

<u>APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE</u>

SPECIAL ORDINANCE NO. 48, 2022

COMMON ADDRESS OF LOT TO BE REZONED:

2522 N 17th St., Terre Haute, IN 47804

Parcel Number:

84-06-10-433-010.000-002

Current Zoning: R-1 Single Family Residence District

Requested Zoning: C-1 Neighborhood Commerce District

Proposed Use: Accessory off-site storage of motor vehicles for local business.

Name of Owner: Phil Deckert

Address of Owner: 1540 Spruce Street, Terre Haute IN 47807

Phone Number of Owner: 812-281-2108

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: Cheryl Loudermilk

*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION

FILED
NOV **02** 2022

SPECIAL ORDINANCE FOR A REZONING SPECIAL ORDINANCE NO. 48, 2022

CITY CLERK

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

SECTION 1. BE IT ORDIANED 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:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 47804)

Be and the same is hereby established as a C-1 Neighborhood Commerce District, together with all rights and privileges that may insure 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,
Cheryl Loudermilk	

Passed in Open Council thisd	ay of, 2022.
	Cheryl Loudermilk -President
ATTEST:	
Michelle Edwards, City Clerk	
Presented by me to the Mayor of the City of 2022.	of Terre Haute thisday of
	Michelle Edwards, City Clerk
Approved by me, the Mayor, this, 2022.	day of
	Duke A. Bennett, Mayor
ATTEST:	
Michelle Edwards, City Clerk	
each Social Security number in this doc	Jeffrey A. Lewellyn, Attorney
This instrument prepared by: Jeffrey A. L. Indiana 47807, 812-232-4311	ewellyn, 333 Ohio Street, Terre Haute

) 9 %:

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 FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Phil Deckert, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 47804)

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 respectfully state that the real estate at issue was recently acquired by the petitioner through tax sale proceedings and is currently classified as a commercial use premises for tax purposes and has a commercial building on the premises, although no current business use is operated on the property. Your petitioner intends to sell the property, contingent upon rezoning approval, for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business. The C-1 zoning designation will allow for a special use exception to be approved by the Board of Zoning Appeals to use the property as proposed.

Your petitioner would request that the real estate described herein shall be zoned as a C-1 Neighborhood Commerce District. Your petitioner would allege that the Neighborhood Commerce District and proposed special use will not alter the general characteristics of this neighborhood. As noted above, the property has already been developed and used for a commercial purpose.

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

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

IN WITNES WHEREOF, this petition has been duly executed this _______day of November, 2022.

BY

Jeffrey A. Lewellyn, Attorne

PETITIONER:

Phil Deckert

1540 Spruce Street, Terre Haute IN 47807

Prepared By:

Jeffrey A. Lewellyn, No. 15216-34

ATTORNEY FOR PETITIONER

Wilkinson Goeller Modesitt

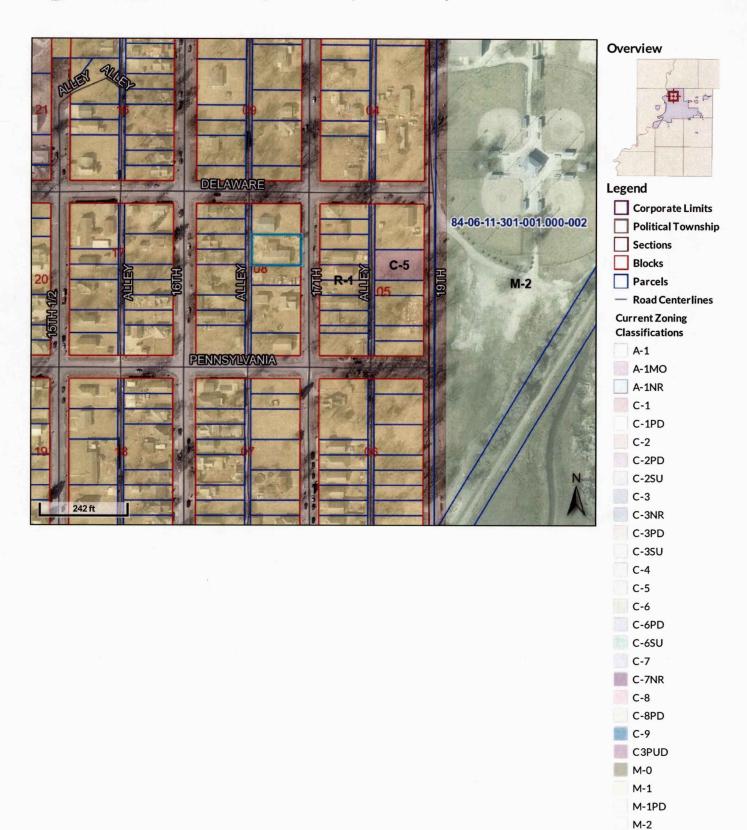
Wilkinson & Drummy, LLP

333 Ohio Street

Terre Haute, Indiana 47807

Phone: (812) 232-4311

Beacon™ Vigo County, IN / City of Terre Haute



M-2NR M-2PD M-O

M2SPU MHCU МО 0-1 0-2 O-S OS PUD R-1 R-1CU R-1NR R-1PD R-1SU R-2 R-2M R-2PD R-2SU R-3 R-3H R-3NR R-3PD R-S R-T **R3PUD** 2022 Sales

Owner Address Deckert Phil

1540 Spruce St

Terre Haute, IN 47807

Parcel ID

84-06-10-433-010.000-002

10

Sec/Twp/Rng

Property Address 2522 N 17TH ST

TERRE HAUTE

Neighborhood

118321 - HARRISON

District

Brief Tax Description

002 HARRISON

HIGHLAND PLACE (2522 N 17TH ST)

2005004323 10-12-9 LOTS 150-151

(Note: Not to be used on legal documents)

Class

Acreage

Alternate ID 84-06-10-433-010.000-002

Com Other commercial structure

Date created: 10/24/2022 Last Data Uploaded: 10/24/2022 6:13:22 AM

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Parcel ID Sec/Twp/Rng 84-06-10-433-010.000-002

Alternate ID 84-06-10-433-010.000-002

Com Other commercial structure

Property Address 2522 N 17TH ST

Acreage

1540 Spruce St Terre Haute, IN 47807

Owner Address Deckert Phil

TERRE HAUTE

Neighborhood

118321 - HARRISON

District

002 HARRISON

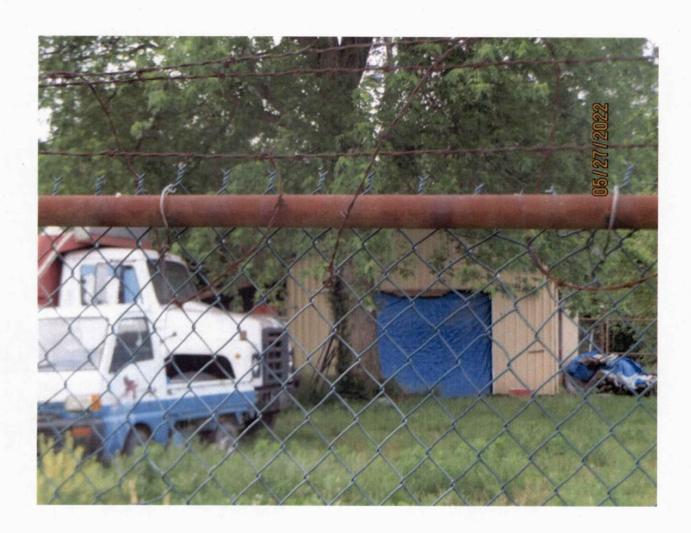
Brief Tax Description

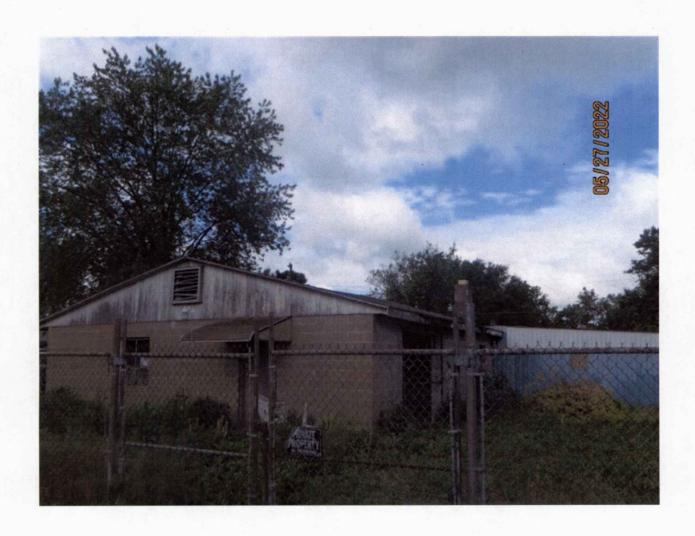
HIGHLAND PLACE (2522 N 17TH ST) 2005004323 10-12-9 LOTS 150-151

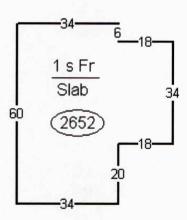
(Note: Not to be used on legal documents)

Date created: 10/30/2022 Last Data Uploaded: 10/29/2022 8:37:14 PM

Developed by Schneider







01 FENCING

16 Det Gar 20 (320)

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Jeffrey A. Lewellyn, Attorney for **Phil Deckert** and affirms under penalty of law that Phil Deckert is the owner of record of the property located at **2522 N. 17th St., Terre Haute, IN 47804, Parcel Number: 84-06-10-433-010.000-002** for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, as attorney for Phil Deckert it is represented that he is seeking to rezone the subject property to **C-1 Neighborhood Commerce District** to allow for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business.

Lewellyn

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

STATE OF INDIANA)			
	:SS			
COUNTY OF VIGO)			
Personally appeared before A. Lewellyn , who acknowled Ownership and Consent, aft Affidavit.	edged the execution	of the above an	d foregoing	Affidavit of
WITNESS my hand and No	otarial Seal this	2 nd	_ day of Nov	vember, 2022.
	Lu	was L. Hil	lelenas)
My commission expires:	Deb	m. L. Hil	eman	_, Notary
Public 05/19/2023	Res	sident of	ligo	_County,
Indiana '			0	
	DEBRA L. HILI Notary Pub SEAL	EMAN		

State of Indiana, Vigo County Commission No. 668099 My Commission Expires: May 19, 2023 Subject to final acceptance for Transfer

JUN 0 7 2022

2022006888 TAX DEED \$25.00 06/07/2022 11:42:43A 2 PGS Diana Winsted-Smith VIGO County Recorder IN Recorded as Presented

John W Brandle
VIGO COLINTY AUDITOR
Prescribed by the State Board of Accounts:

TAX DEED

WHEREAS PHIL DECKERT did the 10th day of May, 2022 produce to the undersigned, JAMES W. BRAMBLE, Auditor of the County of Vigo in the State of Indiana, a certificate of sale dated the 31st day of March, 2021, signed by JAMES W. BRAMBLE who, at the date of sale, was Auditor of the County, from which it appears that PHIL DECKERT on the 31st day of March, 2021, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of \$2,002.00 TWO THOUSAND TWO AND 00/100 DOLLARS, being the amount due on the following tracts of land returned delinquent in the name CHAPMAN KRISTOFER A for 2019 and prior years, namely:

Property ID: 84-06-10-433-010.000-002 Legal: HIGHLAND PLACE LOTS 150-15110-12-9 Commonly known as: 2522 North 17th Street, Terre Haute, Indiana 47804

Such real property has been recorded in the Office of the Vigo County Auditor as delinquent for the nonpayment of taxes and proper notice of the sale has been given. It appearing that PHIL DECKERT, the owner(s) of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that the undersigned has received a court order for the issuance of a deed for the real property described in the certificate of sale, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for 2019 and prior years.

Property ID: 84-06-10-433-010.000-002 Legal: HIGHLAND PLACE LOTS 150-15110-12-9 Commonly known as: 2522 North 17th Street, Terre Haute, Indiana 47804

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered to convey the same.

In testimony whereof, JAMES W. BRAMBLE, Auditor of Vigo County, has hereunto set his/her hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.

Witness:

AMES W. BRAMBLE,
Auditor of Vigo County

State of Indiana

SS.

County of Vigo

Before me, the undersigned, BRADLEY M. NEWMAN, in and for said County, this day, personally came the above named

IAMES W. BRAMBLE. Auditor of said County, and acknowledged that he/she signed, and sealed the foregoing deed for the uses and

JAMES W. BRAMBLE, Auditor of said County, and acknowledged that he/she signed and sealed the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and sealthis ____ day of _____

BRADLEY M. NEWMAN, Clerk of Vigo County

This instrument prepared by JAMES W. BRAMBLE, Auditor

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. JAMES W. BRAMBLE, Auditor

The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is: PHIL DECKERT, 1540 Spruce Street, Terre Haute, IN 47807. The mailing address of the grantee is: PHIL DECKERT, 1540 Spruce Street, Terre Haute, IN 47807.

Lots 150 and 151 in Highland Place Subdivision, Section 10 Township 12 Range 9 in the City of Terre Haute, Indiana.



Receipt

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

Date: 1/1/1/1/2				
	W		CON	ESRE
Reason: 1830ning - N	otice of fi	ling \$25	CONTRO	T H
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Variance-BZA		1.845		Ξ
		30		
Cash: 475-		375		
Check:				
Credit:			1	
Total:\$ 75-		(1)	7	
	Received B	w. //WM W	1	