

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION, CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 5

COMMON ADDRESS OF LOTS TO BE REZONED:

4425 Wabash Avenue, Terre Haute, IN 47803

Current Zoning: C-6 (Commercial Strip Business)

Requested Zoning: R-1 (Residential Single Family)

Proposed Use: Single Family Residential Dwelling

Name of Owner: Harish Patel, President, Woodridge Motel, Inc.

Address of Owner: 4425 Wabash Avenue, Terre Haute, IN 47803

Phone Number of Owner: 812-877-1571

Attorney Representing Owner: Rhonda D. Oldham

Address of Attorney: 191 Harding Avenue, Terre Haute, IN 47807

Phone Number of Attorney: 812-238-2421

For Information Contact: Rhonda D. Oldham

Council Sponsor: Patrick Ralston

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

FILED

JAN 20 2011

CITY CLERK

SPECIAL ORDINANCE NO. 5 2011

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 10-12 1, thereof, District Maps, is hereby amended to read as follows:

Part of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) West, Second Principal Meridian (2nd P.M.), Lost Creek Township, Vigo County, Indiana. Also being a portion of a certain parcel of land owned by Woodridge Motel, Inc. as described in Instrument 2009003835 as found in the records of the Office of the Recorder of Vigo County, Indiana. More particularly described as follows, to-wit:

Commencing at a 5/8" iron rod, thirty (30) inches in length with a plastic cap engraved "J. R. Keller L.S. 80920000" (hereafter referred to as a 5/8" iron rod) located at the intersection of the South right-of-way line of U.S. Highway 40 and the East right-of-way line of Kean Lane. Thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) on the South right-of-way line of U.S. Highway 40 (the bearing of the West line of said Section 19 being assumed as NORTH - N 00°00'00" E), for a distance of One Hundred eighty-seven and Zero hundredths (187.00) feet to a 5/8" iron rod; thence SOUTH (S 00°00'00" E) and parallel to the West line of said section, Four Hundred and Zero hundredths (400.00) feet to a 5/8" iron rod; thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) and parallel to the South line of U.S. Highway 40 and on the North line of Woodridge Park 8th Section, Eighty-two and Fifty hundredths (82.50) feet to a 5/8" iron rod located at the Southwest corner of the aforementioned Woodridge Motel, Inc. parcel; thence NORTH (N 00°00'00" E), Forty-six and Zero hundredths (46.00) feet to a 5/8" iron rod located at the point of beginning of this description. Thence continuing NORTH (N 00°00'00" E) on the line common to Taylex Enterprises Inc. as described in Deed Record 438, Page 1497 in the records of the Office of the Recorder of Vigo County, Indiana, One Hundred thirty-eight and Zero hundredths (138.00) feet to a 5/8" iron rod located at a corner common to Woodridge Motel, Inc., Taylex Enterprises, Inc., and Randall and Rhonda Mitchell, husband and wife, as described by Instrument 2005015868 in the records of the Office of the Recorder of Vigo County; thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) on the South line of the aforementioned Mitchell parcel, Eighty-five and Fifty-four hundredths (85.54) feet to a 5/8" iron rod; thence SOUTH (S 00°00'00" E), One Hundred Nine and Fifty-one hundredths (109.51) feet to a 5/8" iron rod; thence South Sixty-five degrees Fifty-one minutes Twenty-two seconds West (S 65°51'22" W), Ninety-three and Fifteen hundredths (93.15) feet, more or less, to the point of beginning. Containing 0.24 acre, more or less.

Parcel #84-07-19-102-032.000-009

Commonly known as 4425 Wabash Avenue, Terre Haute, IN 47803

be and the same is, hereby established as a R-1 (Residential Single Family) 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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, _____
Patrick Ralston, Councilperson

Passed in open Council this ____ day of _____, 2011.

John Mullican, President

ATTEST:

Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

This instrument prepared by:
Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

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.

Rhonda D. Oldham

PETITION TO REZONE REAL PROPERTY # 5

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, Harry Patel, President, Woodridge Motel, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Part of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) West, Second Principal Meridian (2nd P.M.), Lost Creek Township, Vigo County, Indiana. Also being a portion of a certain parcel of land owned by Woodridge Motel, Inc. as described in Instrument 2009003835 as found in the records of the Office of the Recorder of Vigo County, Indiana. More particularly described as follows, to-wit:

Commencing at a 5/8" iron rod, thirty (30) inches in length with a plastic cap engraved "J. R. Keller L.S. 80920000" (hereafter referred to as a 5/8" iron rod) located at the intersection of the South right-of-way line of U.S. Highway 40 and the East right-of-way line of Kean Lane. Thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) on the South right-of-way line of U.S. Highway 40 (the bearing of the West line of said Section 19 being assumed as NORTH - N 00°00'00" E), for a distance of One Hundred eighty-seven and Zero hundredths (187.00) feet to a 5/8" iron rod; thence SOUTH (S 00°00'00" E) and parallel to the West line of said section, Four Hundred and Zero hundredths (400.00) feet to a 5/8" iron rod; thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) and parallel to the South line of U.S. Highway 40 and on the North line of Woodridge Park 8th Section, Eighty-two and Fifty hundredths (82.50) feet to a 5/8" iron rod located at the Southwest corner of the aforementioned Woodridge Motel, Inc. parcel; thence NORTH (N 00°00'00" E), Forty-six and Zero hundredths (46.00) feet to a 5/8" iron rod located at the point of beginning of this description. Thence continuing NORTH (N 00°00'00" E) on the line common to Taylex Enterprises Inc. as described in Deed Record 438, Page 1497 in the records of the Office of the Recorder of Vigo County, Indiana, One Hundred thirty-eight and Zero hundredths (138.00) feet to a 5/8" iron rod located at a corner common to Woodridge Motel, Inc., Taylex Enterprises, Inc., and Randall and Rhonda Mitchell, husband and wife, as described by Instrument 2005015868 in the records of the Office of the Recorder of Vigo County; thence North Eighty-three degrees Thirty-two minutes Fifty-three seconds East (N 83°32'53" E) on the South line of the aforementioned Mitchell parcel, Eighty-five and Fifty-four hundredths (85.54) feet to a 5/8" iron rod; thence SOUTH (S 00°00'00" E), One Hundred Nine and Fifty-one hundredths (109.51) feet to a 5/8" iron rod; thence South Sixty-five degrees Fifty-one minutes Twenty-two seconds West (S 65°51'22" W), Ninety-three and Fifteen hundredths (93.15) feet, more or less, to the point of beginning. Containing 0.24 acre, more or less.

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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 C-6 (Commercial Strip Business)

Your petitioner would respectfully state that the real estate is now C-6 (Commercial Strip Business). Your petitioner intends to use the real estate for a residential single family dwelling.

Your petitioner would request that the real estate described herein shall be zoned as a R-1 (Residential Single Family) Your petitioner would allege that the residential single family 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 R-1 (Residential Single Family) 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.

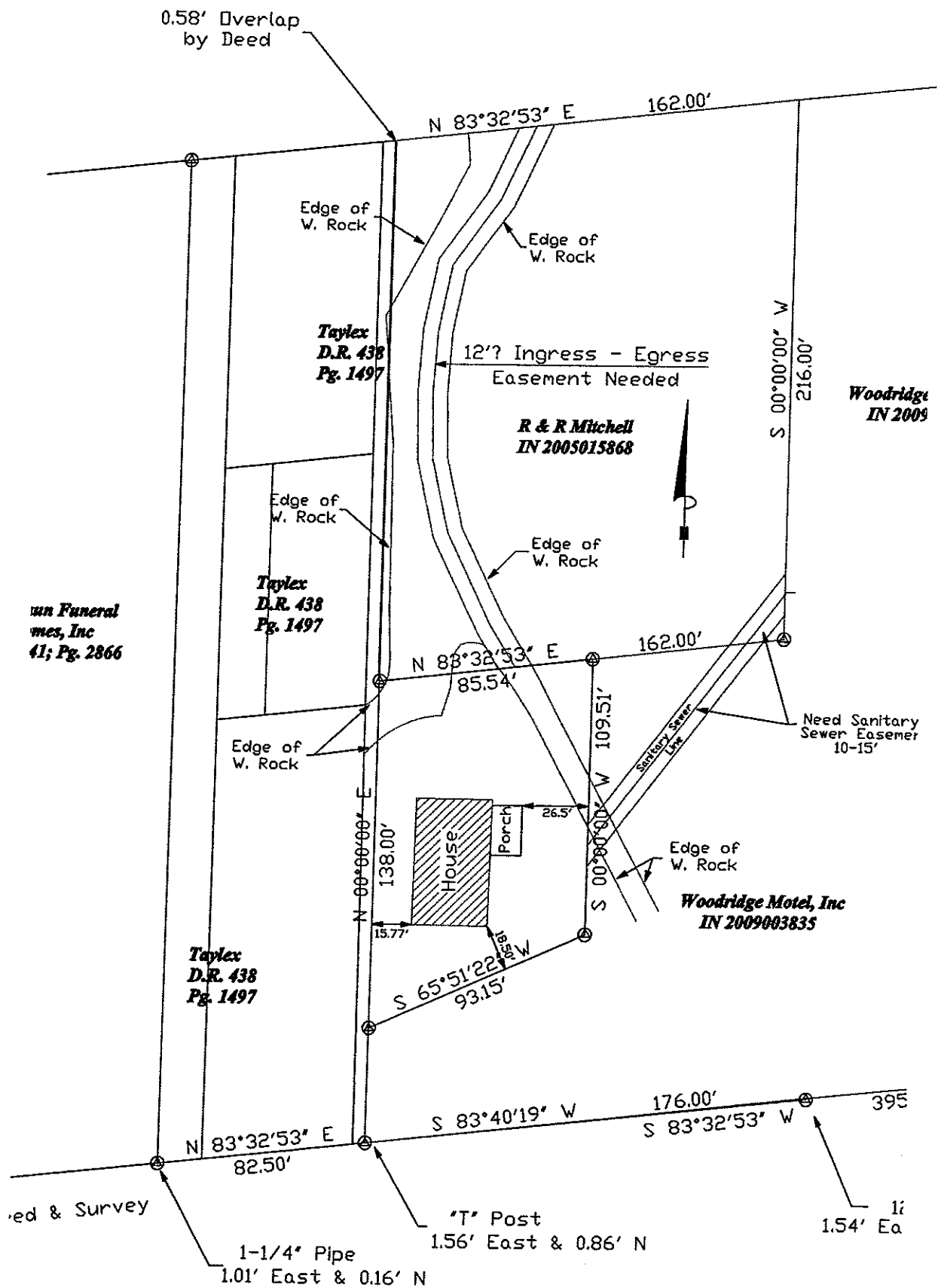
IN WITNESS WHEREOF, This petition has been duly executed this 1st day of Jan, 2011.

BY: Harish P. Patel
Harish Patel, President, Woodridge Motel, Inc.

PETITIONER: Harish Patel, President, Woodridge Motel, Inc. 4425 Wabash Avenue, Terre Haute, IN 47803

This instrument was prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807





TERRE HAUTE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: March 3, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #5-11

CERTIFICATION DATE: March 2, 2011


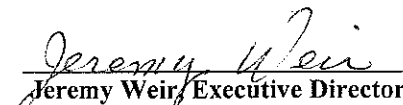
TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 5-11. This Ordinance is a rezoning of the property located at 4425 Wabash Avenue. The Petitioner, Woodridge Motel, Inc., Petitions the Plan Commission to rezone said real estate from zoning classification C-6 to R-1, Single Family Residence District, for a single family residence. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 5-11 at a public meeting and hearing held Wednesday, March 2, 2011. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 5-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-11 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 5-11, was WITHDRAW.


Fred L. Wilson, President
Jeremy Weir, Executive Director

Received this 3rd day of March, 2011