

SPECIAL ORDINANCE NO. 43, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1519 Washington Avenue, Terre Haute, IN 47804
Parcel No. 84-06-27-476-005.000-002

Current Zoning:	<u>C-6 Strip Business Zone</u>
Rezone To:	<u>M-1 Light Industry District</u>
Proposed Use:	<u>Storage Yard</u>
Name of Owner:	<u>Jared Smith</u>
Address of Owner:	<u>1519 Washington</u> <u>Terre Haute, Indiana 47804</u>
Phone Number of Owner	<u>c/o (812) 234-5463</u>
Attorney Representing Owner:	<u>Darrell E. Felling II</u>
Address of Attorney:	<u>Lind & Felling</u> <u>400 Ohio Street, Terre Haute, IN 47807</u>
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Anthony Dinkel</u>

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

DEC 04 2024

SPECIAL ORDINANCE NO. 43, 2024

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Numbers Twenty-three (23), Twenty-four (24), and Twenty-five (25) in Heinel's Subdivision of a part of Lots 1 and 2 in Deans Subdivision of that part of the South Half (1/2) of the South East Quarter (1/4) of Section 27, Township 12 North of Range 9 West lying East of the Wabash and Erie Canal in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 10, page 29, records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

Parcel No. 84-06-27-476-005.000-002

Commonly known as: 1519 Washington Avenue, Terre Haute, IN 47804

be and the same is, hereby established as a M-1 Light Industry 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.

Presented by Council Member, _____
Anthony Dinkel, Councilperson

Passed in open Council this ____ day of _____, 2025.

_____, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2025,
at ____: ____ .m.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2025.

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, Jared Smith, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers Twenty-three (23), Twenty-four (24), and Twenty-five (25) in Heinel's Subdivision of a part of Lots 1 and 2 in Deans Subdivision of that part of the South Half (1/2) of the South East Quarter (1/4) of Section 27, Township 12 North of Range 9 West lying East of the Wabash and Erie Canal in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 10, page 29, records of the Recorder's Office of Vigo County, Indiana.

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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 M-1 Light Industry District.

Your Petitioner would respectfully state that the real estate is now a commercial business. The Petitioner intends to use the real estate as a storage yard.

Your Petitioner would request that the real estate described herein shall be zoned as a M-1 Light Industry District to allow for the use as proposed by Petitioner. Your Petitioner would allege that an M-1 Light Industry 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 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 M-1 Light

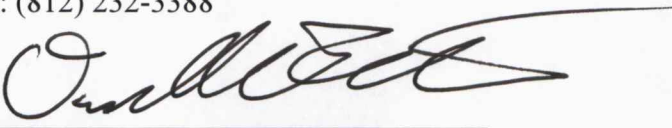
Industry District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 4th day of December 2024.

PETITIONER:


Jared Smith

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: Jared Smith
1519 Washington Avenue
Terre Haute, IN 47804

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

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jared Smith being duly sworn upon his oath, deposes and says:

1. That Jared Smith 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 Numbers Twenty-three (23), Twenty-four (24), and Twenty-five (25) in Heinel's Subdivision of a part of Lots 1 and 2 in Deans Subdivision of that part of the South Half (1/2) of the South East Quarter (1/4) of Section 27, Township 12 North of Range 9 West lying East of the Wabash and Erie Canal in the City of Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 10, page 29, records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

Parcel No. 84-06-27-476-005.000-002

Commonly known as: 1519 Washington Avenue, Terre Haute, IN 47804

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

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 4th day of December 2024.


Jared Smith

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Jared Smith appeared in person and executed said document, this 4th day of December 2024.

Molly Jane Meeks
Molly Jane Meeks Notary Public

My Commission expires:
November 30, 2032

My County of Residence:
Vigo



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

SITE PLAN

SPECIAL ORDINANCE NO. 43, 2024

1519 Washington Avenue, Terre Haute, IN 47804

C-6 Strip Business Zone District to M-1 Light Industry District

Proposed Use: Storage yard

84-06-27-433-005.000-0

WASHINGTON

84-06-27-476-002.000-002

M-1

84-06-27-476-005.000-002

C-6

84-06-27-477-003.000-0

84-06-27-477-004.000-0

84-06-27-476-006.000-002

Sale Amount: \$5439
Sale Date:
10/20/2022

84-06-27-476-010.000-002

Sale Amount: \$32606
Sale Date:
10/20/2022

84-06-27-477-005.000-0

84-06-27-476-009.000-002

Sale Amount: \$9562
Sale Date:

16TH

15TH

ENTERED FOR INFORMATION
Subject to final acceptance for Transfer

MAR 14 2023

James W. Brantley
VIGO COUNTY AUDITOR

2023003493 QD \$25.00
03/14/2023 11:08:13A 1 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



QUIT CLAIM DEED

THE GRANTOR **VINOD C. GUPTA** of Palm Beach County, FL for One Dollar (\$1.00),
RELEASES and QUIT CLAIMS to **JARED SMITH** of IN all interest in the following
described real estate to wit:

Parcel No: 84-06-27-476-005.000-002

The following described real estate in Vigo County, in the State of Indiana, to-
wit: Lot Numbers Twenty-three (23), Twenty-four (24), and Twenty-five (25) in
Heinl's Subdivision of a part of Lots 1 and 2 in Deans Subdivision of that part of the
South Half (1/2) of the South East Quarter (1/4) of Section 27, Township 12 North of
Range 9 West lying East of the Wabash and Erie Canal in the City of Terre Haute,
Indiana, as shown by the recorded plat thereof recorded in Plat Record 10, page 29,
records of the Recorder's Office of Vigo County, Indiana.

SUBJECT TO conditions, restrictions and limitations of record and zoning ordinances of the
County of Vigo, State of Indiana, and any other political subdivision affecting said property.

Vinod C. Gupta

Vinod C. Gupta

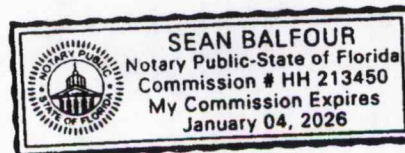
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Sworn and subscribed before me this 6 day of March, 2023 by Vinod C. Gupta.

Seal:

SB

Notary Public
Resident of Palm Beach County
State of Florida



Grantee's Address & Mail tax bills to: Jared Smith, 1519 Washington Ave, Terre Haute IN 47802.
Prepared by: Vinod C. Gupta, 17962 Foxborough Lane, Boca Raton, FL 33496.

"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". Vinod C. Gupta.



TERRE HAUTE, IN

PAID

DEC 04 2024

CONTROLLER

Receipt of Payment

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

Date 12/4/24

Name Lind Law Firm

Reason Rezoning Petition - \$20.00

Filing - \$25 1519 Washington Ave

Cash _____

Check \$45.00 Ck # 6187

Credit _____

Total \$45.00

Received By EK / N. Thome