



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 12, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

3250 and 3230 North 22nd Street, Terre Haute, IN 47804

Current Zoning: 3250 North 22nd Street, Terre Haute, IN 47804: C-2
3230 North 22nd Street, Terre Haute, IN 47804: R-1

Requested Zoning: C-3

Proposed Use: Carwash

Name of Owner: Brian Porter and Lisa Porter, as husband and wife

Address of Owner: 4050 S. 325 W., Rockville, IN 47872

Phone Number of Owner: 765-569-5002

Attorney Representing Owner: Jeffrey A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffrey A. Lind, atty, 400 Ohio Street, Terre Haute, IN 47807,
812-234-5463

Introduced by Council Member: Cheryl Loudermilk

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

FILED

APR 04 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2022**

CITY CLERK

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

SECTION 1. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002

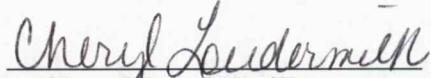
All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **3250 and 3230 North 22nd Street, Terre Haute, IN 47804**

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,


Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST: _____
Michelle Edwards, City Clerk

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

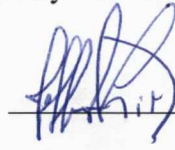
Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2022.

Duke Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


Jeffry A. Lind

This instrument prepared by: **Jeffry A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**

**PETITION TO REZONE REAL PROPERTY
SPECIAL ORDINANCE 12, 2022**

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, Brian Porter and Lisa Porter, as husband and wife, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002**

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002**

All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 3250 and 3230 North 22nd Street, Terre Haute, IN 47804.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," Tract 1, 3250 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-0013.000-002, is now zoned **C-2 Community Commerce District** and Tract 2, 3230 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-014.000-002 is now zoned as **R-1 Single Family Residence District**.

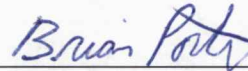
Your petitioner would respectfully state that the real estate is now **occupied by two structures which would be demolished as a part of this project**. Your petitioner intends to develop a carwash on this location.

Your petitioner would request that the real estate described herein shall be zoned as a **C-3 Regional Commerce District**. Your petitioner would allege that the **C-3 Zoning designation** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-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 WITNES WHEREOF, this petition has been duly executed this 4th day of April, 2022.



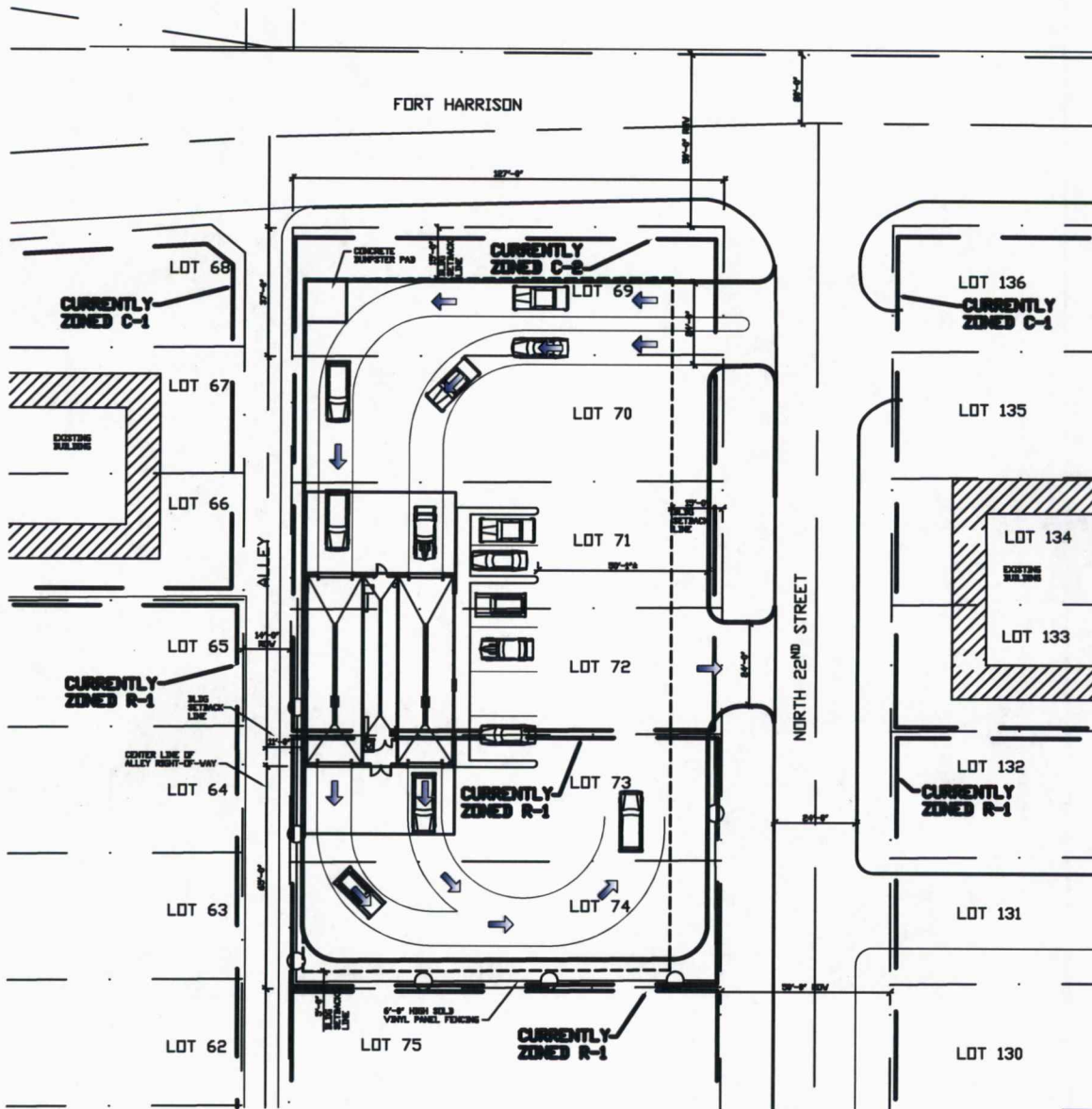
Brian Porter



Lisa Porter

PETITIONER: **Brian Porter and Lisa Porter, as husband and wife**

This instrument was prepared by **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**



SITE PLAN
SCALE: NONE

AFFIDAVIT OF BRIAN PORTER and LISA PORTER

COMES NOW affiant Brian Porter and Lisa Porter and affirms under penalty of law that affiants are the owners of record of the property located at 3250 and 3230 North 22nd Street, Terre Haute, IN 47804 for which a rezoning is requested and a copy of the deed is attached evidencing such ownership.

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

Brian Porter
Brian Porter

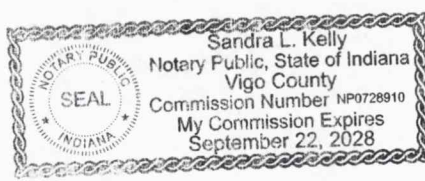
Lisa Porter
Lisa Porter

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Brian Porter and Lisa Porter who acknowledge the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 4th day of April, 2022.

Notary Public:



Sandra L. Kelly
Sandra L. Kelly
Printed name

My Commission Expires: 9/22/2028 My County of Residence: Vigo

Subject to final acceptance for Transfer

MAR 24 2022

James W Bramble
VIGO COUNTY AUDITOR

2022003743 WD \$25.00
03/24/2022 09:01:45A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That DC Schimmel, LLC, a limited liability company 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 Brian Porter and Lisa Porter, husband and wife, of Parke County, State of Indiana, (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Tract 1 - Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Tract 2 - Lots Numbers 73, 74, 75, and 76 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 1, Township 12 North, Range 9 West.

Tract 3 - Lot Number Sixty-five (65) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half (N 1/2) of the North West Quarter (NW 1/4) of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

All as shown in the plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Parcel Number: 84-06-11-106-013.000-002, 84-06-11-106-014.000-002, 84-06-11-106-015.000-002, 84-06-11-106-020.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (*mark applicable option*):

1. all of the Members of Grantor
Or
 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full 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 Grantor's business.

in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 4050 S. 325 W. ROCKVILLE, IN 47872

MAIL TAX STATEMENTS TO: SAME

Receipt

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

Date: 4/4/2022

Name: Brian Porter

Reason: Rezoning - notice of filing \$25-
Rezoning - petition \$20
\$45

Cash: _____

Check: 45 CK# 6148

Credit: _____

Total: _____

Received By: *Antz*

TERRE HAUTE, IN
PAID
APR - 4 2022
CONTROLLER