

**SPECIAL ORDINANCE NO. 35, 2024**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lots to be rezoned:

231 Blakely Avenue, Terre Haute, IN 47803  
Parcel No. 84-06-24-202-002.000-002

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Current Zoning: C-3SU Regional Commerce District/Special Use

Rezone To: R-3 General Residence District

Proposed Use: Fraternity House

Name of Owner: Theta Xi Kappa Chapter Alumni Association Corporation  
Address of Owner: PO Box 5  
Riley, IN 47871

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: \_\_\_\_\_

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

FILED

SEP 04 2024

**SPECIAL ORDINANCE NO. 35, 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 ORDAINED 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:

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

Except the West 3.0 feet of Lots 45, 46 and 47 and the following described part of Lot 44, all in Blakely, a subdivision in the Northeast Quarter of Section 24, Township 12 North, Range 9 West, as recorded in Plat Book 7, Page 25 in the Office of the Recorder of Vigo County, Indiana, beginning at the Northwest corner of said Lot 44; thence Easterly 20.00 feet along the North line of said Lot 44; thence South 47 degrees 37 minutes 59 seconds West 22.98 feet; thence Southerly 32.20 feet parallel with the West line of said Lot 44 to the South line of said Lot 44; thence Westerly 3.00 feet along the South line of said Lot 44 to the Southwest corner of said Lot 44; thence Northerly 48.00 feet along the West line of said Lot 44 to the point of beginning and containing 278 square feet, and containing in all 710 square feet, more or less.

All located in Harrison Township, Vigo County, State of Indiana.

PARCEL# 84-06-24-202-002.000-002

Commonly known as: 231 Blakely Avenue, Terre Haute, Indiana

be and the same is, hereby established as R-3 General Residence 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, \_\_\_\_\_  
Cheryl Loudermilk, 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, Theta Xi Kappa Chapter Alumni Association Corporation, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

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All located in Harrison Township, Vigo County, State of Indiana.

PARCEL# 84-06-24-202-002.000-002

Commonly known as: 231 Blakely Avenue, Terre Haute, Indiana

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-3SU Regional Commerce District/Special Use.

Your Petitioner would respectfully state that the real estate is now unoccupied. Your Petitioner intends to use the real estate as a fraternity house.

Your Petitioner would request that the real estate described herein shall be zoned as a R-3 General Residential District. Your Petitioner would allege that the R-3 General Residential District zoning classification would not alter the general characteristics of this neighborhood.

Your Petitioner would respectfully show the proposed change would not be detrimental

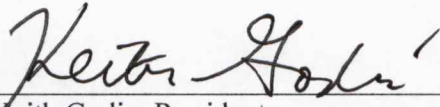
to the public welfare or injurious to the property or improvements in the neighborhood.

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 R-3 General Residential 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 \_\_\_\_ day of \_\_\_\_\_, 2024.

*\*Signature Page to Follow\**

**PETITIONER:**



Keith Godin, President  
Theta Xi Kappa Chapter  
Alumni Association Corporation

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:      Theta Xi Kappa Chapter  
Alumni Association Corporation  
PO Box 5  
Riley, IN 47871



STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, Keith Godin, for and on behalf of Theta Xi Kappa Chapter Alumni Association Corporation, being duly sworn upon his oath, deposes and says:

1. That Theta Xi Kappa Chapter Alumni Association Corporation 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:

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

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2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Theta Xi Kappa Chapter Alumni Association Corporation 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 Theta Xi Kappa Chapter Alumni Association Corporation 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 Craig Smiley, for and on behalf of Theta Xi Kappa Chapter Alumni Association Corporation.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 3 day of September, 2024.

Keith Godin  
Keith Godin, Theta Xi Kappa Chapter  
Alumni Association Corporation

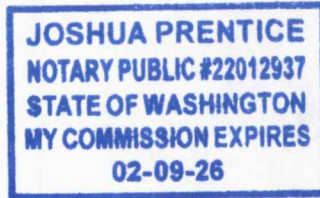
STATE OF ~~INDIANA~~ )  
Washington ) SS:  
COUNTY OF ~~WIOO~~ King )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Keith Godin appeared in person and executed said document, this 3rd day of September, 2024.

Joshua Prentice  
Joshua Prentice, Notary Public

My Commission expires:  
9th February 2026

My County of Residence:  
King





LOCUST

C-3

84-06-24-201-007.000-002

BLAKELY

84-06-24-202-002.000-002  
C-3SU

84-06-24-20

ALLEY

R-3

84-06-24-201-008.000-002

84-06-24-201-009.000-002

84-06-24-20







ALLEY

PROPERTY LINE

NEW PARKING

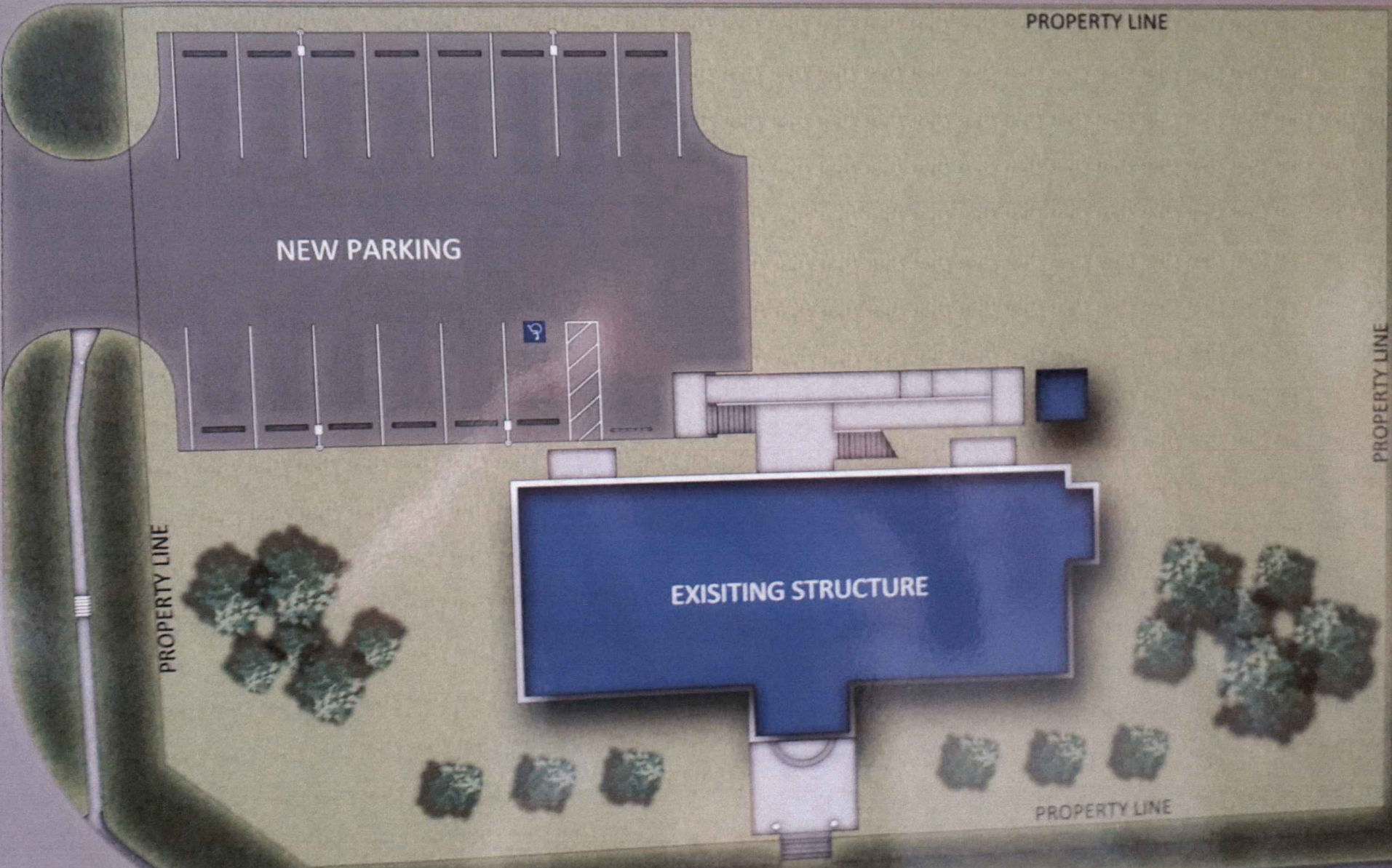
PROPERTY LINE

PROPERTY LINE

EXISTING STRUCTURE

PROPERTY LINE

BLAKELY AVENUE





# Receipt of Payment

TERRE HAUTE, IN  
**PAID**  
SEP 04 2024  
CONTROLLER

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

Date 9/4/24

Name Theta Xi Kappa

Reason Rezoning Notice of Filing 25.00

Petition 20.00

45.00  
Lind Law Firm

Cash \_\_\_\_\_

Check 45.00 Ck # 6709

Credit \_\_\_\_\_

Total 45.00

Received By A. Thomas Lopez