

SPECIAL ORDINANCE NO. 17, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

3010 South 7th Street, Terre Haute, IN 47802
Parcel No. 84-06-10-180-003.000-002

Current Zoning: C-2 Limited Community Commerce

Rezone To: C-3 Regional Commerce

Proposed Use: Car Sales

Name of Owner: Carl E. Ross
Address of Owner: 10200 Israel Rd.
Terre Haute, Indiana 47802

Phone Number of Owner c/o (812) 234-5463

Attorney Representing Owner: Darrell E. Felling II

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

For Information Contact: Owner Attorney

Council Sponsor: Kandace Hinton

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

MAY 30 2024

SPECIAL ORDINANCE NO. 17, 2024

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:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R,R, containing 54.14 acres. Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows:
Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

be and the same is, hereby established as C-3 Regional Commerce 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 by law provided.

Introduced by Council Member,

Kandace Hinton, Councilperson

Passed in open Council this ____ day of _____, 2024.

Tammy Boland, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2024,
at ____:____.m.

Michelle Edwards, City Clerk

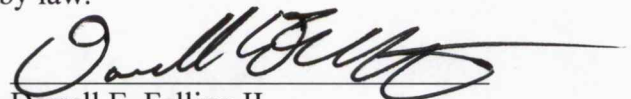
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

Brandon Sakbun, 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.



Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Carl Ross, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

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ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9

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Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R., containing 54.14 acres.

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PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2 Limited Community Commerce District.

Your Petitioner would respectfully state that the real estate is now being used as a car sales lot. Your Petitioner intends to use the real estate as a car sales lot.

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 Regional Commerce zoning classification would not alter the general characteristics of this neighborhood.

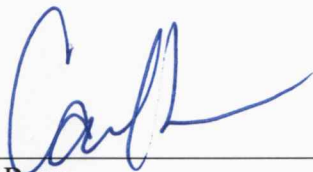
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps 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 is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 30th day of May 2024.

Signature Page to Follow

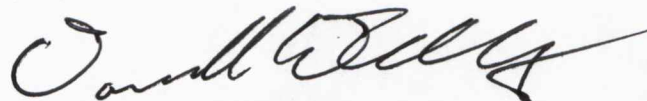
PETITIONER:



Carl Ross

Lind & Felling
400 Ohio Street
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: _____



Darrell E. Felling II #30608-84
Attorney for Petitioner

The owner and mailing address:

Carl Ross
10200 Israel Rd.
Terre Haute, IN 47802

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Carl Ross being duly sworn upon his oath, deposes and says:

1. That Carl Ross is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West ¼ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West ¼ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

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PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Carl Ross 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 Carl Ross 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 Carl Ross.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 9th day of June, 2024.

[Signature]
Carl Ross

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Carl Ross appeared in person and executed said document, this 30th day of May 2024.

[Signature] ^{4th} June
Melody R. Scales, Notary Public

My Commission expires:
08/15/2029

My County of Residence:
Vigo



This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.