

APPLICATION FOR REZONING PETITION
CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 2 -2015

COMMON ADDRESS OF LOTS TO BE REZONED:

320 Grant St.
Terre Haute, IN 47802

REZONE FROM: Residential District (R-1),

REZONE TO: Heavy Industrial District (M-2)

PROPOSED USE: Parking lot, use of property by
Gartland Foundry Company, Inc.

PROPERTY OWNER: Gartland Foundry Company, Inc.

ADDRESS OF OWNER: 320 Grant St.
Terre Haute, IN 47802

PHONE NO. OF OWNER: 812-232-0226

ATTORNEY REPRESENTING OWNER:

Jeffrey A. Lewellyn
Attorney at Law, #15216-34

ADDRESS OF ATTORNEY: Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy, LLP
333 Ohio St.,
Terre Haute, IN 47807

PHONE NO. OF ATTORNEY: (812) 232-4311

FOR INFORMATION CONTACT: Attorney, Jeffrey A. Lewellyn
(812) 232-4311

COUNCIL SPONSOR:

Amy Auler

Copy of Site Plan Must Accompany This Application.

FILED

JAN 02 2015

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 2 2015
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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

SECTION I. BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

[insert legal]

Subject to covenants, conditions, restrictions, easements, rights-of-way and other matters of record affecting title.

Commonly known as: 320 Grant St.
Terre Haute, IN 47802

be and the same is, hereby established as a **(M-2) Heavy Industrial District**, together with all rights and privileges that may inure to said real estate and 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 12th day of February, 2015.


John Mulligan, President
Common Council of
City of Terre Haute, Indiana

ATTEST:



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 13th
day of February, 2015.



Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th
day of February, 2015.



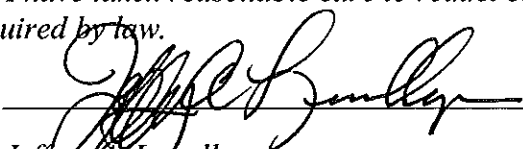
Duke Bennett, Mayor,
City of Terre Haute, Indiana

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.



Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney,
333 Ohio Street, Terre Haute, IN 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 PLAN COMMISSION
OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Gartland Foundry Company, Inc.**,
respectively submits this petition to rezone the following
described real estate in the City of Terre Haute, County of Vigo,
State of Indiana, to-wit:

See attached Exhibit A, legal description.

Subject to covenants, conditions, restrictions,
easements, rights-of-way and other matters of record
affecting title.

Commonly known as: 320 Grant St.
Terre Haute, IN 47802

Your Petitioner is informed and believes that in accordance
with Chapter 10, Article 2, of the Municipal Code, designated as
"Comprehensive Zoning Ordinance for Terre Haute, Indiana" the
above described real estate is now zoned as (R-1) Residential
District.

Your Petitioner would respectively state that the real
property is now mostly unimproved land, but used as part of the
business by **Gartland Foundry Company, Inc.** for the operation of
its cast iron foundry plant located at 320-330 Grant St. The
land is located south of Lincoln Street between 4th Street and 5th
Street and is contiguous to the existing foundry plant to the
south, which plant property is zoned M-2. Your petitioner
intends to develop and use the land as a parking lot for plant
employees and occasional guests.

Your Petitioner requests that the real estate described
herein shall be zoned as a (M-2) Heavy Industrial District. Your
Petitioner would allege that this change in zoning and use would
not alter the general characteristics of this neighborhood.

Your Petitioner would respectively 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 respectively requests that the Area Plan Commission of 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, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana", and declaring the above-described real estate to be part of the (M-2) Heavy Industrial District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 30 day of December, 2014.

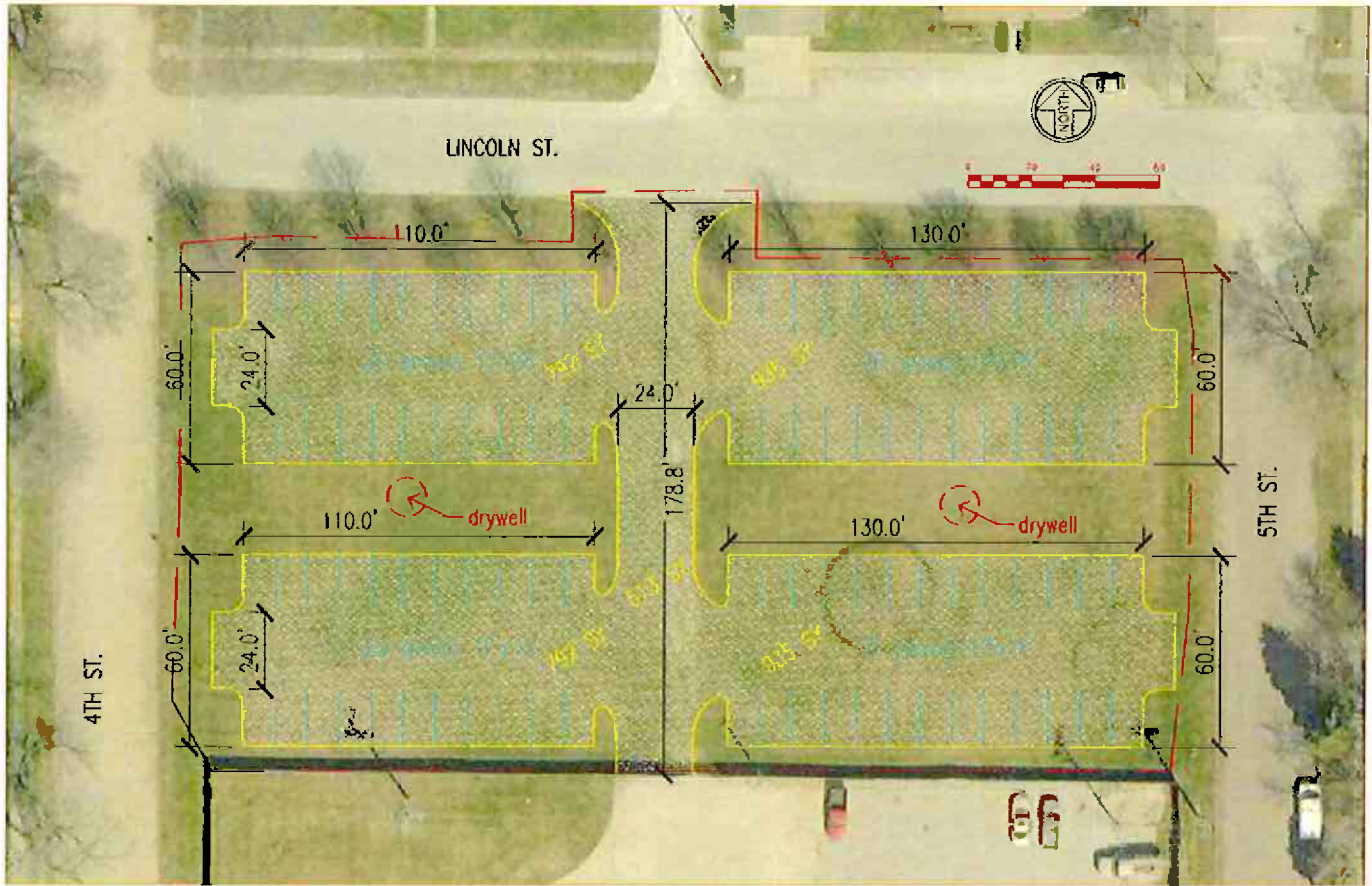
Gartland Foundry Company, Inc.

By: William G. Grimes

William G. Grimes

Petitioner: Gartland Foundry Company, Inc.
330 Grant St.,
Terre Haute, IN 47802

Prepared By: Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



SCALE: AS SHOWN (1" = 20' APPROX)
54 PARKING SPACES
3421 SF PARKING LOT AND ROADWAY
1540 SF CURB
2 DRYWELLS

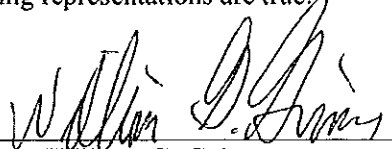
GARTLAND FOUNDRY PARKING LOT EXPANSION

DATE: 10/15/14
PRELIMINARY
FOR 30' PURPOSE ONLY
BY: RTW&E ENGINEERING INC.
MARCH 18, 2014

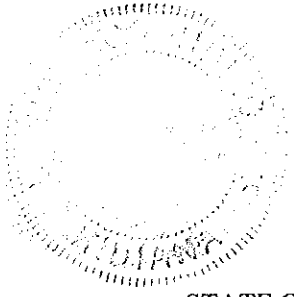
AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, William G. Grimes, President of Gartland Foundry Company, Inc., and affirms under penalty of law that Gartland Foundry Company, Inc. is the owner of record of the property located at **320 Grant St., Terre Haute, IN 47802**, for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, on behalf of Gartland Foundry Company, Inc., I hereby consent to the rezoning as requested by Gartland Foundry Company, Inc. to rezone the property to allow for the construction of a parking lot to be used by plant employees and occasional guests.

I affirm under penalty of perjury, that the foregoing representations are true.




William G. Grimes



STATE OF INDIANA)
 :SS
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Williams G. Grimes**, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 30th day of December, 2014.



Jeffrey A. Lewellyn, Notary Public
Resident of Vigo County, Indiana

My commission expires:
1-9-2015

168/238-239

of the annexed deed.

Witness my hand and Notarial seal.

Donald E. Manning,

(Notary Seal) My commission expires August 16, 1925.

Notary Public.

Received for Record October 9, 1922, at 12 O'clock, M.

John T. Grace, Recorder,

29-217-8263

KNOW ALL MEN BY THESE PRESENTS, That Matthew F. Gartland,

Peter V. Gartland, and John C. Haswell, Trustees for Matthew F. Gartland, Frank X. Gartland, Leo M. Gartland, Thomas H. Gartland, Peter V. Gartland, John H. Schaumieffel, John C. Haswell, Lillian E. Haswell, Elizabeth F. Haswell, and Michael F. Conlon, co-partners doing business under the firm name and style of Gartland Foundry Co., a co-partnership as to the first described real estate, namely Lot 199, of the corrected plat of Chestnut Place; and Matthew F. Gartland Trustee of Marion County, Indiana, as to the second described real estate, namely a portion of Lot 196 of the corrected plat of Chestnut Place, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, to them paid by Gartland Foundry Company, a corporation organized under the laws of the State of Indiana, the receipt whereof is hereby acknowledged, do hereby resign, release and forever quit claim to the said Gartland Foundry Company, its successors and assigns forever, the following described real estate in Vigo County, in the State of Indiana, to-wit:

Lot No. 199 in Chestnut Place, according to the corrected plat of said subdivision in the Vigo County Recorder's office of Vigo County, State of Indiana, said subdivision being part of the northeast quarter ($\frac{1}{4}$) of Section 33, Township 12 North, Range 9; together with all other real estate of every kind and description situate and located in said County and State or elsewhere, owned by the Grantors.

Also, lot number one hundred ninety-six (196), (except forty-one (41) feet two (2) inches off of the west side thereof) in the corrected plat of Chestnut Place, a subdivision of Blocks 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27 28 and the east halves of Blocks 3, 4, 5, 6 in John D. Chestnut's Addition to Terre Haute, a subdivision of part of the northeast quarter of Section thirty-three (33) Township twelve (12) North, Range nine (9) west, in Vigo County, Indiana.

and all the estate, title and interest of the said Matthew F. Gartland, Peter V. Gartland, and John C. Haswell, Trustees and Matthew F. Gartland, Trustee, either in law or in equity, of, in and to the said premises; together with all the privileges and appurtenances to the same belonging; and all the rents, issues and profits thereof; to have and to hold the same for the only proper use of the said Gartland Foundry Company, its successors and assigns forever. In witness whereof, the said Matthew F. Gartland, Peter V. Gartland, and John C. Haswell, Trustees, and Matthew F. Gartland, Trustee, have hereunto set their hands, this 31st day of December, in the year of our Lord one thousand nine hundred and twenty-one.

Signed and acknowledged in presence of us:

Matthew F. Gartland,

H. P. Hunter.

Peter V. Gartland,

H. C. Sullivan.

John C. Haswell,

(Revenue stamp, Eighteen Dollars.)

The State of Ohio,

County of Montgomery, SS:

Be it remembered, that on the 30th day of January, in the year of

our Lord one thousand nine hundred and twenty-two, before me, the subscriber, a Notary Public, in and for said County, personally came Matthew F. Gartland, and John C. Haswell, (who jointly with Peter V. Gartland, as to first described parcel, namely lot No. (199) as trustees and Matthew F. Gartland, Trustee as to the second described parcel, namely Portion of lot No. 196, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name, and affixed my notarial seal, on the day and year last aforesaid.

(Notary Seal) My commission expires Nov. 24, 1923. R.M. Robinson.

State of Ohio,

County of Montgomery, SS:

Be it remembered, that on the 30th day of January, in the year of our Lord one thousand nine hundred and twenty-two, before me, the subscriber, a Notary Public, in and for said County, personally came Peter V. Gartland, (who jointly with Matthew F. Gartland and John C. Haswell, as to the first described parcel namely Lot 199) as trustee the Grantors in the foregoing deed, and acknowledged the signing thereof to be his voluntary act for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name and affixed my notarial seal, on the day and year last aforesaid.

R. M. Robinson,

(Notary Seal) My commission expires Nov. 24, 1923.

Notary Public.

Received for Record October 9, 1922, at 1 1/2 O'clock, P. M.

John T. Grace, Recorder.

29-217-6264

THIS INSTRUMENT WITNESSETH, That Claude H. Garmong, and Hattie Garmong, husband and wife, of Vigo County, in the State of Indiana, conveys and warrants to Sophie Block, of Vigo County, in the State of Indiana, for the sum of One Dollar (\$1.00) and other considerations Dollars, the receipt of which is hereby acknowledged, the following real estate in Vigo County, in the State of Indiana, to-wit:

Lot twenty-eight (28) in Rossmont Subdivision, being a part of the southwest quarter (1/4) of Section thirty-four (34), Township twelve (12) North, Range nine (9) west.

Subject to contract of sale to Chas. Feshev, and Dorothy J. Feshev, husband and wife, dated September 22nd, 1922.

Buyer to assume taxes for year 1922, payable in 1923.

Also subject to mortgage executed by seller in favor of Central Loan Association, of Terre Haute, Indiana, assignment of which will be made to buyer.

In witness whereof, the said Claude H. Garmong, and Hattie Garmong, husband and wife, have hereunto set their hands and seals, this 9th day of October, A. D. 1922.

Hattie Garmong, (Seal)

(Revenue stamp, One Dollar.)

Claude H. Garmong, (Seal)

State of Indiana,

Vigo County, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 9th day of October, 1922, personally appeared Claude H. Garmong & Hattie Garmong, husband and wife, and acknowledged the execution of the annexed deed.

65-334-12216

322/448
2

Form 6

FOR SALE BY THE VIGORONEY CO., TERRE HAUTE, IND.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Newlin Johnson Co., Inc., a corporation

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Garland Foundry Company

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other good and valuable consideration

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

Lots Numbers 156, 157, 158, 159, 170, 171, 172, 173, 174 and 175 in the Corrected Plat of Chestnut Place, a Subdivision of Blocks 7-8-9-10-15-16-17-18-19-20-21-22-25-26-27 and 28, and the East halves of Blocks 3-4-5 and 6 in John D. Chestnut's Addition to Terre Haute, as shown by the corrected Plat of said Subdivision as made by William R. McKeen, Guardian of John D. Chestnut, and recorded in Plat Record Vol. 7, page 44, records of Recorder's Office of Vigo County, Indiana.

Subject to the Fall installment of taxes for the year 1959 due and payable in the Fall of the year 1960, and all subsequent taxes, which the Grantee assumes and agrees to pay.



Stamps: 6.60

This instrument was prepared by Wilbur P. Johnson

IN WITNESS WHEREOF, The said Newlin Johnson Co., Inc., a corporation, has caused its corporate name to be signed hereto and its corporate seal to be hereto affixed by its Vice-President and its Secretary

XXXXXX
this _____ day of _____, A. D. 19____

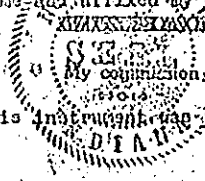
(SEAL) NEWLIN JOHNSON CO., INC. (SEAL)
WITNESSETH: Wilbur P. Johnson, Vice-President (SEAL)
(SEAL) ATTEST: Doris Logsdon (SEAL)
1958 (Doris Logsdon, Secretary)

STATE OF INDIANA, VIGO COUNTY, IN.

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

September 19 60, personally appeared Wilbur P. Johnson and Doris Logsdon, respectively Vice-President and Secretary of Newlin-Johnson Co., Inc., and for and in its behalf acknowledged the execution of the foregoing deed, and Wilbur P. Johnson and Doris Logsdon, being by me duly sworn did say that they are the Vice-President and Secretary of Newlin-Johnson Co., Inc., a corporation of Vigo County, in the State of Indiana, that the foregoing instrument was signed and said corporation seal of said corporation affixed thereto, for and on behalf of said corporation by authority of its Board of Directors, and that the execution of said instrument was the free act and deed of said corporation.

IN WITNESS whereof, I have hereunto subscribed my name and affixed my official seal the day and year above written.



My commission expires March 18th, 19 61

Charlotte M. Perry, Notary Public (Charlotte H. Perry)

This instrument was prepared by Wilbur P. Johnson.

STATE OF INDIANA, COUNTY, IN.

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____

19 _____ personally appeared _____

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires _____ 19 _____ Notary Public.

65-334-12216

WARRANTY DEED

Newlin-Johnson Co., Inc., &

corporation

TO

Carlisle Laundry Company,

RECEIVED FOR RECORD

The 14 day of Sept A. D. 19 60, at 12 Stock Room M and recorded in Deed Record 322

Page 14 by B. J. B. Register, Vigo County, Indiana

DULY ENTERED FOR TAXATION

September 14 19 60 W. Perry, Auditor

INDEXED

200 p. Newlin-Johnson

65-358-13137

322/594
2

Form 6

FOR SALE BY THE VIGUESNEY CO., TERRE HAUTE, IND.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Harry R. Palmer and Inez V. Palmer, his wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Gartland Foundry Company

of Vigo County, in the State of Indiana

for the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration ~~--- XXXXXX~~

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

Lot Number One Hundred Sixty-nine (169) in The Corrected Plat of Chestnut Place, a Subdivision of Blocks 7-8-9-10-15-16-17-18-19-20-21-22-25-26-27 and 28, and the East Halves of Blocks 3-4-5 and 6 in John D. Chestnut's Addition to Terra Haute, as shown by the Corrected Plat of said subdivision as made by William R. McKeen, Guardian of John D. Chestnut, and recorded in Plat Record Vol. 7, Page 44.

Subject to 3/12ths of the taxes for the year 1960, due and payable in the year 1961, and all subsequent taxes, which the Grantee assumes and agrees to pay.



Stamps: \$6.05

IN WITNESS WHEREOF, The said Harry R. Palmer and Inez V. Palmer, husband and wife

have hereunto set their hand and seal

this 30th day of September, A. D. 19 60,

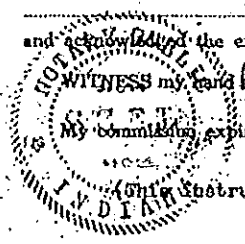
(SEAL) Harry R. Palmer (SEAL)
(Harry R. Palmer)

(SEAL) Inez V. Palmer (SEAL)
(Inez V. Palmer)

STATE OF INDIANA, _____ VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of September, 19 60, personally appeared Harry R. Palmer and Inez V. Palmer, husband and wife

and acknowledged the execution of the annexed Deed.



WITNESS my hand and Notarial Seal.

My commission expires July 29, 19.62

Wilbur P. Johnson Notary Public (Wilbur P. Johnson)

(This instrument prepared by Wilbur P. Johnson)

STATE OF INDIANA, _____ COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____ 19 _____, personally appeared _____

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires _____ 19 _____ Notary Public.

65-358-13137

WARRANTY DEED

Harry R. Palmer and Inez V. Palmer, husband and wife

Garland Foundry Company

RECEIVED FOR RECORD

The 30 day of Sept. A. D. 19 60, at 3:12 o'clock P. M. and recorded in Deed Record page 594-2 322

Recorder Ralph G. Baxter Vigo County

DULY ENTERED FOR TAXATION

September 30 19 60 A. Percy Newgarden Auditor

INDEXED

200 PL

65-358-13138

322/595
2

Form 8

FOR SALE BY THE VIGUESNEY CO., TERRE HAUTE, IND.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That John P. Sparks and Helen G. Sparks, husband and wife

of Vigo County, in the State of Indiana
CONVEY AND WARRANT to Gartland Foundry Company

of Vigo County, in the State of Indiana
for the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration ~~the~~
the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lot Number One Hundred Fifty-five (155) in The Corrected Plat of Chestnut Place, a Subdivision of Blocks 7-8-9-10-15-16-17-18-19-20-21-22-25-26-27 and 28, and the east halves of Blocks 3-4-5 and 6 in John D. Chestnut's Addition to Terre Haute, as shown by the Corrected Plat of said subdivision as made by William R. McKee, Guardian of John D. Chestnut, and recorded in Plat Record Vol. 7, Page 44.

Subject to 3/12ths of the taxes for the year 1960, due and payable in the year 1961, and all subsequent taxes, which the Grantee assumes and agrees to pay.



Stamps: \$ 7.15

IN WITNESS WHEREOF, The said John P. Sparks and Helen G. Sparks, husband and wife

has hereunto set their hands and seals

this 30th day of September, A. D. 19 60.

(SEAL) John P. Sparks (SEAL)
(John P. Sparks)

(SEAL) Helen G. Sparks (SEAL)
(Helen G. Sparks)

STATE OF INDIANA, _____ VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of September 19 60, personally appeared John P. Sparks and Helen G. Sparks, husband and wife

and acknowledged the execution of the annexed Deed.



WITNESS my hand and Notarial Seal.

My commission expires July 29, 1962. Notary Public (Wilbur P. Johnson)

This instrument prepared by Wilbur P. Johnson

STATE OF INDIANA, _____ COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____ 19 _____, personally appeared _____

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires _____ 19 _____ Notary Public.

65-358 13138

WARRANTY DEED

John P. Sparks and Helen G. Sparks, husband and wife TO

Gartland Foundry Company

RECEIVED FOR RECORD

The 30 day of Sept. A. D. 19 60, at 3:42 o'clock P. M. and recorded in Deed Record page 2595-2

Recorder Ralph G. Bapster Vigo County, Ind.

DULY ENTERED FOR TAXATION

September 30 1960 A. W. Berry, Auditor

INDEXED

9.00%

65-358-13140

322/597
2

Form 6

FOR SALE BY THE VIGUESNEY CO., TERRE HAUTE, IND.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Leslie Wilson and Mattie Ellen Wilson, husband
and wife

of Vigo County, in the State of Indiana

CONVEY LAND WARRANT to Gartland Foundry Company

of Vigo County, in the State of Indiana

for the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration ~~of any~~

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

Lots Numbers One Hundred Sixty (160) and One Hundred Sixty-one (161) in The Corrected Plat of Chestnut Place, a subdivision of Blocks 7-8-9-10-15-16-17-18-19-20-21-22-25-26-27 and 28 and the East Halves of Blocks 3-4-5 and 6 in John D. Chestnut's Addition to Terre Haute, as shown by the corrected plat of said subdivision as made by William R. McKeen, Guardian of John D. Chestnut and recorded in Plat Record Vol. 7, page 44.

Subject to 3/12ths of the taxes for the year 1960, due and payable in the year 1961, and all subsequent taxes, which the Grantee assumes and agrees to pay.



IN WITNESS WHEREOF, The said Leslie Wilson and Mattie Ellen Wilson, husband and wife

do hereby hereunto set their hands and seal

this 30th day of September, A. D. 1960

(SEAL) Leslie Wilson (SEAL)
(Leslie Wilson)

(SEAL) _____ (SEAL)

(SEAL) Mattie Ellen Wilson (SEAL)
(Mattie Ellen Wilson)

STATE OF INDIANA, VIGO COUNTY, ss:

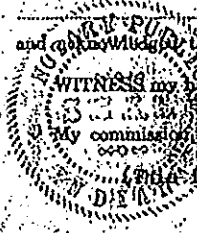
Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of September 1960, personally appeared Leslie Wilson and Mattie Ellen Wilson, husband and wife

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires July 29, 1962

Wilbur P. Johnson, Notary Public (Wilbur P. Johnson)



(This instrument prepared by Wilbur P. Johnson)

STATE OF INDIANA, COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires 19

Notary Public.

13140

65-358

WARRANTY DEED

Leslie Wilson and Mattie Ellen Wilson, husband and wife TO

Garland Foundry Company

RECEIVED FOR RECORD

The 30 day of Sept A. D. 1960, at 3 o'clock P. M. and recorded in Deed Record page 598

Recorder Philip G. Butler Vigo County

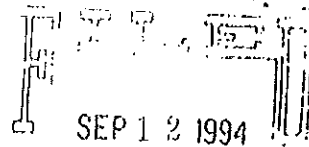
DULY ENTERED FOR TAXATION

September 30 1960 A. Henry Newgarden Auditor

INDEXED

2082

94 14750



1097

STATE OF INDIANA)
) SS
COUNTY OF VIGO)

Judith Anderson
AUDITOR VIGO COUNTY

I, Charles P. Hanley, Clerk of the City of Terre Haute, County of Vigo, State of Indiana, hereby certify that the within and foregoing are true and complete copies of SPECIAL ORDINANCE NO. 62, 1994 as passed by the Common Council of the City of Terre Haute, Indiana on September 8, 1994.

WITNESS my hand and OFFICIAL SEAL this 12th day of September, 1994.

Charles P. Hanley
Charles P. Hanley, City Clerk
City of Terre Haute, Indiana

STATE OF INDIANA)
) SS
COUNTY OF VIGO)

I, William D. Lower, a Notary in and for said County and State hereby acknowledge that the above stated Charles P. Hanley did appear before me on the 12th day of September, 1994, and acknowledge the above to be his signature.

William D. Lower
William D. Lower, Notary Public
A resident of Vigo County, Indiana

My commission expires April 9, 1997

103
CITY CLERK
AUG 05 1994

SPECIAL ORDINANCE NO. 62, 1994

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET AND ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public street and an alleyway located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

That portion of Grant Street between Fourth Street and Fifth Street.

That platted alleyway running north and south between Lincoln Street on the north and Grant Street on the south and separating Lots 155 through 161 from Lots 169 through 175 in the Corrected Plat of Chestnut Place.

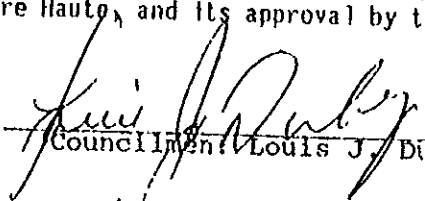
SUBJECT to existing easements for public utilities.

And, be it further ordained that the portion of the street and the alleyway above described be and the same are now hereby vacated and will revert to the abutting properties subject to the continuation of any and all existing easement rights for public utilities, and

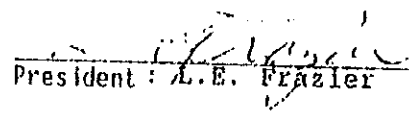
Be it further ordained that the City Clerk be and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County.

SECTION 2. 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 by law provided.

Presented by Council Member,


Councilman Louis J. Duby

Passed in open council this 8th day of September, 1994.


President: L.E. Frazier

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

Presented by me to the Mayor this 1st day of September, 1994.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 1st day of September, 1994.

P. Pete Chalos
P. Pete Chalos, Mayor

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

THIS INSTRUMENT PREPARED BY:
ATTORNEY DAVID H. GOELLER
333 Ohio Street, P. O. Box 800
Terre Haute, IN 47808-0800

RECEIVED FOR RECORD
AT 2:00 O'CLOCK P M
RECORD 305 PAGE 1097

SEP 12 1994

Maryann
RECORDER VIGO COUNTY

fb 10.00

Receipt

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

Date: January 2, 2015

Name: Wilkinson, Joelle

Reason: Rezoning Filing \$ 25.00
Rezoning Petition \$ 20.00

TERRE HAUTE, IN
PAID

JAN - 2 2015

CONTROLLER

Cash: _____

Check: \$45.00 CK# 0089305

Credit: _____

Total: \$ 45.00

Received By: M. Dowell/BE



TERRE HAUTE
A LEVEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: February 5, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #2-15

CERTIFICATION DATE: February 4, 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. 2-15. This Ordinance is a rezoning of the property located at 320 Grant Street. The Petitioner, Gartland Foundry Company, Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-1 to M-2, Heavy Industry District for a parking lot. 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. 2-15 at a public meeting and hearing held Wednesday, February 4, 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. 2-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 2-15 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. 2-15 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Landscaping plan be submitted and approved by Area Planning for any property boundary shared with residential uses along newly developed areas; 2) All uses within the newly constructed expansion shall conform to the standards of performance described within Section 10-143 of the Terre Haute City Code and shall be so constructed, maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare.

Fred L. Wilson, President

Darren Maher, Executive Director

Received this 5th day of February, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #2-15
Date: February 2015

Doc: # 2
Page 1 of 5

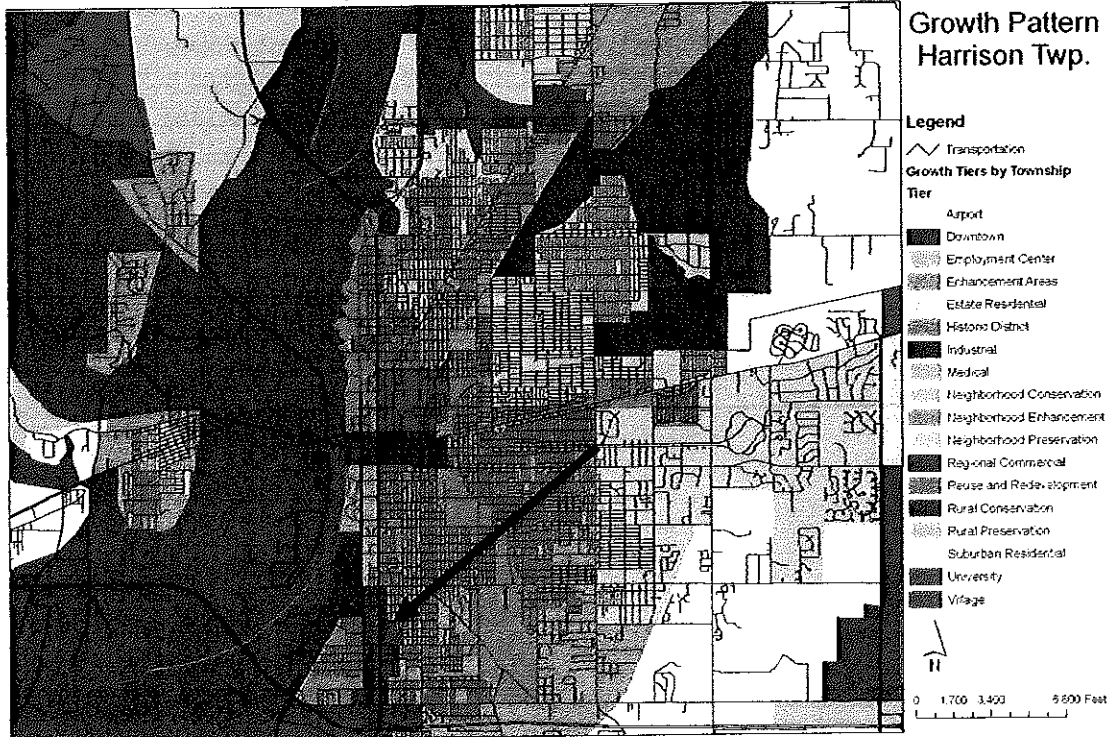
APPLICATION INFORMATION

Petitioner: Gartland Foundry Company, Inc.
Property Owner: Same-As-Above
Representative: Jeffrey A. Lewellyn
Proposed Use: Parking lot, use of property by owner
Proposed Zoning: M-2 Heavy Industrial District
Current Zoning: R-1, Single-Family Residence District
Location: The property is comprised of the northern half of two parcels (84-06-33-256-001.000-002 and 84-06-33-256-002.000-002) encompassing an entire block between 4th and 5th streets and abutting Lincoln Ave.

Common Address: 320 Grant Street, Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



(2) The keeping, raising, breeding, and maintaining of farm and other animals for research, development, experimentation and testing in connection with a permitted use.

(3) Any other use permitted in the Light Industrial District.

FINDINGS and RECOMMENDATION

Staff Findings:

Gartland Foundry produces a wide variety of ductile and gray iron products for customers and according to their website “As a concerned corporate neighbour, Gartland continues to be totally committed to meeting or exceeding all air, water and waste regulations” (<http://www.gartlandfoundry.com>). In the spirit of neighbourhood cooperation additional landscaping has been agreed upon around the new parking area.

It is the decision of the developer and the understanding of staff that no production is to occur within the newly rezoned area. A new 8,744 square foot addition will be added to the facility along the north side of the building close to the corner of 5th and Grant streets, though a portion will be demolished, netting a 6,531 S.F total net gain. The new addition displaces a portion of the current parking areas. The rezoned area is, at this time, to be used strictly for staff parking and allow for additional parking for staffing increases in the near future. It is important to note however, that the ordinance submitted by their representative states that the petitioner would be entitled to all rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise. Thus, in the future, any and all M-2 uses could occur next to residences.

Recommendation:

Staff has a Favorable Recommendation for the rezoning to M-2 heavy industrial from R-1 Single Family with the following conditions.

1. Landscaping plan be submitted and approved by area planning for any property boundary shared with residential uses along newly developed areas.
2. The applicant extend the existing fence to encompass the increased parking area.
3. All uses within the newly constructed expansion shall conform to the standards of performance described within section 10-143 of the Terre Haute City Code and shall be so constructed,

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #2-15

Doc: # 2

Date: February 2015

Page 5 of 5

maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazard or glare.