



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 05 - 2021

COMMON ADDRESS OF LOTS TO BE REZONED:

2517 N. 13th Street, Terre Haute, IN.

Parcel Number: 84-06-10-405-006.000-002

Current Zoning: R-1 Single Family Residence District

Requested Zoning: R-1 Planned Development District

Proposed Use: Re-entry Residence Home

Name of Owner: Miguel A. Amigo and Deborah A. Amigo
Selling to C.H.A.N.G.E. INC.

Address of Owner: 2517 N. 13th Street, Terre Haute, IN

Phone Number of Owner: (812) 232-4311

Attorney Representing Owner (if any): Jeffrey A. Lewellyn

Address of Attorney: 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: Neil Garrison

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAR 2 2021

CITY CLERK

DEFEATED

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 05 - 2021
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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

SECTION I. BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" 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:

A part of Lot Number 10 Barbour Place, a Subdivision of the South Half of Section 10, Township 12 North, Range 9 West, described as follows, to-wit: Beginning at a point 228 feet North and 30 feet East of the Southwest Corner of said Lot Number 10, running thence East 135 feet, thence North 48 feet, thence West 135 feet, thence South 48 feet to the place of beginning.

Being Lot No. 7 and 10 feet off the South side of Lot No. 8 of the unrecorded Plat of Nichols Place.

Commonly known as: 2517 N. 13th Street, Terre Haute, IN.

be and the same is, hereby established as a **R-1 Planned Development District**, together with all rights and privileges that may inure to said real estate and 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 Single Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used for any use permitted in an R-1 Single Family Residence District and the intended short term Re-entry Residence Home.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development zoning classification becomes void.

- (c) A variance is hereby granted from Section 10-113 a (1) and 10-113 a (2) which states in part:
 - (1) "Off street parking requirements," there shall be no requirements beyond the existing off street parking places
- (d) All such rights granted herein shall be fully transferable.
- (e) 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 location of the property and the adjacent, scattered incompatible uses and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 05, 2021, 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. 05, 2021, 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 an 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 III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member:


Neil Garrison, Councilperson

Passed in Open Council this ____ day of _____, 2021.

O. Earl Elliott, President
Common Council of
City of Terre Haute, Indiana

ATTEST:

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this ____ day of _____, 2021.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Duke Bennett, Mayor,
City of Terre Haute, Indiana

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.

Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney, 333 Ohio Street, Terre Haute, IN 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 PLAN COMMISSION
OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **C.H.A.N.G.E. INC.**, respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of Lot Number 10 Barbour Place, a Subdivision of the South Half of Section 10, Township 12 North, Range 9 West, described as follows, to-wit: Beginning at a point 228 feet North and 30 feet East of the Southwest Corner of said Lot Number 10, running thence East 135 feet, thence North 48 feet, thence West 135 feet, thence South 48 feet to the place of beginning.

Being Lot No. 7 and 10 feet off the South side of Lot No. 8 of the unrecorded Plat of Nichols Place.

Commonly known as: 2517 N. 13th Street, Terre Haute, IN.

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

Your Petitioner would respectively state that the real property at issue is currently a single family residence. Petitioner intends to develop the property to operate a Re-entry Residence Home to provide guidance, counseling, direction, education and treatment for individuals approved for transitioning from a correctional facility or judicial probation to independent living. The home will provide a structured and supervised environment for short term (90-120 days) for 8-12 individuals at any one time and from time to time as availability exists. This program will work in conjunction with the Vigo County Judicial system and enforcement and correction officers as required by law. It will provide a needed service that is currently lacking in the City of Terre Haute and Wabash Valley area.

Your Petitioner requests that the real estate described herein shall be zoned as a **R-1 Planned Development District**. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood as the home will operate in a manner similar to a family unit residence. A hardship exists in regards to this property due to the

location of the property and the adjacent, scattered incompatible uses, as an aging and changing neighborhood. Planned Development as set forth herein will be in the public's interest and in the interest of the neighborhood.

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

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana", and declaring the above-described real estate to be part of the **R-1 Planned Development District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 1st day of March, 2021.

C.H.A.N.G.E., Inc.

By: 

Jeffrey A. Lewellyn, Attorney

Petitioner:

C.H.A.N.G.E. INC.

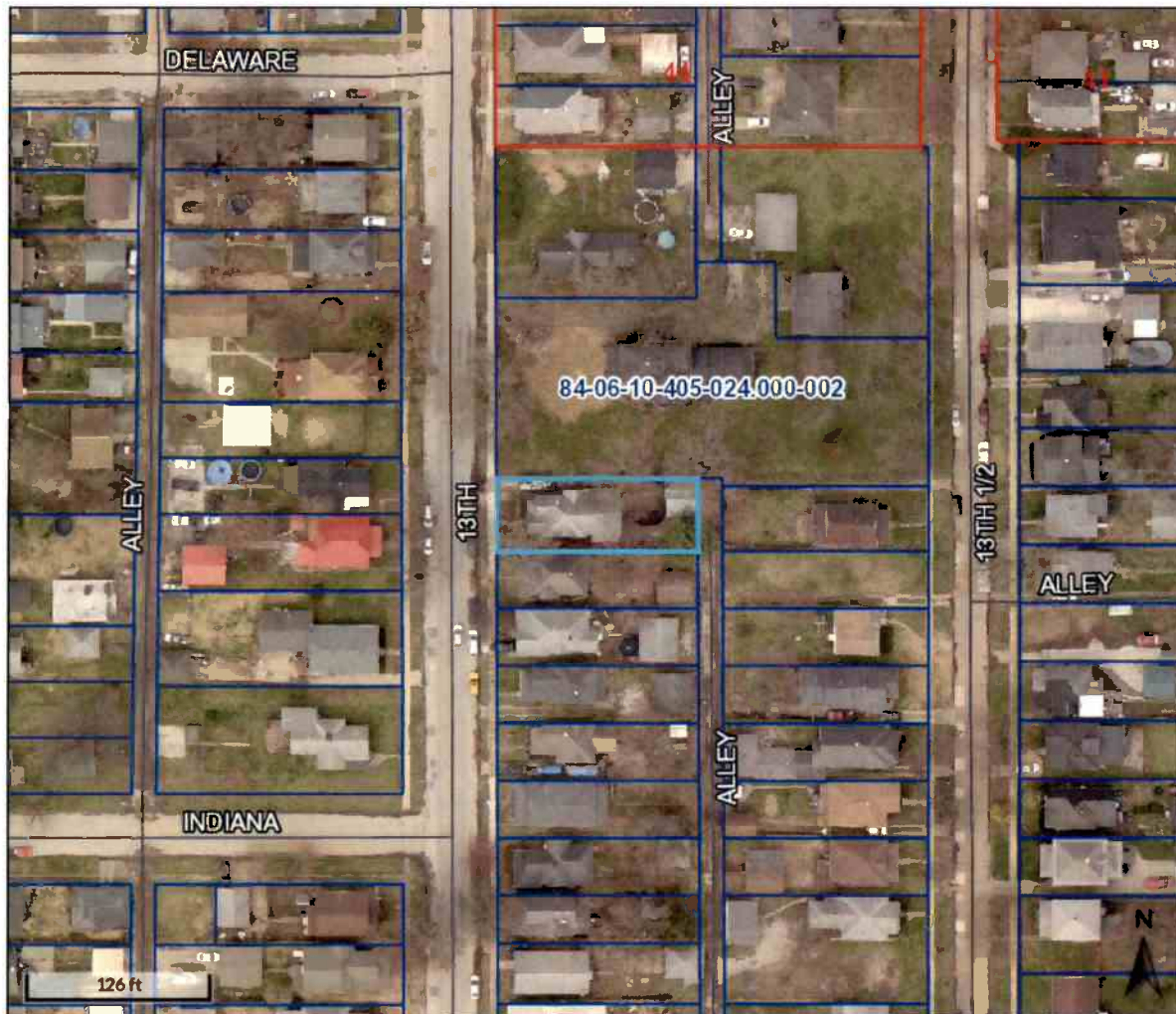
105 S. Church St..
Bainbridge, IN 46105

Prepared By:

Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2021 Sales

Parcel ID	84-06-10-405-006.000-002	Alternate ID	118-06-10-405-006	Owner Address	AMIGO MIGUEL A & DEBORAH A
Sec/Twp/Rng	10	Class	Res 1 fam dwelling platted lot		P O BOX 5164
Property Address	2517 N 13TH ST	Acreage	n/a		TERRE HAUTE, IN 47805-0164
	TERRE HAUTE				
Neighborhood	118510 - HARRISON				
District	002 HARRISON				
Brief Tax Description	NICHOLS PLACE IN BARBOUR LOT 10 UNREC PLAT				
	10' S-8D-411/516 (2517 N 13TH ST) 10-12-9 LOTS 7 & 8				
	(Note: Not to be used on legal documents)				

Date created: 2/18/2021

Last Data Uploaded: 2/18/2021 5:12:07 AM

Developed by Schneider
GEOSPATIAL



Beacon™

Vigo County, IN / City of Terre Haute



Overview



Legend

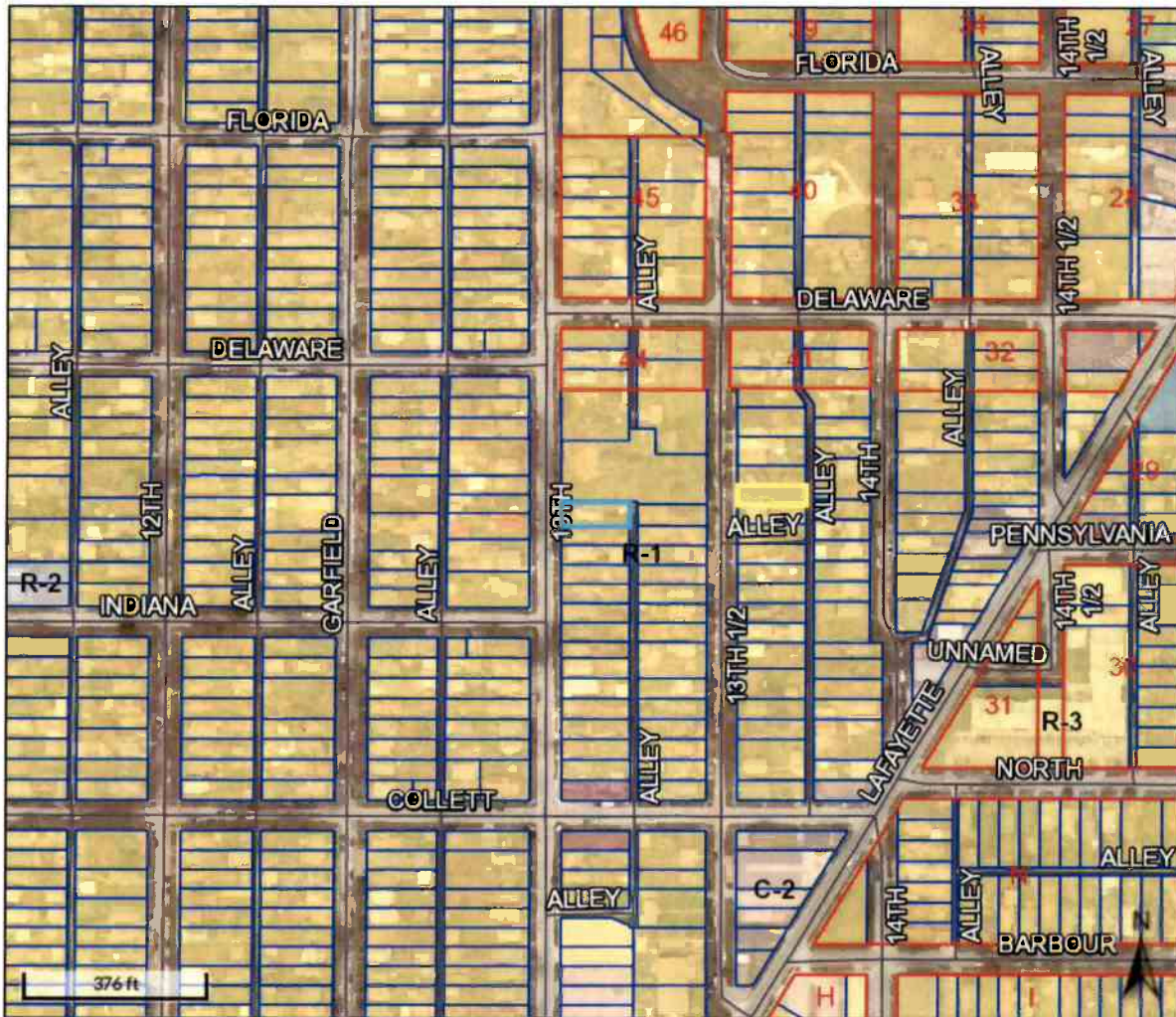
- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O



BeaconTM Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O

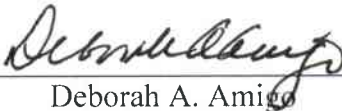
AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Miguel A. Amigo and Deborah A. Amigo, and affirms under penalty of law that the Miguel Amigo and Deborah Amigo, husband and wife, are the owner of record of the property located at **2517 N. 13th Street, Terre Haute, IN, Parcel No. 84-06-10-405-006.000-002**, for which a rezoning is requested. Attached hereto is a copy of the deed evidencing ownership. C.H.A.N.G.E. INC. is seeking to purchase the real estate subject to approval of rezoning the subject property from its current zoning of (R-1) Single Family Residence District to an **R-1 Planned Development District** to allow for the future development and use as a Re-entry Residence home.

We hereby consent to C.H.A.N.G.E. INC. pursuing such rezoning.

I affirm under penalty of perjury, that the foregoing representations are true.


Miguel A. Amigo


Deborah A. Amigo

STATE OF INDIANA)
 :SS
COUNTY OF VIGO)



Personally appeared before me, a Notary Public in and for said County and State, Miguel A. Amigo and Deborah A. Amigo, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 22nd day of February, 2021.



My commission expires:
05-19-2023

Debra L. Hileman, Notary Public
Resident of Vigo County, Indiana

92-313 11629
Duly entered for taxation this 15th
day of September 19 87

Warranty Deed

Received for record this 15th day of
Sept 19 87 at 2:00
o'clock P.M. and recorded in Book
No. 417 Page 516

516

Auditors fee \$
Wm. R. Hunter

Auditor *Vigo* County

THIS INDENTURE WITNESSETH:

Recorder *Vigo* County

That Nancy J. Cottrell, a competent adult,

of Vigo County, in the State of Indiana

CONVEYs AND WARRANTs to Miguel A. Amigo and Deborah A. Amigo, husband and wife

of Vigo County, in the State of Indiana

for and in consideration of the sum of One Dollar and other valuable consideration /Dollars/
the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo
County in the State of Indiana, to-wit:

A part of Lot Number 10 in Barbour Place, a Subdivision of
the South Half of Section 10, Township 12 North, Range 9
West, described as follows, to-wit: Beginning at a point
228 feet North and 30 feet East of the Southwest Corner of
said Lot Number 10, running thence East 135 feet, thence
North 48 feet, thence West 135 feet, thence South 48 feet
to the place of beginning.

Being Lot No. 7 and 10 feet off the South side of Lot No.
8 of the unrecorded Plat of Nichols Place.

618 T. L. L. L. L. L.
S. H. H. H. H. H.
47808



IN WITNESS WHEREOF, The said grantor— above named Nancy J. Cottrell, a competent adult,

has hereunto set her hand and seal, this 11th day of September 19 87
(Seal) *Nancy J. Cottrell* (Seal)
(Seal) Nancy J. Cottrell (Seal)
(Seal)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 11th day of
September A.D. 19 87, personally appeared the within named Nancy J. Cottrell, a
competent adult,

Grantor

in the above conveyance, and acknowledged the execution of the same to be her voluntary act and deed.

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

Commission expires November 26th 19 90

A. Daniel Walker
A. Daniel Walker
I reside in Vigo County, Indiana. Notary Public

Mail to:

This instrument prepared by Victor E. Aldridge, Jr. Attorney at Law

Receipt

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

Date: 313121

Name: WILKINSON LAW

Reason: <u>REZONING NOTICE OF FILING</u>	-	<u>\$ 25.00</u>
<u>REZONING PETITION</u>	-	<u>\$ 20.00</u>
		<u>\$ 45.00</u>

Cash: _____

Check: 45.00 CHK # 0103249

Credit: _____

Total: 45.00

TERRE HAUTE, INC.

PAID

MAR 03 2021

CONTROLLER

Received By: LEWIS I MBS