

**SPECIAL ORDINANCE NO. 36, 2024**

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

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Common Addresses of lots to be rezoned:

145 Voorhees Street, Terre Haute, Indiana 47802  
Parcel No. 84-06-33-401-001.000-002  
Parcel No. 84-06-33-401-002.000-002  
Parcel No. 84-06-33-401-007.000-002  
Parcel No. 84-06-33-401-008.000-002

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Rezoned From: R-3 General Residence District

Rezoned To: C-4 Restricted Central Business District

Proposed Use: Hotel, retail and storage

Name of Owners: Russ Enterprises LLC

Address of Owners: 1229 Vorhees Street, 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 47807

For Information Contact:  Owner  Attorney

Council Sponsor: Kandace Hinton

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**FILED**

SEP 04 2024

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 36, 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:

**TRACT I**

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

**TRACT II**

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

**ALSO**

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to the South line of Voorhees Street; thence West 16 feet to the place of beginning.

TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

ALSO

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-002.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

Be and the same is hereby established as a C-4 Restricted Central 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,   
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.

\_\_\_\_\_  
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 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, Russ Enterprises, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

ALSO

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to

the South line of Voorhees Street; thence West 16 feet to the place of beginning.

**TRACT III**

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

**ALSO**

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-402-002.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

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 R-3 General Residence District.

Your Petitioner intends to take the existing school building and remodel it for use as a hotel along with new retail space and/or storage units. Your Petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District.

Your Petitioner would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and this would be a good use for the vacant land while saving the old school that has been on the property for many decades.

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 C-4 Restricted Central 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 owner 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 30 day of September, 2024.

**PETITIONER:**

  
\_\_\_\_\_  
**Russell Ferrell, Member of Russ  
Enterprises LLC**

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.

STATE OF INDIANA            ) SS:  
COUNTY OF VIGO            )

**AFFIDAVIT**

Comes now, Russell Ferrell, member of Russ Enterprises, LLC, being duly sworn upon his oath, depose and say:

1. That Russ Enterprises, 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:

**TRACT I**

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

**TRACT II**

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**ALSO**

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TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

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Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

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Parcel No. 84-06-33-401-002.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

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 Russ Enterprises, 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 Russell Ferrell, member of Russ Enterprises, LLC.

4. Further, Affiant saith not.


Dated at Terre Haute, Indiana this 4<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Russell Ferrell, Member of Russ Enterprises 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 4<sup>th</sup> day of September, 2024.



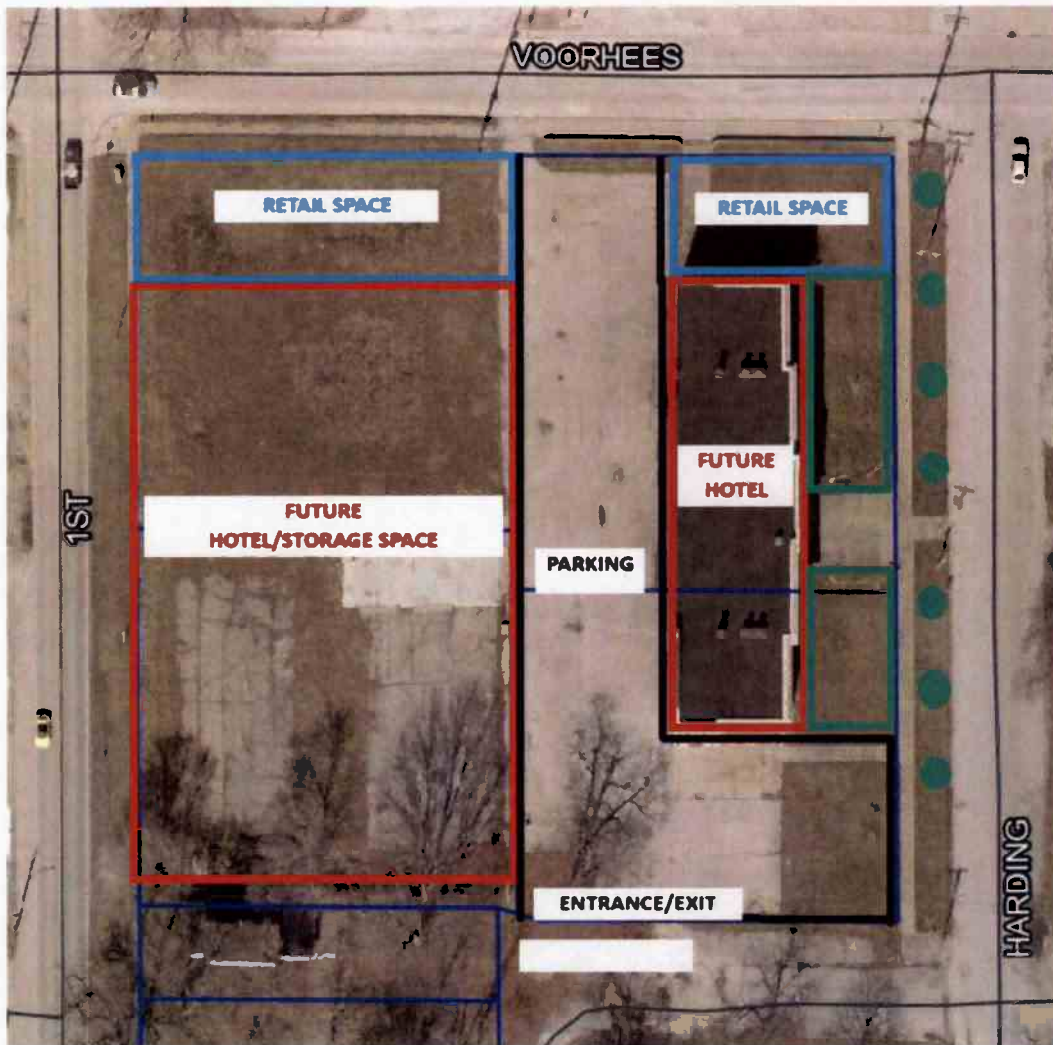
  
\_\_\_\_\_  
Emily G. Schwab, Notary Public

My Commission expires: 11.13.2030

My County of Residence: Pulnam

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.

**SITE PLAN**  
**SPECIAL ORDINANCE NO. 36, 2024**



145 Voorhees Street, Terre Haute, Indiana 47802  
Parcel No. 84-06-33-401-001.000-002  
Parcel No. 84-06-33-401-001.000-002  
Parcel No. 84-06-33-401-007.000-002  
Parcel No. 84-06-33-401-008.000-002

R-3 General Residence District  
to  
C-4 Restricted Central Business District

Proposed Use: Hotel, Retail, and Storage

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2021015696 CORP WD \$25.00  
11/24/2021 11:50:58A 3 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented

NOV 24 2021



*James W Bramble*  
VIGO COUNTY AUDITOR

## CORPORATE WARRANTY DEED

This indenture witnesseth that SALVAGED LIVES MINISTRY INC. a corporation organized and existing under the laws of the State of INDIANA

Convey(s) and Warrant(s) to RUSS ENTERPRISES, LLC of VIGO County in the State of INDIANA

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in VIGO County in the State of Indiana, to-wit:

### TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

### TRACT II

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### TRACT III

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Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as shown on the Plat of George R. Preston's Subdivision of Krumbhaar's Subdivision.

Parcel No. 84-06-33-401-001.000-002, 84-06-33-401-002.000-002, 84-06-33-401-007.000-002 and 84-06-33-401-008.000-002

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.

Dated this 23rd day of NOVEMBER, 2021.

SALVAGED LIVES MINISTRY INC.  
Aharon J Batson  
BY: AHARON J BATSON, MEMBER



State of INDIANA, County of VIGO ) SS:

Before me, a Notary Public in and for said county and state, this 23rd day of NOVEMBER, 2021, personally appeared AHARON J BATSON, the MEMBER respectively, of SALVAGED LIVES MINISTRY INC., who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

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

My Commission Expires: 7-19-2024  
My County of Residence: Clay

Notary Public Heather J Sorlie  
Printed: HEATHER J Sorlie

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 320 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

D-4202; HCT-2021-0728

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee at Grantee's address of:  
1299 Voorhees St. Terre Haute, IN 47802



# 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 Russ Enterprises LLC  
Reason Rezoning Petition to file 20.00  
Notice of file 25.00  
\$45.00

Cash \_\_\_\_\_

Check 45.00 Ck # 74550

Credit \_\_\_\_\_

Total \$45.00

Received By J. Thomas / gm