

SPECIAL ORDINANCE NO. 6, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:
1001 S. 6th Street, Terre Haute, IN 47807
Parcel # 84-06-28-279-002.000-002
=====

Rezoned From: C-1 Planned Development

Rezoned To: R-3 Multifamily Residential District

Proposed Use: Condominiums

Name of Owners: Refuge FL, LLC

Address of Owners: 1400 Wabash Avenue
Terre Haute, IN 47807

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Todd Nation

=====
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

FEB 05 2024

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 6, 2024**

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:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

Also known as:

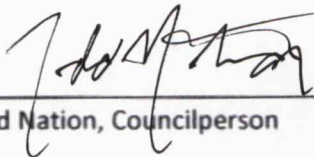
Lot one Anthony Squire Subdivision, a part of outlot no. sixty four (64) of the original outlots of the town now City of Terre Haute, Indiana, as shown in plat dated August 1, 1996 and recorded August 21, 1996 at plat record 30, page 57, records of the recorder's office of Vigo County, Indiana

Parcel No.: 84-06-28-279-002.000-002

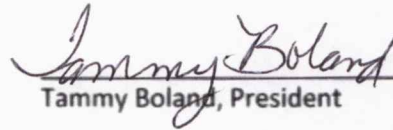
Commonly Known as 1001 S. 6th Street, Terre Haute, IN 47807

Be and the same is hereby established as an R-3 Multifamily Residential 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."

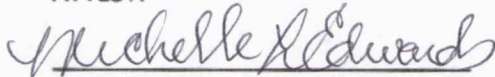
SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, 
Todd Nation, Councilperson

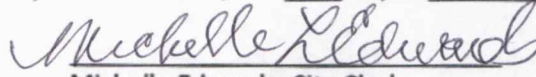
Passed in open Council this 7 day of March 2024.


Tammy Boland, President

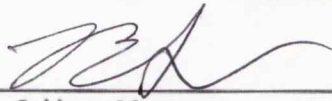
ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 7 day of March 2024.
at 8:56 p.m.


Michelle Edwards, City Clerk

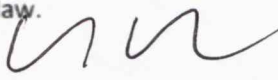
Approved by me, the Mayor of the City of Terre Haute, this 7 day of March, 2024.


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.


Richard J. Shagley II

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

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE,
INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY,
INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jim Bell, Member of Refuge FL, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

Also known as:

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Commonly Known as 1001 S. 6th Street, Terre Haute, IN 47807

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

Your Petitioner intends to sell the current convert the current 22 apartments into condominiums for individual sale. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 Multifamily Residential District.

Your Petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is primarily residential in nature.

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 R-3 Multifamily Residential District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 5TH day of February, 2024.

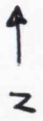
PETITIONER:

Refuge FL, LLC

By: _____

Jim Bell, Member

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



Site Plan



22 Condo Units with a Shared Common Area Courtyard

Parcel ID 84-06-28-279-002.000-002
 Sec/Twp/Rng 28
 Property Address 1001 S 6TH ST
 TERRE HAUTE
 Neighborhood 118324 - HARRISON
 District
 Brief Tax Description

002 HARRISON
 ANTHONY SQUARE SUB
 D 444/4500 PL-30/57 28-12-9 LOT 1 2.070 AC
 (Note: Not to be used on legal documents)

Alternate ID 84-06-28-279-002.000-002
 Class Com 20 - 39 family apartments
 Acreage 2.07

Owner Address Refuge FL LLC
 1400 Wabash Ave
 Terre Haute, IN 47807

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jim Bell, Member of Refuge FL, LLC, being duly sworn upon her oath, deposes and says:

1. That Refuge FL, 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:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

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Parcel No.: 84-06-28-279-002.000-002

Commonly Known as 1001 S. 6th Street, Terre Haute, IN 47807

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 Refuge FL, 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 Jim Bell, Member of Refuge FL, LLC.

5. Further, Affiant saith not.

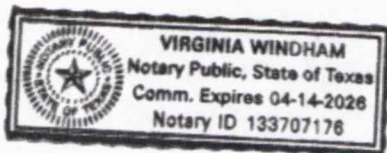
Dated at Terre Haute, Indiana this 5TH day of FEBRUARY, 2024.

REFUGE FL, LLC

By: [Signature]
Jim Bell, Member of Refuge FL, LLC

STATE OF Texas)
) SS:
COUNTY OF Montgomery

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5th day of February, 2024.



[Signature], Notary Public

My Commission expires: 04/14/2026

My County of Residence: Montgomery

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

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

202203070 WD \$25.00
03/09/2022 11:06:23A 4 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



MAR 09 2022

James W Bramble
VIGO COUNTY AUDITOR

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Tracol Holdings, LLC - Series E (“**Grantor**”) CONVEYS AND WARRANTS to Refuge FL, LLC, a Utah limited liability company (“**Grantee**”) for the sum of Ten and Zero Hundredths Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in Vigo County, in the State of Indiana, more particularly described in Exhibit A, attached hereto and by reference made a part hereof (the “**Real Estate**”).

THIS CONVEYANCE IS MADE, and the Real Estate is SUBJECT TO:

- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.


**Remainder of Page Intentionally Left Blank.
Signature Page Follows.**

1104916

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 4th day of March, 2022.

GRANTOR:

Tracol Holdings, LLC - Series E

By: 

Printed: James Trayler

Its: Managing Member

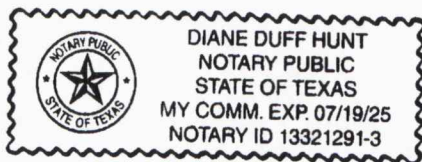
STATE OF TEXAS)

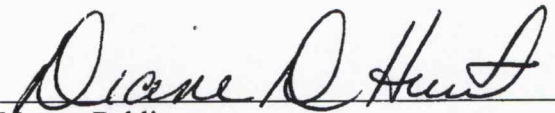
) SS:

COUNTY OF MCLENNAN)

Before me, a Notary Public in and for said County and State, personally appeared **James Trayler** who being first duly sworn by me upon his/her oath, acknowledged execution of the foregoing, stated that he/she is the Managing Member for Tracol Holdings, LLC - Series E, that he/she is duly authorized to execute the foregoing on its behalf, and who having been duly sworn stated that the representations therein are true.

WITNESS my hand and Notarial Seal this 4th day of March, 2022.




Notary Public

3

Tax Parcel Number(s):

84-06-28-279-002.000-002

Address of Transferred Property:

1001 South 6th Street, Terre Haute, IN 47807.

Address for Mailing of Tax Statements and Recorded Deed *And Grantees Address is:*

701 South Carson St
Ste 200
Carson City, NV 89701-5239

THIS INSTRUMENT PREPARED BY:

Patrick M. Rooney, Attorney at Law
1638 Shelby Street, Suite 101
Indianapolis, Indiana 46203
pmrooney1@gmail.com; 317.445.9956

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

/s/ Patrick M. Rooney

Exhibit A

Legal Description of Real Estate

COMMENCING AT A FOUND PIN AT THE INTERSECTION OF CENTERLINES OF 6TH STREET AND COLLEGE AVENUE; THENCE NORTH 89 DEGREES 46 MINUTES 05 SECONDS WEST ALONG THE CENTERLINE OF COLLEGE AVENUE, BEARING IS ASSUMED AND IS THE BASIS OF BEARINGS FOR THIS DESCRIPTION A DISTANCE OF 32.62 FEET; THENCE NORTH 0 DEGREES 13 MINUTES 55 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A DRILL HOLE IN THE CONCRETE SIDEWALK, AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 89 DEGREES 46 MINUTES 05 SECONDS WEST, A DISTANCE OF 297.57 FEET TO AN IRON PIN WITH A CAP STAMPED "MYERS LS9400006" HEREINAFTER CALLED A MONUMENT; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 302.19 FEET TO A MONUMENT; THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 297.56 FEET TO A POINT WITNESSED BY A MONUMENT 0.75 FEET WEST; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 303.40 FEET TO THE POINT OF BEGINNING, CONTAINING 2.068 ACRES MORE OR LESS.

ALSO KNOWN AS:

LOT ONE ANTHONY SQUARE SUBDIVISION, A PART OF OUTLOT NO. SIXTY FOUR (64) OF THE ORIGINAL OUTLOTS OF THE TOWN NOW CITY OF TERRE HAUTE, INDIANA, AS SHOWN IN PLAT DATED AUGUST 1, 1996 AND RECORDED AUGUST 21, 1996 AT PLAT RECORD 30, PAGE 57, RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.



Receipt of Payment

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

Date 2/5/24
Name Refuge FL, LLC
Reason Rezoning - \$45.00

Wright, Shagley, & Lowery, P.C

Cash _____

Check \$45.00 ck # 74108

Credit _____

Total \$45.00

Received By ER / J. Thome

TERRE HAUTE, IN

PAID

FEB 05 2024

CONTROLLER



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: March 7, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 6-24

CERTIFICATION DATE: March 6, 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. 6-24. This Ordinance is a rezoning of property located on the corner of S. 6th Street, Farrington Street, and College Avenue, Terre Haute, IN. Parcel number 84-06-28-279-002.000-002. The Petitioner, Refuge FL, LLC, petitions the Plan Commission to rezone said condominiums from zoning classification C-1 to R-3, General Residence 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. 6-24 at a public meeting and hearing held Wednesday, March 6, 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. 6-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 6-24 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. 6-24 was FAVORABLE with the following condition: 1) approval of setback variances through the BZA



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Sydney Shahar.

Sydney Shahar, Assistant Director

Received this 7th day of March, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #6-24

Doc: #17

Date: March 2024

Page 1 of 4

APPLICATION INFORMATION

Address: 1001 S. 6th Street, Terre Haute, IN 47807

Current Zoning: C-1, Planned Development

Proposed Zoning: R-3, General Residence District

Proposed Use: Condominiums

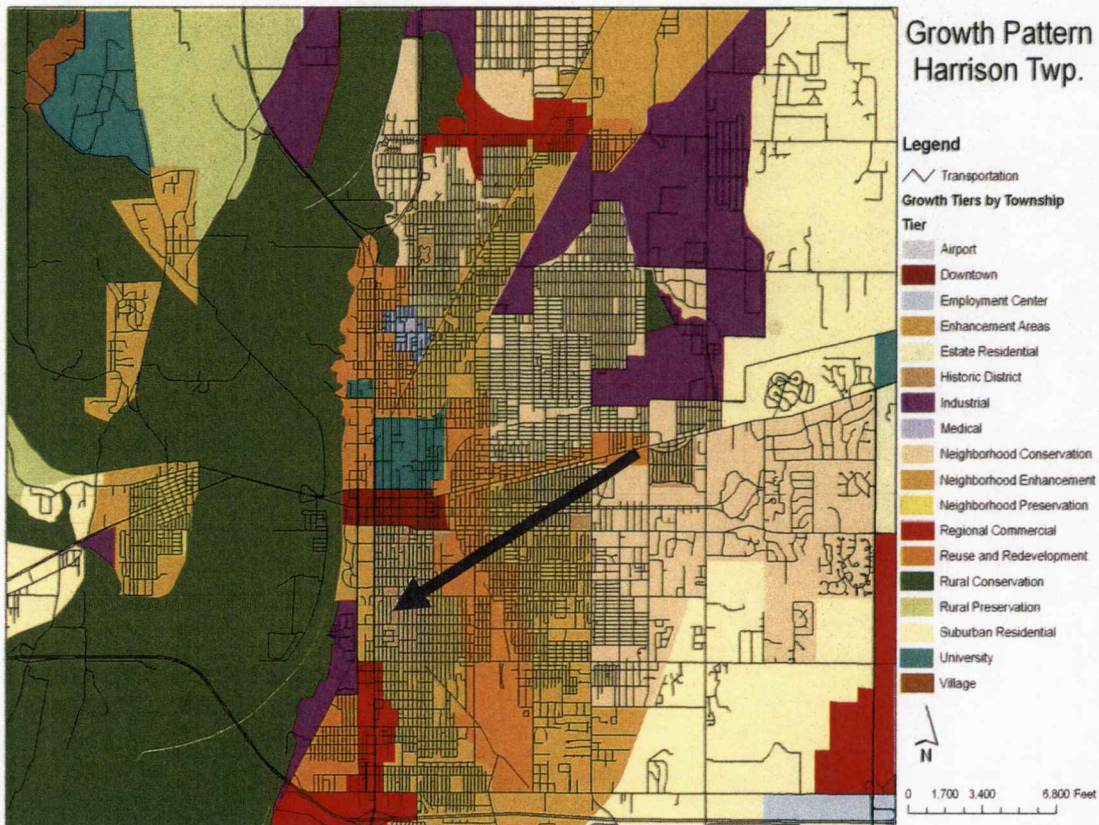
Property Owner: Refuge FL, LLC

Representative: Richard J. Shagley II

Location: The property is located on the corner of S. 6th St.,
Farrington St. & College Avenue. Parcel# 84-06-28-279-
002.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Dev. Priority: High intensity residential

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #6-24

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Page 3 of 4

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-1
 East – C-1
 South – R-2
 West – C-1PD

Character of Area: Homes at a density over 5 dwellings per acre.

ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels. Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards: Minimum Lot Size: F.A.R. 0.7 or 70%
 A minimum Floor Area 512 Sq. Ft., and a minimum Lot Area 1000 Sq. Ft.

Parking Requirements

- 1.5 parking spaces per 1 bedroom unit.
- 2.0 parking spaces per 2 bedroom unit.
- 3.0 parking spaces per 3 bedroom unit.

FINDINGS and RECOMMENDATION

Staff Findings:

The property was rezoned in 1996 for the Anthony Square Apartments for senior citizens (SO #5-96). They would now like to convert the current 22 apartments into condominiums for individual sale.

Legal descriptions will need to be created for each condo, most likely through a subdivision.

Since the previous zoning was a Planned Development, the setback variances granted through the Planned Development go away. The property owner will need to apply for setback variances through the Board of Zoning Appeals. The Planned Development had granted setback variances on 4th Street, 6th Street, Farrington Street, and College Avenue.

The Department of Engineering has commented that the intended use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

Recommendation: The Department of Engineering offered a positive recommendation for the rezoning. Staff also offers a favorable recommendation with the following conditions:

1. Approval of setback variances through 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: February 14, 2024

RE: **Special Ordinance No. 6-2024**

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

- Rezoning of 1001 S. 6th Street from C-1 Planned Development to R-3 Multifamily Residential District.

The property is currently a multi-family housing complex. The parcels surrounding this property are zoned C-1 Planned Development to the west, R-2 to the south, C-1 to the north, and C-1 and C-1 Planned Development to the east. The developer would like to subdivide the complex into individual townhomes. The intended use 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.

BeaconTM Vigo County, IN / City of Terre Haute

Docket #17 SO #6-24
1001 S. 6th Street



Docket #17

SPECIAL ORDINANCE NO. 6, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Rezoned To: R-3 General Residence District

Proposed Use: Condominiums

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Terre Haute, IN 47807

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Todd Nation

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FEB 05 2024

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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:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

Also known as:

Lot one Anthony Squire Subdivision, a part of outlot no. sixty four (64) of the original outlots of the town now City of Terre Haute, Indiana, as shown in plat dated August 1, 1996 and recorded August 21, 1996 at plat record 30, page 57, records of the recorder's office of Vigo County, Indiana

Parcel No.: 84-06-28-279-002.000-002

Commonly Known as 1001 S. 6th Street, Terre Haute, IN 47807

Be and the same is hereby established as an R-3 General Residence 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, _____
Todd Nation, Councilperson

Passed in open Council this ____ day of _____, 2024.

Tammy Boland, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

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.

Richard J. Shagley II

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

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE,
INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY,
INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jim Bell, Member of Refuge FL, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

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

Your Petitioner intends to convert the current 22 apartments into condominiums for individual sale. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District.

Your Petitioner would allege that the General Residence District would not alter the general characteristics of this neighborhood since the neighborhood is primarily residential in nature.

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 R-3 General Residence District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this ___ day of February, 2024.

PETITIONER:

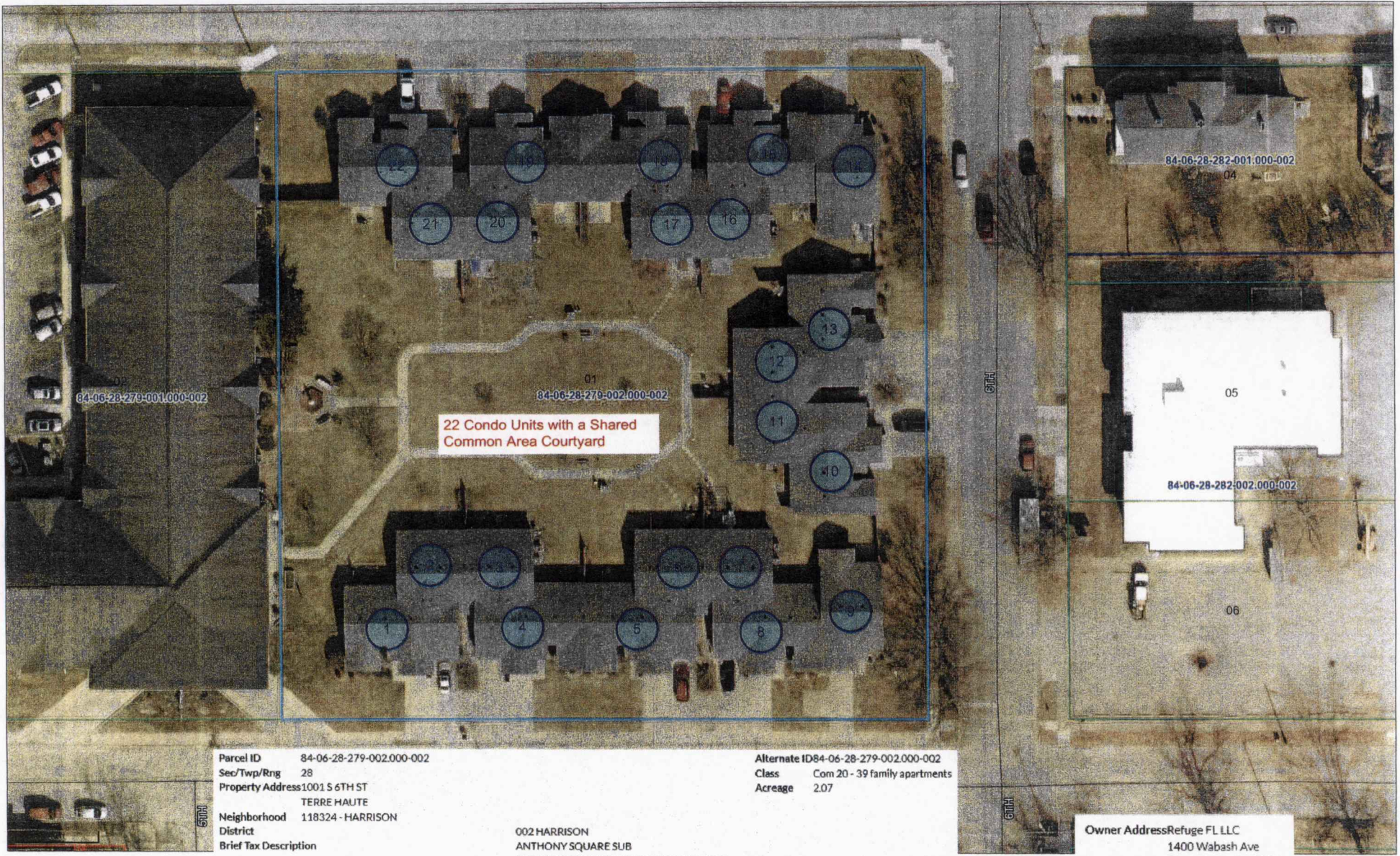
Refuge FL, LLC

By: _____
Jim Bell, Member

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



Site Plan



Parcel ID 84-06-28-279-002.000-002
 Sec/Twp/Rng 28
 Property Address 1001 S 6TH ST
 TERRE HAUTE
 Neighborhood 118324 - HARRISON
 District
 Brief Tax Description

002 HARRISON
 ANTHONY SQUARE SUB
 D 444/4500 PL-30/57 28-12-9 LOT 1 2.070 AC
 (Note: Not to be used on legal documents)

Alternate ID 84-06-28-279-002.000-002
 Class Com 20 - 39 family apartments
 Acreage 2.07

Owner Address Refuge FL LLC
 1400 Wabash Ave
 Terre Haute, IN 47807

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jim Bell, Member of Refuge FL, LLC, being duly sworn upon her oath, deposes and says:

1. That Refuge FL, 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:

Commencing at a found pin at the intersection of centerlines of 6th Street and College Avenue; thence north 89 degrees 46 minutes 05 seconds west along the centerline of College Avenue, bearing is assumed and is the basis of bearings for this description a distance of 32.62 feet; thence north 0 degrees 13 minutes 55 seconds east, a distance of 30.00 feet to a drill hole in the concrete sidewalk, and the point of beginning for this description; thence north 89 degrees 46 minutes 05 seconds west, a distance of 297.57 feet to an iron pin with a cap stamped "Myers LS9400006" hereinafter called a monument; thence north 0 degrees 00 minutes 00 seconds west, a distance of 302.19 feet to a monument; thence north 89 degrees 59 minutes 58 seconds east, a distance of 297.56 feet to a point witnessed by a monument 0.75 feet west; thence south 0 degrees 00 minutes 00 seconds east, a distance of 303.40 feet to the point of beginning, containing 2.068 acres more or less.

Also known as:

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Parcel No.: 84-06-28-279-002.000-002
Commonly Known as 1001 S. 6th Street, Terre Haute, IN 47807

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

202203070 WD \$25.00
03/09/2022 11:06:23A 4 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



MAR 09 2022

James W Bramble
VIGO COUNTY AUDITOR

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Tracol Holdings, LLC - Series E (“Grantor”) CONVEYS AND WARRANTS to Refuge FL, LLC, a Utah limited liability company (“Grantee”) for the sum of Ten and Zero Hundredths Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in Vigo County, in the State of Indiana, more particularly described in Exhibit A, attached hereto and by reference made a part hereof (the “Real Estate”).

THIS CONVEYANCE IS MADE, and the Real Estate is SUBJECT TO:

- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.

**Remainder of Page Intentionally Left Blank.
Signature Page Follows.**

1104916

Tax Parcel Number(s):

84-06-28-279-002.000-002

Address of Transferred Property:

1001 South 6th Street, Terre Haute, IN 47807.

Address for Mailing of Tax Statements and Recorded Deed And Grantees Address is:

701 South Carson St
Ste 200
Carson City, NV 89701-5239

THIS INSTRUMENT PREPARED BY:

Patrick M. Rooney, Attorney at Law

1638 Shelby Street, Suite 101

Indianapolis, Indiana 46203

pmrooney1@gmail.com; 317.445.9956

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

/s/ Patrick M. Rooney

Exhibit A

Legal Description of Real Estate

COMMENCING AT A FOUND PIN AT THE INTERSECTION OF CENTERLINES OF 6TH STREET AND COLLEGE AVENUE; THENCE NORTH 89 DEGREES 46 MINUTES 05 SECONDS WEST ALONG THE CENTERLINE OF COLLEGE AVENUE, BEARING IS ASSUMED AND IS THE BASIS OF BEARINGS FOR THIS DESCRIPTION A DISTANCE OF 32.62 FEET; THENCE NORTH 0 DEGREES 13 MINUTES 55 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A DRILL HOLE IN THE CONCRETE SIDEWALK, AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 89 DEGREES 46 MINUTES 05 SECONDS WEST, A DISTANCE OF 297.57 FEET TO AN IRON PIN WITH A CAP STAMPED "MYERS LS9400006" HEREINAFTER CALLED A MONUMENT; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 302.19 FEET TO A MONUMENT; THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 297.56 FEET TO A POINT WITNESSED BY A MONUMENT 0.75 FEET WEST; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 303.40 FEET TO THE POINT OF BEGINNING, CONTAINING 2.068 ACRES MORE OR LESS.

ALSO KNOWN AS:

LOT ONE ANTHONY SQUARE SUBDIVISION, A PART OF OUTLOT NO. SIXTY FOUR (64) OF THE ORIGINAL OUTLOTS OF THE TOWN NOW CITY OF TERRE HAUTE, INDIANA, AS SHOWN IN PLAT DATED AUGUST 1, 1996 AND RECORDED AUGUST 21, 1996 AT PLAT RECORD 30, PAGE 57, RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.