



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 21, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

2301 - 2305 Lafayette Avenue, Terre Haute, IN 47804

Parcel Number: 84-06-02-327-027.000-002; 84-06-02-327-002.000-002; 84-0602-327-031.000-002

Current Zoning: 84-06-02-327-027.000-002: C-3; 84-06-02-327-002.000-002 and 84-0602-327-031.000-002: R-1

Requested Zoning: C-6 Strip Business District

Proposed Use: Commercial Development

Name of Owner: Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust

Address of Owner: 4444 S Whippoorwill Lake Drive, Clay City, IN 47841

Phone Number of Owner: 812-939-2222

Attorney Representing Owner (if any): Richard J. Shagley and Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-3388

For Information Contact: Richard J. Shagley II: 812-232-3388

Council Sponsor: Cheryl Loudermilk

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

FILED

SEP 08 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 21, 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:

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

Commencing at the Center Quarter Corner of said Section, also being the Vigo County Surveyor Monument No. 06-0230 a stone with chiseled X in POT near the centerline of 25th /Street; thence South 00 degrees 23 minutes 39 seconds East (basis of bearing is the Indiana State Plane Coordinate System West Zone, Grid North) along the East line of said Quarter - Quarter Section a distance of 85.44 feet; thence North 89 degrees 10 minutes 49 seconds West a distance of 25.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter referred to as "Align pin" set being the **Point of Beginning** of this description; thence South 00 Degrees 23 minutes 39 seconds East parallel with the East line of said Quarter-Quarter a distance of 136.23 feet to the North line of land in the name of Highlands TH LLC as described per instrument number 2022001788, witnessed by an iron pipe found 5 feet West; thence North 89 degrees 29 minutes 40 seconds West along said North line a distance of 460.91 feet to an iron pipe found; thence North 00 degrees 38 minutes 51 seconds West a distance of 44.25 feet to an iron pipe found; thence North 89 degrees 44 minutes 21 seconds West along the North line of said Highlands TH LLC land a distance of 69.22 feet to an iron pipe found at the Northeast corner of land in the name of Gamma Property Holdings LLC, as described per instrument number 2021014683; thence continue North 89 degrees 44 minutes 21 seconds West along the North line of said Gamma land a distance of 102.43 feet to a PK Nail

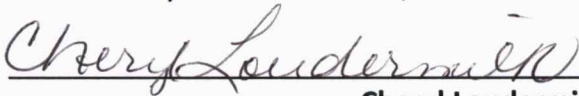
set on the Eastern right-of-way line of Lafayette Avenue as described per instrument number 2017012821; thence North 31 degrees 19 minutes 14 seconds East along said right-of-way line a distance of 206.89 feet to an Align pin set on the South line of land in the name of 834 Powder Coatings LLC as described per instrument number 2020003105, also being the North line of said Quarter - Quarter Section; thence South 89 degrees 31 minutes 40 seconds East along said line a distance of 202.04 feet to a rebar with cap stamped "V.Little" found at the Southwest corner of land in the name of Austin and Leah Reed as described per instrument number 2019008684; thence continue South 89 degrees 31 minutes 40 seconds East along the South line of said Reed land a distance of 142.87 feet to an Align pin set at the Northwest corner of land in the name of Angela and Daniel Fagg as described per instrument number 2018007325; thence South 00 degrees 23 minutes 39 seconds East along the West line of said Fagg land a distance of 84.20 feet to an Align pin set at the Southwest corner of said Fagg land; thence South 89 degrees 10 minutes 49 seconds East along the South line of said Fagg land a distance of 34.00 feet to an iron pipe found (being the Southwest corner of Lot 1 of Vera Glasgow Subdivision Plat Record 20 page 12); thence South 89 degrees 10 minutes 49 seconds East a distance of 120.00 feet to an iron pipe found at the Southeast corner of said Lot 1; thence South 89 degrees 10 minutes 49 seconds East a distance of 25.08 feet to the **Point of Beginning, containing 2.47 acres** more or less.

Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

Be and the same is hereby established as a C-6 Strip Business 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, Councilperson

Passed in Open Council this 6th day of October, 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 6th day of
October 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 6th day of
OCTOBER, 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
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, Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

Commencing at the Center Quarter Corner of said Section, also being the Vigo County Surveyor Monument No. 06-0230 a stone with chiseled X in POT near the centerline of 25th /Street; thence South 00 degrees 23 minutes 39 seconds East (basis of bearing is the Indiana State Plane Coordinate System West Zone, Grid North) along the East line of said Quarter - Quarter Section a distance of 85.44 feet; thence North 89 degrees 10 minutes 49 seconds West a distance of 25.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter referred to as "Align pin" set being the **Point of Beginning** of this description; thence South 00 Degrees 23 minutes 39 seconds East parallel with the East line of said Quarter-Quarter a distance of 136.23 feet to the North line of land in the name of Highlands TH LLC as described per instrument number 2022001788, witnessed by an iron pipe found 5 feet West; thence North 89 degrees 29 minutes 40 seconds West along said North line a distance of 460.91 feet to an iron pipe found; thence North 00 degrees 38 minutes 51 seconds West a distance of 44.25 feet to an iron pipe found; thence North 89 degrees 44 minutes 21 seconds West along the North line of said Highlands TH LLC land a distance of 69.22 feet to an iron pipe found at the Northeast corner of land in the name of Gamma Property Holdings LLC, as described per instrument number 2021014683; thence continue North 89 degrees 44 minutes 21 seconds West along the North line of said Gamma land a distance of 102.43 feet to a PK Nail set on the Eastern right-of-way line of Lafayette Avenue as described per instrument number 2017012821; thence North 31 degrees 19 minutes 14

seconds East along said right-of-way line a distance of 206.89 feet to an Align pin set on the South line of land in the name of 834 Powder Coatings LLC as described per instrument number 2020003105, also being the North line of said Quarter - Quarter Section; thence South 89 degrees 31 minutes 40 seconds East along said line a distance of 202.04 feet to a rebar with cap stamped "V.Little" found at the Southwest corner of land in the name of Austin and Leah Reed as described per instrument number 2019008684; thence continue South 89 degrees 31 minutes 40 seconds East along the South line of said Reed land a distance of 142.87 feet to an Align pin set at the Northwest corner of land in the name of Angela and Daniel Fagg as described per instrument number 2018007325; thence South 00 degrees 23 minutes 39 seconds East along the West line of said Fagg land a distance of 84.20 feet to an Align pin set at the Southwest corner of said Fagg land; thence South 89 degrees 10 minutes 49 seconds East along the South line of said Fagg land a distance of 34.00 feet to an iron pipe found (being the Southwest corner of Lot 1 of Vera Glasgow Subdivision Plat Record 20 page 12); thence South 89 degrees 10 minutes 49 seconds East a distance of 120.00 feet to an iron pipe found at the Southeast corner of said Lot 1; thence South 89 degrees 10 minutes 49 seconds East a distance of 25.08 feet to the **Point of Beginning, containing 2.47 acres** more or less.

Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

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 an R-1 Single Family Residential and C-3 Regional Commerce District.

Your Petitioner intends to use this real estate for commercial development. Your Petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Business District.

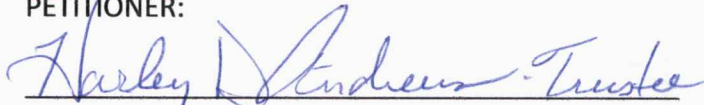
Your Petitioner would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-6 Strip Business 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 7th day of September, 2022.

PETITIONER:

A handwritten signature in blue ink that reads "Harley D. Andrews Trustee". The signature is written in a cursive style and is positioned above a horizontal line.

Harley D. Andrews, Trustee of the
Harley D. Andrews Revocable Trust

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

COMES NOW affiant, **Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust**, being duly sworn upon his oath, deposes and says:

1. Harley D. Andrews, Trustee of the Harley D. Andrews Revocable 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:

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

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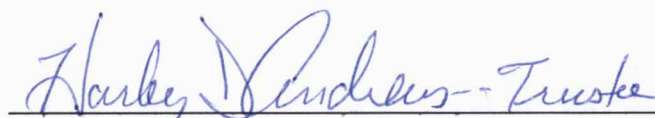
Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

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

3. That Affiant makes this Affidavit for the sole purpose of affirming that Harley D. Andrews, Trustee of the Harley D. Andrews Revocable 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 Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7th day of September, 2022.



**Harley D. Andrews, Trustee of the
Harley D. Andrews Revocable Trust**

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

AUG 16 2016

Jessie M. Stegwee
VIGO COUNTY AUDITOR

2016008325 WD \$22.00
08/16/2016 02:48:31P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

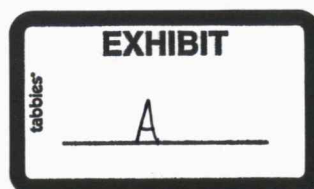
THIS INDENTURE WITNESSTH:

RICK LEE LACHER, a competent adult, of Vigo County, State of Indiana, CONVEYS and WARRANTS TO **HARLEY D. ANDREWS, TRUSTEE OF THE HARLEY D. ANDREWS REVOCABLE TRUST**, a competent adult of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) of the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Beginning in the center of the Lafayette Road on the half (1/2) Section line between the northwest quarter (1/4) and the southwest quarter (1/4) of Section Two (2), Township Twelve (12) North of Range Nine (9) West, thence East five hundred ninety six (596) feet thence south three hundred forty nine (349) feet, thence west to the center of the Lafayette Road and thence in a northeasterly direction along the center of said road to the place of beginning, containing four and thirty one-hundredths (4.30) acres more or less.

Also that part lying west of the above described tract formerly owned by the Terre Haute Electric Traction Company. Subject to an easement to the American Telephone and Telegraph Company of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 of the Recorder's Office of Vigo County, Indiana.

Except Commencing at the Southwest corner of the following described tract: Beginning at the center of the Lafayette Road (formerly U.S. Highway 41) on the half section line between the Northwest quarter of the Southwest quarter of Section 2, Township 12 North, Range 9 West, Vigo County, Indiana, thence East 96 feet, thence South 349 feet; thence West to the center of said road; thence Northeasterly along the center of the Lafayette Road to the place of beginning; thence Northeasterly, along and with the center of Lafayette Road 200 feet to the place of beginning; thence Northeasterly to the North line of the Southwest Quarter of Section 2, 206.92 feet, East on the North line of said Southwest Quarter 106 feet; South 177.2 feet to the point 233.93 feet East of beginning; West 223.93 feet.



Subject to a utility easement 10 feet wide off the North side. Also subject to an Easement of American Telephone and Telegraph Co. of Indiana dated July 21, 1927 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 in the Recorder's Office of Vigo County, Indiana.

Subject to a Contract for Sale of Business, dated November 12, 1998, executed by Harley D. Andrews and Thelma I Andrews, as "Seller," and I, Inc. an Indiana Corporation, as "Buyer."

Except Commencing at the center of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, South 349.00 feet record (350.50 feet actual), to the place of beginning. North 88 degrees 52 minutes 30 seconds West 659.05 feet to point 154.93 feet East of the centerline of U.S. 41 (now Lafayette Avenue); thence North 31 degrees 24 minutes 40 seconds East and parallel to Lafayette Avenue 200.00 feet; thence South 88 degrees 08 minutes 20 seconds East 69.00 feet; South 01 degrees 55 minutes 40 seconds West 44.23 feet; thence South 88 degrees 52 minutes 30 seconds East 485.28 feet to the quarter section line thence South to the point of beginning, containing 1.913 acres, more or less.

Subject to an Easement to American Telephone & Telegraph Co. of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 in the Recorder's Office of Vigo County, Indiana.

Except Commencing at the Northeast Comer of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana; West 170 feet to the Place of Beginning; South 85 feet; West 34 feet, North 85 feet; East 34 feet to the Place of Beginning, Containing 0.066 acres, More or Less.

Except that part platted into Vera Glasgow Subdivision Lot #1 as shown by instrument dated November 20, 1975 and recorded December 3, 1975, in Plat Record 20, Page 12 in records of the Recorder's Office of Vigo County, Indiana.

Except Beginning at the southwest comer of the following described tract:
"Beginning at the center of the Lafayette Road (now U.S. Highway #41) on the

half Section Line between the Northwest Quarter (NW ¼) and the Southwest Quarter (SW ¼) of Section Two (2), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana; thence East five hundred ninety-six (596) feet, thence South three hundred forty-nine and (349) feet thence West to the center of said road; thence Northeasterly along the center of said road to the place of beginning."; thence Northeasterly along the center of the Lafayette Road (Now U.S. #41) two hundred (200) feet; thence East to a point one hundred twenty (120) feet East of the East line of said road; thence Southwesterly two hundred (200) feet; parallel with the center of said road to the South boundary line of the above described tract and to a point one hundred twenty (120) feet East of the East boundary line of said Lafayette Road; thence West to the place of beginning.

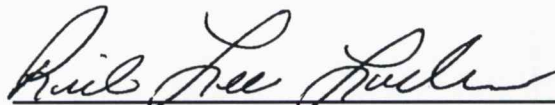
Subject to an easement to American Telephone and Telegraph Co., of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22, in the Recorder's Office of Vigo County, Indiana.

Grantor, Rick Lee Lacher, warrants that there is no federal estate tax due as a result of the death of Helen Lacher on October 27, 2015.

Taxes pro-rated to date of deed.

Commonly known as 2301 Lafayette Avenue, Terre Haute, Indiana 47805

IN WITNESS WHEREOF, that said Grantor above named, Rick Lee Lacher, has hereunto set his hand and seal, 15th day of August, 2016.


Rick Lee Lacher

(Notary Page to Follow)

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 15th day of August, 2016, personally appeared the within named, Rick Lee Lacher in the above conveyance, and acknowledged the execution of the same to be his voluntary act and deed.

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

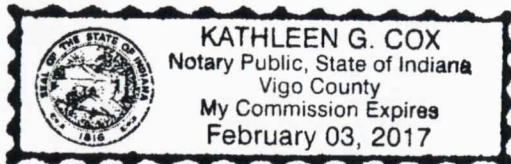
Kathleen G Cox

Notary Public

Printed: Kathleen G Cox

My Commission Expires: February 3, 2017

My County of Residence: Vigo



Mail to: Harley Andrews, 4444 S. Whippoorwill Lake Dr., Clay City, IN 47841

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
Richard J. Shagley

This Instrument Prepared By: Richard J. Shagley, Wright Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388.

SEP 12 2008

QUITCLAIM DEED

[Signature]
VIGO COUNTY

This Quitclaim Deed, executed on 5-27 2008, between Helen Lacher, Grantor of 2301 Lafayette Avenue, Terre Haute, In. 47805 and The Harley D. Andrews Trust, Grantee of 4444 S. Whippoorwill Lake, Clay City, In. 47841.

The Grantor, for and in consideration of the sum of \$5,000 and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledges, does hereby remise, release and quitclaim unto the Grantee forever, all the right, title and interest which the Grantor has in and to the following described real estate, located at 2301 Lafayette Avenue, Terre Haute, In. 47805.

To have and to hold the same together with all buildings, improvements and appurtenances thereto belonging (Land Only) approximately .75 Acre (285' X 104') North part of 1.934 Acres (2-12-9) Description: NE Corner, NE SW E of Lafayette Road with EXC Parcel, Key No. 84-06-02-327-002-000-002.

Signed, sealed and delivered in presence of:

James Dean Horn

Witness

Helen Lacher

Grantor: Helen Lacher

STATE OF IN.
COUNTY OF Clay

On May 27, 2008, before me personally appeared Helen Lacher, who is personally known to me or who provided _____ as identification, and signed the above document in my presence.

James D. Horn

Notary Public
My Commission expires: 12-27-09

HARLEY D ANDREWS
4444 S WHIPPOORWILL LAKE
CLAY CITY IN 47841

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.

EXHIBIT
B

ed by:

Harley D. Andrews

RAD Date 06/12/2000 Time 13:30:42
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200008905 D 445/4076

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 12 2000

EXEMPT FROM DISCLOSURE

WARRANTY DEED


VIGO COUNTY AUDITOR

THIS INDENTURE WITNESSETH:

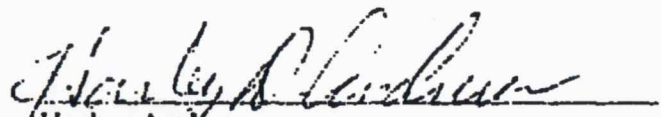
That Harley Andrews and Thelma Andrews, husband and wife, of Clay County, in the State of Indiana, CONVEY AND WARRANT to Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust, dated November 12, 1998, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Commencing at the center of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana. South 349.00 feet record (350.50 feet actual), to the place of beginning. North 88 degrees 52 minutes 30 seconds West 659.05 feet to point 154.93 feet East of the centerline of U.S. 41 (now Lafayette Avenue); thence North 31 degrees 24 minutes 40 seconds East and parallel to Lafayette Avenue 200.00 feet; thence South 88 degrees 08 minutes 20 seconds East 69.00 feet; South 01 degrees 55 minutes 40 seconds West 44.23 feet; thence South 88 degrees 52 minutes 30 seconds East 485.28 feet to the quarter section line thence South to the point of beginning, containing 1.913 acres, more or less.

Subject to an Easement to American Telephone & Telegraph Co. of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54 page 22 in the Recorder's Office of Vigo County, Indiana.

Taxes prorated to date of deed.

IN WITNESS WHEREOF, the said Grantors above named, Harley Andrews and Thelma Andrews, husband and wife, have hereunto set their hands and seals, this 12th day of June, 2000.


Harley Andrews



Thelma Andrews

EXHIBIT
tabbles
 C

~~7077~~

1077

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 12th day of June, 2000, personally appeared the within named Harley Andrews and Thelma Andrews, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

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

Wanda J. Humbo
Wanda J. Humbo, Notary Public

My Commission Expires:

8-28-2007

My County of Residence:

Vigo

Mail to: Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust,
4444 South Whippoorwill Lake Drive, Clay City, IN 47841

This instrument prepared by Richard J. Shagley, Wright, Shagley & Lowery, 500 Ohio Street,
P.O. Box 8448, Terre Haute, IN 47808-8448.

RAD Date 06/12/2000 Time 13:30:42
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200008904 D 445/4074

DIARY ENTRIES
Subject to level of confidence for transfer

JUN 12 2000

WARRANTY DEED

THIS INDENTURE WITNESSETH:

[Signature]
VIGO COUNTY AUDITOR

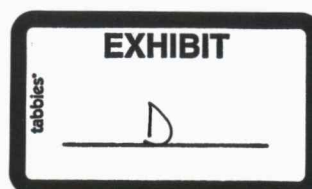
That **Harley Andrews and Thelma Andrews, husband and wife**, of Clay County, in the State of Indiana, **CONVEY AND WARRANT** to **Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust, dated November 12, 1998**, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Commencing at the Southwest corner of the following described tract: Beginning at the center of the Lafayette Road (formerly U.S. Highway 41) on the half section line between the Northwest quarter of the Southwest quarter of Section 2, Township 12 North, Range 9 West, Vigo County, Indiana, thence East 96 feet, thence South 349 feet; thence West to the center of said road; thence Northeasterly along the center of the Lafayette Road to the place of beginning; thence Northeasterly, along and with the center of Lafayette Road 200 feet to the place of beginning; thence Northeasterly to the North line of the Southwest quarter of Section 2, 206.92 feet, East on the North line of said Southwest quarter 106 feet; South 177.2 feet to the point 233.93 feet East of beginning; West 223.93 feet.

Subject to a utility easement 10 feet wide off the North side. Also subject to an Easement of American Telephone and Telegraph Co. of Indiana dated July 21, 1927 and recorded October 22, 1927 in Miscellaneous Record 54 Page 22 in the Recorder's Office of Vigo County, Indiana.

Subject to a Contract for Sale of Business, dated November 12, 1998, executed by Harley D. Andrews and Thelma E. Andrews, as "Seller," and T. Inc., an Indiana Corporation, as "Buyer."

Taxes prorated to date of deed.



SITE PLAN
SPECIAL ORDINANCE NO. 21, 2022



2301 Lafayette Avenue, Terre Haute, IN 47804
Parcel Nos. 84-06-02-327-002.000-002
84-06-02-327-027.000-002

2305 Lafayette Avenue, Terre Haute, IN 47804
Parcel No. 84-06-02-327-031.000-002

Rezone from: R-1 Single Family Residential & C-3 Regional Commerce District
to
C-6 Strip Business District

Proposed Use: Commercial Development

Receipt

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

TERRE HAUTE, IN.
PAID
SEP - 8 2022
CONTROLLER

Date: 9/8/22

Name: Harley Andrews

Reason: Rezoning - Notice of Filing \$25.00
Petition \$20.00

Wright, Shagley

Cash: _____

Check: 45.00 # 72869

Credit: _____

Total: \$45.00

Received By: L Ellis/g



TERRE HAUTE
A LEVEL ABOVE

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: October 6, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 21-22

CERTIFICATION DATE: October 5, 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. 21-22. This Ordinance is a rezoning of 2301-2305 Lafayette Avenue. The Petitioner, Harley Andrews petitions the Plan Commission to rezone said commercial development from zoning classifications C-3 and R-1 to C-6, Strip Business 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. 21-22 at a public meeting and hearing held Wednesday, October 5, 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. 21-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 21-22 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. 21-22 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) All future site plans must meet code and be approved by City Engineering.

Handwritten signature of Fred L. Wilson in cursive.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in cursive.

Jared Bayler, Executive Director

Received this 6th day of October, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #21-22

Doc: # 72

Date: October 2022

Page 1 of 4

APPLICATION INFORMATION

Owner: Harley D. Andrews

Representative: Richard J. Shagley II

Proposed Zoning: C-6, Strip Business District

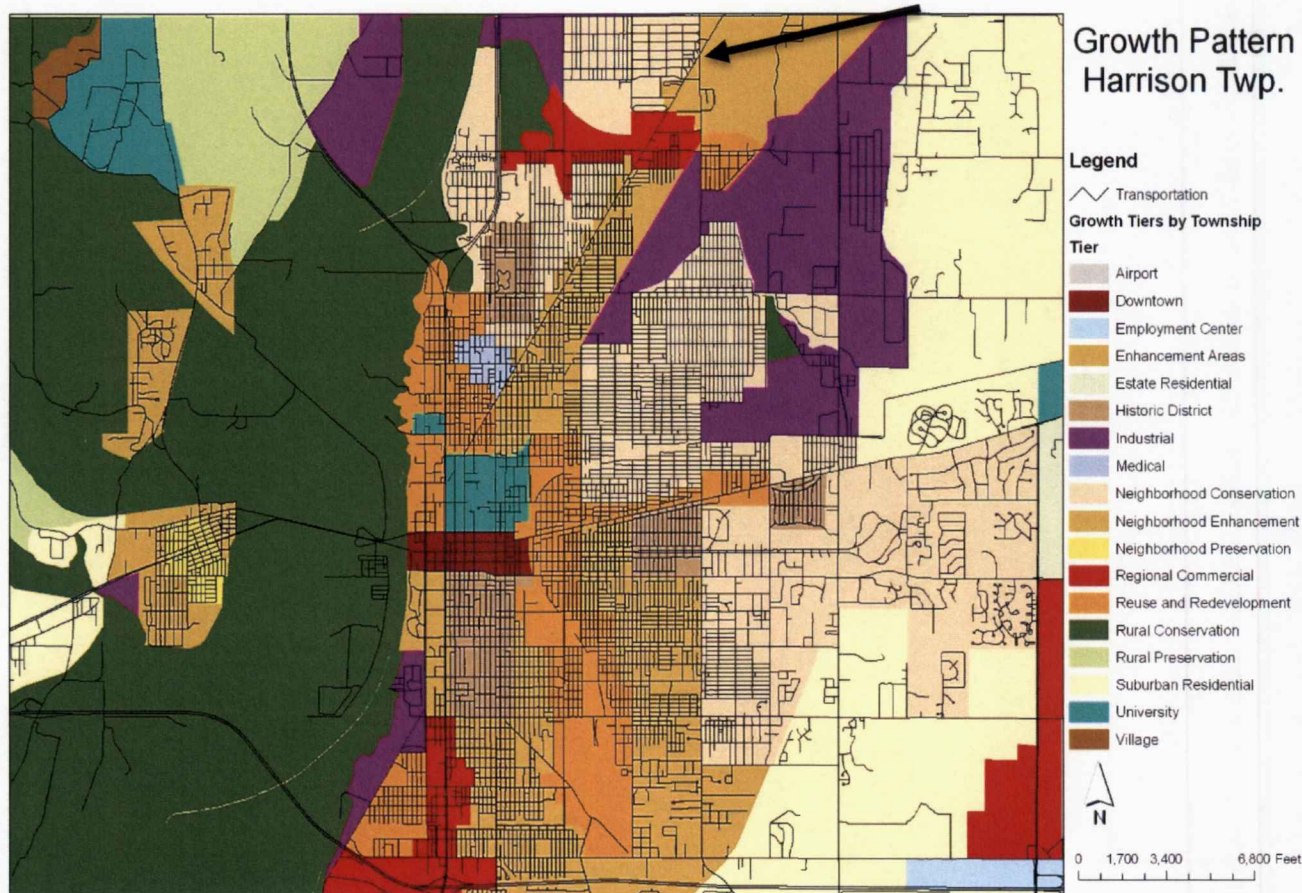
Current Zoning: C-3, Regional Commerce District & R-1, Single Family Residence

Proposed Use: Commercial Development

Common Address: 2301 – 2305 Lafayette Avenue, Terre Haute, IN - Parcel# 84-06-02-327-027.000-002, 84-06-02-327-002.000-002, 84-06-02-327-031.000-002.

COMPREHENSIVE PLAN GUIDANCE

Service Area: Harrison Township



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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #21-22

Doc: # 72

Date: October 2022

Page 3 of 4

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3, R-1

East – M-2

South – C-6, R-3

West – R---T

Character of Area: The petitioned property is located in a mix use of zoning categories.

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; 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); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

FINDINGS and RECOMMENDATION

Staff Findings:

In Enhancement areas one can find neighborhood commercial areas that 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

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 (Thrive 2025). At this location, Lafayette is considered a major street. Per City Code, C-6 Zoning is to be located along major streets or expressways.

This could be considered spec zoning since there is currently no proposed use or site plan and there are a number of possibilities for uses in a C-6 zoning. The C-6 Zoning also allows uses permitted in a C-1 Zone. If in the future the land owners have a potential commercial use for this location then a site plan must be approved prior to development.

A site plan for any new construction, including storm water drainage and parking, will need to be approved by City Engineering. Hard surfacing is required in the C-6 District.

Recommendation: Staff offers a Favorable Recommendation with the following conditions:

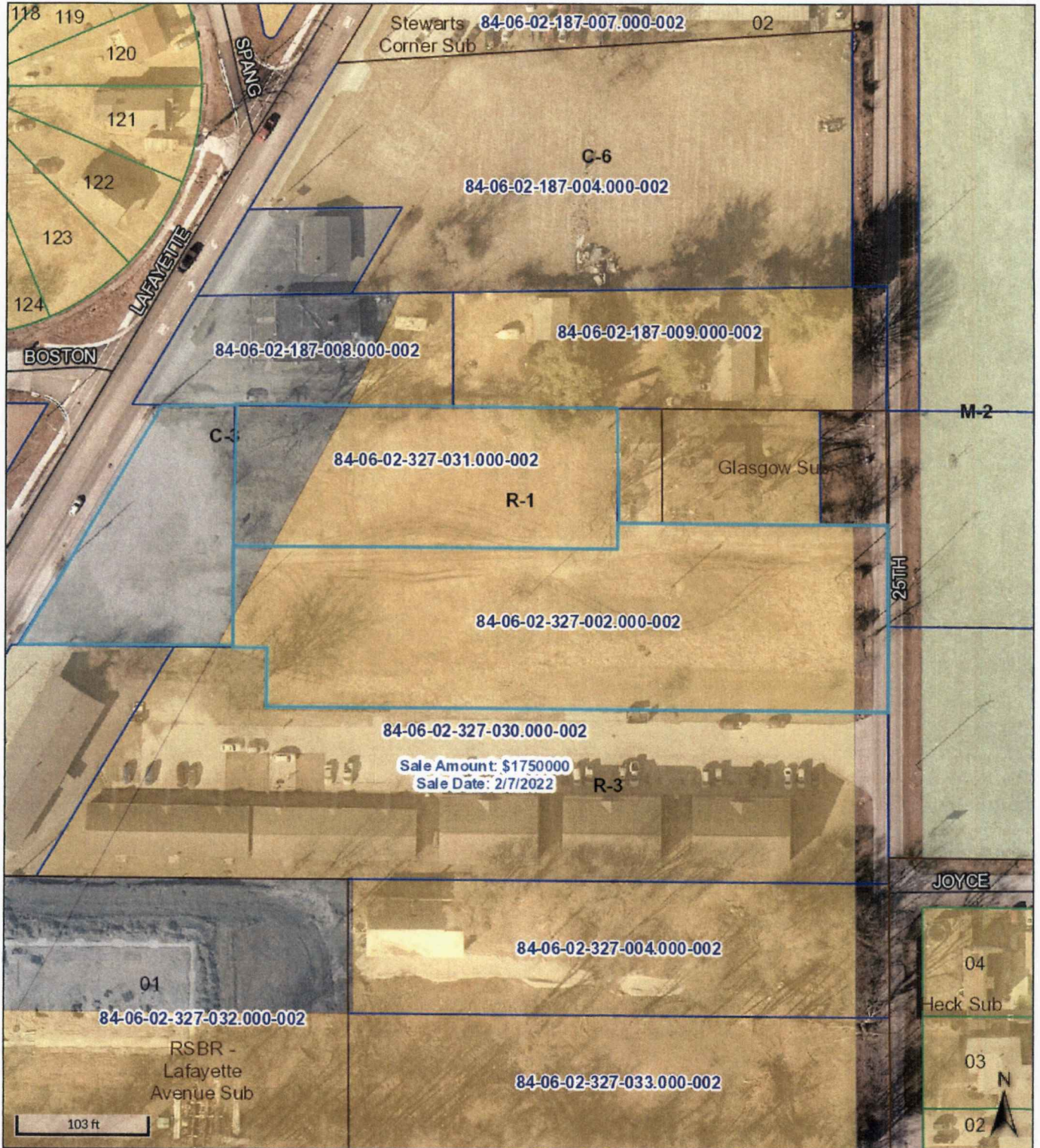
1. All future site plans must meet code and be approved by City Engineering.



Beacon™ Vigo County, IN / City of Terre Haute

Docket #72 S.O. #21-22

2301-2305 Lafayette Ave.





APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

Docket #72

SPECIAL ORDINANCE NO. 21, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

2301 - 2305 Lafayette Avenue, Terre Haute, IN 47804

Parcel Number: 84-06-02-327-027.000-002; 84-06-02-327-002.000-002; 84-0602-327-031.000-002

Current Zoning: 84-06-02-327-027.000-002: C-3; 84-06-02-327-002.000-002 and 84-0602-327-031.000-002: R-1

Requested Zoning: C-6 Strip Business District

Proposed Use: Commercial Development

Name of Owner: Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust

Address of Owner: 4444 S Whippoorwill Lake Drive, Clay City, IN 47841

Phone Number of Owner: 812-939-2222

Attorney Representing Owner (if any): Richard J. Shagley and Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-3388

For Information Contact: Richard J. Shagley II: 812-232-3388

Council Sponsor: Cheryl Loudermilk

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

FILED

SEP 08 2022

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 21, 2022

CITY CLERK

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

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

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

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

Commencing at the Center Quarter Corner of said Section, also being the Vigo County Surveyor Monument No. 06-0230 a stone with chiseled X in POT near the centerline of 25th /Street; thence South 00 degrees 23 minutes 39 seconds East (basis of bearing is the Indiana State Plane Coordinate System West Zone, Grid North) along the East line of said Quarter - Quarter Section a distance of 85.44 feet; thence North 89 degrees 10 minutes 49 seconds West a distance of 25.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter referred to as "Align pin" set being the **Point of Beginning** of this description; thence South 00 Degrees 23 minutes 39 seconds East parallel with the East line of said Quarter-Quarter a distance of 136.23 feet to the North line of land in the name of Highlands TH LLC as described per instrument number 2022001788, witnessed by an iron pipe found 5 feet West; thence North 89 degrees 29 minutes 40 seconds West along said North line a distance of 460.91 feet to an iron pipe found; thence North 00 degrees 38 minutes 51 seconds West a distance of 44.25 feet to an iron pipe found; thence North 89 degrees 44 minutes 21 seconds West along the North line of said Highlands TH LLC land a distance of 69.22 feet to an iron pipe found at the Northeast corner of land in the name of Gamma Property Holdings LLC, as described per instrument number 2021014683; thence continue North 89 degrees 44 minutes 21 seconds West along the North line of said Gamma land a distance of 102.43 feet to a PK Nail

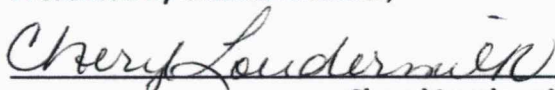
set on the Eastern right-of-way line of Lafayette Avenue as described per instrument number 2017012821; thence North 31 degrees 19 minutes 14 seconds East along said right-of-way line a distance of 206.89 feet to an Align pin set on the South line of land in the name of 834 Powder Coatings LLC as described per instrument number 2020003105, also being the North line of said Quarter - Quarter Section; thence South 89 degrees 31 minutes 40 seconds East along said line a distance of 202.04 feet to a rebar with cap stamped "V.Little" found at the Southwest corner of land in the name of Austin and Leah Reed as described per instrument number 2019008684; thence continue South 89 degrees 31 minutes 40 seconds East along the South line of said Reed land a distance of 142.87 feet to an Align pin set at the Northwest corner of land in the name of Angela and Daniel Fagg as described per instrument number 2018007325; thence South 00 degrees 23 minutes 39 seconds East along the West line of said Fagg land a distance of 84.20 feet to an Align pin set at the Southwest corner of said Fagg land; thence South 89 degrees 10 minutes 49 seconds East along the South line of said Fagg land a distance of 34.00 feet to an iron pipe found (being the Southwest corner of Lot 1 of Vera Glasgow Subdivision Plat Record 20 page 12); thence South 89 degrees 10 minutes 49 seconds East a distance of 120.00 feet to an iron pipe found at the Southeast corner of said Lot 1; thence South 89 degrees 10 minutes 49 seconds East a distance of 25.08 feet to the **Point of Beginning, containing 2.47 acres** more or less.

Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

Be and the same is hereby established as a C-6 Strip Business District, together with all rights and privileges that may inure 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, 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.

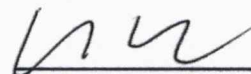
Michelle Edwards, City Clerk

Approved by me, the Mayor, 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 GENTLEMAN:

The undersigned, Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

Commencing at the Center Quarter Corner of said Section, also being the Vigo County Surveyor Monument No. 06-0230 a stone with chiseled X in POT near the centerline of 25th /Street; thence South 00 degrees 23 minutes 39 seconds East (basis of bearing is the Indiana State Plane Coordinate System West Zone, Grid North) along the East line of said Quarter - Quarter Section a distance of 85.44 feet; thence North 89 degrees 10 minutes 49 seconds West a distance of 25.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter referred to as "Align pin" set being the **Point of Beginning** of this description; thence South 00 Degrees 23 minutes 39 seconds East parallel with the East line of said Quarter-Quarter a distance of 136.23 feet to the North line of land in the name of Highlands TH LLC as described per instrument number 2022001788, witnessed by an iron pipe found 5 feet West; thence North 89 degrees 29 minutes 40 seconds West along said North line a distance of 460.91 feet to an iron pipe found; thence North 00 degrees 38 minutes 51 seconds West a distance of 44.25 feet to an iron pipe found; thence North 89 degrees 44 minutes 21 seconds West along the North line of said Highlands TH LLC land a distance of 69.22 feet to an iron pipe found at the Northeast corner of land in the name of Gamma Property Holdings LLC, as described per instrument number 2021014683; thence continue North 89 degrees 44 minutes 21 seconds West along the North line of said Gamma land a distance of 102.43 feet to a PK Nail set on the Eastern right-of-way line of Lafayette Avenue as described per instrument number 2017012821; thence North 31 degrees 19 minutes 14

seconds East along said right-of-way line a distance of 206.89 feet to an Align pin set on the South line of land in the name of 834 Powder Coatings LLC as described per instrument number 2020003105, also being the North line of said Quarter - Quarter Section; thence South 89 degrees 31 minutes 40 seconds East along said line a distance of 202.04 feet to a rebar with cap stamped "V.Little" found at the Southwest corner of land in the name of Austin and Leah Reed as described per instrument number 2019008684; thence continue South 89 degrees 31 minutes 40 seconds East along the South line of said Reed land a distance of 142.87 feet to an Align pin set at the Northwest corner of land in the name of Angela and Daniel Fagg as described per instrument number 2018007325; thence South 00 degrees 23 minutes 39 seconds East along the West line of said Fagg land a distance of 84.20 feet to an Align pin set at the Southwest corner of said Fagg land; thence South 89 degrees 10 minutes 49 seconds East along the South line of said Fagg land a distance of 34.00 feet to an iron pipe found (being the Southwest corner of Lot 1 of Vera Glasgow Subdivision Plat Record 20 page 12); thence South 89 degrees 10 minutes 49 seconds East a distance of 120.00 feet to an iron pipe found at the Southeast corner of said Lot 1; thence South 89 degrees 10 minutes 49 seconds East a distance of 25.08 feet to the **Point of Beginning, containing 2.47 acres** more or less.

Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

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 an R-1 Single Family Residential and C-3 Regional Commerce District.

Your Petitioner intends to use this real estate for commercial development. Your Petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Business District.

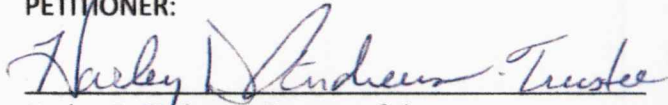
Your Petitioner would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-6 Strip Business 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 7th day of September, 2022.

PETITIONER:

A handwritten signature in cursive script that reads "Harley D. Andrews Trustee". The signature is written in dark ink and is positioned above a horizontal line.

Harley D. Andrews, Trustee of the
Harley D. Andrews Revocable Trust

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 21, 2022



2301 Lafayette Avenue, Terre Haute, IN 47804
Parcel Nos. 84-06-02-327-002.000-002
84-06-02-327-027.000-002

2305 Lafayette Avenue, Terre Haute, IN 47804
Parcel No. 84-06-02-327-031.000-002

Rezone from: R-1 Single Family Residential & C-3 Regional Commerce District
to
C-6 Strip Business District

Proposed Use: Commercial Development

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

COMES NOW affiant, **Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust**, being duly sworn upon his oath, deposes and says:

1. Harley D. Andrews, Trustee of the Harley D. Andrews Revocable 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:

Land in the name of The Harley D. Andrews Trust, (instruments No. 2016008325, No. 2008013114, No. 200008905, No. 200008904) being in the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, 2nd Principle Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on September 01, 2022 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on the Plat of Survey (Align CEC Project No. 22-193) as follows:

Commencing at the Center Quarter Corner of said Section, also being the Vigo County Surveyor Monument No. 06-0230 a stone with chiseled X in POT near the centerline of 25th /Street; thence South 00 degrees 23 minutes 39 seconds East (basis of bearing is the Indiana State Plane Coordinate System West Zone, Grid North) along the East line of said Quarter - Quarter Section a distance of 85.44 feet; thence North 89 degrees 10 minutes 49 seconds West a distance of 25.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter referred to as "Align pin" set being the **Point of Beginning** of this description; thence South 00 Degrees 23 minutes 39 seconds East parallel with the East line of said Quarter-Quarter a distance of 136.23 feet to the North line of land in the name of Highlands TH LLC as described per instrument number 2022001788, witnessed by an iron pipe found 5 feet West; thence North 89 degrees 29 minutes 40 seconds West along said North line a distance of 460.91 feet to an iron pipe found; thence North 00 degrees 38 minutes 51 seconds West a distance of 44.25 feet to an iron pipe found; thence North 89 degrees 44 minutes 21 seconds West along the North line of said Highlands TH LLC land a distance of 69.22 feet to an iron pipe found at the Northeast corner of land in the name of Gamma Property Holdings LLC, as described per instrument number 2021014683; thence continue North 89 degrees 44 minutes 21 seconds West along the North line of said Gamma land a distance of 102.43 feet to a PK Nail set on the Eastern right-of-way line of Lafayette Avenue as described per instrument number 2017012821; thence North 31 degrees 19 minutes 14 seconds East along said right-of-way line a distance of 206.89 feet to an Align pin set on the South line of land in the name of 834 Powder Coatings LLC as

described per instrument number 2020003105, also being the North line of said Quarter - Quarter Section; thence South 89 degrees 31 minutes 40 seconds East along said line a distance of 202.04 feet to a rebar with cap stamped "V.Little" found at the Southwest corner of land in the name of Austin and Leah Reed as described per instrument number 2019008684; thence continue South 89 degrees 31 minutes 40 seconds East along the South line of said Reed land a distance of 142.87 feet to an Align pin set at the Northwest corner of land in the name of Angela and Daniel Fagg as described per instrument number 2018007325; thence South 00 degrees 23 minutes 39 seconds East along the West line of said Fagg land a distance of 84.20 feet to an Align pin set at the Southwest corner of said Fagg land; thence South 89 degrees 10 minutes 49 seconds East along the South line of said Fagg land a distance of 34.00 feet to an iron pipe found (being the Southwest corner of Lot 1 of Vera Glasgow Subdivision Plat Record 20 page 12); thence South 89 degrees 10 minutes 49 seconds East a distance of 120.00 feet to an iron pipe found at the Southeast corner of said Lot 1; thence South 89 degrees 10 minutes 49 seconds East a distance of 25.08 feet to the **Point of Beginning, containing 2.47 acres** more or less.

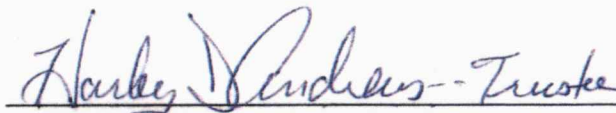
Commonly known as 2301 Lafayette Avenue, tax parcels 84-06-02-327-002.000-002 and 84-06-02-327-027.000-002 and 2305 Lafayette Avenue tax parcel 84-06-02-327-031.000-002.

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

3. That Affiant makes this Affidavit for the sole purpose of affirming that Harley D. Andrews, Trustee of the Harley D. Andrews Revocable 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 Harley D. Andrews, Trustee of the Harley D. Andrews Revocable Trust.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7th day of September, 2022.



**Harley D. Andrews, Trustee of the
Harley D. Andrews Revocable Trust**

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

AUG 16 2016

Jessie M. Spade
VIGO COUNTY AUDITOR

2016008325 WD \$22.00
08/16/2016 02:48:31P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

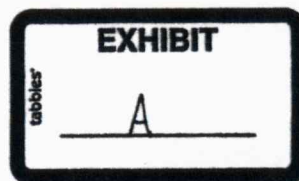
THIS INDENTURE WITNESSTH:

RICK LEE LACHER, a competent adult, of Vigo County, State of Indiana, CONVEYS and WARRANTS TO **HARLEY D. ANDREWS, TRUSTEE OF THE HARLEY D. ANDREWS REVOCABLE TRUST**, a competent adult of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) of the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Beginning in the center of the Lafayette Road on the half (1/2) Section line between the northwest quarter (1/4) and the southwest quarter (1/4) of Section Two (2), Township Twelve (12) North of Range Nine (9) West, thence East five hundred ninety six (596) feet thence south three hundred forty nine (349) feet, thence west to the center of the Lafayette Road and thence in a northeasterly direction along the center of said road to the place of beginning, containing four and thirty one-hundredths (4.30) acres more or less.

Also that part lying west of the above described tract formerly owned by the Terre Haute Electric Traction Company. Subject to an easement to the American Telephone and Telegraph Company of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 of the Recorder's Office of Vigo County, Indiana.

Except Commencing at the Southwest corner of the following described tract: Beginning at the center of the Lafayette Road (formerly U.S. Highway 41) on the half section line between the Northwest quarter of the Southwest quarter of Section 2, Township 12 North, Range 9 West, Vigo County, Indiana, thence East 96 feet, thence South 349 feet; thence West to the center of said road; thence Northeasterly along the center of the Lafayette Road to the place of beginning; thence Northeasterly, along and with the center of Lafayette Road 200 feet to the place of beginning; thence Northeasterly to the North line of the Southwest Quarter of Section 2, 206.92 feet, East on the North line of said Southwest Quarter 106 feet; South 177.2 feet to the point 233.93 feet East of beginning; West 223.93 feet.



Subject to a utility easement 10 feet wide off the North side. Also subject to an Easement of American Telephone and Telegraph Co. of Indiana dated July 21, 1927 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 in the Recorder's Office of Vigo County, Indiana.

Subject to a Contract for Sale of Business, dated November 12, 1998, executed by Harley D. Andrews and Thelma I Andrews, as "Seller," and I, Inc. an Indiana Corporation, as "Buyer."

Except Commencing at the center of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, South 349.00 feet record (350.50 feet actual), to the place of beginning. North 88 degrees 52 minutes 30 seconds West 659.05 feet to point 154.93 feet East of the centerline of U.S. 41 (now Lafayette Avenue); thence North 31 degrees 24 minutes 40 seconds East and parallel to Lafayette Avenue 200.00 feet; thence South 88 degrees 08 minutes 20 seconds East 69.00 feet; South 01 degrees 55 minutes 40 seconds West 44.23 feet; thence South 88 degrees 52 minutes 30 seconds East 485.28 feet to the quarter section line thence South to the point of beginning, containing 1.913 acres, more or less.

Subject to an Easement to American Telephone & Telegraph Co. of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22 in the Recorder's Office of Vigo County, Indiana.

Except Commencing at the Northeast Comer of the Southwest Quarter of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana; West 170 feet to the Place of Beginning; South 85 feet; West 34 feet, North 85 feet; East 34 feet to the Place of Beginning, Containing 0.066 acres, More or Less.

Except that part platted into Vera Glasgow Subdivision Lot #1 as shown by instrument dated November 20, 1975 and recorded December 3, 1975, in Plat Record 20, Page 12 in records of the Recorder's Office of Vigo County, Indiana.

Except Beginning at the southwest comer of the following described tract:
"Beginning at the center of the Lafayette Road (now U.S. Highway #41) on the

half Section Line between the Northwest Quarter (NW ¼) and the Southwest Quarter (SW ¼) of Section Two (2), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana; thence East five hundred ninety-six (596) feet, thence South three hundred forty-nine and (349) feet thence West to the center of said road; thence Northeasterly along the center of said road to the place of beginning."; thence Northeasterly along the center of the Lafayette Road (Now U.S. #41) two hundred (200) feet; thence East to a point one hundred twenty (120) feet East of the East line of said road; thence Southwesterly two hundred (200) feet; parallel with the center of said road to the South boundary line of the above described tract and to a point one hundred twenty (120) feet East of the East boundary line of said Lafayette Road; thence West to the place of beginning.

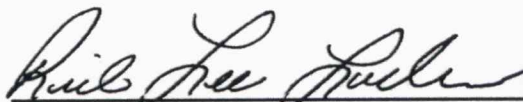
Subject to an easement to American Telephone and Telegraph Co., of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54, Page 22, in the Recorder's Office of Vigo County, Indiana.

Grantor, Rick Lee Lacher, warrants that there is no federal estate tax due as a result of the death of Helen Lacher on October 27, 2015.

Taxes pro-rated to date of deed.

Commonly known as 2301 Lafayette Avenue, Terre Haute, Indiana 47805

IN WITNESS WHEREOF, that said Grantor above named, Rick Lee Lacher, has hereunto set his hand and seal, 15th day of August, 2016.


Rick Lee Lacher

(Notary Page to Follow)

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 15th day of August, 2016, personally appeared the within named, Rick Lee Lacher in the above conveyance, and acknowledged the execution of the same to be his voluntary act and deed.

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

Kathleen G Cox

Notary Public
Printed: Kathleen G Cox
My Commission Expires: February 3, 2017
My County of Residence: Vigo



Mail to: Harley Andrews, 4444 S. Whippoorwill Lake Dr., Clay City, IN 47841

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]
Richard J. Shagley

This Instrument Prepared By: Richard J. Shagley, Wright Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2008013114 QD \$16.00
09/12/2008 02:24:57P 1 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

SEP 12 2008

QUITCLAIM DEED



VIGO COUNTY This Quitclaim Deed, executed on 5-27 2008, between Helen Lacher, Grantor of 2301 Lafayette Avenue, Terre Haute, In. 47805 and The Harley D. Andrews Trust, Grantee of 4444 S. Whippoorwill Lake, Clay City, In. 47841.

The Grantor, for and in consideration of the sum of \$5.000 and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledges, does hereby remise, release and quitclaim unto the Grantee forever, all the right, title and interest which the Grantor has in and to the following described real estate, located at 2301 Lafayette Avenue, Terre Haute, In. 47805.

To have and to hold the same together with all buildings, improvements and appurtenances thereto belonging (Land Only) approximately .75 Acre (285' X 104') North part of 1.934 Acres (2-12-9) Description: NE Corner, NE SW E of Lafayette Road with EXC Parcel, Key No. 84-06-02-327-002-000-002.

Signed, sealed and delivered in presence of:

James Dean Horn
Witness

Helen Lacher
Grantor: Helen Lacher

STATE OF IN.
COUNTY OF Clay

On May 27, 20 08, before me personally appeared Helen Lacher, who is personally known to me or who provided _____ as identification, and signed the above document in my presence.

James D. Horn
Notary Public
My Commission expires: 12-27-09



EXHIBIT
B

d by:

Harley D. Andrews

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.

HARLEY D ANDREWS
4444 S WHIPPOORWILL LAKE
CLAY CITY IN 47841

RAD Date 06/12/2000 Time 13:30:42
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200008905 D 445/4876

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 12 2000

EXEMPT FROM DISCLOSURE

WARRANTY DEED


VIGO COUNTY AUDITOR

THIS INDENTURE WITNESSETH:

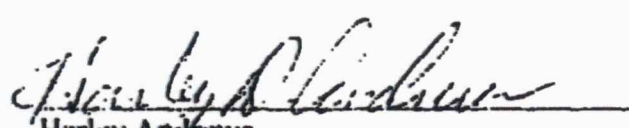
That Harley Andrews and Thelma Andrews, husband and wife, of Clay County, in the State of Indiana, CONVEY AND WARRANT to Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust, dated November 12, 1998, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Commencing at the center of Section 2, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, South 349.00 feet record (350.50 feet actual), to the place of beginning. North 88 degrees 52 minutes 30 seconds West 659.05 feet to point 154.93 feet East of the centerline of U.S. 41 (now Lafayette Avenue); thence North 31 degrees 24 minutes 40 seconds East and parallel to Lafayette Avenue 200.00 feet; thence South 88 degrees 08 minutes 20 seconds East 69.00 feet; South 01 degrees 55 minutes 40 seconds West 44.23 feet; thence South 88 degrees 52 minutes 30 seconds East 485.28 feet to the quarter section line thence South to the point of beginning, containing 1.913 acres, more or less.

Subject to an Easement to American Telephone & Telegraph Co. of Indiana dated July 21, 1925 and recorded October 22, 1927 in Miscellaneous Record 54 page 22 in the Recorder's Office of Vigo County, Indiana.

Taxes prorated to date of deed.

IN WITNESS WHEREOF, the said Grantors above named, Harley Andrews and Thelma Andrews, husband and wife, have hereunto set their hands and seals, this 12th day of June, 2000.


Harley Andrews

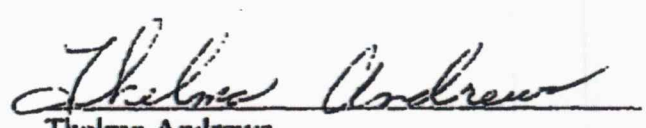

Thelma Andrews

EXHIBIT
tabbles
C

~~7077~~

1077

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 12th day of June, 2000, personally appeared the within named Harley Andrews and Thelma Andrews, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

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

Wanda J. Humber
Wanda J. Humber, Notary Public

My Commission Expires:

My County of Residence:

8-28-2007

Vigo

Mail to: Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust,
 4444 South Whippoorwill Lake Drive, Clay City, IN 47841

This instrument prepared by Richard J. Shagley, Wright, Shagley & Lowery, 500 Ohio Street,
P.O. Box 8448, Terre Haute, IN 47808-8448.

DEED WITH WARRANTY
Subject to a contract for transfer

RAD Date 06/12/2000 Time 13:30:42
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200008904 D 445/4074

JUN 17 2000

WARRANTY DEED

[Signature]
VIGO COUNTY RECORDER

THIS INDENTURE WITNESSETH:

That **Harley Andrews and Thelma Andrews, husband and wife**, of Clay County, in the State of Indiana, **CONVEY AND WARRANT** to **Harley D. Andrews, Trustee of The Harley D. Andrews Revocable Trust, dated November 12, 1998**, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Commencing at the Southwest corner of the following described tract: Beginning at the center of the Lafayette Road (formerly U.S. Highway 41) on the half section line between the Northwest quarter of the Southwest quarter of Section 2, Township 12 North, Range 9 West, Vigo County, Indiana, thence East 96 feet, thence South 349 feet, thence West to the center of said road, thence Northeasterly along the center of the Lafayette Road to the place of beginning; thence Northeasterly, along and with the center of Lafayette Road 200 feet to the place of beginning; thence Northeasterly to the North line of the Southwest quarter of Section 2, 206.92 feet, East on the North line of said Southwest quarter 106 feet; South 177.2 feet to the point 233.93 feet East of beginning; West 223.93 feet.

Subject to a utility easement 10 feet wide off the North side. Also subject to an Easement of American Telephone and Telegraph Co. of Indiana dated July 21, 1927 and recorded October 22, 1927 in Miscellaneous Record 54 Page 22 in the Recorder's Office of Vigo County, Indiana.

Subject to a Contract for Sale of Business, dated November 12, 1998, executed by Harley D. Andrews and Thelma I. Andrews, as "Seller," and T. Inc., an Indiana Corporation, as "Buyer."

Taxes prorated to date of deed.



