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

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

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

Policies for Suburban Residential areas should include:

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #48-24

Doc: #5

Date: January 2024

Page 3 of 4

Available Services: Area should be well served by utilities.

Character of Area: Low intensity residential

Street Access: S. Sycamore Terrance Street

Sur. Zones and Uses:

North – R-1

West – R-1, C-3

South – M-1

East – C-3

ZONING REGULATIONS

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

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

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to a C-4, Restricted Central Business District, for an office space/warehouse. This rezoning accompanies the Warehouse Jack 2 Lot Subdivision (File #1-24). The property is current a vacant commercial lot.

The Department of Engineering has stated that the proposed use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area (see recommendation attached).

A review from the airport stated that, because of the proposed development's proximity to the airport, it will be necessary to complete and submit an FAA form 7460-1.

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

1. Approval of subdivision
2. Approval of site plan with stormwater drainage by the Department of Engineering



CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT

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

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Josey Daugherty
Assistant City Engineer

DATE: December 18, 2023

RE: **Special Ordinance No. 48-2023**

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

- Rezoning of Parcel No 84-07-31-401-006.000-009 from C-3 Regional Commerce Zone to C-4 Restricted Central Business District Zone.

The property is currently a vacant commercial lot. The parcels surrounding this property are zoned R-1 and C-3 to the north and west, C-3 to the east, and M-1 to the south. The intended use of the property as an office space and a warehouse would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

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

TERRE HAUTE

REGIONAL AIRPORT

December 12, 2023

Area Planning Department
127 Oak Street
Terre Haute, Indiana 47807

We have reviewed the Application Warehouse Jack, Docket # 1, File # 1-24

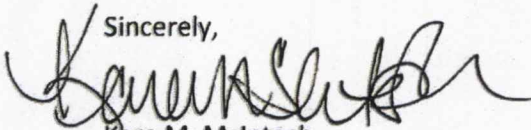
Please recognize that due to the lack of specific engineering data for the project at this time, our comments are preliminary in nature and are subject to change.

Obstruction/Hazard Zoning Issues

Based upon the information provided, it does not appear that the proposed development will penetrate the applicable FAR Part 77 surfaces for the Runway 5 Precision Approach serving Terre Haute Regional Airport. However, because the proposed development's proximity to the airport, **it will be necessary to complete and submit an FAA Form 7460-1**. The FAA will use the Form and any relevant attachments to conduct an Aeronautical Study of the proposed development to determine the effects on aviation safety.

If you should have any further questions, or need assistance, we would be happy to help.

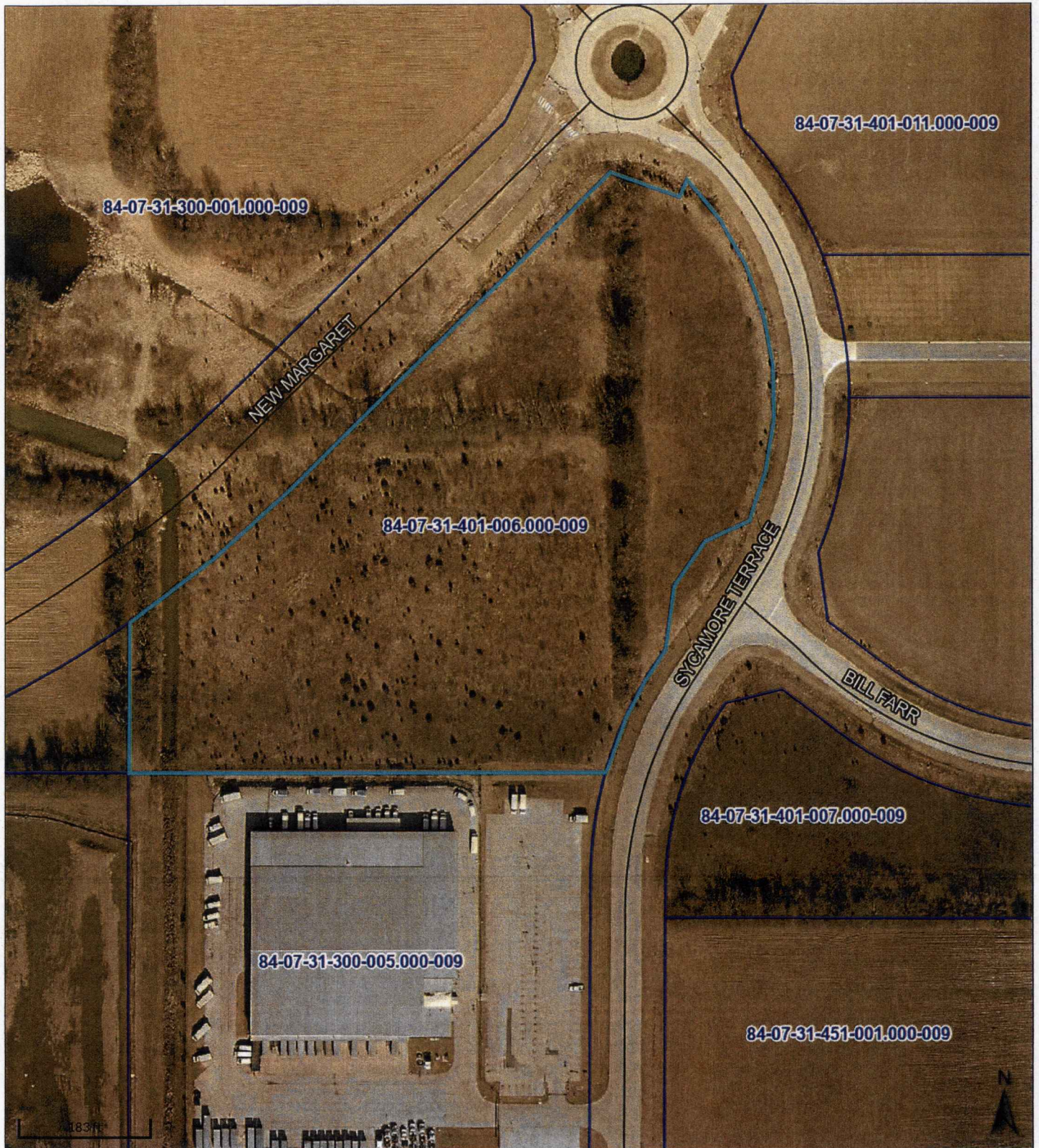
Sincerely,



Kara M. McIntosh
Director of Operations

Docket #5 SO #48-24

84-07-31-401-006.000-009





APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 48

COMMON ADDRESS OF LOTS TO BE REZONED:

See attached map

Parcel Number: 84-07-31-401-006.000-009 (a portion of – new parcel to be assigned)

Current Zoning: C-3 Regional Commerce Zone

Requested Zoning: C-4 Restricted Central Business District Zone

Proposed Use: Office space and warehousing

Name of Owner: Fontanet Land Company LLC

Address of Owner: 3200 E. Haythorne Ave., Terre Haute, IN 47805

Phone Number of Owner: (812) 466-1233

Attorney Representing Owner (if any): Darrell E. Felling II

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 234-5463

For Information Contact: Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 47807

Introduced by Council Member: O. Earl Elliott

FILED

DEC 08 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 48, 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 ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

A portion of the land in the name of Fontanet Land Company LLC (Instrument No. 2018005976) known as New Margaret Avenue One Lot Subdivision (Instrument No. 2018005976) being a part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on December 1, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 23-091) as follows:

Beginning at an iron pin monumenting the Southeast corner of said Subdivision and the West right of way of Sycamore Terrace Court, thence North 89 degrees 53 minutes 06 seconds West (basis of bearings is Indiana State Plane Coordinate System West Zone, Grid North) along the South line of said Subdivision a distance of 388.49 feet; thence North 00 degrees 06 minutes 54 seconds East a distance of 9.35 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 72.77 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 187.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 372.71 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 81.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 46.08 feet; thence North 87 degrees 04 minutes 27 seconds East a distance of 15.80 feet; thence South 79 degrees 21 minutes 00 seconds East a distance of 28.33 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 242.94 feet to the West right of way of said Sycamore Terrace Court and the East side of said subdivision; thence along said right of way South 35 degrees 01 minute 39 seconds West a distance of 14.73 feet; thence South 07 degrees 55 minutes 21 seconds West a distance of 83.87 feet to the start of a non-tangent curve concave Easterly having a radius of 510.00 feet, a chord length of 179.87 feet and a chord bearing of South 26 degrees 15 minutes 01 second West; thence Southerly along said curve a distance of 180.81 feet to the **Point of Beginning** containing 4.01 acres, more or less.

Commonly known as: South Sycamore Terrace Court, Terre Haute, Vigo County Indiana
47803 (no additional identifying physical address)

Be and the same is hereby established as a C-4 Restricted Business District Zone 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.

Introduced by Council Member: O. Earl Elliott
O. Earl Elliott

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, at _____: _____ .m

Michelle Edwards, City Clerk

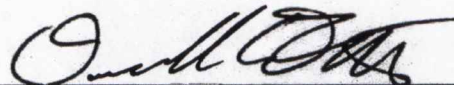
Approved by me, the Mayor, this _____ day of _____, 2023.

Brandon Sakbun, 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.

A handwritten signature in black ink, appearing to read "Darrell E. Felling II", written over a horizontal line.

Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 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 GENTLEMEN:

The undersigned, Fontanet Land Company LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of Fontanet Land Company LLC (Instrument No. 2018005976) known as New Margaret Avenue One Lot Subdivision (Instrument No. 2018005976) being a part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on December 1, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 23-091) as follows:

Beginning at an iron pin monumenting the Southeast corner of said Subdivision and the West right of way of Sycamore Terrace Court, thence North 89 degrees 53 minutes 06 seconds West (basis of bearings is Indiana State Plane Coordinate System West Zone, Grid North) along the South line of said Subdivision a distance of 388.49 feet; thence North 00 degrees 06 minutes 54 seconds East a distance of 9.35 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 72.77 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 187.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 372.71 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 81.30 feet; thence North 45 degrees 00 minutes 00 seconds East a distance of 46.08 feet; thence North 87 degrees 04 minutes 27 seconds East a distance of 15.80 feet; thence South 79 degrees 21 minutes 00 seconds East a distance of 28.33 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 242.94 feet to the West right of way of said Sycamore Terrace Court and the East side of said subdivision; thence along said right of way South 35 degrees 01 minute 39 seconds West a distance of 14.73 feet; thence South 07 degrees 55 minutes 21 seconds West a distance of 83.87 feet to the start of a non-tangent curve concave Easterly having a radius of 510.00 feet, a chord length of 179.87 feet and a chord bearing of South 26 degrees 15 minutes 01 second West; thence Southerly along said curve a distance of 180.81 feet to the **Point of Beginning** containing 4.01 acres, more or less.

Commonly known as: South Sycamore Terrace Court, Terre Haute, Vigo County Indiana
47803 (no additional identifying physical address)

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-3 Regional Commerce Zone.

Your petitioner would respectfully state that the real estate is now a vacant lot. Your petitioner intends to use the real estate to construct approximately 3,700 sq/ft of office space to serve an approximately 20,000 sq/ft warehouse.

Your petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District Zone. Your petitioner would allege that the Restricted Central Business District Zone would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted Central Business District Zone of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, this petition has been duly executed this 5 day of December, 2023.

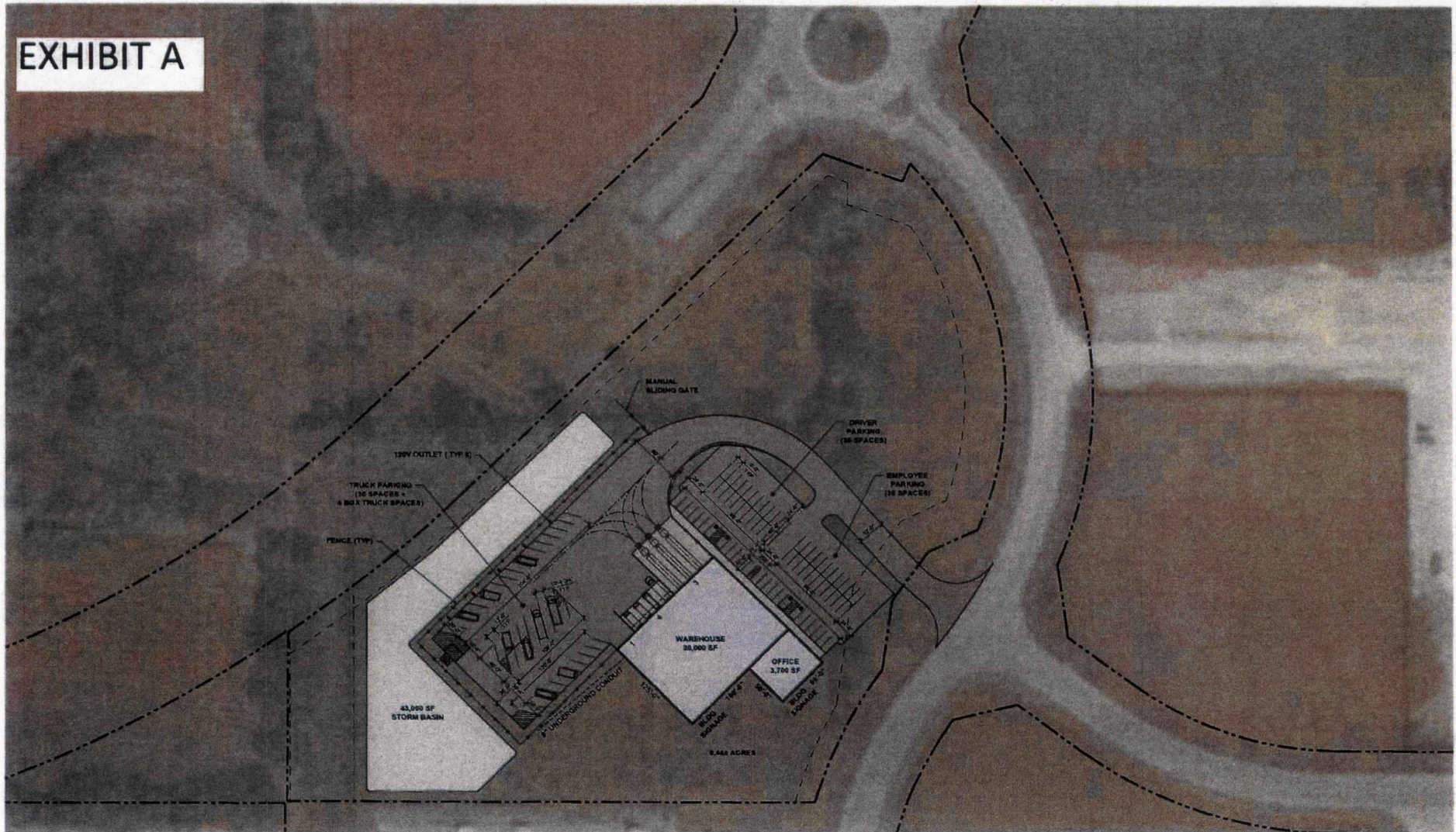
BY: Greg L. Gibson
Gregory L. Gibson,

Class A Member of Fontanet Land Company LLC

PETITIONER: Fontanet Land Company LLC, 3200 E. Haythorne Ave., Terre Haute, IN 47805.

This instrument was prepared by Darrell E. Felling II, 400 Ohio Street, Terre Haute, IN 47807.

EXHIBIT A



THREE I DESIGN
ENGINEERING & ARCHITECTURE
1000 PLEASANT HILL DRIVE, TERRE HAUTE, IN 47788



GIBSON
DEVELOPMENT

PROPOSED SITE PLAN
SCALE 1" = 300'

CINTAS UNIFORM SERVICES
NEW TERRE HAUTE FACILITY
OCTOBER 04, 2023
Three I Design Project No.: A23015

CINTAS.
READY FOR THE WORKDAY™

AFFIDAVIT OF OWNER

COMES NOW affiant Gregory L. Gibson, on behalf of Fontanet Land Company LLC as a Class A Member, and affirms under penalty of law that affiant is the owner of record of the property located at S. Sycamore Terrace Ct., Terre Haute, IN 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

Gregory L. Gibson

Gregory L. Gibson,
Class A Member of Fontanet Land Company LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Gregory Gibson who acknowledges the execution of the above and foregoing, after being duly sworn upon his/her oath and after having read this Affidavit.

WITNESS my hand and seal, this 5 day of December, 2023.



Notary Public:

Stacy Morgan

My Commission Expires

My County Of Residence: Vermillion

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

OCT 12 2016

Timothy M. Sigurdson
VIGO COUNTY AUDITOR

2016010387 SMD \$26.00
10/12/2016 03:47:22P 6 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Terre Haute Realty, LLC, an Indiana Limited Liability Company (hereinafter referred to as "GRANTOR"), for and in consideration of the payment to Grantor of Ten Dollars (\$10.00) and other good and value consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONEYS, BARGAINS AND SELLS unto Fontanet Land Company, LLC, an Indiana Limited Liability Company (hereinafter called "GRANTEE"), the following described Real Estate in Vigo County, Indiana, to-wit:

Tract IV

All that part of the following described real estate North of Bill Farr Drive and East of Sycamore Terrace Drive:

Commencing at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 North, Range 8 West; thence East 40 rods; thence South 91 rods 10 links; thence West 40 rods; thence North to the Place of Beginning containing 22 84/100 acres, more or less, all in Vigo County, Indiana.

EXCEPT rights under easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62, Page 53.

SUBJECT to a certain Underground Gas Storage Easement granted in favor of Terre Haute Gas Corporation, dated October 5, 1961, and recorded in Deed Record 326, Page 218.

More particularly and alternately described as follows:

A part of the land in the name of Terre Haute Realty, LLC (Instrument No. 2014014635) also being a part of the Northwest Quarter of the Southeast Quarter of Section 31, Township 12 North, Range 8 West of the 2nd Principal Meridian, Lost Creek Township, Vigo County, Indiana described as follows: Commencing at an iron pin found and held as monumenting the Center Quarter Corner of said section; thence South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter a distance of 321.63 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015" being on the Northwesterly right of way of New Margaret Avenue as described in Instrument No. 2010006547; thence

continue South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter of said section, crossing New Margaret Avenue a distance of 190.17 feet to a point on the Southeasterly right of way being the Point of Beginning of this description; thence continue South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter of said section a distance of 152.15 feet to another capped rebar monumenting the Northeast Corner of said Terre Haute Realty, LLC Land; thence South 00 degrees 20 minutes 42 seconds West along the East line of said Terre Haute Realty, LLC Land a distance of 1260.78 feet to the North line of Bill Farr Drive as described in Instrument No. 2010006547; thence North 89 degrees 27 minutes 28 seconds West along said North line a distance of 81.53 feet to a tangent curve concave Northerly having a radius of 410.00 feet, a chord length of 252.48 feet and a chord bearing of North 71 degrees 31 minutes 30 seconds West; thence Northwesterly along the Northerly curved right of way of said Bill Farr Drive a distance of 256.65 feet to a tangent; thence North 53 degrees 35 minutes 33 seconds West along the Northeasterly right of way of said Bill Farr Drive a distance of 93.84 feet to a transition from Bill Farr Drive to the Easterly right of way of said New Margaret Avenue; thence North 07 degrees 51 minutes 54 seconds West along said Easterly right of way a distance of 90.34 feet to the beginning of a non-tangent curve concave Westerly having a radius of 510.00 feet, a chord length of 566.76 feet and a chord bearing of North 10 degrees 20 minutes 34 seconds West; thence Northerly along said curved right of way a distance of 600.92 feet; thence North 10 degrees 46 minutes 01 second West along the Westerly right of way of said New Margaret Avenue a distance of 69.42 feet; thence North 26 degrees 14 minutes 54 seconds East along said right of way a distance of 148.66 feet; thence North 45 degrees 54 minutes 08 seconds East along said right of way a distance of 226.18 feet to a tangent curve concave Southeasterly having a radius of 950.00 feet, a chord length of 192.10 feet and a chord bearing of North 51 degrees 42 minutes 18 seconds East; thence Northeasterly along said curved right of way a distance of 192.43 feet to the Point of Beginning containing 11.26 acres, more or less.

ALSO, all that part of the following described real estate North of New Margaret Avenue:

Commencing at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 North, Range 8 West; thence East 40 rods; thence South 91 rods 10 links; thence West 40 rods; thence North to the Place of Beginning containing 22 84/100 acres, more or less, all in Vigo County, Indiana.

EXCEPT rights under easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62, Page 53.

SUBJECT to a certain Underground Gas Storage Easement granted in favor of Terre Haute Gas Corporation, dated October 5, 1961, and recorded in Deed Record 326, Page 218.

All records of the Recorder's Office of Vigo County, Indiana.

More particularly and alternately described as follows:

A part of the land in the name of Terre Haute Realty, LLC (Instrument No. 2014014635) also being a part of the Northwest Quarter of the Southeast Quarter of Section 31, Township 12 North, Range 8 West of the 2nd Principal Meridian, Lost Creek Township, Vigo County, Indiana described as follows: Beginning at an iron pin found and held as monumenting the Center Quarter Corner of said section; thence South 89 degrees 43 minutes 27 seconds East along the North line of the Southeast Quarter a distance of 321.63 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES INLS 29900015" being on the Northwesterly right of way of New Margaret Avenue as described in Instrument No. 2010006547 also being the beginning of a non-tangent curve concave Southeast having a radius of 1065.00 feet, a chord length of 55.51 feet and a chord bearing of South 47 degrees 23 minutes 14 seconds West; thence along said curved right of way a distance of 55.21 feet to a tangent; thence South 45 degrees 54 minutes 08 seconds West along the Northwesterly right of way a distance of 336.18 feet; thence North 77 degrees 04 minutes 54 seconds West along the Northerly right of way a distance of 42.22 feet to the West line of the Southeast Quarter of said section; thence North 00 degrees 20 minutes 42 seconds East along said West line a distance of 263 .44 feet to the Point of Beginning containing 1.13 acres, more or less.

Grantor, Terre Haute Realty, LLC, by its Vice President and Secretary, states under oath that there is no gross income tax due and owing in this conveyance.

Grantor covenants with the Grantee and its assigns that the above-described real estate is not subject to any encumbrances or conveyances made by Grantor or Grantor's immediate predecessor, Hulman & Company (except as noted above) and the Grantor will warrant and defend the same to the said Grantee and its assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor or Grantor's immediate predecessor, Hulman & Company (except as noted above), but against none other.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Terre Haute Realty, LLC represents and certifies, for the purpose of inducing Grantee to accept this Special Warranty Deed, that she is the duly appointed Vice President of Grantor Terre Haute Realty, LLC and has been fully empowered by the Members of Terre Haute Realty, LLC to execute and deliver this deed; that Terre Haute Realty, LLC has full capacity to convey the real estate owned by it and that all necessary action for the making of such conveyance has been taken.

Notwithstanding anything in this Special Warranty Deed to the contrary, Grantor expressly conveys with the Real Estate contemplated hereunder the mineral interests, including the Oil and Gas Interests on the following terms:

- a. Grantee shall have sole control over the surface of the Real Estate and any decision as to whether or not to allow access to the surface of the Real Estate for the extraction, removal or production of Oil and Gas shall be at the discretion of Grantee, provided Grantee shall not unreasonably withhold consent for access to the surface for non-invasive testing for the presence of Oil and Gas.
- b. Subject to item a. above, decisions to negotiate terms, execute, modify, terminate, extend, renew or grant or withhold consents relating to an existing or future Oil and Gas Lease or otherwise impact the Oil and Gas Interest during the Reservation Period shall be mutually determined by Grantee and Grantor, provided that the parties shall negotiate in good faith with the intention to maximize Revenues during the Reservation Period. In addition, neither party shall be entitled to withhold its assent to and execution of an Oil and Gas Lease that is on terms materially similar to the terms of any Oil and Gas Lease in existence at the Closing.
- c. Grantee shall have the sole obligation to pay real property taxes and assessments with respect to the Real Estate (including, without limitation, with respect to all Oil and Gas),

provided, however, that Grantor and Grantee shall share equally in any taxes assessed against the Oil and Gas in a separate parcel created due to the existence of a Mineral Lease to the extent the lessee thereunder does not do so.

d. In connection with its conveyance of the Oil and Gas Interests to Grantee, Grantor shall be entitled to fifty percent (50%) of all Revenues accruing or generated during the Reservation Period, which shall be remitted to Grantor by Grantee upon receipt.

e. The term "Revenues" means any rent, royalty, bonus, payment or other consideration.

f. The term "Oil and Gas Interests" means the interest of a party in and to (i) all Oil and Gas and (ii) all Revenues related to the exploration, production or removal of Oil and Gas at, from or under the Real Estate.

g. The term "Oil and Gas Lease" means a lease or other agreement whereby the owner of the Oil and Gas Interests is entitled to receive Revenues in connection with the Oil and Gas or Oil and Gas Interests.

h. The term "Reservation Period" means the period from the date hereof to the later of:

(i) the twentieth (20th) anniversary of the date hereof; or

(ii) ten (10) years after Revenues have been generated from the Oil and Gas Interests on such tract where Oil and Gas Revenues have been generated upon such tract between the date hereof and the twentieth (20th) anniversary of the date hereof.

IN WITNESS WHEREOF, the said Grantor, Terre Haute Realty, LLC has caused this Special Warranty Deed to be executed on the 11 day of October, 2016.

TERRE HAUTE REALTY, LLC

By: Gretchen E. Snelling
Gretchen E. Snelling, Vice President & Secretary

(Notary to Follow)

STATE OF INDIANA)
COUNTY OF MARION) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 11th day of October, 2016, personally appeared the within named, Gretchen E. Snelling, as Vice President and Secretary of Terre Haute Realty, LLC, an Indiana Limited Liability Company, Grantor in the above conveyance, and acknowledged the execution of the same to be her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Diane M. Farah

Notary Public

Printed: DIANE M. FARAH



My Commission Expires: Oct 5, 2023

My County of Residence: MARION

Mail to: Fontanet Land Company, LLC, c/o Gregory Gibson, 3200 E. Haythorne Ave., Terre Haute, IN 47805

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

[Signature]
Richard J. Shagley

This Instrument Prepared By: Richard J. Shagley, Wright Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388.



Receipt of Payment

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

Date 12/8/23

Name Fontanet Land Company LLC

Reason Rezoning - \$45.00

3200 E Haythorne
Terre Haute, IN 4785

Cash _____

Check 45.00 Ck # 6579

Credit _____

Total 45.00

Received By ER / L. Ellis

TERRE HAUTE, IN
PAID
DEC 08 2023
CONTROLLER