

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 11, 2020

=====

Common Address of lots to be rezoned: **4701 Margaret Ave., Terre Haute, IN**

Rezone From: **0-1 Open Space District**

Rezone To: **C-2, Community Commerce District**

Proposed Use: **Offices-autism clinical services**

Name of Owner: **Gerald Wayne Collins Enterprises, LLC**

Address of Owner: **1208 S 3RD ST STE B TERRE HAUTE, IN 47802**

Phone Number of Owner: **c/o (812) 232-6003 Louis F. Britton**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: O. Earl Elliott

Cox Zwerner Gambill and Sullivan,
attorneys for Owner

By: 

Traci Orman

FILED

AUG 4 2020

CITY CLERK

SPECIAL ORDINANCE NO. 11, 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 ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

See Exhibit A.

Commonly known as 4701 Margaret Ave., Terre Haute, IN, be and the same are hereby established as C-2, Community Commerce District as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-2, Community Commerce District authorizing the use of said real estate for the operation of offices for treatment of autistic persons as well as the other uses permitted by such designation, together with all rights, privileges, and provisions 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 2. 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 approval by the Mayor and publication as required by law.

PRESENTED BY COUNCILPERSON Earl Elliott
Earl Elliott

Passed in open Council this 3RD day of SEPTEMBER, 2020.

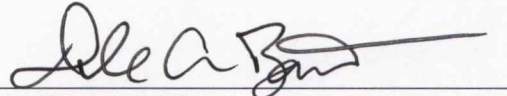
George Azar
George Azar President

ATTEST: Michelle Edwards, City Clerk
Michelle Edwards

Presented by me to the Mayor this 4TH day of SEPTEMBER, 2020.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 4TH day of SEPTEMBER, 2020.



Duke Bennett, Mayor
City of Terre Haute

ATTEST: Michelle X Edwards
Michelle Edwards, City Clerk

I have prepared the foregoing instrument and 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.

/s/ Louis F Britton

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

Exhibit A to Special Ordinance 11-2020

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

Except that part sold to R.K.R. Partners as described below:

Lot 1 in Whiteco Metrocom Subdivision, being a subdivision of a part of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, as shown by the recorded plat thereof, recorded in Plat Record 27, page 33, records of the Recorder's Office of Vigo County, Indiana.

Also Except that part conveyed to the City of Terre Haute, for the use and benefit of the Board of Public Works as shown in Warranty Deed dated August 4, 2001 and recorded August 15, 2011 as Instrument No. 2011010808, records of the Recorder's Office of Vigo County, Indiana.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Subject to Grant of Permanent and Temporary Easement unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana recorded September 18, 2001 as Instrument No. 200119296.

b) Subject to Temporary Easement Grant unto the City of Terre Haute, Indiana for the use and benefit of the Board of Public Works recorded August 15, 2011 as Instrument No. 2011010809.

c) Subject to rights under Easement granted to Kentucky Natural Gas Company as shown by agreement recorded in Miscellaneous Record 62 page 53.

d) Subject to Easement for gas storage granted Terre Haute Gas Corporation in Deed Record 326, page 218.

e) Subject to an Easement for a billboard over, under and across the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl Spires, Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project NO. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No. 2020000283 as follows:

Commencing at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015: at the Southwest Corner of the land conveyed for right of way (Instrument No. 2011010808); thence South 89 degrees 53 minutes 24 seconds East along the South line of said right of way (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 53.79 feet to the point of Beginning of this description; thence continue the previous course a distance of 20.00 feet; thence South 00 degrees 06 minutes 36 seconds East perpendicular to the previous course a distance of 40.00 feet; thence North 89 degrees 53 minutes 24 seconds West perpendicular to the previous course a distance of 20.00 feet; thence North 00 degrees 06 minutes 36 seconds West perpendicular to the previous course a distance of 40.00 feet to the Point of Beginning containing 800 square feet, more or less.

f) Subject to an Easement for a billboard over, under and across the South 50.00 feet of even width of the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl D. Spires, Jr., Indiana Land Surveyor 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No. 20200200 283 containing 0.20 acres (8,516 sq ft), more or less.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

Gerald Wayne Collins Enterprises, LLC, ("Petitioner") is the owners of the following described real estate located in Vigo County, Indiana, to-wit:

See Attached

which real estate is commonly known as: **4701 Margaret Ave., Terre Haute, IN**

Petitioner is informed and believe that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned O-1, Open Space District of the City of Terre Haute, Indiana. Petitioner proposes to lease the subject property to Unlocking the Spectrum to provide clinical services to autistic persons and is further informed and believes that the operation of the proposed businesses would require said real estate to be rezoned to the classification as C-2, Community Commerce District, under which classification Section 10.207(g), "Uses Permitted in C-2 Zone" would authorize such business operations.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- A. That the proposed business would be beneficial to the local community;
- B. That said real estate is located near an area which is zoned/used for commerce and manufacturing and the proposed use would not adversely affect the surrounding uses;
- C. That said real estate is located on Margaret Avenue which provide provides access to businesses and patients in the immediate area as well as in other parts of town;
- D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood.
- E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area;

A copy of the survey of the property and a parking plan are attached.

WHEREFORE, petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "C-2 Community Commerce District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the Petitioner has duly executed this instrument this

24th day of July, 2020.

Gerald Wayne Collins Enterprises, LLC

By:

Gerald Wayne Collins, Manager
(Signature)

GERALD WAYNE COLLINS
(Printed Name and Title)

Exhibit A to Petition for Rezoning

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

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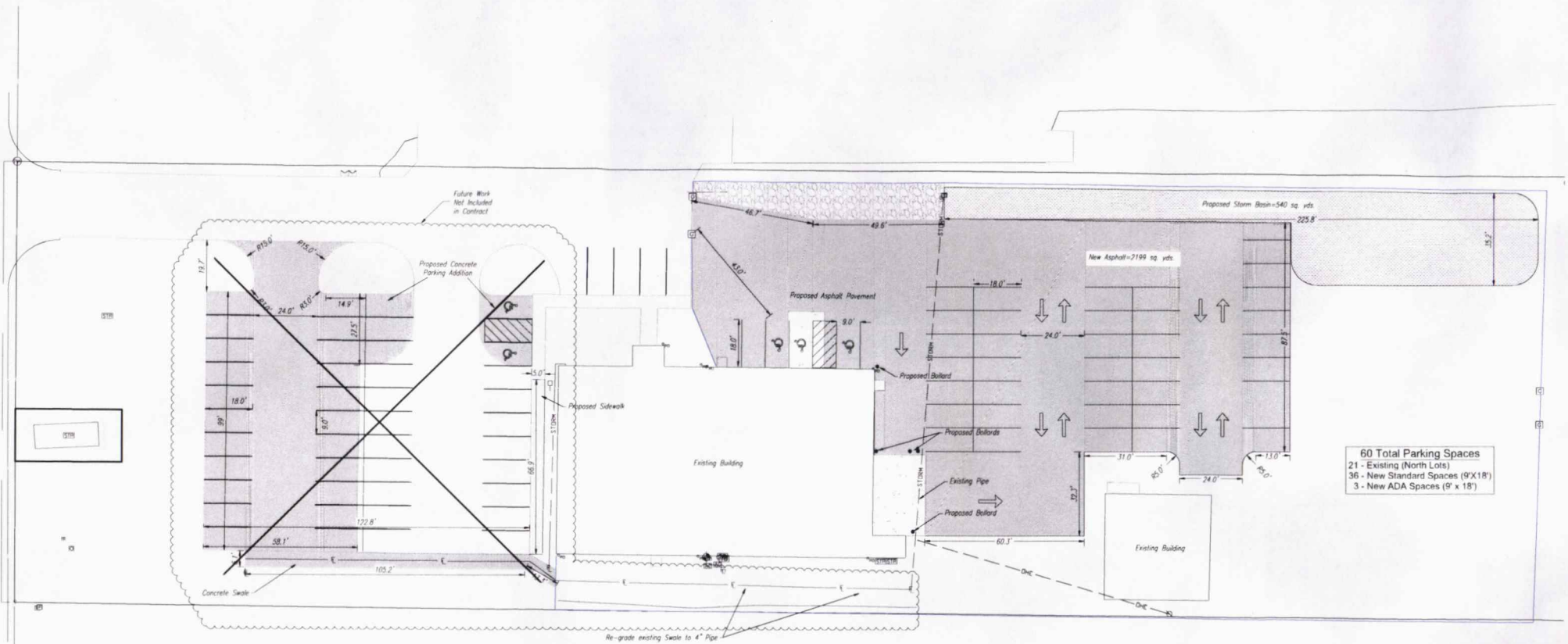
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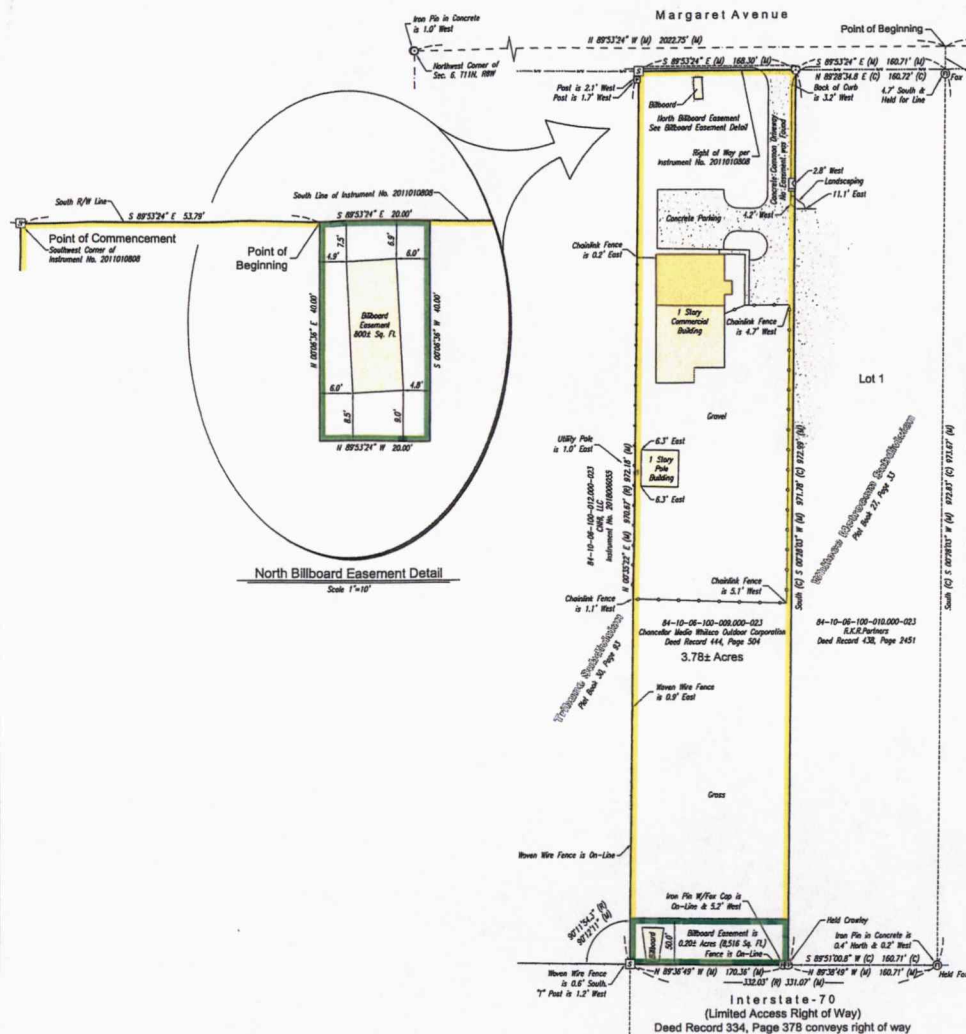
Commencing at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015: at the Southwest Corner of the land conveyed for right of way (Instrument No. 2011010808); thence South 89 degrees 53 minutes 24 seconds East along the South line of said right of way (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 53.79 feet to the point of Beginning of this description; thence continue the previous course a distance of 20.00 feet; thence South 00 degrees 06 minutes 36 seconds East perpendicular to the previous course a distance of 40.00 feet; thence North 89 degrees 53 minutes 24 seconds West perpendicular to the previous course a distance of 20.00 feet; thence North 00 degrees 06 minutes 36 seconds West perpendicular to the previous course a distance of 40.00 feet to the Point of Beginning containing 800 square feet, more or less.

f) Subject to an Easement for a billboard over, under and across the South 50.00 feet of even width of the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl D. Spires, Jr., Indiana Land Surveyor 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No.

2020200283 containing 0.20 acres (8,516 sq ft), more or less.

4701 MARGARET PARKING DRAWING





North Billboard Easement Boundary Description

An easement for a billboard over, under and across the land of Chancelor Media Whiteco Outdoor Corporation (Deed Record 444, Page 504) into the land described in Instrument No. 2011010808 conveyed for right of way purposes, being in the Northwest Quarter of Section 4, Township 11 North, Range 8 West of the Second Principal Meridian, Elletts Township, City of Terre Haute, Vigo County, Indiana, as shown by the recorded plat thereof, recorded in Plat Book 27, Page 31, records of the Recorder's Office of Vigo County, Indiana.

Also DECEIT

A part of the Northwest Quarter of Section 4, Township 11 North, Range 8 West, Vigo County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Plat marked EXHIBIT 'F', described as follows:

Commencing at the Northwest Corner of said quarter section; thence North 89 degrees 53 minutes 24 seconds West 558.29 feet along the North line of said quarter section line to the Northwest Corner of the grantor's land; thence South 00 degrees 33 minutes 10 seconds West 20.00 feet along the West line of grantor's land to the South boundary of Margaret Avenue and the Point of Beginning of this description; thence South 89 degrees 53 minutes 24 seconds East 178.40 feet along the boundary of said Margaret Avenue to the West line of Lot 1 in Whiteco Outdoor Corporation Subdivision, the plat of which is recorded in Plat Book 27, Page 31, of the Office of the Recorder of said county; thence South 89 degrees 53 minutes 10 seconds West 5.00 feet along the West line of said Lot; thence North 89 degrees 53 minutes 24 seconds West 178.40 feet to said "DECEIT" easement on said parcel plat on the West line of the grantor's land; thence North 00 degrees 33 minutes 10 seconds East 5.00 feet along said West line to the Point of Beginning and containing 0.000 acre, more or less.

South Billboard Easement Boundary Description

An easement for a billboard over, under and across the South 50.00 feet of more or less of the land of Chancelor Media Whiteco Outdoor Corporation (Deed Record 444, Page 504), less the land described in Instrument No. 2011010808 conveyed for right of way purposes, being in the Northwest Quarter of Section 4, Township 11 North, Range 8 West of the Second Principal Meridian, Elletts Township, City of Terre Haute, Vigo County, Indiana, as shown by the recorded plat thereof, recorded in Plat Book 27, Page 31, records of the Recorder's Office of Vigo County, Indiana, as shown by the recorded plat thereof, recorded in Plat Book 27, Page 31, records of the Recorder's Office of Vigo County, Indiana.

Also DECEIT

A part of the Northwest Quarter of Section 4, Township 11 North, Range 8 West, Vigo County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Plat marked EXHIBIT 'F', described as follows:

Commencing at the Northwest Corner of said quarter section; thence North 89 degrees 53 minutes 24 seconds West 558.29 feet along the North line of said quarter section line to the Northwest Corner of the grantor's land; thence South 00 degrees 33 minutes 10 seconds West 20.00 feet along the West line of grantor's land to the South boundary of Margaret Avenue and the Point of Beginning of this description; thence South 89 degrees 53 minutes 24 seconds East 178.40 feet along the boundary of said Margaret Avenue to the West line of Lot 1 in Whiteco Outdoor Corporation Subdivision, the plat of which is recorded in Plat Book 27, Page 31, of the Office of the Recorder of said county; thence South 89 degrees 53 minutes 10 seconds West 5.00 feet along the West line of said Lot; thence North 89 degrees 53 minutes 24 seconds West 178.40 feet to said "DECEIT" easement on said parcel plat on the West line of the grantor's land; thence North 00 degrees 33 minutes 10 seconds East 5.00 feet along said West line to the Point of Beginning and containing 0.000 acre, more or less.

Surveyor's Report

In accordance with IBCS 1-12, the following information is presented concerning evidence used to establish this survey because of the following:

- Accuracy and condition of reference monuments.
- Occupancy or possession lines.
- Clarity or ambiguity of the record description and of adjacent descriptions and the relationship of the lines of the subject tract with the adjacent lines.
- The relative positional accuracy of the lines and corners established on this survey is within the specifications for an Urban Survey as defined in IBCS 1-12.

This is a Retacement Survey to establish the property described above.

INSTRUMENT LOCATION, CHAINING ELEMENTS OF SURVEY

The Northwest Quarter of Section 4, Township 11 North, Range 8 West was established from previous surveying. Project No. 1047-153. Due to recent road construction it appears that the iron pin that had previously monumented said corner was destroyed. An iron pin in concrete is currently in the road, but does not monument the same location as previously monumented.

A cotton gin spindle was found and held for the North Quarter corner of Section 4 as shown per the Vigo County Surveyor's Office Stone records.

- An iron pin with a plastic flag cap was found 4.7 feet South of the Northwest Corner of Whiteco Outdoor Corporation Subdivision (Plat Book 27, Page 31) and held for line.
- An iron pin with a plastic flag cap was found at monumenting the Southwest Corner of Whiteco Outdoor Corporation Subdivision (Plat Book 27, Page 31) and held for line.
- An iron pin with a plastic flag cap was found at monumenting the Southwest Corner of Whiteco Outdoor Corporation Subdivision (Plat Book 27, Page 31) and held for line.
- An iron pin with a plastic flag cap was found and held at monumenting the Southwest Corner of Whiteco Outdoor Corporation Subdivision. This monument is on original subdivision monument.
- The right of way of Margaret Avenue was established from Instrument No. 2011010808 and the Plans for Project No. 45285 (Margaret Avenue Phase II).
- The right of way of Interstate 70 to the West of the surveyed land (Deed Record 334, Page 378) was established by holding the existing fence which runs along the North right of way and Indiana Department of Transportation Phase II Subdivision 55 from Project No. 70-11407 dated 1982. The right of way of Interstate 70 to the East of the surveyed land was established by holding the existing Crawley pipe found at the Southwest Corner of Lot 1 in Whiteco Outdoor Corporation Subdivision. This monument is on original subdivision monument.

REFERENCE MONUMENT (CHECKMARKS)

- 1.1 feet North / South. The distance measured between the Crawley pipe of the Southwest Corner of the surveyed land and the Northwest Corner of the surveyed land.
- 1.5 feet North / South. The distance measured between the Southwest Corner and the Northwest Corner of the surveyed land.

OCCUPATION / POSSESSION LINE (CHECKMARKS)

- 0.5 feet to 2.0 feet North / South. The right of way fence of Interstate 70 along the South line of the surveyed land.
- 5.2 feet East / West. An iron pin with a plastic flag cap is West of the Southwest Corner of the surveyed land.
- 2.6 feet to 2.5 feet North / South. The billboard near the South line of the surveyed land.
- 1.2 feet East / West. A "T" Post was found near the Southwest Corner of the surveyed land.
- 2.5 feet East / West. The mailbox along the East line of the surveyed land.
- 0.3 feet East / West. The fence wire fence along the West line of the surveyed land.
- 3.2 feet East / West. The back of the curb along the East line of the surveyed land.

REFERENCE DOCUMENT (CHECKMARKS)

- None were found.
- The evidence to the surveyed land is a shared driveway with the property to the East. No common driveway easement was located for this project.

Sketch of bearings is the Indiana State Plane Coordinate System West Zone, Gold Meridian.

Evidence of easements are not shown located in the field and is not shown on this survey plat.

There may be unrecorded rights associated with this survey.

This certification does not take into consideration additional facts that on accurate and correct title search and/or examination might disclose.

I, officer, under penalties for perjury, that I have taken reasonable care to collect each Social Security number in this document, unless required by law.

Legend

- ① Cotton Gin Spindle Set
- ② Found Iron Pin
- ③ Found Iron Pipe
- ④ Set flag line
- ⑤ Set 5/8" Rubber with Plastic Cap
- ⑥ Stamped "SPRINGS IN LS 2890015"
- ⑦ Billboard
- ⑧ Post
- ⑨ Utility Pole
- ⑩ Permanent Distance
- ⑪ Record Distance
- ⑫ Distance from Crawley Pipe
- ⑬ Chainable Fence
- ⑭ Mason Wire Fence

PRELIMINARY
11/06/2019

NO SURVEYING

Field Work Completed 10/10/2019



0' 60' 120'
SCALE: 1"=60'

4701 Margaret Avenue

MYERS
ENGINEERING, INC.
Copyright © 2019

Survey Engineering, Inc.
233 West Nancy Creek Road
Terre Haute, Indiana 47788
Phone (812) 238-9221
Fax (812) 238-9221
myers@myerssurveying.com

DATE	REVISION	BY	CHECKED
10/20/2019	1	Revised Billboard Easement per Client Request	TS

CLIENT: **TLC Properties, Inc.**

RECORD OWNER: **Chancelor Media Whiteco Outdoor Corp**

DRAWN BY: **ESB** DATE: **10/16/2019**

CHECKED BY: **CLT** PROJECT NUMBER: **TS108-085**

APPROVED BY: **ESB** FILE NAME: **TS108-085.dwg**

SCALE: **1"=60'** DRAWING NAME: **Plat of Survey**

DO NOT SCALE PRINT

SHEET 1 OF 1

AFFIDAVIT

COME NOW affiant, the Gerald Wayne Collins Enterprise, LLC, by its duly authorized agent and affirms under penalty of law that it is the owner of record of the property located at 4701 Margaret Ave. Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

Gerald Wayne Collins Enterprise, LLC.

By Gerald Wayne Collins, Manager
Signature

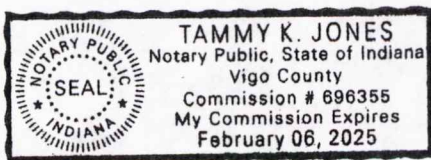
GERALD WAYNE COLLINS
Printed name and title

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Vigo,
Indiana, who acknowledge the execution of the above and foregoing

Affidavit, after being duly sworn upon their oaths and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 24th day of July, ~~2010~~ 2020



Tammy K. Jones
Notary Public

Tammy K. Jones
(Printed Name)

My Commission Expires:

My County of Residence:

Vigo

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

Subject to final acceptance for Transfer

2020000282 CORP WD \$25.00
01/09/2020 02:59:52P 4 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented

JAN 09 2020

James W. Brandt
VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That

**LAMAR ADVANTAGE GP COMPANY, LLC AS SUCCESSOR IN INTEREST TO
CHANCELLOR MEDIA WHITECO OUTDOOR CORPORATION,**
a Corporation organized and existing under the laws of the State of Delaware,

Conveys and Warrants to

GERALD WAYNE COLLINS ENTERPRISE, LLC,
a Limited Liability Company organized and existing under the laws of the State of INDIANA,

for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Beginning at the point 327.09 feet West of a stone, the Northeast Corner of the Northwest Quarter of Section 6, Township 11 North, Range 8 West, 2nd Principal Meridian, Riley Civil Township, Vigo County, Indiana; thence South and parallel to the East line of the aforesaid Northwest quarter a distance of 997.83 feet to the North right-of-way line of U.S. Highway I-70; thence with an angle to the right of 89° 51' 00.8" along the said North right-of-way line a distance of 332.03 feet; thence with an angle to the right of 90° 11' 54.3" a distance of 995.67 feet to the North line of the said Northwest Quarter; thence with an angle to the right of 89° 25' 39.7" along the said North line of the Northwest Quarter a distance of 331.20 feet to the place of beginning, containing 7.588 acres.

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e) Subject to an Easement for a billboard over, under and across the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl Spires, Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project NO. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No. 2020000283 as follows:

Commencing at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015: at the Southwest Corner of the land conveyed for right of way (Instrument No. 2011010808); thence South 89 degrees 53 minutes 24 seconds East along the South line of said right of way (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 53.79 feet to the point of Beginning of this description; thence continue the previous course a distance of 20.00 feet; thence South 00 degrees 06 minutes 36 seconds East perpendicular to the previous course a distance of 40.00 feet; thence North 89 degrees 53 minutes 24 seconds West perpendicular to the previous course a distance of 20.00 feet; thence North 00 degrees 06 minutes 36 seconds West perpendicular to the previous course a distance of 40.00 feet to the Point of Beginning containing 800 square feet, more or less.

f) Subject to an Easement for a billboard over, under and across the South 50.00 feet of even width of the land of Chancellor Media Whiteco Outdoor Corporation (Deed Record 444, page 504) less the land described in Instrument No. 2011010803 conveyed for right of way purposes, being in the Northwest Quarter of Section 6, Township 11 North, Range 8 West of the Second Principal Meridian, Riley Township, City of Terre Haute, Vigo County, Indiana described on October 18, 2019 and revised October 24, 2019 and revised again October 30, 2019 by Earl D. Spires, Jr., Indiana Land Surveyor 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM19-265, and shown on Easement recorded January 9, 2020 as Instrument No. 2020000283 containing 0.20 acres (8,516 sq ft), more or less.

For information purposes only, the property address is purported to be:
4701 Margaret Avenue, Terre Haute, Indiana 47803.

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Parcel No.: 84-10-06-100-009.000-023

The undersigned person(s) executing this deed on behalf of Grantor hereby represent(s) and certify (certifies) that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute, acknowledge and deliver this Deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity and authority to convey the real estate described; that said real estate does not constitute all or substantially all of the assets of Grantor; and that all necessary corporate action for the making of the conveyance has been duly taken and done.

IN WITNESS WHEREOF, the said Grantor has executed this deed on this 8th day of JANUARY, 2020.

**LAMAR ADVANTAGE GP COMPANY, LLC AS
SUCCESSOR IN INTEREST TO CHANCELLOR
MEDIA WHITECO OUTDOOR CORPORATION, BY
LAMAR MEDIA CORP. MEMBER**

By: *Lamar Media Corp., its sole member*

By:

[Signature]
Ricky Raven

Title VP

Central Outdoor, LLC, its sole member

STATE OF Louisiana)
Parish) SS:
~~COURT OF East Baton Rouge~~

SO 11, 2020



Receipt

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

Date: 08-04-2020

Name: Herald Wayne Collins Enterprises

Reason: Resigning - Notice of Filing \$25.00
Resigning - Petition \$20.00
\$45.00

Cash: _____

Check: CR # 100694 \$45.00

Credit: _____

Total: \$45.00

TERRE HAUTE, INC.
PAID

AUG 04 2020

CONTROLLER

Received By: [Signature]



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: September 3, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 11-20

CERTIFICATION DATE: September 2, 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. 11-20. This Ordinance is a rezoning of the property located at 4701 Margaret Avenue. The Petitioner, Gerald Wayne Collins Enterprises, LLC, petitions the Plan Commission to rezone said real estate from zoning classification O-1 to C-2, Community Commerce District for offices/autism clinical services.

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. 11-20 at a public meeting and hearing held Wednesday, September 2, 2020. 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. 11-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-20 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. 11-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) approval of a site plan by City Engineering.



A handwritten signature of Fred L. Wilson in black ink.
Fred L. Wilson, President

A handwritten signature of Jared Bayler in black ink.
Jared Bayler, Executive Director

Received this 3rd day of September, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 11-20
Date: September 2020

Doc: # 41
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APPLICATION INFORMATION

Property Owner: Gerald Wayne Collins Enterprises, LLC

Representative: Louis Britton

Proposed Use: Offices-autism clinical services

Proposed Zoning: C-2, Community Commerce District

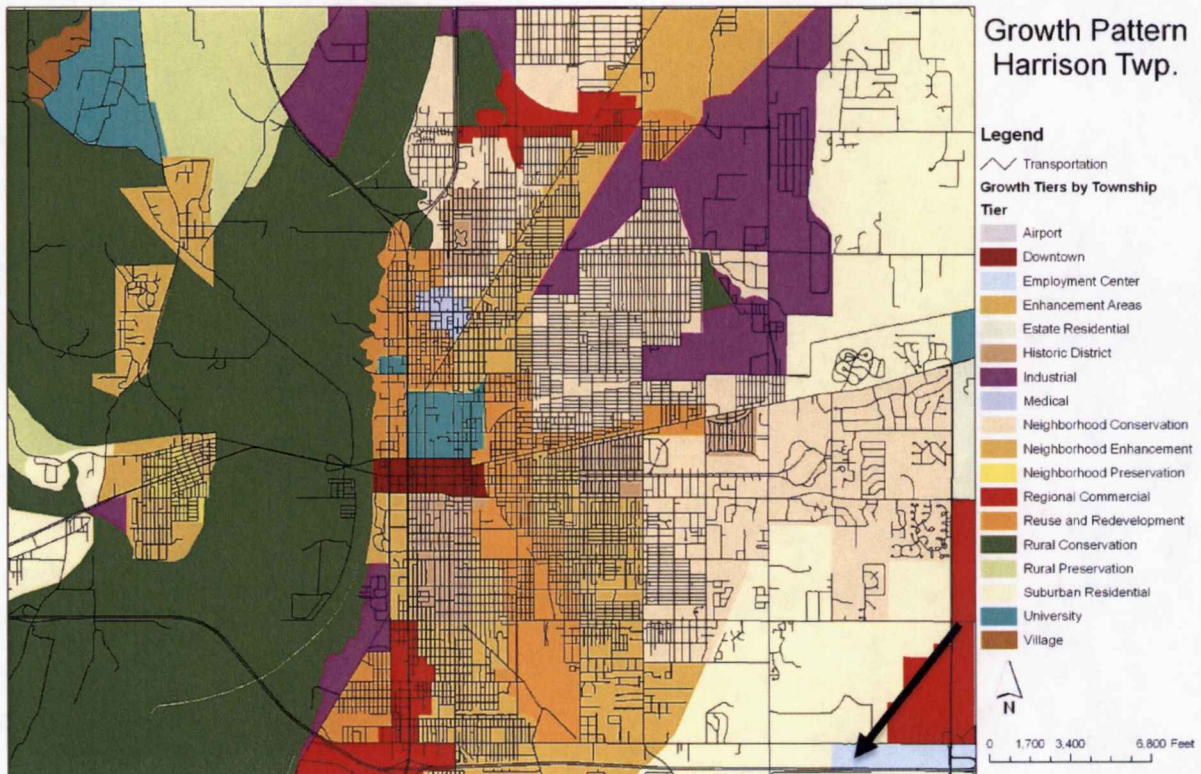
Current Zoning: O-1, Agricultural District

Location: The property is immediately east of 4675 E. Margaret Drive

Parcel #: 84-10-06-100-009.000-023

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute/Terre Haute Riley



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Employment Centers

These areas are to be developed as high intensity, mixed-use, planned corporate business parks. Employment Centers may include a wide diversity of use activities including research and development, office buildings, corporate headquarters or corporate “campus” facilities, office/distribution facilities – so called “flex space” and institutional uses. In addition to these primary uses, complementary, secondary or ancillary activities should be encouraged on a limited basis. These may include day care centers. Business support services like print services or computer service bureaus, and limited retail commercial activities such as restaurants, designed to use by employees and open space recreational amenities. Employment Centers should be developed under a master development plan which provide landscape, lighting, architectural controls, internal vehicular and pedestrian circulation plans, controlled access parking and loading facilities, common area lighting and standardized signage. Additionally, these areas should offer the protection of performance standards with respect to noise, vibration and environmental quality

Available Services: Area is well served by utilities.

Street Access: E. Margaret Drive

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – O-1, M-1

East – O-1, M-2

South – 1-70 Corridor

West – C-3, C-2

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostatting

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, 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), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioner has requested rezoning to allow for offices/autism clinical services.

Once again we see commercial development pushing west along E. Margaret Dr. This area is identified by the comprehensive plan as an employment center. As such any proposed project that will create employment should be supported.

The site plan appears to meet code however review of a detailed plan must be approved by City Engineering.

Recommendation: Favorable recommendation with the following conditions:

1. Approval of a site plan by City Engineering if necessary.

Rezoning-4701 Margaret Ave., Terre Haute, IN

Petitioner, Gerald Wayne Collins Enterprises, LLC seeks to rezone the property at 4701 Margaret Ave. from O-1 Open Space to C-2, Community Commerce in order to lease the existing building to Unlocking the Spectrum to provide therapeutic services to autistic children.

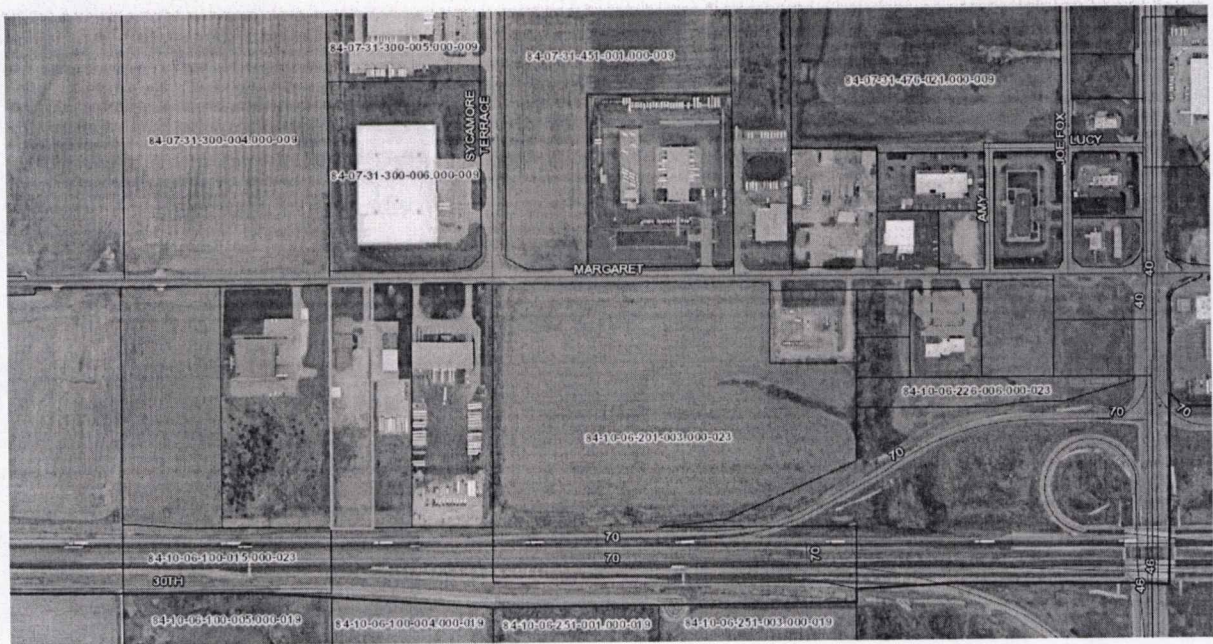
The project will involve the remodeling of approximately 4500 ft.² of warehouse space to offices and indoor play area and the creation of a large fenced outdoor play area.

Unlocking the Spectrum projects the creation of 25 jobs.

The building is located on Margaret Avenue immediately east of the Tribune Star printing facility, west of Koenig scale and South of the Clabber Girl warehouse. It is bounded on the south by Interstate 70. The building formerly housed operations of Lamar Advertising/Whiteco







Unlocking The Spectrum Description – Terre Haute Planning Committee

Unlocking The Spectrum provides Applied Behavior Analysis (ABA) services to individuals diagnosed with Autism Spectrum Disorder. Applied Behavior Analysis is a scientific approach to understanding behavior and behavior change. ABA is an intensive, one-on-one intervention in which an individualized treatment plan is created to help an individual build the skills they need to increase their independence and ability to participate in their community, while reducing behavioral obstacles that impede learning and success. Individuals receiving ABA therapy work one-on-one with an ABA therapist for anywhere from 10-40 hours per week. While we also provide services in home and school settings, the majority of our clients receive their services in our center.

Unlocking The Spectrum has four locations in Indiana and has serviced the Terre Haute area for 9 years. During this time, Unlocking The Spectrum has had the privilege of helping numerous local families and their children improve their quality of life by building foundational skills. We work to develop critical skills, such as functional communication, allowing an individual to express their wants and needs, to increase social skills and interactions with family members and peers, to develop functional living skills, such as toilet training and hygiene routines, and to work to transition children from our clinic environment to school and other community environments.

Families we have worked with in the Terre Haute region report tremendous improvements as a result of receiving ABA services. Families have expressed the joy they experience in talking with their child who was previously unable to communicate vocally. Families have shared the pride they have in seeing their child begin to participate independently in school. We have worked with families that were rarely able to leave their home with their child and can now enjoy getting out into the community together. Parents have spoken of the happiness they feel when their child begins to socialize and play with their peers, when they were previously unable to. As the rate of autism diagnoses continues to climb, the services we provide can be life-changing for the individuals we work with and their families.

Currently, in our Terre Haute location, we service 21 clients of varying age and functional levels and are operating at near physical capacity in our current building. In our new facility, we anticipate being able to provide services to up to 50-60 clients. At this time, we have already completed assessments for the intake of 5 new clients beginning this fall. Currently, our wait list consists of 10 additional clients. We currently employ 21 staff in our Terre Haute location. At Unlocking The Spectrum, all therapy provided is one-on-one, so as we begin to service additional clients, we would expect a nearly 1:1 proportional increase in employees as well, ultimately employing up to approximately 60 staff.

Unlocking The Spectrum's mission statement:

Unlocking The Spectrum was created with the mission of making ABA accessible to all children with autism by providing the highest quality ABA services to areas of need. Research conducted over the past 60 years has shown that ABA to be the most effective treatment for children with autism. In fact, ABA Therapy is the only therapy endorsed by the Surgeon General as an effective treatment for autism. At Unlocking The Spectrum, we believe that an effective ABA program is an essential component in allowing children with autism to reach their maximum potential.