

SPECIAL ORDINANCE NO. 45, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lot to be rezoned:

2224 Lafayette Avenue, Terre Haute, Indiana 47805

Parcel No. 84-06-02-302-006.000-002
=====

Rezone From: R-3 Planned Development

Rezone To: C-2 Community Commerce District

Proposed Use: Dental Office

Name of Owners: Thomas C. Abrell

Address of Owners: 2224 Lafayette Ave.
Terre Haute, IN 47805

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: 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: Cheryl Loudermilk

=====
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 45, 2021**

CITY CLERK

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

SECTION I. 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:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute 47805.

Be and the same is hereby established as a C-2 Community 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
Cheryl Loudermilk, Councilperson

Passed in open Council this 10th day of February, 2022.

Cheryl Loudermilk
Cheryl Loudermilk, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 11th day of February, 2022.

Michelle Edwards
Michelle Edwards, City Clerk

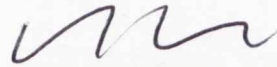
Approved by me, the Mayor of the City of Terre Haute, this 11th day of FEBRUARY, 2022.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle 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 II

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

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 GENTLEMEN:

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

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute, Indiana
47805.

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-3 Planned Development.

Your Petitioner intends to continue to use this real estate for a dental office. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community 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 WITNESS WHEREOF, this petition has been duly executed this 24th day of November, 2021.

PETITIONER:


Thomas C. Abrell

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.

SITE PLAN

SPECIAL ORDINANCE NO. 45, 2021



2224 Lafayette Avenue, Terre Haute, IN 47805

Parcel No.: 84-06-02-302-006.000-002

R-3 Planned Development to C-2 Community Commerce District

Proposed use: Continued use as a Dental Office

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Thomas C. Abrell, being duly sworn upon his oath, deposes and says:

1. That Thomas C. Abrell 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:

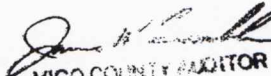
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Parcel No. 84-06-02-302-006.000-002

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

RAYMOND L. WATTS
VIGO County Recorder IN
IN 2005011712 CW
07/12/2005 09:04:30 4 PGS
Filing Fee: \$20.00

JUL 12 2005


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That ATIR Properties, Inc., a corporation 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 Thomas C. Abrell, (hereinafter called GRANTEE(S)), the following described real estate in Vigo County, Indiana, to-wit:

PARCEL II - A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

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

Subject to the taxes prorated from the date hereof.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantees to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper 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 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 business as such term is defined in the Indiana Business Corporation Law, as amended.



Keller Surveying Services

P.O. Box 10255, Terre Haute IN 47801
(812) 299-3348; FAX (812) 299-3435

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED UPON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 2224 N. Lafayette Avenue
Terre Haute, IN 47805

BUYERS NAME: Thomas C. Abrell
SELLERS NAME: ATIR Properties

DESCRIPTION:

A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor, thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance 4.97 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA (FLOOD PLAIN)
FIRM PANEL NO: 180264 0002 B Effective Date: December 1, 1981

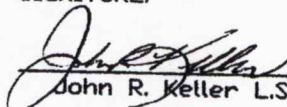
I HEREBY CERTIFY TO THE PARTIES HEREIN NAMED THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY DIRECT SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFIRMS TO THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: 06/06/05

LOCATION REPORT NO.: 050608-1

PROPOSED BUYER: Thomas C. Abrell
PROPOSED LENDER: Owen County State Bank

REGISTERED LAND SURVEYOR'S
SIGNATURE.


John R. Keller L.S. 80920000





Keller Surveying Services

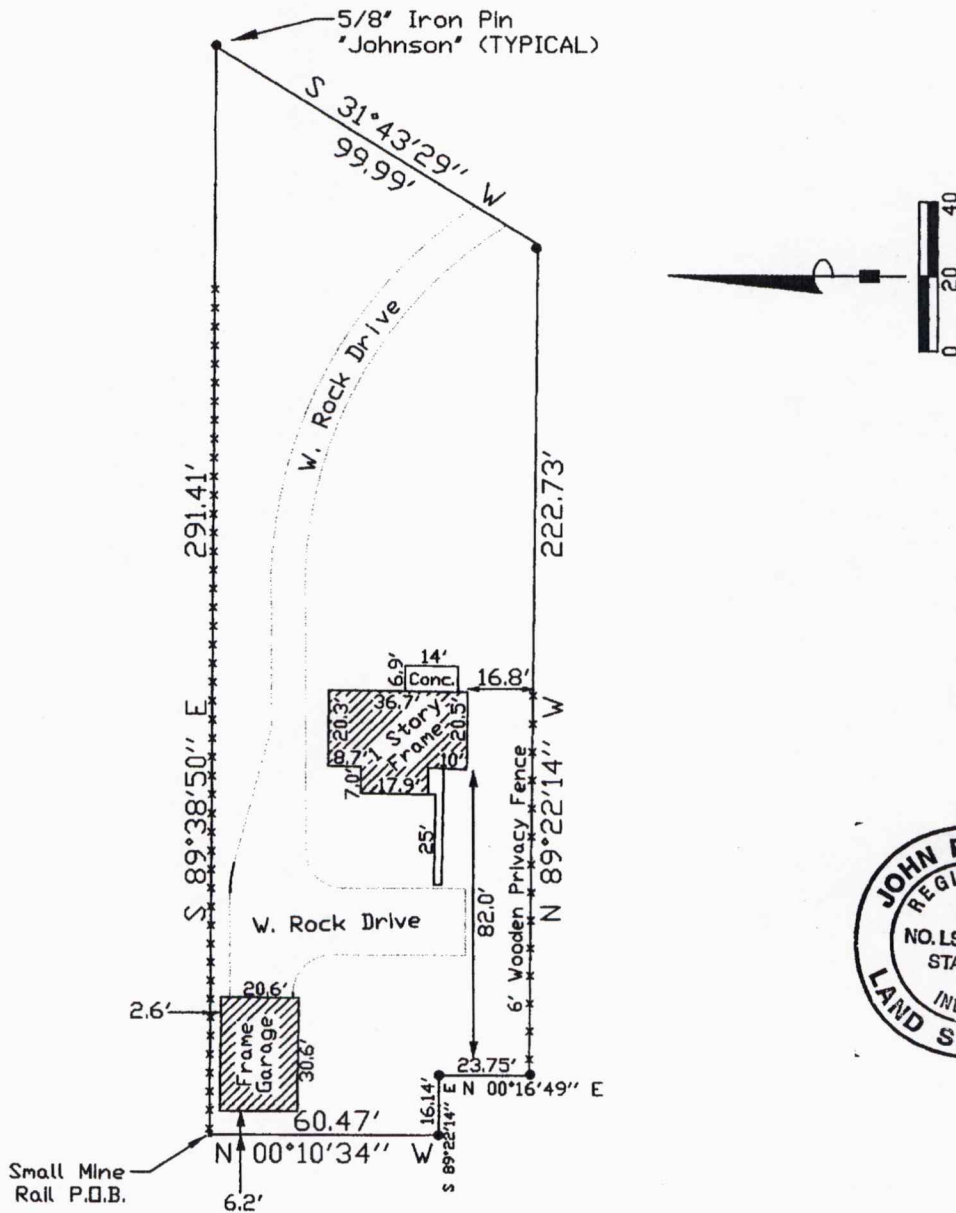
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PROPERTY ADDRESS: 2224 N. Lafayette Avenue
Terre Haute, IN 47805

BUYERS NAME: Thomas C. Abrell
SELLERS NAME: ATIR Properties



RECEIPT

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

Date: 11-30-21

Name: Dr Abrell

Reason: Removing notice of filing \$ 25.00
Removing - petition \$ 20.00
\$ 45.00

Cash: _____

Check: 45.00 ck # 72118

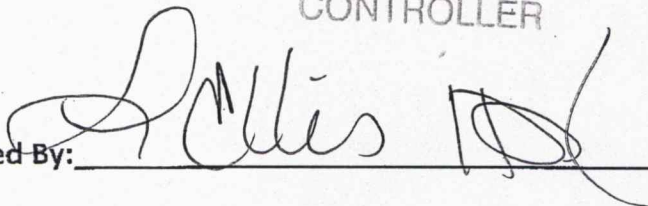
Credit: _____

TOTAL: 45.00

TERRE HAUTE, IN.
PAID

NOV 30 2021

CONTROLLER

Received By: 



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: February 10, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 45-21

CERTIFICATION DATE: February 9, 2022

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. 45-21. This Ordinance is a rezoning of 2224 Lafayette Avenue. The Petitioner, Thomas Abrell, petitions the Plan Commission to rezone said dental office from zoning classification R-3 to C-2, Limited Community Commerce.

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. 45-21 at a public meeting and hearing held Wednesday, February 9, 2022. 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. 45-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 45-21 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. 45-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Approval of screening of parking lot to residential by City Engineering or variance from City BZA 2.) Approval of variance for 50' buffer to residential by City BZA.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 10th day of February, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-21

Doc: # 3

Date: January 2022

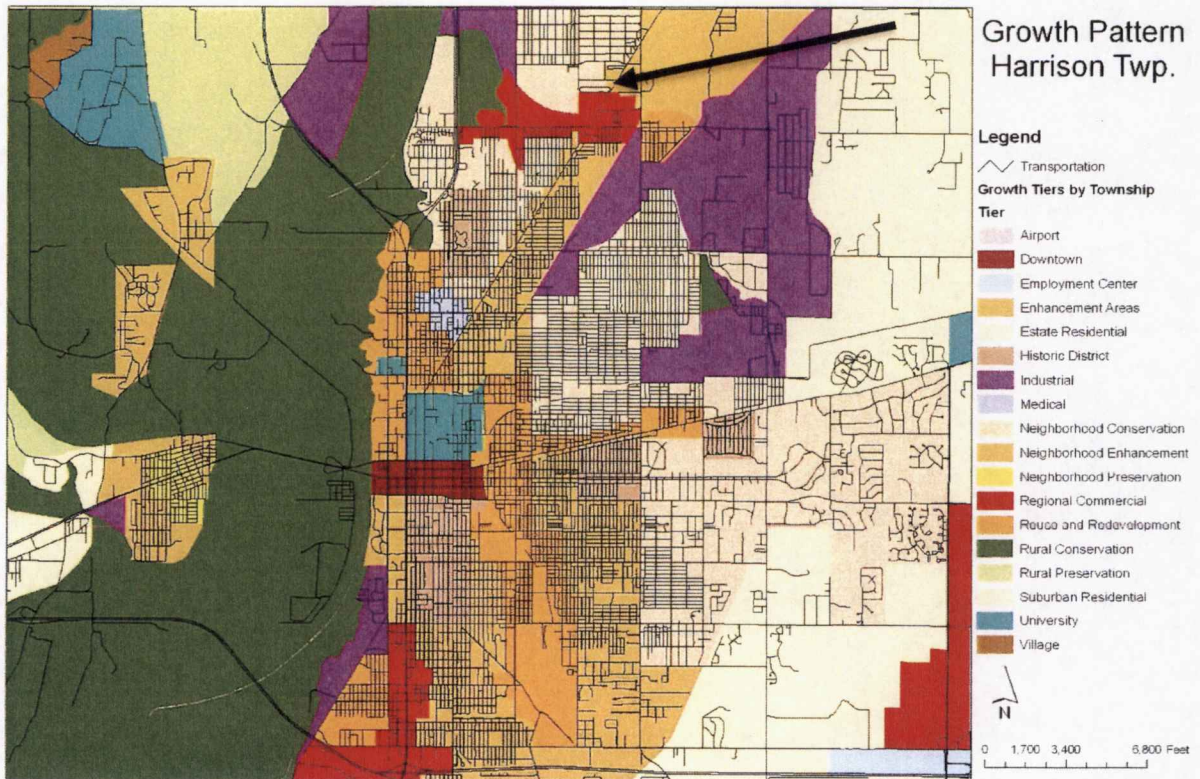
Page 1 of 4

APPLICATION INFORMATION

Property Owner: Thomas Abrell
Representative: Richard Shagley II
Proposed Use: Dental Office
Proposed Zoning: C-2 Limited Community Commerce
Current Zoning: R-3 Planned Development District
Common Address: 2224 Lafayette Avenue, Terre Haute
Parcel#84-06-02-302-006.000-002

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.

Available Services: Area is well served by utilities.

Street Access: Lafayette Avenue

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3
East – C-2
South – C-1
West – R-3

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 photostating 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 is requesting to rezone to C-2 for a dental office. In 2005, the property was rezoned to R-3 PD for a dentist office for one dentist. Rezoning from R-3 PD to C-2 will require a variance for a 50' buffer from residential districts to the north and west (Sec. 10-207(e)(1)(A)). Buffering may be open space or off-street parking. Screening against residential is required for off street parking (Sec. 10-137(d)(12)). There appears to be a privacy fence on the west side of the property and a chain link fence on the north side. Screening will need to be approved by City Engineering. If the property were to remain R-3 PD the variances would not be necessary.

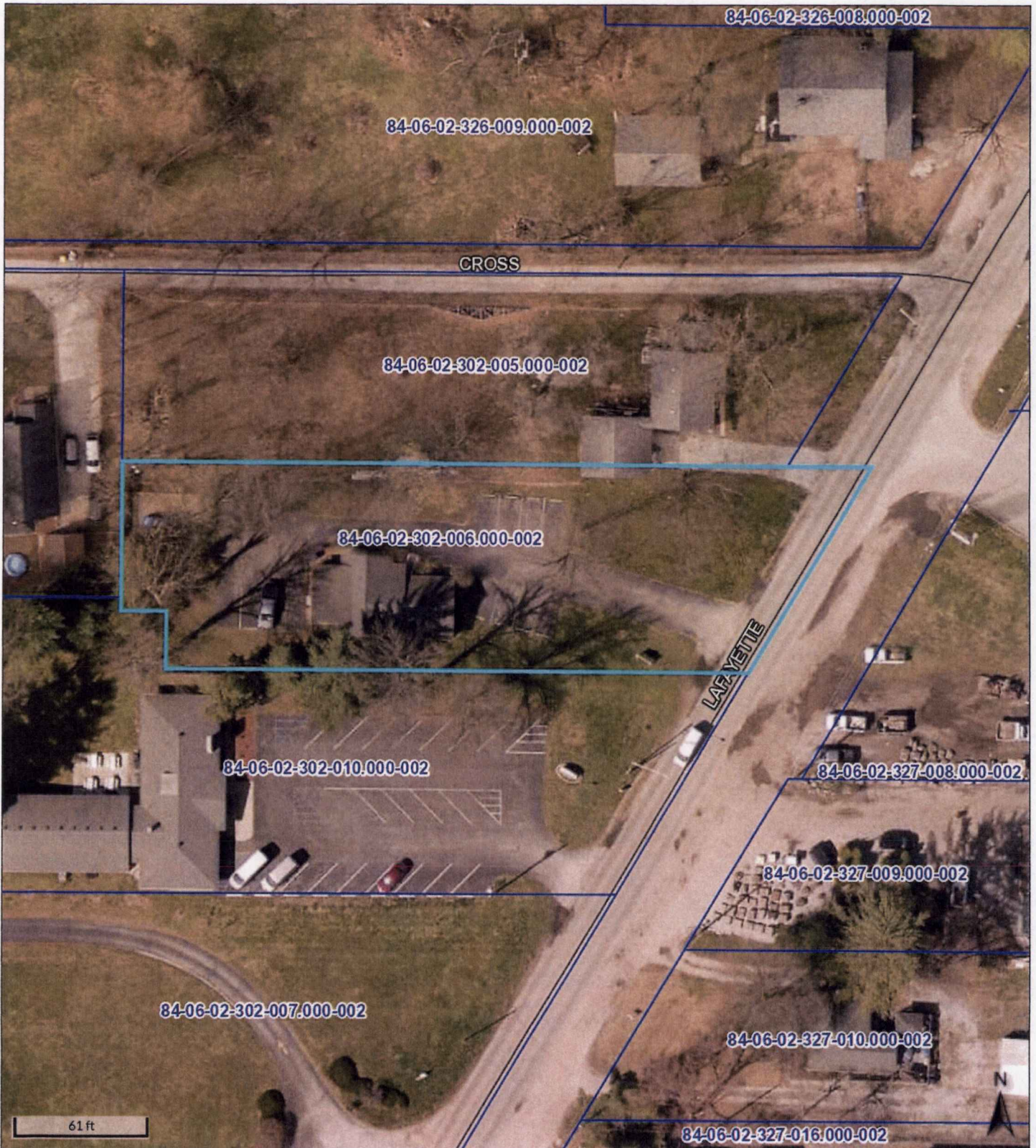
The parking lot is currently hard surfaced with sufficient parking.

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Approval of screening of parking lot to residential by City Engineering or variance from City BZA
2. Approval of variance for 50' buffer to residential by City BZA

Docket #3 SO #45-21

2224 Lafayette Ave



DOC#3

SPECIAL ORDINANCE NO. 45, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE



Common Address of lot to be rezoned:

2224 Lafayette Avenue, Terre Haute, Indiana 47805

Parcel No. 84-06-02-302-006.000-002

Rezone From: R-3 Planned Development

Rezone To: C-2 Community Commerce District

Proposed Use: Dental Office

Name of Owners: Thomas C. Abrell

Address of Owners: 2224 Lafayette Ave.
Terre Haute, IN 47805

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: 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: Cheryl Loudermilk

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

NOV 30 2021

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 45, 2021**

CITY CLERK

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

SECTION I. BE IT ORDINATED 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:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute 47805.

Be and the same is hereby established as a C-2 Community 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
Cheryl Loudermilk, Councilperson

Passed in open Council this ____ day of _____, 2022.

, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Michelle Edwards, City Clerk

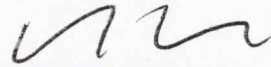
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

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

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

Commonly known as: 2224 Lafayette Avenue, Terre Haute, Indiana
47805.

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-3 Planned - Development.

Your Petitioner intends to continue to use this real estate for a dental office. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

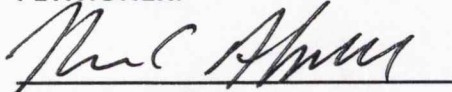
Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community 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 WITNESS WHEREOF, this petition has been duly executed this 24th day of November, 2021.

PETITIONER:


Thomas C. Abrell

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.

SITE PLAN

SPECIAL ORDINANCE NO. 45, 2021



2224 Lafayette Avenue, Terre Haute, IN 47805
Parcel No.: 84-06-02-302-006.000-002

R-3 Planned Development to C-2 Community Commerce District

Proposed use: Continued use as a Dental Office

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

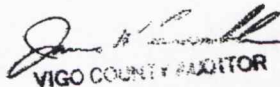
Comes now, Thomas C. Abrell, being duly sworn upon his oath, deposes and says:

1. That Thomas C. Abrell 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:

PARCEL II – A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R.H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a ½" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres.

Parcel No. 84-06-02-302-006.000-002

JUL 12 2005


VIGO COUNTY RECORDER

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That ATIR Properties, Inc., a corporation 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 Thomas C. Abrell, (hereinafter called GRANTEE(S)), the following described real estate in Vigo County, Indiana, to-wit:

PARCEL II - A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor; thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance 4.07 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

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

Subject to the taxes prorated from the date hereof.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantees to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper 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 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 business as such term is defined in the Indiana Business Corporation Law, as amended.



Keller Surveying Services

P.O. Box 10255, Terre Haute IN 47801
(812) 299-3348; FAX (812) 299-3435

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED UPON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 2224 N. Lafayette Avenue
Terre Haute, IN 47805

BUYERS NAME: Thomas C. Abrell
SELLERS NAME: ATR Properties

DESCRIPTION:

A part of the Southwest Quarter of Section 2, Township 12 North, Range 9 West of the 2nd P.M., Harrison Township, Vigo County, Indiana, more particularly described as follows: Commencing at an Iron Pin (found) at the Northwest corner of the Southwest Quarter of said Section 2, thence South 00 degrees 16 minutes 48.6 seconds West (assumed bearing, basis of bearing is the east line of the Northeast Quarter of the Southwest Quarter as a North-South line between the existing monuments on North 25th Street) a distance of 689.34 feet (685.5 feet, deed) to a point, said point being the Northwest corner of Lot 4 in the plat of survey made for the Coppage Heirs dated April, 1893, said survey made by R. H. Sparks, Vigo County Surveyor, and presently of record in the Office of the Vigo County Surveyor, thence along and upon the North line of said Lot 4 as determined by this survey on a bearing of South 89 degrees 07 minutes 42 seconds East a distance of 1258.89 feet to a 1/2" Iron Pin (set); thence South 00 degrees 10 minutes 34 seconds West a distance of 4.97 feet to an Axle (found); thence continuing South 00 degrees 10 minutes 34 seconds West a distance of 82.74 feet to a small mine rail (found), the point of beginning of this description; thence South 89 degrees 38 minutes 50 seconds East a distance of 291.14 feet to a 5/8" Iron Pin/Cap (set, found small mine rail South 89 degrees 38 minutes 50 seconds East 6.51 feet from this point) in the West right of way line of Lafayette Avenue as presently located; thence along and upon the West right of way of Lafayette Avenue on a bearing of South 31 degrees 43 minutes 28.6 seconds West a distance of 99.99 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 222.73 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 16 minutes 48.6 seconds East a distance of 23.75 feet to a 5/8" Iron Pin/Cap (set); thence North 89 degrees 22 minutes 14 seconds West a distance of 16.14 feet to a 5/8" Iron Pin/Cap (set); thence North 00 degrees 10 minutes 34 seconds East a distance of 60.47 feet to the point of beginning. Containing 0.507 acres. Subject to any Grants, Easements, Mineral Rights, or Right of Ways of Record.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA (FLOOD PLAIN)
FIRM PANEL NO: 180264 0002 B Effective Date: December 1, 1981

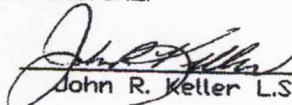
I HEREBY CERTIFY TO THE PARTIES HEREIN NAMED THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY DIRECT SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS TO THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: 06/06/05

LOCATION REPORT NO.: 050608-1

PROPOSED BUYER: Thomas C. Abrell
PROPOSED LENDER: Owen County State Bank

REGISTERED LAND SURVEYOR'S
SIGNATURE.


John R. Keller L.S. 80920000

