



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 39

COMMON ADDRESS OF LOTS TO BE REZONED:

Lots 1 through 4 in Terre Vista Glenn Subdivision and 35.3+/- acres of undeveloped land south of Terre Vista Subdivision.

Current Zoning: O1, Agricultural

Requested Zoning: R1, Single Family Residential

Proposed Use: Single Family Residential Subdivision Development

Name of Owner: Dobbs Glen Development Corporation by Bert Williams its President

Address of Owner: 601 So. 3rd. St. Terre Haute, IN 47807

Phone Number of Owner: (812) 232-6015

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Bert Williams

Council Sponsor: _____

*COPY OF SITE PLAN IS ATTACHED

FILED

OCT 07 2010

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 39, 20 10

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:

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

Exhibit A attached

Commonly known as: Terre Vista Glen Subdivision in Vigo County, Indiana

Be and the same is hereby established as a R-1 Single-Family 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, _____

Patrick R. Ralston

Patrick Ralston, Second District

Passed in Open Council this 9th day of November, 20 10

Neil Garrison

Neil Garrison

-President

ATTEST: _____

Charles P. Hanley

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 10th day of November, 20 10

Charles P. Hanley

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10th day of NOVEMBER, 20 10

Duke A. Bennett

Duke A. Bennett, Mayor

ATTEST: _____

Charles P. Hanley

Charles P. Hanley, City Clerk

This instrument prepared by: Bert Williams, 601 So. 3rd. St., Terre Haute, IN 47807 Phone (812) 232-6015.

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

A handwritten signature in black ink, appearing to read "Bert Williams", written over a horizontal line.

Bert Williams, President
Dobb Glen Development Corporation

Exhibit A

Legal Description for Rezoning Petition

Sixty-three and ninety-two hundredths (63.92) acres off of the East side of the Northwest Quarter of Section Thirty (30), Township Twelve (12) North, Range Eight (8) West.

EXCEPT that part platted as Terre Vista, being a Subdivision of part of the Northwest Quarter of Section 30, Township 12 North, Range 8 West, and a part of the Southwest Quarter of Section 19, Township 12 North, Range 8 West, and a part of the Northeast Quarter of Section 25, Township 12 North, Range 9 West, recorded in Plat Record 18, Page 18, in the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part platted as Terre Vista First Addition, a subdivision of part of the Northwest Quarter (NW ¼) of Section 30, Township 12 North, Range 8 West as shown by the recorded plat thereof, recorded in Plat Record 19, Page 51, in the Recorder's Office of Vigo County, Indiana.

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, Bert Williams, President of Dobbs Glen Development Corporation, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Exhibit A attached

Commonly known as: Lots 1 through 4 in Terre Vista Glenn Subdivision and 35.3+/- acres of undeveloped land south of Terre Vista Subdivision, in Terre Haute, 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 O-1 Agricultural District.

Your petitioner would respectfully state that the real estate is now used for agricultural uses. Your petitioner intends to use the real estate for single-family residential development.

Your petitioner would request that the real estate described herein shall be zoned as a R-1 Single-Family Residence District. Your petitioner would allege that the Single Family Residential 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 R-1 Single-Family 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 WITNES WHEREOF, This petition has been duly executed this 6th day of October, 2010.

BY: 

Bert Williams, President

PETITIONER: Dobbs Glen Development Corporation, 601 So. 3rd. St., Terre Haute, IN 47807

This instrument was prepared by Bert Williams, 601 So. 3rd. St., Terre Haute, IN 47807 Phone (812) 232-6015

Exhibit A

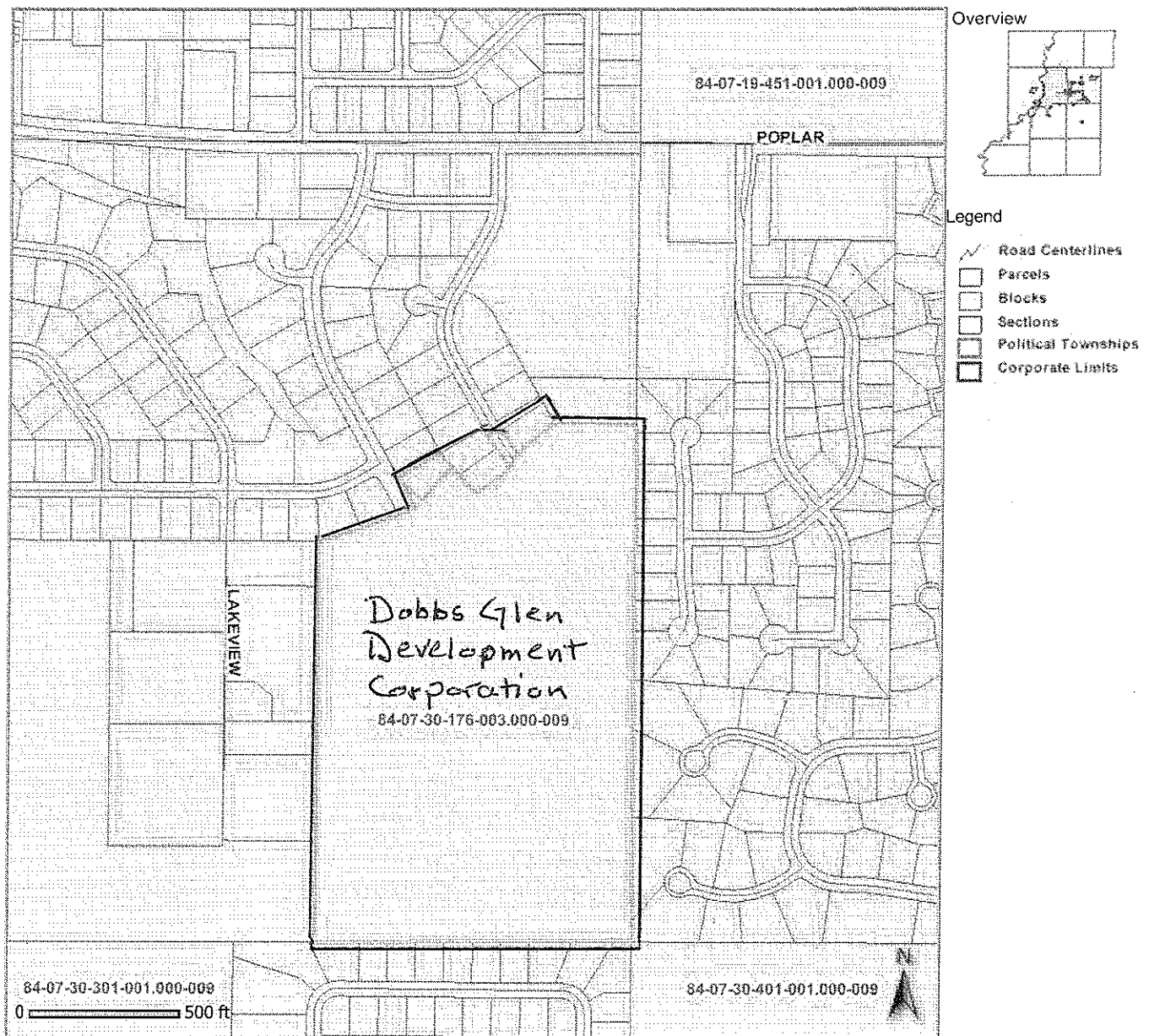
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Date Created: 10/5/2010
Map Scale: 1 in = 500 ft



Last Data Upload: 10/5/2010 2:39:19 AM

AFFIDAVIT OF:

COMES NOW affiant Dobbs Glen Development Corporation by Bert Williams its President,

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

at Lots 1 through 4 in Terre Vista Glenn Subdivision and 35.3+/- acres of undeveloped land south of Terre Vista Subdivision, in Terre Haute, Indiana 47803.

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

Dobbs Glen Development Corporation
[Typed name of owner(s) on deed]

SIGNATURE: Dobbs Glen Development Corporation

SIGNATURE: by Bert Williams, President

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Bert Williams

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 6 day of October, 2010.

Notary Public: Lucinda Smith

LUCINDA SMITH
[Typed name]

My Commission Expires: 12-27-2013

My County Of Residence: VIGO



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 14 2003


VIGO COUNTY AUDITOR

EGA Date 03/14/2003 Time 11:41:57
Mitchell Newton 4P
Vigo County Recorder
Filing Fee: 20.00
I 200307296 Page 1 of 4

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH that: NEWLIN-JOHNSON DEVELOPMENT CO., INC., ("Grantor"), a corporation organized and existing under the laws of the State of Indiana, CONVEYS AND WARRANTS to DOBBS GLEN DEVELOPMENT CORPORATION, of Vigo County, in the State of Indiana, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

Lots Numbered 1, 2, 3, 4, 5 & 6 in Terre Vista, being a Subdivision of part of the Northwest Quarter of Section 30, Township 12 North, Range 8 West, and a part of the Southwest Quarter of Section 19, Township 12 North, Range 8 West, and a part of the Northeast Quarter of Section 25, Township 12 North, Range 9 West, recorded in Plat Record 18, Page 18, in the Recorder's Office of Vigo County, Indiana.

ALSO,

Lots Numbered 80, 81, 82, 83, 84, 85, 93, 119, 122, 123, 124, 125 & 128 in Terre Vista First Addition, a subdivision of a part of the Northwest Quarter (NW ¼) of Section 30, Township 12 North, Range 8 West as shown by the recorded plat thereof, recorded in Plat Record 19, Page 51, in the Recorder's Office of Vigo County, Indiana.

ALSO,

Lot A and 4/9 interest in Lot B in Terre Vista, being a Subdivision of part of the Northwest Quarter of Section 30, Township 12 North, Range 8 West, and a part of the Southwest Quarter of Section 19, Township 12 North, Range 8 West, and a part of the Northeast Quarter of Section 25, Township 12 North, Range 9 West, recorded in Plat Record 18, Page 18, in the Recorder's Office of Vigo County, Indiana.

ALSO,

Sixty-three and ninety-two hundredths (63.92) acres off of the East side of the Northwest Quarter of Section Thirty (30), Township Twelve (12) North, Range Eight (8) West.

EXCEPT that part platted as Terre Vista, being a Subdivision of part of the Northwest Quarter of Section 30, Township 12 North, Range 8 West, and a part of the Southwest Quarter of Section 19, Township 12 North, Range 8 West, and a part of the Northeast Quarter of Section 25, Township 12 North, Range 9 West, recorded in Plat Record 18, Page 18, in the Recorder's Office of Vigo County, Indiana.

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Taxes shall be prorated to the date of this deed.

Grantor further makes the following express warranties:

Grantor is an Indiana corporation in existence and the most recent annual report required by I.C. 23-1-53-3 has been filed with the Secretary of State.

This conveyance does not constitute a sale or disposition of all or substantially all of the grantor's property as contemplated by I.C. 23-1-41-2.

This conveyance is executed by the duly authorized officer of grantor pursuant to a resolution of its Board of Directors.

3

The Grantor hereby certifies that there is no Indiana Adjusted Gross Income Tax due as a result of this conveyance.

The undersigned person executing this deed represents and certifies on behalf of the Grantor that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 13th day of MARCH, 2003.

NEWLIN-JOHNSON DEVELOPMENT CO., INC.

BY:

Wm. Curtis Brighton

W. CURTIS BRIGHTON, AS
VICE-PRESIDENT AND SECRETARY

4

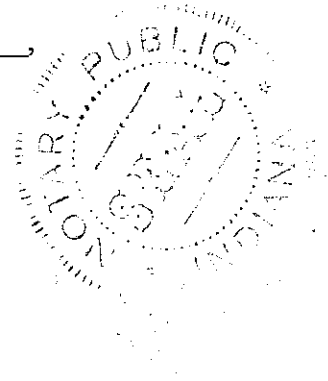
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared W. Curtis Brighton, Vice-President and Secretary of Newlin-Johnson Development Co., Inc., who acknowledged execution of the foregoing 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 13 day of March, 2003.

My commission Expires:
July 4, 2008

Yuana Wright
Notary Public
Printed: Yuana Wright
Residing in Vigo County



Mail Tax Bills To: 601 S 3rd TH 47807

Mail Deed To: Same

beull
100
This instrument was prepared by Terry R. Modesitt, MODESITT LAW OFFICES, PC, 321 Ohio Street, Terre Haute, IN 47807.



TERRE HAUTE

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 4, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #39-10

CERTIFICATION DATE: November 3, 2010

TO: The Honorable Common Council of the City of Terre Haute

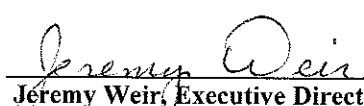
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 39-10. This Ordinance is a rezoning of the property located at Lots 1 thru 4 of Terra Vista Glen and 35.3 +/- acres South of Terra Vista Sub. The Petitioner, Dobbs Glen Development Corporation/Bert Williams, President, Petitions the Plan Commission to rezone said real estate from zoning classification 0-1 to R-1, Single Family Residence District, for single family residences. 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. 39-10 at a public meeting and hearing held Wednesday, November 3, 2010. 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. 39-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 39-10 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. 39-10, was FAVORABLE .


Fred E. Wilson, President


Jeremy Weir, Executive Director

Received this 4th day of November, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #39-10

Doc: # 77

Date: November

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Dobbs Glen Development Corporation

Property Owner: Same-As-Above

Representative: Bert Williams

Proposed Use: Single Family Dwellings

Proposed Zoning: R-1, Single Family Residence District

Current Zoning: O-1, Agricultural District

Location: From the intersection of Poplar Dr. and Mayflower Dr. proceed in a southeasterly direction to a large open field.

Common Address: No common address has been assigned to this property

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- 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..
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Poplar Street (Secondary Arterial)

Dev. Priority: Capital investment is a high priority

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residence District
East – R-1, Single-Family Residence District
South – R-1, Single -Family Residence District
West – R-1, Single -Family Residence District, and
O-1, Agricultural District

Character of Area: This area is on the urban fringe of the City's eastside. Land use patterns within the area consist of single and multi family residential platted lots, large open tracks of land used for agricultural grain production, and commercial developments on State Road 46.

Contig. Uses & Zones: The contiguous zoning is R-1, Single-Family Residence District its uses are for Single-family dwelling.

ZONING REGULATIONS

R-1 Purpose: Single-family dwellings Units

R-1 Uses: One-family detached dwellings; Cemeteries; Churches, Rectories, and Parish Houses; Convents and Monasteries; Gardening, including nurseries; Golf Courses; Public Libraries Parks and Playgrounds; publicly owned and operated Schools, elementary and high; Temporary buildings and trailers for construction purposes; A private outdoor swimming pool; Residential Facility for the Developmentally Disabled and Residential Facility for the Mentally Ill.

R-1 Standards: Minimum Lot Size: 6,600 Sq. Ft. / Per dwelling unit
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
Two parking spaces per dwelling unit.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #39-10

Doc: # 77

Date: November

Page 3 of 3

FINDINGS and RECOMMENDATION

Staff Findings: Agricultural Districts in the City act as a transitional zone between land-uses. Rezoning will be necessary to meet future development trends. This change in zoning is in harmony with the existing neighboring land-use. Allowing an increase in density will be beneficial for the City's Tax base.

Recommendation: Favorable Recommendation.