

FILED

MAY 07 2012

SPECIAL ORDINANCE NO. 19, 2012

CITY CLERK

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

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

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

Legal Description -Lots Eighty-four (84), Eighty -five (85), Eighty-six (86) in Eastlawn, a subdivision in the West half (W ½) of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Pages 38 and 39 of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as 3895 8th Ave Terre Haute, IN 47803 and 706 N 39th St Terre Haute IN 47803.

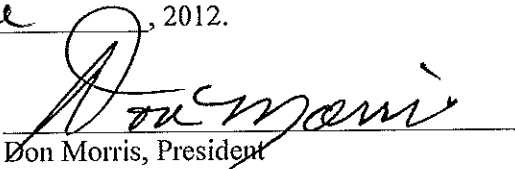
be and the same is, hereby established as a R-1 Single Family Residence, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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,


Norm Loudermilk, Councilperson

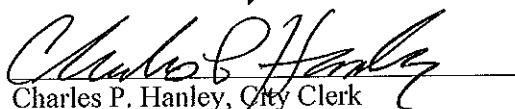
Passed in open Council this 14th day of June, 2012.


Don Morris, President

ATTEST:


Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 15th day of June, 2012.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of JUNE, 2012.

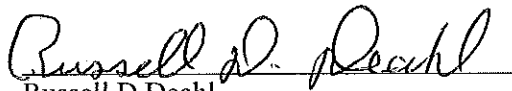

Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Russell D Deahl 3895 8th Ave Terre Haute IN 47803.

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.


Russell D Deahl

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, **Russell D Deahl**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Legal Description –Lots Eighty-four (84), Eighty –five (85), Eighty-six (86) in Eastlawn, a subdivision in the West half (W ½) of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Pages 38 and 39 of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as: **3895 8th Ave , Terre Haute, Indiana 47803 and 706 N 39th St Terre Haute IN 47803.**

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 **M-1 Light Industry**.

Your petitioner would respectfully state that the real estate is now **single family home**. Your petitioner intends to use the real estate to **continue as single family home**.

Your petitioner would request that the real estate described herein shall be zoned as a **R-1 single family residence**. Your petitioner would allege that the **single family residence** would not alter the general characteristics of this neighborhood.

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

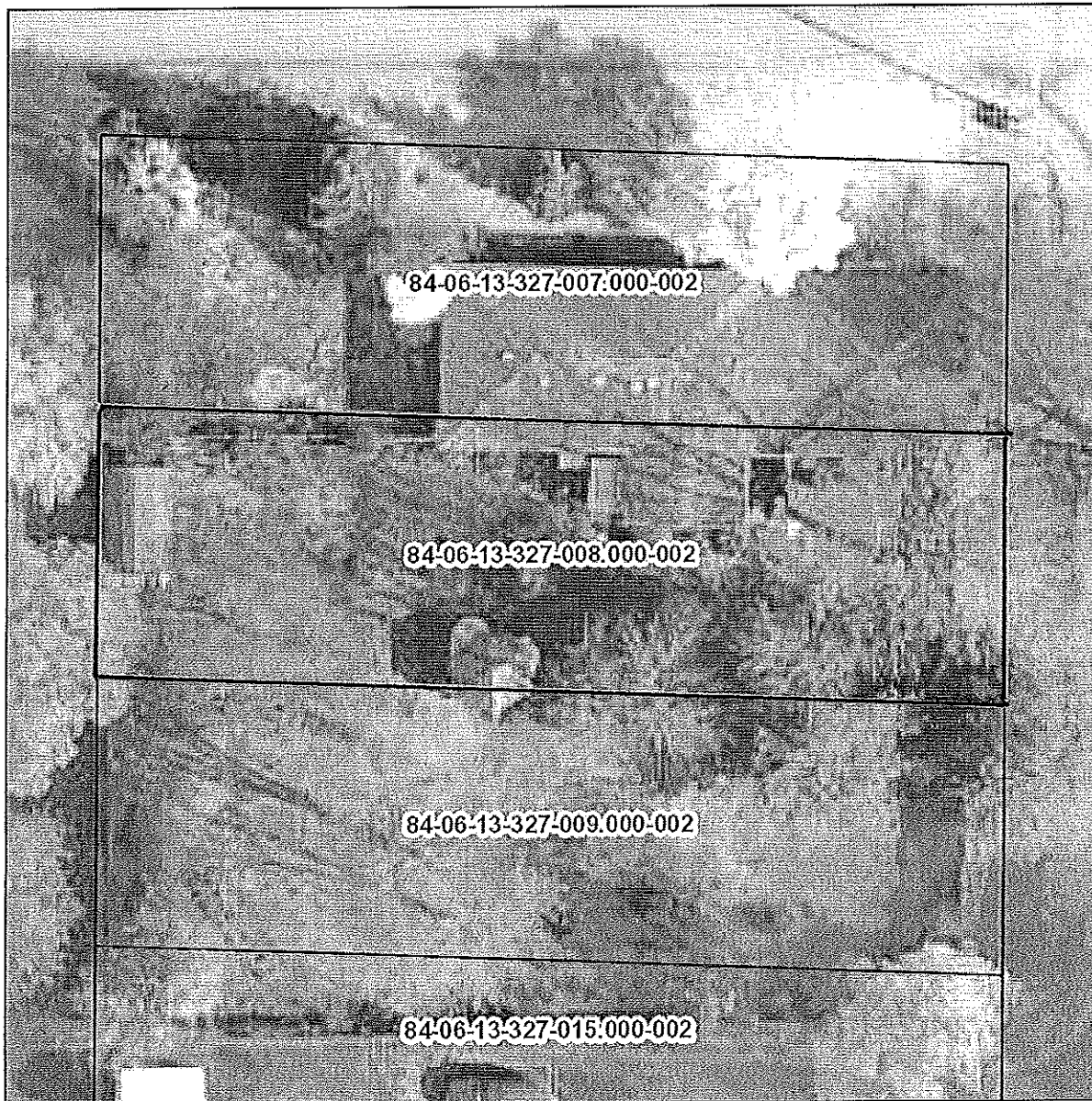
WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-1 single family residence** 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 5 day of May, 2012.

BY: Russell D. Deahl
Russell D Deahl

PETITIONER: **Russell D Deahl 3895 8th Ave Terre Haute IN 47803.**

This instrument was prepared by **Russell D Deahl 3895 8th Ave Terre Haute IN 47803
ph 812-243-8080 .**



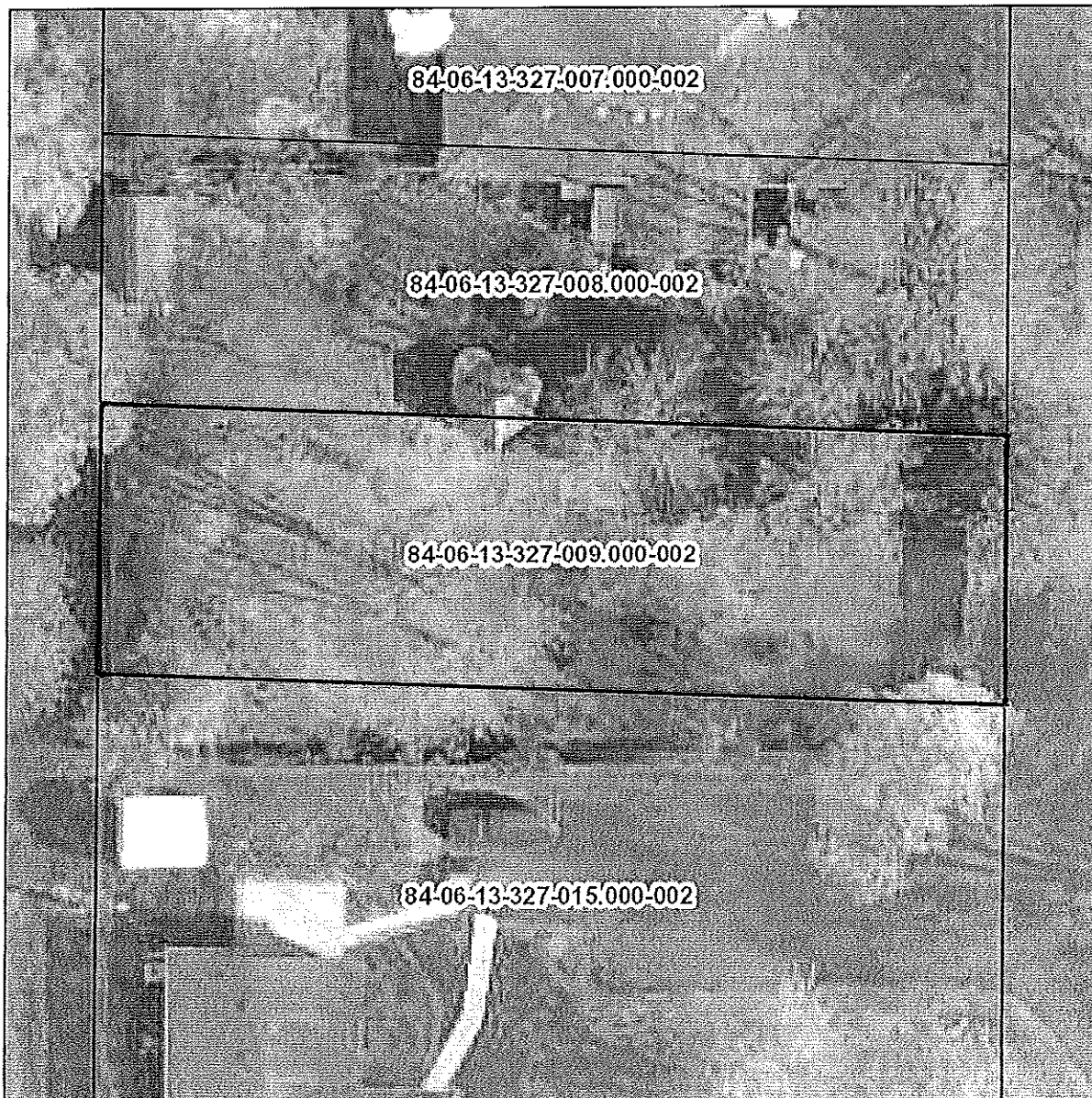
No data available for the following modules: Residential Dwellings, Improvements, Deductions, Exemptions, Photos, Sketches. [Click here for help.](#)

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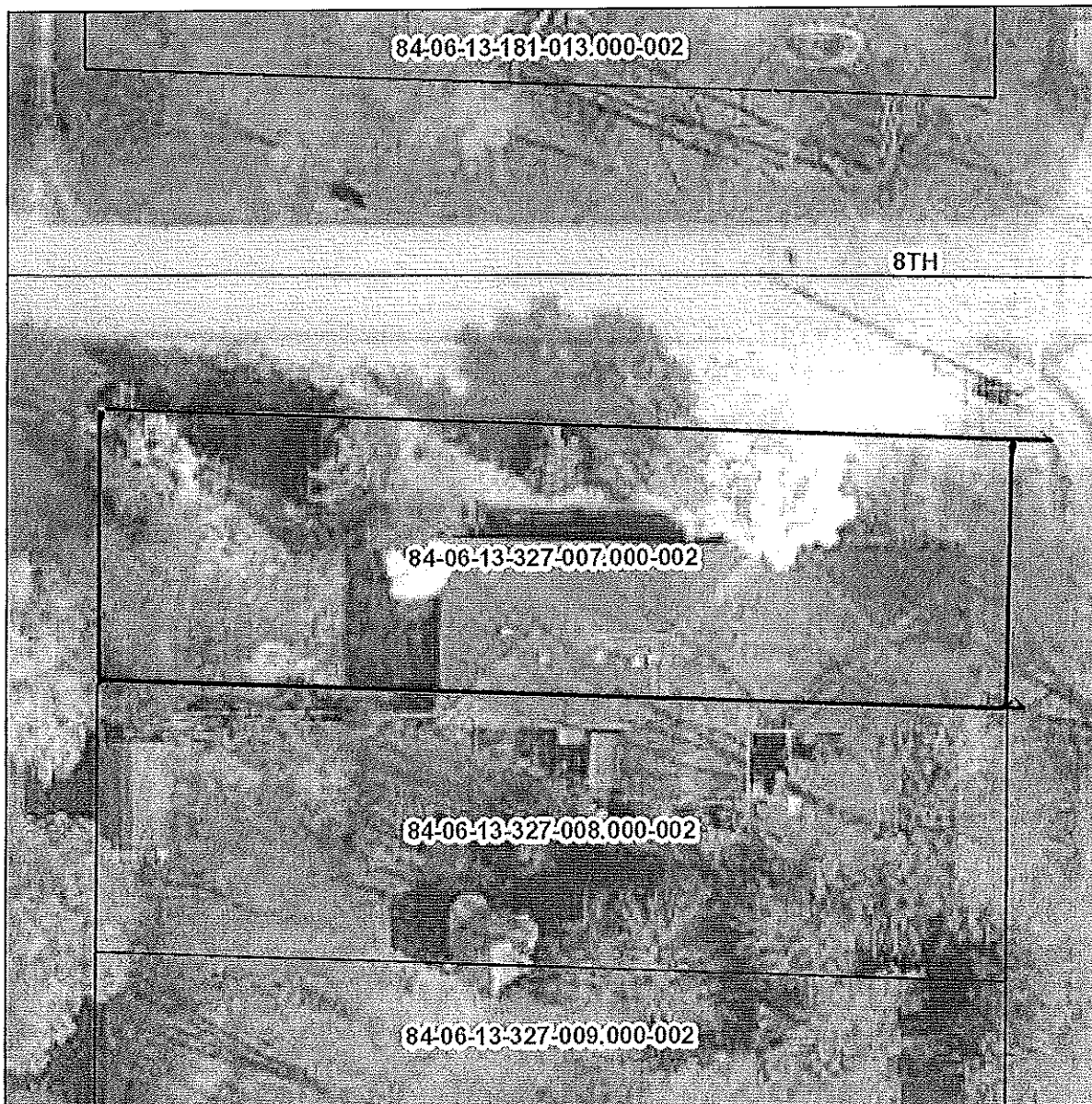
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Subject to final acceptance for transfer

2010008444 WD \$20.00
07/15/2010 12:06:39P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Received September 10, 1998; accepted November 10, 1998.

THIS INDENTURE WITNESSETH, That Fredda M. Rusnak, of Washington County, in the State of Pennsylvania, and Donna J. Motto, of Vigo County, in the State of Indiana ("Grantors"), CONVEY AND WARRANT to Russell D. Deahl ("Grantee"), of Vigo County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor, Donna J. Motto, further warrants and states that she and Fredda M. Rusnak took title to Lot 84 of the above-described real estate by deed dated July 31, 2009 and recorded August 5, 2009 as Instrument No. 2009010510 in the records of the Recorder's Office of Vigo County, Indiana, and that said deed contained a scrivener's error in that she was incorrectly identified as Donna A. Motto rather than Donna J. Motto.

IN WITNESS WHEREOF, Grantors have executed/delivered this deed this 12th day of July, 2010.

Fredda M. Rusnak
Fredda M. Rusnak

Donna J. Motto

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF WASHINGTON)

Before me, a Notary Public in and for said County and State, personally appeared Fredda M. Rusnak, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 12 day of July, 2010.

2

Dawn L Rankin
Notary Public

Dawn L. Rankin
Printed Name

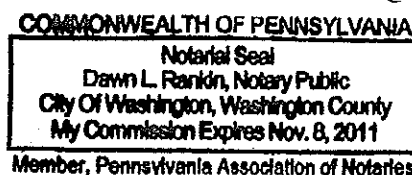
My Commission Expires: Nov. 8, 2011

My County of Residence: Washington

STATE OF INDIANA)

COUNTY OF VIGO)

SS:



Before me, a Notary Public in and for said County and State, personally appeared Donna J. Motto, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 14th day of July, 2010.



Cheryl K. Russell
Notary Public

Printed Name

My Commission Expires: _____

My County of Residence: _____

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.

Cheryl K. Russell

3

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to:

grantees address: Jayne
3895 8th Avenue 47803

Property address: 3895 8th Avenue, Terre Haute, IN 47803

AFFIDAVIT OF:

COMES NOW affiant Russell D Deahl

and affirms under penalty of law that affiant is the owner of record of the property located at
3895 8th Ave Terre Haute IN 47803 and 706 N 39th St Terre Haute IN 47803

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.

Russell D Deahl

SIGNATURE Russell D Deahl

SIGNATURE: _____

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, Indiana

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 4th day of May, 2012.

Notary Public: Tammy K. Jones

Tammy K. Jones
[Typed name]

My Commission Expires: 1-16-16

My County Of Residence: Vigo

Receipt

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

Date: 5/4/12

Name: Russell D. Dahl

Reason: Rezoning Filing \$25.00

Rezoning Petition \$20.00

TERRE HAUTE, IN
PAID

Cash: _____

Check: \$45.00 CK# 5066

Credit: _____

Total: \$45.00

MAY 04 2012

CONTROLLER

Received By: M. Doweck SE



TERRE HAUTE
A LEVEL 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: June 7, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #19-12

CERTIFICATION DATE: June 6, 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. 19-12. This Ordinance is a rezoning of the property located at 3895 8th Avenue and 706 North 39th Street. The Petitioner, Russell Dd. Deahl, Petitions the Plan Commission to rezone said real estate from zoning classification M-1 to R-1, Single Family Residence District, for a return to single family dwelling. 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. 19-12 at a public meeting and hearing held Wednesday, June 6, 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. 19-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 19-12 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. 19-12, was FAVORABLE AS AMENDED from M-2 zoning to R-1.

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 7th day of June, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-12

Doc: # 24

Date: June 2012

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Russell D. Deahl

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Single Family Dwelling

Proposed Zoning: R-1, Single Family Residence District

Current Zoning: M-2, Heavy Industry District

Location: The property is located on the southwest corner of North 39th Street and 8th Ave

Common Address: 3895 8th Ave, and 706 N. 39th Street Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: **Industrial Areas**

Industrial Areas shown on the Growth Pattern maps incorporate existing or planned industrial parks and industrial facilities. Allocation of additional land for future development of industrial facilities is also shown. Areas appropriate for industrial use include large, uninterrupted tracts of level land with few environmental constraints and with excellent highway and arterial access. The plan, in general, accommodates expansion of existing industries.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: 8th Ave and North 39th Street are local level roadways

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-12

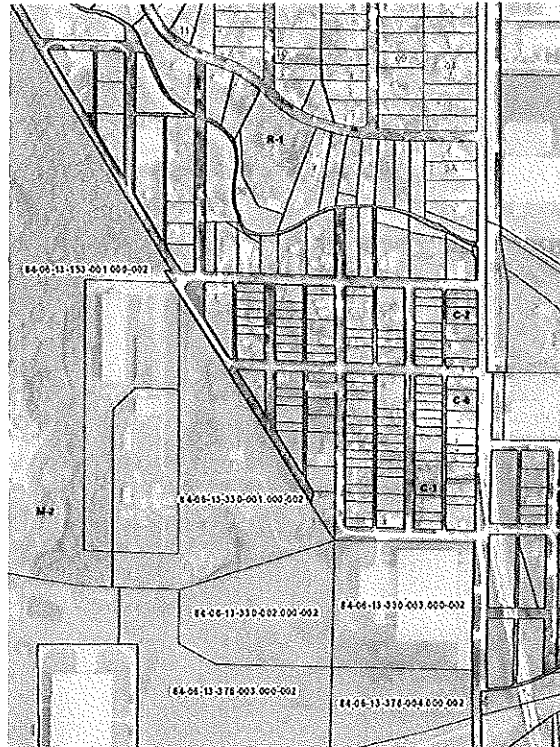
Doc: # 24

Date: June 2012

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residence District
East – R-1, Single-Family Residence District
South – MHCU, Mobile Home conditional Use
West – M-2, Heavy Industry District



Character of Area: This area is on the urban fringe of the City's northern eastside. The land use pattern within this area consists of single family residential platted lots with some dwelling built on them, Commercial structures and uses, and industrial structures and uses.

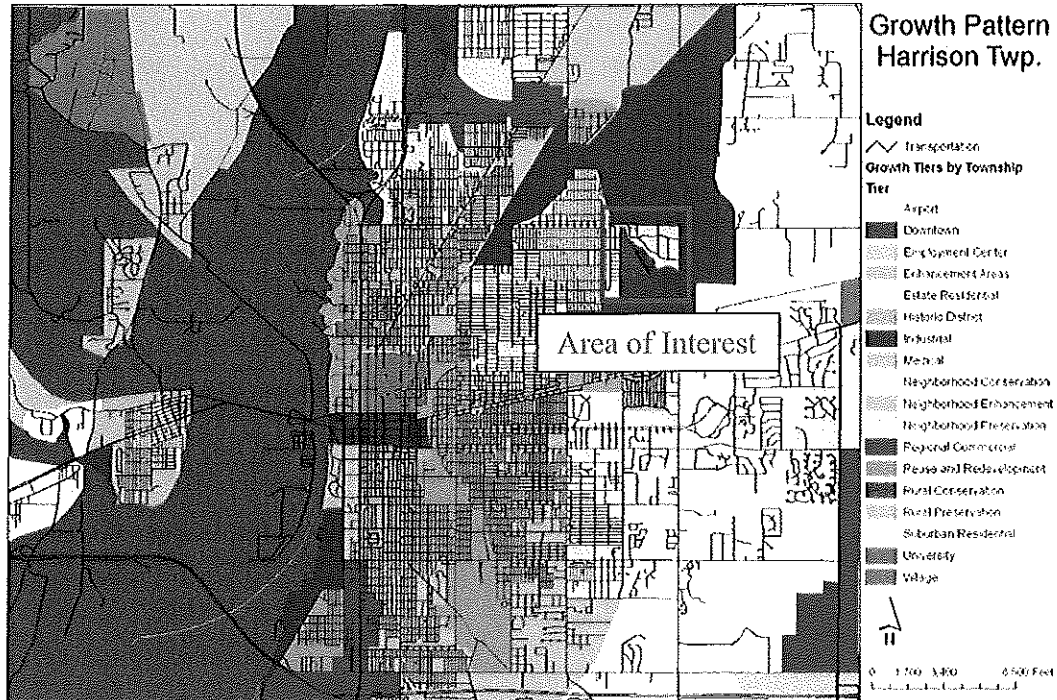
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-12

Doc: # 24

Date: June 2012

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Contig. Uses & Zones: The contiguous zoning to the west is M-2, Heavy Industry District, and is currently a legal non-conforming residential dwelling. The zoning to the north and east is R-1, Single Family Residential District with uses that are permitted.

ZONING REGULATIONS

R-1 Purpose: Single-family dwellings Units

R-1 Uses: One-family detached dwellings; Cemeteries; Churches, Rectories, and Parish Houses; Convents and Monasteries; Gardening, including nurseries; Golf Courses; Public Libraries Parks and Playgrounds; publicly owned and operated Schools, elementary and high; Temporary buildings and trailers for construction purposes; A private outdoor swimming pool; Residential Facility for the Developmentally Disabled and Residential Facility for the Mentally Ill.

R-1 Standards: Minimum Lot Size: 6,600 Sq. Ft. / Per dwelling unit
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-12

Doc: # 24

Date: June 2012

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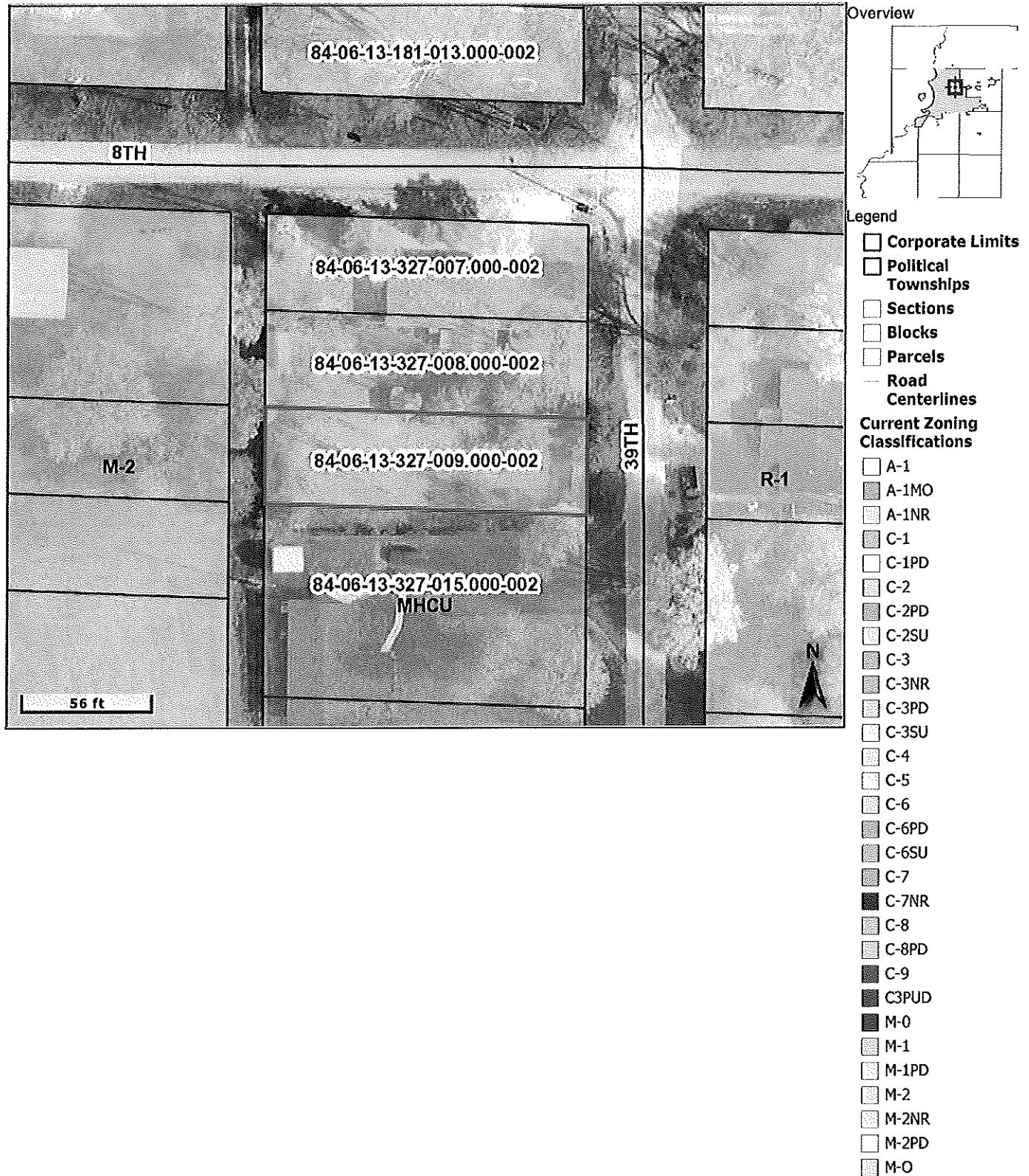
Two parking spaces per dwelling unit.

FINDINGS and RECOMMENDATION

Staff Findings: The lots and parcels located southwest of the corner of 8th Ave and North 39th Street were included in the Heavy Industry District when the Comprehensive Zoning Ordinance and city wide zoning was implement. The petitioned property had a residential dwelling constructed on the premises in 1984 as indicated on the tax records. The property is being sold as a single family home, and the owner and applicant wants the proper land use zoning.

Recommendation: A Favorable Recommendation on the M-2 Heavy Industry District to Single Family Residence District rezoning.

Date Created: 6/7/2012



- ☐ M2SPU
- ☐ MHCU
- ☐ MO
- ☐ O-1
- ☐ O-2
- ☐ O-S
- ☐ OS
- ☐ PUD
- ☐ R-1
- ☐ R-1CU
- ☒ R-1NR
- ☐ R-1PD
- ☐ R-1SU
- ☐ R-2
- ☐ R-2M
- ☐ R-2PD
- ☐ R-2SU
- ☐ R-3
- ☐ R-3H
- ☒ R-3NR
- ☐ R-3PD
- ☐ R-S
- ☐ R-T
- ☐ R3PUD

Parcel ID 84-06-13-327-009.000-002

Sec/Twp/Rng n/a

Property Address 706 N 39TH ST
TERRE HAUTE

Alternate ID 118-06-13-327-009

Class Res Vacant platted lot

Acreage n/a

Owner Address DEAHL RUSSELL D

3895 8TH AVE
TERRE HAUTE, IN 47803

District 002 HARRISON

Brief Tax Description EASTLAWN SUB DC# 3-29-01
D 443/UNREC 13-12-9 LOT 84

(Note: Not to be used on legal documents)

Last Data Upload: 6/7/2012 11:12:07 AM



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www.schneidercorp.com