

SPECIAL ORDINANCE NO. 37, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:
1250 Locust Street, Terre Haute, IN 47807
A Portion of Parcel # 84-06-15-382-002.000-002

Rezone From: R-2 Two Family Residence District

Rezone To: R-3 General Residence District

Proposed Use: Duplexes

Name of Owners: ANA Property Group, LLC

Address of Owners: 5268 Tylan Lane
Terre Haute, IN 47802

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: James Chalos

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

OCT 02 2024

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 37, 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:

A portion of the land in the name of ANA Property Group, LLC.
(Instrument No. 2024010182 - as found in the records of the Vigo County
Recorder's Office) being a part of Section 15, Township 12 North, Range 9
West of the Second Principal Meridian, Harrison Township, City of Terre
Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L.
Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a
Plat of Subdivision (Align CEC Project No. 24-132) as follows:

Beginning at an iron pipe monumenting the Southeast corner of Tract 4
of Spatz Subdivision (Instrument No. 2007017531); thence North 00
degrees 00 minutes 56 seconds West (basis of bearings is the Indiana
State Plane Coordinate System West Zone, Grid North) along the West
line of said subdivision a distance of 930.89 feet to an iron pipe on the
South right of way of 3rd Avenue, also being the Northeast corner of
Tract 1 of said subdivision; thence North 89 degrees 44 minutes 18
seconds East along said right of way a distance of 421.74 feet to a 5/8-
inch rebar with a plastic cap stamped "Align-Bndry Firm 0123",
hereinafter called an Align pin set; at the intersection of said right of way
with the West right of way of 13th Street; thence South 00 degrees 00
minutes 01 minute East along said West right of way a distance of 456.01
feet to an Align pin set; thence South 89 degrees 44 minutes 18 seconds
West a distance of 167.65 feet to an Align pin set; thence South 00
degrees 00 minutes 56 seconds East, parallel with the East line of Spatz
Subdivision, a distance of 474.90 feet to an Align pin set on the North
right of way of Locust Street; thence South 89 degrees 44 minutes 30
seconds West along said South right of way a distance of 254.00 feet to
the Point of Beginning containing 7.18 acres, more or less.

A Portion of Parcel No.: 84-06-15-382-002.000-002
Commonly Known as 1250 Locust 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

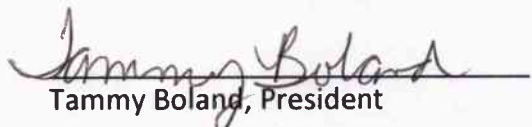
law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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,


James Chalos, Councilperson

Passed in open Council this 14th day of November, 2024.


Tammy Boland, President

ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 18th day of November, 2024.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 18th day of November, 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, Adam Meyer, Member of ANA Property Group, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of ANA Property Group, LLC.
(Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

Beginning at an iron pipe monumenting the Southeast corner of Tract 4 of Spatz Subdivision (Instrument No. 2007017531); thence North 00 degrees 00 minutes 56 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the West line of said subdivision a distance of 930.89 feet to an iron pipe on the South right of way of 3rd Avenue, also being the Northeast corner of Tract 1 of said subdivision; thence North 89 degrees 44 minutes 18 seconds East along said right of way a distance of 421.74 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set; at the intersection of said right of way with the West right of way of 13th Street; thence South 00 degrees 00 minutes 01 minute East along said West right of way a distance of 456.01 feet to an Align pin set; thence South 89 degrees 44 minutes 18 seconds West a distance of 167.65 feet to an Align pin set; thence South 00 degrees 00 minutes 56 seconds East, parallel with the East line of Spatz Subdivision, a distance of 474.90 feet to an Align pin set on the North right of way of Locust Street; thence South 89 degrees 44 minutes 30 seconds West along said South right of way a distance of 254.00 feet to the Point of Beginning containing 7.18 acres, more or less.

A Portion of Parcel No.: 84-06-15-382-002.000-002

Commonly Known as 1250 Locust 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 R-2 Two Family Residence District.

Your Petitioner intends to develop the property to construct Fifty (50) duplexes containing one-hundred (100) units, a mix of both three bedroom/three bath and two bedroom/two bath units for rent to student athletes of Indiana State University and the general public. Phase One of this project will construct ten (10) buildings or twenty (20) units. 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 2nd day of October, 2024.

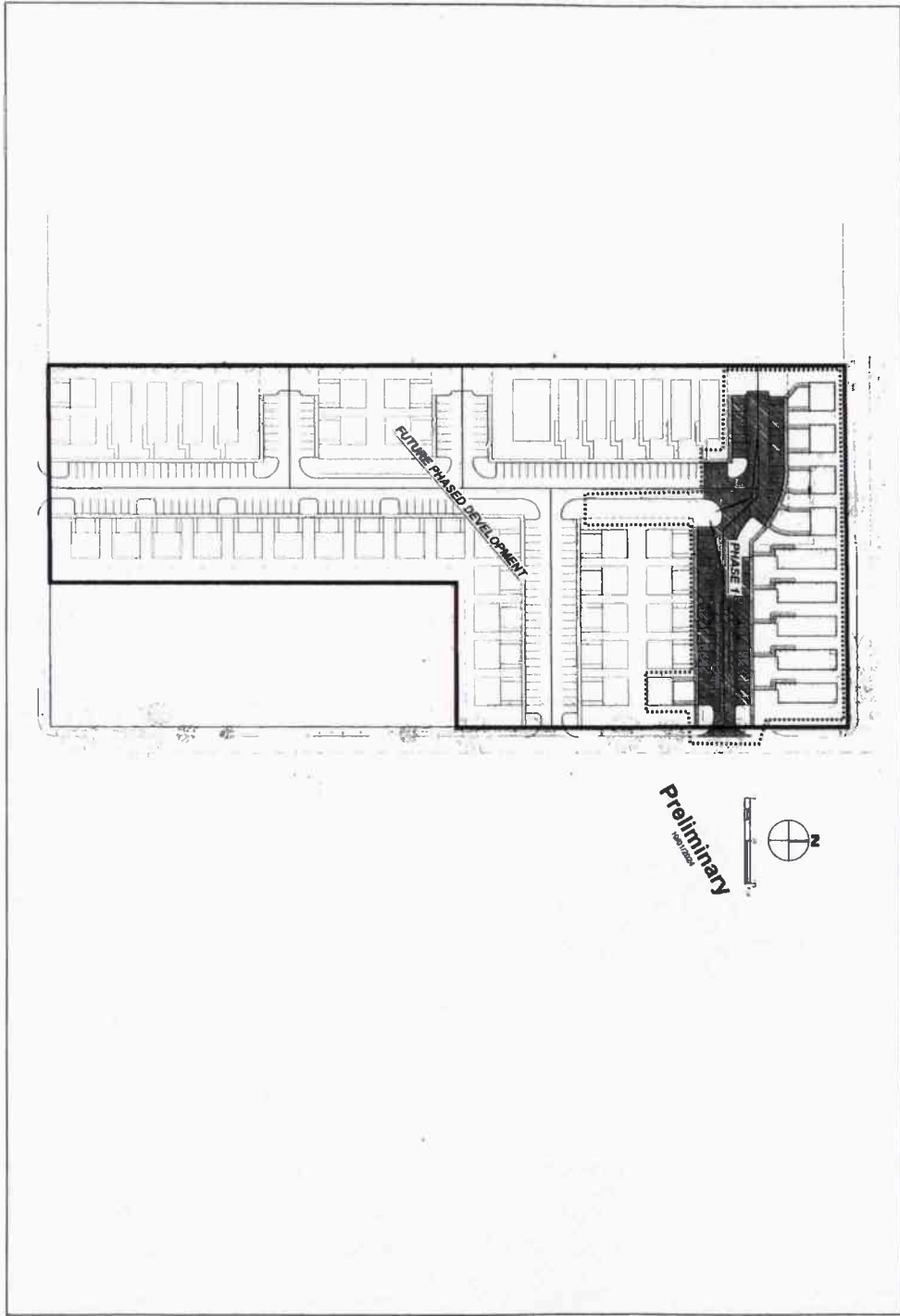
PETITIONER:

By: 

Adam Meyer, Member of ANA Property Group, LLC

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




Preliminary
NOT FOR CONSTRUCTION



| | | | | | | |
|----------------------------------|--|---|--|--|-------------------------------------|--------------|
| C100 GENERAL SITE PLAN | PREPARED BY: DATE: 11/11/11 DRAWN BY: CHECKED BY: APPROVED BY: | 1500 S. Indiana Street, Suite 2 Terre Haute, IN 47601 765.654.8752 | 1500 S. 1st St. Terre Haute, IN 47601 617.398.9751 | SECTION 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana | DATE: 11/11/11 REVISIONS: BY: | APPROVED BY: |
| | Preliminary NOT FOR CONSTRUCTION | ALIGN 1500 S. Indiana Street, Suite 2 Terre Haute, IN 47601 765.654.8752 ALIGNMENT CONSULTANTS | ATHLETIC VILLAGE - PHASE 1 1250 LOCUST STREET TERRE HAUTE, IN 47601 | | | |

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

SEP 23, 2024 MM


VIGO COUNTY AUDITOR

2024010182 DEED \$25.00
9/23/2024 9:32:37 AM 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That **Terre Haute Boys & Girls Club, Inc.**, "Grantor," a corporation organized and existing under the laws of the State of Indiana, **CONVEYS AND WARRANTS** to **ANA Property Group, LLC**, an Indiana limited liability company, "Grantee," for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

10 acres, more or less, off the East end of a 15-acre tract, in the City of Terre Haute, taken from the East end of 60 acres off of the South side of the Southwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all conveyances or reservations of mineral rights, covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper corporate resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed/delivered this 19th day of September, 2024.

/s/ Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to: ANA Property Group, LLC
2230 W Hudson Drive
Terre Haute, IN 47802

Property address: 1250 Locust Street
Terre Haute, IN 47807

Parcel number: 84-06-15-382-002.000-002

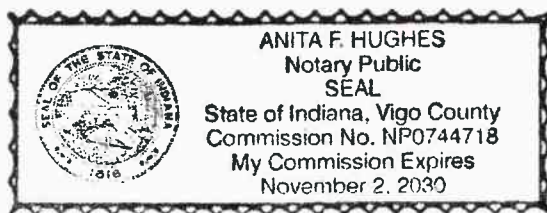
Terre Haute Boys & Girls Club, Inc.

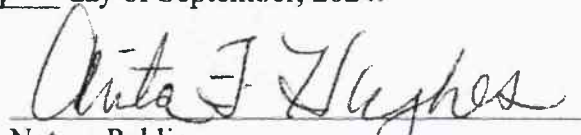
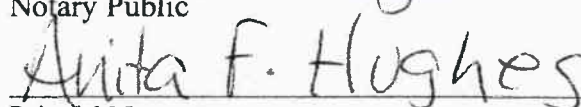

By: David P. Friedrich, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared David P. Friedrich, the President of Terre Haute Boys & Girls Club, Inc., who acknowledged the execution of the above and foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 19th day of September, 2024.




Notary Public

Printed Name

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.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Adam Meyer, Member of ANA Property Group, LLC, being duly sworn upon his oath, deposes and says:

1. That the ANA Property Group, 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:

A portion of the land in the name of ANA Property Group, LLC. (Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

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Parcel No.: 84-06-15-382-002.000-002

Commonly Known as 1250 Locust 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 ANA Property Group, 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 Adam Meyer, Member of ANA Property Group, LLC.

5. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2nd day of October, 2024.

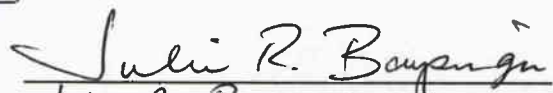
ANA Property Group, LLC

By: 
Adam Meyer, Member of ANA Property
Group, LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2nd day of October, 2024.




Julie R. Baysinger Notary Public

My Commission Expires: 9-24-2028

My County of Residence: Vermillion

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.



TERRE HAUTE, IN

PAID

OCT 02 2024

CONTROLLER

Receipt of Payment

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

Date 10/2/24
Name Wright, Shagley, & Lowery, P.C.
Reason Rezoning - \$45.00

Cash

Check \$45.00

Ck # 074602

Credit

Total \$45.00

Received By Ek / A. Thome



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: November 7, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 37-24

CERTIFICATION DATE: November 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. 37-24. This Ordinance is a rezoning of property located at 1250 Locust Street., Terre Haute, IN. Parcel number 84-06-15-382-002.000-002. The Petitioner, SM Capital Group, petitions the Plan Commission to rezone for the future development of duplexes from zoning classification C-3 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. 37-24 at a public meeting and hearing held Wednesday, November 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. 37-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 37-24 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. 37-24 was FAVORABLE with the following condition: 1) Site plan approval by the Department of Engineering with parking and storm water drainage.



A handwritten signature in black ink, appearing to read "Norm B. Froderman".

Norm Froderman, APC Secretary

A handwritten signature in black ink, appearing to read "Jared Baylor".

Jared Baylor, Executive Director

Received this 7th day of November, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-24

Doc: #81

Date: November 2024

Page 1 of 4

APPLICATION INFORMATION

Property Owner: Kenneth Steiner Jr.

Representative: Richard Shagley II

Current Zoning: R-2, Two Family Residence District

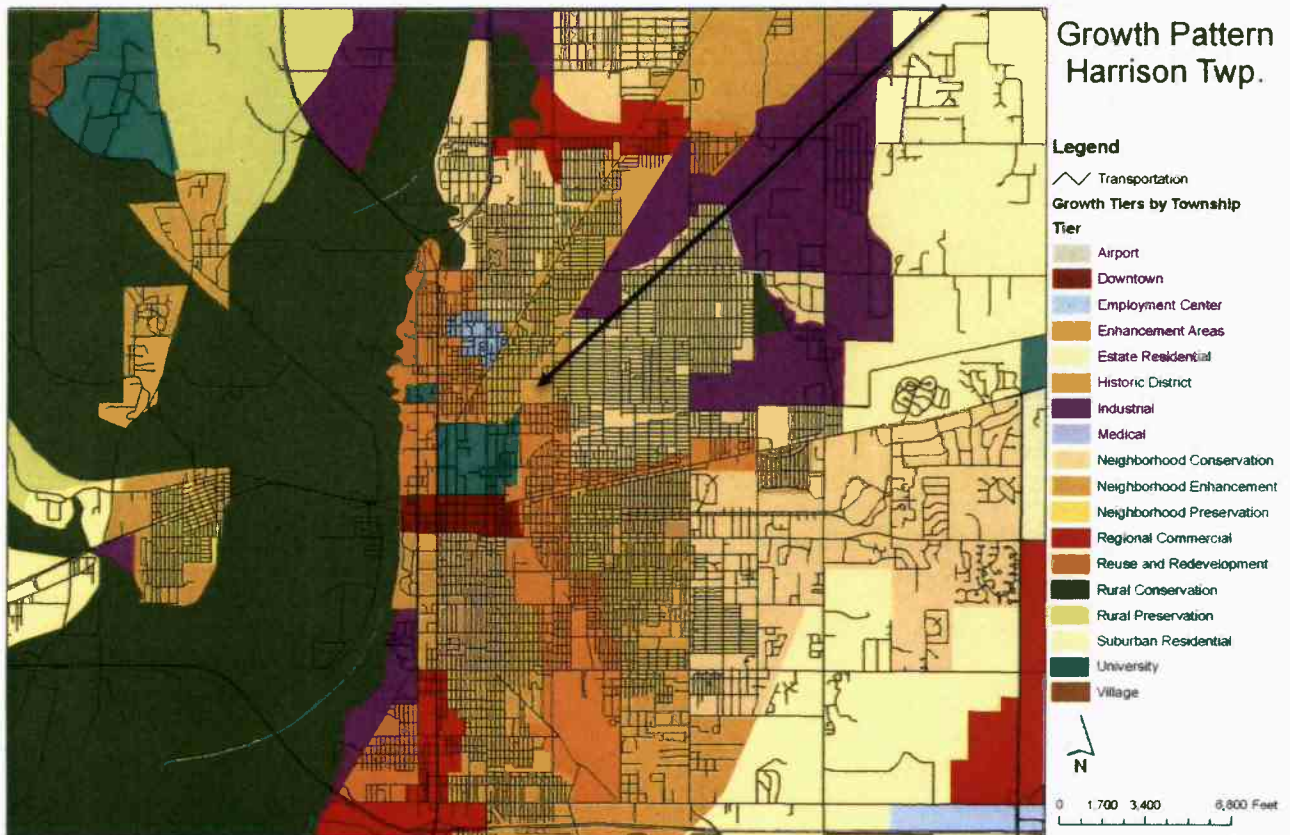
Proposed Zoning: R-3, General Residence District

Proposed Use: Duplexes

Location: 1250 Locust Street, Terre Haute, In Parcel# 84-06-15-382-002.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-24

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Page 2 of 4

Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-24

Doc: #81

Date: November 2024

Page 3 of 4

Available Services: The area is well served by utilities.

Dev. Priority: High Intensity Residential

Character of Area: The area surrounding this property is a mix of Residential and Commercial property.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1
 East – R-2
 South – C-1, R-2
 West – C-5, C-3

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, convalescent homes, Institutions for the aged and 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 of 512 Sq. Ft., and a minimum Lot Area of 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:

This rezoning accompanies the AVG Subdivision (Docket #79, File #42-24).

The petitioner intends to develop the property to construct fifty duplexes containing one hundred units, a mid of both three bedroom/three bath and two bedroom/two bath units for rent to student athletes of Indiana State University and the general public. Phase One of this project will construct ten buildings or twenty units.

The area is a mixed use of residential and commercial.

In their recommendation, the Department of Engineering states: “the intended use would not alter the neighborhood’s characteristic or create any significant problems for the surrounding area.

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

1. Site plan approval by the Department of Engineering with parking and stormwater drainage.



**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: Jason Holler
Lead Building Inspector

DATE: October 11th, 2024

RE: **1250 Locust Street**

As requested by Area Planning, the Department of Engineering has reviewed the property located at 1250 Locust Street:

- Rezoning of 1250 Locust Street from R-2 to an R-3 Multi-Family Residential.

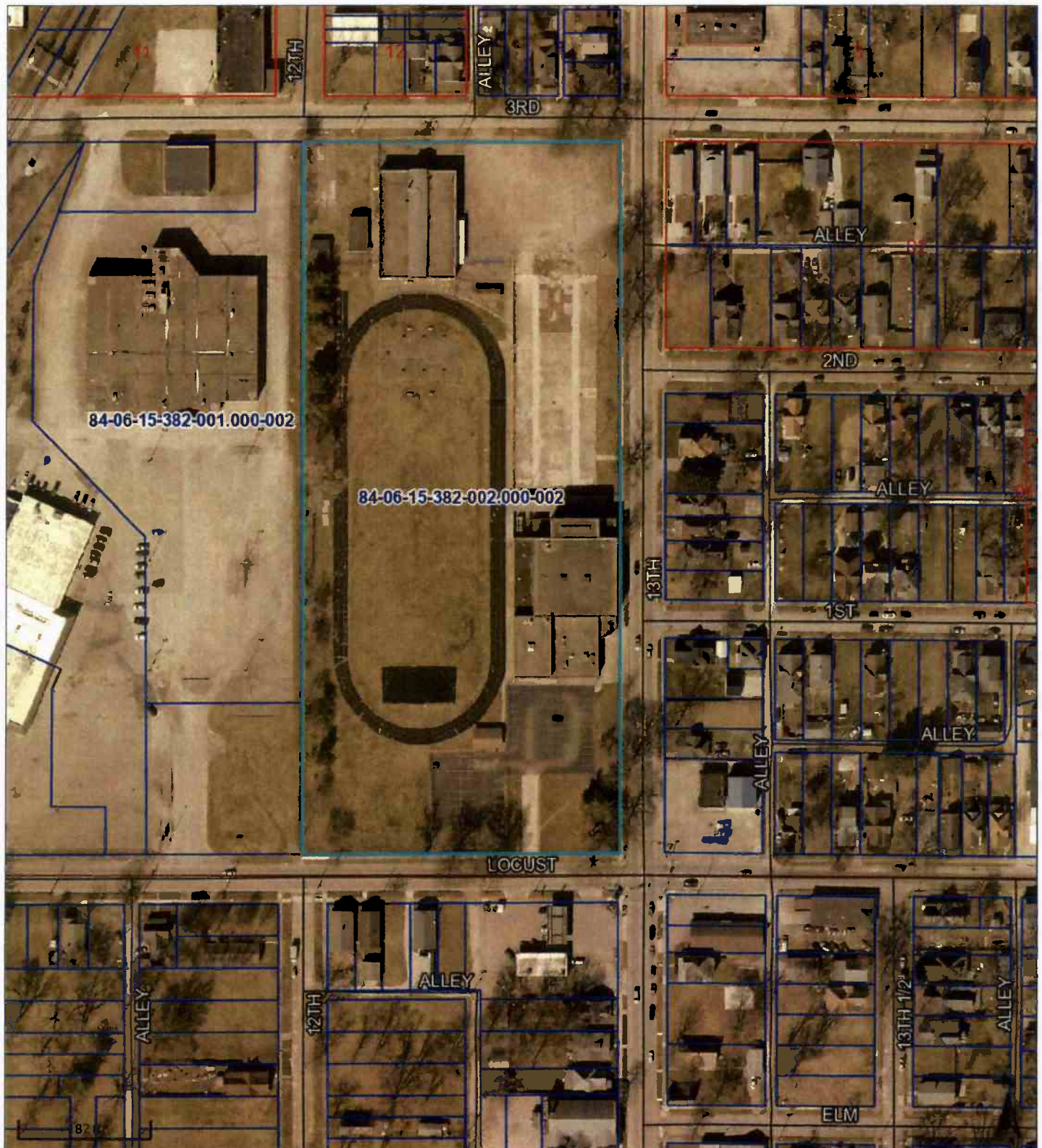
The parcels surrounding this property are zoned R-1 to the North, to the South are zoned R-1, to the East are Zoned R-2 and West are zoned C-5. The intended use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

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



Docket #81 SO #37-24

1250 Locust St



SPECIAL ORDINANCE NO. 37, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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A Portion of Parcel # 84-06-15-382-002.000-002

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Rezone To: R-3 General Residence District

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Phone Number of Owners: c/o Richard J. Shagley II
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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: James Chalos

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

OCT 02 2024

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 37, 2024**

CITY CLERK

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A portion of the land in the name of ANA Property Group, LLC.
(Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

Beginning at an iron pipe monumenting the Southeast corner of Tract 4 of Spatz Subdivision (Instrument No. 2007017531); thence North 00 degrees 00 minutes 56 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the West line of said subdivision a distance of 930.89 feet to an iron pipe on the South right of way of 3rd Avenue, also being the Northeast corner of Tract 1 of said subdivision; thence North 89 degrees 44 minutes 18 seconds East along said right of way a distance of 421.74 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set; at the intersection of said right of way with the West right of way of 13th Street; thence South 00 degrees 00 minutes 01 minute East along said West right of way a distance of 456.01 feet to an Align pin set; thence South 89 degrees 44 minutes 18 seconds West a distance of 167.65 feet to an Align pin set; thence South 00 degrees 00 minutes 56 seconds East, parallel with the East line of Spatz Subdivision, a distance of 474.90 feet to an Align pin set on the North right of way of Locust Street; thence South 89 degrees 44 minutes 30 seconds West along said South right of way a distance of 254.00 feet to the Point of Beginning containing 7.18 acres, more or less.

A Portion of Parcel No.: 84-06-15-382-002.000-002
Commonly Known as 1250 Locust 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, _____
James Chalos, 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, Adam Meyer, Member of ANA Property Group, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of ANA Property Group, LLC.
(Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

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A Portion of Parcel No.: 84-06-15-382-002.000-002

Commonly Known as 1250 Locust 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 R-2 Two Family Residence District.

Your Petitioner intends to develop the property to construct Fifty (50) duplexes containing one-hundred (100) units, a mix of both three bedroom/three bath and two bedroom/two bath units for rent to student athletes of Indiana State University and the general public. Phase One of this project will construct ten (10) buildings or twenty (20) units. 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.

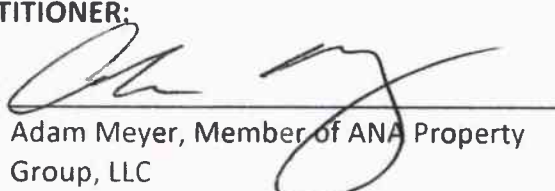
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

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 October, 2024.

PETITIONER:

By:


Adam Meyer, Member of ANA Property
Group, LLC

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.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Adam Meyer, Member of ANA Property Group, LLC, being duly sworn upon his oath, deposes and says:

1. That the ANA Property Group, 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:

A portion of the land in the name of ANA Property Group, LLC. (Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

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Parcel No.: 84-06-15-382-002.000-002

Commonly Known as 1250 Locust 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 ANA Property Group, 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 Adam Meyer, Member of ANA Property Group, LLC.

5. Further, Affiant saith not.

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

ANA Property Group, LLC

By: _____
Adam Meyer, Member of ANA Property
Group, LLC

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 _____, 2024.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

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.

SEP 23, 2024 MM



VIGO COUNTY AUDITOR



CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Terre Haute Boys & Girls Club, Inc., "Grantor," a corporation organized and existing under the laws of the State of Indiana, ***CONVEYS AND WARRANTS*** to **ANA Property Group, LLC**, an Indiana limited liability company, "Grantee," for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

10 acres, more or less, off the East end of a 15-acre tract, in the City of Terre Haute, taken from the East end of 60 acres off of the South side of the Southwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all conveyances or reservations of mineral rights, covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper corporate resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed/delivered this 19th day of September, 2024.

/s/ Jeffrey A. Lewellyn


This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to: ANA Property Group, LLC
2230 W Hudson Drive
Terre Haute, IN 47802

Property address: 1250 Locust Street
Terre Haute, IN 47807

Parcel number: 84-06-15-382-002.000-002

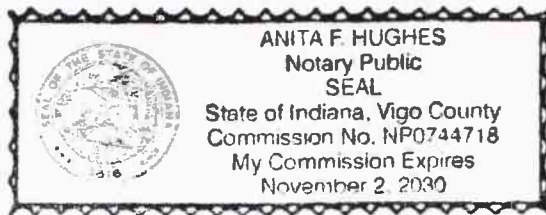
Terre Haute Boys & Girls Club, Inc.

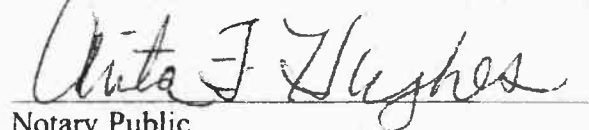
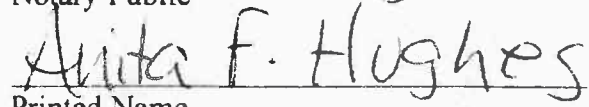

By: David P. Friedrich, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared David P. Friedrich, the President of Terre Haute Boys & Girls Club, Inc., who acknowledged the execution of the above and foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 19th day of September, 2024.




Notary Public

Printed Name

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.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Adam Meyer, Member of ANA Property Group, LLC, being duly sworn upon his oath, deposes and says:

1. That the ANA Property Group, 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:

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Parcel No.: 84-06-15-382-002.000-002

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5. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2nd day of October, 2024.

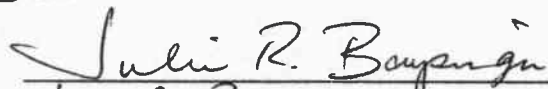
ANA Property Group, LLC

By: 
Adam Meyer, Member of ANA Property
Group, LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2nd day of October, 2024.




Julie R. Baysinger, Notary Public

My Commission Expires: 9-24-2028

My County of Residence: Vermillion

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.