

FILED

MAY 07 2013

CITY CLERK

SPECIAL ORDINANCE NO. 14 2013

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 10-12 1, thereof, District Maps, is hereby amended to read as follows:

Lot Number Fourteen (14) in Partition Plat of Myer's Heirs Subdivision of part of Lot 8 of Linton and Madrigal's Subdivision of part of West Half (1/2) of Section 23, Township 12 North, Range 9 West.

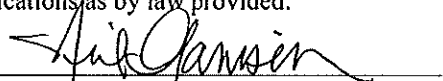
Parcel #84-06-23-109-008.000-002

Commonly known as 2202 Elm Street, f/k/a 811 N. 22nd Street, Terre Haute, IN 47807

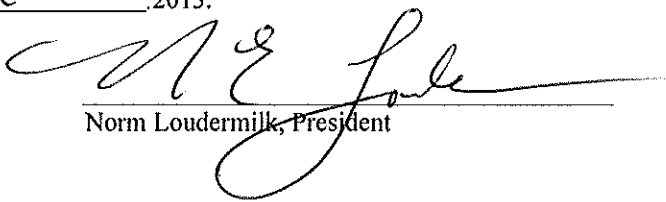
be and the same is, hereby established as R-1 Single Family, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 publications as by law provided.

Presented by Council Member,


Neil Garrison, Councilperson

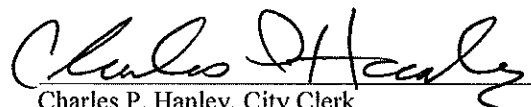
Passed in open Council this 13 day of June, 2013.


Norm Loudermilk, President


ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 14th day of June, 2013.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of JUNE, 2013.



Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by:
Rhonda D. Oldham, OLDHAM LAW P.C., 191 Harding Av., Terre Haute, IN 47807

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.


Rhonda D. Oldham

PETITION TO REZONE REAL PROPERTY #14

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, City of Terre Haute Department of Redevelopment, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number Fourteen (14) in Partition Plat of Myer's Heirs Subdivision of part of Lot 8 of Linton and Madrigal's Subdivision of part of West Half (1/2) of Section 23, Township 12 North, Range 9 West.

Parcel #84-06-23-109-008.000-002

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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 C-2 Neighborhood Commerce.

Your petitioner would respectfully state that the real estate is now C-2 Neighborhood Commerce. Your petitioner intends to use the real estate as residential housing.


Your petitioner would request that the real estate described herein shall be zoned as R-1 Single Family. Your petitioner would allege that the single family residence 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 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 7th day of May, 2013.

BY:


Cliff Lambert
Executive Director

PETITIONER: City of Terre Haute Department of Redevelopment
17 Harding Ave.
Terre Haute, IN 47807

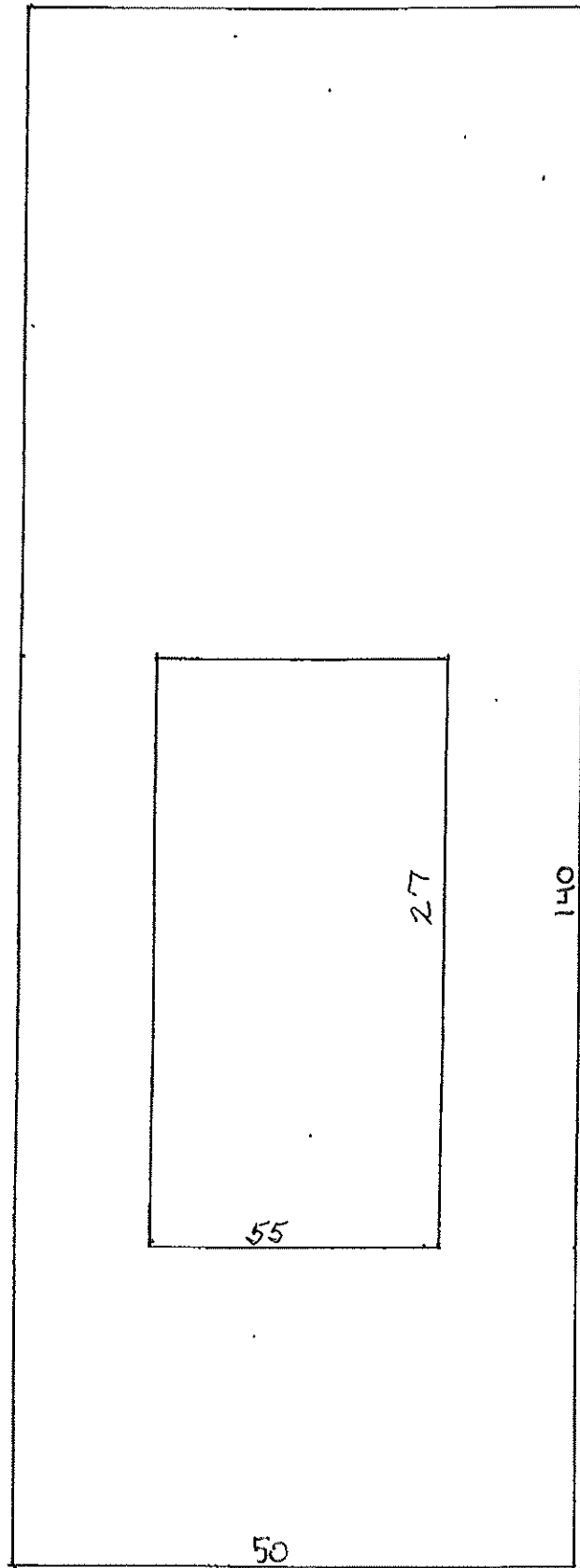
This instrument was prepared by:
Rhonda D. Oldham, OLDHAM LAW P.C., 191 Harding Av., Terre Haute, IN 47807

Alley



N

N. 22nd St.



Elm St.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2010011795 TAX DEED \$20.00
09/13/2010 09:43:16A 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



SEP 13 2010

Timothy M. Seprodi
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE

TAX DEED

WHEREAS, the City of Terre Haute, Department of Redevelopment, did on the 9th day of September, 2010, produce to the undersigned Timothy M. Seprodi, Auditor of Vigo County, in the State of Indiana, a certificate of sale dated April 7, 2010, signed by the Auditor of Vigo County from which it appears that the City of Terre Haute, Department of Redevelopment, purchased from the Vigo County Commissioners on April 7, 2010, a tax sale certificate for the real property described herein for the sum of Two Hundred Fifty Dollars (\$250.00), to-wit:

Lot Number Fourteen (14) in Partition Plat of Myer's Heirs Subdivision of part of Lot 8 of Linton and Madrigal's Subdivision of part of West Half (1/2) of Section 23, Township 12 North, Range 9 West.

Commonly known as 811 N. 22nd Street, Terre Haute, Indiana, 47807.

Parcel #84-06-23-109-008.000-002

Such real property has been recorded in the office of the Vigo County Auditor as delinquent for the nonpayment of taxes, and proper notice of sale has been given. It appearing that the City of Terre Haute, Department of Redevelopment is the owner of the Tax Sale Certificate, that the time for redeeming such real property has expired, that the property has not been redeemed, that the City of Terre Haute, Department of Redevelopment, has received a Court Order for the issuance of a deed for the real property described in the Tax Sale Certificate, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and that the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for the years 2007, payable 2008, and prior years, to which is added the tax of 2008, payable 2009.

Therefore, this Deed made this 9th day of September 2010, between the Vigo County Commissioners, by Timothy M. Seprodi, Auditor of Vigo County, of the first part, and the City of Terre

Haute, Department of Redevelopment, of the second part,
Witnesseth: The Vigo County Commissioners acquired a lien and
received a Tax Sale Certificate on the following described real
estate on January 13, 2010, which certificate was purchased by
and assigned to City of Terre Haute, Department of
Redevelopment, on April 7, 2010:

Lot Number Fourteen (14) in Partition Plat of Myer's
Heirs Subdivision of part of Lot 8 of Linton and
Madrigal's Subdivision of part of West Half (1/2) of
Section 23, Township 12 North, Range 9 West.

Commonly known as 811 N. 22nd Street, Terre Haute,
Indiana, 47807.

Parcel #84-06-23-109-008.000-002

And said property is hereby conveyed to the City of Terre Haute
Department of Redevelopment to have and to hold such real
property, with the appurtenances belonging thereto, in as full
and ample a manner as the Auditor of said county is empowered by
law and by order of the Vigo Superior Court under Cause No.
84D05-0912-MI-11569, to convey the same. Said real estate being
previously titled in the name of Donna J. Bays.

In testimony whereof, Timothy M. Seprodi, Auditor of Vigo
County, has hereunto set his hand, and affixed his seal this
9th day of September, 2010.

Timothy M. Seprodi RAC
Timothy M. Seprodi
Vigo County Auditor

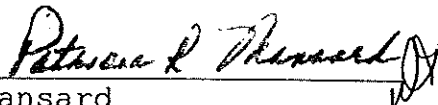
ATTEST:

David R. Crockett CAC
David Crockett
Vigo County Treasurer

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)


Before me, the undersigned, Patricia Mansard, Clerk of Vigo Superior Court, this day, personally came the above named Timothy M. Seprodi, Auditor of Vigo County, and David Crockett, Treasurer of Vigo County, and acknowledged that said Auditor and Treasurer signed and sealed the foregoing Tax Deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 9th day of September, 2010.



Patricia Mansard
Clerk, Vigo Superior Court

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



Rhonda Oldham

Grantee's Address: 17 Harding Avenue, Terre Haute, IN 47807

Mail tax statements to: 17 Harding Avenue, Terre Haute, IN 47807

This instrument prepared by Rhonda Oldham, Attorney At Law, 191
Harding Avenue, Terre Haute, Indiana 47807.

AFFIDAVIT OF:

COMES NOW affiant, City of Terre Haute Department of Redevelopment and affirms under penalty of law that City of Terre Haute Department of Redevelopment is the owner of record of the property located at 2202 Elm St. f/k/a 811 N. 22nd St., Terre Haute, IN 47807 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.

City of Terre Haute
Department of Redevelopment

By: 

Printed: Cliff Lambert
Executive Director

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Cliff Lambert, Executive Director of City of Terre Haute Department of Redevelopment who acknowledged 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 7th day of May, 2013.

Notary Public: Cynthia A. Chandler My Commission Expires: 10/3/2015
Cynthia A. Chandler My County Of Residence: Vigo
Printed

Receipt

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

Date: May 7, 2013

Name: Adam Jones

Reason: Resigning, Filing \$ 25.00
Resigning, Petitioner \$ 20.00

TERRE HAUTE, IN

PAID

MAY 07 2013

Cash: _____

Check: \$ 45.00 CK# 1249

Credit: _____

Total: \$ 45.00

CONTROLLER

Received By: M. Howell



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: June 6, 2013

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #14-13

CERTIFICATION DATE: June 5, 2013

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. 14-13. This Ordinance is a rezoning of the property located at 2202 Elm, f/k/a 811 N. 22nd Street. The Petitioner, City of Terre Haute, Department of Redevelopment, Petitions the Plan Commission to rezone said real estate from zoning classification C-2 to R-1, Single Family Residence District, for residential housing. 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. 14-13 at a public meeting and hearing held Wednesday, June 5, 2013. 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. 14-13 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 14-13 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. 14-13, was FAVORABLE.

A handwritten signature in dark ink, appearing to read "Fred L. Wilson", is written over a horizontal line.

Fred L. Wilson, President

A handwritten signature in dark ink, appearing to read "Darren Maher", is written over a horizontal line.

Darren Maher, Assistant Director

Received this 6th day of June, 2013

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-13

Doc: # 39

Date: June 5th, 2013

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APPLICATION INFORMATION

Petitioner: City of Terre Haute Department of Redevelopment

Property Owner: Same-As-Above

Representative: Rhonda D. Oldham

Proposed Use: Single Family Dwelling

Proposed Zoning: R-1, Single Family Residence District

Current Zoning: C-2, Neighborhood Commerce District

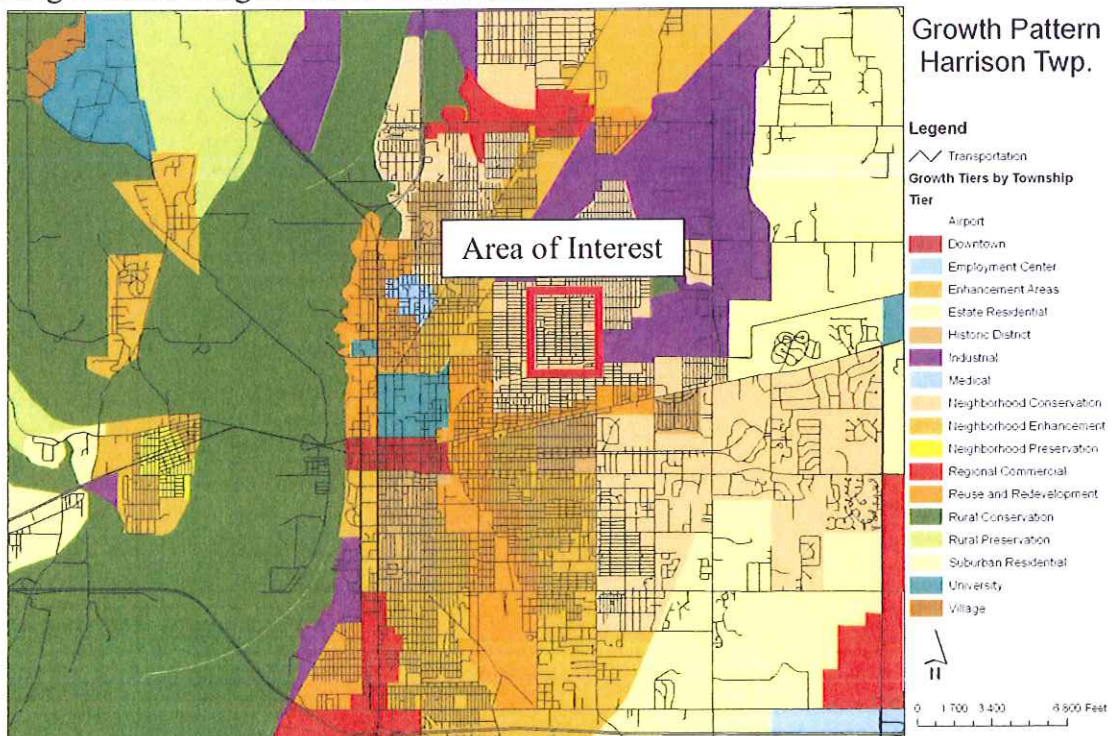
Location: The property is located on the northeast corner of North 22nd Street and Elm Street

Common Address: 2202 Elm Street Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-13

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- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- 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: North 22nd Street and Elm Street are both local level roadways

Dev. Priority: Capital investment and reinvestment is a high priority for this area

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-13

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Date: June 5th, 2013

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Character of Area: The petitioned property is within the Central Eastside Redevelopment target area. This area has been identified as a blighted area within the City of Terre Haute Urban Core. There are many vacant lots waiting for redevelopment and infill.

Contig. Uses & Zones: The contiguous zoning to the North is R-1, with residential uses. To the east R-1 which is a vacant lot. To the south is R-1, with uses consisting of residential dwellings and the National Road Heritage Trail. To the west is R-1, with uses consisting of residential dwellings vacant lots.

ZONING REGULATIONS

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-13

Doc: # 39

Date: June 5th, 2013

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| | |
|----------------|--|
| 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. |

FINDINGS and RECOMMENDATION

Staff Findings: The proposed rezoning is in harmony with the Thrive 2025 Comprehensive Plan. The guidance provided by the comprehensive plan calls for a fundamental directive that may urged for these areas to encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities


Recommendation: A Favorable Recommendation on the R-1, Single Family Residence District rezoning.

2202 Elm Street, Terre Haute, IN
Docket #39, S.O. #14-13 from C-2 to R-1



Parcel: 84-06-23-109-008.000-002

0 25 50 100 Feet


Area of Interest

Prepared by the Vigo County
Department of Area Planning