



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 38

COMMON ADDRESS OF LOTS TO BE REZONED:

3317 Hulman St., Terre Haute, Indiana 47803

Current Zoning: R-1 Single Family Residence

Requested Zoning: R-1 Planned Development

Proposed Use: Home/Residence and One Cabin Bed and Breakfast

Name of Owner: Robert A. and Tammy J. Auterson

Address of Owner: 3317 Hulman St., Terre Haute, Indiana 47803

Phone Number of Owner: 812-841-5102

Attorney Representing Owner (if any): n/a

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Tammy Auterson

Council Sponsor: Robert All

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

FILED
JUL 16 2012
CITY CLERK

SPECIAL ORDINANCE NO. 38, 2012

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:

Lot One (1), Except 10 feet off the East side and Also Lot Two (2), Except 15 feet of even width off the West side of Lot 2,
Cullen's Subdivision; being a part of the Northwest Quarter of Section 36, Township 12 North, Range 9 West.

Commonly known as 3317 Hulman Street, Terre Haute, IN 47803.

be and the same is, hereby established as a R-1 PLANNED DEVELOPMENT, 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 except as specifically authorized under the terms of this ordinance.

That the real estate described shall be a Planned Development in an R-1 Planned Development as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to terms and conditions set forth herein.

- (a) The owners purchased this property with both the primary residence and the cabin. The cabin was not intended as a shed or other storage outbuilding.
- (b) The cabin is on the legal property of the owners. It is not visible to the neighbors because a privacy fence has been erected. The cabin is approximately 20 feet from the primary residence.
- (c) This cabin can and will house no more than four (4) people per visit.
- (d) It is solely for the purpose of providing lodging at a reasonable cost and as an alternative to a hotel stay in Terre Haute.
- (e) The owners have lived in Terre Haute their entire lives and wish to display the "Hoosier

Hospitality” that they believe in and are gifted at providing.

- (f) The owners represent that there are no outdoor activities available that would disrupt the neighborhood or be a nuisance to any other property owners in adjacent homes.
- (g) Operation of this small guest house will not substantially increase traffic or noise.
- (h) In conclusion, there is no other reasonable use for this cabin, and there is no reason not to allow the owners the opportunity to enhance tourism in Terre Haute one family at a time by hosting visitors in the guest cabin on their property.

The owners have met all of the criteria determined by the Area Planning Commission except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist and that a Planned Development as set forth herein is hereby approved and will be in the public’s interest and in the interest of the neighborhood.

SECTION II. WHEREAS, a public hearing has been held and we the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists and that said planned development will not adversely affect public health, safety, and the general welfare.

Be it ordained by the Common Council of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate as Planned Development as described in this ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest.

SECTION III. 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 publications as by law provided.

Presented by Council Member, _____
Robert All, Councilperson

Passed in open Council this _____ day of _____, 2012.

Don Morris, President

ATTEST:

Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this _____ day of _____, 2012.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this _____ day of _____, 2012.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

This instrument prepared by Tammy J. Auterson, 3317 Hulman, Terre Haute, Indiana 47803.

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.



Tammy J. Auterson

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 A. Auterson**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot One (1), Except 10 feet off the East side and Also Lot Two (2), Except 15 feet of even width off the West side of Lot 2,
Cullen's Subdivision; being a part of the Northwest Quarter of Section 36, Township 12 North, Range 9 West.

Commonly known as: 3317 Hulman Street, 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 **R-1 Single Family Residence**.

Your petitioner would respectfully state that the real estate is now used as his primary residence. Your petitioner intends to use the real estate as his primary residence and to more formally seek guests coming to the Terre Haute area and to provide an inviting alternative to a hotel visit. Petitioner intends to promote area events and businesses as well as show "Hoosier Hospitality" and enhance tourism in Terre Haute, one family at a time.

Your petitioner would request that the real estate described herein shall be zoned as an **R-1 Planned Development**. Your petitioner would allege that the **Planned Development** 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 Planned Development** 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 _____, 20____.

BY: Robert A. Auterson
Robert A. Auterson

PETITIONER: Robert A. Auterson, 3317 Hulman Street, Terre Haute, Indiana 47803

This instrument was prepared by Tammy J. Auterson, 3317 Hulman Street, Terre Haute, Indiana 47803

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

SEP 14 2010

Timothy M. Sepede
VIGO COUNTY AUDITOR

2010011913 SHD
09/14/2010 03:47:46P 3 PGS \$20.00
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


Mail Tax Statements:

Robert A. Auterson

Mailing Address: 3317 HULMAN ST.
TERRE HAUTE IN. 47803

Grantee's Address:

3317 HULMAN ST.
TERRE HAUTE IN. 47803

Parcel #: 84-06-36-101-002.000-002

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Federal Home Loan Mortgage Corporation, as hereinafter referred to as "Grantor", for the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant, bargain, sell and convey to Robert A. Auterson, hereinafter referred to as "Grantee", the following described real estate located in Vigo County, State of Indiana, to-wit:

Lot One (1), Except 10 feet off the East side and Also Lot Two (2), Except 15 feet of even width off the West side of Lot 2, Cullen's Subdivision; being a part of the Northwest Quarter of Section 36, Township 12 North, Range 9 West.

More commonly known as: 3317 Hulman Street, Terre Haute, IN 47803.

Subject to taxes for the year 2009 due and payable in May and November, 2010, and thereafter, and subject also to easements and restrictions of record.

TO HAVE AND TO HOLD said premises with the appurtenances thereto, and all rents, issues and profits thereof to the said Grantee, its successors and assigns, forever. And the said Grantor does for itself, its successors and assigns, covenant with the said Grantee, its successors and assigns, that the said premises are free and clear from all encumbrances whatsoever, by, from, through or under the said Grantor, except current taxes and assessments due and payable in May and November, 2010 and

thereafter, and easements and restrictions of record, and that the said Grantor will forever warrant and defend the same, with the appurtenances thereunto belonging, unto said Grantee, its successors and assigns, against the lawful claims of all persons claiming by, from, through or under the said Grantor, except as stated above.

And the said Grantor certifies, under oath, that no Gross Income Tax is due and owing to the State of Indiana, by reason of this transaction.

The undersigned persons executing this Deed on behalf of said Grantor corporation represent and certify that they are duly elected officers of said corporation, and have been fully empowered, by proper Resolution of the Board of Directors of said corporation, to execute and deliver this Deed; that the Grantor corporation 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, the said Federal Home Loan Mortgage Corporation, has caused this deed to be executed this 1st day of September, 2010.

FEDERAL HOME LOAN MORTGAGE CORPORATION



SIGNATURE

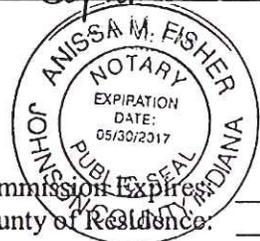
By Michael Ghosh, Attorney for Feiwell & Hannoy, P.C. for
Federal Home Loan Mortgage Corporation by POA recorded
February 10, 2004 as Instrument No. 2004-002344

MICHAEL GHOSH
PRINTED

STATE OF IN)
COUNTY OF Marion) SS

Before me, a Notary Public in and for said County and State, personally appeared Michael Ghosh of Feiwell & Hannoy, P.C. as POA for Federal Home Loan Mortgage Corporation, who acknowledged the execution of the foregoing Special Warranty Deed, and who, having been duly sworn, stated that the representations therein contained are true and correct, to the best of his knowledge, information and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 1st day of September, 2010.



Anissa M. Fisher
Notary Public

My Commission Expires 5-30-2017
My County of Residence: Johnson

Grantee's Address: 3317 Hulman St, Terre Haute IN
47803

This instrument prepared by Michael Ghosh, Attorney at Law. 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.

[Signature]
MICHAEL GHOSH

Return original deed to Statewide Title Company, Inc. Escrow Dept. 6525 East 82nd Street, Suite 110, Indianapolis, IN 46250. (10007562)

AFFIDAVIT OF:

COMES NOW affiant

Robert A. Anterson & Tammy Anterson

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

at 3317 Hulman St. Terre Haute 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.

Robert Anterson & Tammy Anterson
[Typed name of owner(s) on deed]

SIGNATURE: Robert A. Anterson

SIGNATURE: Tammy Anterson

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

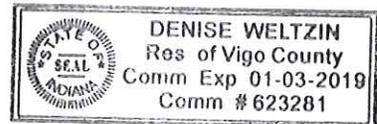
said County and State, Vigo County, Indiana

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 12th day of July, 20012.

Notary Public:

Denise Weltzin
[Typed name] Denise Weltzin



My Commission Expires:

My County Of Residence:

Dogwood Corner Condominiums East & West Tri-plex Condominiums

Common Area
0.66 Ac

84-06-25-351-036.000-002
Ac.

90.16

Lot
01

Birch Grove Community

208.71

HULMAN ST

30

86.9

121 68

73

84-06-36-101-000-002
0.0 Ac.

Lot
03

150

Lot
02

84-06-36-101-000-002

Lot
01

Cullen's Sub

84-06-36-101-003.000-002

Lot
04

134

Lot 05 84-06-36-101-004.000-002
0.0 Ac.

Lot
06

84-06-36-101-005.000-002

134

Receipt

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

TERRE HAUTE, IN
PAID
JUL 18 2012
CONTROLLER

Date: 7/16/12

Name: Jimmy Auterson

Reason: Resping

Cash: _____

Check: 4500

Credit: _____

Total: 4500

Received By: Sat / Heelis