



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 33

COMMON ADDRESS OF LOTS TO BE REZONED: **1503 Ohio Street, Terre Haute, IN 47807**
218 South 15th Street Terre Haute, IN 47807

Parcel Number: **84-06-22-480-001.000-002 and 84-06-22-480-007.000-002**

Current Zoning: **R3 General Residence District**

Requested Zoning: **C2 Community Commerce District**

Proposed Use: **Continued use as professional offices (optometry, dental, and consulting) for the past 32 years, and use of 218 south 15th as parking lot for staff of business at 1503 Ohio Street**

Name of Owner: **James Foulkes and Elizabeth Foulkes**

Address of Owner: **205 Briarwood, Terre Haute, IN 47803**

Phone Number of Owner: **812-240-3175**

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: _____

Council Sponsor: **Anthony Dinkel**

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

FILED

AUG 07 2024

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 33, 2024

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:

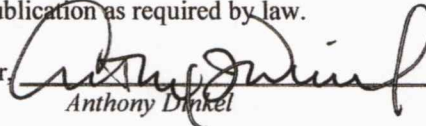
**Lot Number 216 in Second Subdivision of Gilbert Place, Terre Haute, Vigo County, Indiana,
Also, Lot Number 207 in the Replat of a part of Gilbert Place, a replat of Lots No. 1 to 12
inclusive and 21 to 24 inclusive in Gilberts 4th Subdivision and Lots 204 to 210 inclusive to
Gilberts 2nd Subdivision to the City of Terre Haute, in Section 22, Township 12 North of
Range 9 West of the 2d Principal Meridian.**

Commonly known as: **1503 Ohio Street, Terre Haute, IN 47807 and 218 South 15th Street,
Terre Haute, IN 47807**

Be and the same is hereby established as a **C2 Community Commerce 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:


Anthony Dinkel

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, 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.



James Foulkes

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, : **James Foulkes and Elizabeth Foulkes**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 216 in Second Subdivision of Gilbert Place, Terre Haute, Vigo County, Indiana, Also, Lot Number 207 in the Replat of a part of Gilbert Place, a replat of Lots No. 1 to 12 inclusive and 21 to 24 inclusive in Gilberts 4th Subdivision and Lots 204 to 210 inclusive to Gilberts 2nd Subdivision to the City of Terre Haute, in Section 22, Township 12 North of Range 9 West of the 2d Principal Meridian.

Commonly known as: **1503 Ohio Street, Terre Haute, IN 47807 and 218 South 15th 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 **R3 General Residence District**

Your petitioner would respectfully state that the real estate is now **in use as professional offices (optometry, dental, and consulting) for the past 32 years.** Your petitioner intends to use the real estate to **for Continued use as professional offices (optometry, dental, and consulting).**

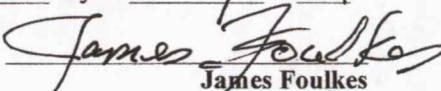
Your petitioner would request that the real estate described herein shall be zoned as a **C2 Community Commerce District.** Your petitioner would allege that the **C2 Community Commerce District.** would not alter the general characteristics of this neighborhood.

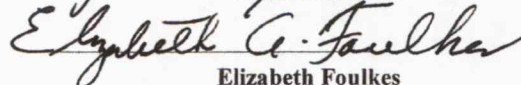
Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area 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 **C2 Community Commerce 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 6th day of July 2024.

BY:


James Foulkes


Elizabeth Foulkes

PETITIONER: **James Foulkes and Elizabeth Foulkes.**

This instrument was prepared by: **James Foulkes 205 Briarwood, Terre Haute, IN 47803**

AFFIDAVIT OF:

COMES NOW affiant James H Foulkes and Elizabeth A Foulkes

and affirms under penalty of law that affiant is the owner of record of the property located

at 1503 Ohio Street terre Haute, IN (Parcel 84-06-22-480-001.000-002)

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

James H Foulkes and Elizabeth A Foulkes
[Typed name of owner(s) on deed]

SIGNATURE: James H Foulkes

SIGNATURE: Elizabeth A. Foulkes

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, James Foulkes & Elizabeth Foulkes

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

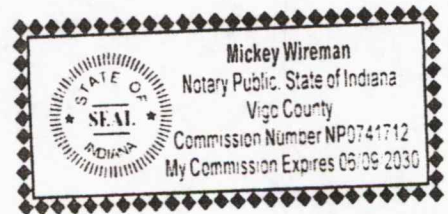
WITNESS my hand and notarial seal, this 3rd day of August, 2002024

Notary Public:

Mickey Wireman
[Typed name]

My Commission Expires: 10-9-2030

My County Of Residence: Vigo



AFFIDAVIT OF:

COMES NOW affiant James H Foulkes and Elizabeth A Foulkes

and affirms under penalty of law that affiant is the owner of record of the property located

at 218 South 15th Street terre Haute, IN (Parcel 84-06-22-480-007.000-002)

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

James H Foulkes and Elizabeth A Foulkes
[Typed name of owner(s) on deed]

SIGNATURE: James H Foulkes

SIGNATURE: Elizabeth A. Foulkes

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo County, Indiana, James H. Foulkes & Elizabeth Foulkes

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

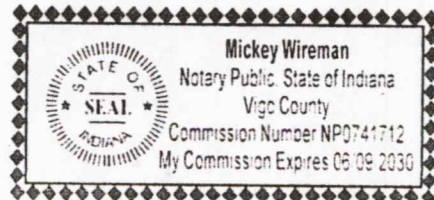
WITNESS my hand and notarial seal, this 3rd day of August, 2002024

Notary Public:

Mickey Wireman
[Typed name]

My Commission Expires: 6-9-2030

My County Of Residence: Vigo



FOR TAXATION

96 03217

11341915

Duly entered for taxation this day of MAR 11 1996 19

Warranty Deed

Received for record this _____ day of _____ 19____ at _____ o'clock _____ M. and recorded in Book No. _____ Page _____

Auditors fee \$ _____
Judith Anderson

000857

AUDITOR VIGO COUNTY
Auditor _____ County

THIS INDENTURE WITNESSETH:

Recorder _____ County

That NOAMAN N. BOTROS and CAROL J. BOTROS, husband and wife

_____ of Vigo County, in the State of Indiana

CONVEY AND WARRANT to JAMES H. FOULKES and ELIZABETH A. FOULKES, husband and wife

_____ of Vigo County, in the State of Indiana

for and in consideration of the sum of One Dollar and other valuable consideration -Dollars, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Lot Number 216 in the Second Subdivision of Gilbert Place, Terre Haute, Vigo County, Indiana.

Also

Lot Number Two hundred Seven (207) in the Replat of a part of Gilbert Place, a replat of Lots No. 1 to 12 inclusive and 21 to 24 inclusive in Gilberts 4th Subdivision and Lots 204 to 210 inclusive in Gilberts 2nd Subdivision to the City of Terre Haute, in Section 22, Township 12 North of Range 9 West of the 2d Principal Meridian.

Subject to taxes prorated to date.

Grantors warrant that grantor Noaman N. Botros is the identical person as the Noaman M. Botros named as one of the grantees in a certain deed dated August 26, 1992, and recorded August 28, 1992, in Deed Record 433, Page 752. of the records of the Recorder's Office of Vigo County, Indiana.

RECEIVED FOR RECORD
AT 5:5 O'CLOCK A M
RECORD 441 PAGE 852

MAR 11 1996

Nancy Lambert
RECORDER VIGO COUNTY

IN WITNESS WHEREOF, The said grantor above named Noaman N. Botros and Carol J. Botros,
husband and wife

do hereby set their hands and seal s, this 7th day of MARCH 19 96
Carol J. Botros (Seal) *Noaman N. Botros* (Seal)
Carol J. Botros (Seal) Noaman N. Botros (Seal)

STATE OF INDIANA, VIGO COUNTY, ss.

Before me, the undersigned, a Notary Public, in and for said County and State, this 7th day of MARCH A.D. 19 96, personally appeared the within named NOAMAN N. BOTROS and CAROL J. BOTROS, husband and wife

_____ Grantor s
in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

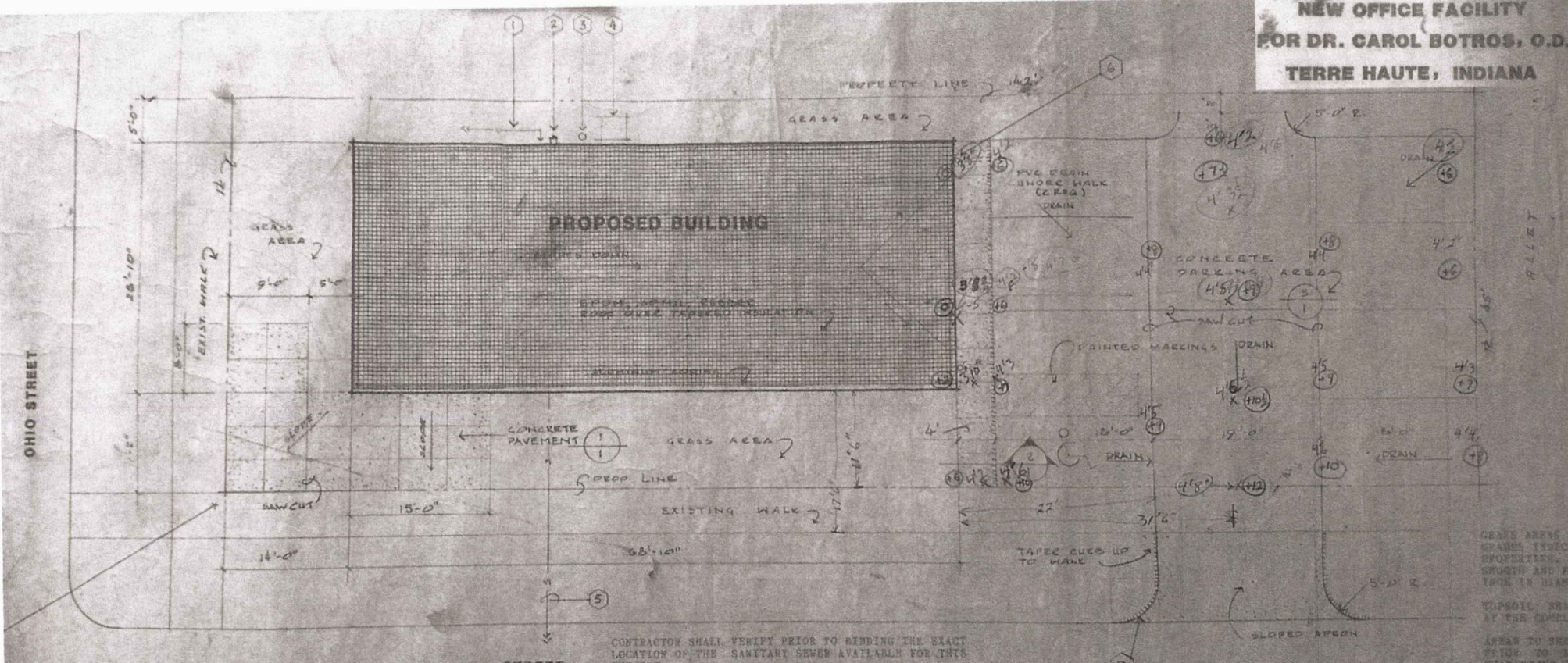
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.
Commission expires JULY 19 1996 *Dawn M. Auterson* Notary Public

DAWN M. AUTERSON
Print or Type Name of Notary
Resident of VIGO County

Mail Tax Duplicates To: JAMES FOULKES 205 Bridgwood Dr Terre Haute IN 47803

This instrument prepared by C. Don Nattkemper, Attorney at Law, 322 South Sixth Street, Post Office Box 1444, Terre Haute, Indiana 47808-1444

**NEW OFFICE FACILITY
FOR DR. CAROL BOTROS, O.D.
TERRE HAUTE, INDIANA**



THE MAIN FLOOR ELEVATION SHALL BE DETERMINED BY THE OWNER AND CONTRACTOR IN THE FIELD, BUT SHOULD BE ASSUMED TO BE SIX INCHES (6") HIGHER THAN A POINT ON THE INTERSECTION OF THE SIDEWALKS OF OHIO AND 15TH. STREETS. CAUTION SHOULD BE TAKEN WHEN DETERMINING THE FINISH FLOOR ELEVATION AS TO THE DRAINAGE OF THE CONCRETE PARKING LOT.

CONTRACTOR SHALL VERIFY PRIOR TO BIDDING THE EXACT LOCATION OF THE SANITARY SEWER AVAILABLE FOR THIS PROJECT.

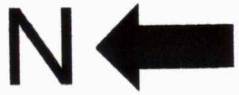
SITE PLAN

1/16" = 1'-0"

and ROOF PLAN



GRASS AREAS TO BE GRADED TO MATCH ADJACENT PROPERTIES. SOFTWOOD AND FIRM LOGS TO BE REMOVED AT THE DEVELOPER'S RISK. TOPSOIL SHALL BE AT THE DEVELOPER'S RISK. ASPHALT SHALL BE QUANTIFIED TO COMMON PRACTICE. EXISTING SIDEWALK AND DRIVE SHALL BE MAINTAINED TO COMMON PRACTICE.





1503 Ohio St. Parking Lot

15th Street

Alley

Entrance

Exit

15.5 ft

34.5 ft



19 ft

218 S. 15th St. Parking Lot
(crushed rock, private parking lot)

... 10 total parking spaces ...

Alley

124.5 ft

TERRE HAUTE, IN

PAID

AUG 07 2024

CONTROLLER



Receipt of Payment

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

Date 8/7/24
Name James Foulker
Reason Rezoning Filing Fee - \$25.00

Cash \$25.00
Check _____ Ck # _____
Credit _____
Total \$25.00

Received By EP / J. Meme

PAID

AUG 07 2024

CONTROLLER



Receipt of Payment

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

Date 8/7/24

Name James Foylkes

Reason Rezoning - 45.00

1503 Ohio St.

218 S 15th St.

Cash \$ 45.00

Check _____ Ck # _____

Credit _____

Total \$ 45.00

Received By AK / J. Moore