

SPECIAL ORDINANCE NO. 16, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lot to be rezoned:

1132 & 1116 Poplar St., Terre Haute, IN 47807

Parcel No. 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Rezoned From: C-6 Strip Business

Rezoned To: C-4 Restricted Central Business District

Proposed Use: Craft store, Private Dining and Second Floor Residential

Name of Owners: Oehler Living Trust

Address of Owners: 2260 Ohio Blvd
Terre Haute, IN 47803

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: Anthony Dinkel

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 03 2024

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
AS AMENDED SPECIAL ORDINANCE NO. 16, 2024**

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

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

Tract I:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

Tract II:

The East One Half (1/2) of Lot Number Eighty-nine (89) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road, now Wabash Avenue, in the City of Terre Haute, Vigo County, Indiana

ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002
Commonly known as: 1132 & 1116 Poplar St., Terre Haute, IN 47807

Be and the same is hereby established as a C-4 Restricted Central 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, _____
Anthony Dinkel, 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 at _____ o'clock.

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this _____ day of _____, 2024 at _____ o'clock.

Michelle Edwards, City Clerk

Approved by me, the Mayor, 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 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, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract I:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

Tract II:

The East One Half (1/2) of Lot Number Eighty-nine (89) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road, now Wabash Avenue, in the City of Terre Haute, Vigo County, Indiana

ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve

(12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14, 1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., 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-6 Strip Business.

Your Petitioner intends to use this real estate for a craft store, private dining and a second floor residence which is within the boundaries of the C-4 Restricted Central Business District. Your Petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District.

Your Petitioner would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-4 Restricted Central Business District should not cause concern for the surrounding neighborhood.

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

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted Central 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 WITNESS WHEREOF, this petition has been duly executed this _____ day of March, 2024.

PETITIONER:

By: _____
Robert C. Oehler, Trustee of the Oehler
Living Trust, dated September 3, 2015 and
amendments thereto

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

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, being duly sworn upon his oath, deposes and says:

1. That Oehler Living Trust, dated September 3, 2015 and amendments thereto 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:

Tract I:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

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ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

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Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., 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 Oehler Living Trust 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 Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this _____ day of March, 2024.

By: _____
Robert C. Oehler, Trustee of the
Oehler Living Trust, dated
September 3, 2015 and
amendments thereto

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

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

_____, Notary Public
My Commission expires: _____
My County of Residence: _____

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

SITE PLAN
SPECIAL ORDINANCE NO. 16, 2024



1116 Poplar Street Terre Haute, IN 47807
1132 Poplar Street Terre Haute, IN 47807



Parcel Nos.: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

C-6 Strip Business
to
C-4 Restricted Central Business District

Proposed Use: Craft Store, Private Dining and Second Floor Residential