



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 9**

COMMON ADDRESS OF LOTS TO BE REZONED:

Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, IN

Parcel Number: 84-10-06-226-006.000-023

Current Zoning: C-3 Regional Commerce

Requested Zoning: C-6 Strip Business

Proposed Use: Convenience Store with Fuel Canopies

Name of Owner: J&L46, LLC

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

Phone Number of Owner: c/o Gibson Development, LLC (812) 208-0567, [brian.kooistra@bgibson.com](mailto:brian.kooistra@bgibson.com)

Attorney Representing Owner (if any): N/A

Address of Attorney:

Phone Number of Attorney:

For Information Contact: Gwen Keen, Real Estate Project Manager, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303 (636) 627-0003 (office) (314) 795-4803 (mobile); [gkeen@quiktrip.com](mailto:gkeen@quiktrip.com)

Council Sponsor: Amanda Thompson

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

FEB 08 2024

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 9, 2024 \_

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 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:

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

LEGAL DESCRIPTION (FROM TITLE COMMITMENT)

That part of the Northeast Quarter of the Northeast Quarter of Section 6,  
Township 11 North, Range 8 West of the Second Principal Meridian, more  
particularly described to-wit: Commencing at an iron rod marking the Northeast Corner of  
the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8  
West, thence South 00 degrees 09 minutes West 409.00 feet with the East  
line of said Northeast Quarter Quarter, thence West 91.00 feet parallel with  
the North line of Section 6 to a 5/8 inch rebar marking the Northwest  
Corner of a 0.128 acre tract conveyed to the State of Indiana and the true  
point of beginning of real estate herein described; thence South 00 degrees  
09 minutes West 121.40 feet to a brass rod marking the Southwest Corner  
of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North  
00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the  
Southwest corner of a 1.22 acre tract as described in Deed Record 367,  
page 596 in the Office of the Recorder of Vigo County, Indiana; thence  
East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said  
1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a  
5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing  
3.74 acres, more or less.

EXCEPTING THEREFROM:

That part of the Northeast Quarter of the Northeast Quarter of Section 6,  
Township 11 North, Range 8 West of the Second Principal Meridian, more  
particularly described to-wit:

COMMENCING at an iron rod marking the Northeast Corner of the  
Northeast Quarter of the Northeast Quarter of Section 6, Township 11  
North, Range 8 West, thence South 00 degrees 09 minutes West 409.00  
feet with the East line of said Northeast Quarter Quarter, thence West 91.00  
feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the  
Northwest Corner of a 0.128 acre tract conveyed to the State of Indiana;  
thence South 00 degrees 09 minutes West 121.40 feet to a brass rod  
marking the Southwest Corner of said 0.128 acre tract; thence West  
1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 121.40  
feet to the POINT OF BEGINNING; thence North 00 degrees 12 minutes  
East 159.00 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22  
acre tract as described in Deed Record 367, page 596 in the Office of the  
Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch

rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence West 213 feet to the POINT OF BEGINNING.

**FURTHER EXCEPTING THEREFROM:**

That part appropriated by the State of Indiana as shown in Agreed Finding and Judgement entered April 23, 2012, in the case entitled, State of Indiana b Affordable Care, Inc. et. al., Cause No. 84D02-1106-PL-5627, in Vigo Superior Court, recorded July 2, 2012 as Instrument Number 2012009648, in the Office of the Recorder of Vigo County, Indiana, described as follows: A part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, Vigo County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat attached thereto and marked Exhibit "B", described as follows: Commencing at the Northeast corner of said Section, said Northeast corner being designated as point "525" on said plat; thence South 00 degrees 03 minutes 29 seconds West, 409.00 feet along the East line of said Section to the prolonged north line of the grantor's land; thence South 89 degrees 54 minutes 40 seconds West, 91.00 feet along said prolonged North line to the West boundary of S.R. 46; thence South 00 degrees 03 minutes 29 seconds West, 20.11 feet along the boundary of said S.R. 46 to the point of beginning of this description, which point of beginning is designated as point "337" on said plat; thence South 00 degrees 03 minutes 29 seconds West 101.29 feet along said boundary to the Southeast corner of the grantor's land; thence South 89 degrees 54 minutes 30 seconds West, 564.03 feet along the South line of the grantor's land; thence Northeasterly 196.63 feet along an arc to the right and having a radius of 965.00 feet and subtended by a long chord having a bearing of North 84 degrees 13 minutes 14 seconds East and a length of 196.29 feet to a point "355" designated on said plat; thence South 89 degrees 56 minutes 32 seconds East 84.37 feet to point "336" designated on said plat; thence North 73 degrees 49 minutes 34 seconds East 296.19 feet to the point of beginning and containing 0.190 acres, more or less.

Commonly known as: **Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803, Parcel #84-10-06-226-006.000-023**

Be and the same is hereby established as a **C-6 Strip Business District**, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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

Presented by Council Member, Amanda Thompson

  
Amanda Thompson, Councilperson

Passed in Open Council this

7 day of March, 2024

  
Jammy Boland, President

ATTEST: Michelle Edwards  
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 pm

Michelle Edwards  
Michelle Edwards, City Clerk

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

Brandon Sakbun  
Brandon Sakbun, Mayor

ATTEST: Michelle Edwards  
Michelle Edwards, City Clerk

This instrument prepared by Gwen Keen, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303.

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.

Gwen Keen  
Gwen Keen, QuikTrip Corporation

SAMPLE PETITION FOR A REZONING

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, **J&L 46 LLC**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit: Commencing at an iron rod marking the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, thence South 00 degrees 09 minutes West 409.00 feet with the East line of said Northeast Quarter Quarter, thence West 91.00 feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the Northwest Corner of a 0.128 acre tract conveyed to the State of Indiana and the true point of beginning of real estate herein described; thence South 00 degrees 09 minutes West 121.40 feet to a brass rod marking the Southwest Corner of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22 acre tract as described in Deed Record 367, page 596 in the Office of the Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing 3.74 acres, more or less.

EXCEPTING THEREFROM:

That part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit:

COMMENCING at an iron rod marking the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, thence South 00 degrees 09 minutes West 409.00 feet with the East line of said Northeast Quarter Quarter, thence West 91.00 feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the Northwest Corner of a 0.128 acre tract conveyed to the State of Indiana; thence South 00 degrees 09 minutes West 121.40 feet to a brass rod marking the Southwest Corner of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 121.40 feet to the POINT OF BEGINNING; thence North 00 degrees 12 minutes East 159.00 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22 acre tract as described in Deed Record 367, page 596 in the Office of the Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence West 213

feet to the POINT OF BEGINNING.

**FURTHER EXCEPTING THEREFROM:**

That part appropriated by the State of Indiana as shown in Agreed Finding and Judgement entered April 23, 2012, in the case entitled, State of Indiana b Affordable Care, Inc. et. al., Cause No. 84D02-1106-PL-5627, in Vigo Superior Court, recorded July 2, 2012 as Instrument Number 2012009648, in the Office of the Recorder of Vigo County, Indiana, described as follows: A part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, Vigo County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat attached thereto and marked Exhibit "B", described as follows: Commencing at the Northeast corner of said Section, said Northeast corner being designated as point "525" on said plat; thence South 00 degrees 03 minutes 29 seconds West, 409.00 feet along the East line of said Section to the prolonged north line of the grantor's land; thence South 89 degrees 54 minutes 40 seconds West, 91.00 feet along said prolonged North line to the West boundary of S.R. 46; thence South 00 degrees 03 minutes 29 seconds West, 20.11 feet along the boundary of said S.R. 46 to the point of beginning of this description, which point of beginning is designated as point "337" on said plat; thence South 00 degrees 03 minutes 29 seconds West 101.29 feet along said boundary to the Southeast corner of the grantor's land; thence South 89 degrees 54 minutes 30 seconds West, 564.03 feet along the South line of the grantor's land; thence Northeasterly 196.63 feet along an arc to the right and having a radius of 965.00 feet and subtended by a long chord having a bearing of North 84 degrees 13 minutes 14 seconds East and a length of 196.29 feet to a point "355" designated on said plat; thence South 89 degrees 56 minutes 32 seconds East 84.37 feet to point "336" designated on said plat; thence North 73 degrees 49 minutes 34 seconds East 296.19 feet to the point of beginning and containing 0.190 acres, more or less.

Commonly known as: **Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803**

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**.

Your petitioner would respectfully state that the real estate is now **Vacant**. Your petitioner intends to use the real estate to **operate a convenience store with fuel sales**.

Your petitioner would request that the real estate described herein shall be zoned as a **C-6 Strip Business**. Your petitioner would allege that the **Strip Business District** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area 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-6 Strip Business District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 7 day of February, 2024.

BY: Greg S. Gibson  
J&L 46 LLC  
Greg Gibson  
Manager

PETITIONER: **J&L 46 LLC, c/o Gibson Development, LLC 3200 E. Haythorne Avenue, Terre Haute, IN 47805**

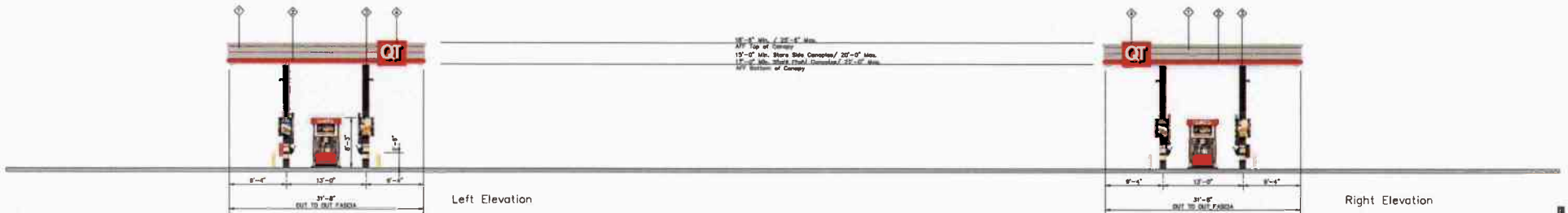
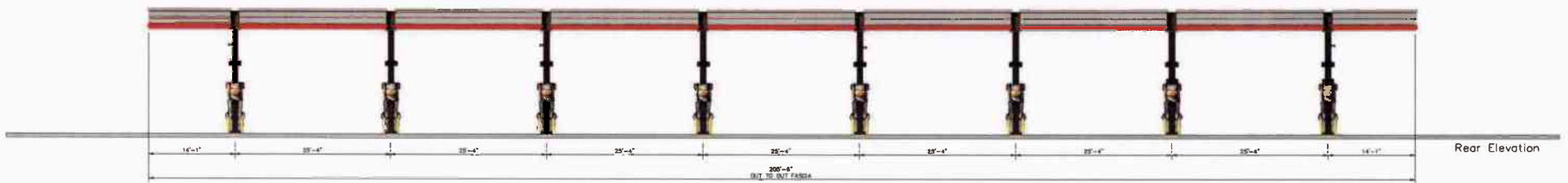
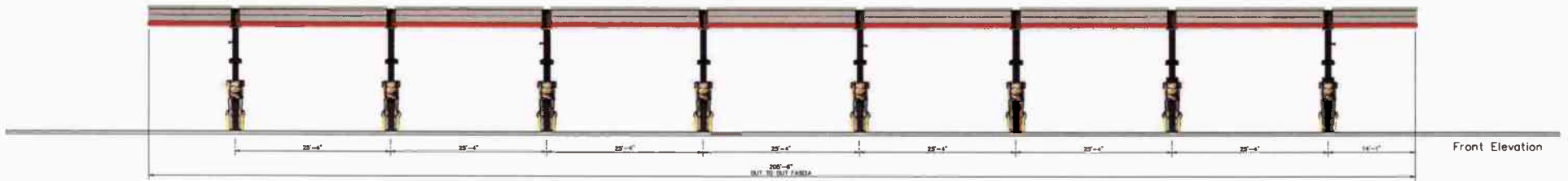
This instrument was prepared by Gwen Keen, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303











**QuikTrip**

4705 South 129th East Ave.  
Tulsa, OK 74134-7008  
P.O. Box 3473  
Tulsa, OK 74101-3473  
(918) 613-7700

Store # 7264	Vertical 8 Canopy Elevations		Address: TBD	City, State: Terre Haute, IN	
Serial # 89-7264-CV08	Scale: 1/16" = 1'-0"	Issue Date: 12.11.23	Drawn By: JK	Rev/Notes:	

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REV	REVISION	DATE	BY	CHKD

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

FEB 14 2018

2018001514 TT \$25.00  
02/14/2018 12:49:57P 4 PGS  
Stacey Joy  
VIGO County Recorder IN  
Recorded as Presented



*Janet W Bramble*  
VIGO COUNTY AUDITOR

CO-TRUSTEES' DEED

THIS INDENTURE WITNESSETH: That **Deborah Lynn Crawford, Diane Angermeier Walton and Donna S. Vohland, as Successor Co-Trustees of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended ("Grantors")**, CONVEY and SPECIALLY WARRANT to **J&L 46, LLC**, an Indiana limited liability company, with a mailing address of 3200 Haythorne Avenue, Terre Haute, Indiana 47805 (the "Grantee"), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described in attached *Exhibit A* (hereby made a part hereof), TOGETHER WITH all improvements thereon and appurtenances thereto, BUT SUBJECT TO all assessments and Indiana general real property taxes, as well as all liens, restrictions, easements, covenants, and encumbrances of record as of the date set forth below.

The warranties of Grantor hereunder are limited to Grantor's own acts and deeds and those of persons claiming by, through and under Grantor, and not otherwise.

The undersigned persons executing this deed aver that: they are the only successor co-trustees of the Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended—which trust now exists; they have full authority and capacity to execute, acknowledge, and deliver this deed for and in behalf of said Trust; no other action need be taken or done to make this an effective conveyance of the above-described real estate; and Diane Angermeier Walton was formerly known as Diane Elise Angermeier.

IN WITNESS WHEREOF, **Deborah Lynn Crawford, Diane Elise Angermeier and Donna S. Vohland, as Successor Trustees of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended**, have hereunto set their hands and seals as of the 14<sup>th</sup> day of February, 2018.

[signature page follows]



STATE OF Indiana )  
 )SS:  
COUNTY OF Marion )



Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of February, 2018, appeared Diane Angermeier Walton, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Sharla D Livingston-Mabon Notary Public  
Printed Name

My Commission Expires: April 28, 2022 County of Residence: Marion

STATE OF OHIO )  
 )SS:  
COUNTY OF Butter )

Before me, the undersigned, a Notary Public in and for said County and State, this 5 day of February, 2018, appeared Donna S. Vohland, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Mary Kremer  
Mary Kremer, Notary Public  
Printed Name

My Commission Expires: 8/23/2022 County of Residence: Butter

MARY KREMER  
Notary Public  
State of Ohio  
Commission Expires 08/23/2022



This instrument was prepared by WILLIAM M. OLAH, Attorney at Law, 333 Ohio, Terre Haute, IN 47807 (812)232-4311

Send tax duplicates to: 3200 Haythorne Ave, Terre Haute, IN 47805

4

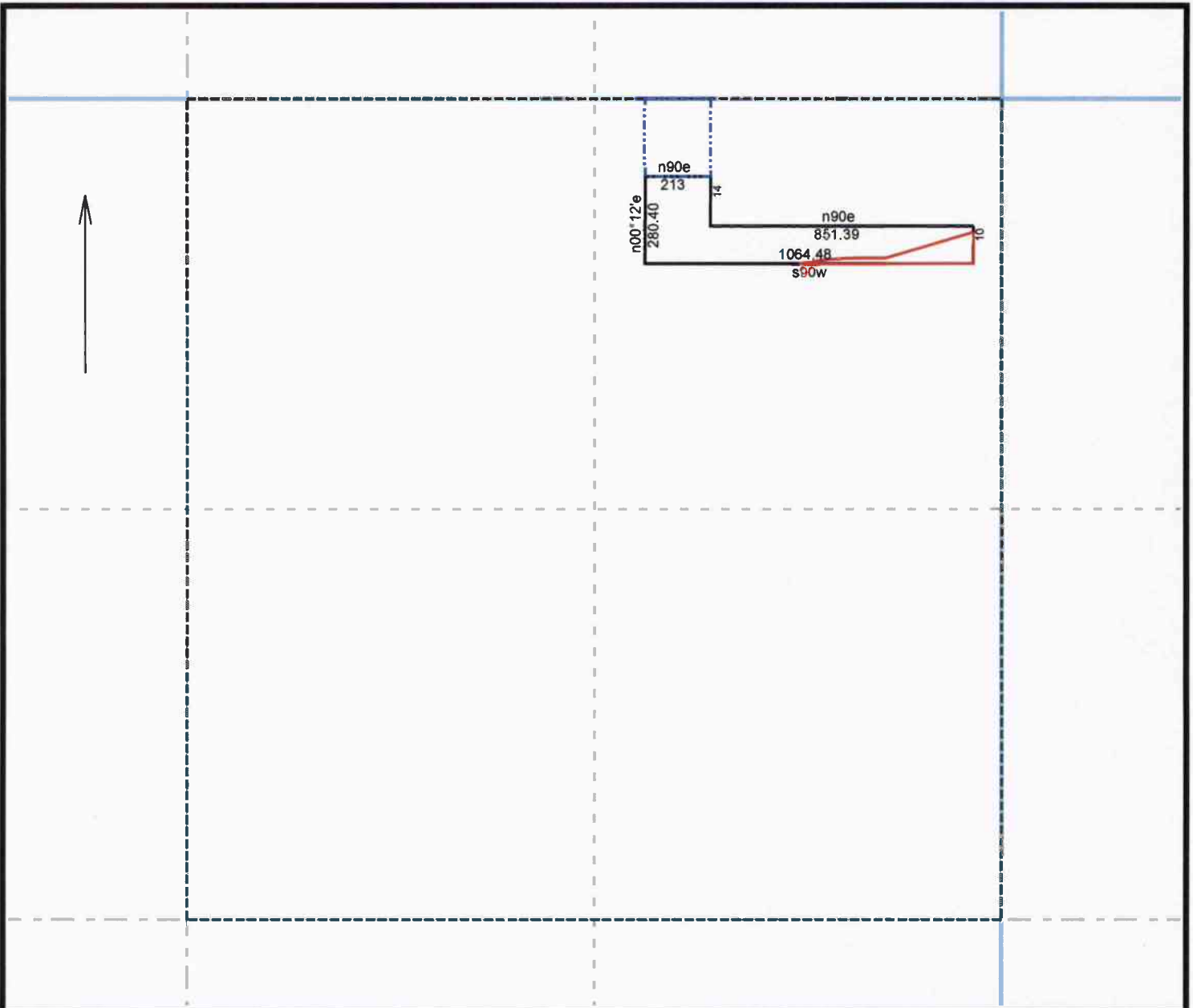
**EXHIBIT A**

Situate in the State of Indiana, County of Vigo and being a part of the Northeast quarter of the Northeast quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit:

Commencing at an iron rod marking the Northeast corner of the Northeast quarter of the Northeast quarter of Section 6, Township 11 North, Range 8 West, thence South 00 degrees 09 minutes West 409.00 feet with the East line of said Northeast quarter quarter, thence West 91.00 feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the Northwest corner of a 0.128 acre tract conveyed to the State of Indiana and the true point of beginning of real estate herein described; thence South 00 degrees 09 minutes West 121.40 feet to a brass rod marking the Southwest corner of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22 acre tract as described in Deed Record 367, page 596 in the office of the Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing 3.74 acres, more or less.

EXCEPT that part appropriated by the State of Indiana as shown in Agreed Finding and Judgment filed April 23, 2012 in Vigo Superior Court under Cause No. 84D02-1106-PL-5627, and recorded July 2, 2012 as Instrument Number 2012009648, records of the Recorder's Office of Vigo County, Indiana.

ALSO an easement for ingress and egress over and along an existing drive extending from the above described real estate northwardly to Margaret Avenue as more completely described in Deed Record 367, page 596 in the Office of the Recorder of Vigo County, Indiana.



7/11/2023

Scale: 1 inch= 479 feet

File: 91298140-vigo.ndp

Tract 1: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.  
 Tract 2: 3.7440 Acres (163088 Sq. Feet), Closure: n88.5014w 0.02 ft. (1/168681), Perimeter=2690 ft.  
 Tract 3: 0.4896 Acres (21325 Sq. Feet), Closure: n22.4757e 0.01 ft. (1/179369), Perimeter=1243 ft.  
 Tract 4: 1.2225 Acres (53250 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=926 ft.

- |                     |   |
|---------------------|---|
| 01 /ne,6,11n,8w     | 21 s0.0329w 101.29                                  |
| 02 s0w 2640.00      | 22 s89.5430w 564.03                                 |
| 03 s90w 2640.00     | 23 Rt, r=965.00, arc=196.63, chord=n84.1314e 196.29 |
| 04 n0e 2640.00      | 24 s89.5632e 84.37                                  |
| 05 n90e 2640.00     | 25 n73.4934e 296.19                                 |
| 06 @0               | 26 @0 367-596 ease                                  |
| 07 /ne,6,11n,8w     | 27 /ne,6,11n,8w                                     |
| 08 /s00.09w 409     | 28 /s90w 942  |
| 09 /s90w 91         | 29 s0e 250  |
| 10 s00.09w 121.40   | 30 s90w 213   |
| 11 s90w 1064.48     | 31 n0e 250  |
| 12 n00.12e 280.40   | 32 n90e 213   |
| 13 n90e 213         |   |
| 14 s00.12w 159      |   |
| 15 n90e 851.39      |   |
| 16 @0 2012009648 os |   |
| 17 /ne,6,11n,8w     |   |
| 18 /s0.0329w 409    |   |
| 19 /s89.5440w 91    |   |
| 20 /s0.0329w 20.11  |   |



**AFFIDAVIT OF:**

COMES NOW affiant, **J&L 46 LLC, Greg Gibson, Managing Partner,**

and affirms under penalty of law that affiant is the owner of record of the property located

at **Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803, Parcel #84-10-06-226-006.000-023**

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.

**J&L 46 LLC, Greg Gibson, Manager**

SIGNATURE: Greg Gibson

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Gregory L. Gibson

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

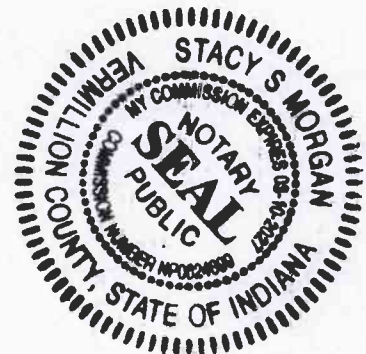
WITNESS my hand and notarial seal, this 07 day of February, 2024.

Notary Public: Stacy S. Morgan

Stacy S Morgan  
[Typed name]

My Commission Expires: 3-10-27

My County Of Residence: Vermillion





TERRE HAUTE, IN  
**PAID**  
FEB 20 2024  
CONTROLLER

### Receipt of Payment

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

Date 2/20/24  
Name Quick Trip Corp.  
Reason Rezoning - \$45.00  
\_\_\_\_\_  
\_\_\_\_\_

Cash \_\_\_\_\_

Check \$45.00 Ck # 002658

Credit \_\_\_\_\_

Total \$45.00

Received By EK / J. Thomas



# 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 9-24

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. 9-24. This Ordinance is a rezoning of property located near the SW corner of St. Rd. 46 and E. Margaret Drive, Terre Haute, IN. Parcel number 84-10-06-226-006.000-023. The Petitioner, J&L46, LLC, petitions the Plan Commission to rezone said convenience store with fuel canopies from zoning classification C-3 to C-6, Strip 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. 9-24 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. 9-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-24 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. 9-24 was FAVORABLE with the following condition: 1) All future site plans must meet code and be approved by City Engineering



Fred L. Wilson, President

Sydney Shahar, Assistant Director

Received this 7th day of March, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-24

Doc: # 19

Date: March 2024

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**APPLICATION INFORMATION**

Owners: J&L46, LLC

Proposed Zoning: C-6, Strip Business District

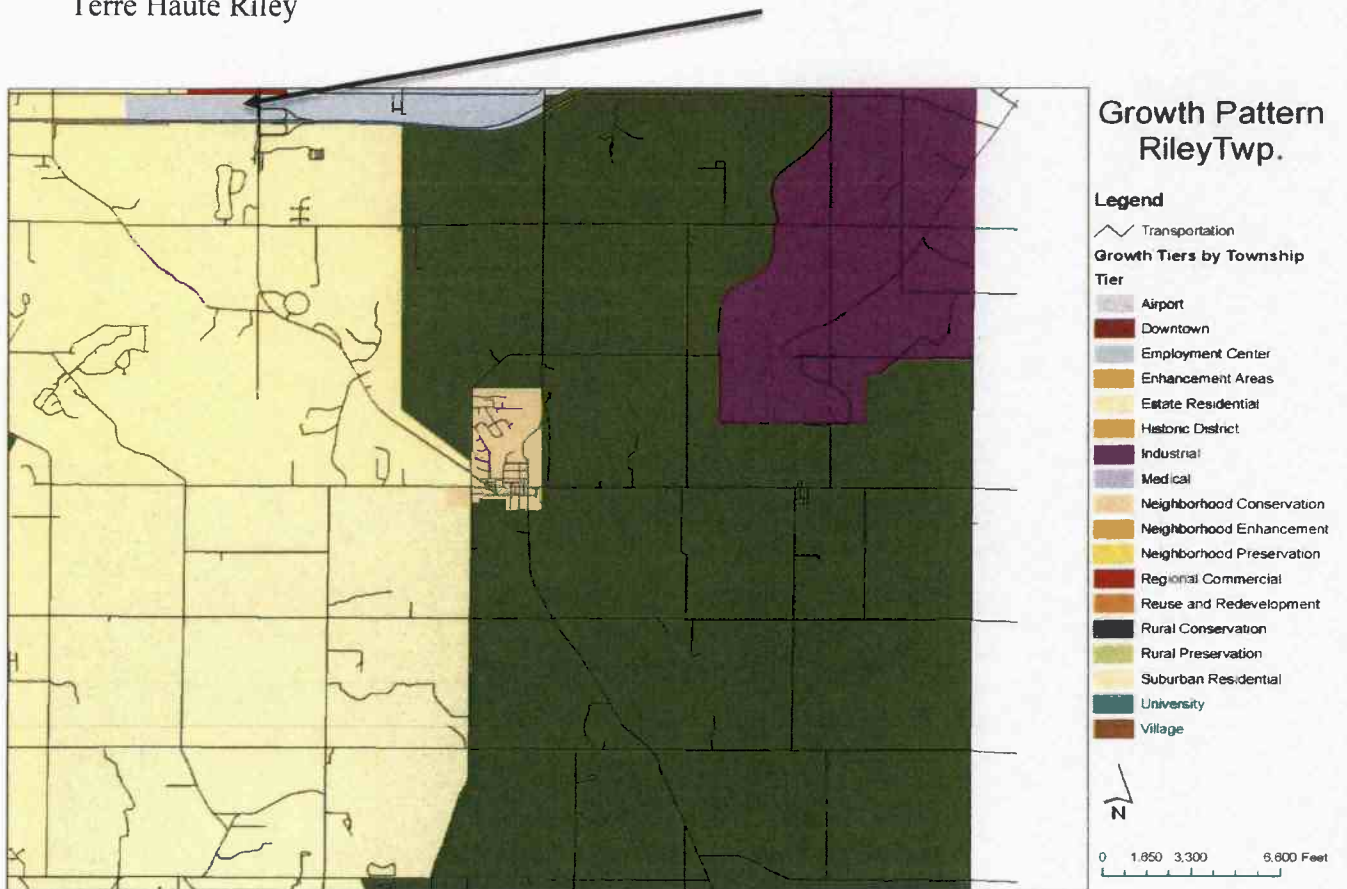
Current Zoning: C-3, Regional Commerce District

Proposed Use: Convenience Store with Fuel Canopies

Common Address: Near the SW corner of St. Rd. 46 & E. Margaret Drive, Terre Haute: Parcel# 84-10-06-226-006.000-023

**COMPREHENSIVE PLAN GUIDANCE**

Terre Haute Riley



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-24

Doc: # 19

Date: March 2024

Page 2 of 3

Employment Centers

These areas are to be developed as high intensity, mixed-use, planned corporate business parks. Employment Centers may include a wide diversity of use activities including research and development, office buildings, corporate headquarters or corporate “campus” facilities, office/distribution facilities – so called “flex space” and institutional uses. In addition to these primary uses, complementary, secondary or ancillary activities should be encouraged on a limited basis. These may include day care centers. Business support services like print services or computer service bureaus, and limited retail commercial activities such as restaurants, designed to use by employees and open space recreational amenities. Employment Centers should be developed under a master development plan which provide landscape, lighting, architectural controls, internal vehicular and pedestrian circulation plans, controlled access parking and loading facilities, common area lighting and standardized signage. Additionally, these areas should offer the protection of performance standards with respect to noise, vibration and environmental quality.

Available Services: Area is well served by utilities.

Dev. Priority: Low intensity housing

**ZONING COMPATIBILITY**

Sur. Zones and Uses: **North** – C-6  
**East** – C-2  
**South** – C-6, C-3  
**West** – O-1

Character of Area: The petitioned property is located on a major thoroughfare that abuts I-70 Interstate.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-24

Doc: # 19

Date: March 2024

Page 3 of 3

## ZONING REGULATIONS

### C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

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## FINDINGS and RECOMMENDATION

### Staff Findings:

The property is currently vacant commercial land. The owner would like to rezone this parcel and combine it with three other parcels that are currently zoned C-6 for the intended use of a convenience store and gas canopies.

The area is primarily commercial. The O-1 zoning to the west is vacant land. Interstate 70 is to the south. The site plan shows the ingress/egress to be located on Margaret Avenue.

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

**Recommendation:** Staff offers a Favorable Recommendation with the following conditions:

1. All future site plans must meet code and be approved by City Engineering.



CITY OF  
TERRE HAUTE  
ENGINEERING  
DEPARTMENT

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807  
Phone: 812.244.4903  
[www.terrehaute.in.gov](http://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. 9-2024**

As requested by Area Planning, the Department of Engineering has reviewed the request by J&L46, LLC for the following:

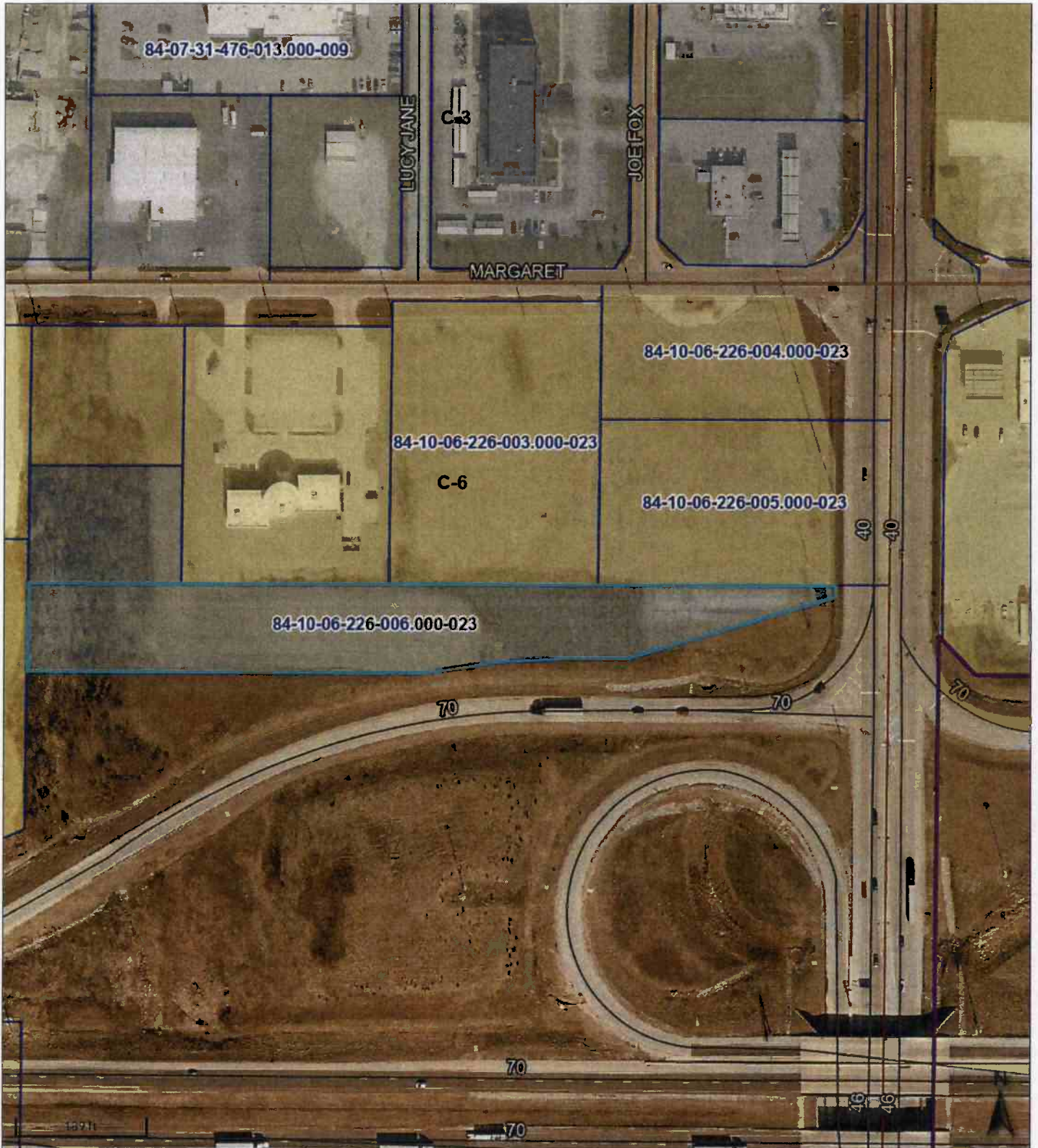
- Rezoning of parcel 84-10-06-226-006.000-023 from C-3 Regional Commerce Zone to C-6 Strip Business Zone.

The property is currently a vacant commercial lot. The owner would like to rezone this parcel and combine it with three other parcels that are already zoned C-6. The intended use of the properties will be a convenience store with fuel canopies that have road frontage on Margaret Avenue and US 40. It is also within close proximity to Interstate 70. The parcels surrounding this property are zoned C-6 to the east and west, C-3 to the north and Interstate 70 is to the south. The intended use would not alter the neighborhood's characteristic, create any traffic issues or create any significant problems for the surrounding area.

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

Docket #19 SO #9-24

St. Rd. 46 and Margaret Ave







**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

*Docket #19*

**SPECIAL ORDINANCE NO. 9**

---

COMMON ADDRESS OF LOTS TO BE REZONED:

Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, IN

Parcel Number: 84-10-06-226-006.000-023

Current Zoning: C-3 Regional Commerce

Requested Zoning: C-6 Strip Business

Proposed Use: Convenience Store with Fuel Canopies

Name of Owner: J&L46, LLC

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

Phone Number of Owner: c/o Gibson Development, LLC (812) 208-0567, [brian.kooistra@bgibson.com](mailto:brian.kooistra@bgibson.com)

Attorney Representing Owner (if any): N/A

Address of Attorney:

Phone Number of Attorney:

For Information Contact: **Gwen Keen, Real Estate Project Manager, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303 (636) 627-0003 (office) (314) 795-4803 (mobile); [gkeen@quiktrip.com](mailto:gkeen@quiktrip.com)**

Council Sponsor: **Amanda Thompson**

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FEB 08 2024

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 9, 2024 \_

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 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:

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

## LEGAL DESCRIPTION (FROM TITLE COMMITMENT)

That part of the Northeast Quarter of the Northeast Quarter of Section 6,  
Township 11 North, Range 8 West of the Second Principal Meridian, more  
particularly described to-wit: Commencing at an iron rod marking the Northeast Corner of  
the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8  
West, thence South 00 degrees 09 minutes West 409.00 feet with the East  
line of said Northeast Quarter Quarter, thence West 91.00 feet parallel with  
the North line of Section 6 to a 5/8 inch rebar marking the Northwest  
Corner of a 0.128 acre tract conveyed to the State of Indiana and the true  
point of beginning of real estate herein described; thence South 00 degrees  
09 minutes West 121.40 feet to a brass rod marking the Southwest Corner  
of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North  
00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the  
Southwest corner of a 1.22 acre tract as described in Deed Record 367,  
page 596 in the Office of the Recorder of Vigo County, Indiana; thence  
East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said  
1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a  
5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing  
3.74 acres, more or less.

## EXCEPTING THEREFROM:

That part of the Northeast Quarter of the Northeast Quarter of Section 6,  
Township 11 North, Range 8 West of the Second Principal Meridian, more  
particularly described to-wit:

COMMENCING at an iron rod marking the Northeast Corner of the  
Northeast Quarter of the Northeast Quarter of Section 6, Township 11  
North, Range 8 West, thence South 00 degrees 09 minutes West 409.00  
feet with the East line of said Northeast Quarter Quarter, thence West 91.00  
feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the  
Northwest Corner of a 0.128 acre tract conveyed to the State of Indiana;  
thence South 00 degrees 09 minutes West 121.40 feet to a brass rod  
marking the Southwest Corner of said 0.128 acre tract; thence West  
1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 121.40  
feet to the POINT OF BEGINNING; thence North 00 degrees 12 minutes  
East 159.00 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22  
acre tract as described in Deed Record 367, page 596 in the Office of the  
Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch

rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence West 213 feet to the POINT OF BEGINNING.

**FURTHER EXCEPTING THEREFROM:**

That part appropriated by the State of Indiana as shown in Agreed Finding and Judgement entered April 23, 2012, in the case entitled, State of Indiana b Affordable Care, Inc. et. al., Cause No. 84D02-1106-PL-5627, in Vigo Superior Court, recorded July 2, 2012 as Instrument Number 2012009648, in the Office of the Recorder of Vigo County, Indiana, described as follows: A part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, Vigo County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat attached thereto and marked Exhibit "B", described as follows: Commencing at the Northeast corner of said Section, said Northeast corner being designated as point "525" on said plat; thence South 00 degrees 03 minutes 29 seconds West, 409.00 feet along the East line of said Section to the prolonged north line of the grantor's land; thence South 89 degrees 54 minutes 40 seconds West, 91.00 feet along said prolonged North line to the West boundary of S.R. 46; thence South 00 degrees 03 minutes 29 seconds West, 20.11 feet along the boundary of said S.R. 46 to the point of beginning of this description, which point of beginning is designated as point "337" on said plat; thence South 00 degrees 03 minutes 29 seconds West 101.29 feet along said boundary to the Southeast corner of the grantor's land; thence South 89 degrees 54 minutes 30 seconds West, 564.03 feet along the South line of the grantor's land; thence Northeasterly 196.63 feet along an arc to the right and having a radius of 965.00 feet and subtended by a long chord having a bearing of North 84 degrees 13 minutes 14 seconds East and a length of 196.29 feet to a point "355" designated on said plat; thence South 89 degrees 56 minutes 32 seconds East 84.37 feet to point "336" designated on said plat; thence North 73 degrees 49 minutes 34 seconds East 296.19 feet to the point of beginning and containing 0.190 acres, more or less.

**Commonly known as: Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803, Parcel #84-10-06-226-006.000-023**

Be and the same is hereby established as a C-6 Strip Business District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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

Presented by Council Member, Amanda Thompson

---

**Amanda Thompson, Councilperson**

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Tammy Boland, President

ATTEST: \_\_\_\_\_

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Brandon Sakbun, Mayor

ATTEST: \_\_\_\_\_

Michelle Edwards, City Clerk

This instrument prepared by Gwen Keen, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303.

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.

  
\_\_\_\_\_  
Gwen Keen, QuikTrip Corporation

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, **J&L 46 LLC**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit: Commencing at an iron rod marking the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West, thence South 00 degrees 09 minutes West 409.00 feet with the East line of said Northeast Quarter Quarter, thence West 91.00 feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the Northwest Corner of a 0.128 acre tract conveyed to the State of Indiana and the true point of beginning of real estate herein described; thence South 00 degrees 09 minutes West 121.40 feet to a brass rod marking the Southwest Corner of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22 acre tract as described in Deed Record 367, page 596 in the Office of the Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing 3.74 acres, more or less.

**EXCEPTING THEREFROM:**

That part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit:

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feet to the POINT OF BEGINNING.

**FURTHER EXCEPTING THEREFROM:**

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**Commonly known as: Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803**

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**.

Your petitioner would respectfully state that the real estate is now **Vacant**. Your petitioner intends to use the real estate to **operate a convenience store with fuel sales**.

Your petitioner would request that the real estate described herein shall be zoned as a **C-6 Strip Business**. Your petitioner would allege that the **Strip Business District** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area 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-6 Strip Business District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 7 day of February, 2024.

BY: Greg S. Gibson  
J&L 46 LLC  
Greg Gibson  
Manager

PETITIONER: J&L 46 LLC, c/o Gibson Development, LLC 3200 E. Haythorne Avenue, Terre Haute, IN 47805

This instrument was prepared by Gwen Keen, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303

**AFFIDAVIT OF:**

COMES NOW affiant, **J&L 46 LLC, Greg Gibson, Managing Partner,**

and affirms under penalty of law that affiant is the owner of record of the property located

at **Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803, Parcel #84-10-06-226-006.000-023**

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.

**J&L 46 LLC, Greg Gibson, Manager**

SIGNATURE: \_\_\_\_\_

*Greg Gibson*

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, \_\_\_\_\_

*Gregory L. Gibson*

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 7 day of February, 2024.

Notary Public: \_\_\_\_\_

*Stacy S. Morgan*

Stacy S Morgan  
[Typed name]

My Commission Expires: 3-10-27

My County Of Residence: Vermillion





SAMPLE PETITION FOR A REZONING

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:

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**Commonly known as: Near Southwest corner of State Road 46 & Margaret Avenue, Terre Haute, Vigo County Indiana 47803**

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the Terre Haute, Indiana,” and declaring the above-described real estate to be part of the **C-6 Strip Business District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 7 day of February, 2024.

BY: Greg S. Gibson  
J&L 46 LLC  
Greg Gibson  
Manager

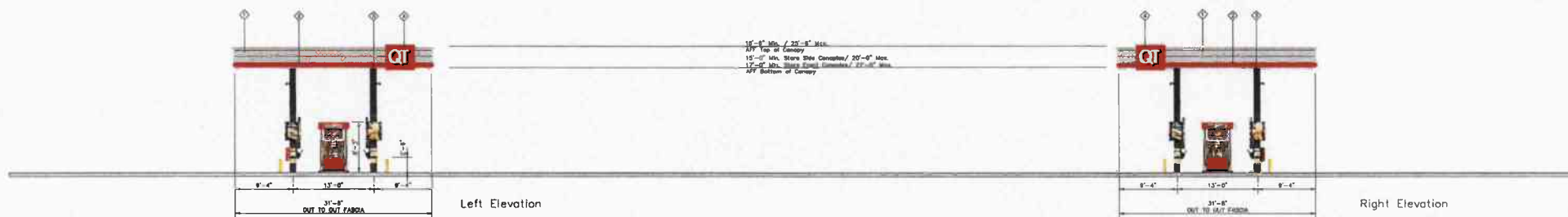
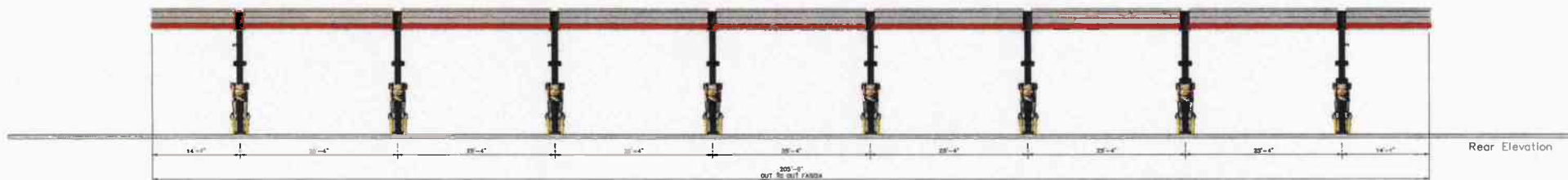
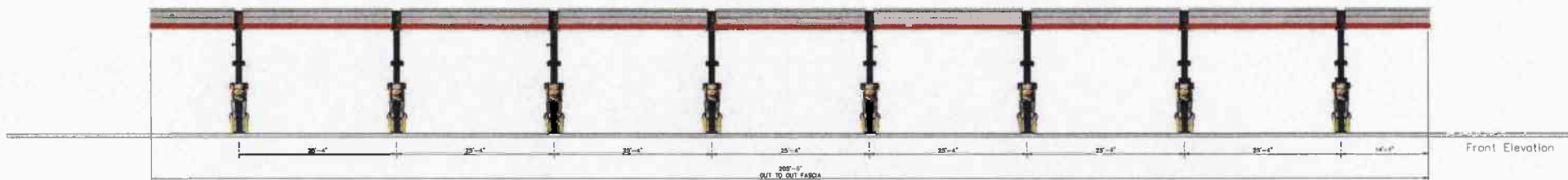
PETITIONER: **J&L 46 LLC, c/o Gibson Development, LLC 3200 E. Haythorne Avenue, Terre Haute, IN 47805**

This instrument was prepared by Gwen Keen, QuikTrip Corporation, 2255 Bluestone, St. Charles, MO 63303









<p>4709 South 129th East Ave. Tulsa, OK 74134-7000 P.O. Box 3478 Tulsa, OK 74101-3478 (918) 613-7700</p>	Store # <b>7264</b>	<b>Vertical 8 Canopy Elevations</b>	Address: <b>TBD</b>	City, State: <b>Terre Haute, IN</b>	<table border="1"> <thead> <tr> <th>Q</th> <th>FINISH</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PAINT</td> <td>PPG</td> <td>PPG</td> </tr> <tr> <td>2</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>3</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>4</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>5</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>6</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>7</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> <tr> <td>8</td> <td>GLASS</td> <td>TEKNO</td> <td>TEKNO</td> </tr> </tbody> </table>	Q	FINISH	MANUFACTURER	SPECIFICATION	1	PAINT	PPG	PPG	2	GLASS	TEKNO	TEKNO	3	GLASS	TEKNO	TEKNO	4	GLASS	TEKNO	TEKNO	5	GLASS	TEKNO	TEKNO	6	GLASS	TEKNO	TEKNO	7	GLASS	TEKNO	TEKNO	8	GLASS	TEKNO	TEKNO
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Serial # <b>89-7264-GV08</b>	Scale: <b>1/16" = 1'-0"</b>	Issue Date: <b>12.11.23</b>	Drawn By: <b>JK</b>	Rev./Notes: _____ _____ _____																																					

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**ENTERED FOR TAXATION**  
**Subject to final acceptance for Transfer**

FEB 14 2018

2018001514 TT \$25.00  
02/14/2018 12:49:57P 4 PGS  
Stacey Joy  
VIGO County Recorder IN  
Recorded as Presented



*Janet W. Brant*  
VIGO COUNTY AUDITOR

**CO-TRUSTEES' DEED**

THIS INDENTURE WITNESSETH: That **Deborah Lynn Crawford, Diane Angermeier Walton and Donna S. Vohland, as Successor Co-Trustees of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended ("Grantors")**, CONVEY and SPECIALLY WARRANT to **J&L 46, LLC**, an Indiana limited liability company, with a mailing address of 3200 Haythorne Avenue, Terre Haute, Indiana 47805 (the "Grantee"), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described in attached *Exhibit A* (hereby made a part hereof), TOGETHER WITH all improvements thereon and appurtenances thereto, BUT SUBJECT TO all assessments and Indiana general real property taxes, as well as all liens, restrictions, easements, covenants, and encumbrances of record as of the date set forth below.

The warranties of Grantor hereunder are limited to Grantor's own acts and deeds and those of persons claiming by, through and under Grantor, and not otherwise.

The undersigned persons executing this deed aver that: they are the only successor co-trustees of the Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended—which trust now exists; they have full authority and capacity to execute, acknowledge, and deliver this deed for and in behalf of said Trust; no other action need be taken or done to make this an effective conveyance of the above-described real estate; and Diane Angermeier Walton was formerly known as Diane Elise Angermeier.

IN WITNESS WHEREOF, **Deborah Lynn Crawford, Diane Elise Angermeier and Donna S. Vohland, as Successor Trustees of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended**, have hereunto set their hands and seals as of the 14<sup>th</sup> day of February, 2018.

[signature page follows]



*Deborah Crawford*

Deborah Lynn Crawford, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

*Diane Angermeier Walton*

Diane Angermeier Walton, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

*Donna S. Vohland*

Donna S. Vohland, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

STATE OF Ohio )  
 )SS:  
COUNTY OF Franklin )

Before me, the undersigned, a Notary Public in and for said County and State, this 29 day of January, 2018, appeared Deborah Lynn Crawford, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

*D. Booker*  
Dujuan Booker, Notary Public  
Printed Name

My Commission Expires: March 7 2022 County of Residence: Franklin



**DUJUAN BOOKER**  
Notary Public, State of Ohio  
My Commission Expires  
March 7, 2022

STATE OF Indiana )  
 )SS:  
COUNTY OF Marion )



Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of February, 2018, appeared Diane Angermeier Walton, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Sharla Livingston-Mabon Notary Public  
Printed Name

My Commission Expires: April 28, 2022 County of Residence: Marion

STATE OF OHIO )  
 )SS:  
COUNTY OF Butler )

Before me, the undersigned, a Notary Public in and for said County and State, this 5 day of February, 2018, appeared Donna S. Vohland, as Successor Co-Trustee of the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Mary Kremer  
Mary Kremer, Notary Public  
Printed Name

My Commission Expires: 8/23/2022 County of Residence: Butler

MARY KREMER  
Notary Public  
State of Ohio  
Commission Expires 08/23/2022



This instrument was prepared by WILLIAM M. OLAH, Attorney at Law, 333 Ohio, Terre Haute, IN 47807 (812)232-4311

Send tax duplicates to: 3200 Haythorne Ave, Terre Haute, IN 47805

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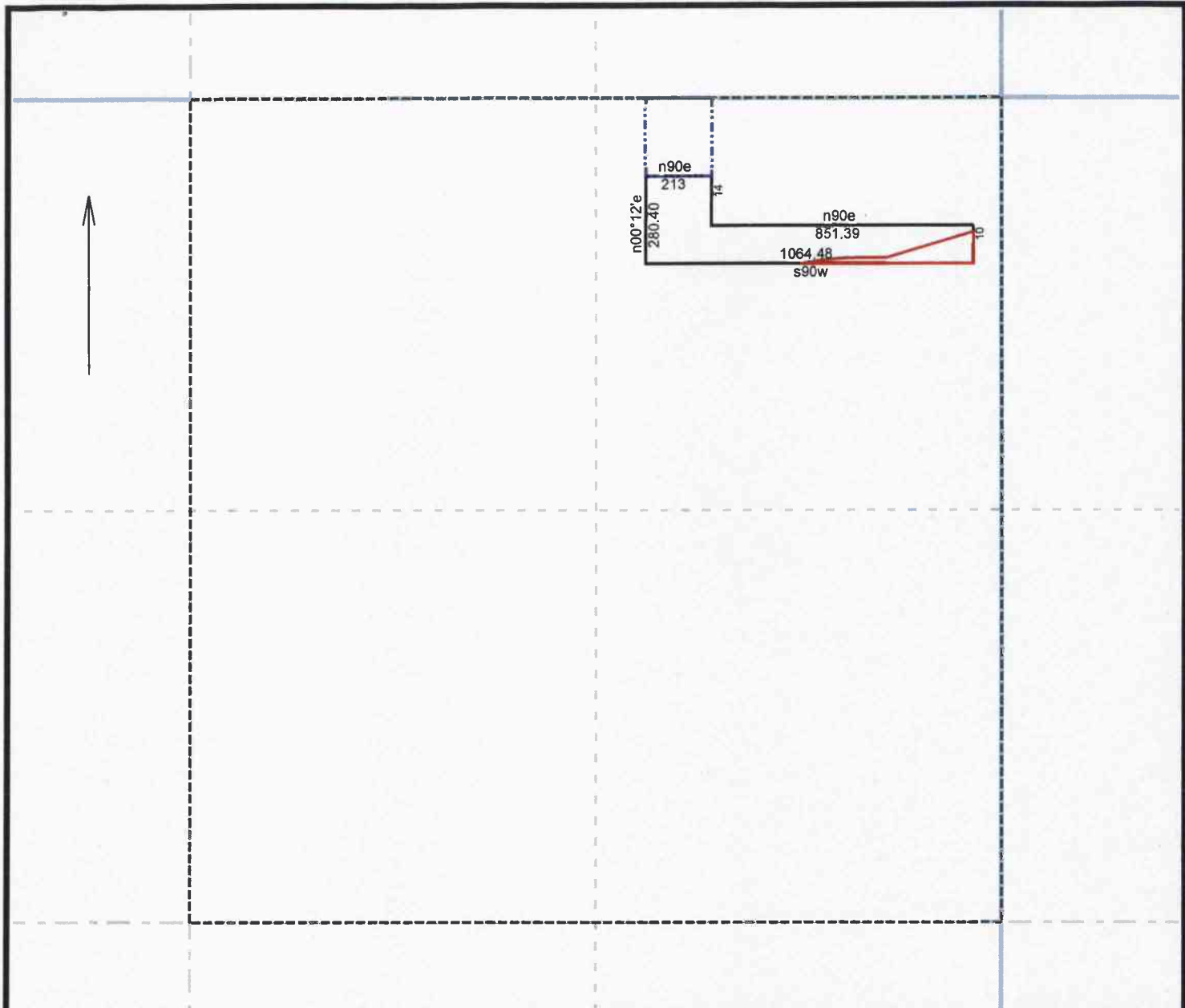
**EXHIBIT A**

Situate in the State of Indiana, County of Vigo and being a part of the Northeast quarter of the Northeast quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, more particularly described to-wit:

Commencing at an iron rod marking the Northeast corner of the Northeast quarter of the Northeast quarter of Section 6, Township 11 North, Range 8 West, thence South 00 degrees 09 minutes West 409.00 feet with the East line of said Northeast quarter quarter, thence West 91.00 feet parallel with the North line of Section 6 to a 5/8 inch rebar marking the Northwest corner of a 0.128 acre tract conveyed to the State of Indiana and the true point of beginning of real estate herein described; thence South 00 degrees 09 minutes West 121.40 feet to a brass rod marking the Southwest corner of said 0.128 acre tract; thence West 1064.48 feet to a rebar; thence North 00 degrees 12 minutes East 280.40 feet to a 5/8 inch rebar marking the Southwest corner of a 1.22 acre tract as described in Deed Record 367, page 596 in the office of the Recorder of Vigo County, Indiana; thence East 213.00 feet to a 5/8 inch rebar marking the Southeast corner of said 1.22 acre tract; thence South 00 degrees 12 minutes West 159.00 feet to a 5/8 inch rebar; thence East 851.39 feet to the point of beginning, containing 3.74 acres, more or less.

EXCEPT that part appropriated by the State of Indiana as shown in Agreed Finding and Judgment filed April 23, 2012 in Vigo Superior Court under Cause No. 84D02-1106-PL-5627, and recorded July 2, 2012 as Instrument Number 2012009648, records of the Recorder's Office of Vigo County, Indiana.

ALSO an easement for ingress and egress over and along an existing drive extending from the above described real estate northwardly to Margaret Avenue as more completely described in Deed Record 367, page 596 in the Office of the Recorder of Vigo County, Indiana.



7/11/2023

Scale: 1 inch= 479 feet      File: 91298140-vigo.ndp

Tract 1: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.  
 Tract 2: 3.7440 Acres (163088 Sq. Feet), Closure: n88.5014w 0.02 ft. (1/168681), Perimeter=2690 ft.  
 Tract 3: 0.4896 Acres (21325 Sq. Feet), Closure: n22.4757e 0.01 ft. (1/179369), Perimeter=1243 ft.  
 Tract 4: 1.2225 Acres (53250 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=926 ft.

01 /ne,ne,6,11n,8w	21 s0.0329w 101.29
02 s0w 2640.00	22 s89.5430w 564.03
03 s90w 2640.00	23 Rt, r=965.00, arc=196.63, chord=n84.1314e 196.29
04 n0e 2640.00	24 s89.5632e 84.37
05 n90e 2640.00	25 n73.4934e 296.19
06 @0	26 @0 367-596 ease
07 /ne,6,11n,8w	27 /ne,6,11n,8w
08 /s00.09w 409	28 /s90w 942
09 /s90w 91	29 s0e 250
10 s00.09w 121.40	30 s90w 213
11 s90w 1064.48	31 n0e 250
12 n00.12e 280.40	32 n90e 213
13 n90e 213	
14 s00.12w 159	
15 n90e 851.39	
16 @0 2012009648 os	
17 /ne,6,11n,8w	
18 /s0.0329w 409	
19 /s89.5440w 91	
20 /s0.0329w 20.11	

