

SPECIAL ORDINANCE NO. 2, 2012.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

619 Washington Avenue, Terre Haute, IN 47802

Rezone From: R-2

Rezone To: R-2 Planned Development

Proposed Use: Faith based, Not-For-Profit Sober Living

Name of Owner: The Next Step Foundation

Address of Owner: 619 Washington Avenue,
Terre Haute, IN 47802

Phone Number of Owner: 812-917-5006

Attorney Representing Owner: Christopher B. Gambill

Address of Attorney: 416 South 6th Street,
Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Todd Nation

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JAN 06 2012

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING

SPECIAL ORDINANCE NO. 2, 2012

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

SECTION I. BE IT ORDAINED 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:

Lot Numbered Two (2), except three (3') feet off the South side thereof, in Daniel A. Jones' Subdivision of all that part of Lot 5 in the Subdivision of Out Lot 66 of the original Out Lots of the Town, now City of Terre Haute, lying East of Sixth Street.

More commonly known as 619 Washington Avenue, Terre Haute, IN 47802.

Subject to any conditions, restrictions, covenants or easements of record.

Parcel No. 84-06-28-479-001.000-002

Be and the same is hereby established as an R-2 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."

That the real estate described shall be a Planned Development in a R-2 General Resident District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used for a Women's Recovery Center, with a maximum of twenty six (26) women as residents.
- (b) The real estate shall be subject to the following:
 - (1) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.

- (1) In the even that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.
- (2) All such rights granted herein shall be fully transferable.
- (3) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval by the Council.

That the owner has 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, due to that a hardship exists due to the physical characteristics of the land to wit that this is a commercial structure/church annex in a residential neighborhood that would not be suitable for typical residential use, 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, the Area Planning Commission has considered a petition filed pursuant to General Ordinance 10, 1999, be Division III Planned Development; and,

WHEREAS, a public hearing on _____ has been held pursuant to Chapter 10 of said ordinance and the owner of the real estate has demonstrated evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety, and the general welfare.

BE IT ORDIANED 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 authorize and approve the use of real estate described as an R-2 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 and that substantial justice will be done.

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 Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Todd Nation
Todd Nation

Passed in Open Council this _____ day of _____, 201_.

President

ATTEST: _____
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____, 201_.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute this _____ day of _____, 201_.

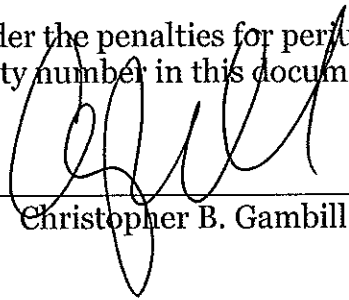
Duke Bennett, Mayor

ATTEST: _____
Charles P. Hanley, City Clerk

This instrument was prepared by: Christopher B. Gambill

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: _____



Christopher B. Gambill

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, Linc Hobbs, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbered Two (2), except three (3') feet off the South side thereof, in Daniel A. Jones' Subdivision of all that part of Lot 5 in the Subdivision of Out Lot 6 6 of the original Out Lots of the Town, now City of Terre Haute, lying East of Sixth Street.

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Parcel No. 84-06-28-479-001.000-002

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-2 District.

Your Petitioner would respectfully state that the real estate is now R-2. Your Petitioner intends to (use) the real estate to provide sober living faith based environment for recovering women addicts.

Your Petitioner would request that the real estate described herein shall be zoned as a R-2 Planned Development District to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the R-2 Planned Development District would not alter the general characteristics of this neighborhood, since the real estate is located in a multi use residential neighborhood.

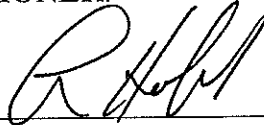
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

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 R-2 Planned Development 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.

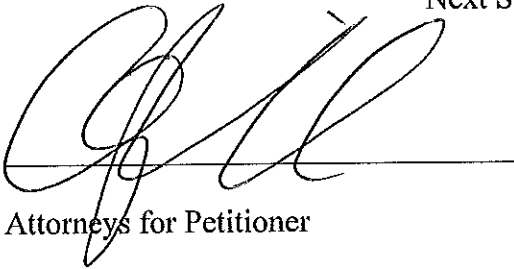
IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed this 6TH day of January, 2012.

PETITIONER:



Next Step Foundation, Inc.

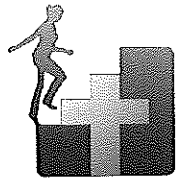
BY:



Attorneys for Petitioner

The owner and mailing address: 619 Washington Avenue, Terre Haute, IN 47802.

This instrument prepared by: Christopher B. Gambill



NEXT STEP
F O U N D A T I O N

Building Site Plan

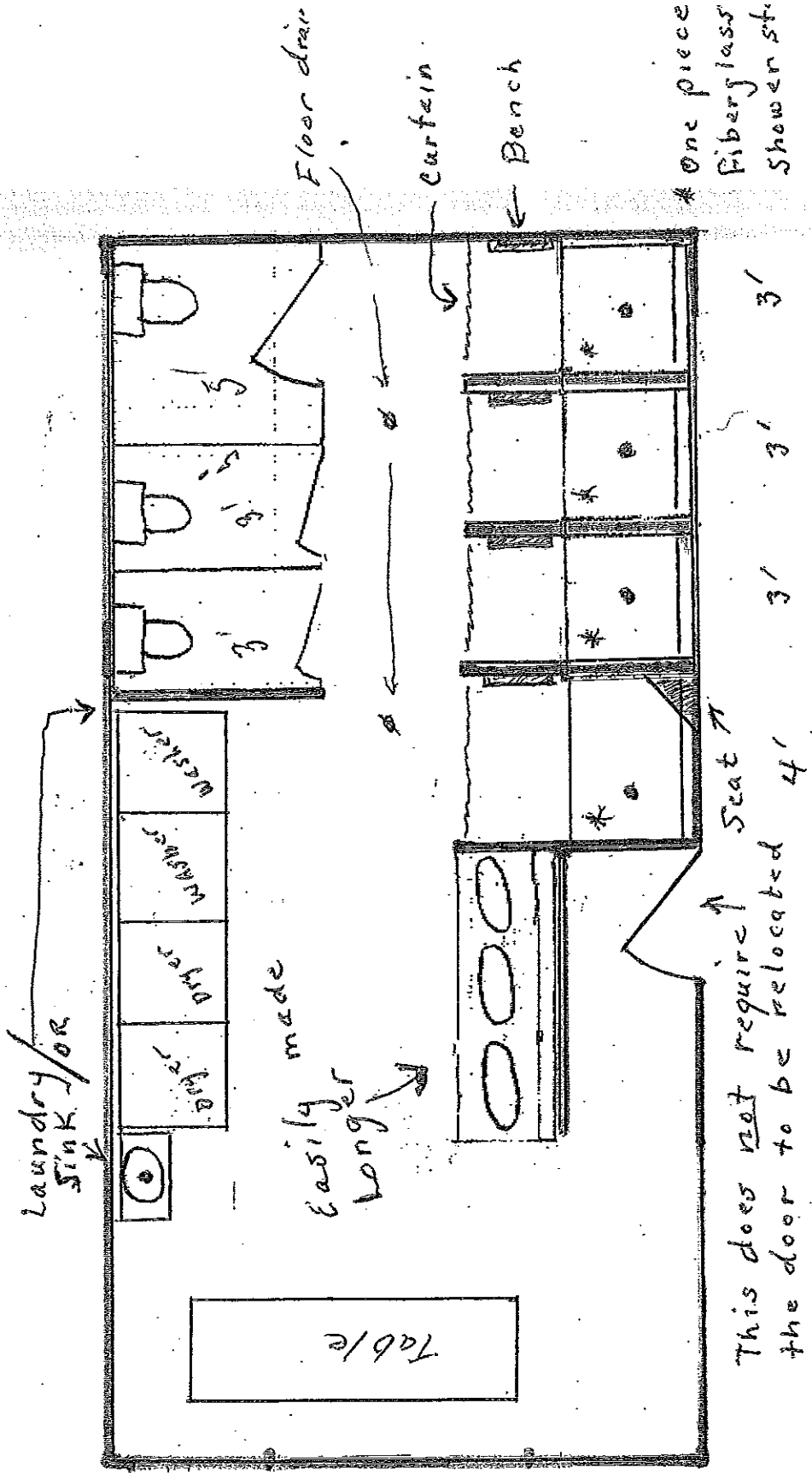
Next Step Foundation, Inc. has purchased the two lots (Lot#1 and Lot#2 in the Daniel A. Jones subdivision) commonly known as 619 Washington Ave., Terre Haute, IN 47802.

The property consists of a church building (referred to as “the Sanctuary”) that was built in 1894 and has been used for general assembly purposes for religious meetings and an Annex building (built in 1965 and referred to as “the Annex”) that was used for religious education and more recently as office space.

The plan for the property under the new ownership is to create a sober living residential facility for women that will provide housing, meals and access to job training, life skills training and 12-step meetings. Under the new site plan, the Sanctuary will continue to be used under the current zoning (General Assembly) for community meetings. The Annex building will be utilized as a dormitory with the current 6 offices on the downstairs floor being converted into bedrooms with common toilet facilities and common cooking facilities.

The annex building has two floors that are each approximately 2700 sq ft. Current and proposed toilet and shower facilities, along with the kitchen, are located on the top floor which will also continue to have 2 office spaces that will be utilized as offices for staff. One large current office (15’x30’) will be converted into additional toilet facilities (see attached drawing) and another large office (15’X30’) will be used as a common living space (TV lounge/living room). Four of the office spaces located on the bottom floor (13’x14’) will be converted to dormitory bedrooms, housing up to 4 people in each room, a fifth (13’x14’) will be an “honor dorm” and will only house 2 women and the sixth office space (15’ X 30’) will be converted into a large dormitory room for up to 8 people. The maximum total of women living in the annex building will therefore be 26.

North
↑



Easily made longer

This does not require the door to be relocated

1/4" = 1'

Heavy black lines are 2x4 walls or existing walls

* One piece Fiberglass Shower st.

curtain
Bench

Floor drain

Laundry Sink

Dryer
Dryer
Washer
Washer

Table


Window
↑

Seat

3'
3'
3'
3'

3'

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2011012962 CORP WD \$18.00
09/26/2011 09:48:16A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


SEP 26 2011


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

This indenture witnesseth that

Harvest Prayer Ministries, Inc.
a corporation organized and existing under the laws of the State of Indiana

Convey(s) and Warrant(s) to

Next Step Foundation, Inc.
of Vigo County in the State of Indiana
for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Vigo County in the State of Indiana, to-wit:

Lot Numbered One (1) in Daniel A. Jones' Subdivision of all that part of Lot 5 in the subdivision of Out Lot 66 of the original Out Lots of the Town, now City of Terre Haute, lying East of Sixth Street.

Also, Lot Numbered Two (2), except three (3') feet off the South side thereof, in Daniel A. Jones' Subdivision of all that part of Lot 5 in the Subdivision of Out Lot 66 of the original Out Lots of the Town, now City of Terre Haute, lying East of Sixth Street.

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Parcel No. 84-06-28-479-001.000-002

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 this 22nd day of September, 2011.

Harvest Prayer Ministries, Inc.

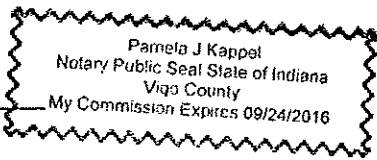
By _____ By _____
Vince McFarland VINCE MCFARLAND, BOARD CHAIRMAN
(Printed Name and Office) (Printed Name and Office)

State of Indiana, County of Vigo) SS:

Before me, a Notary Public in and for said county and state, this 22nd day of September, 2011, personally appeared VINCE MCFARLAND and _____, the BOARD CHAIRMAN and _____ respectively, of Harvest Prayer Ministries, Inc., who acknowledged the 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Pamela J Kappel
Notary Public
Printed: _____



My Commission Expires:
My County of Residence:

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527 D1040; HCT-2011-0436
I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee: 500 FARRINGTON ST., TERRE HAUTE, IN 47807

Return Deed to: Honeycreek Vigo Title Svcs, Inc., 405 S. 6th Street, Terre Haute, IN 47807

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Linc Hobbs, being duly sworn upon his oath, deposes and says:

1. That Next Step Foundation, Inc., is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbered Two (2), except three (3') feet off the South side thereof, in Daniel A. Jones' Subdivision of all that part of Lot 5 in the Subdivision of Out Lot 6 6 of the original Out Lots of the Town, now City of Terre Haute, lying East of Sixth Street.

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2. That a copy of the Warranty Deed, dated September 22, 2011 and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, 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 Next Step Foundation, Inc., 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 Next Step Foundation, Inc.

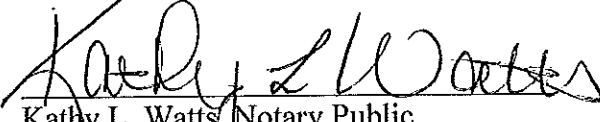
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 26TH day of January, 2012.



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 6th day of January, 2012.


Kathy L. Watts, Notary Public

My Commission expires:
January 25, 2019

My County of Residence:
VIGO

This instrument prepared: Christopher B. Gambill

Receipt

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

Date: 1/6/12

Name: Wagner, Crawford + Gambill

Reason: Reasoning

TERRE HAUTE, IN
PAID

JAN 06 2012

Cash: _____

Check: \$4500 CHK# 32933

Credit: _____

Total: \$4500

CONTROLLER

Received By: M. Powell/BE