

SPECIAL ORDINANCE NO. 46, 2011.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of real estate to be rezoned:

2406 South 25th Street 47803

Rezone From: R-1 Single Family Residence District

Rezone To: C-5 General Central Business District

Proposed Use: Storage Units

Name of Owner: Aaron L. Hankins
Rene L. Hankins

Address of Owner: 6625 North Maxwell Court
Terre Haute, IN 47805

Phone Number of Owner: (812) 240-6329

Attorney Representing Owner: 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: Richard F. Dunkin

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

SITE PLAN

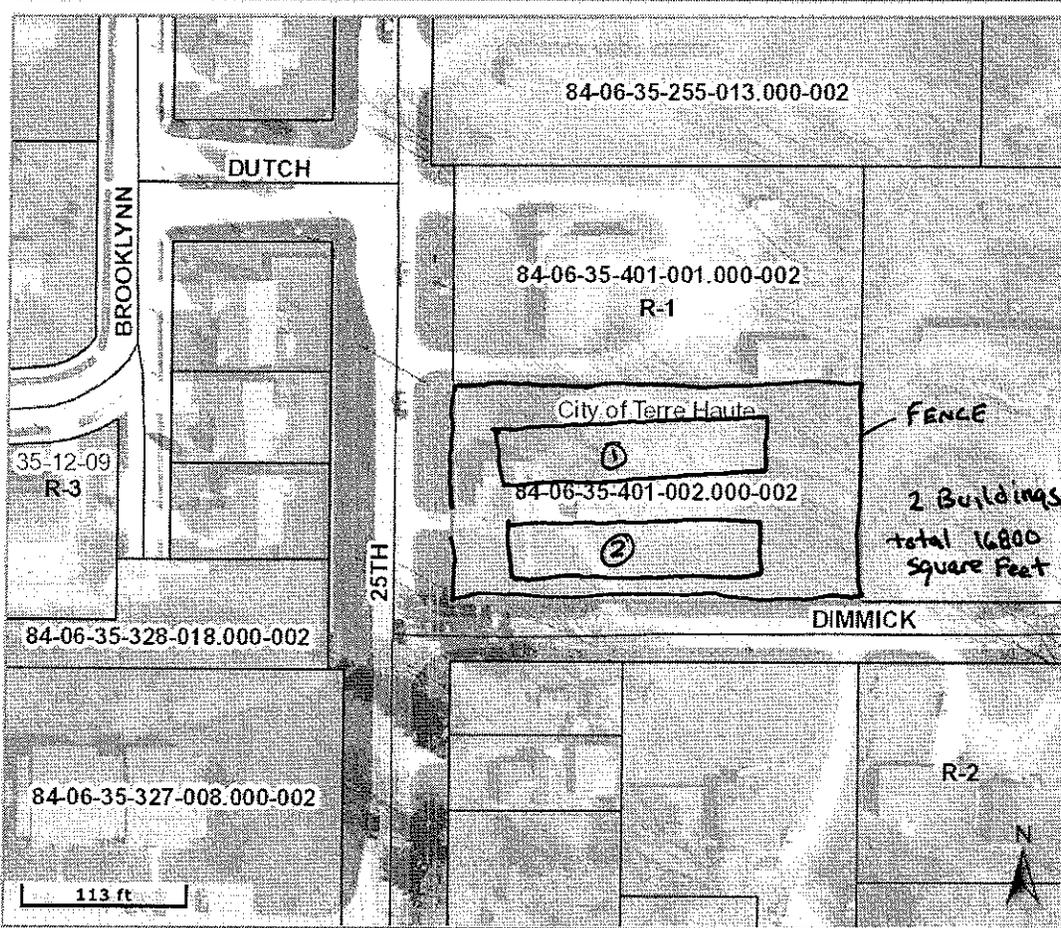
2406 S. 25th ST.



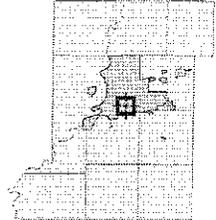
Vigo County, IN / City of Terre Haute



Date Created: 10/6/2011



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- Current Zoning Classifications**
- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O

FENCE
2 Buildings
total 16800
square feet

-  M2SPU
-  MHCU
-  MO
-  O-1
-  O-2
-  O-S
-  OS
-  PUD
-  R-1
-  R-1CU
-  R-1NR
-  R-1PD
-  R-1SU
-  R-2
-  R-2M
-  R-2PD
-  R-2SU
-  R-3
-  R-3H
-  R-3NR
-  R-3PD
-  R-S
-  R-T
-  R3PUD

Parcel ID	84-06-35-401-002.000-002	Alternate ID	118-06-35-401-002	Owner Address	HANKINS AARON L & RENE L
Sec/Twp/Rng	n/a	Class	Res 1 fam dwelling platted lot		6625 NORTH MAXWELL COURT
Property Address	2406 S 25TH ST TERRE HAUTE	Acreage	n/a		TERRE HAUTE, IN 47805
District	002 HARRISON				
Brief Tax Description	MEMORIAL AVE SUB UNRECORDED (2406 S 25TH ST) 2004022233 35-12-9 LOT 2-3 (Note: Not to be used on legal documents)				

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SPECIAL ORDINANCE NO. 46, 2011

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Beginning at a point 140 feet South of the center of Section 35, Township 12 North, Range 9 West, and running thence East 311 feet; thence South 140 feet; thence West 311 feet; and thence North 140 feet to the place of beginning, being known and designated as Tracts Number Two (2) and Three (3) in the unrecorded plat of Memorial Avenue Subdivision.

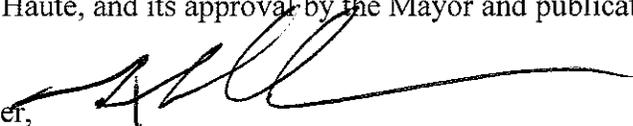
Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as 2406 S. 25th Street, Terre Haute, IN 47803.

be and the same is, hereby established as a C-5 General Central Business District, together with all rights and privileges that may inure 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 the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,



Richard F. Dunkin, Councilperson

Passed in open Council this ____ day of _____, 2011.

John Mullican, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, 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, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Aaron L. Hankins, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Beginning at a point 140 feet South of the center of Section 35, Township 12 North, Range 9 West, and running thence East 311 feet; thence South 140 feet; thence West 311 feet; and thence North 140 feet to the place of beginning, being known and designated as Tracts Number Two (2) and Three (3) in the unrecorded plat of Memorial Avenue Subdivision.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as 2406 S. 25th Street, Terre Haute, IN 47803.

Your Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residence District.

Your Petitioner would respectfully state that the real estate is now a vacant residential real unit and that Petitioner intends to develop the real estate for commercial use.

Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood, since the real estate is located adjacent the commercial property owned by Petitioner.

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 area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-5 General Central Business District of the City of Terre Haute, Indiana, and is 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, the undersigned Petitioner has executed this Petition to Rezone Real Property, this 28th day of October, 2011.

PETITIONER:



Aaron L. Hankins

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 

Richard J. Shagley II, #23135-84
Attorneys for Petitioner

The owner and mailing address: Aaron L. Hankins, 6625 North Maxwell Court, Terre Haute, IN 47805.

This instrument prepared by Richard J. Shagley, 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, Aaron L. Hankins, being duly sworn upon his oath, deposes and says:

1. That the Aaron L. Hankins and Rene L. Hankins, are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Beginning at a point 140 feet South of the center of Section 35, Township 12 North, Range 9 West, and running thence East 311 feet; thence South 140 feet; thence West 311 feet; and thence North 140 feet to the place of beginning, being known and designated as Tracts Number Two (2) and Three (3) in the unrecorded plat of Memorial Avenue Subdivision.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as 2406 S. 25th Street, Terre Haute, IN 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Aaron L. Hankins and Rene L. Hankins, 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 Aaron L. Hankins and Rene L. Hankins, are the owners 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 Aaron L. Hankins.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 28th day of October, 2011.

PETITIONER:


Aaron L. Hankins

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

RAYMOND WATTS
VIGO County Recorder IN
IN 2004022233 WD
10/07/2004 13:17:16 1 PGS
Filing Fee: \$14.00

OCT 07 2004

James W. Campbell
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT June C. Kuykendall, surviving spouse of William T. Kuykendall, deceased, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Conveys and Warrants unto Aaron L. Hankins and Rene L. Hankins, husband and wife, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Beginning at a point 140 feet South of the center of Section 35, Township 12 North, Range 9 West, and running thence East 311 feet; thence South 140 feet; thence West 311 feet; and thence North 140 feet to the place of beginning, being known and designated as Tracts Number Two (2) and Three (3) in the unrecorded plat of Memorial Avenue Subdivision.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

The undersigned Grantor, June C. Kuykendall, further warrants and represents that she is one and the same person as the June C. Kuykendall who is one of the co-grantees in that Quitclaim Deed dated September 14, 1977 and recorded November 3, 1977 at Deed Record 372, Page 945, records of the Recorder of Vigo County, Indiana, and that she and the other co-grantee in said deed, William T. Kuykendall, were married from a date prior September 14, 1977 and remained continuously married thereafter until the death of William T. Kuykendall on or about September 24, 2004 and that the value of the assets of the Estate of William T. Kuykendall, to include life insurance proceeds, is not of sufficient size to incur liability for Federal Estate Tax nor Indiana Inheritance Tax and no such taxes are due.

IN WITNESS WHEREOF the above referred to June C. Kuykendall has hereunto set her hand and seal, this 6th day of October, 2004.

June C. Kuykendall (SEAL)
June C. Kuykendall

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 6th day of October, 2004, personally appeared June C. Kuykendall and, being first duly sworn, stated that the representations therein contained are true, and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:
01/03/2011

My County of residence is
Vigo



Lori A. Reeves
Notary Public
LORI A. REEVES Lori A. Reeves
Res. of Vigo County
Comm. Exp. 01-03-11
Written or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Donald J. Bonomo, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. Note: In preparing this instrument, preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 2406 S. 25th Street, Terre Haute, IN 47803

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