



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 5

COMMON ADDRESS OF LOTS TO BE REZONED:

3020, 3110, and 3112 South 21st Street Terre Haute, Indiana

Current Zoning: R-1, Single-Family Residential

Requested Zoning: MHCU, Mobile Home Conditional Use

Proposed Use: Three Mobile Homes on a 2.54 Acre parcel

Name of Owner: Richard E. Van Gilder and Martha M. Van Gilder

Address of Owner: 3190 West Chowning, Shelburn, IN 47879

Phone Number of Owner: Cell: 812-249-1858, Work: 812-299-2523

For Information Contact: Martha M. Van Gilder

Council Sponsor: Amy Auler

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

FILED
JAN 25 2012
CITY OF

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 5, 2012

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as
"Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute,
Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the
"Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps,
be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of
Indiana, to-wit:

INSERT LEGAL

SEE ATTACHMENT A

Commonly known as: 3020, 3110, and 3112 South 21st Street, Terre Haute, Indiana 47802

Be and the same is hereby established as a MHCU, Mobile Home Conditional Use, 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, WHEREBAS, 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, Amy Auler
Amy Auler

Passed in Open Council this 19th day of April, 2012

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

Don Morris
Don Morris - President

Presented by me to the Mayor of the City of Terre Haute this 20th day of April, 2012

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 28th day of April, 2012

Duke Bennett
Duke Bennett, Mayor

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument prepared by: Martha M. Van Gilder, Address: 3190 West Chowing, Shelburn Indiana 47879, Phone: 812-249-1858.

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.



Martha M. Van Gilder

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

EXEMPT FROM DISCLOSURE
QUITCLAIM DEED

98 05723

001182

APR 07 1998 Indenture Witnesseth, That

005723

RECEIVED FOR RECORD

98 APR -7- PM 31

Justin D. Anderson

Notary Public
Vigo County
RICHARD E. VAN GILDER and MARTHA M. VAN GILDER,
Husband and wife, (the said Richard E. Van Gilder is one and the same
person and also known as Richard Van Gilder, and the said Martha M.
Van Gilder is one and the same person and also known as Martha
Van Gilder), of 3043 East Springhill Drive, (Vigo County), Terre
Haute, IN 47802

FULL MASON
VIGO CO. RECORDER

for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is
hereby acknowledged, TRANSFER and QUITCLAIM to

**RICHARD VAN GILDER, TRUSTEE OF THE RICHARD
VAN GILDER REVOCABLE TRUST** created by an Agreement
dated March 30, 1998, and to any successor Trustee, with complete
and independent power of sale and disposition, of 3043 East Springhill
Drive, (Vigo County), Terre Haute, IN 47802, AN UNDIVIDED ONE-
HALF (1/2) INTEREST,

and TRANSFER and QUITCLAIM to

**MARTHA M. VAN GILDER, TRUSTEE OF THE MARTHA M.
VAN GILDER REVOCABLE TRUST** created by an Agreement
dated March 30, 1998, and to any successor Trustee, with complete
and independent power of sale and disposition, of 3043 East Springhill
Drive, (Vigo County), Terre Haute, IN 47802, AN UNDIVIDED ONE-
HALF (1/2) INTEREST,

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

Tract 1:

The Northeast quarter of the Northeast quarter of the Southeast
quarter of Section 11, Township 11 North, Range 9 West, except
the following three tracts:

- (1) One acre (165 feet east and west and 264 feet
north and south) in the Northeast corner thereof,
conveyed to George Fleschner and Bertha E.
Fleschner, husband and wife, as shown by Deed
Record 187 page 300 in the Office of the Vigo
County Recorder.
- (2) Beginning on the north line of the Southeast quarter
of said Section 11, at a point ten (10) rods west of the
northeast corner thereof, thence west on the north
line 180 feet; thence south 224.0 feet; thence east 20 feet;
thence south 40 feet; thence east 160 feet; then north
264.0 feet to the place of beginning, containing 1.07 acres,
more or less.
- (3) Beginning at a point 455.0 feet west of the northeast
corner of the Southeast quarter of said Section 11,
thence west along the north line of said quarter 205.0 feet;
thence south 663.3 feet and an interior
angle of 89 degrees 50 minutes; thence east
205.0 feet and an interior angle of 89 degrees 10
minutes; thence north 663.3 feet and an
interior angle of 89 degrees 50 minutes to the point

Attachment A 0

of beginning, containing 3.12 acres, more or less.

Tract 1 contains 4.86 acres, more or less.

SUBJECT TO:

- (a) Rights and privileges conveyed to Indiana Electric Corporation of Marion County, Indiana, recorded in Deed Record 176, page 253, and Miscellaneous Record 44, page 188 in the Vigo County Recorder's Office.
- (b) Pipeline Easement as shown in Deed Record 215, page 140 and Deed Record 230, page 366 in the aforesaid Office.

Tract 2

Beginning at a point on the north line of Section 2, Township 11 North, Range 9 West, said point being 453.9 feet east of the north west corner of said Section 2, continuing thence east on the north line of said Section 2 a distance of 40.0 feet; thence south and parallel with the west line of the north west quarter of said Section 2 a distance of 237.51 feet; thence west and parallel with the north line of said Section 2 a distance of 40.0 feet; thence north a distance of 237.51 feet to the point of beginning, containing 0.218 acre, more or less.

Tract 3

A part of the Southeast Quarter of Section 24, Township 10 North, Range 8 West of the Second Principal Meridian, Pierson Township, Vigo County, Indiana, as follows: Beginning at the southeast corner of the Southeast Quarter of Section 24, Township and Range aforesaid; thence North 89 degrees 35 minutes 5 seconds West with the section line for a distance of 173.50 feet; thence North 0 degrees 19 minutes 50 seconds West for a distance of 218.50 feet to an iron rod set this survey; thence South 89 degrees 35 minutes 5 seconds East for a distance of 173.50 feet to the half section line; thence South 0 degrees 19 minutes 50 seconds East with the half section line for a distance 218.50 feet to point of beginning, containing 0.87 acres, more or less.

Tract 4

Beginning at the Northeast corner of the following described land: Part of the West half of the Northwest quarter of Section 2, Township 11 North of Range 9 West, described as follows, to-wit: Seven and one-fourth (7 1/4) acres off West side of fourteen (14) acres off the East side of twenty-seven (27) acres described as follows: Beginning at the Northwest corner of said Section 2, thence East 60 rods, thence South 74 1/2 rods, thence West 6 rods, thence North 74 1/2 rods to the place of beginning. Except one rod off the West side of said fourteen acres for roadway. And except one and one-half (1 1/2) acres off the South end of said seven and one-fourth (7 1/4) acres, which includes one (1) rod off the West side thereof for said roadway. And more particularly described as follows: Beginning on the North line of the Northwest quarter of Section 2, Township 11 North of Range 9 West, at a point four hundred ninety-three and nine-tenths (493.9) feet East of the Northwest corner of said Section; thence South and parallel to the West line of said Section a distance of nine hundred sixty-five and eighty-four

hundredths (965.84) feet; thence East and parallel to the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet; thence North and parallel to the West Section line a distance of nine hundred sixty-five and eighty-four hundredths (965.84) feet to the North line of said Section, thence West on the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet to the place of beginning, as the same is shown by a legal survey and recorded in legal survey record Book 5 at page 505 of the records of the Vigo County Surveyor's Office. Thence West 97 feet, thence South 663 feet, thence East 97 feet, thence North 663 feet to the place of beginning, containing 1.47 acres, more or less.

ALSO

A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, described as follows, to-wit: Beginning at a point on the North line of said 750.81 feet East of the Northwest corner of said Northwest quarter; thence East along said North line, 16 feet; thence South and parallel to the West line of said Section 2, 663 feet; thence West and parallel to said North line 16 feet; thence North and parallel to said West line 663 feet to the place of beginning, containing 0.24 acre, more or less.

EXCEPT: A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, more particularly described as follows: Beginning at a point on the North line of and 653.81 feet East of the Northwest corner of said Northwest Quarter; thence East along said North line, 113 feet; thence South and parallel to the West line of said Section 2, 357.5 feet; thence West and parallel to said North line, 113 feet; thence North and parallel to said West line 357.5 feet to the place of beginning containing 0.92 of an acre, more or less.

Subject to a grant of easement in favor of Carmen L. Dayhuff, dated November 30, 1976 and recorded in Deed Record 369, Page 733-2 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO

A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, more particularly described as follows: From the Northwest corner of said Northwest quarter running thence East along the North line of said quarter a distance of 493.9 feet, thence South and parallel with the West line of said Northwest quarter a distance of 223 feet to the place of beginning, thence continuing South and parallel to said West line a distance of 460 feet; thence East and parallel to said North line, a distance of 256.91 feet; thence North and parallel to said West line, a distance of 20 feet; thence West and parallel to said North line, a distance of 97 feet; thence North and parallel to said West line a distance of 440 feet; thence West and parallel to said North line, a distance of 159.91 feet to the place of beginning, containing 1.73 acres, more or less. Subject to an easement for roadway, 20 feet in width along the West side thereof.

Tract 4 contains, less said exception, 2.52 acres, more or less.

Including all of the improvements located on the above described real estate.

By the execution and delivery of this Deed it is the intent of the Grantors to convey unto the Grantees all of the real estate owned by the Grantors in Vigo County, except the home and approximate 1.07 acre tract in Section 11, Township 11 North, Range 9 West, Vigo County, Indiana, that they are conveying to the Richard

001184 / 4

Van Gilder Revocable Trust.

This conveyance is made in contemplation of the Indiana Trust Code, and particularly Indiana Code 30-4-3-3 relating to the powers of trustees and Indiana Code, 30-4-4 relating to the rights of third parties dealing with the Trustee, and it is specifically contemplated that those provisions shall apply to and govern the Trustee Grantees, and their successors, in the administration of the Richard Van Gilder Revocable Trust and the Martha M. Van Gilder Revocable Trust pursuant to the Agreements dated March 30th 1998, creating said Trusts.

IN WITNESS WHEREOF, the said RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, have hereunto set their hands and seals this 30th day of March, 1998.

Richard E. Van Gilder
Richard E. Van Gilder
Martha M. Van Gilder
Martha M. Van Gilder

STATE OF INDIANA)
COUNTY OF Sullivan) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of March, 1998, personally appeared RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, and acknowledged this conveyance to be their voluntary act and deed.

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

Robert G. Lowry
ROBERT G. LOWRY Notary Public
a resident of Sullivan County, IN

NOTARY PUBLIC
My Commission Expires:
10/29/2001

This instrument prepared by:
Robert G. Lowry, Attorney
First Bank and Trust Bldg.
32 1/2 S. Court St.
Sullivan, IN 47882
Tel. 1-812-268-4369

RECEIVED FOR RECORD
AT _____ O'CLOCK _____ AM
RECORD 443 PAGE 1184
Paul Mason
RECORDER WIGO COUNTY

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, Richard E. Van Gilder and Martha M. Van Gilder, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

SEE ATTACHMENT A

Commonly known as: 3020, 3110, and 3112 South 21st Street, Terre Haute, Indiana 47802

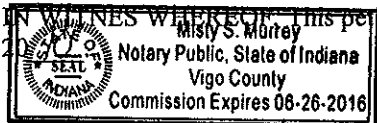
Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **MHCU, Mobile Home Conditional Use**.

Your petitioner would respectfully state that the real estate is now currently being used for two mobile homes. Your petitioner intends to use the real estate for three mobile homes.

Your petitioner would request that the real estate described herein shall be zoned as a as **MHCU, Mobile Home Conditional Use**. Your petitioner would allege that the **Mobile Home Conditional Use** 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 as **MHCU, Mobile Home Conditional Use** 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 25th day of January

BY Richard E. Van Gilder and Martha M. Van Gilder
Richard E. Van Gilder and Martha M. Van Gilder

PETITIONER: Richard E. Van Gilder and Martha M. Van Gilder/ 3190 West Chowing, Shelburn Indiana 47879, Phone: 812-249-1858

This instrument was prepared by Martha M. Van Gilder, / 3190 West Chowing, Shelburn Indiana 47879.

MISTY S. MURREY, NOTARY PUBLIC
STATE OF INDIANA, VIGO COUNTY
MY COMM. EXPIRES JUNE 26, 2016

Misty S. Murrey
11-25-12

DULY ENTERED FOR TAXATION
Subject to final acceptance by transfer

EXEMPT FROM DISCLOSURE
QUITCLAIM DEED

98 05723

001184

APR 07 1998 s Indenture Witnesseth, That

005723

RECEIVED FOR REC

98 APR -7 PH 31

Justin D Anderson
Vigo County

RICHARD E. VAN GILDER and MARTHA M. VAN GILDER,
Husband and wife, (the said Richard E. Van Gilder is one and the same
person and also known as Richard Van Gilder, and the said Martha M.
Van Gilder is one and the same person and also known as Martha
Van Gilder), of 3043 East Springhill Drive, (Vigo County), Terre
Haute, IN 47802

PULL MASON
VIGO CO. RECORDER

for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is
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**RICHARD VAN GILDER, TRUSTEE OF THE RICHARD
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dated March 30, 1998, and to any successor Trustee, with complete
and independent power of sale and disposition, of 3043 East Springhill
Drive, (Vigo County), Terre Haute, IN 47802, **AN UNDIVIDED ONE-
HALF (1/2) INTEREST,**

and TRANSFER and QUITCLAIM to

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dated March 30, 1998, and to any successor Trustee, with complete
and independent power of sale and disposition, of 3043 East Springhill
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north and south) in the Northeast corner thereof,
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Fleschner, husband and wife, as shown by Deed
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angle of 89 degrees 50 minutes; thence east
205.0 feet and an interior angle of 89 degrees 10
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interior angle of 89 degrees 50 minutes to the point

Attachment A 0 1

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- (b) Pipeline Easement as shown in Deed Record 215, page 140 and Deed Record 239, page 366 in the aforesaid Office.

Tract 2

Beginning at a point on the north line of Section 2, Township 11 North, Range 9 West, said point being 453.9 feet east of the north west corner of said Section 2, continuing thence east on the north line of said Section 2 a distance of 40.0 feet; thence south and parallel with the west line of the north west quarter of said Section 2 a distance of 237.51 feet; thence west and parallel with the north line of said Section 2 a distance of 40.0 feet; thence north a distance of 237.51 feet to the point of beginning, containing 0.218 acres, more or less.

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hundredths (965.84) feet; thence East and parallel to the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet; thence North and parallel to the West Section line a distance of nine hundred sixty-five and eighty-four hundredths (965.84) feet to the North line of said Section, thence West on the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet to the place of beginning, as the same is shown by a legal survey and recorded in legal survey record Book 5 at page 509 of the records of the Vigo County Surveyor's Office. Thence West 97 feet, thence South 663 feet, thence East 97 feet, thence North 663 feet to the place of beginning, containing 1.47 acres, more or less.

ALSO

A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, described as follows, to-wit: Beginning at a point on the North line of said 750.81 feet East of the Northwest corner of said Northwest quarter; thence East along said North line, 16 feet; thence South and parallel to the West line of said Section 2, 663 feet; thence West and parallel to said North line 16 feet; thence North and parallel to said West line 663 feet to the place of beginning, containing 0.24 acre, more or less.

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Tract 4 contains, less said exception, 2.52 acres, more or less.

Including all of the improvements located on the above described real estate.

By the execution and delivery of this Deed it is the intent of the Grantors to convey unto the Grantees all of the real estate owned by the Grantors in Vigo County, except the home and approximate 1.07 acre tract in Section 11, Township 11 North, Range 9 West, Vigo County, Indiana, that they are conveying to the Richard

001184 / 4.

Van Gilder Revocable Trust.

This conveyance is made in contemplation of the Indiana Trust Code, and particularly Indiana Code 30-4-3-3 relating to the powers of trustees and Indiana Code, 30-4-4 relating to the rights of third parties dealing with the Trustees, and it is specifically contemplated that those provisions shall apply to and govern the Trustee Grantees, and their successors, in the administration of the Richard Van Gilder Revocable Trust and the Martha M. Van Gilder Revocable Trust pursuant to the Agreements dated March 30th, 1998, creating said Trusts.

IN WITNESS WHEREOF, the said RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, have hereunto set their hands and seals this 30th day of March, 1998.

Richard E. Van Gilder
Richard E. Van Gilder

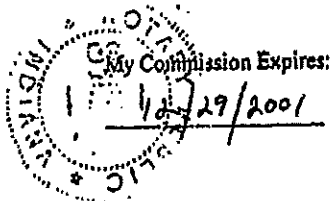
Martha M. Van Gilder
Martha M. Van Gilder

STATE OF INDIANA)
COUNTY OF Sullivan) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of March, 1998, personally appeared RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, and acknowledged this conveyance to be their voluntary act and deed.

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

Robert G. Lowry
ROBERT G. LOWRY Notary Public
a resident of Sullivan County, IN



This instrument prepared by:
Robert G. Lowry, Attorney
First Bank and Trust Bldg.
32 1/2 S. Court St.
Sullivan, IN 47882
Tel. 1-812-268-4369

RECEIVED FOR RECORD
AT _____ O'CLOCK _____ M
RECORD 443 PAGE 1184
Paul Mason
RECORDER VIGO COUNTY

AFFIDAVIT OF:

COMES NOW affiant Richard E. & Martha M. Van Gilder

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

at 3110, 3020, 3112 S. 21st St.

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.

Richard E. Van Gilder and Martha M. Van Gilder

SIGNATURE: Richard E. Van Gilder

SIGNATURE: Martha M. Van Gilder

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo Co., IN

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 12 day of January, 2012.

Notary Public:

Vickie L. French
Vickie L. French

My Commission Expires: 02-17-2017

My County Of Residence: Vigo

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

EXEMPT FROM DISCLOSURE
QUITCLAIM DEED

98 05723

001183

APR 07 1998 s Indenture Witnesseth, That

005723

RECEIVED FOR RECORD

98 APR -7 PH 31

Justin A. Anderson

RICHARD E. VAN GILDER and MARTHA M. VAN GILDER,
Vigo County, Indiana
Husband and wife, (the said Richard E. Van Gilder is one and the same person and also known as Richard Van Gilder, and the said Martha M. Van Gilder is one and the same person and also known as Martha Van Gilder), of 3043 East Springhill Drive, (Vigo County), Terre Haute, IN 47802

PUL MASON
VIGO CO. RECORDER

for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, TRANSFER and QUITCLAIM to

RICHARD VAN GILDER, TRUSTEE OF THE RICHARD VAN GILDER REVOCABLE TRUST created by an Agreement dated March 30, 1998, and to any successor Trustee, with complete and independent power of sale and disposition, of 3043 East Springhill Drive, (Vigo County), Terre Haute, IN 47802, AN UNDIVIDED ONE-HALF (1/2) INTEREST,

and TRANSFER and QUITCLAIM to

MARTHA M. VAN GILDER, TRUSTEE OF THE MARTHA M. VAN GILDER REVOCABLE TRUST created by an Agreement dated March 30, 1998, and to any successor Trustee, with complete and independent power of sale and disposition, of 3043 East Springhill Drive, (Vigo County), Terre Haute, IN 47802, AN UNDIVIDED ONE-HALF (1/2) INTEREST,

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

Tract L:

The Northeast quarter of the Northeast quarter of the Southeast quarter of Section 11, Township 11 North, Range 9 West, except the following three tracts:

- (1) One acre (165 feet east and west and 264 feet north and south) in the Northeast corner thereof, conveyed to George Fleschner and Bertha E. Fleschner, husband and wife, as shown by Deed Record 187 page 300 in the Office of the Vigo County Recorder.
- (2) Beginning on the north line of the Southeast quarter of said Section 11, at a point ten (10) rods west of the northeast corner thereof, thence west on the north line 180 feet; thence south 224.0 feet; thence east 20 feet; thence south 40 feet; thence east 160 feet; then north 264.0 feet to the place of beginning, containing 1.07 acres, more or less.
- (3) Beginning at a point 455.0 feet west of the northeast corner of the Southeast quarter of said Section 11, thence west along the north line of said quarter 205.0 feet; thence south 663.3 feet and an interior angle of 89 degrees 50 minutes; thence east 205.0 feet and an interior angle of 89 degrees 10 minutes; thence north 663.3 feet and an interior angle of 89 degrees 50 minutes to the point

Attachment A 0...

of beginning, containing 3.12 acres, more or less.

Tract 1 contains 4.86 acres, more or less.

SUBJECT TO:

- (a) Rights and privileges conveyed to Indiana Electric Corporation of Marion County, Indiana, recorded in Deed Record 176, page 253, and Miscellaneous Record 44, page 188 in the Vigo County Recorder's Office.
- (b) Pipeline Easement as shown in Deed Record 215, page 140 and Deed Record 230, page 366 in the aforesaid Office.

Tract 2

Beginning at a point on the north line of Section 2, Township 11 North, Range 9 West, said point being 453.9 feet east of the north west corner of said Section 2, continuing thence east on the north line of said Section 2 a distance of 40.0 feet; thence south and parallel with the west line of the north west quarter of said Section 2 a distance of 237.51 feet; thence west and parallel with the north line of said Section 2 a distance of 40.0 feet; thence north a distance of 237.51 feet to the point of beginning, containing 0.218 acre, more or less.

Tract 3

A part of the Southeast Quarter of Section 24, Township 10 North, Range 8 West of the Second Principal Meridian, Pierson Township, Vigo County, Indiana, as follows: Beginning at the southeast corner of the Southeast Quarter of Section 24, Township and Range aforesaid; thence North 89 degrees 35 minutes 5 seconds West with the section line for a distance of 173.50 feet; thence North 0 degrees 19 minutes 50 seconds West for a distance of 218.50 feet to an iron rod set this survey; thence South 89 degrees 35 minutes 5 seconds East for a distance of 173.50 feet to the half section line; thence South 0 degrees 19 minutes 50 seconds East with the half section line for a distance 218.50 feet to point of beginning, containing 0.87 acres, more or less.

Tract 4

Beginning at the Northeast corner of the following described land: Part of the West half of the Northwest quarter of Section 2, Township 11 North of Range 9 West, described as follows, to-wit: Seven and one-fourth (7 1/4) acres off West side of fourteen (14) acres off the East side of twenty-seven (27) acres described as follows: Beginning at the Northwest corner of said Section 2, thence East 60 rods, thence South 74 1/2 rods, thence West 6 rods, thence North 74 1/2 rods to the place of beginning. Except one rod off the West side of said fourteen acres for roadway. And except one and one-half (1 1/2) acres off the South end of said seven and one-fourth (7 1/4) acres, which includes one (1) rod off the West side thereof for said roadway. And more particularly described as follows: Beginning on the North line of the Northwest quarter of Section 2, Township 11 North of Range 9 West, at a point four hundred ninety-three and nine-tenths (493.9) feet East of the Northwest corner of said Section; thence South and parallel to the West line of said Section a distance of nine hundred sixty-five and eighty-four

hundredths (965.84) feet; thence East and parallel to the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet; thence North and parallel to the West Section line a distance of nine hundred sixty-five and eighty-four hundredths (965.84) feet to the North line of said Section, thence West on the North line of said Section a distance of two hundred fifty-six and ninety-one hundredths (256.91) feet to the place of beginning, as the same is shown by a legal survey and recorded in legal survey record Book 5 at page 509 of the records of the Vigo County Surveyor's Office. Thence West 97 feet, thence South 663 feet, thence East 97 feet, thence North 663 feet to the place of beginning, containing 1.47 acres, more or less.

ALSO

A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, described as follows, to-wit: Beginning at a point on the North line of said 750.81 feet East of the Northwest corner of said Northwest quarter; thence East along said North line, 16 feet; thence South and parallel to the West line of said Section 2, 663 feet; thence West and parallel to said North line 16 feet; thence North and parallel to said West line 663 feet to the place of beginning, containing 0.24 acre, more or less.

EXCEPT: A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, more particularly described as follows: Beginning at a point on the North line of and 653.81 feet East of the Northwest corner of said Northwest Quarter; thence East along said North line, 113 feet; thence South and parallel to the West line of said Section 2, 357.5 feet; thence West and parallel to said North line, 113 feet; thence North and parallel to said West line 357.5 feet to the place of beginning containing 0.92 of an acre, more or less.

Subject to a grant of easement in favor of Carmen L. Dayhuff, dated November 30, 1976 and recorded in Deed Record 369, Page 733-2 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO

A part of the Northwest quarter of Section 2, Township 11 North, Range 9 West, more particularly described as follows: From the Northwest corner of said Northwest quarter running thence East along the North line of said quarter a distance of 493.9 feet, thence South and parallel with the West line of said Northwest quarter a distance of 223 feet to the place of beginning, thence continuing South and parallel to said West line a distance of 460 feet; thence East and parallel to said North line, a distance of 256.91 feet; thence North and parallel to said West line, a distance of 20 feet; thence West and parallel to said North line, a distance of 97 feet; thence North and parallel to said West line a distance of 440 feet; thence West and parallel to said North line, a distance of 159.91 feet to the place of beginning, containing 1.73 acres, more or less. Subject to an easement for roadway, 20 feet in width along the West side thereof.

Tract 4 contains, less said exception, 2.52 acres, more or less.

Including all of the improvements located on the above described real estate.

By the execution and delivery of this Deed it is the intent of the Grantors to convey unto the Grantees all of the real estate owned by the Grantors in Vigo County, except the home and approximate 1.07 acre tract in Section 11, Township 11 North, Range 9 West, Vigo County, Indiana, that they are conveying to the Richard

001184 / 4.

Van Gilder Revocable Trust.

This conveyance is made in contemplation of the Indiana Trust Code, and particularly Indiana Code 30-4-3-3 relating to the powers of trustees and Indiana Code, 30-4-4 relating to the rights of third parties dealing with the Trustees, and it is specifically contemplated that those provisions shall apply to and govern the Trustee Grantees, and their successors, in the administration of the Richard Van Gilder Revocable Trust and the Martha M. Van Gilder Revocable Trust pursuant to the Agreements dated March 30th, 1998, creating said Trusts.

IN WITNESS WHEREOF, the said RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, have hereunto set their hands and seals this 30th day of March, 1998.

Richard E. Van Gilder
Richard E. Van Gilder

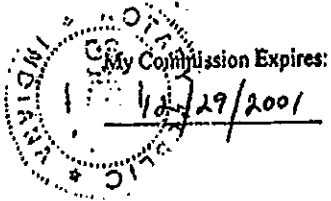
Martha M. Van Gilder
Martha M. Van Gilder

STATE OF INDIANA)
COUNTY OF Sullivan) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of March, 1998, personally appeared RICHARD E. VAN GILDER and MARTHA M. VAN GILDER, husband and wife, and acknowledged this conveyance to be their voluntary act and deed.

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

Robert G. Lowry
ROBERT G. LOWRY Notary Public
a resident of Sullivan County, IN



This instrument prepared by:
Robert G. Lowry, Attorney
First Bank and Trust Bldg.
32 1/2 S. Court St.
Sullivan, IN 47882
Tel. 1-812-268-4369

RECEIVED FOR RECORD
AT _____ O'CLOCK _____ M
RECORD 443 PAGE 1184
Paul Mason
RECORDER VIGO COUNTY

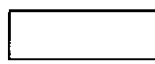
3020, 3110, and 3112 South 21st Street

S 21ST ST

Existing Mobile Homes

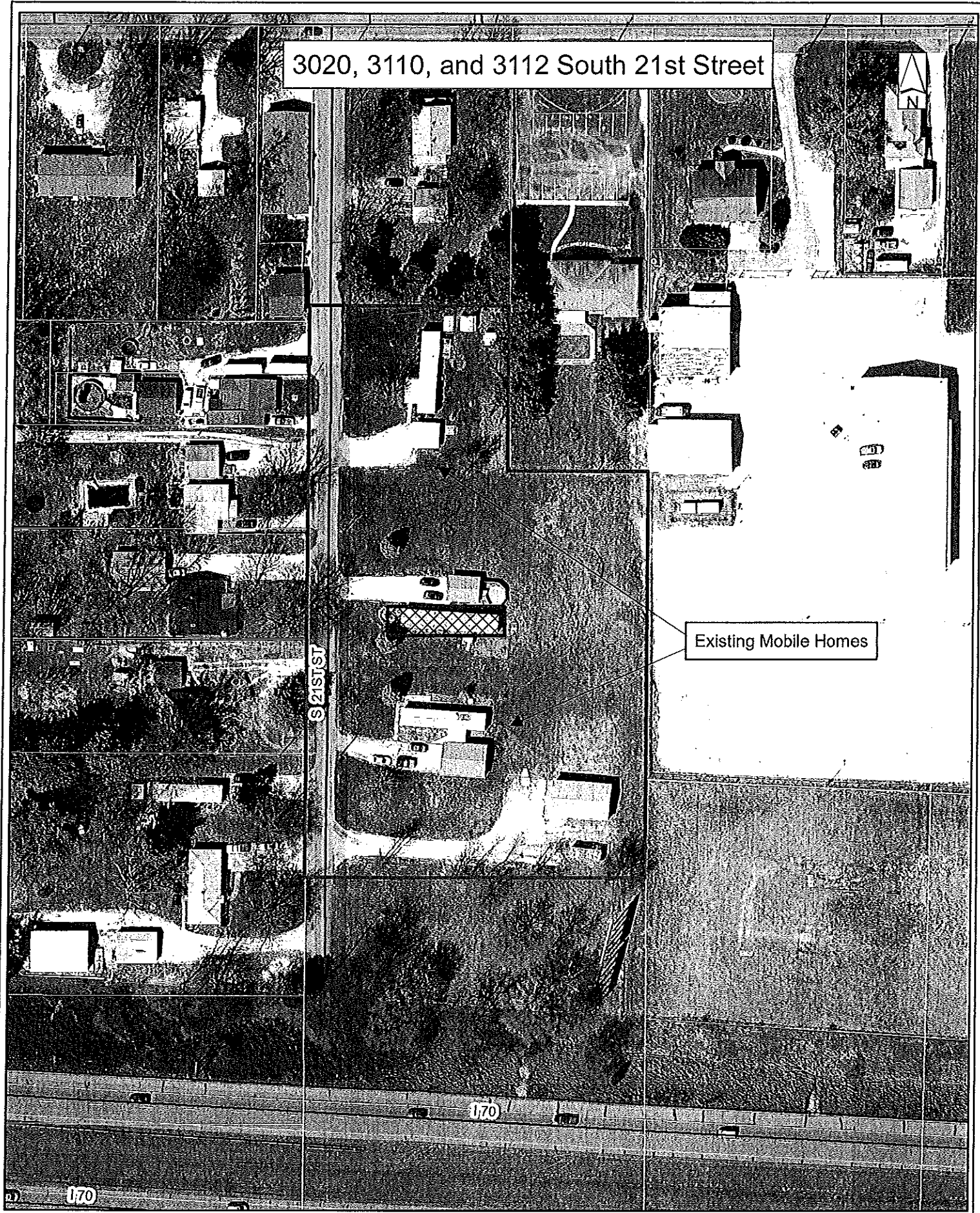


Proposed Mobile Home



Area of Interest

0 50 100 Feet





TERRE HAUTE
A LITTLE ABOVE

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 8, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #5-12

CERTIFICATION DATE: March 7, 2012

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. 5-12. This Ordinance is a rezoning of the property located at 3020, 3010, 3112 South 21st Street. The Petitioner, Richard and Martha VanGilder, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to Mobile Home Conditional Use District, for 3 mobile homes. 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. 5-12 at a public meeting and hearing held Wednesday, March 7, 2012. 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. 5-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-12 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.5-12 was TABLED due to no representation.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jeremy Weir in black ink.

Jeremy Weir, Executive Director

Received this 8th day of March, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5

Doc: # 5-12

Date: March 2012

Page 1 of 6

APPLICATION INFORMATION

G:1 do-
G:1 do-

Petitioner: Richard E. Van Gilder & Martha M. Van Gilder

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: 3 Mobile Homes as Single Family Dwellings

Proposed Zoning: Mobile Home Conditional Use

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the east side of South 21th Street, 250 feet south of the Margaret Avenue and South 21th Street intersection.

Common Address: 3010, 3112, 3020
3020, 3010 and 3112 South 21st Street

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities but lacks urbanized water

Soil Limitations: Not studied.

Street Access: South 21st Street is a local level Roadway

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5

Doc: # 5-12

Date: March 2012

Page 2 of 6

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residence District
East – M-1, Light Industrial District
South – R-1, Single -Family Residence District, and
R-S, Single-family Residential Suburban District
O-1, Agricultural District
West – R-1, Single -Family Residence District,

Character of Area: Margaret Avenue functions as a district boundary line between an R-2, Two-Family Residence District to the north and an R-1, Single family Residence to the south. The R-1, Residential uses are bound by a railroad track to the west and by M-1, light Industrial and M-2 Heavy Industrial to the east. There are commercial uses of property which front on Margaret Avenue. Some of the large land-uses in this area consist of Southwood Health & rehabilitation Center (R-3), Turner Coaches (M-1), and the N.E.W. Interstate Concrete Inc. of Terre Haute (M-2).

Contig. Uses & Zones: The contiguous zoning is R-1 Single-Family Residence District and M-1 light Industrial District. Uses within the R-1, Single-Family Residence District consist of permitted residential uses and a legal non-conforming Chiropractors office located at 2111 Margaret Avenue. Uses within the M-1, Light Industrial District consist of Turner Coach's.

ZONING REGULATIONS

Section 10-154, Mobile Home Conditional Use (MHCU):

All manufactured homes that are built after June 15, 1976 and that are not Type I, as described herein, shall comply to this Section:

MHCU Uses:

A Conditional Use is a use which may be permitted in a district by an amendment to the zoning ordinance and the subsequent application for a "Conditional Use Permit" upon finding by the City Council that the use variation meets special conditions established.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5

Doc: # 5-12

Date: March 2012

Page 3 of 6

MHCU Standards: Minimum Lot Size: 20,000 Sq. Ft. / Per Mobile Home

FAR 0.5 %

Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

Two parking spaces Per Mobile Home.

FINDINGS and RECOMMENDATION

Staff Findings:

The three (3) Mobile Homes have been a primary use of this property prior to its annexation in 1998. Aerial photography shows a history of a mobile home on this property in 1978. In 2010 the petitioner removed one of the mobile homes and in 2011 tried to acquire a permit to replace the mobile home. The petitioner was informed by the City Building Inspector that the mobile home was a legal non-conforming use, and that the non-conforming use was terminated as defined in Section 10-172 Termination of Non-Conforming Uses (a).

The City Building Inspector informed the petitioner they would have to apply for a Mobile Home Conditional Use in order to replace the mobile home.

The conditional Use for mobile homes requires a minimum area of 20,000 sq. ft. per unit. The site has a total area of 2.54 acres, and has access to the City sanitary sewer.

Recommendation:

Favorable Recommendation on the Conditional use for Three (3) mobile homes.



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

TERRE HAUTE
A LIND ABOVE

Terre Haute • West Terre Haute • Riley • Seelyville

Thursday, April 12, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL
ORDINANCE 05-12

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 of Special Ordinance No. 05-12. This ordinance is a rezoning of property located at 3020, 3110, and 3112 S. 21st Street. The applicant, Richard and Martha Van Gilder, petitions the Plan Commission to rezone real estate from zoning classification R-1 to zoning classification R-1MHCU, Mobile Home Conditional Use.

Special Ordinance No. 05-12 was published in the Tribune Star Newspaper in accordance with IC 5-3-1 and Section 10-263.d of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department.

The Area Plan Commission considered Special Ordinance No. 05-12 at a public meeting and hearing held Wednesday, April 11, 2012. 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. 05-12 as required by IC 36-7-4-302. No remonstrators were present. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 05-12 as required by IC 36-7-4-401(a) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 05-12 was FAVORABLE.

Fred. L. Wilson, President
Area Plan Commission

Jeremy Weir, Executive Director
Area Planning Department

Received this 12th day of April, 2012

City Clerk