

SPECIAL ORDINANCE NO. 4, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Addresses of lots to be rezoned:

(A) E. Margaret Drive, Terre Haute, Indiana 47803
Parcel No. 84-07-31-300-004.000-009

(B) 4442 E. Margaret Drive, Terre Haute, IN 47803
Parcel No. 84-07-31-300-002.000-009

Rezoned From: (A) O-1 Agricultural
(B) O-1 Agricultural

Rezoned To: C-3 Regional Commerce District

Proposed Use: Casino, Hotel, Restaurants

Name of Owners: (A) Timothy Rockwood & Jonnie Haldt
(B) Ronald R. Selvia, Trustee of Ray E. Selvia Family
Trust

Address of Owners: (A) 9012 S. State Road 46, Terre Haute, IN 47802
(B) 325 Logan Blvd S, Naples FL 34119

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: O. Earl Elliott

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

FEB 07 2022

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 4, 2022**

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:

(A) Rockwood

Commencing at the Southwest corner of the South one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence north 89 degrees 58 minutes 8.57 seconds East 871.03 feet to the place of the beginning; thence North 00 degrees 00 minutes 20 seconds East 1329.36 feet; thence North 89 degrees 58 minutes 8.57 seconds East 835.03 feet; thence South 00 degrees 12 minutes 40.28 seconds East 1329.36 feet; thence South 89 degrees 58 minutes 8.57 seconds West 835.03 feet to the place of beginning and containing 25 acres, more or less.

And

(B) Selvia

Commencing at the southwest corner of the south one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence North 89 degrees 58 minutes 8.57 seconds east 36 feet to the place of beginning; thence north 00 degrees 00 minutes 20 seconds east 1329.36 feet; thence north 89 degrees 58 minutes 8.57 seconds east 835.03 feet; thence south 00 degrees 00 minutes 20 seconds west 1329.36 feet; thence south 89 degrees 58 minutes 8.57 seconds west 835.03 feet to the place of beginning and containing 25.483 acres.

Except

A part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West, Vigo County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section North 0 degrees 08 minutes 32 seconds

East 20.00 from the southwest corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue, thence North 0 degrees 08 minutes 32 seconds East 1,308.50 feet along said west line to a north line of grantors' land; thence South 89 degrees 52 minutes 53 seconds East 871.13 feet along said north line to a northeast corner of the grantors' land; thence South 0 degrees 08 minutes 47 seconds West 76.09 feet along an east line of the grantors' land; thence Southwesterly 62.96 feet along an arc to the right having a radius of 1,580.00 feet and subtended by a long chord having a bearing of South 88 degrees 47 minutes 06 seconds West and a length of 62.95 feet to point "3029" designated on said plat; thence South 89 degrees 55 minutes 36 seconds West 599.02 feet to point "4016" designated on said plat; thence South 64 degrees 14 minutes 53 seconds West 188.28 feet to point "4017" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 1,063.01 feet to point "4018" designated on said plat; thence South 30 degrees 59 minutes 10 seconds East 46.71 feet to point "4019" designated on said plat; thence South 83 degrees 28 minutes 48 seconds East 134.84 feet to point "4020" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 23.00 feet to point "4021" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 148.72 feet to point "3051" designated on said plat; thence North 0 degrees 07 minutes 54 seconds East 19.34 feet to point "3052" designated on said plat; thence South 89 degrees 53 minutes 24 seconds East 22.22 feet to point "3053" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 19.35 feet to point "3054" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 129.40 feet to point "3055" designated on said plat; thence South 0 degree 07 minutes 54 seconds West 5.60 feet to the north boundary of said Margaret Avenue and point "3056" designated on said plat; thence North 89 degrees 53 minutes 24 seconds West 498.49 feet along the boundary of said Margaret Avenue to the point of beginning and containing 3.055 acres, more or less.

(A) Commonly known as: E. Margaret Drive, Terre Haute, IN 47803

Parcel No. 84-07-31-300-004.000-009

(B) Commonly known as: 4442 E. Margaret Drive, Terre Haute, IN 47803

Parcel No. 84-07-31-300-002.000-009

Be and the same is hereby established as a C-3 Regional 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, O. Earl Elliott
O. Earl Elliott, Councilperson

Passed in open Council this 3RD day of MARCH, 2022.

Cheryl Loudermilk
Cheryl Loudermilk, President

ATTEST:

Michelle L Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 3RD day of MARCH, 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

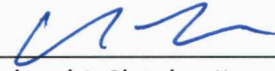
Approved by me, the Mayor of the City of Terre Haute, this 3RD day of MARCH, 2022.

Duke A Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle L 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 GENTLEMAN:

The undersigned, Timothy Rockwood & Jonnie Haldt and Ronald R. Selvia, Trustee of Ray E. Selvia Family Trust, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

(A) Rockwood

Commencing at the Southwest corner of the South one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence north 89 degrees 58 minutes 8.57 seconds East 871.03 feet to the place of the beginning; thence North 00 degrees 00 minutes 20 seconds East 1329.36 feet; thence North 89 degrees 58 minutes 8.57 seconds East 835.03 feet; thence South 00 degrees 12 minutes 40.28 seconds East 1329.36 feet; thence South 89 degrees 58 minutes 8.57 seconds West 835.03 feet to the place of beginning and containing 25 acres, more or less.

And

(B) Selvia

Commencing at the southwest corner of the south one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence North 89 degrees 58 minutes 8.57 seconds east 36 feet to the place of beginning; thence north 00 degrees 00 minutes 20 seconds east 1329.36 feet; thence north 89 degrees 58 minutes 8.57 seconds east 835.03 feet; thence south 00 degrees 00 minutes 20 seconds west 1329.36 feet; thence south 89 degrees 58 minutes 8.57 seconds west 835.03 feet to the place of beginning and containing 25.483 acres.

Except

A part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West, Vigo County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section North 0 degrees 08 minutes 32 seconds East 20.00 from the southwest corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue, thence North 0 degrees 08 minutes 32 seconds East 1,308.50 feet along said west line to a north line of grantors' land; thence South 89 degrees 52 minutes 53 seconds East 871.13 feet along said north line to a northeast corner of the grantors' land; thence South 0 degrees 08 minutes 47 seconds West 76.09 feet along an east line of the grantors' land; thence Southwesterly 62.96 feet along an arc to the right having a radius of 1,580.00 feet and subtended by a long chord having a bearing of South 88 degrees 47 minutes 06 seconds West and a length of 62.95 feet to point "3029" designated on said plat; thence South 89 degrees 55 minutes 36 seconds West 599.02 feet to point "4016" designated on said plat; thence South 64 degrees 14 minutes 53 seconds West 188.28 feet to point "4017" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 1,063.01 feet to point "4018" designated on said plat; thence South 30 degrees 59 minutes 10 seconds East 46.71 feet to point "4019" designated on said plat; thence South 83 degrees 28 minutes 48 seconds East 134.84 feet to point "4020" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 23.00 feet to point "4021" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 148.72 feet to point "3051" designated on said plat; thence North 0 degrees 07 minutes 54 seconds East 19.34 feet to point "3052" designated on said plat; thence South 89 degrees 53 minutes 24 seconds East 22.22 feet to point "3053" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 19.35 feet to point "3054" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 129.40 feet to point "3055" designated on said plat; thence South 0 degree 07 minutes 54 seconds West 5.60 feet to the north boundary of said Margaret Avenue and point "3056" designated on said plat; thence North 89 degrees 53 minutes 24 seconds West 498.49 feet along the boundary of said Margaret Avenue to the point of beginning and containing 3.055 acres, more or less.

- (A) Commonly known as: E. Margaret Drive, Terre Haute, IN 47803
Parcel No. 84-07-31-300-004.000-009
- (B) Commonly known as : 4442 E. Margaret Dr. Terre Haute, IN 47803
Parcel No. 84-07-31-300-002.000-009

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

Your Petitioners intend to use this real estate for consturaction of a casino, hotel and restaurants. Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District.

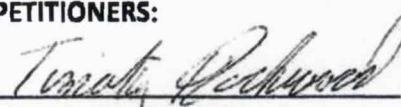
Your Petitioners would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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

WHEREFORE, your Petitioners respectfully request that the Area 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-3 Regional 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 7th day of February, 2022.

PETITIONERS:



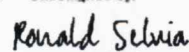
Timothy Rockwood



2/7/2022 12:18:06 PM EST

Jonnie Haldt

DocuSigned by:

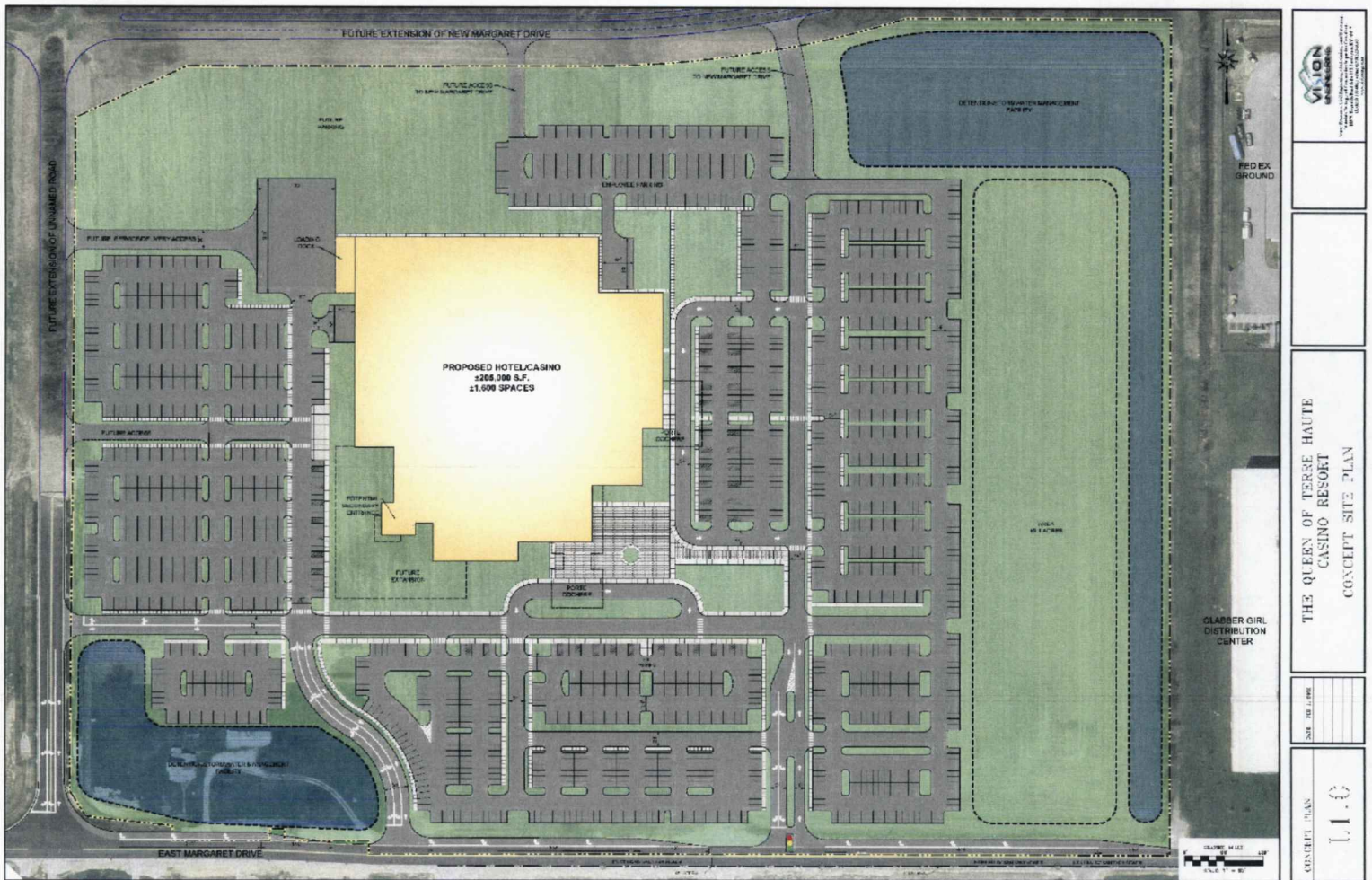


**Ronald R. Selvia, Trustee of Ray
E. Selvia Family Trust**

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. 4, 2022



(A) E. Margaret Drive, Terre Haute, Indiana 47803
Parcel No. 84-07-31-300-004.000-009

and

(B) 4442 E. Margaret Drive, Terre Haute, Indiana 47803
Parcel No. 84-07-31-300-002.000-009

- (A) Rezone from O-1 Agricultural to C-3 Regional Commerce District
- (B) Rezone from O-1 Agricultural to C-3 Regional Commerce District

Proposed Use: Casino, Hotel, Restaurants

STATE OF _____) SS:
COUNTY OF _____)

AFFIDAVIT

Comes now, Timothy Rockwood & Jonnie Haldt being duly sworn upon their oaths, depose and say:

1. That Timothy Rockwood & Jonnie Haldt are the owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Commencing at the Southwest corner of the South one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence north 89 degrees 58 minutes 8.57 seconds East 871.03 feet to the place of the beginning; thence North 00 degrees 00 minutes 20 seconds East 1329.36 feet; thence North 89 degrees 58 minutes 8.57 seconds East 835.03 feet; thence South 00 degrees 12 minutes 40.28 seconds East 1329.36 feet; thence South 89 degrees 58 minutes 8.57 seconds West 835.03 feet to the place of beginning and containing 25 acres, more or less.


Commonly known as: E. Margaret Drive, Terre Haute, IN 47803
Parcel No. 84-07-31-300-004.000-009

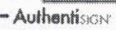

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that Timothy Rockwood & Jonnie Haldt are the owners of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Timothy Rockwood & Jonnie Haldt.

4. Further, Affiants saith not.

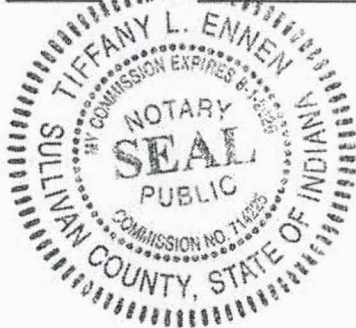
Dated at Terre Haute, Indiana this _____ day of 02/07/2022, 2022.


Timothy Rockwood



2/7/2022 9:59:33 AM EST
Jonnie Haldt

STATE OF Indiana)
) SS:
COUNTY OF Vigo)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1 day of Feb, 2022.



[Signature], Notary Public

My Commission expires: 8-1-26

My County of Residence: Sullivan

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.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

OCT 20 2013

EXEMPT FROM DISCLOSURE FEE

Timothy M. Seigrist
VIGO COUNTY AUDITOR

2013013769 TT \$20.00
10/21/2013 08:50:03A 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



TRUSTEE'S DEED

Timothy Rockwood and Jonnie Haldt, as Successor Trustees for the Harlan A. & Mary V. Rockwood Family Trust dated July 30, 2003, hereby release and quitclaim to Timothy Rockwood and Jonnie Haldt, as joint tenants in common, its interest in the following described real estate situated in Vigo County, State of Indiana, more particularly described as follows, to-wit:

Commencing at the Southwest corner of the South one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence north 89 degrees 58 minutes 8.57 seconds East 871.03 feet to the place of the beginning; thence North 00 degrees 00 minutes 20 seconds East 1329.36 feet; thence North 89 degrees 58 minutes 8.57 seconds East 835.03 feet; thence South 00 degrees 12 minutes 40.28 seconds East 1329.36 feet; thence South 89 degrees 58 minutes 8.57 seconds West 835.03 feet to the place of beginning and containing 25 acres, more or less.

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

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid.

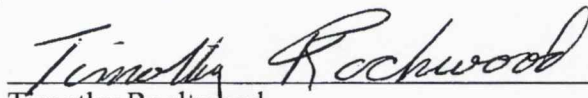
2

Harlan A. Rockwood, initial trustee of the Harlan A. & Mary V. Rockwood Family Trust dated July 30, 2003, died on January 19, 2011. Mary V. Rockwood, initial trustee of the Harlan A. & Mary V. Rockwood Family Trust dated July 30, 2003, died on April 19, 2013. Both trustees had continuously served as trustees until the time of their deaths. Pursuant to the terms of said trust, upon the death of survivor of Harlan A. Rockwood and Mary V. Rockwood, Timothy Rockwood and Jonnie Haldt shall serve as successor trustees of said trust. Timothy Rockwood and Jonnie Haldt have continuously served as successor trustee since the death of Mary V. Rockwood.

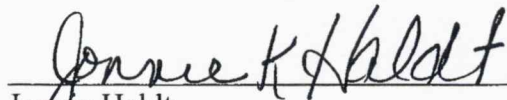
All Indiana Inheritance Tax was paid as a result of the death of Harlan A. Rockwood. There is no federal estate tax due as a result of the death of Harlan A. Rockwood. There is no federal estate tax due or Indiana inheritance tax due as a result of the death of Mary V. Rockwood.

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid.

IN WITNESS WHEREOF, said Timothy Rockwood and Jonnie Haldt, as Successor Trustees of the Harlan A. & Mary V. Rockwood Family Trust dated July 30, 2003, hereunto set their hands and seals this 30th day of September, 2013.



Timothy Rockwood
Successor Trustee of the Harlan A. & Mary V.
Rockwood Family Trust dated July 20, 2003



Jonnie Haldt
Successor Trustee of the Harlan A. & Mary V.
Rockwood Family Trust dated July 20, 2003

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN to before me, the undersigned, a Notary Public in and for said County and State, personally appeared Timothy Rockwood and Jonnie Haldt, Successor Trustees of the Harlan A. & Mary V. Rockwood Family Trust dated July 20, 2003, and acknowledged execution of the above and foregoing Trustee's Deed to be their free and voluntary act and will for the purposes expressed therein.

WITNESS my hand and seal this 30th day of September, 2013.



[Signature]
Notary Public

Tiffany L. Ennen
Printed Name

My Commission Expires:

8-1-18

County of Residence

Sullivan

SEND TAX STATEMENTS TO:

Timothy Rockwood & Jonnie Haldt
9012 SR 46
Terre Haute IN 47802

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.

[Signature]
Robert D. McMahan

THIS INSTRUMENT PREPARED BY ROBERT D. MCMAHAN, MCMAHAN LAW FIRM, 1360 OHIO STREET, P.O. BOX 3105, TERRE HAUTE, INDIANA 47803, TELEPHONE NUMBER (812) 235-2800.

AFFIDAVIT

Comes now, Ronald R. Selvia, Trustee of Ray E. Selvia Family Trust, being duly sworn upon his oath, deposes and says:

1. That the Ray E. Selvia Family Trust 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:

Commencing at the southwest corner of the south one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West: Thence North 89 degrees 58 minutes 8.57 seconds east 36 feet to the place of beginning; thence north 00 degrees 00 minutes 20 seconds east 1329.36 feet; thence north 89 degrees 58 minutes 8.57 seconds east 835.03 feet; thence south 00 degrees 00 minutes 20 seconds west 1329.36 feet; thence south 89 degrees 58 minutes 8.57 seconds west 835.03 feet to the place of beginning and containing 25.483 acres.

Except

A part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West, Vigo County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section North 0 degrees 08 minutes 32 seconds East 20.00 from the southwest corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue, thence North 0 degrees 08 minutes 32 seconds East 1,308.50 feet along said west line to a north line of grantors' land; thence South 89 degrees 52 minutes 53 seconds East 871.13 feet along said north line to a northeast corner of the grantors' land; thence South 0 degrees 08 minutes 47 seconds West 76.09 feet along an east line of the grantors' land; thence Southwesterly 62.96 feet along an arc to the right having a radius of 1,580.00 feet and subtended by a long chord having a bearing of South 88 degrees 47 minutes 06 seconds West and a length of 62.95 feet to point "3029" designated on said plat; thence South 89 degrees 55 minutes 36 seconds West 599.02 feet to point "4016" designated on said plat; thence South 64 degrees 14 minutes 53 seconds West 188.28 feet to point "4017" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 1,063.01 feet to point "4018" designated on said plat; thence South 30 degrees 59 minutes 10 seconds East 46.71 feet to point "4019" designated on said plat; thence South 83 degrees 28 minutes 48 seconds

East 134.84 feet to point "4020" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 23.00 feet to point "4021" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 148.72 feet to point "3051" designated on said plat; thence North 0 degrees 07 minutes 54 seconds East 19.34 feet to point "3052" designated on said plat; thence South 89 degrees 53 minutes 24 seconds East 22.22 feet to point "3053" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 19.35 feet to point "3054" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 129.40 feet to point "3055" designated on said plat; thence South 0 degree 07 minutes 54 seconds West 5.60 feet to the north boundary of said Margaret Avenue and point "3056" designated on said plat; thence North 89 degrees 53 minutes 24 seconds West 498.49 feet along the boundary of said Margaret Avenue to the point of beginning and containing 3.055 acres, more or less.

Commonly known as: 4442 E. Margaret Dr. Terre Haute, IN 47803
Parcel No.: 84-07-31-300-002.000-009

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that the Ray E. Selvia Family Trust is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Ronald R. Selvia, Trustee of Ray E. Selvia Family Trust.

4. Further, Affiant saith not.

Dated: 2/4/2022.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE ABOVE AND FOREGOING STATEMENTS ARE TRUE AND CORRECT.

DocuSigned by:

Ronald Selvia

1087435513F3492...

Ronald R. Selvia, Trustee of Ray
E. Selvia Family Trust

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.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2007003535 QD \$18.00
03/06/2007 09:34:24A 2 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

MAR 06 2007


VIGO COUNTY AUDITOR

QUITCLAIM DEED

Ronald R. Selvia, successor trustee of the Ray Edwin Selvia Revocable Trust, hereby conveys and warrants to Ronald R. Selvia, trustee of the Ray Edwin Selvia Family Trust, its undivided, one-half interest in the following described real estate situated in Vigo County, State of Indiana, more particularly described as follows, to-wit:

Commencing at the southwest corner of the south one half (1/2) of the Southwest quarter (1/4) of Section 31, Township 12 North, Range 8 West:
Thence North 89 degrees 58 minutes 8.57 seconds east 36 feet to the place of beginning; thence north 00 degrees 00 minutes 20 seconds east 1329.36 feet; thence north 89 degrees 58 minutes 8.57 seconds east 835.03 feet; thence south 00 degrees 00 minutes 20 seconds west 1329.36 feet; thence south 89 degrees 58 minutes 8.57 seconds west 835.03 feet to the place of beginning and containing 25.483 acres.


Ray Edwin Selvia died on the 21st day of October, 2005.

The remaining trustee, Josephine Selvia, has resigned from her duties as trustee of the Ray Edwin Selvia Revocable Trust. Pursuant to the terms of said trust, upon her resignation, Ronald R. Selvia and Jacalyn J. McLaughlin shall serve as successor trustees. Jacalyn J. McLaughlin has renounced her appointment as successor trustee.

Pursuant to the terms of the Ray Edwin Selvia Revocable Trust, upon the death of Ray Edwin Selvia, the Ray Edwin Selvia Family Trust shall be established and said real estate shall be held in the Ray Edwin Selvia Family Trust.

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid.

IN WITNESS WHEREOF, said Ronald R. Selvia, successor trustee of the Ray Edwin Selvia Revocable Trust, has hereunto set his hand and seal this 20 day of DECEMBER, 2006.



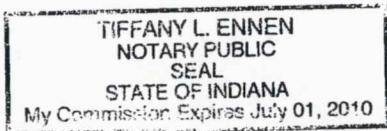
Ronald R. Selvia

2

STATE OF INDIANA)
)
COUNTY OF VIGO) SS:

SUBSCRIBED AND SWORN to before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ronald R. Selvia, successor trustee of the Ray Edwin Selvia Revocable Trust, and acknowledged execution of the above and foregoing Quitclaim Deed to be his free and voluntary act and will for the purposes expressed therein.

WITNESS my hand and seal this 20th day of December, 2006.



[Signature]
Notary Public

Tiffany L. Ennen
Printed Name

My Commission Expires:

7/1/10

County of Residence

Sullivan

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.

[Signature]

Robert D. McMahan

Send Tax Statements To:

Ronald R. Selvia, trustee
of the Ray Edwin Selvia Family Trust
325 Logan Blvd. SW
Naples. FL 34119

THIS INSTRUMENT PREPARED BY MCMAHAN LAW FIRM, 2901 OHIO BOULEVARD, SUITE 124, TERRE HAUTE, INDIANA 47803. TELEPHONE: (812) 235-2800.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2014005137 WD \$30.00
04/17/2014 10:03:48A 8 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



APR 17 2014

Timothy M. Segredo
VIGO COUNTY AUDITOR

WARRANTY DEED

Project: Margaret Avenue Phase III
Parcel: 25 and 25A
Page: 1 of 5

THIS INDENTURE WITNESSETH that, Ronald R. Selvia as Trustee of the Ray Edwin Selvia Family Trust and Trustee of the Josephine Selvia Revocable Trust, (Grantor), Conveys and Warrants to the City of Terre Haute, for the use and benefit of the Board of Public Works and Safety(Grantee), for and in consideration of the benefits to be derived by Grantor and Grantee as a result of the gift made by Grantor to Grantee, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Vigo, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B," both of which exhibits are incorporated herein by reference.

Excepting and reserving to the Grantor, its successors and assigns, all the minerals, coal, oil, gas, mineral substances of every sort and description, mining rights under the Real Estate and rights of mining operation upon the Real Estate.

This conveyance is subject to any and all taxes, easements, conditions and restrictions of record.

That Ronald R. Selvia warrants that he is the sole Trustee of the Ray Edwin Selvia Family Trust and the Josephine Selvia Revocable Trust and warrants that is duly appointed, qualified and acting as Trustee, and has full capacity to enter into the sale and conveyance of the above-described real estate.

Grantor, to the best of its knowledge, hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor, or any successors in title to the abutting lands of the Grantor, except as stated herein, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease

and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon, except as provided herein. This acknowledgement is a covenant running with the land and shall be binding upon the Grantor and all its successors and assigns.

It is understood and agreed that the transfer of this Real Estate is subject to Grantee's or its successors or assigns, constructing a roadway on any portion of the Real Estate on or before December 31, 2017.

The Grantor covenants, to the best of its knowledge, that it is conveying free of all leases, licenses, or other interests both legal and equitable, and all encumbrances of any kind of character, on in and under said Real Estate, except as stated herein.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this 11 day of April, 2014.

Ray Edwin Selvia Family Trust

Josephine Selvia Revocable Trust

By: Ronald R. Selvia, Trustee
Ronald R. Selvia Trustee

By: Ronald R. Selvia, Trustee
Ronald R. Selvia Trustee

STATE OF FL:

SS:

COUNTY OF Lee:

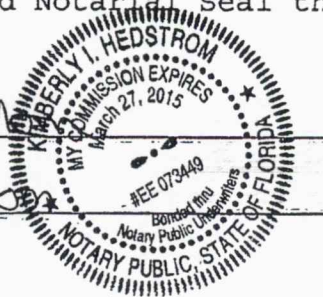
Before me, a Notary Public in and for said State and County, personally appeared Ronald R. Selvia, the Trustee of the Ray Edwin Selvia Family Trust, and the Trustee of the Josephine Selvia Revocable Trust Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be a voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 11 day of

April, 2014.

Signature

Printed name



3

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



Mail tax statements to: Terre Haute Board of Public Works & Safety
17 Harding Avenue
Terre Haute, IN 47807

This instrument prepared by Rhonda D. Oldham, Attorney at Law, 8130 E. Glen Dell Terre Haute, In. 47805; Phone: (812)877-4459

EXHIBIT "A"

Project: Margaret Avenue Phase III
Parcel: 25 Fee Simple
State Parcel ID No.: 84-06-36-400-006.000-002

Sheet 1 of 3

A part of the Southeast Quarter of Section 36, Township 12 North, Range 9 West, Vigo County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the east line of said quarter section North 0 degrees 08 minutes 32 seconds East 20.00 from the southeast corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue; thence North 89 degrees 48 minutes 05 seconds West 14.00 feet along the boundary of said Margaret Avenue to the west line of the grantors' land; thence North 0 degrees 08 minutes 32 seconds East 1,301.31 feet along said west line to the north line of the south half of said southeast quarter section; thence North 89 degrees 36 minutes 06 seconds West 247.24 feet along said half-quarter section line; thence North 15 degrees 18 minutes 16 seconds West 53.60 feet to point "3000" designated on said plat; thence North 68 degrees 19 minutes 13 seconds East 182.33 feet to point "4004" designated on said plat; thence North 50 degrees 00 minutes 19 seconds East 33.99 feet to point "3059" designated on said plat; thence North 0 degrees 07 minutes 54 seconds East 120.00 feet to point "3019" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 80.29 feet to the east line of said quarter section; thence South 0 degrees 08 minutes 32 seconds West 1563.79 feet along said east line to the point of beginning and containing 1.305 acres, more or less.

This description was prepared for the City of Terre Haute Board of Public Works and Safety, by Kurt M. Vonderheide, an Indiana Registered Land Surveyor, License Number LS20200082, on the 26th day of July, 2013.



Kurt M. Vonderheide

EXHIBIT "A"

Project: Margaret Avenue Phase III

Sheet 2 of 3

Parcel: 25A Fee Simple

State Parcel ID No.: 84-07-31-300-002.000-009

A part of the Southwest Quarter of Section 31, Township 12 North, Range 8 West, Vigo County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section North 0 degrees 08 minutes 32 seconds East 20.00 from the southwest corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue, thence North 0 degrees 08 minutes 32 seconds East 1,308.50 feet along said west line to a north line of the grantors' land; thence South 89 degrees 52 minutes 53 seconds East 871.13 feet along said north line to a northeast corner of the grantors' land; thence South 0 degrees 08 minutes 47 seconds West 76.09 feet along an east line of the grantors' land; thence Southwesterly 62.96 feet along an arc to the right having a radius of 1,580.00 feet and subtended by a long chord having a bearing of South 88 degrees 47 minutes 06 seconds West and a length of 62.95 feet to point "3029" designated on said plat; thence South 89 degrees 55 minutes 36 seconds West 599.02 feet to point "4016" designated on said plat; thence South 64 degrees 14 minutes 53 seconds West 188.28 feet to point "4017" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 1,063.01 feet to point "4018" designated on said plat; thence South 30 degrees 59 minutes 10 seconds East 46.71 feet to point "4019" designated on said plat; thence South 83 degrees 28 minutes 48 seconds East 134.84 feet to point "4020" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 23.00 feet to point "4021" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 148.72 feet to point "3051" designated on said plat; thence North 0 degrees 07 minutes 54 seconds East 19.34 feet to point "3052" designated on said plat; thence South 89 degrees 53 minutes 24 seconds East 22.22 feet to point "3053" designated on said plat; thence South 0 degrees 07 minutes 54 seconds West 19.35 feet to point "3054" designated on said plat; thence South 89 degrees 52 minutes 06 seconds East 129.40 feet to point "3055" designated on said plat; thence South 0 degree 07 minutes 54 seconds West 5.60 feet to the north boundary of said Margaret Avenue and point "3056" designated on said plat; thence North 89 degrees 53 minutes 24

EXHIBIT "A"

Project: Margaret Avenue Phase III
Parcel: 25A Fee Simple
State Parcel ID No.: 84-07-31-300-002.000-009

Sheet 3 of 3

seconds West 498.49 feet along the boundary of said Margaret Avenue to the point of beginning and containing 3.055 acres, more or less.

This description was prepared for the City of Terre Haute Board of Public Works and Safety, by Kurt M. Vonderheide, an Indiana Registered Land Surveyor, License Number LS20200082, on the 26th day of July, 2013.



Kurt M. Vonderheide

EXHIBIT "B"

RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR THE CITY OF TERRE HAUTE

PARCEL COORDINATE CHART					
NUMBER	NORTHING	EASTING	LINE	STATION	OFFSET
94	1524556.0960	2877231.0912	"E"	70+00.00	P.O.T.
95	1526256.0915	2877234.9964	"E"	87+00.00	P.O.T.
3000	1525927.0741	2876958.9759	"A"	330+80.00	85.00 Lt.
3001	1525767.9254	2877002.5267	"A"	330+80.00	80.00 Rt.
3019	1526136.2763	2877154.7209	"E"	85+80.00	80.00 Lt.
3020	1526135.8506	2877339.7205	"E"	85+80.00	105.00 Rt.
3028	1526246.8897	2879139.8392	"A"	352+96.57	80.00 Rt.
3029	1525801.5739	2878042.3664	"A"	341+44.02	80.00 Rt.
3051	1524577.2992	2877578.0013	"PR-C"	27+68.00	23.26 Lt.
3052	1524596.6382	2877578.0457	"PR-C"	27+67.40	42.59 Lt.
3053	1524596.5955	2877600.2681	"PR-C"	27+89.23	43.39 Lt.
3054	1524577.2481	2877600.2237	"PR-C"	27+90.00	24.05 Lt.
3055	1524576.9508	2877729.6258	"PR-C"	29+19.88	29.38 Lt.
3056	1524571.3472	2877729.6129	"PR-C"	29+20.00	23.77 Lt.
3059	1526016.2746	2877169.4453	"E"	84+60.00	80.00 Lt.
4004	1525994.4286	2877128.4055	"A"	332+42.50	120.00 Lt.
4016	1525800.8063	2877443.3459	"A"	335+45.00	80.00 Rt.
4017	1525719.0020	2877273.7627	"E"	81+63.00	40.00 Rt.
4018	1524655.9991	2877271.3208	"E"	71+00.00	40.00 Rt.
4019	1524615.9515	2877295.3706	"PR-C"	24+86.00	60.00 Lt.
4020	1524600.6407	2877429.3340	"PR-C"	26+20.00	45.00 Lt.
4021	1524577.6408	2877429.2812	"PR-C"	26+20.00	22.00 Lt.
See Location Control Route Survey Plat for Points: 68, 69, 70, 316, 319, 320 & 355					

NOTE: STATION & OFFSETS CONTROL OVER BOTH NORTH & EAST
COORDINATES AND BEARINGS & DISTANCES

SURVEYOR'S STATEMENT

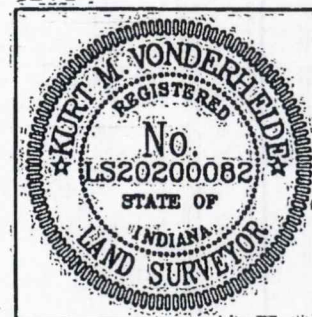
To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 2009016043 in the Office of the Recorder of Vigo County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).

HNTB

HNTB INDIANA, INC.

111 Monument Circle, Indianapolis, Indiana 46204-5178
(317) 636-4682
(317) 917-5211

Kurt M. Vonderheide
KURT M. VONDERHEIDE 7/26/2013



OWNER: RAY EDWIN SELVIA FAMILY TRUST ET AL
STATE PARCEL ID NO.: 84-07-31-300-002.000-009
84-06-36-400-006.000-002
PARCEL: 25, 25A
PROJECT: MARGARET AVENUE PHASE III
ROAD: MARGARET AVENUE
COUNTY: VIGO
SECTION: 31 & 36
TOWNSHIP: 12 N.
RANGE: 8 W. & 9 W.

DRAWN BY: K. VONDERHEIDE 04/03/2013
CHECKED BY: K. VONDERHEIDE 04/04/2013

TERRE HAUTE, IN
PAID
TERRE HAUTE
A LEVEL ABOVE
FEB 07 2022

CONTROLLED RECEIPT

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

Date: 2/7/2022

Name: Wright, Shagley + LeMay Richard Shagley

Reason: Rezoning - Notice of filing 25.00
Rezoning Petition - 20.00

Cash: _____

Check: 45.00 72321

Credit: _____

TOTAL: 45.00

Received By: Carla Purson



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: March 3, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 4-22

CERTIFICATION DATE: March 2, 2022

TO: The Honorable Common Council of the City of Terre Haute

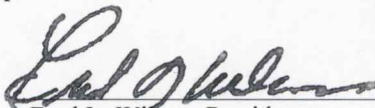
Dear Members,

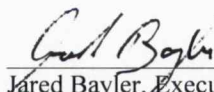
The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 4-22. This Ordinance is a rezoning of E. Margaret Dr. and 4442 E. Margaret Dr. The Petitioners, Timothy Rockwood & Jonnie Haldt, Ronald & Selvia, Trustee of Ray E Selvia Family Trust, petition the Plan Commission to rezone said casino, hotel, and restaurants from zoning classification O-1 to C-3, Regional Commerce District.

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. 4-22 at a public meeting and hearing held Wednesday, March 2, 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. 4-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 4-22 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. 4-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Approval of Form 7460-1 by the FAA 2.) Approval of subdivision 3.) Approval of variance for building height by Terre Haute City BZA


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 3rd day of March, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #4-22

Doc: #19

Date: March 2022

Page 1 of 4

APPLICATION INFORMATION

Property Owners: (A): Timothy Rockwood & Jonnie Haldt
(B): Ronald & Selvia, Trustee of Ray E Selvia Family Trust

Representative: Richard J. Shagley II

Proposed Use: Casino, Hotel, Restaurants

Proposed Zoning: C-3, Regional Commerce District

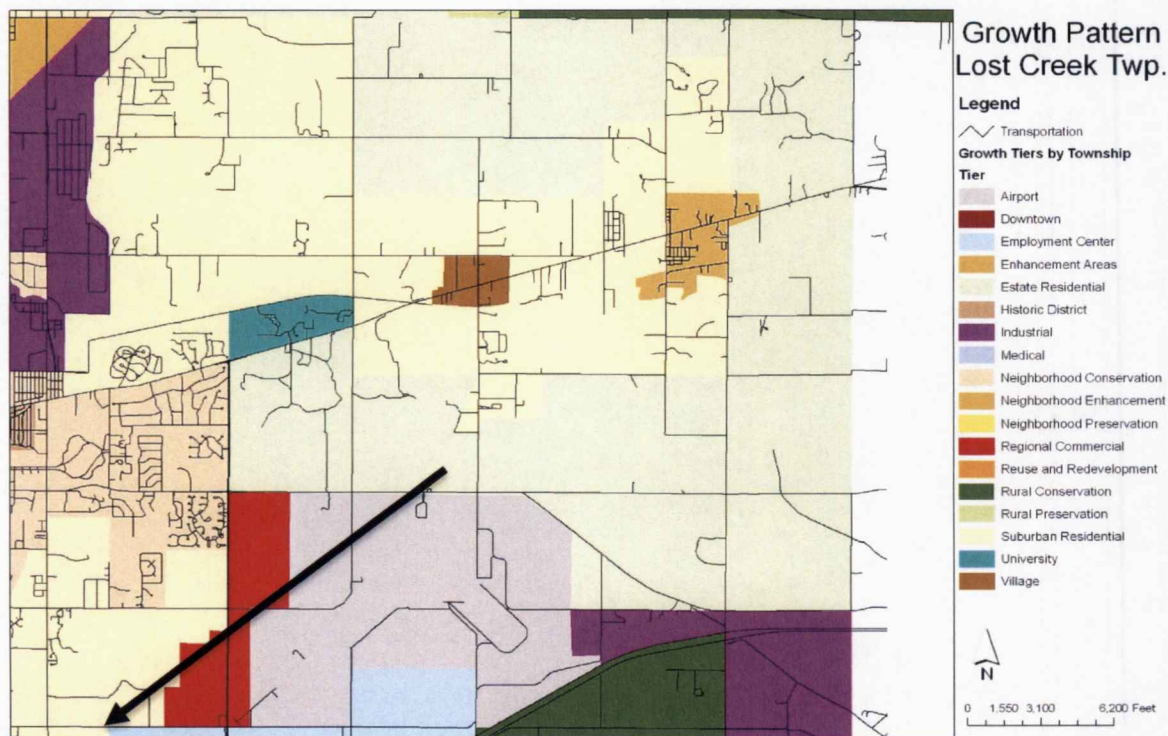
Current Zoning: O-1, Agricultural District

Location: The properties are located approximately 641ft. south of the of the intersection of S. Sycamore Terrance & E. Margaret on the North side of E. Margaret Drive

Common Address: (A) E. Margaret Dr., T.H. 84-07-31-300-004.000-009
(B) 4442 E. Margaret Dr., T.H. 84-07-300-002.000-009

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute Lost Creek



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #4-22

Doc: #19

Date: March 2022

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Suburban Residential

These are largely undeveloped areas lying within the boundaries of existing and planned urban services. Current residential densities range from building on lots of ½ acre to 2 acres in size, this should be used as a minimum density. Over time, densities should be encouraged to increase moderately to allow average densities of three to three and one-half (3 to 3.5) households per acre. In the case of all residential densities, densities are stated as an average for the entire area in a given land use categories.

Promotion of monotonous suburban tract housing is not the intent of this growth pattern, although this may be an undesirable consequence. To avoid this outcome, careful consideration of alternative site development schemes should be undertaken by planning, engineering, development and real estate professionals for each new residential tract.

Increasing residential densities within this growth pattern offers four distinct advantages over typical low-density development.

- Optimization of the relationship between public infrastructure capacity and average development densities.
- Reduction in the need for infrastructure extensions and expansions, thereby saving public capital cost.
- Provides pedestrian scale residential neighborhoods, which will blend with existing Terre Haute neighborhoods that were developed at five to seven (5 to 7) units per acre and at the same time provide enhanced opportunities for non-motorized travel.
- Minimize land consumption and limits land disturbance.

Not every new subdivision will provide developed densities approaching four (4) units per acre, Yet, as cluster housing, patio homes, variations of zero-lot line housing and integrated neighborhoods of town houses, garden apartment, and single family dwelling units become more common and more fashionable, average densities will increase. Traditionally, allowable densities controlled mix and pattern of suburban residential development. Density, per se, is increasingly viewed by development professionals as only one of many variables that must be considered in making site development decisions. The infrastructure capacity relative to undeveloped areas and special environmental conditions of a specific development site, as well as, the site plan itself and its impact on surrounding property should primarily control the developed density. This should especially be the case as development moves beyond minimum residential densities. In all cases, density and the arrangement of uses on a developed site should be sensitive to surrounding development patterns, making land use transitions within the new development and utilizing natural features as transitions or buffers.

Policies for Suburban Residential areas should include:

- Houses on lots ranging from one-half to two acres depending on wastewater treatment needs.
- The extent of non-residential uses should be limited to parks, churches, and schools.
- Residential subdivision lots should not have frontage on county roads, rather they should be required to build local level public streets to provide access from the county road to the lots.
- Medium range plans for expanding needed infrastructure should be developed, considering projected demand and funding.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #4-22

Doc: #19

Date: March 2022

Page 3 of 4

Available Services: Area is well served by utilities.

Intensity: Low intensity residential area

Street Access: E. Margaret Drive

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-1

West – R-1

South – O-1, C-2, C-3

East – M-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone to C-3 Regional Commerce District for the purpose of a “Casino, Hotel and Restaurants”. A “Casino” is not specifically referenced in any of the zoning districts for the City of Terre Haute. However, the uses described in a C-3 zoning describe the activities planned for the casino including, but not limited to, an event venue, restaurants, bars, offices, storage, and other activities commonly associated with a fully functional casino licensed by the State of Indiana.

Marcus Maurer, Assistant City Engineer has provided a letter (attached) stating that the Terre Haute Department of Engineering has reviewed this zoning and offers a positive recommendation.

There are residential homes across Margaret Avenue. However, the many of the previously residential properties along Margaret have rezoned to Commercial and the Terre Haute Margaret Avenue Corridor Plan identifies the area directly as an intended Industrial/Commercial Corridor.

The petitioner is requesting a variance from the Terre Haute City Board of Zoning Appeals for a variance from Section 10-138(a) to allow for construction of a 150' tall hotel and casino. This would be 25' more than what is permitted under 10-138(a). The property is located in the departure area for the airport. Kara McIntosh, Director of Operations for Terre Haute Regional Airport, has reviewed the site plan and stated that the structure does not fall within the height restrictions for the airport, but Form 7460-1 will need to be submitted for airspace evaluation from the FAA for a final determination.

Recommendation:

Staff would offer a favorable recommendation.

1. Approval of Form 7460-1 by the FAA.
2. Approval of subdivision
3. Approval of variance for building height by Terre Haute City BZA