



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 38**

COMMON ADDRESS OF LOTS TO BE REZONED:

1443 S. 25<sup>th</sup> Street, 1501 South 25<sup>th</sup> Street, 2417 Washington Avenue, 1431 South 25<sup>th</sup> Street, and  
1433 South 25<sup>th</sup> Street, all in Terre Haute, Indiana.

Current Zoning: R-1 Two-family Residence District

Requested Zoning: C-2 Limited Community Commerce

Proposed Use: Parking Lot for Community Theatre of Terre Haute, IN.

Name of Owner: Community Theatre of Terre Haute, Inc.

Address of Owner: 1431 South 25<sup>th</sup> Street, Terre Haute, Indiana

Phone Number of Owner: 812-232-1772

Attorney Representing Owner (if any): Christopher B. Gambill

Address of Attorney: 416 South 6<sup>th</sup> Street, Terre Haute, Indiana 47807

Phone Number of Attorney: 812-238-1408

For Information Contact: Jeff Lorick, President, Community Theatre of Terre Haute

Council Sponsor: Amy Auler

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

FILED

SEP 08 2015

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 38, 2015**

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:

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point where the West line of 25<sup>th</sup> Street, intersected the South line of the said Lot 6, thence North 226 feet, thence West 200 feet, thence South 226 feet, thence East 200 feet, to the place of beginning, in the City of Terre Haute, County of Vigo, State of Indiana, excepting that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the South line of said Lot 6, thence North 75 feet, thence West 200 feet, thence South 75 feet, thence East 200 feet, to the place of beginning. Also except that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the south line of said Lot 6, thence south 70 feet, thence west 200 feet, thence north 70 feet, thence east 200 feet to the place of beginning.

Commonly known as: 1443 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Part of Lot 6, in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the Southwest Quarter of Section 26, Township 12 North, Range 9 West, bounded as follows: Beginning at a point in the South line of Washington Avenue as now located and established, 200 feet west of the west line of 25<sup>th</sup> Street, as now located and established, thence South to the South line of said Lot 6, thence west 54.6 feet, thence North to a point directly West of the place of beginning, thence East 54.6 feet to the place of beginning.

Except that part described as follows:

Beginning at a point in the south line of Washington Avenue as now located and established two hundred (200) feet west of the west line of 25<sup>th</sup> Street as now located and established; thence south 185.5 feet; thence west 54.6 feet; thence north to a point directly west of the place of beginning; thence east 54.6 feet to the place of beginning.

Commonly known as: 1501 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point in the South line of Washington Avenue, as now located and established, 147 feet and 6 inches West of the West line of 25<sup>th</sup> Street, as now located and established, thence South 185 feet, thence West 52 feet and 6 inches, thence North 185 feet, thence East 52 feet and 6 inches, to the place of beginning.

Commonly known as: 2417 Washington Avenue, Terre Haute, Indiana 47803.

Part of Lot Six (6) in Walter and Wieand's Subdivision of 46.66 acres of the middle part of the Southwest Quarter of Section 26, Township 12 North, Range 9 West, bounded as follows:

Commencing fifty (50) feet South of a point where the South line of Washington Avenue, as now located and established, intersects the West line of 25<sup>th</sup> Street, as now located and established; thence South 48 feet; thence West 82 feet and 6 inches; thence North 48 feet; thence East 82 feet 6 inches to the Place of Beginning.

Commonly known as: 1431 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Sixty five feet (65') off the West end of the following described real estate, to-wit:

Part of Lot Six (6) in Walter and Wieand's described as follows:

Commencing Fifty (50) feet South of a point where the South line of Washington Avenue, as now located and established, intersects the West line of Twenty-fifth Street as now located and established, thence South Forty-eight feet (48'); thence West One Hundred Forty-seven feet (147) and Six inches (6); thence North Forty-eight feet (48); thence East One Hundred Forty-seven feet and Six inches (147 feet 6 inches) to the Place of Beginning.

Commonly known as: 1433 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the Southwest Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows:

Commencing at a point where the South line of Washington Avenue, as now located and established, intersects the West line of 25<sup>th</sup> Street, as now located and established; thence South 50 feet; thence West 138 feet; thence North 50 feet to the South line of Washington Avenue; thence East along the South line of Washington Avenue 138 feet to the Place of Beginning.

ALSO

Commencing at a point 138 feet West of the Northeast Corner of Lot 6 in said subdivision; running thence West to a point which point is 147 feet and 6 inches West of the Northeast Corner of Lot 6; thence South 50 feet; thence East to a point due South of the Place of Beginning; thence North to the Place of Beginning.

Commonly known as: 1433 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

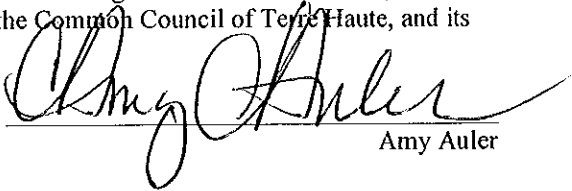
Part of Lot 6 in Walter Wieand's Subdivision of 46.66 acres of the middle part of the Southwest Quarter of Section 26, Township 12 north, Range 9 West bounded as follows:

Commencing 98 feet South of a point where the South line of Washington Avenue as now located and established intersects the West line of 25<sup>th</sup> Street, as now located and established; thence South 87 feet; thence West 147 feet 6 inches; thence North 87 feet; thence East 147 feet 6 inches to the Place of Beginning.

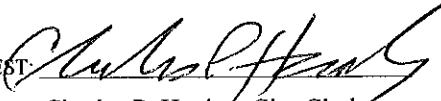
Commonly known as: 1433 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

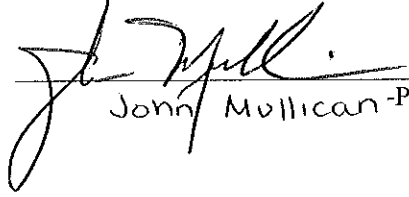
Be and the same is hereby established as C-2 Limited Community Commerce, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, 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 Terre Haute, and its approval by the Mayor and publication as required by law.

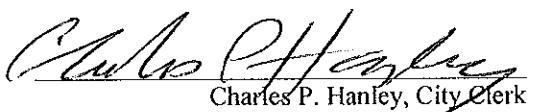
Presented by Council Member,   
Amy Auler

Passed in Open Council this 8<sup>th</sup> day of October, 2015.

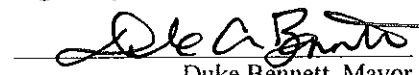
ATTEST:   
Charles P. Hanley, City Clerk

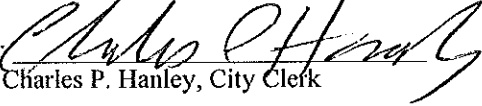
  
John Mullican - President

Presented by me to the Mayor of the City of Terre Haute this 9<sup>th</sup> day of October, 2015.

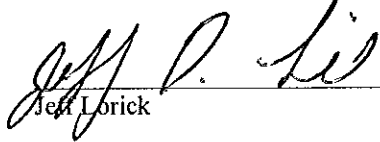
  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9<sup>TH</sup> day of OCTOBER, 2015.

  
Duke Bennett, Mayor

ATTEST:   
Charles P. Hanley, City Clerk

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
Jeff Lorick

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, Community Theatre of Terre Haute, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point where the West line of 25<sup>th</sup> Street, intersected the South line of the said Lot 6, thence North 226 feet, thence West 200 feet, thence South 226 feet, thence East 200 feet, to the place of beginning, in the City of Terre Haute, County of Vigo, State of Indiana, excepting that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the South line of said Lot 6, thence North 75 feet, thence West 200 feet, thence South 75 feet, thence East 200 feet, to the place of beginning. Also except that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the south line of said Lot 6, thence south 70 feet, thence west 200 feet, thence north 70 feet, thence east 200 feet to the place of beginning.

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Except that part described as follows:

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Commonly known as: 1501 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point in the South line of Washington Avenue, as now located and established, 147 feet and 6 inches West of the West line of 25<sup>th</sup> Street, as now located and established, thence South 185 feet, thence West 52 feet and 6 inches, thence North 185 feet, thence East 52 feet and 6 inches, to the place of beginning.

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Commonly known as: 1431 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Sixty five feet (65') off the West end of the following described real estate, to-wit:

Part of Lot Six (6) in Walter and Wieand's described as follows:

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Commonly known as: 1433 South 25<sup>th</sup> Street, Terre Haute, Indiana 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 R-2 Two-family Residence District.

Your petitioner would respectfully state that the real estate is now Vacant Property. Your petitioner intends to use the real estate to parking for visitors to Community Theatre of Terre Haute, Inc.

Your petitioner would request that the real estate described herein shall be zoned as a C-2 Limited Community Commerce. Your petitioner would allege that the C-2 Limited Community Commerce would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Limited Community Commerce. 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 4<sup>th</sup> day of September, 2015.

BY: 

Jeff Lovick, President, Community Theatre of Terre Haute

PETITIONER: Community Theatre of Terre Haute, Inc.  
1431 South 25<sup>th</sup> Street  
Terre Haute, IN 47803







DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

APR 28 2014

2014005468 WD \$18.00  
04/28/2014 02:20:21P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



*Timothy M. Segura*  
VIGO COUNTY AUDITOR

**WARRANTY DEED**  
THIS INDENTURE WITNESSETH:

That Doris P. Tryon, a widowed adult, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Community Theatre of Terre Haute, Inc., of Vigo County, in the State of Indiana, for the sum of One and 00/100 (\$1.00) Dollar and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Part of Lot 6 in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point where the West line of 25<sup>th</sup> Street, intersected the South line of the said Lot 6, thence North 226 feet, thence West 200 feet, thence South 226 feet, thence East 200 feet, to the place of beginning, in the City of Terre Haute, County of Vigo, State of Indiana, excepting that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the South line of said Lot 6, thence North 75 feet, thence West 200 feet, thence South 75 feet, thence East 200 feet, to the place of beginning. Also except that part Commencing 70 feet North of a point where the west line of 25<sup>th</sup> Street intersects the south line of said Lot 6, thence south 70 feet, thence west 200 feet, thence north 70 feet, thence east 200 feet to the place of beginning.

IN WITNESS WHEREOF, Grantor has executed this Deed this 16<sup>th</sup>  
day of April, 2014.

*Doris P. Tryon*  
DORIS P. TRYON, GRANTOR



2014010403 WD \$18.00  
08/08/2014 01:49:42P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

**WARRANTY DEED**  
THIS INDENTURE WITNESSETH:

That Doris P. Tryon, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Community Theatre of Terre Haute, Inc., in the State of Indiana, for the sum of Five Thousand and 00/100 (\$5,000.00) Dollar and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

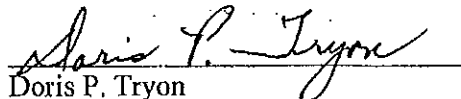
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Except that part described as follows:

Beginning at a point in the south line of Washington Avenue as now located and established two hundred (200) feet west of the west line of 25<sup>th</sup> Street as now located and established; thence south 185.5 feet; thence west 54.6 feet; thence north to a point directly west of the place of beginning; thence east 54.6 feet to the place of beginning.

As conveyed in a certain Warranty Deed dated May 20, 1993, recorded May 26, 1993, and found in Deed Record 437, Page 387, records of Recorder's Office, Vigo County, Indiana.

IN WITNESS WHEREOF, Grantor has executed this Deed this 22<sup>nd</sup> day of July, 2014.

  
Doris P. Tryon

*Doris P. Tryon*  
Subject to final acquisition by transfer

AUG 08 2014

*Nancy S. Allsup*  
Vigo County Recorder

STATE OF INDIANA     )  
                                  ) SS:  
VIGO COUNTY            )

Before me, the undersigned, a Notary Public for above County and State, personally appeared the within named Doris P. Tryon, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

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

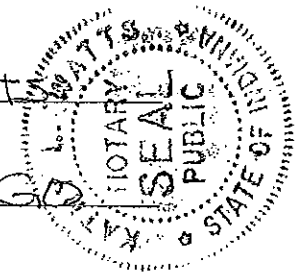
My Commission Expires:

January 25, 2019

Kathy L. Watts  
NOTARY PUBLIC

Printed: KATHY L. WATTS

County of Residence: VIGO



Mail to: WAGNER, CRAWFORD & GAMBILL, 416 S. 6<sup>th</sup> Street, Terre Haute, IN. 47807.

This instrument prepared by Christopher B. Gambill, Attorney at Law, 416 South Sixth Street, Terre Haute, Indiana, 47807; (812)-238-1408.

# WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Peggy Poore, of Cook County, State of IL, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEYS AND WARRANTS unto The Community Theatre of Terre Haute, Inc., of Vigo County, State of IN, the following described real estate situated in the County of Vigo, State of Indiana, to-wit:

Part of Lot 6, in Walter and Wieand's Subdivision of 46 66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point in the South line of Washington Avenue, as now located and established, 147 feet and 6 inches West of the West line of 25<sup>th</sup> Street, as now located and established, thence South 185 feet, thence West 52 feet and 6 inches, thence North 185 feet, thence East 52 feet and 6 inches, to the place of beginning.

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

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Peggy Poore has hereunto set her hand and seal, this 27 day of June, 2014.

Peggy Poore (SEAL)  
Peggy Poore

STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 27 day of June, 2014, personally appeared Peggy Poore and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:



DEBRA S. KELLER  
NOTARY PUBLIC - STATE OF INDIANA  
CLAY COUNTY  
MY COMMISSION EXPIRES  
AUGUST 20 2016

Debra S Keller  
Notary Public

My County of residence is:

Typewritten or printed name of notary

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.

Donald J. Bonomo  
Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: x 1431 South 25<sup>th</sup> St TH 47803

MAIL TAX STATEMENTS TO: y 1431 South 25<sup>th</sup> St TH 47803

WARRANTY DEED

THIS INDENTURE WITNESSETH, that RICHARD G. SEYBOLD and VIRGINIA L. SEYBOLD, husband and wife, ("Grantors") of Vigo County, in the State of Indiana, CONVEY AND WARRANT to COMMUNITY THEATRE OF TERRE HAUTE, INC., ("Grantee") and of Vigo County, in the State of Indiana, for the sum of One Dollar (\$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:

Part of lot six (6) in Walter and Wland's Subdivision of 46.66 acres of the middle part of the south west quarter of Section 26, Township 12 north, range 9 west, bounded as follows; commencing fifty (50) feet south of a point where the south line of Washington Avenue, as now located and established intersects the west line of 25th Street, as now located and established, thence south 48 feet; thence west 82 feet and 6 inches; thence north 48 feet; thence east 82 feet 6 inches to the place of beginning.

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Possession of the Real Estate shall be delivered to the Grantee upon either the death of Richard G. Seybold, or at such time as Richard G. Seybold ceases business operations on/at the Real Estate for a period of 90 consecutive days. Both parties acknowledge that part of the consideration for this conveyance is an agreement by which Richard G. Seybold shall be permitted to operate his business on/at the Real Estate until such time as his health or personal circumstances prohibit him from operating such a business. In either event, possession of the Real Estate shall be delivered to Grantee forthwith. The parties further acknowledge that in consideration of this conveyance such business must be operated by Richard G. Seybold, and by no other representative or family member, and Richard G. Seybold further agrees and warrants that he will not otherwise encumber the Real Estate during the term of his possession.

DO NOT ENTERED FOR TAXATION  
Jan 18 1990  
K. M. McKee  
Notary Public

IN WITNESS WHEREOF, Grantors have executed this deed this 17 day of Jan., 1990.

SEND TAX STATEMENTS TO:  
Community Theatre of Terre Haute, Inc.  
1431 South 25th Street  
Terre Haute, IN 47802

Richard G. Seybold (SEAL)  
RICHARD G. SEYBOLD

Virginia L. Seybold (SEAL)  
VIRGINIA L. SEYBOLD



SUBSCRIBED AND SWORN to before me, a notary public, in and for said County and State, this 17 day of January, 1990.

Craig M. McKee  
NOTARY PUBLIC

My Commission Expires:  
June 9, 1990

Printed: CRIG M. MCKEE

County of Residence: Vigo

This instrument was prepared by Craig M. McKee, Patrick, Wilkinson, Goetter & Modesitt, 333 Ohio Street, P.O. Box 1567, Terre Haute, Indiana 47802

RECEIVED FOR RECORD THE 18 DAY OF Jan 1990 AT 9:15 O'CLOCK AM  
RECORD 421 PAGE 450 JUDITH ANDERSON, RECORDER

STATE OF INDIANA, Vigo County, ss:  
 Before me, the undersigned, a Notary Public, in and for said County and State, this 27th  
 day of October, 1953, personally appeared  
Virginia Kirchner and Lucy Kirchner,

and acknowledged the execution of the annexed deed.  
 WITNESS my Hand and Notarial Seal.  
 My commission expires July 23, 1957  
 RECEIVED FOR RECORD THE 7 DAY OF July, 1953, AT 12 O'CLOCK P.M. JAMES G. FAGIN RECORDER.

284/305

59-179-6976

WARRANTY DEED

305

THIS INDENTURE WITNESSETH, That Richard G. Seybold and Virginia L. Seybold,  
 husband and wife,  
 of Vigo County, in the State of Indiana  
 CONVEY AND WARRANT to The Community Theatre of Terre Haute, Inc.,  
 a non-profit Indiana corporation,

of Vigo County, in the State of Indiana  
 for the sum of One Dollar and other valuable consideration, DOLLARS  
 the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo  
 County, in the State of Indiana, to-wit:

Sixty-five feet (65) off the West end of the following described real estate,  
 to-wit:  
 Part of Lot Six (6) in Walter and Wieands Subdivision described as follows:  
 Commencing Fifty feet (50) South of a point where the South line of  
 Washington Avenue as now located and established intersects the West  
 line of Twenty-fifth Street as now located and established; thence  
 South Forty-eight feet (48); thence West One Hundred Forty-seven feet  
 (147) and Six inches (6); thence North Forty-eight feet (48); thence  
 East One Hundred Forty-seven feet and Six inches (147 ft, 6 inches)  
 to the place of beginning.

Subject to the taxes for the year 1954 due and payable in the year 1955 and all  
 subsequent.



IN WITNESS WHEREOF, The said Richard G. Seybold and Virginia L. Seybold, husband and wife,

do hereby set their hands and seals,  
 this 1st day of July A.D., 1954  
 (Seal) Richard G. Seybold (Seal)  
 (Seal) Virginia L. Seybold (Seal)  
 (Seal) Richard G. Seybold (Seal)  
 (Seal) Virginia L. Seybold (Seal)



STATE OF INDIANA, Vigo County, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 1st day of July, 1954, personally appeared

Richard G. Seybold and Virginia L. Seybold, husband and wife,

and acknowledged the execution of the annexed deed.

WITNESS my hand and Notarial Seal.

Joseph P. Lowe Notary Public

My commission expires 11-29-55 RECEIVED FOR RECORD THE 1st DAY OF July, 1954 AT 2 O'CLOCK P. M. JAMES G. FAGIN RECORDER.

WARRANTY DEED

59-179-6977

THIS INDENTURE WITNESSETH, That Bernard Voges and Leatha Voges,  
husband and wife,

of Prairieton, Vigo County ~~County~~ in the State of Indiana

CONVEY AND WARRANT to Kirby Holt and Geraldine Holt,  
husband and wife,

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other valuable considerations -- ~~BOOKS~~

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

Lot number Thirty (30) in Fairview Place being a Subdivision of a part of the North one-half (1/2) of the North East Quarter (1/4) of Section Twenty-three (23), Township Twelve (12) North, Range Nine (9) West, as per recorded plat of the same recorded in Plat Record 6A, page 88 of the records of the Recorder's Office of Vigo County, Indiana.

This conveyance is made subject to all taxes.



IN WITNESS WHEREOF, The said Bernard Voges and Leatha Voges,  
husband and wife,

have hereunto set their hands and seals this 28th day of June, A.D. 1954

Bernard Voges (Seal) Leatha Voges (Seal)

STATE OF INDIANA, Vigo County, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 28th day of June, 1954, personally appeared

Bernard Voges and Leatha Voges, husband and wife,

and acknowledged the execution of the annexed deed.

WITNESS my hand and Notarial Seal.

Paul R. Sharkey Notary Public

My commission expires February 25, 1958 RECEIVED FOR RECORD THE 1st DAY OF July, 1954 AT 2 O'CLOCK P. M. JAMES G. FAGIN RECORDER.

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Mabel A. Wood and Clinton S. Wood, her husband,

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to The Community Theatre of Terre Haute, Inc.,  
a non-profit Indiana corporation,

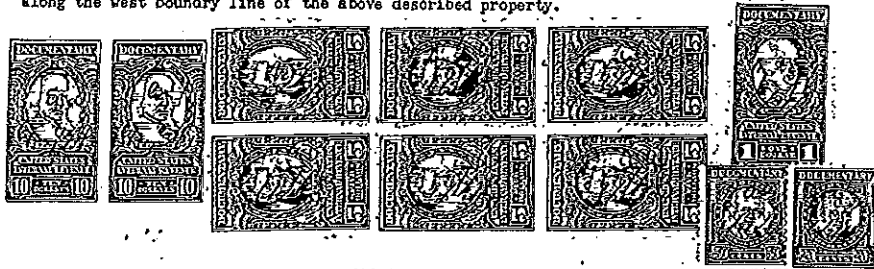
of Vigo County, in the State of Indiana

for the sum of Ten DOLLARS,  
and other valuable considerations,  
the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo  
County, in the State of Indiana, to-wit:

Part of Lot 6, in Walter and Wiesand's Subdivision of  $1/6$  66/100 acres of the middle part of the South West Quarter of Section 26, Township 12 North, of Range 9 West, bounded as follows: Commencing at a point where the South line of Washington Avenue, as now located and established, intersects the West line of 25th Street, as now located and established, thence South 50 feet, thence West 138 feet, thence North 50 feet, to the South line of Washington Avenue, thence East along the South line of Washington Avenue 138 feet to the place of beginning.

Also  
Commencing at a point 138 feet West of the North East corner of Lot 6 in said subdivision, running thence West to a point which point is 147 feet and 6 inches West of the North East corner of Lot 6, thence South 50 feet, thence East to a point due south of the place of beginning, thence north to the place of beginning,

Free and clear of all taxes except real estate taxes for the year 1954 due and payable in the year 1955. Also subject to the right of the grantors to remain in possession until July, 1, 1954 and subject also to the right of the grantors to remove the shrubbery along the west boundary line of the above described property.



IN WITNESS WHEREOF, The said Mabel A. Wood and Clinton S. Wood, her husband,

has hereunto set their hands and seals  
this 21 day of June, A.D., 1954

(Seal) Mabel A. Wood (Seal)  
Mabel A. Wood  
(Seal) Clinton S. Wood (Seal)  
Clinton S. Wood  
(Seal) (Seal)

STATE OF INDIANA, Vigo County, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 21  
day of June, 1954, personally appeared Mabel A. Wood and Clinton S. Wood

and acknowledged the execution of the annexed deed.

WITNESS my hand and Notarial Seal.

My commission expires July 5, 1955

Samuel E. Beecher, Jr. Notary Public  
(Samuel E. Beecher, Jr.)

RECEIVED FOR RECORD THE 21 DAY OF June, 1954 AT 3 O'CLOCK P.M. JAMES G. FAGIN RECORDER.  
Before me, the undersigned, a Notary Public, in and for said County and State, this

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Mabel A. Wood and Clinton S. Wood, her husband,

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Community Theatre of Terre Haute, Inc., an Indiana Corporation,

of Vigo County, in the State of Indiana

for the sum of One and No/100 (\$1.00) Dollar and other valuable consideration

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

Part of Lot 6 in Walter and Wieand's Subdivision of 46.66 Acres of the middle part of the South West quarter of Section 26, Township 12 North, Range 9 West, bounded as follows: Commencing 98 feet South of a point where the South line of Washington Avenue as now located and established, intersects the West line of 25th Street, as now located and established, thence South 87 feet, thence West 147 feet 6 inches, thence North 87 feet, thence East 147 feet 6 inches to the place of beginning.



stamps  
\$11.55

IN WITNESS WHEREOF, The said Mabel A. Wood and Clinton S. Wood, her husband,

have hereunto set their hands and seals, this 18th day of June 1965.

(Seal) X Mabel A. Wood (Seal)  
(Seal) Clinton S. Wood (Seal)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 18th day of June 1965, personally appeared Mabel A. Wood and Clinton S. Wood, her husband,

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires June 15, 1969

Robertine Hoffman Notary Public  
ROBERTINE HOFFMAN

DULY ENTERED FOR TAXATION

The 18th Day of June 1965

Fee 10¢ A Leroy Leroy Auditor

RECEIVED FOR RECORD

The 18 day of June  
A. D. 1965, at 3 o'clock P.M.

and recorded in Deed Record 3386  
page 875-1

William R. Cox  
Recorder Vigo County.

Mail to:

This instrument prepared by Robert S. Ratcliffe.

Receipt

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

Date: 09/08/15

Name: Community Theatre of Terre Haute

Reason: Responing

TERRE HAUTE, IN  
PAID

SEP 08 2015

Cash: \_\_\_\_\_

CONTROLLER

Check: \$45.00 (#10903)

Credit: \_\_\_\_\_

Total: \$45.00

Received By: [Signature]



# 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: October 8, 2015

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #38-15

CERTIFICATION DATE: October 8, 2015

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.38-15. This Ordinance is a rezoning of the property located at 1443, 1431, 1433, 1501 South 25<sup>th</sup> Street and 2417 Washington. The Petitioner, Community Theatre of Terre Haute, Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-2, Limited Community Commerce District for a parking lot for Community Theatre of Terre Haute. 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. 38-15 at a public meeting and hearing held Wednesday, October 7, 2015. Remonstrators WERE 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. 38-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 38-15 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. 38-15 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Develop and enforce a property maintenance code; 2) Use landscape buffers and screening to minimize conflicts between incompatible land uses and densities.

  
Fred L. Wilson, President

  
Darren Maher, Executive Director

Received this 8th day of October, 2015

## **APPLICATION INFORMATION**

Petitioner: Community Theatre of Terre Haute, Inc.

Property Owner: Same-As-Above

Representative: Christopher B. Gambill

Proposed Use: Parking Lot for Community Theatre of Terre Haute, IN

Proposed Zoning: C-2, Limited Community Commercial District

Current Zoning: R-1, Single-Family Residence District

Location: The Properties are located directly to the South and West of the Community Theater of Terre Haute, which is located on the corner of 25<sup>th</sup> Street and Washington Avenue.

Common Address: 1443 S 25<sup>th</sup> Street, 1501 South 25<sup>th</sup> Street, 1431 South 25<sup>th</sup> St, 1433 South 25<sup>th</sup> St and 2417 Washington Avenue, Terre Haute, IN 47802

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## **COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement



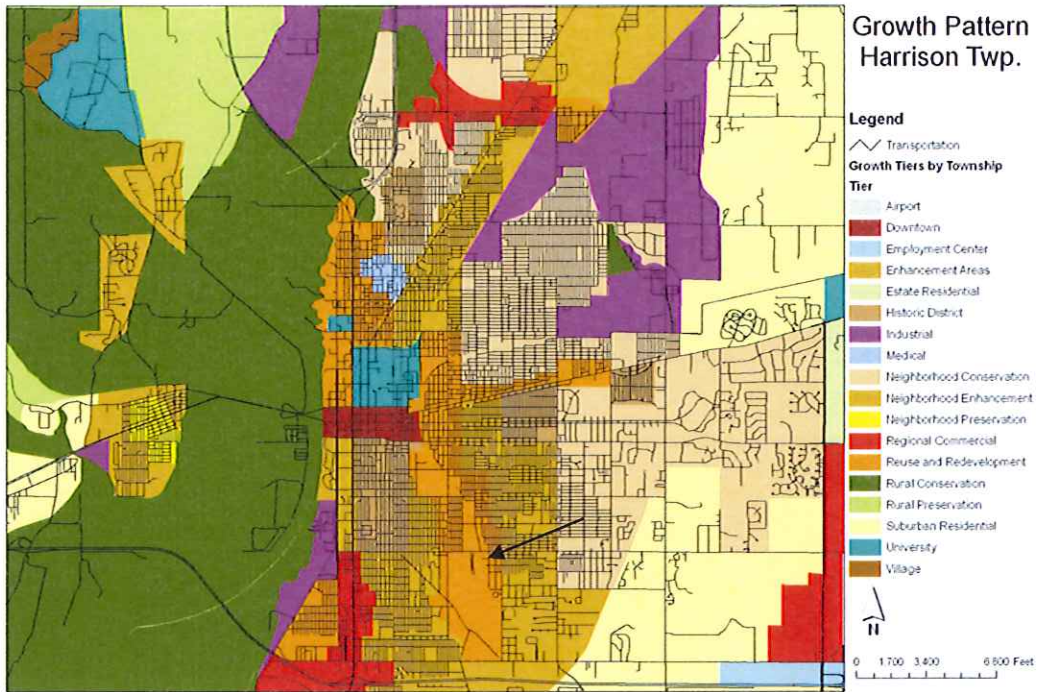
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 38-15

Doc: # 66

Date: October 7, 2015

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- 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: Not studied.

Street Access: 25th Street is a Second Arterial.  
Washington Avenue is a Secondary Collector.

Dev. Priority: This area has a high priority for capital investment

## ZONING COMPATIBILITY

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 38-15

Doc: # 66

Date: October 7, 2015

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Sur. Zones and Uses: **North** – C-2, Community Commerce District  
**East** – R-1, Single Family Residential; C-1, Neighborhood Commercial District; C-2, Community Commerce District  
**South** – R-2, Two-Family Residential District  
**West** – R-2, Two-Family Residential District



Character of Area: The petitioned property sits in the middle of an already established R-2, Two-Family Residential District, West of a C-1, Neighborhood Commercial District, C-2, Community Commerce District and South of a C-2, Community Commerce District. Surrounding uses within these districts consist of multiple two-family dwellings, two restaurants one of which lies vacant and small retail businesses.

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## ZONING REGULATIONS

**C-2 Purpose:** The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

**C-2 Uses:** Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, 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), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

**C-2 Standards:** Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.9 %

Street Setback: 40 feet from centerline;

Rear setback 11’;

Interior setback of 50’ buffer at right angles along the interior property lines

Parking Requirements for Theaters

For more than 750 seats; Five (5) spaces per one thousand (1,000) square feet gross floor area, plus 3 spaces for each additional 100 seats

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## **FINDINGS and RECOMMENDATION**

**Staff Findings:** The Thrive 2025 Comprehensive Plan has identified this area within the City of Terre Haute as a Neighborhood Enhancement Area. One policy states that a development decision has to stabilize residential neighborhoods adjacent to commercial areas through the establishment of transitional land uses, vegetative buffers and/or architectural screens, and the control of vehicular access. The development priority for commercial development within this area could be low to high intensity based on the local thoroughfare network. High intensity commercial development and uses need to have direct access without traffic intrusion onto residential neighborhoods, and needs the appropriate buffering. Zoning change for the proposed property is recommended. Visitors of the Community Theatre currently have to park on 25<sup>th</sup> street or Washington Avenue in front of residential homes. Adding additional parking will eliminate the current excessive street parking.

**Recommended Actions are:**

- Develop and enforce a property maintenance code
- Use landscape buffers and screening to minimize conflicts between incompatible land uses and densities.

**Recommendation:** Staff has a Favorable Recommendation on the C-2 Community Commercial District at this location.