

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION, CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. _____ 26 _____

COMMON ADDRESS OF LOTS TO BE REZONED:

3010 S. 6th St., Terre Haute, IN 47807; 13-63 Southland Shopping Center, Terre Haute, IN 47802 and
3033 S. 7th St., Terre Haute, IN 47802

Current Zoning: R-1; C-2 and C-6

Requested Zoning: C-3 Regional Commerce District

Proposed Use: shopping mall

Name of Owner: Washington Avenue Building Corporation

Address of Owner: 324 S. 25th St., Terre Haute, IN 47803

Phone Number of Owner: 812-234-8899

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: John Ragle

Council Sponsor: Rich Dunkin

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

FILED

JUL 21 2011

SPECIAL ORDINANCE NO. 26 2011

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

Beginning at a point Sixty (60) feet South of a point Five Hundred Thirty-six and one-half (536 1/2) feet West of the Northeast corner of the Northeast quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West (said point of beginning being at the Southeast corner of the real estate conveyed to Martha Pearl Huber as shown by Deed Record 144 page 207, records of Recorder's Office of Vigo County, Indiana); thence south Seventy-five (75) feet; thence West One Hundred Thirty-eight (138) feet; thence North Seventy-five (75) feet; thence East One Hundred Thirty-eight (138) feet to the place of beginning.

Parcel #84-09-04-227-002.000-005

Seventy-eight (78) feet off the South side of the following described tract, to-wit: Beginning at a point in the North line of the Northeast quarter of Section Four (4), Township Eleven (11) North, Range Nine (9) West, which is 536 1/2 feet West of the Northeast corner of said Section; thence South 213 feet; thence West 138 feet; thence North 213 feet; thence East 138 feet to the point of beginning.

Parcel #84-09-04-227-003.000-005

Beginning at a point 536 1/2 feet West and 213 feet South of the Northeast corner of the Northeast quarter (1/4) of Section 4, in Township 11 North, Range 9 West; thence West 138 feet; thence South 240 feet; thence East 138 feet; thence North 240 feet to the place of beginning.

Parcel #84-09-04-227-004.000-005

Beginning at the Northeast corner of the Northeast Quarter (1/4) of Section 4, Township 11 North, Range 9 West; thence West five hundred thirty six and one half (536 1/2) feet; thence South five hundred thirty three (533) feet to a point of beginning; thence South four hundred fifty seven (457) feet; thence West one hundred thirty eight (138) feet; thence North four hundred fifty seven (457) feet; thence East one hundred thirty eight (138) feet to the point of beginning.

Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325 Page 765, records of Recorder's Office of Vigo County, Indiana.

ALSO

The East half of Sixth Street adjoining above described real estate on the west as vacated March 28, 1972 in Commissioners Record 67 page 249, records of Auditor's Office, Vigo County, Indiana.

ALSO

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19) in J.G. Vrydaghs Subdivision of a part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 4, Township 11 North, Range 9 West as per recorded plat of the same recorded in Plat Record 9 Page 43.

Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325, Page 765, records of Recorder's Office of Vigo County, Indiana .

ALSO

The West half of Sixth Street adjoining above described Lots 10 thru 18 in J.G. Vrydaghs Subdivision on the east as vacated March 28, 1972 in Commissioners Record 67 Page 249, records of Auditor's Office, Vigo County, Indiana.

Parcel #s 84-09-04-227-007.000-005 and 84-09-04-227-018.000-005

Beginning at a point four hundred forty (440) feet West of the Northeast corner of the Northeast Quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence South two hundred and thirteen (213) feet; thence West eighty-one and one-half (81 1/2) feet; thence North two hundred thirteen (213) feet; thence East eighty-one and one-half (81 1/2) feet to the place of beginning.

Parcel #84-09-04-227-008.000-005

Beginning at a point Fifteen (15) feet South from the Northeast corner of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence West 26-2/3 rods; thence South 12 rods; thence East 26-2/3 rods; thence North 12 rods to the place of beginning containing two (2) acres more or less, of Section Four (4), Township Eleven (11) North of Range Nine (9) West of the 2d principal Meridian.

Parcel #84-09-04-227-009.000-005

Part of the Northeast Quarter (1/4) of Section 4, Township 11 North, Range 9 West, described as follows: Beginning 213 feet South of the Northeast corner of the said Northeast Quarter (1/4) of said Section 4, running thence West 521 5/10 feet; thence south 79 1/2 feet; thence East 521 5/10 feet; thence North 79 1/2 feet to the place of beginning.

Parcel #84-09-04-227-010.000-005

One Hundred and twenty (120) feet off the North end of the following described real estate to-wit: Commencing at a point Two Hundred Ninety-two (292) feet and six (6) inches South of the Northeast corner of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence South Two Hundred (200) feet; thence West Five Hundred Twenty-one (521) feet and six (6) inches; thence North Two Hundred (200) feet; thence East Five Hundred Twenty-one (521) feet and six (6) inches to the place of beginning.

Parcel #84-09-04-227-012.000-005

Eighty (80) feet off the south side of the following described real estate, to-wit: Commencing at a point 292 feet and 6 inches South of the Northeast corner of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence South 200 feet; thence West 521 feet and 6 inches; thence North 200 feet; thence East 521 feet and 6 inches to the place of beginning.

ALSO

Commencing at a point 492 feet and 6 inches South of the Northeast corner of Section 4, Township 11 North, Range 9 West, and running thence South 70 feet; thence West 521 feet and 6 inches; thence North 70 feet; thence East 521 feet and 6 inches to the place of beginning.

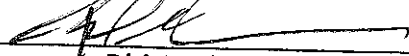
Subject to easements, covenants, and restrictions of record affecting title to the subject real estate.

Parcel #s 84-09-04-227-013.000-005 and 84-09-04-227-014.000-005

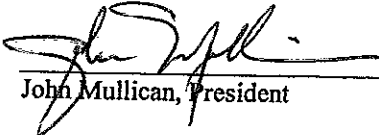
Said properties located at the following addresses: 3010 S. 6th St., Terre Haute, IN 47807; 13-63 Southland Shopping Center, Terre Haute, IN 47802 and 3033 S. 7th St., Terre Haute, IN 47802

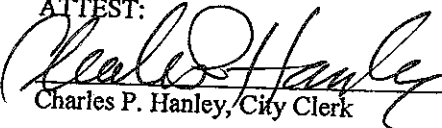
be and the same is, hereby established as an C-3 Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

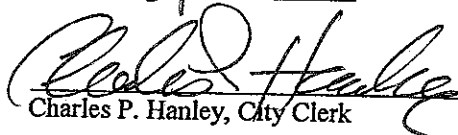
Presented by Council Member, 
Rich Dunkin, Councilperson

Passed in open Council this 14th day of September 2011.

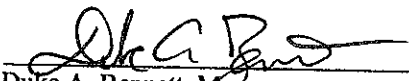

John Mullican, President


ATTEST:

Charles P. Hanley, City Clerk

by
Presented to me the Mayor of the City of Terre Haute, this 15 day of September 2011.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of SEPTEMBER 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 # 26

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, Wabash Avenue Building Corporation respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Beginning at a point Sixty (60) feet South of a point Five Hundred Thirty-six and one-half (536 1/2) feet West of the Northeast corner of the Northeast quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West (said point of beginning being at the Southeast corner of the real estate conveyed to Martha Pearl Huber as shown by Deed Record 144 page 207, records of Recorder's Office of Vigo County, Indiana); thence south Seventy-five (75) feet; thence West One Hundred Thirty-eight (138) feet; thence North Seventy-five (75) feet; thence East One Hundred Thirty-eight (138) feet to the place of beginning.

Parcel #84-09-04-227-002.000-005

Seventy-eight (78) feet off the South side of the following described tract, to-wit: Beginning at a point in the North line of the Northeast quarter of Section Four (4), Township Eleven (11) North, Range Nine (9) West, which is 536 1/2 feet West of the Northeast corner of said Section; thence South 213 feet; thence West 138 feet; thence North 213 feet; thence East 138 feet to the point of beginning.

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Parcel #84-09-04-227-004.000-005

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Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325 Page 765, records of Recorder's Office of Vigo County, Indiana.

ALSO

The East half of Sixth Street adjoining above described real estate on the west as vacated March 28, 1972 in Commissioners Record 67 page 249, records of Auditor's Office, Vigo County, Indiana.

ALSO

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19) in J.G. Vrydaghs Subdivision of a part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 4, Township 11 North, Range 9 West as per recorded plat of the same recorded in Plat Record 9 Page 43.

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ALSO

The West half of Sixth Street adjoining above described Lots 10 thru 18 in J.G. Vrydaghs Subdivision on the east as vacated March 28, 1972 in Commissioners Record 67 Page 249, records of Auditor's Office, Vigo County, Indiana.

Subject to those mortgages in favor of Terre Haute First National Bank recorded in Mortgage Record D-19, page 225 and Mortgage Record 1-20, page 803, the lien of which mortgages are not to be deemed to be merged with the title in the event said mortgages are assigned of record to the grantee.

Parcel #s 84-09-04-227-007.000-005 and 84-09-04-227-018.000-005

Beginning at a point four hundred forty (440) feet West of the Northeast corner of the Northeast Quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence South two hundred and thirteen (213) feet; thence West eighty-one and one-half (81 ½) feet; thence North two hundred thirteen (213) feet; thence East eighty-one and one-half (81 ½) feet to the place of beginning.

Parcel #84-09-04-227-008.000-005

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Part of the Northeast Quarter (1/4) of Section 4, Township 11 North, Range 9 West, described as follows: Beginning 213 feet South of the Northeast corner of the said Northeast Quarter (1/4) of said Section 4, running thence West 521 5/10 feet; thence south 79 ½ feet; thence East 521 5/10 feet; thence North 79 ½ feet to the place of beginning.

Parcel #84-09-04-227-010.000-005

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

Parcel #s 84-09-04-227-013.000-005 and 84-09-04-227-014.000-005

Said properties located at the following addresses: 3010 S. 6th St., Terre Haute, IN 47807; 13-63 Southland Shopping Center, Terre Haute, IN 47802 and 3033 S. 7th St., Terre Haute, IN 47802

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-1 Single Family, C-2 Limited Community Commerce and C-6 Strip Business.

Your petitioner would respectfully state that the real estate is now a shopping center. Your petitioner intends to use the real estate as a shopping mall.

Your petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District. Your petitioner would allege that the Regional 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 C-3 Regional 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 WITNESS WHEREOF, This petition has been duly executed this 11 day of July, 2011.

Wabash Avenue Building Corporaiton

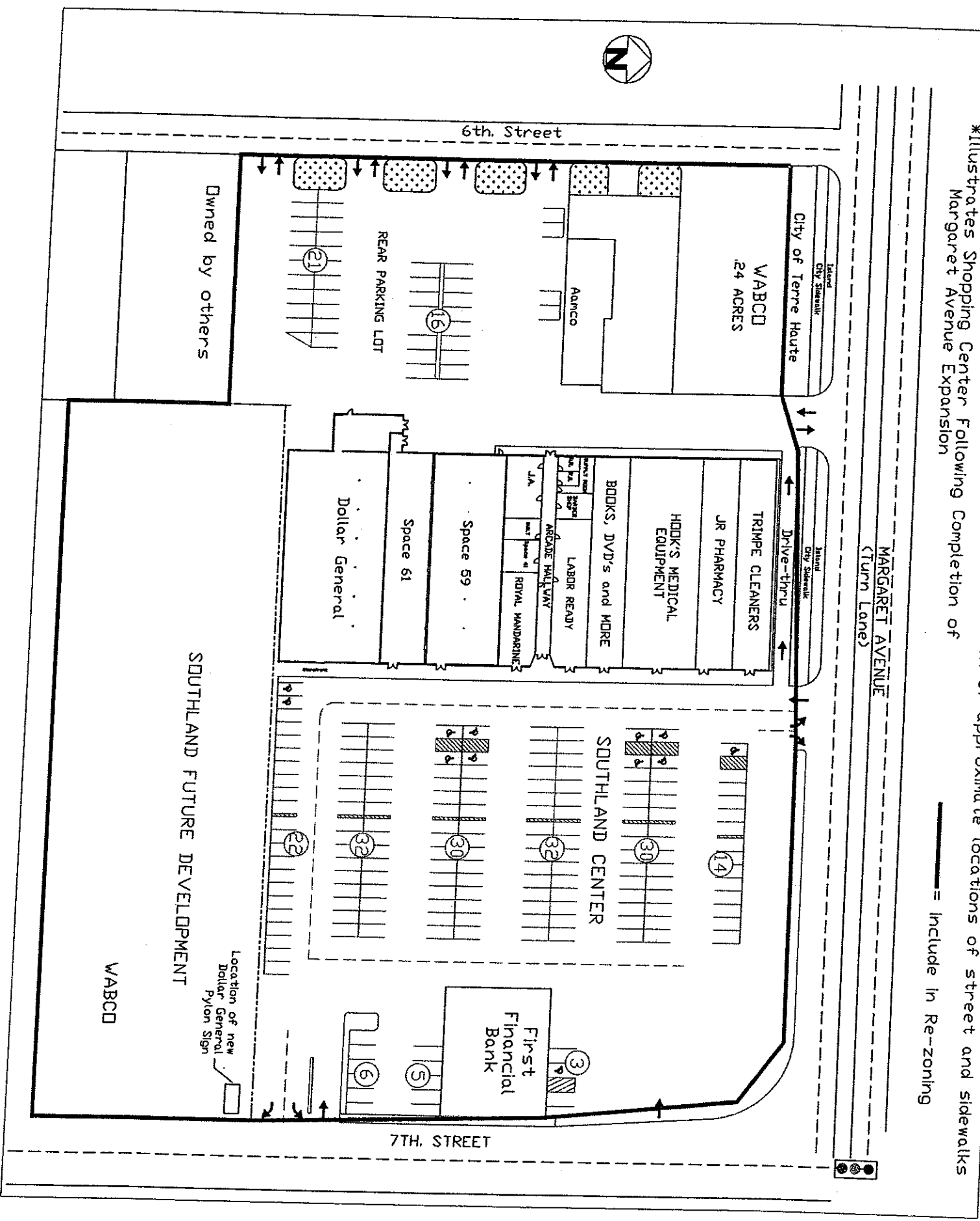
BY: 

John Ragle, President

PETITIONER: Wabash Avenue Building Corporation
c/o John Ragle
324 S. 25th St.
Terre Haute, IN 47803

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

Drawing is not a survey and only depicts a representation of approximate locations of street and sidewalks
 *Illustrates Shopping Center Following Completion of
 Margaret Avenue Expansion
 _____ = Include In Re-zoning



93004322

436/497

FILED
VIGO SUPERIOR COURT
PROBATE

MAR 9 1993

Harriet R. Mansueti
Clerk

Mail Tax Duplicates To:
WASHINGTON AVENUE BUILDING CORP
PO Box 537
TERRE HAUTE INDIANA 47808

PERSONAL REPRESENTATIVE'S DEED

Deborah Lazzell, as Personal Representative of the Estate of Carlton Ned Evans, deceased, which Estate is under the supervision of the Superior Court of Vigo County, under Cause Number 84D03 9210 ES 325 in the Office of the Clerk of the Superior Court of Vigo County, Indiana, pursuant to an Order of the Superior Court of Vigo County, Indiana, dated on the 7th day of October, 1992, for good and sufficient consideration conveys to:

THE WASHINGTON AVENUE BUILDING CORPORATION

the following described real estate in Vigo County, State of Indiana, to-wit:

Beginning at a point Sixty (60) feet South of a point Five Hundred Thirty-six and one-half (536 1/2) feet West of the Northeast corner of the North East quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West (said point of beginning being at the Southeast corner of the real estate conveyed to Martha Pearl Huber as shown by Deed Record 144 page 207, records of Recorder's Office of Vigo County, Indiana); thence South Seventy-five (75) feet; thence West one hundred Thirty-eight (138) feet; thence North Seventy-five (75) feet; thence East One Hundred Thirty-eight (138) feet to the place of beginning.

-002

IN WITNESS WHEREOF, the said Deborah Lazzell, as Personal Representative of the estate of Carlton Ned Evans, deceased, has hereunto set her hand and seal this 18 day of March, 1993.

DULY ENTERED FOR TAXATION

Mar 4 1993

Judith A Anderson
Auditor Vigo County

Deborah Lazzell
Deborah Lazzell
Personal Representative of the
Estate of Carlton Ned Evans

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Deborah Lazzell, as Personal Representative of the Estate of Carlton Ned Evans, and acknowledged the execution of said deed to be her voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL THIS 18th day of March, 1993.

2

Kathryn J. Southwood
Notary Public

Kathryn J. Southwood
Name Printed

Resident of Vigo County

My Commission Expires:
June 28, 1993

EXAMINED AND APPROVED IN OPEN COURT
THIS 22 DAY OF MARCH, 1993

Dexter L. Bolin, Jr.
Dexter L. Bolin, Jr., Judge
Vigo Superior Court - Division 3

This instrument prepared by Thomas C. Newlin, Attorney,
FLESHNER, FLESHNER, STARK, TANOOS & NEWLIN, 201 Ohio Street,
Terre Haute, Indiana 47807 (812) 232-2000

RECORDED FOR RECORD THE 24 DAY OF Mar 1993 AT 3:10 O'CLOCK P.M.
RECORD 436 PAGE 497 RANCY BARNHART RECORDER

320/202

CO-ADMINISTRATOR'S DEED

Stamps 275

Garold A. Liffick and Erma L. Modesitt
 Co-Administrators
 as Administrators of the
 estate of Alva L. Liffick, deceased
 by order of the Greene Circuit Court of Greene County in the State of Indiana, entered
 in Probate Order Book _____ of the records of said Court, on page _____ for and in
 consideration of the sum of \$1.00 and other valuable consideration the receipt whereof is hereby acknowledged, CONVEYS
 to Washington Avenue Building Corporation
 of Vigo county, in the State of Indiana
 the following described REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Seventy eight (78) feet off the South side of the following
 described tract, to-wit: Beginning at a point in the North
 line of the Northeast quarter of Section four (4) Township
 eleven (11) North, Range nine (9) West, which is 536-1/2
 feet west of the Northeast Corner of said Section, thence
 south 213 feet, thence West 138 feet, thence North 213 feet,
 thence East 138 feet to the point of beginning.

-003

IN WITNESS WHEREOF, The said Garold A. Liffick and Erma L. Modesitt as
 Co-Administrators
 as aforesaid, have hereunto set their hands and seals this 3rd
 day of December, A. D. 19 59

Examined and approved
 this 3 day of December, 19 59
Garold A. Liffick (Seal)
Erma L. Modesitt (Seal)

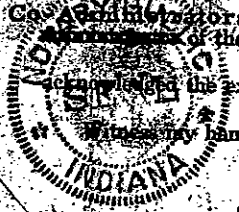
Judge of the Greene Circuit Court

STATE OF INDIANA, VIGO COUNTY, SS:

Before me, H. DeWitt Owen, a Notary Public
 in and for said County and State personally appeared this 3rd
 day of December, A. D. 19 59

Garold A. Liffick and Erma L. Modesitt who as
 Co-Administrators
 of the estate of Alva L. Liffick, deceased

acknowledged the execution of the annexed Deed.
 Witness my hand and Notarial seal.



H. DeWitt Owen (Seal)
 Notary Public
 H. DeWitt Owen

Deed Record 320, Page 202 - 1
 My Commission Expires
July 2, 1963

RECEIVED FOR RECORD THE
20 DAY OF Jan 1960
 AT 2 1/2 O'CLOCK P.M.
 RALPH G. BAXTER, RECORDER

This instrument prepared by H. DeWitt Owen, Attorney.

312/1

63-285-11212

FOR SALE BY THE VIGORNEY CO., TERRE HAUTE, IND.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Lee Roy Kelley, widower and unmarried

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Washington Avenue Building Corporation, a corporation

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other good and valuable consideration 0 Dollars

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Beginning at a point 535 feet West and 215 feet South of the Northeast corner of the Northeast quarter (1/4) of Section 4, in Township 11 North, Range 9 West, thence West 138 feet, thence South 240 feet, thence East 138 feet, thence North 240 feet to the place of beginning.

subject to the full installment of tax for the year 1958 due and payable in the fall of the year 1959, and all subsequent taxes, which the Grantee assumes and agrees to pay.

-004



IN WITNESS WHEREOF, The said Lee Roy Kelley, widower and unmarried

has hereunto set his hand and seal

this 15th day of September, A. D. 19 58

(SEAL) Lee Roy Kelley (SEAL)
(Lee Roy Kelley)

(SEAL) (SEAL)
(SEAL) (SEAL)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 15th day of September, 19 58, personally appeared Lee Roy Kelley, widower and unmarried

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My Commission expires July 29, 19 62

Wilbur F. Johnson Notary Public
(Wilbur F. Johnson)

RECEIVED FOR RECORD THE 15 DAY OF Sept 1958 AT 2 O'CLOCK

443/102
000102 / 1

DULY ENTERED FOR TAXATION
Subject to final acceptance for warrants

JAN 12 1998

000421

RECEIVED FOR RECORD

98 JAN 12 AM 9:12

Judith Anderson AUDITOR
VIGO COUNTY

PUBLISHED
VIGO CO. RECORDS

CORPORATE WARRANTY DEED

State of Indiana)
) Know All Men by These Presents:
County of Vigo)

That Stromar, Inc., a body corporate, duly incorporated and doing business under the laws of the State of Indiana, acting by and through Donald R. Strole, its secretary, and sole shareholder, of the county of Vigo, State of Indiana, hereunto authorized by a resolution of the Board of Directors of said corporation, as evidenced by a certified copy of such resolution hereto attached, marked "Exhibit A" and made a part hereof, for the sum of \$1.00 and other just and valuable consideration to it paid by Donald R. Strole, the receipt of which is hereby acknowledged, has granted, warranted, sell and conveyed and by these presents does grant, warrant, sell and convey unto Washington Avenue Building Corporation, said property, of Vigo County, Indiana, the following described real estate to-wit:

Beginning at the Northeast corner of the North East Quarter (1/4) of Section 4, Township 11 North, Range 9 West, thence West five hundred thirty six and one half (536 1/2) feet, thence South five hundred thirty three (533) feet to a point of beginning; thence South four hundred fifty seven (457) feet, thence West one hundred thirty eight (138) feet, thence North four hundred fifty seven (457) feet, thence East one hundred thirty eight (138) feet to the point of beginning. Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325 Page 765, records of Recorder's Office of Vigo County, Indiana.

-007
(and -018)

ALSO

The East half of Sixth Street adjoining above described real estate on the west as vacated March 28, 1972 in Commissioners Record 67 page 249, records of Auditor's Office, Vigo County, Indiana.

ALSO

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19) in J.G. Vrydaghs Subdivision of a part of the North East Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 4, Township 11 North, Range 9 West as per

000102/
2

recorded plat of the same recorded in Plat Record 9 Page 43.

Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325, Page 765, records of Recorder's Office of Vigo County, Indiana

ALSO

The West half of Sixth Street adjoining above described Lots 10 thru 18 in J.G. Vrydaghs Subdivision on the east as vacated March 28, 1972 in Commissionera Record 67 Page 249, records of Auditor's Office, Vigo County, Indiana.

Subject to those mortgages in favor of Terre Haute First National Bank recorded in Mortgage Record D-19, page 225 and Mortgage Record I-20, page 803, the lien of which mortgages are not to be deemed to be merged with the title in the event said mortgages are assigned of record to the grantee.

to have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anyway belonging, unto the said Donald R. Strole, his heirs and assigns forever.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officer of Grantor and have been fully empowered, by proper 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.

IN WITNESS WHEREOF the said corporation has caused these presents to be signed by its said president, and its common seal to be hereunto affixed by its secretary, this the 5th day of JANUARY, 1998.

GRANTOR CERTIFIES THAT THERE IS NO INDIANA GROSS INCOME TAX DUE AS A RESULT OF THIS CONVEYANCE.

Donald R. Strole

By: Donald R. Strole
Its President

Attest:

Donald R. Strole
Its Secretary

Donald R. Strole
Donald R. Strole, Sole Shareholder

000102
/3

STATE OF INDIANA)
)
COUNTY OF VIGO)

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said County and State, this 5TH day of JANUARY, 1998, personally appeared DOUGLAS R. STROLL, as officer and sole shareholder of Stromar, Inc., who acknowledged the foregoing Corporate Warranty Deed as his free and voluntary act.

WITNESS my hand and notarial seal.



Robert McMahan
Notary Public

ROBERT MCMAHAN
Printed Name

My Commission Expires:

12/1/99

My County of Residence: SULLIVAN

THIS INSTRUMENT PREPARED BY ROBERT D. MCMAHAN, ATTORNEY AT LAW,
2901 OHIO BLVD., SUITE 232, TERRE HAUTE, INDIANA 47803

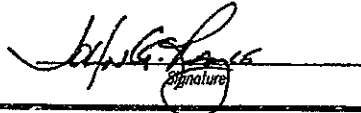
Mail tax duplicates to Grantee, P.O. Box 537, Terre Haute, IN 47808

Washington Avenue 2-Lot Subdivision

SHEET 1 OF 3


We, the undersigned, owners of the real estate shown, do hereby certify that we have laid off, plotted, and subdivided said real estate in accordance with the within plat.

This subdivision shall be known and designated as Washington Avenue 2-Lot Subdivision
 LRE Date: 07/08/2003 Time: 09:32:08
 Mitchell Newton 3P
 Witness my hand and seal this 19 day of MAY, 2003
 Vigo County Recorder
 Filing Fee: 13.00
 I: 200319793 Page 1 of 3


 Signature

JOHN G. RAGLE
 Printed Name

I, James David Myers, hereby certify that I am a Professional Land Surveyor, licensed in compliance with the State of Indiana, that this plot correctly represents a survey completed by me on 5-15-2003, that all monuments and markers actually exist, and that their location, size and type of material are accurately shown



 James David Myers IN L.S. 9400006

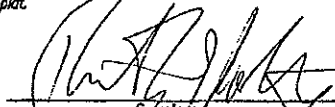


State of Indiana, County of Vigo, S.S. Before me the undersigned Notary Public, in and for said County and State, personally appeared JOHN G. RAGLE and acknowledged the execution of the foregoing instrument as his/her voluntary act and deed, for the purposes therein expressed.

Witness my hand and seal this 19 day of MAY, 2003.
 I reside in VERMILION Co. CYNTHIA L. WILHEIT
 Notary
 My commission expires 4/26/2007
6/8/2007 Printed Name

This certifies that the proper public notice of Hearing was given and that a majority of members of the Vigo County Area Planning Commission concurred in approval of this plat.


 President
 Fred L. Wilson
6-18-03
 Date

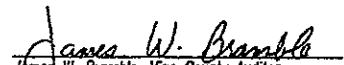

 Deputy Secretary
 Timothy J. Porter



Received for record this 8 day of July, 2003, and recorded in Plat Book 200319793 page 193
 Instrument number 200319793

Mitchell Newton, Vigo County Recorder

Duly entered for Taxation this 8th day of July, 2003


 James W. Bramble, Vigo County Auditor

SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.



MYERS ENGINEERING, INC.
 500 S. 9th St., Suite C
 Terre Haute, IN 47807
 PHONE: (812) 238-9711
 FAX: (812) 235-1353
 http://myersengineering.com
 Copyright ©2003

Washington Avenue 2-Lot Sub.
 Part of the N.E. 1/4, Section 4, Township 12-N, Range 9-W,
 Vigo County, Indiana

CLIENT: RAGLE		RECORD OWNER: WASHINGTON AVENUE BUILDING CORP TERRE HAUTE, IN 47808		
DRAWN BY: EDH	DATE: 05-15-03	PROJECT NUMBER: T103-205	DRAWING NAME: Sheet 1 Sub. App.	
CHECKED BY: JAN	SCALE: 1"=100'	FILENAME: T103-205.DWG		
APPROVED BY: JDN	DO NOT SCALE PRINT			
DATE	NO.	REVISIONS	BY	CHECKED

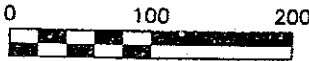
Washington Avenue 2-Lot Sub.

SHEET 2 OF 3

Part of the N.E. 1/4, Section 4, Township 12-N, Range 9-W,
Vigo County, Indiana



J. Myers
5/15/2003



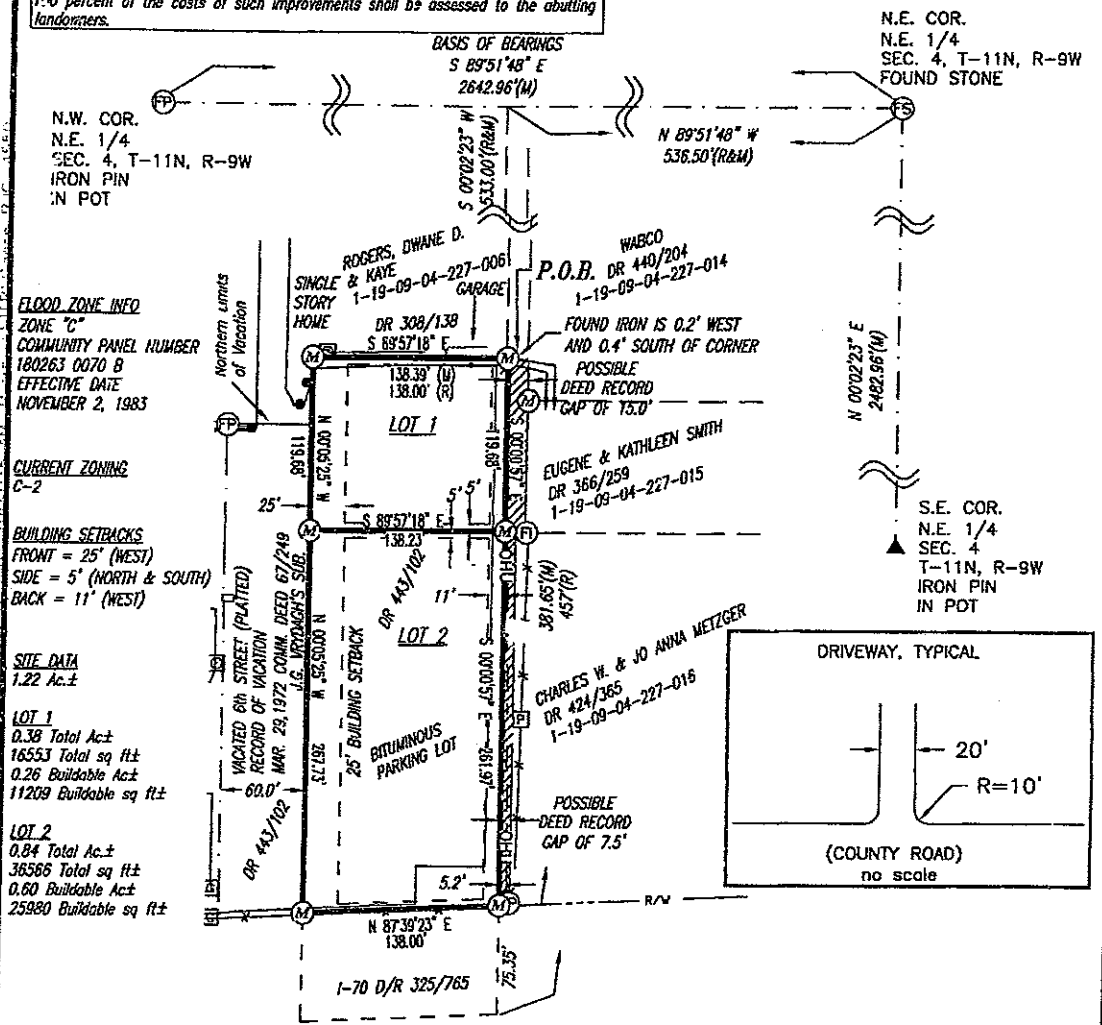
SCALE: 1"=100'

Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Vigo County Subdivision Control Ordinance. The Policy of the County of Vigo is that, if the county or city improves streets that were never constructed to the standards required in this ordinance for dedicated streets, then 100 percent of the costs of such improvements shall be assessed to the abutting landowners.

LEGEND

- = BOLLARD
- ⊠ = GAS METER
- ⊞ = POST
- ⊙ = CALCULATED POINT
- ⊕ = FOUND IRON PIN
- ⊖ = FOUND PIPE
- ▲ = FOUND POT
- ⊗ = FOUND STONE
- Ⓜ = 5/8" REBAR WITH PLASTIC CAP STAMPED "MYERS IN LS 9400006"

- = BUILDING SETBACK LINE
- X-X- = FENCE
- OHU- = OVERHEAD UTILITIES



FLOOD ZONE INFO
ZONE "C"
COMMUNITY PANEL NUMBER
180263 0070 B
EFFECTIVE DATE
NOVEMBER 2, 1983

CURRENT ZONING
C-2

BUILDING SETBACKS
FRONT = 25' (WEST)
SIDE = 5' (NORTH & SOUTH)
BACK = 11' (WEST)

SITE DATA
1.22 Ac±

LOT 1
0.38 Total Ac±
16553 Total sq ft±
0.26 Buildable Ac±
11209 Buildable sq ft±

LOT 2
0.84 Total Ac±
36586 Total sq ft±
0.60 Buildable Ac±
25980 Buildable sq ft±

SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.

MYERS ENGINEERING, INC.
300 S. 9th St., Suite C
Terre Haute, IN 47807
PHONE: (812) 238-9731
FAX: (812) 235-1353
<http://MyersEngineering.com>
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DATE	NO.	REVISIONS	BY	CHECKED

Washington Avenue 2-Lot Sub.

Part of the N.E. 1/4, Section 4, Township 12-N, Range 9-W,
Vigo County, Indiana

CLIENT: RAGLE	RECORD OWNER: WASHINGTON AVENUE BUILDING CORP TERRE HAUTE, IN 47808
DRAWN BY: EDH	DATE: 05-15-03
CHECKED BY: LJN	PROJECT NUMBER: TM03-205
APPROVED BY: JDM	DRAWING NAME: PLAT 8X14 PORTRAIT
SCALE: 1"=100'	FILENAME: TM03-205.DWG
DO NOT SCALE PRINT	



MYERS ENGINEERING, INC.
James D. Myers, P.E., L.S.
Civil Engineering, & Land Surveying
500 S. 9th St., Terre Haute, IN 47807
Telephone 812/238-9731 FAX 812/235-1353

CERTIFICATE OF SURVEY

To: Washington Avenue Building Corporation & Ragle
I, James David Myers, licensed Land Surveyor in the State of Indiana, have conducted this survey and to the best of my knowledge, information, and belief it was executed in accordance with the survey requirements of 865 IAC 1-12 for the following tract:

RECORD DESCRIPTION

Deed Record 443, page 102

Beginning at the Northeast corner of the Northeast Quarter (1/4) of Section 4, Township 11 North, Range 9 West, thence West five hundred thirty six and one half (36 1/2) feet, thence South five hundred thirty three (533) feet to a point of beginning, thence South four hundred fifty seven (457) feet, thence West one hundred thirty eight (138) feet, thence North four hundred fifty seven (457) feet, thence East one hundred thirty eight (138) feet to the point of beginning. Except that part conveyed unto the State of Indiana for right of way as shown by instrument dated July 25, 1961 and recorded in Deed Record 325 Page 765, records of Recorder's Office of Vigo County, Indiana.

SURVEYOR'S REPORT

In accordance with 865 IAC 1-12, the following information is presented concerning evidence used to establish this survey because of the following:

- a) availability and condition of reference monuments;
- b) occupation or possession lines;
- c) clarity or ambiguity of the record description used and/or adjoiner's descriptions; and
- d) the theoretical uncertainty of the measurements

The theoretical uncertainty of the lines and corners established on this survey is within the specifications for a CLASS 'B' SURVEY as defined in 865 IAC 1-12.

Survey to establish the property described above and sub-divide into 2 lots.

CONTROLLING ELEMENTS OF SURVEY: North and East line of Section 4, and the East line of vacated Sixth (6th) Street.

REFERENCE MONUMENTS UNCERTAINTIES: 0.4' North-South, 0.4' East-West

OCCUPATION / POSSESSION LINE UNCERTAINTIES: The utility poles and overhead utility lines servicing the surveyed tract are 5.2' of East of the title line and are evidence of an easement.

REFERENCE DOCUMENT UNCERTAINTIES: The surveyed tract deed record (443/102) and the East adjoiner deed record (366/259) appear to have a gap of 15 feet between them which appears to be used as an alley, the surveyed tract deed record (443/102) and the East adjoiner deed record (424/365) appear to have a gap of 7.5 feet between them, said gap areas contain utilities which may be servicing both properties, no record of which was found.

Basis of bearings is the North line of Section 4, T 12-N, R 9-W (South 89 degrees 51 minutes 48 seconds East)

Evidence of easements has not been located in the field and is not shown on this survey plat.

There may be unwritten rights associated with this survey.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

James D. Myers
5/15/2003



James D. Myers
Registered Land Surveyor # LS9400006
Date: 05-15-03
Project #: TM03-205
Client: Ragle

63-187-7136

147

Form 9

FOR SALE BY THE VIGOROUS-LEY CO. 1918-1919

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Glen Pyle and Dorothy Ellen Pyle, husband and wife

.....
.....
.....

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Washington Avenue Building Corporation

.....
.....

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other good and valuable consideration - - - - -

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Beginning at a point four hundred forty (440) feet west of the Northeast corner of the North East quarter (1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence South two hundred and thirteen (213) feet; thence West eighty-one and one-half (81 1/2) feet; thence North two hundred thirteen (213) feet; thence East eighty-one and one-half (81 1/2) feet to the place of beginning.

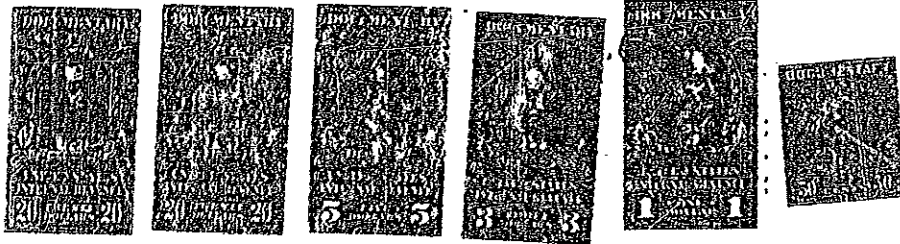
-008

ALSO,

Beginning at a point Fifteen (15) feet South from the North East corner of Section Four (4), Township Eleven (11) North of Range Nine (9) West, thence West 26-2/3 rods, thence South 12 rods, thence East 26-2/3 rods, thence North 12 rods to the place of beginning containing two (2) acres more or less, of Section Four (4), Township Eleven (11) North of Range Nine (9) West of the 2d Principal Meridian.

-009

Subject to 7 /12ths of the taxes for the year 1958, due and payable in the year 1959, and all subsequent taxes, which the Grantees assume and agree to pay.



IN WITNESS WHEREOF, The said Glen Pyle and Dorothy Ellen Pyle, husband and wife

have hereunto set their hands and seal.

this 4th day of June, A. D. 1958.

(SEAL) *Glen Pyle* (SEAL)

(Glen Pyle)

(SEAL) *Dorothy Ellen Pyle* (SEAL)

(Dorothy Ellen Pyle)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 4th day of

June, 1958, personally appeared Glen Pyle and Dorothy Ellen Pyle,

husband and wife

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires March 23, 1962

Doris Logsdon Notary Public
(Doris Logsdon)

RECEIVED FOR RECORD THE 14th DAY OF June 1958 AT 12 O'CLOCK P.M. RALPH G. BAXTER, RECORDER
STATE OF INDIANA, VIGO COUNTY, ss:

63-182-7138.

149.

Form 9

FOR SALE BY THE VIGORNEY CO. PL. IN. 1. 1916

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Helen J. Roehm, single and unmarried; and
Ethel A. Roehm McGannon and James W. McGannon, her husband

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Washington Avenue Building Corporation

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other good and valuable consideration - - - SIXTY

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo
County, in the State of Indiana, to-wit:

150

Part of the North East Quarter (1/4) of Section 4, Township 11 North, Range 9 West, described as follows:

Beginning 213 feet South of the North East corner of the said North East quarter (1/4) of said Section 4, running thence West 521 5/10 feet, thence South 79 1/2 feet, thence East 521.5/10 feet, thence North 79 1/2 feet to place of beginning.

-010

Subject to 7/12ths of the taxes for the year 1958, due and payable in the year 1959, and all subsequent taxes, which the Grantee assumes and agrees to pay.



IN WITNESS WHEREOF, The said Helen I. Roehm, single and unmarried; and Ethel A. Roehm McCammon and James W. McCammon, her husband

do hereby set their hands and seal this 12th day of June, A. D. 1958.

Ethel A. Roehm McCammon (SEAL) Helen I. Roehm (SEAL)
James W. McCammon (SEAL) (SEAL)

STATE OF INDIANA, VIGO COUNTY, IN:

Before me, the undersigned, a Notary Public in and for said County and State, this 12th day of June, 1958, personally appeared Helen I. Roehm, single and unmarried; and Ethel A. Roehm McCammon and James W. McCammon, her husband

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal. NANCY H. CLAYPOOL My commission expires April 11, 1960

RECEIVED FOR RECORD THE 16 DAY OF June 1958 AT 12 O'CLOCK Noon RALPH S. BAXTER, RECORDER

148

63-182-7137

STATE OF INDIANA

Form 8

FOR SALE BY THE VIOUESNEY C. FERRE HAUTE, INC.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Adrian V. Ray and Anna Strecker Ray, husband
and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANTY to Washington Avenue Building Corporation, a
corporation

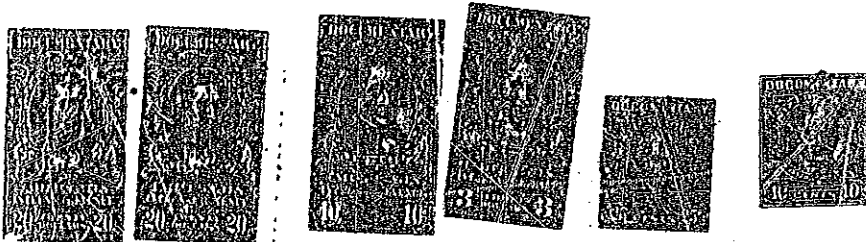
of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other good and valuable consideration

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo
County, in the State of Indiana, to-wit:

One Hundred and twenty (120) feet off the North end of the following described real estate to-wit: Commencing at a point two hundred ninety two (292) feet and six (6) inches south of the North east corner of Section Four (4) Township Eleven (11) North, Range Nine (9) West, thence South Two Hundred (200) feet, thence West Five Hundred twenty-one (521) feet and six (6) inches, thence North two hundred (200) feet, thence east five hundred twenty-one (521) feet and six (6) inches to the place of beginning.

Subject to 7/12ths of the taxes for the year 1958 due and payable in the year 1959, and all subsequent taxes, which the Grantee assumes and agrees to pay.



IN WITNESS WHEREOF, The said Adrian V. Ray and Anna Strecker Ray, husband and wife

do hereby set their hands and seals

this 6th day of June, A. D. 19 58

(SEAL) Adrian V. Ray (SEAL)
(Adrian V. Ray)
(SEAL) Anna Strecker Ray (SEAL)
(Anna Strecker Ray)
(SEAL) (SEAL)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 6th day of June 19 58, personally appeared Adrian V. Ray and Anna Strecker Ray, husband and wife

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires July 29th 19 58

Wilbur P. Johnson Notary Public
(Wilbur P. Johnson)

RECEIVED FOR RECORD THE 16 DAY OF June 1958 AT 12 O'CLOCK noon RALPH G. BAXTER, RECORDER

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

EGA Date 02/08/2002 Time 15:15:11
Mitchell Neuton 3P
Vigo County Recorder
Filing Fee: 18.60
I 200203658 Page 1 of 3

FEB 08 2002

James W. Brumhall
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE

TRUSTEES' DEED

THIS INDENTURE WITNESSETH: That JoAnn H. Owen, Successor Trustee under the O. Keith Owen, Jr. Trust Agreement dated January 11, 1991, and O. Keith Owen, Jr., Successor Trustee under the Joann H. Owen Trust Agreement dated January 11, 1991, of Vigo County, in the State of Indiana, do hereby CONVEY AND WARRANT to Washington Avenue Building Corporation, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Eighty (80) feet off the South side of the following described real estate, to-wit: Commencing at a point 292 feet and 6 inches South of the Northeast corner of Section Four (4), Township Eleven (11) North, Range Nine (9) West, thence South 200 feet; thence West 521 feet and 6 inches; thence North 200 feet; thence East 521 feet and 6 inches to the place of beginning. -013

ALSO

Commencing at a point 492 feet and 6 inches South of the North East corner of Section 4, Township 11 North, Range 9 West, and running thence South 70 feet; thence West 521 feet and 6 inches; thence North 70 feet; thence East 521 feet and 6 inches to the place of beginning. -014

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

Subject to taxes for 2002, payable in 2003, prorated from the date hereof.

The grantor, JoAnn H. Owen, further warrants and represents that she is the Trustee under the O. Keith Owen, Jr. Trust Agreement dated January 11, 1991, and the grantor, O. Keith Owen, Jr., further warrants and represents that he is the Trustee under the JoAnn H. Owen Trust Agreement dated January 11, 1991; that this deed is executed pursuant to and in the exercise of the power and authority granted to the Trustees under said trusts which specifically authorizes the undersigned to bargain, transfer, sell, and convey the above-described real estate for such consideration as they deem appropriate and further provides that no person dealing with the Trustee shall have to see to the application of the proceeds of sale and the powers referred to in said Trusts have never been amended and said Trusts are still in existence.

IN WITNESS WHEREOF, the said JoAnn H. Owen, Successor Trustee under the O. Keith Owen, Jr. Trust Agreement dated January 11, 1991, and O. Keith Owen, Jr., Successor Trustee under the JoAnn H. Owen Trust Agreement dated January 11, 1991, have hereunto set their hands and seals, this 01/11/02 day of _____, 2002.

JoAnn H. Owen
JoAnn H. Owen, Successor Trustee
under the O. Keith Owen, Jr. Trust
Agreement dated January 11, 1991

O. Keith Owen, Jr.
O. Keith Owen, Jr., Successor Trustee
under the JoAnn H. Owen Trust
Agreement dated January 11, 1991

Florida
STATE OF INDIANA)
Sarasota)SS:
COUNTY OF HGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 14th day of January, 2002, personally appeared JoAnn H. Owen, Successor Trustee under the O. Keith Owen, Jr. Trust Agreement dated January 11, 1991, and, being first duly sworn upon her oath said and acknowledged this conveyance to be her voluntary act and deed individually and as Trustee and acknowledged the truth of the representations contained therein.

Witness my hand and Notarial Seal.



Christine A. Williams
Notary Public

(Printed Name)

My Commission expires: _____ My County of residence: _____

Florida
STATE OF INDIANA)
Sarasota)SS:
COUNTY OF HGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 14th day of January, 2002, personally appeared O. Keith Owen, Jr., Successor Trustee under the JoAnn H. Owen Trust Agreement dated January 11, 1991, and, being first duly sworn upon their oath said and acknowledged this conveyance to be his voluntary act and deed individually and as Trustee and acknowledged the truth of the representations contained therein.

Witness my hand and Notarial Seal.



Christine A. Williams
Notary Public

(Printed Name)

My Commission expires: _____ My County of residence: _____

This instrument prepared by _____
Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN
P. O. Box 1625, Terre Haute, IN 47808-1625; (812) 232-6003.

Mail tax statements to: _____
Washington Ave. Building Corp.
P.O. Box 537, Terre Haute IN 47808

Receipt

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

Date: 7/14/11

Name: Bramos + Oldham - Ragle / Southland

Reason: Reynoring

Cash: _____

Check: 4500 CK # 26952

Credit: _____

Total: 4500

Received By: Sat / H Ellis

TERRE HAUTE, IN
PAID
JUL 14 2011
CONTROLLER



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: September 8, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #26-11

CERTIFICATION DATE: September 7, 2011


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

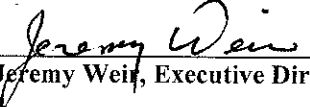
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 26-11. This Ordinance is a rezoning of the property located at 3010 South 6th Street, 3033 South 7th Street and 13-63 Southland Shopping Center. The Petitioner, Washington Avenue Building Corporation/John Ragle, Petitions the Plan Commission to rezone said real estate from zoning classification R-1, C-2 and C-6 to C-3, Regional Commerce District, for a shopping mall. 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. 26-11 at a public meeting and hearing held Wednesday, September 7, 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. 26-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 26-11 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. 26-11, was FAVORABLE .


Fred L. Wilson, President


Jeremy Wein, Executive Director

Received this 8th day of September, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #26-11

Doc: # 58

Date: September, 2011

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Washington Avenue Building Corporation/ John Ragle

Property Owner: Same-As-Above

Representative: Rhonda Oldham

Proposed Use: Shopping Center/Mall

Proposed Zoning: C-3, Regional Commerce District

Current Zoning: R-1, Single-Family Residence District
C-2, Community Commerce District
C-6, Strip Commerce District

Location: Southwest Corner of Margaret Drive and 7th Street.

Common Address: 3010 S. 6th Street and 13-63 Southland Shopping Center

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Regional Commercial

- Spatial containment of commercial activities to existing commercially zoned sites; maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
- Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkage between and among major existing activity centers.
- Increase the Identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
- Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes. Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
- Ensure that future retail commercial development in the area does not detract from the viability of residential Neighborhoods in the vicinity.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #26-11
Date: September, 2011

Doc: # 58
Page 2 of 3

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Margaret Drive (Primary Arterial) and 7th Street (Secondary Arterial)

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-6, Strip Commerce (Drug Store) and R-1, Single-Family Residence District

East – C-2, Community Commerce District, and R-1, Single-Family Residence District

South – C-3, Regional Commerce District, and R-1, Single-Family Residence District

West – C-2, Community Commerce District, and R-1, Single-Family Residence District

Character of Area: Commercial

Contig. Uses & Zones: Mix of commercial districts with some residential remaining.
Area is changing to commercial. Proposed change in zoning will not alter the character of area.

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation

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establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Floor Area Ratio of 2.0; street setback of 55 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and Meet the minimum parking requirement per table 4. Off-street parking areas for more than ten (10) vehicles, and off-street loading areas, shall be effectively screened on each side, which adjoins or faces residential or institutional premises situated in any R-District. All parking lots shall be illuminated. Such lighting shall be composed of light posts, which are compatible with the architecture of the building and are wired internally and underground. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

Illumination of an off-street parking area shall be arranged so as to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting cause more than three (3) footcandles of light to fall on adjacent properties as measured horizontally at the lot line.

FINDINGS and RECOMMENDATION

Staff Findings: The consolidation of parcels into one zoning district will facilitate site development continuity.

Recommendation: Favorable Recommendation.