

SPECIAL ORDINANCE NO. 12, 2014

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:

2927, 2931, 2933, 2935 Erie Canal Road and
2926 S. 13 ½ Street, Terre Haute, IN 47802

Rezoned From: R-1 Single Family Residence District

Rezoned To: C-6 Strip Business District

Proposed Use: Commercial Building

Name of Owner: (1) Elk Run Properties, Inc.
Address of Owner: 2955 Erie Canal Road
Terre Haute, IN 47802

Name of Owner: (2) Vxi 30, Inc.
Address of Owner: 2955 Erie Canal Road
Terre Haute, IN 47802

Phone Number of Owner(1) (812) 478-2800

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

FILED
MAY 02 2014
CITY CLERK

SPECIAL ORDINANCE NO. 12, 2014

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 AAn 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 AThe 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:

Lots Number 472, except six (6) feet off the north side, also Lots 473 and 474 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the southwest quarter of the southeast quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded April 27, 1906 in Plat Record 9 Page 11, in the records of the Recorder's office, Vigo County, Indiana.

Except that part conveyed to the City of Terre Haute, Indiana by Deed dated June 15, 2005 and recorded September 20, 2005 as Instrument Number 200517565, in the records of the Recorder's office, Vigo County, Indiana.

Commonly known as 2931, 2933, 2935 Erie Canal Road, Terre Haute, Indiana 47802.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

Commonly known as 2926 South 13 ½ Street, Terre Haute, Indiana 47802.

ALSO

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-Four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way Lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

Except that part appropriated by the City of Terre Haute by order of the Vigo Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence South 17 degrees 16 minutes 09 seconds West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for the City of Terre Haute), 13.405 meters (43.98 feet) along the east right of way of 14th Street to the south line of the grantor's land; thence South 90 degrees 00 minutes 00 seconds, West, 4.087 meters (13.41 feet) along the south line to a point on the right of way for Project No. STP-RRS-T200 (); thence North 17 degrees 16 minutes 09 seconds East, 13.405 meters (43.98 feet) along said right of way to the north line of Lot 471; thence North 90 degrees 00 minutes 00 seconds East, 4.087 meters (13.41 feet) along said north line to the point of beginning, containing 52.3 square meters (563 square feet) more or less.

Commonly known as 2927 Erie Canal Road, Terre Haute, Indiana 47802.

be and the same is, hereby established as a C-6 Strip Business 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.

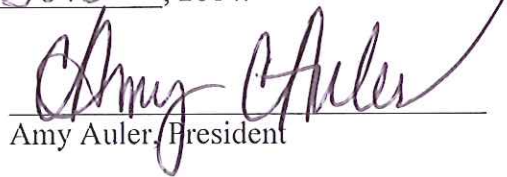
SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law

provided.

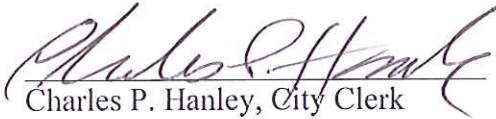
Presented by Council Member,


Amy Auler, Councilperson

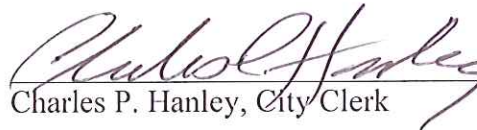
Passed in open Council this 12th day of June, 2014.


Amy Auler, President

ATTEST:


Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13th day of June, 2014.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of JUNE, 2014.


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:

Petitioner, Elk Run Properties, Inc., respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Number 472, except six (6) feet off the north side, also Lots 473 and 474 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the southwest quarter of the southeast quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded April 27, 1906 in Plat Record 9 Page 11, in the records of the Recorder's office, Vigo County, Indiana.

Except that part conveyed to the City of Terre Haute, Indiana by Deed dated June 15, 2005 and recorded September 20, 2005 as Instrument Number 200517565, in the records of the Recorder's office, Vigo County, Indiana.

Commonly known as 2931, 2933, 2935 Erie Canal Road, Terre Haute, Indiana 47802.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

Commonly known as 2926 South 13 ½ Street, Terre Haute, Indiana 47802.

Petitioner, Vxi 30, Inc. , respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-Four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way Lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

Except that part appropriated by the City of Terre Haute by order of the Vigo Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence South 17 degrees 16 minutes 09 seconds West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for the City of Terre Haute), 13.405 meters (43.98 feet) along the east right of way of 14th Street to the south line of the grantor's land; thence South 90 degrees 00 minutes 00 seconds, West, 4.087 meters (13.41 feet) along the south line to a point on the right of way for Project No. STP-RRS-T200 (); thence North 17 degrees 16 minutes 09 seconds East, 13.405 meters (43.98 feet) along said right of way to the north line of Lot 471; thence North 90 degrees 00 minutes 00 seconds East, 4.087 meters (13.41 feet) along said north line to the point of beginning, containing 52.3 square meters (563 square feet) more or less.

Commonly known as 2927 Erie Canal Road, Terre Haute, Indiana 47802.

Petitioners are informed and believe 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.

Petitioner, Elk Run Properties, Inc. developed a commercial building which is being used by commercial tenants including Stadler Tax Service. Stadler Tax Service is presently located at 2955 Erie Canal Road, Terre Haute, Indiana 47802.

Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Business District to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood, since the real estate is located in Terre Haute's Canal Street Bypass Corridor.

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

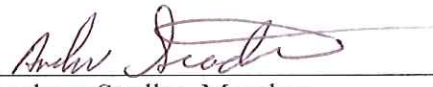
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code

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 C-6 Strip Business 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 owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.


IN WITNESS WHEREOF, the undersigned Petitioners have executed this Petition to Rezone Real Property, this 17 day of April, 2014.

PETITIONERS:

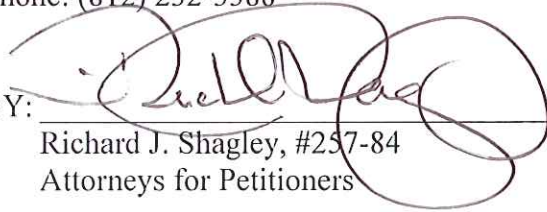
VXI 30, INC.

By: 
Andrew Stadler, Member

ELK RUN PROPERTIES, INC.

By: 
Andrew Stadler, President

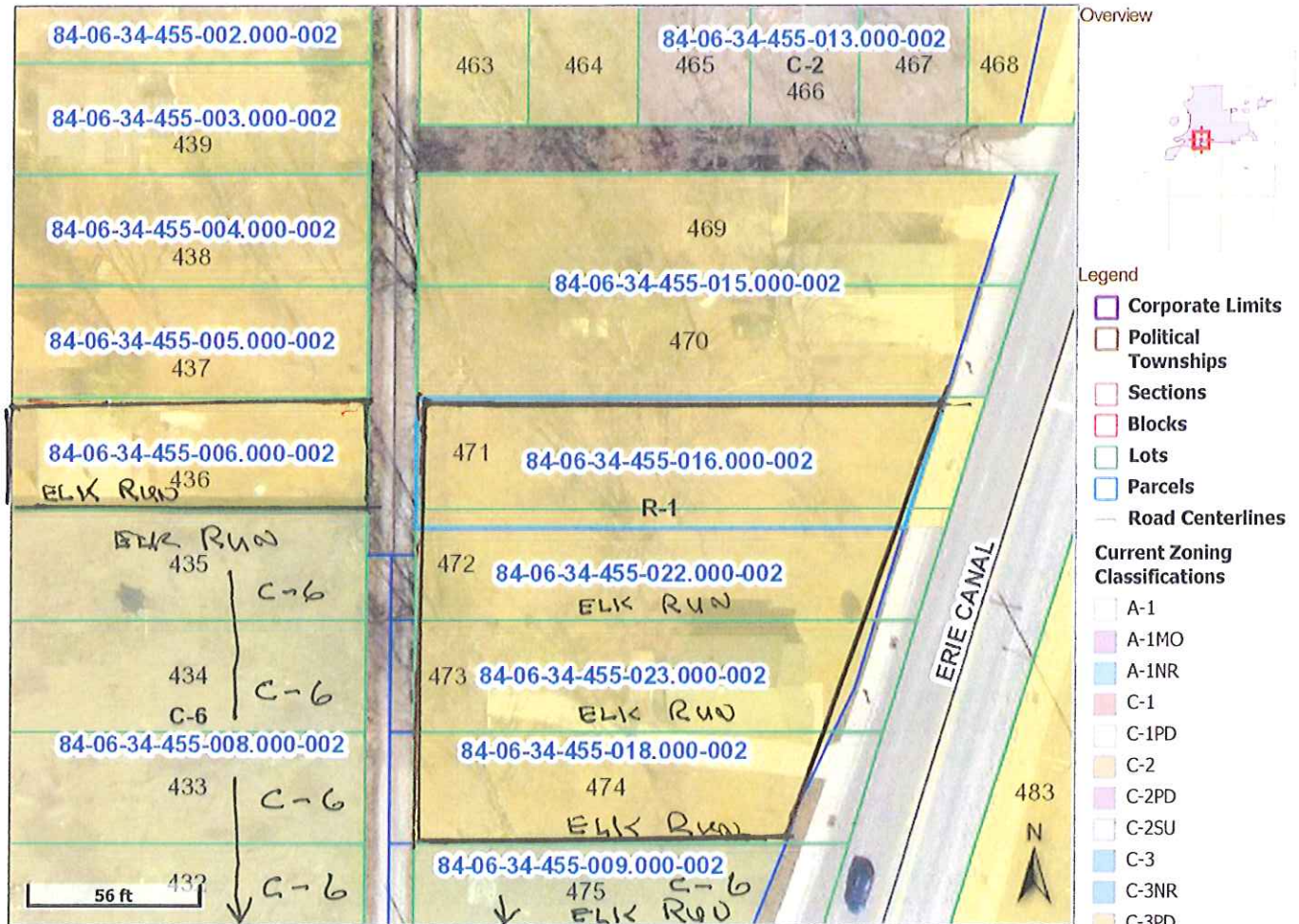
WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 
Richard J. Shagley, #257-84
Attorneys for Petitioners

The owners and mailing address: Elk Run Properties, Inc. and Vxi 30, Inc., 2955 Erie Canal 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.

SITE PLAN



OWNERS:

ELK RUN PROPERTIES, INC

Vx1 30, INC

R-1 to C-6

Special Ordinance
No. 12, 2014

2927, 2931, 2933 and
2935 ERIE CANAL ROAD
AND
2926 S 13 1/2 STREET

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Andrew Stadler, being duly sworn upon his oath, deposes and says:

1. That Elk Run Properties, Inc. 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:

Lots Number 472, except six (6) feet off the north side, also Lots 473 and 474 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the southwest quarter of the southeast quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded April 27, 1906 in Plat Record 9 Page 11, in the records of the Recorder's office, Vigo County, Indiana.

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ALSO

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Commonly known as 2926 South 13 ½ Street, Terre Haute, Indiana 47802.

2. Vxi 30, Inc. 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:

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-Four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way Lines of the Southern Indiana R.R. property, in said quarter Section.

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Commonly known as 2927 Erie Canal Road, Terre Haute, Indiana 47802.

3. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Elk Run Properties, Inc. and Vxi 30, Inc. are attached hereto and made a part hereof and marked as Exhibit A, B and C.


4. That Affiant makes this Affidavit for the sole purpose of affirming that Elk Run Properties, Inc. and Vxi 30, Inc. are owners 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 Elk Run Properties, Inc. and Vxi 30, Inc.

Further, Affiant saith not.

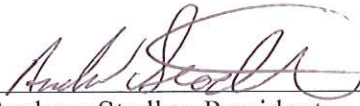
Dated at Terre Haute, Indiana this 14 day of April, 2014.

VXI 30, INC.

By:


Andrew Stadler, Member

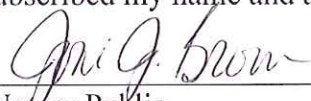
ELK RUN PROPERTIES, INC.

By: 
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared, Andrew Stadler, as Member of Vxi 30, Inc., an Indiana corporation, as Affiant in the above conveyance, and acknowledges the execution of the same as its voluntary act and deed.

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


Notary Public

Printed: Jemi J. Brown

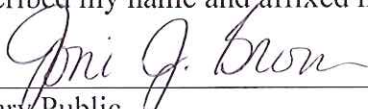
My Commission Expires
1-20-2018

My County of Residence:
Clay

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared, Andrew Stadler, as President of Elk Run Properties, Inc. , an Indiana corporation, as Affiant in the above conveyance, and acknowledges the execution of the same as its voluntary act and deed.

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


Notary Public

Printed: Jemi J. Brown

My Commission Expires

1-30-2018

My County of Residence:

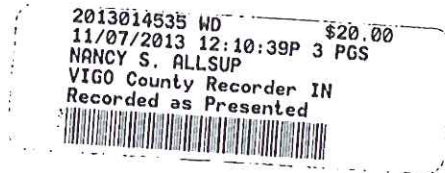
Clay

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

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 07 2013


VIGO COUNTY AUDITOR



WARRANTY DEED

THIS INDENTURE WITNESSETH, That Grantor, **Norma M. Lawson**, CONVEYS AND WARRANTS to **Elk Run Properties, Inc.**, Grantee, a corporation organized and existing under the laws of the State of Indiana, with its principal office located in 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 are hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number 472, except six (6) feet off the north side, also Lots 473 and 474 in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the southwest quarter of the southeast quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded April 27, 1906 in Plat Record 9 Page 11, in the records of the Recorder's office, Vigo County, Indiana.

Except that part conveyed to the City of Terre Haute Indiana by Deed dated June 15, 2005 and recorded September 20, 2005 as Instrument Number 2005017565, in the records of the Recorder's office, Vigo County, 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 reserves a limited life time interest in the above-described real estate, including the right, for her lifetime, to possess, reside in, occupy, or otherwise use the real estate and to collect all income (if any) produced by the real estate, subject to the Grantor's obligation to pay all real estate taxes, assessments, and insurance premiums with respect to the real estate so long as she possesses and resides in the real estate, provided, however, in the event that Grantor abandons the real estate, which is hereby deemed to be Grantor's failure to possess and reside in the home on the real estate for a period of seven (7) consecutive months, then Grantor's life time interest shall be terminated.

3

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.

R. Williams
R. WILLIAMS

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

Mail tax statements to: 2955 Erie Canal Rd
GRANTEE: Terre Haute, IN 47802

Property address: 2933 Erie Canal Road
Terre Haute, IN 47802

UNRECORDED FOR TAXATION
Subject to final acceptance for transfer

APR 16 2014

Timothy M. Allsup
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

2014005131 CORP QUIT \$18.00
04/16/2014 03:09:26P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



CORPORATE QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

That **STADLER & CO., INC.**, an Indiana Corporation of Vigo County, State of Indiana, QUIT CLAIMS to **ELK RUN PROPERTIES, INC.**, an Indiana Corporation of Vigo County, State of Indiana, for the sum of one dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, Indiana, to-wit:

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

Commonly known as 2926 South 13 ½ Street, Terre Haute, Indiana 47802.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this Deed; that Grantor has full corporation 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 Grantor above named Stadler & Co., Inc., an Indiana Corporation, has caused this Corporate Quit Claim Deed to be executed on the 15 day of April, 2014.

STADLER & CO., INC.

BY: *Andrew Stadler*
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared, Andrew Stadler, as President of Stadler & Co., Inc., an Indiana corporation, Grantor in the above conveyance, and acknowledges the execution of the same as its voluntary act and deed.

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



Christopher M Harris

Notary Public

Printed: *Christopher Harris*

My Commission Expires
Sep 1, 2019

My County of Residence:
Vigo

2955 Erie Canal Rd
Mail to: Elk Run Properties, Inc., ~~1390 East Margaret Drive~~, Terre Haute, IN 47802

I affirm, under the penalties of 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, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

APR 09 2014

Jessie M. Sigler
VIGO COUNTY AUDITOR

2014004902 00 \$20.00
04/09/2014 12:18:46P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That Elvin L. Featherston and Myrtle B. Featherston, husband and wife ("Grantors"), County of Vigo, State of Indiana, ***RELEASES AND QUITCLAIMS*** to VXI 30 Inc., an Indiana corporation ("Grantee"), for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

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2

way of 14th Street to the south line of the grantor's land; thence South 90 degrees 00 minutes 00 seconds, West, 4.087 meters (13.41 feet) along the south line to a point on the right of way for Project No. STP-RRS-T200 (); thence North 17 degrees 16 minutes 09 seconds East, 13.405 meters (43.98 feet) along said right of way to the north line of Lot 471; thence North 90 degrees 00 minutes 00 seconds East, 4.087 meters (13.41 feet) along said north line to the point of beginning, containing 52.3 square meters (563 square feet) more or less.

IN WITNESS WHEREOF, Grantors have executed this deed this 9TH day of APRIL, 2014.

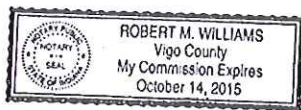
Elvin I. Featherston
Elvin I. Featherston

Myrtle B. Featherston
Myrtle B. Featherston

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Elvin L. Featherston and Myrtle B. Featherston, husband and wife, who acknowledged execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 9TH day of APRIL, 2014.



Robert M. Williams
Notary Public

ROBERT M. WILLIAMS
Printed Name

My Commission Expires: OCT. 14, 2015

My County of Residence: VIGO

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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.

R Williams

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

Mail tax statements to: 2955 Eric Canal Rd
GRANTEE: Terre Haute IN 47802

Property address: 2927 Eric Canal Road, Terre Haute, IN 47802

This instrument was prepared at the specific request of the parties, based solely on information supplied by one or more of the parties to this conveyance and without examination of title or abstract. The preparer assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by the execution and the acceptance of this instrument.

Receipt

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

Date: 5/2/2014

Name: Stralen & Co Inc Payroll

Reason: _____

Payroll

TERRE HAUTE, IN
PAID

CK# 62793

MAY - 2 2014

CONTROLLER

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: [Signature]



TERRE HAUTE
A LIFE 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 5, 2014

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #12-14

CERTIFICATION DATE: June 4, 2014


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. 12-14. This Ordinance is a rezoning of the property located at 2927, 2931, 2933, 2935 Erie Canal Rd. and 2926 South 13 ½ Street. The Petitioner, Elk Run Properties, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-6, Strip Business District for a commercial building. 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. 12-14 at a public meeting and hearing held Wednesday, June 4, 2014. 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. 12-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-14 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. 12-14, was FAVORABLE.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 5th day of June, 2014

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-14

Doc: # 20

Date: June 4th 2014

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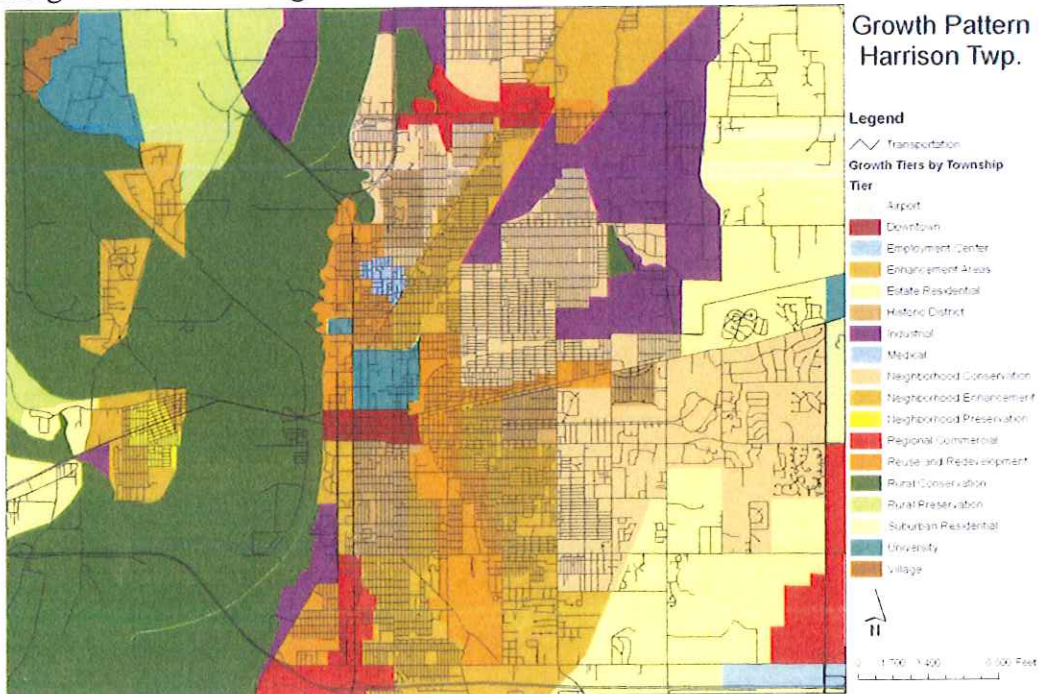
APPLICATION INFORMATION

- ✓ Petitioner: Elk Run Properties, Inc, Vxi 30, Inc.
- Property Owner: Same-As-Above
- Representative: Richard J. Shagley
- ✓ Proposed Use: Commercial Building
- ✓ Proposed Zoning: C-6, Strip Business District
- ✓ Current Zoning: R-1, Single-Family Residence District
- ✓ Location: The property is located East of S 13th ½ Street, West of S 14th Street and North of East Margaret Ave.
- ✓ Common Addresses: 2927, 2931, 2933, 2935 Erie Canal Road and 2926 S. 13 ½ Street, Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement



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.

Soil Limitations: Data unavailable at time of report.

✓ Street Access: South 13 ½ Street, S 14th Street

✓ Dev. Priority: High. Reinvestment opportunity; to capitalize on infrastructure improvements along 13th street corridor and Margaret Drive.

ZONING COMPATIBILITY

✓ Sur. Zones and Uses: **North** – R-1, Single Family Residence District
East – R-1, Single Family Residential
South – C-6 Strip Business District
West – C-1, Neighborhood Commerce District
C-6, Strip Business District
R-1, Single Family Residential

Contig. Uses & Zones: The contiguous zonings are R-1, C-2 and C-6 District to the North, East, and South and West;

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Character of Area: The area consists of single family homes on platted lots. There is a commercial presence with interspersed C-2 zonings.

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

*The locations
meet all zoning
regulations &
standards*

C-6 Standards:

Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.5%

Street Setback: 55 feet from centerline;

Rear setback 1 feet

Interior setback of 5 feet from the interior lot line;

Parking standard: Office, Business and Professional: Three (3) parking spaces per one thousand (1,000) square feet of gross floor area. Parking lots for more than ten (10) cars will need visual buffering from adjacent residential properties.

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Parking standard: Office, Business and Professional: Three (3) parking spaces per one thousand (1,000) square feet of gross floor area. Parking lots for more than ten (10) cars will need visual buffering from adjacent residential properties.

FINDINGS and RECOMMENDATION

- ✓ Staff Findings: The realignment of 14th/Canal Road at the intersection of Margaret Drive provides an ideal location for commercial services and retailers serving the market of commuters who use the Canal Road route to and from Terre Haute and from the Southern part of the county on a regular basis. Uses appropriate for this location include automobile service and fuel, convenience stores, professional services, and other non-big box retail operations. The use of appropriate buffers between this node and the surrounding neighborhoods will be an important means to support the sustainability of both the residential and commercial uses.
- ✓ Recommendation: Staff has a Favorable Recommendation on the C-6 Strip Business at this location.