

WITHDRAWN

SPECIAL ORDINANCE NO. 39, 2012

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1353 Ohio Street, Terre Haute, IN 47807

Rezone From: R-1 Single Family Residence District

Rezone To: R-3 General Residence District

Proposed Use: Two Residential Duplexes

Name of Owners: Nimmer Nasser

Address of Owner: 1 Rigney Road
Terre Haute, IN 47802

Phone Number of Owner (812) 841-1854

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: _____

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

WITHDRAWN

FILED

OCT 05 2012

CITY CLERK

SPECIAL ORDINANCE NO. 39, 2012

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:

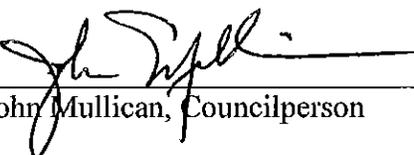
Forty-four (44) feet off of the North side of Lot Number Fifty-nine (59) in Gilbert Place, a Subdivision of part of the South East Quarter (1/4) of Section Twenty-two (22) Township Twelve (12) North, Range Nine (9) West, in the City of Terre Haute, Vigo County, Indiana.

Said Real Estate is commonly known as 1353 Ohio Street, Terre Haute, Indiana 47807.

be and the same is, hereby established as a R-3 General Residence 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 publication as by law provided.

Presented by Council Member,


John Mullican, Councilperson

Passed in open Council this ____ day of _____, 2012.

WITHDRAWN

Don Morris, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2012.

Charles P. Hanley, City Clerk

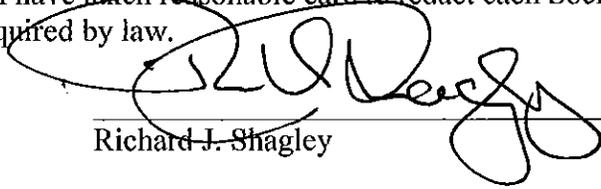
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2012.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have ~~taken reasonable care to redact each Social Security Number in this document, unless required by law.~~



Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Nimmer Nasser, by his agent, N.R. Scott Nasser, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Forty-four (44) feet off of the North side of Lot Number Fifty-nine (59) in Gilbert Place, a Subdivision of part of the South East Quarter (1/4) of Section Twenty-two (22) Township Twelve (12) North, Range Nine (9) West, in the City of Terre Haute, Vigo County, Indiana.

Said Real Estate is commonly known as 1353 Ohio Street, Terre Haute, Indiana 47807.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Your Petitioner, Nimmer Nasser, would propose to construct a residential duplex on the three (3) lots.

Your Petitioner would request that the real estate described herein shall be zoned as a R-3 General Residence District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood, since the real estate is located in a mixed commercial and residential district, and is located on one of Terre Haute's major roadways.

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 area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3 General Residence District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has executed this Petition to

Rezone Real Property, this 4 day of October, 2012.

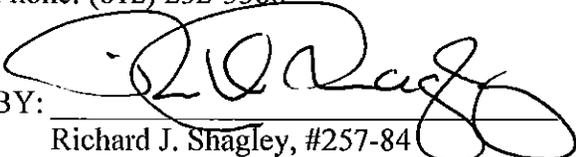
PETITIONER:



Nimmer Nasser, by agent
N.R. Scott Nasser

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY:

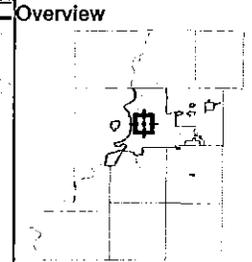
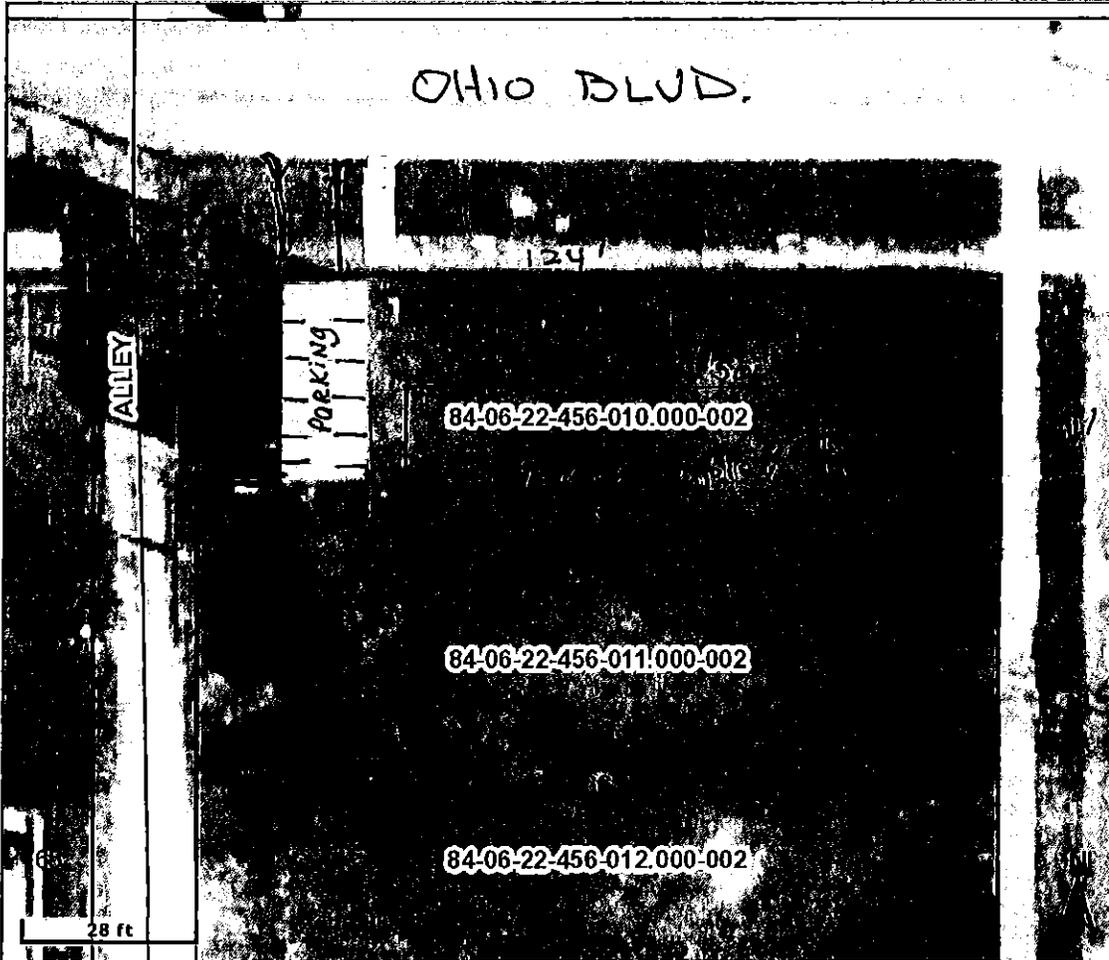


Richard J. Shagley, #257-84
Attorneys for Petitioner

The owner and mailing address: Nimmer Nasser, 1 Rigney Road, Terre Haute, IN 47802 .

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Date Created: 9/10/2012



- Legend
- Corporate Limits
 - Political Townships
 - Sections
 - Blocks
 - Lots
 - Parcels
 - Parcel Dimensions
 - Lot Dimensions
 - Road Centerlines

Parcel ID	84-06-22-456-010.000-002	Alternate ID	118-06-22-456-010	Owner Address	NASSER NIMMER
Sec/Twp/Rng	n/a	Class	Res 1 fam dwelling platted lot		1 W RIGNEY RD
Property Address	1353 OHIO ST	Acres	n/a		TERRE HAUTE, IN 47802
	TERRE HAUTE				

District 002 HARRISON
Brief Tax Description GILBERTS PLACE 1ST SUB 44' N SIDE
 (203-205 S 14TH ST) 22-12-9 LOT 59
 (Note: Not to be used on legal documents)

PRELIMINARY SITE PLAN

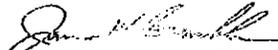
Last Data Upload: 9/8/2012 2:37:53 AM

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

EXEMPT FROM DISCLOSURE

2008009327 00 \$20.00
07/07/2008 10:46:30A 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

JUL 07 2008


VIGO COUNTY RECORDER

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That HELEN NASSER LEHMAN, aka HELEN LAYMAN NASSER, of Franklin County, State of Ohio, CONVEYS AND QUITCLAIMS all her rights, title and interest to NIMMER NASSER, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate located in Vigo County, State of Indiana:

Parcel No. 1

Lots Number Five (5) and Six (6), in Mrs. Eva A. Stakeman's Subdivision of the North part of the West half of the East half of Lot Number Two (2) in Dewey Executor of Raymond's Subdivision of the North West quarter of Section 27, Township 12 North, of Range 9 West

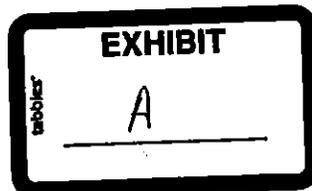
Said Real Estate is commonly known as 1027 Poplar Street, Terre Haute, Indiana 47807.

Parcel No. 2

Forty-four (44) feet off of the North side of Lot Number Fifty-nine (59) in Gilbert Place, a Subdivision of part of the South East Quarter (1/4) of Section Twenty-two (22) Township Twelve (12) North, Range Nine (9) West, in the City of Terre Haute, Vigo County, Indiana.

Said Real Estate is commonly known as 203/205 South 14th Street/1353 Ohio Street, Terre Haute, Indiana 47807.

1



NIMMER NASSER
1 WEST RIGNEY ROAD
TERRE HAUTE IN 47802

2

Parcel No. 3

Forty-two (42) feet of even width off the North side of Lot Number One Hundred Thirty-seven (137) in the subdivision of 84-65/100 acres off the North end of the Northwest quarter of Section 22, in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose.

Lot Number One Hundred thirty-seven (137) in the subdivision of 84-65/100 acres off the North end of the Northwest quarter of Section 22, in Township 12 North of Range 9 West, heretofore made by Chauncey Rose, except 42 feet of even width off the North side of said Lot.

Said Real Estate is commonly known as 728/734 North 13th Street, Terre Haute, Indiana 47807.

IN WITNESS WHEREOF, the above stated Grantor, to wit, HELEN NASSER LEHMAN, ~~by and through her Attorney in Fact, JAMES N. LEHMAN,~~ has hereunto set her hand and seal.

DATE: 06/07/08

BY: Helen Lehman
~~JAMES N. LEHMAN,~~
~~Attorney in Fact for~~
HELEN NASSER LEHMAN,
Grantor

3

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

Before me, the undersigned, a Notary Public in and for said County and State, this 7 day of ~~May~~ May, 2008, personally appeared the within named HELEN NASSER LEHMAN, Grantor in the above conveyance, ~~by and through her Attorney in Fact, JAMES N. LEHMAN,~~ and acknowledged the execution of the same to be her voluntary act and deed.

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

MY COMM'N EXPIRES:
3/31/2009
RES: Franklin County, Oh

BY: Sherry Byrne
Notary Public
BY: Sherry Byrne
Printed

MAIL TAX DUPLICATE TO:
GRANTEES ADDRESS

NIMMER NASSER
1 West Rigney Road
Terre Haute, In 47802

PREPARED BY:

MICHAEL THOMAS ELLIS, ESQ.
IN. ATT. NO. 8537-84
c/o Ellis Law Offices
417 Wabash Avenue
Terre Haute, IN 47807
(812) 234-9000



SHERRY BYRNE
Notary Public, State of Ohio
My Commission Expires 3-31-09

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.

James R. Spooler

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, N.R. Scott Nasser, being duly sworn upon his oath, deposes and says:

1. That Nimmer Nasser is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Forty-four (44) feet off of the North side of Lot Number Fifty-nine (59) in Gilbert Place, a Subdivision of part of the South East Quarter (1/4) of Section Twenty-two (22) Township Twelve (12) North, Range Nine (9) West, in the City of Terre Haute, Vigo County, Indiana.

Said Real Estate is commonly known as 1353 Ohio Street, Terre Haute, Indiana 47807.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Nimmer Nasser is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Nimmer Nasser is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Nimmer Nasser.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4 day of October, 2012.


Nimmer Nasser, by agent
N.R. Scott Nasser



Receipt

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

Date: Oct 5, 2012

Name: Wright, Shagley & Towery

Reason: Reopening Petition \$ 20.00 (Maana 1353 Ohio)
Reopening filing \$ 25.00

TERRE HAUTE, IN
PAID

Cash: _____ OCT 04 2012

Check: \$ 45.00 CK# 60715

Credit: _____ CONTROLLER

Total: \$ 45.00

Received By: M. Bevey