

SPECIAL ORDINANCE NO. 37, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:  
1250 Locust Street, Terre Haute, IN 47807  
A Portion of Parcel # 84-06-15-382-002.000-002

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Rezoned From: R-2 Two Family Residence District

Rezoned To: R-3 General Residence District

Proposed Use: Duplexes

Name of Owners: ANA Property Group, LLC

Address of Owners: 5268 Tylan Lane  
Terre Haute, IN 47802

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

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact:  Owner  Attorney

Council Sponsor: James Chalos

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

OCT 02 2024

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 37, 2024**

**CITY CLERK**

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

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

A portion of the land in the name of ANA Property Group, LLC. (Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

Beginning at an iron pipe monumenting the Southeast corner of Tract 4 of Spatz Subdivision (Instrument No. 2007017531); thence North 00 degrees 00 minutes 56 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the West line of said subdivision a distance of 930.89 feet to an iron pipe on the South right of way of 3rd Avenue, also being the Northeast corner of Tract 1 of said subdivision; thence North 89 degrees 44 minutes 18 seconds East along said right of way a distance of 421.74 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set; at the intersection of said right of way with the West right of way of 13th Street; thence South 00 degrees 00 minutes 01 minute East along said West right of way a distance of 456.01 feet to an Align pin set; thence South 89 degrees 44 minutes 18 seconds West a distance of 167.65 feet to an Align pin set; thence South 00 degrees 00 minutes 56 seconds East, parallel with the East line of Spatz Subdivision, a distance of 474.90 feet to an Align pin set on the North right of way of Locust Street; thence South 89 degrees 44 minutes 30 seconds West along said South right of way a distance of 254.00 feet to the Point of Beginning containing 7.18 acres, more or less.

A Portion of Parcel No.: 84-06-15-382-002.000-002  
Commonly Known as 1250 Locust Street, Terre Haute, IN 47807

Be and the same is hereby established as an R-3 General Residence 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, \_\_\_\_\_  
James Chalos, 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.

\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Richard J. Shagley II

This instrument was 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, Adam Meyer, Member of ANA Property Group, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of ANA Property Group, LLC. (Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

Beginning at an iron pipe monumenting the Southeast corner of Tract 4 of Spatz Subdivision (Instrument No. 2007017531); thence North 00 degrees 00 minutes 56 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the West line of said subdivision a distance of 930.89 feet to an iron pipe on the South right of way of 3rd Avenue, also being the Northeast corner of Tract 1 of said subdivision; thence North 89 degrees 44 minutes 18 seconds East along said right of way a distance of 421.74 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set; at the intersection of said right of way with the West right of way of 13th Street; thence South 00 degrees 00 minutes 01 minute East along said West right of way a distance of 456.01 feet to an Align pin set; thence South 89 degrees 44 minutes 18 seconds West a distance of 167.65 feet to an Align pin set; thence South 00 degrees 00 minutes 56 seconds East, parallel with the East line of Spatz Subdivision, a distance of 474.90 feet to an Align pin set on the North right of way of Locust Street; thence South 89 degrees 44 minutes 30 seconds West along said South right of way a distance of 254.00 feet to the Point of Beginning containing 7.18 acres, more or less.

A Portion of Parcel No.: 84-06-15-382-002.000-002

Commonly Known as 1250 Locust Street, Terre Haute, IN 47807

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2 Two Family Residence District.

Your Petitioner intends to develop the property to construct Fifty (50) duplexes containing one-hundred (100) units, a mix of both three bedroom/three bath and two bedroom/two bath units for rent to student athletes of Indiana State University and the general public. Phase One of this project will construct ten (10) buildings or twenty (20) units. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District.

Your Petitioner would allege that the General Residence District would not alter the general characteristics of this neighborhood since the neighborhood is primarily residential in nature.

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

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-3 General Residence District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this petition has been duly executed this \_\_\_ day of October, 2024.

**PETITIONER:**

By: 

Adam Meyer, Member of ANA Property Group, LLC

This instrument was 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.



STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF VIGO     )

**AFFIDAVIT**

Comes now, Adam Meyer, Member of ANA Property Group, LLC, being duly sworn upon his oath, deposes and says:

1. That the ANA Property Group, LLC 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:

A portion of the land in the name of ANA Property Group, LLC. (Instrument No. 2024010182 - as found in the records of the Vigo County Recorder's Office) being a part of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on October 01, 2024 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Subdivision (Align CEC Project No. 24-132) as follows:

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Parcel No.: 84-06-15-382-002.000-002  
Commonly Known as 1250 Locust Street, Terre Haute, IN 47807

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

3. That Affiant makes this Affidavit for the sole purpose of affirming that ANA Property Group, LLC 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 Adam Meyer, Member of ANA Property Group, LLC.

5. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ANA Property Group, LLC**

By: \_\_\_\_\_  
Adam Meyer, Member of ANA Property  
Group, LLC

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF VIGO    )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My Commission Expires: \_\_\_\_\_


My County of Residence: \_\_\_\_\_

This instrument was 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.



ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

SEP 23, 2024 MM

  
VIGO COUNTY AUDITOR

2024010182 DEED \$25.00  
9/23/2024 9:32:37 AM 3 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented



**CORPORATE WARRANTY DEED**

***THIS INDENTURE WITNESSETH***, That **Terre Haute Boys & Girls Club, Inc.**, "Grantor," a corporation organized and existing under the laws of the State of Indiana, **CONVEYS AND WARRANTS** to **ANA Property Group, LLC**, an Indiana limited liability company, "Grantee," for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

10 acres, more or less, off the East end of a 15-acre tract, in the City of Terre Haute, taken from the East end of 60 acres off of the South side of the Southwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all conveyances or reservations of mineral rights, covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper corporate resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed/delivered this 19~~th~~ day of September, 2024.

/s/ Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law  
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to: ANA Property Group, LLC  
2230 W Hudson Drive  
Terre Haute, IN 47802

Property address: 1250 Locust Street  
Terre Haute, IN 47807

Parcel number: 84-06-15-382-002.000-002

Terre Haute Boys & Girls Club, Inc.

*David P. Friedrich*  
By: David P. Friedrich, President

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF VIGO     )

Before me, a Notary Public in and for said County and State, personally appeared David P. Friedrich, the President of Terre Haute Boys & Girls Club, Inc., who acknowledged the execution of the above and foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 19<sup>th</sup> day of September, 2024.



*Anita F. Hughes*  
Notary Public  
*Anita F. Hughes*  
Printed Name

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.

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF VIGO    )

**AFFIDAVIT**

Comes now, Adam Meyer, Member of ANA Property Group, LLC, being duly sworn upon his oath, deposes and says:

1. That the ANA Property Group, LLC is the owner of record, of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

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

