

ORDINANCE NO. 2, 2020

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

4207 E. Margaret Drive, Terre Haute, IN 47802
Parcel ID: 84-09-01-227-005.000-005

Rezoned From: R-1 Single Family Residence District

Rezoned To: C-3 Regional Commerce District

Proposed Use: Speculative commercial rezoning

Name of Owner: Johnie Paul Edwards and Melba J. Edwards Co- Trustees of the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26 2006

Address of Owner: 8835 E. Margaret Drive
Terre Haute, IN 47802

Phone Number of Owner c/o Richard J. Shagley II
(812) 232-3388

Attorney Representing Owner: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery , P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

WITHDRAWN

FILED

FEB 05 2020

CITY CLERK

SPECIAL ORDINANCE NO. 2, 2020

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

SECTION 1. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Beginning at a point two hundred seventy-five (275) feet West of the Northeast corner of the Northeast quarter (1/4) of Section One (1), Township Eleven (11) North, Range Nine (9) West, running thence South three hundred fifty (350) feet; thence West one hundred ninety (190) feet, thence North three hundred fifty (350) feet thence East one hundred ninety (190) feet to the place of beginning.

Commonly known as: 4207 E. Margaret Avenue, Terre Haute, IN 47802.

be the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,



Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2020.

George Azar, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2020.

Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2020.

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 II

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

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Johnnie Paul Edwards and Melba J. Edwards as Trustees respectfully submit this Amended Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Beginning at a point two hundred seventy-five (275) feet West of the Northeast corner of the Northeast quarter (1/4) of Section One (1), Township Eleven (11) North, Range Nine (9) West, running thence South three hundred fifty (350) feet; thence West one hundred ninety (190) feet, thence North three hundred fifty (350) feet thence East one hundred ninety (190) feet to the place of beginning.

Commonly known as: 4207 E. Margaret Avenue, Terre Haute, IN 47802.
Parcel No.: 84-09-01-227-005.000-005

Your Petitioners are informed and believe that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-1 Single-Family Residential District.

Your Petitioners would respectfully state that the real estate is now single-family homes and a church. The Petitioners intend to sell or lease the real estate for commercial use(s).

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for any proposed commercial use allowed under this designation. Your Petitioners would allege that the C-3 Regional Commerce District 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 Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may

accrue to the real estate and the owner 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 13 day of JANUARY, 2020.

PETITIONERS:

Johnie Paul Edwards and Melba J. Edwards Co- Trustees of the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26 2006

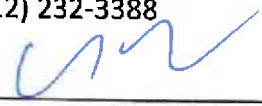


Johnie Paul Edwards, Trustee



Melba J. Edwards, Trustee

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

BY: 

Richard J. Shagley II #23135-84
Attorneys for Petitioners

The owner and mailing address: 8835 E. Margaret Drive, Terre Haute, IN 47802

This instrument prepared by Richard J. Shagley II Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Blocks
- Parcels
- Road Centerlines
- 2019 Sales

Parcel ID	84-09-01-227-005.000-005	Alternate ID	119-09-01-227-005	Owner Address	EDWARDS JOHNIE PAUL & MELBA J EDWARDS TRUST
Sec/Twp/Rng	1	Class	Res 1 fam unplatted 0-		8835 E MARGARET DR
Property Address	4207 E MARGARET DR TERRE HAUTE	Acreeage	9.99 ac 1.52		TERRE HAUTE, IN 47803
Neighborhood	1021035 - HONEY CREEK				
District	005 HONEY CREEK				
Brief Tax Description	IN NE PRT NENE D 402/431 1-11-9 1.520 AC				
	(Note: Not to be used on legal documents)				

Date created: 1/14/2020
 Last Data Uploaded: 1/13/2020 9:16:47 PM

Developed by Schneider GEOSPATIAL

4207 E. MARGARET DR.
 R-1 Single Family
 to
 C-3 Regional Commerce

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Johnie Paul Edwards and Melba J. Edwards Co- Trustees of the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26 2006, being duly sworn upon their oaths, depose and say:

1. That Johnie Paul Edwards and Melba J. Edwards are Trustees for the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26, 2016 which is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Beginning at a point two hundred seventy-five (275) feet West of the Northeast corner of the Northeast quarter (1/4) of Section One (1), Township Eleven (11) North, Range Nine (9) West, running thence South three hundred fifty (350) feet; thence West one hundred ninety (190) feet, thence North three hundred fifty (350) feet thence East one hundred ninety (190) feet to the place of beginning.

Commonly known as: 4207 East Margaret Drive, Terre Haute, Indiana 47803.
Parcel No.: 84-09-01-227-005.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to John Edwards and Melba Edwards are attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that they are 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 Johnie Paul Edwards and Melba J. Edwards, Trustees


4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 13 day of JANUARY, 2020.

Johnie Paul Edwards and Melba J. Edwards Co- Trustees of the
Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26
2006



Johnie Paul Edwards, Trustee



Melba J. Edwards, Trustee

2019007053 PD \$25.00
07/05/2019 03:24:46P 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



CO-PERSONAL REPRESENTATIVES' DEED

Grousha Bahrani Birkenbeul and Arshia Bahrani Myers, as Co-Personal Representatives of the Estate of Marion Jackson, deceased, which Estate is under the supervision of the Vigo Superior Court, under Cause No. 84D02-1902-ES-001099 in the office of the Clerk of the Circuit Court of Vigo County, Indiana, pursuant to an Order of the Superior Court of Vigo County, in the State of Indiana, dated on May 22, 2019, for good and sufficient consideration, CONVEY to Johnie Paul Edwards and Melba J. Edwards, Co-Trustees of the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26, 2006, as amended and restated, of Vigo County, Indiana, the following described real estate located in Vigo County, in the State of Indiana, to-wit:

Beginning at a point two hundred seventy-five (275) feet West of the Northeast corner of the Northeast quarter (1/4) of Section One (1), Township Eleven (11) North, Range Nine (9) West, running thence South three hundred fifty (350) feet; thence West one hundred ninety (190) feet, thence North three hundred fifty (350) feet thence East one hundred ninety (190) feet to the place of beginning.

Subject to a grant of easement to Duke Energy Indiana, Inc., recorded as Instrument No. 2015000257, records of the Recorder's Office of Vigo County, Indiana.

Parcel #84-09-01-227-005.000-005

Commonly known as 4207 E. Margaret Avenue, Terre Haute, IN 47803.

Grantors affirm under the penalties of perjury that they are the appointed Co-Personal Representatives of the Estate of Marion Jackson, and as such, are authorized to execute this Co-Personal Representatives' Deed to transfer the above real estate to Johnie Paul Edwards and Melba J. Edwards, Co-Trustees of the Johnie Paul Edwards and Melba J. Edwards Trust, u/d June 26, 2006, as amended and restated.

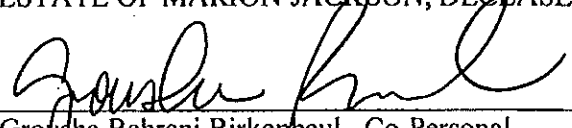
IN WITNESS WHEREOF, the said Grousha Bahrani Birkenbeul and Arshia Bahrani Myers, as Co-Personal Representatives of the Estate of Marion Jackson, have hereunto set their hands this 18 day of June, 2019.

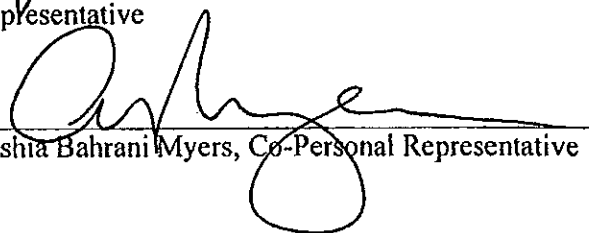
ESTATE OF MARION JACKSON, DECEASED

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

JUL 05 2019


VIGO COUNTY AUDITOR


Grousha Bahrani Birkenbeul, Co-Personal Representative


Arshia Bahrani Myers, Co-Personal Representative

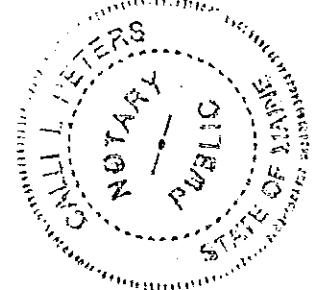
STATE OF ~~INDIANA~~ ^{MAINE})
COUNTY OF ~~INDIANA~~ ^{KNOX}) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Grousha Bahrani Birkenbeul, as Co-Personal Representative of the Estate of Marion Jackson, who acknowledged the execution of the foregoing Co-Personal Representatives' Deed to be her voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and Notarial Seal this 18 day of June, 2019.

Galli L Peters
Notary Public
A Resident of KNOX County, ~~Indiana~~ ^{MAINE}

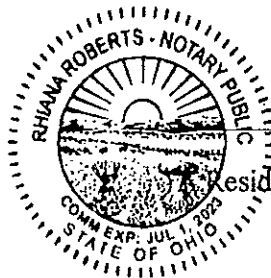
My Commission Expires:
~~Galli L Peters~~
Notary Public • State of Maine
My Commission Expires August 19, 2021



STATE OF OHIO)
COUNTY OF Montgomery) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Arshia Bahrani Myers, as Co-Personal Representative of the Estate of Marion Jackson, who acknowledged the execution of the foregoing Co-Personal Representatives' Deed to be her voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and Notarial Seal this 21 day of June, 2019.



Rhiana Roberts
Notary Public
Resident of Montgomery County, Ohio

My Commission Expires:
July 1, 2023

EXAMINED AND APPROVED IN OPEN COURT THIS 25th DAY OF June, 2019.

Lakshmi Reddy
The Honorable Lakshmi Reddy, Judge
Vigo Superior Court, Probate Division

This instrument was prepared by the undersigned. I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number from this document, unless required by law.

This instrument prepared by James O. McDonald, Attorney at Law,
James O. McDonald #9473-84
648 Walnut Street
Terre Haute, IN 47808-8328

Send tax statements to:

Johnie Paul and Melba J. Edwards Trust
~~2286 Cottage Ct.~~ 8835 E Margaret Drive
Terre Haute, IN 47803

Receipt

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

Date: 02/05/2020

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

Reason: Rezoning - Notice of filing \$ 25

Rezoning - Petition \$ 20

\$ 45

TERRE HAUTE, INC

PAID

Cash: _____

FEB 05 2020

Check: \$45- # 070335

CONTROLLER

Credit: _____

Total: \$45-

Received By: J. Ellis/HP



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: March 5, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 2-20,

CERTIFICATION DATE: March 4, 2020

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. 2-20. This Ordinance is a rezoning of the property located at 4207 East Margaret, Terre Haute, IN. The Petitioners, Johnie and Melba Edwards, petitioned the Plan Commission to rezone said real estate from zoning classification R-1 to C-3, Regional Commerce for speculative commercial rezoning. 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. 2-20 at a public meeting and hearing held Wednesday, March 4, 2020. Remonstrators were 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. 2-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 2-20 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. 2-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS:

1. All future site plans must meet code and must be approved by City Engineering
2. A major subdivision be submitted as a part of any future site plans
3. Approval from City Council to allow dwelling units in a C-3 at this location



Received this 5th day of March, 2020

Fred L. Wilson, President

Jared Bayler, Executive Director

Edwards,Michelle

From: Richard Shagley II <richards@wslfirm.com>
Sent: Thursday, March 12, 2020 10:27 AM
To: Edwards,Michelle
Subject: *Ext!* SO # 2-20

****External Email - Think Before You Click****

- Helpdesk

Good morning.

As you are aware, we represent the Petitioner in the above matter. This matter is on the agenda for this evening's meeting. The Petitioner would like to table to this matter due to the on going health concerns in our community. Thank you for your understanding.

Please advise if you need anything further from me.

Richard

--

Richard J. Shagley II
Wright, Shagley & Lowery, P.C.
500 Ohio Street
Terre Haute, IN 47807
Richards@wslfirm.com
812-232-3388
812-232-8817 (fax)

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Edwards,Michelle

From: Richard Shagley II <richards@wslfirm.com>
Sent: Friday, July 24, 2020 11:03 AM
To: Edwards,Michelle
Subject: *Ext!* Re: SO #2

****External Email - Think Before You Click****

- Helpdesk

Good morning.

The Petitioners would like to table this matter until the second meeting in September in hopes of having it heard in person. With the recent Order from the Governor, we do not anticipate August being in person.

Thank you

Richard

On Wed, Jun 10, 2020 at 2:23 PM Richard Shagley II <richards@wslfirm.com> wrote:
Good afternoon.

As you are aware, we represent the Petitioner of Special Ordinance No. 2.

Due to the Covid and the Governor's Executive Order, the Petitioner would request SO #2 be tabled and moved to the Council's second meeting in July, 2020.

Thank you for your assistance. If you need anything further, please do not hesitate to contact me.

Richard

--

Richard J. Shagley II
Wright, Shagley & Lowery, P.C.
500 Ohio Street
Terre Haute, IN 47807
Richards@wslfirm.com
812-232-3388
812-232-8817 (fax)

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earnestly entreat you to deny the request to table Special Ordinance 2, 2020 any further. We also ask that you act on August 6th to support those of us in opposition to this ordinance so that a more proactive and planned approach can be taken regarding redevelopment in this area. --Joe and Lynn Biggs