

SPECIAL ORDINANCE NO. 13, 2019.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Addresses of lots to be rezoned:
920 N. 25th Street, Terre Haute IN 47807
2439 1st Avenue, Terre Haute, IN 47807
2435 1st Avenue, Terre Haute, IN 47807
2431 1st Avenue, Terre Haute, IN 47807
2427 1st Avenue, Terre Haute, IN 47807
2425 1st Avenue, Terre Haute, IN 47807
2423 1st Avenue, Terre Haute, IN 47807
2421 1st Avenue, Terre Haute, IN 47807
2415 1st Avenue, Terre Haute, IN 47807
2446 Locust Street, Terre Haute, IN 47807
2448 Locust Street, Terre Haute, IN 47807

Rezone From: R-1 Single Family Residence District (Lots 214-221)
C-2 Community Commerce District (Lots 213, 265 and
E half of 264, and 266)
C-6 Strip Business District (Lots 211 and 212)

Rezone To: C-6 Strip Business District (E half of Lot 264, and Lots
265, 266, 211,212, and 213)
R-1 Planned Development (Lots 214-221)

Proposed Use: Landscaping Business

Name of Owner: Data Point, Inc.

Address of Owner: 510 S. 25th Street
Terre Haute, IN 47803

Phone Number of Owner: Contact Attorney 812-232-3388

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: 500 Ohio St., Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Neil Garrison

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

AMENDED
SPECIAL ORDINANCE NO. 13, 2019

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:

Lots No. Two Hundred Eleven (211) and Two Hundred Twelve (212) in Locust Street Subdivision, of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat o the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as 920 N. 25th Street, Terre Haute, IN 47807

And

Lot Number Two Hundred Thirteen (213) in Locust Street Subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West.

Commonly known as 2439 1st Avenue, Terre Haute, IN 47807

And

Lot 265 and the East Half of Lot 264, in Locust Street Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, Vigo County, Indiana, as shown by the recorded plat of said subdivision recorded in Plat Record 6A, Page 79, in the Recorder's Office of Vigo County, Indiana.

Commonly known as 2446 Locust Street, Terre Haute, IN 47807

And

Lot Number Two Hundred Sixty-six (266) in Locust Street Subdivision, a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

Commonly known as 2448 Locust Street, Terre Haute, IN 47807

be and the same is, hereby established as a C-6 Strip 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. 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 number Two Hundred Fourteen (214) in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded March 12, 1901 in Plat Record 6A, Page 79, in the records of the Recorder's Office, Vigo County, Indiana.

Commonly known as 2435 1st Avenue, Terre Haute, IN 47807

And

Lot number 215 in Locust Street Subdivision of a part of the Southwest quarter of Section 14, Township 12 North, Range 9 West, as per recorded plat of the same recorded March 2, 1901, in Plat Record 6A, page 79, of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2431 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Sixteen (216) in Locust Street Subdivision, a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as 2427 1st Avenue, Terre Haute, IN 47807

And

Lot Number 217 in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana.

Commonly known as 2425 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Eighteen (218) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section 14-12-9, commencing at a point 1515 feet east of the southwest corner of the Southwest Quarter of 14-12-9 and running thence north 1885.6 feet; thence east 550.2 feet, thence south 511 feet thence east 29 feet thence south 465.5 feet thence east 561 feet to the east line of said Quarter Section; thence south along said 111.7 feet to the southeast corner of said Quarter Section; thence west 1137.8 feet to the place of beginning.

Commonly known as 2423 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Nineteen (219) in Locust Street Subdivision, being a subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per the recorded plat thereof, recorded March 2, 1901, in Plat Record 6A, Page 79, in the records of the Recorder's Office, Vigo County, Indiana.

Commonly known as 2421 1st Avenue, Terre Haute, IN 47807

And

Lots Number Two Hundred Twenty (220) and Two Hundred Twenty-one (221) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section 14, Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79, in the Recorder's Office of Vigo County, Indiana.

Commonly known as 2415 1st Avenue, Terre Haute, IN 47807

be and the same is, hereby established as an 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.

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 the terms and condition set forth herein.

- (a) That the real estate shall be used for a landscaping business and related activities associated with the business.
- (b) 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.
- (c) A variance is hereby granted from Section 10-207 e. (1)(A) which states in part :
“... any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right angles to the residential property line.”
- (d) The area that is contingent or abutting a Residential District shall be screened by a fence, landscaping, or a combination thereof.
- (e) All such rights granted herein shall be fully transferable.
- (f) Said Planned Development shall be recorded in the Vigo County Recorder’s Office within ninety (90) days of the approval by the Council.

That 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, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, 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 III. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

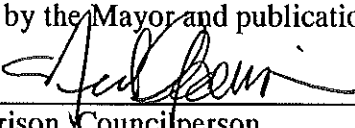
WHEREAS, Special Ordinance No. 13, 2019, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred

by the Commission to the Common Council; and


WHEREAS, a public hearing on Special Ordinance No. 13, 2019, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council 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 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 authorizes and approves the uses of the real estate described as a R-1 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 IV. 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 by law provided.

Presented by Council Member, 
Neil Garrison, Councilperson

Passed in open Council this 11th day of July, 2019.


Martha Crossen, President

ATTEST:


Charles P. Hanley, City Clerk
Michelle L Edwards

Presented by me, to the Mayor of the City of Terre Haute, this 12th day of JUNY, 2019.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 12th day of July, 2019.

Duke A Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle L Edwards
Michelle Edwards, 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
Richard J. Shagley, #257-84

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

FILED

JUN 04 2019

CITY CLERK

SPECIAL ORDINANCE NO. 13, 2019

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".

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Commonly known as 920 N. 25th Street, Terre Haute, IN 47807

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Commonly known as 2427 1st Avenue, Terre Haute, IN 47807

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And

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And

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be and the same is, hereby established as an 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.

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 the terms and condition set forth herein.

- (a) That the real estate shall be used for any use permitted in an R-1 Planned Development.
- (b) 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.
- (c) A variance is hereby granted from Section 10-207 e. (1)(A) which states in part :

“...any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right angles to the residential property line.”
- (d) The area that is contingent or abutting a Residential District shall be screened by a fence, landscaping, or a combination thereof.
- (e) All such rights granted herein shall be fully transferable.
- (f) Said Planned Development shall be recorded in the Vigo County Recorder’s Office within ninety (90) days of the approval by the Council.

That 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, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, 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 III. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 13, 2019, has been referred to the Area Planning

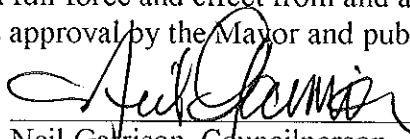
Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Special Ordinance No. 13, 2019, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council 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 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 authorizes and approves the uses of the real estate described as a R-1 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 IV. 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 by law provided.

Presented by Council Member,



Neil Garrison, Councilperson

Passed in open Council this _____ day of _____, 2019.

Martha Crossen, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2019.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2019.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, 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, #257-84

This instrument prepared by Richard J. Shagley, 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, Data Point, Inc., by Cary Albin, President, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots No. Two Hundred Eleven (211) and Two Hundred Twelve (212) in Locust Street Subdivision, of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as 920 N. 25th Street, Terre Haute, IN 47807

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Lot Number Two Hundred Thirteen (213) in Locust Street Subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West.

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And

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March 2, 1901, in Plat Record 6A, page 79, of the Recorder's Office of Vigo County, Indiana.

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And

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And

Lot Number Two Hundred Eighteen (218) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section 14-12-9, commencing at a point 1515 feet east of the southwest corner of the Southwest Quarter of 14-12-9 and running thence north 1885.6 feet; thence east 550.2 feet, thence south 511 feet thence east 29 feet thence south 465.5 feet thence east 561 feet to the east line of said Quarter Section; thence south along said 111.7 feet to the southeast corner of said Quarter Section; thence west 1137.8 feet to the place of beginning.

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And

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Commonly known as 2448 Locust Street, Terre Haute, IN 47807

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 (Lots 214-221), C-2 Community Commerce District (Lots 213, 265 and E half of 264, and 266), and C-6 Strip Business District (Lots 211 and 212) Districts.

Your Petitioner intends to lease the real estate to Rosehill Lawncare, LLC, for Rosehill Lawn Care, Landscaping & Snow Service. Both entities are owned by the same party.

Your Petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Business District and R-1 Planned Development to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the C-6 Strip Business District and R-1 Planned Development would not alter the general characteristics of this neighborhood, since the real estate is located in a mixed district, that a portion of the real estate is currently used and zoned

for a commercial use, and that the real estate is on a major thoroughfare. The R-1 Planned Development is for the R-1 lots along First Avenue, which will be fenced in area for the landscaping yard.

That Petitioner has a hardship because of the following unique characteristics: due to adjacent scattered incompatible uses, to the general deterioration of the neighborhood, and that the parcels are located near district boundary lines.

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 and declaring the above-described real estate to be part of the C-6 Strip Business District and R-1 Planned Development 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 4th day of ~~May~~^{June}, 2019.

PETITIONER:

DATA POINT, INC.

By: Cary Albin

Cary Albin, President

The owner and mailing address: Data Point, Inc.
ATTN: Cary Albin, President
7050 E. Woodsmall Dr.
Terre Haute, IN 47802

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SITE PLAN

SPECIAL ORDINANCE NO. 13, 2019



ADDRESSES:

- 920 N. 25th Street
- 2446 and 2448 Locust Street
- 2439, 2435, 2431, 2427, 2425, 2423, 2421, and 2415 1st Avenue

REZONE TO:

- C-6 Strip Business District
and
- R-1 Planned Development

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Data Point, Inc., by its authorized representative , being duly sworn upon his/her oath, deposes and says:

1. That Data Point, 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:

Lots No. Two Hundred Eleven (211) and Two Hundred Twelve (212) in Locust Street Subdivision, of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat o the same recorded in the Recorder’s Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as 920 N. 25th Street, Terre Haute, IN 47807

And

Lot Number Two Hundred Thirteen (213) in Locust Street Subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West.

Commonly known as 2439 1st Avenue, Terre Haute, IN 47807

And

Lot number Two Hundred Fourteen (214) in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded March 12, 1901 in Plat Record 6A, Page 79, in the records of the Recorder’s Office, Vigo County, Indiana.

Commonly known as 2435 1st Avenue, Terre Haute, IN 47807

And

Lot number 215 in Locust Street Subdivision of a part of the Southwest quarter of Section 14, Township 12 North, Range 9 West, as per recorded plat of the same recorded March 2, 1901, in Plat Record 6A, page 79, of the Recorder’s Office of Vigo County, Indiana.

Commonly known as 2431 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Sixteen (216) in Locust Street Subdivision, a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as 2427 1st Avenue, Terre Haute, IN 47807

And

Lot Number 217 in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana.

Commonly known as 2425 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Eighteen (218) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section 14-12-9, commencing at a point 1515 feet east of the southwest corner of the Southwest Quarter of 14-12-9 and running thence north 1885.6 feet; thence east 550.2 feet, thence south 511 feet thence east 29 feet thence south 465.5 feet thence east 561 feet to the east line of said Quarter Section; thence south along said 111.7 feet to the southeast corner of said Quarter Section; thence west 1137.8 feet to the place of beginning.

Commonly known as 2423 1st Avenue, Terre Haute, IN 47807

And

Lot Number Two Hundred Nineteen (219) in Locust Street Subdivision, being a subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per the recorded plat thereof, recorded March 2, 1901, in Plat Record 6A, Page 79, in the records of the Recorder's Office, Vigo County, Indiana.

Commonly known as 2421 1st Avenue, Terre Hauté, IN 47807

And

Lots Number Two Hundred Twenty (220) and Two Hundred Twenty-one (221) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section 14, Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A, Page 79, in the Recorder's Office of Vigo County, Indiana.

Commonly known as 2415 1st Avenue, Terre Haute, IN 47807

And

Lot 265 and the East Half of Lot 264, in Locust Street Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, Vigo County, Indiana, as shown by the recorded plat of said subdivision recorded in Plat Record 6A, Page 79, in the Recorder's Office of Vigo County, Indiana.

Commonly known as 2446 Locust Street, Terre Haute, IN 47807

And

Lot Number Two Hundred Sixty-six (266) in Locust Street Subdivision, a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

Commonly known as 2448 Locust Street, Terre Haute, IN 47807

2. That a copy of the Deeds, dated and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, are 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 Data Point, 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 Data Point, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4th day of ^{June} May, 2019.

DATA POINT, INC

By: Cary Albin
Cary Albin, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of ^{June} May, 2019.

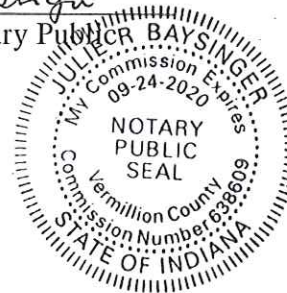
Julie R. Baysinger
Julie R. Baysinger Notary Public

My Commission expires:

9-24-2020

My County of Residence:

Vermillion



This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2014014948 CORP WD \$20.00
12/18/2014 02:28:28P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



DEC 18 2014

Timothy M. Spivey
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Stadler & Co, Inc. a/k/a Stadler & Company, Inc., "Grantor," a corporation organized and existing under the laws of the State of Indiana, *CONVEYS AND WARRANTS* to Data Point, Inc., "Grantee," a corporation organized and existing under the laws of the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate located in Vigo County, in the State of Indiana, described as follows:

Lots No. Two Hundred Eleven (211) and Two Hundred Twelve (212) in Locust Street Subdivision, of a part of the Southwest Quarter (SW¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

(Commonly known as 920 North 25th Street, Terre Haute, IN 47807.)

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor further warrants and states that Stadler & Co, Inc. is the correct name of the corporation and is one and the same entity as Stadler & Company, Inc., who took title to the above-described real estate by Warranty Deed dated December 22, 2003 and recorded December 23, 2003 as Instrument No. 2003037052, in the records of the Recorder's Office of Vigo County, Indiana.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

APS

2

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 15 day of Dec, 2014.

Stadler & Co, Inc.

By: [Signature]
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

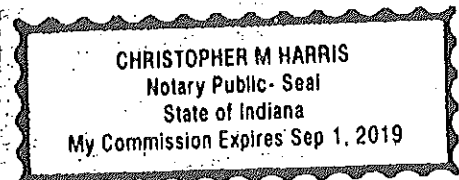
Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, President of Stadler & Co, Inc. a/k/a Stadler & Company, Inc., who acknowledged execution of the foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 15 day of Dec, 2014.

[Signature]
Notary Public

Christopher Harris
Printed Name

My Commission Expires: Sep 1, 2019 My County of Residence: Vigo



PHS

3

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.

Robert M. Williams
Robert M. Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: 920 North 25th Street, Terre Haute, IN 47805

APS

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

AUG 15 2014

Jandy M. Allsup
VIGO COUNTY AUDITOR

2014010610 HD \$18.00
08/15/2014 12:29:50P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

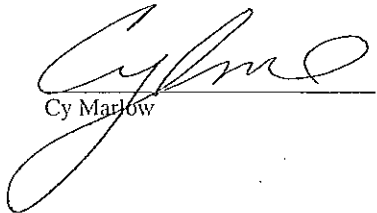
THIS INDENTURE WITNESSETH that Cy Marlow, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to Data Point, Inc., "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lot Number Two Hundred Thirteen (213) in Locust Street Subdivision of a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West.

Commonly known as: 2439 First Avenue, Terre Haute, IN 47807

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

DATED this 14 day of Aug, 2014.

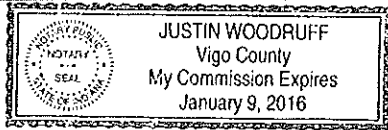

Cy Marlow

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 14 day of August, 2014, personally appeared Cy Marlow, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:



Justin Woodruff
Notary Public
Printed: _____
Residing in _____ County

Mail Tax Statements To Grantee at: 920 N. 25TH ST., Terre Haute, IN 47805

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., 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.

Justin Woodruff
Justin Woodruff

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 05 2013


VIGO COUNTY AUDITOR

2013014445 WD \$20.00
11/05/2013 01:07:03P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH, That Grantor, **Iona M. Craffets Brown**, f/k/a Iona M. Craffets, surviving spouse of Edward T. Craffets, deceased, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to **Data Point, Inc.**, Grantee, a corporation organized and existing under the laws of the State of Indiana, with its principal office located in Vigo County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot number Two Hundred Fourteen (214) in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded March 12, 1901 in Plat Record 6A, Page 79, in the records of the Recorder's Office, Vigo County, Indiana.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor, Iona M. Craffets Brown, represents and warrants that she and Edward T. Craffets were husband and wife when title vested in them as tenants by the entirety, as grantees in a deed dated May 16, 1974, and recorded May 23, 1974, in Book No. 362, Page 319-2 in the records of the Recorder's Office of Vigo County, Indiana, and that thereafter they were continuously married as husband and wife until Edward T. Craffets' death on February 3, 1977, in Vigo County, Indiana, as shown by Death Record 81, Page 138 in the records of the Vital Statistics Office of the Vigo County Board of Health; that his estate, including any joint property, life insurance, and gifts in contemplation of death, was not of sufficient value to be subject to Federal Estate Tax, or any Federal Estate Tax owed has been satisfied. Further, Grantor represents that she subsequently married Thomas B. Brown on June 12, 1982, shown by Marriage Record 192, Page 217, in the records of the Clerk's Office, Vigo County, Indiana, and Grantor is now identified as Iona M. Craffets Brown.

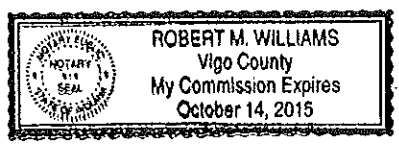
IN WITNESS WHEREOF, Grantor has executed/delivered this deed this 4TH day of NOV., 2013.

Iona M. Craffets Brown
Iona M. Craffets Brown

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Iona M. Craffets Brown, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 4TH day of NOV., 2013.



Robert M. Williams
Notary Public

ROBERT M. WILLIAMS
Printed Name

My Commission Expires: OCT. 14, 2015 My County of Residence: VIGO

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.

R Williams
RWILLIAMS

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to: 920 North 25th St.
GRANTEE: Terre Haute, IN 47805

Property address: 2435 1st Avenue
Terre Haute, IN 47807

EXEMPT FROM DISCLOSURE FEE

Stacey Todd
VIGO County Recorder IN
Recorded as Presented



QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF REDEVELOPMENT, of Vigo County, State of Indiana, as Grantor, RELEASES AND QUIT CLAIMS to DATA POINT, INC., of Vigo County, as Grantees, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lot Number 215 in Locust Street Subdivision of a part of the Southwest quarter of Section 14, Township 12 North, Range 9 West, as per recorded plat of the same recorded March 2, 1901, in Plat Record 6A, page 79 of the recorder's office of Vigo County Indiana.

Commonly known as 2431 1st Avenue, Terre Haute, Indiana.

Parcel #84-06-14-383-007.000-002.

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

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance trash, weeds, or junk cars after 60 days from the date of this deed.

The property may not be used for the purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

IN WITNESS WHEREOF, the City of Terre Haute by and through its Department of Redevelopment, of Vigo County, State of Indiana, has caused this Deed to be executed this 2ND day of MAY, 2019.

City of Terre Haute for the use and benefit of its Department of Redevelopment

By: David I. Heath
David I. Heath, President

ATTEST:

By:

Jim L. Nichols, Secretary

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

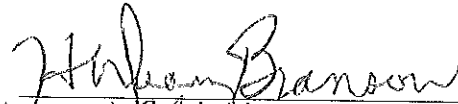
MAY 17 2019

James W. Branch
VIGO COUNTY CLERK

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public, in and for said County and State, this 2ND day of MAY, 2019, personally appeared the within David I. Heath and Jim L. Nichols, the President and Secretary respectively, of the City of Terre Haute for the use and benefit of its Department of Redevelopment, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

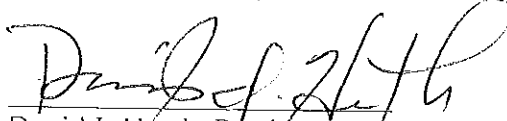
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



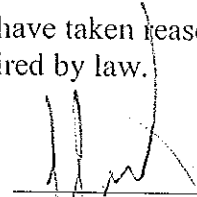
H. DEAN BRANSON, Notary Public

My Commission Expires: 2/23/2023 County of Residence: VIGO

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



David I. Heath, President



Jim L. Nichols, Secretary

Grantee's name and address: Data Point, Inc., 7050 East Woodsmall Drive, Terre Haute, IN 47802.

This instrument prepared by Darrell E. Felling II, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 244-2373.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2014014947 WD \$20.00
12/18/2014 02:28:28P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



DEC 18 2014

EXEMPT FROM DISCLOSURE FEE

Timothy M. Allsup
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Andrew Stadler, Grantor, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Data Point, Inc., a corporation organized and existing under the laws of the State of Indiana, Grantee, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number Two Hundred Sixteen (216) in Locust Street Subdivision, a part of the Southwest Quarter (¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

(Commonly known as 2427 1st Avenue, Terre Haute, Indiana 47807.)

ALSO

Lot Number Two Hundred Fifty-three (253) in Locust Street Subdivision, a part of the Southwest Quarter (¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

(Commonly known as 2400 Locust Street, Terre Haute, Indiana 47807.)

ALSO

Lot Number Two Hundred Fifty-eight (258) in Locust Street Subdivision, a part of the Southwest Quarter (¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

AKS

2

(Commonly known as 2420 Locust Street, Terre Haute, Indiana 47807.)

ALSO

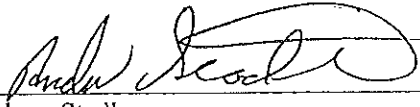
Lot Number Two Hundred Sixty-six (266) in Locust Street Subdivision, a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana in Plat Record 6A, Page 79.

(Commonly known as 2448 Locust Street, Terre Haute, Indiana 47807.)

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

IN WITNESS WHEREOF, Grantor has executed/delivered this deed this 25 day of Dec, 2014.



Andrew Stadler

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

APS

Witness my hand and Notarial Seal this 15 day of Dec., 2014.



Christopher M Harris
Notary Public

Christopher Harris
Printed Name

My Commission Expires: Sept, 2019 My County of Residence: Vigo

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.

Robert M. Williams
Robert M. Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

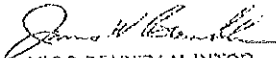
Mail tax statements to Grantee: 920 North 25th Street, Terre Haute, IN 47805

AP5

DULY ENTERED FOR TAXATION
Subject to final acceptance for taxes

2017002248 MD \$18.00
03/10/2017 10:58:50A 2 PGS
Stacey Todd
VIGO County Recorder III
Recorded as Presented

MAR 10, 2017


VIGO COUNTY AUDITOR

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That United Equities LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS AND WARRANTS to Data Point, Inc., of Vigo County, State of Indiana (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Lot Number 217 in Locust Street Subdivision, a Subdivision of a part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana.

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

Subject to real estate taxes prorated to the date hereof.

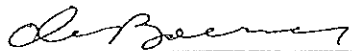
As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed that they are either (mark applicable option):

- 1. all of the Members of Grantor
Or
- 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.

IN WITNESS WHEREOF, United Equities LLC has caused this deed to be executed in its name and on its behalf by its undersigned Members or its duly authorized Manager, this 9th day of March, 2017.

United Equities LLC

By 
Chris Boerner, Authorized
(Printed Name and Title) Member

And by _____

(Printed Name and Title)

And by _____

(Printed Name and Title)

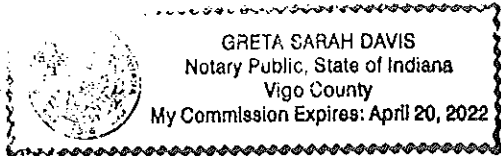
And by _____

(Printed Name and Title)

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

I, Greta Sarah Davis, a Notary Public in and for said County and State, do hereby certify that Chris Boerner, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as Member(s) or Manager of United Equities LLC appeared before me this day in person and, being first duly sworn said that the statements and representations contained in said instrument are true and that said person(s) signed and delivered said instrument as a free and voluntary act of said Chris Boerner and as said person(s) own free and voluntary act as such Member(s) or Manager for the use and purposes therein set forth.

Given under my hand and notarial seal this 9th day of March, 2017.



My Commission Expires:
4.20.2022

Greta Sarah Davis
Notary Public
Greta Sarah Davis
(Printed Name)

My County of Residence:
Vigo

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.

Laura A. Haddix
Signature
Laura A. Haddix
Printed name

This instrument prepared by Donald J. Bonomo, Attorney at Law, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 920 N. 25th St., Terre Haute, IN 47805

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2016001474 00 \$18.00
02/09/2016 10:54:52A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



FEB 09 2016

EXEMPT FROM DISCLOSURE FEE

John ...
VIGO COUNTY AUDITOR

QUITCLAIM DEED

This indenture witnesseth that

Andrew Stadler
of Vigo County in the State of Indiana

Release(s) and Quitclaims(s) to

Data Point, 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 NUMBER TWO HUNDRED EIGHTEEN (218) IN LOCUST STREET SUBDIVISION OF A PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION 14-12-9 COMMENCING AT A POINT 1515 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF 14-12-9 AND RUNNING THENCE NORTH 1885.6 FEET; THENCE EAST 550.2 FEET, THENCE SOUTH 511 FEET THENCE EAST 29 FEET THENCE SOUTH 465.5 FEET THENCE EAST 561 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG SAID 111.7 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST 1137.8 FEET TO THE PLACE OF BEGINNING.

Parcel No: 84-06-14-383-004.000-002

Common Address: 2423 1st Avenue Terre Haute, IN 47807

ALSO

Lot Number 254 in Locust Street Subdivision of a part of the Southwest Quarter (SW 1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, as per plat thereof, recorded in Plat Record 6A, Page 79, in the office of Vigo County, Indiana.

Parcel No: 84-06-14-383-012.000-002

Common Address: 2402 Locust Street Terre Haute, IN 47807

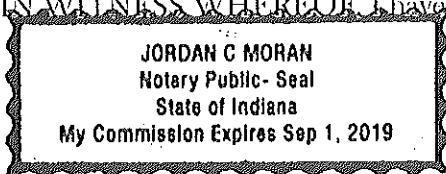
Dated this 28 day of Jan, 2016.

Andrew Stadler
Andrew Stadler

State of INDIANA, County of VIGO) SS:

Before me, a Notary Public in and for said county and state, this 28 day of JANUARY, 2016, personally appeared Andrew Stadler, who acknowledged the execution of the foregoing Quitclaim Deed to be Grantor(s) voluntary act and deed.

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



My Commission Expires: 9/1/2019
My County of Residence: CLAY

Jordan Moran
Notary Public
Printed: JORDAN MORAN

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

D-2920; HCT-No#

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 at Grantee's address of:

920 N 25th St Terre Haute IN 47805
Return Deed to: Honey Creek Vigo Title Svcs, Inc., 405 S. 6th Street, Terre Haute, IN 47807

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2013016235 WD \$18.00
12/26/2013 03:12:35P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

DEC 26 2013

Jennifer M. Squires
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **J.G. Huber and Cathleen D. Huber, husband and wife**, Grantors, of Vigo County, in the State of Indiana, CONVEY AND WARRANT to **Data Point, Inc.**, "Grantee," a corporation organized and existing under the laws of the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number Two Hundred Nineteen (219) in Locust Street Subdivision, being a subdivision of a part of the Southwest quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per the recorded plat thereof, recorded March 2, 1901 in Plat Record 6A Page 79, in the records of the Recorder's Office, Vigo County, Indiana.

(Commonly known as 2421 First Avenue, Terre Haute, Indiana 47805.)

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

IN WITNESS WHEREOF, Grantors have executed/delivered this deed this 19TH day of DECEMBER, 2013.

J.G. Huber

J. G. Huber

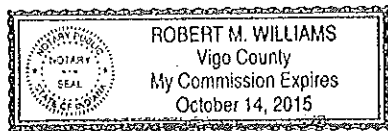
Cathleen D. Huber

Cathleen D. Huber

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared J.G. Huber and Cathleen D. Huber, husband and wife, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 19TH day of DECEMBER, 2013.



Robert M. Williams

Notary Public

ROBERT M. WILLIAMS

Printed Name

My Commission Expires: OCT. 14, 2015 My County of Residence: VIGO

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.

R Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to: GRANTEE 920 N. 25TH ST.
TERRE HAUTE, IN 47805

MAY 13 2014

EXEMPT FROM DISCLOSURE

2014006092 00 \$18.00
05/13/2014 11:14:54A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Jessie M. Spitzer
VIGO COUNTY AUDITOR

QUIT CLAIM DEED



THIS INDENTURE WITNESSETH:

CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF REDEVELOPMENT, of Vigo County, State of Indiana, as Grantor, **RELEASES AND QUIT CLAIMS** to **DATA POINT, INC. OF VIGO COUNTY, INDIANA**, as Grantee, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lots Number Two Hundred and Twenty (220) and Two Hundred Twenty-one (221) in Locust Street Subdivision of a part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6A Page 79.

Commonly known as 2415 1st Av, Terre Haute, Indiana 47807

Parcel No. 84-06-14-383-002.000-002

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

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance concerning trash, weeds, or junk cars after 60 days from the date of this deed.

The property may not be used for the purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

IN WITNESS WHEREOF, the City of Terre Haute by and through its Department of Redevelopment, of Vigo County, State of Indiana, has caused this Deed to be executed this 8th day of May, 2014.

City of Terre Haute for the use and benefit of its Department of Redevelopment

By: *David I. Heath*
David I. Heath, President

ATTEST:

By:

Jim L. Nichols
Jim L. Nichols, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public, in and for said County and State, this 8th day of May, 2014, personally appeared the within David I. Heath and Jim L. Nichols, the President and Secretary respectively, of the City of Terre Haute for the use and benefit of its Department of Redevelopment, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

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

Adean Branson
ADEAN BRANSON, Notary Public

My Commission Expires: 2/28/15

County of Residence: VIGO

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

David I. Heath
David I. Heath, President

Jim L. Nichols
Jim L. Nichols, Secretary

Grantee's address: 920 N. 25th Street, Terre Haute, Indiana 47807

This instrument prepared by City Attorney Chou-il Lee, Legal Department, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 244-2373.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

DEC 18 2014

Janet M. Squire
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

CORPORATE WARRANTY DEED

2014014949 CORP WD \$20.00
12/18/2014 02:28:28P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

THIS INDENTURE WITNESSETH, That Stadler & Co, Inc. d/b/a Stadler & Co. Tax Service, "Grantor," a corporation organized and existing under the laws of the State of Indiana, *CONVEYS AND WARRANTS* to Data Point, Inc., "Grantee," a corporation organized and existing under the laws of the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate located in Vigo County, in the State of Indiana, described as follows:

Lot 265-and the East Half of Lot 264, in Locust Street Subdivision of a part of the Southwest Quarter of Section 14, Township 12 North, Range 9 West, Vigo County, Indiana, as shown by the recorded plat of said subdivision recorded in Plat Record 6-A, Page 79 in the Recorder's Office of Vigo County, Indiana.

(Commonly known as 2446 Locust Street, Terre Haute, Indiana 47807.)

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor further warrants and states that Stadler & Co, Inc. is the correct name of the corporation and is one and the same entity as Stadler & Co. Tax Service, who took title to the above-described real estate by Warranty Deed dated August 15, 2005 and recorded August 15, 2005 as Instrument No. 2005013897, in the records of the Recorder's Office of Vigo County, Indiana.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

APS

2

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 15 day of Dec, 2014.

Stadler & Co, Inc. d/b/a
Stadler & Co. Tax Service

By: Andrew Stadler, Pres.
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

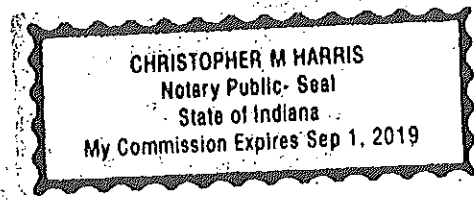
Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, President of Stadler & Co, Inc. d/b/a Stadler & Co. Tax Service, who acknowledged execution of the foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 15 day of Dec, 2014.

Christopher M Harris
Notary Public

Christopher Harris
Printed Name

My Commission Expires: Sept, 2019 My County of Residence: Vigo



ABS

3

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.

Robert Williams
Robert M. Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: 920 North 25th Street, Terre Haute, IN 47805

APS

Receipt

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

Date: 6/14/19

Name: Wright, Shagley & Lowery, P.C.

Reason: Rezoning - Notice of Filing \$ 25⁰⁰

Rezoning Petition \$ 20⁰⁰

\$ 75⁰⁰

Cash:

Check: \$ 75⁰⁰ CR # 069625

Credit:

Total: \$ 75⁰⁰

Received By: L. Ellis Lewis

TERRE HAUTE
CONTROLLER
JUN 14 2019 11:13 AM



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: July 5, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 13-19,

CERTIFICATION DATE: July 3, 2019

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. 13-19. This Ordinance is a rezoning of the property located at 2439, 2435, 2431, 2427, 2425, 2423, 2421, 2415 1st Ave & 2446, 2448 Locust St. The Petitioner, Data Point, Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-1, C-2, C-6 to C-6, Strip Business & R-1, Single Family Residential for a Landscaping Business. 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. 13-19 at a public meeting and hearing held Wednesday, July 3, 2019. 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. 13-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-19 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. 13-19 was FAVORABLE with the following conditions: 1.) Must be recorded within 90 days; 2.) A hardship must be demonstrated; 3.) It must be determined that, if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood; 4.) Approved detailed site plan to include customer parking, landscape, and buffering plan by City Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 5th day of July, 2019

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-19

Doc: # 46

Date: July 2019

Page 1 of 5

APPLICATION INFORMATION

Owner: Data Point, Inc.

Proposed Use: Landscaping Business
Representative: Richard J. Shagley

Proposed Zoning: C-6, Strip Business District (E half of lot 264 & lots 265,266,211,212, &213. R-1PD, Single Family Residence District Planned Development (lots 214-221)

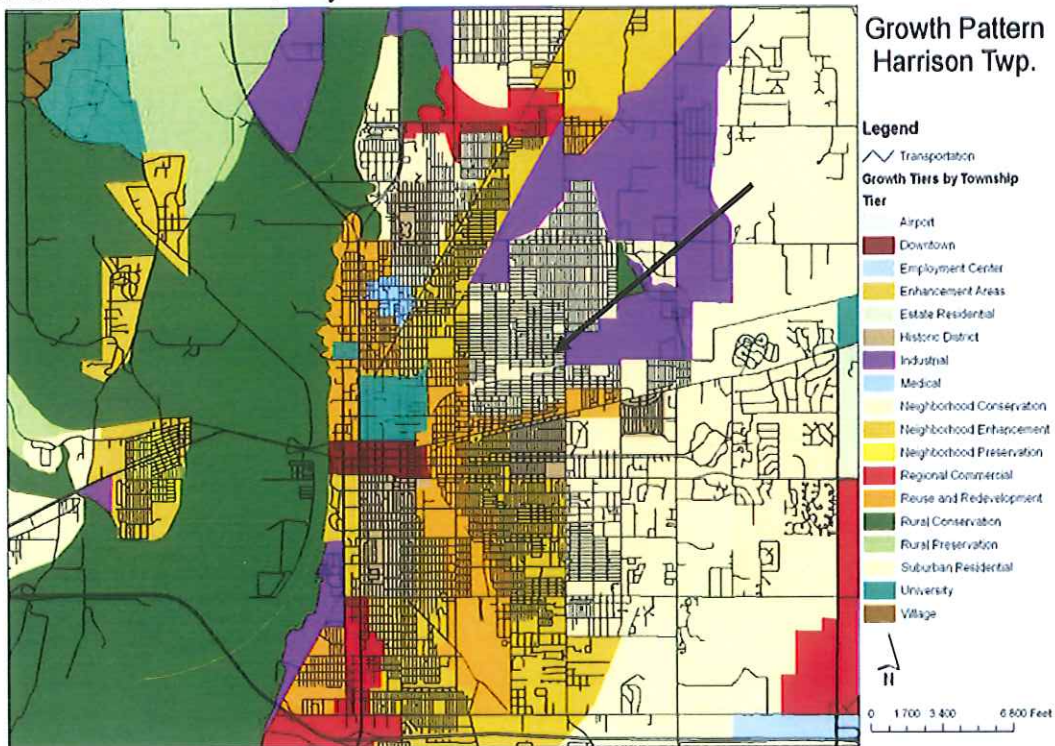
Current Zoning: R-1, Single Family Residence (lots 214-221), C-2 Community commerce District (lots 213,265 and E half of 264,266): C-6 - Strip Business District (lots 211-& 212)

Location: The property is located on N. 25th, Locust Street and 1st Avenue

Common Address: 920 N 25th St; 2439, 2435, 2431, 2427, 2425, 2423, 2421, 2415 1st Ave; 2446, 2448 Locust St

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- 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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-19

Doc: # 46

Date: July 2019

Page 3 of 5

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Enhancement.

ZONING COMPATIBILITY

Sur. Zones and Uses: North – R-1 & C-2

East – M-2

South – R-1

West – R-1

Character of Area: The petitioned property is located in residential and commercial land uses.

Contig. Uses & Zones: The area is a mix of zoning categories.

ZONING REGULATIONS

b. Uses, Permitted - R-1 Single-Family Residence District.

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)
- (8) Child Care.
- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)
- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic field's incidental thereto.

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings

or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances, that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-19

Doc: # 46

Date: July 2019

Page 5 of 5

the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of the zoning regulations.

FINDINGS and RECOMMENDATION

Staff Findings:

25th St is considered a major street in the City of Terre Haute. Landscape, nurseries, garden supply, and seed stores are a listed use by right in the C-6 category.

The petitioner did not submit a detailed site plan which is required for zoning submittal. The site plan submitted is simply a pictures captured from beacon with highlighted parcels. It is nearly impossible to determine zoning compliance without a detailed site plan.

A landscaping business utilizing only the existing structure occupied the property previously. As long as no changes are made to the property staff will have no issues with the request. However, any and all changes shall require an adequate site plan and approval from City Engineering.

The City may request the property be combined into a single lot of use for either zoning category.

Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Must be recorded in 90 days
2. A hardship must be demonstrated
3. It must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood.
4. Approved detailed site plan to include customer parking, landscape and buffering plan by City Engineering.