



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 34

COMMON ADDRESS OF LOTS TO BE REZONED:

East Margaret Drive, Terra Haute, Indiana 47803. Parcel No. 84-10-05-100-019.000-023 containing approximately 7.278 acres (agri-vacant).

Current Zoning: O-1 – Agricultural District

Requested Zoning: M-1 – Light Industry District

Proposed Use: Truck (new and used) and truck parts sales and service as well as “body shop” restoration work on new and used trucks.

Name of Owner: Scott Holding Company, Inc. f/k/a Suba Holdings Inc.

Address of Owner: 4720 Cart Path, Terra Haute, IN 47802

Phone Number of Owner: 812-243-1679

Attorney Representing Owner/Purchaser: David Durm – Barnes & Thornburg, LLP

Address of Attorney: 15 S. Meridian St., Indianapolis, IN 46204

Phone Number of Attorney: 317.231.7483

For Information Contact: David Durm, Barnes & Thornburg LLP, david.durm@btlaw.com

Council Sponsor: ROBERT ALL

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

SPECIAL ORDINANCE NO. 34, 2014

CITY CLERK

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

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

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

PER DEED RECORD 396, PAGE 711 IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA

THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION FIVE (5), TOWNSHIP ELEVEN (11) NORTH, RANGE EIGHT (8) WEST.

EXCEPT THAT PART THEREOF AS GRANTED TO STATE OF INDIANA FOR RIGHT OF WAY BY INSTRUMENT DATED JULY 11, 1941 AND RECORDED IN DEED RECORD 222 PAGE 545

ALSO EXCEPT THAT PART THEREOF AS GRANTED TO STATE OF INDIANA FOR RIGHT OF WAY BY INSTRUMENT DATED APRIL 17, 1964 AND RECORDED IN DEED RECORD 334 PAGE 386;

ALSO EXCEPT THAT PART THEREOF CONVEYED TO CITIES SERVICE OIL COMPANY, AS SHOWN BY INSTRUMENT DATED MAY 3, 1966 AND RECORDED IN DEED RECORD 339 PAGE 108;

SUBJECT TO EASEMENT FOR PIPE LINE AS GRANTED TO THE OHIO OIL COMPANY BY INSTRUMENT DATED JUNE 29, 1943 AND RECORDED IN DEED RECORD 228 PAGE 453;

ALSO SUBJECT TO EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED OCT. 7, 1954 AND RECORDED IN DEED RECORD 286 PAGE 345;

MORE PARTICULARLY DESCRIBED THIS SURVEY AS FOLLOWS:

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 11 NORTH, RANGE 8 EAST, RILEY TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 11 NORTH, RANGE 8 EAST, RILEY TOWNSHIP, VIGO COUNTY, INDIANA, SAID NORTHWEST CORNER BEING MARKED BY A 1" ROD IN A ROAD BOX WITHIN THE INTERSECTION OF INDIANA STATE ROAD No. 46 AND MARGARET DRIVE;

THENCE NORTH 89 DEGREES 56 MINUTES 52 SECONDS EAST (INDIANA STATE PLANE COORDINATE ZONE WEST GRID BEARING AND BASIS TO FOLLOW) ON AND ALONG THE NORTH LINE OF SECTION 5 A DISTANCE OF 843.25 FEET TO THE NORTHEAST CORNER OF THE LANDS OF PILOT TRAVEL CENTERS, LLC AS RECORDED IN DOCUMENT NUMBER 200216287 IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA, SAID NORTHEAST CORNER BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED REAL ESTATE AND BEING MARKED BY A SURVEY MARKER NAIL WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION WASHER;

THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 52 SECONDS EAST ON AND ALONG THE NORTH LINE OF SECTION 5 A DISTANCE OF 479.94 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, SAID NORTHEAST CORNER BEING THE NORTHEAST CORNER OF THE LANDS OF SUBRA HOLDINGS, INC. AS RECORDED IN DEED RECORD 396 PAGE 711 IN

THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA AND BEING MARKED BY A SURVEY MARKER NAIL WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION WASHER;

THENCE SOUTH 00 DEGREES 34 MINUTES 47 SECONDS WEST ON AN ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SAID LINE ALSO BEING THE EAST LINE OF THE LANDS OF SUBRA HOLDINGS, INC., A DISTANCE OF 797.18 FEET TO A POINT ON THE NORTH LINE OF THE LANDS OF THE STATE OF INDIANA AS RECORDED IN DEED RECORD 334 PAGE 386 IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 45 DEGREES 37 MINUTES 50SECONDS WEST ON AND ALONG THE NORTH LINE OF THE LANDS OF THE STATE OF INDIANA, SAID LINE BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF INTERSTATE No. 70, A DISTANCE OF 154.85' TO A POINT OF TANGENT CURVATURE OF A CURVE NORTHWESTERLY TO THE LEFT HAVING A RADIUS OF 537.50 FEET, SAID POINT OF TANGENCY BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT, AND THE NORTH LINE OF THE LANDS OF THE STATE OF INDIANA, AN ARC DISTANCE OF 403.14 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 67 DEGREES 06 MINUTES 35 SECONDS WEST A CHORD DISTANCE OF 393.75 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF PILOT TRAVEL CENTERS, LLC AS RECORDED IN DOCUMENT NUMBER 200216287 IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA, SAID SOUTHEAST CORNER BEING MARKED BY 5/8" REBAR WITH "PITSER" IDENTIFICATION CAP;

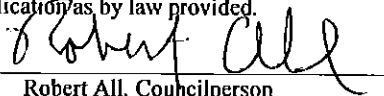
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CONTAINING 6.82 ACRES OF LAND MORE OR LESS.
SUBJECT TO EASEMENTS, RIGHTS OF WAY, COVENANTS OF RECORD.

be and the same is, hereby established as a M-I Light Industry 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,


Robert All, Councilperson

Passed in open Council this

15th

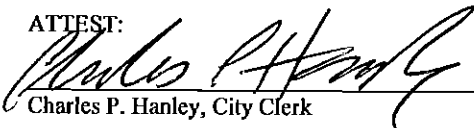
day of

January

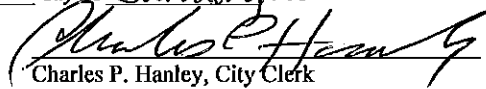
2015


John Morrison, President

ATTEST:


Charles P. Hanley, City Clerk

Presented by me, to the Mayor of Terre Haute this 16th day of January 2015


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 16th day of JANUARY, 2015


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 David P. Durm

This instrument prepared by David P. Durm, Attorney-at-Law, BARNES & THORNBURG LLP, 11 South Meridian Street, Indianapolis, IN 46204

PETITION TO REZONE REAL PROPERTY

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

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

LADIES and GENTLEMEN:

The undersigned, VoMac, LLC, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

PER DEED RECORD 396, PAGE 711 IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA

THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION FIVE (5), TOWNSHIP ELEVEN (11) NORTH, RANGE EIGHT (8) WEST.

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CONTAINING 6.82 ACRES OF LAND MORE OR LESS.
SUBJECT TO EASEMENTS, RIGHTS OF WAY, COVENANTS OF RECORD.

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

Your Petitioner would respectfully state that the real estate is now agri-vacant and is being acquired from the owner for the development of a truck sales (new and used), parts sales, service and repair center, and a copy of the Affidavit of Ownership and Consent has been submitted herewith.

Your Petitioner would request that the real estate described herein shall be zoned as a M-1 Light Industry District to allow for the use as proposed. Your Petitioner would allege that a M-1 Light Industry District would not alter the general characteristics of this area.

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

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10121 District Maps and declaring the above-described real estate to be part of the M-1 Light Industry 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 Petitioner has caused this Petition to Rezone Real Property to be executed, this 7th day of October, 2014.

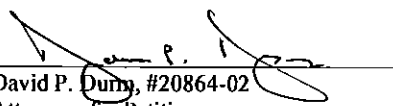
PETITIONER:

VoMac, LLC, an Indiana limited liability company

By: 

Printed: Philip Morell.

Title: Member

By: 

David P. Durm, #20864-02
Attorneys for Petitioner
BARNES & THORNBURG LLP
11 S. Meridian Street
Indianapolis, IN 46204
Phone: (317) 231-7483

The owner and mailing address: Scott Holding Company, Inc., 4270 Cart Path, Terre Haute, IN 47802.

This instrument prepared by David P. Durm, Attorney-at-Law, BARNES & THORNBURG LLP, 11 South Meridian Street, Indianapolis, IN 46204



1 PROPOSED SITE STUDY
MAY 1987

<p>CERTIFICATION</p>	<p>STATE OF CALIFORNIA COUNTY OF LOS ANGELES</p>	<table border="1"> <tr><td>DATE</td><td> </td></tr> <tr><td>TIME</td><td> </td></tr> <tr><td>LOCATION</td><td> </td></tr> <tr><td>PROJECT</td><td> </td></tr> <tr><td>SCALE</td><td> </td></tr> <tr><td>DRAWN BY</td><td> </td></tr> <tr><td>CHECKED BY</td><td> </td></tr> <tr><td>APP'D BY</td><td> </td></tr> <tr><td>DATE</td><td> </td></tr> </table>	DATE		TIME		LOCATION		PROJECT		SCALE		DRAWN BY		CHECKED BY		APP'D BY		DATE		<p style="text-align: center;">FLDERMAN</p> <p style="text-align: center;">SURVEYING & ENGINEERING</p> <p style="text-align: center;">100-140 2ND ST. SUITE 210 LOS ANGELES, CALIF. 90012-1718</p>	<p>CITY OF LOS ANGELES</p>	<p style="text-align: right;">C1.0</p>
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State of Indiana
Office of the Secretary of State

CERTIFICATE OF AMENDMENT
of
SUBA HOLDINGS INC

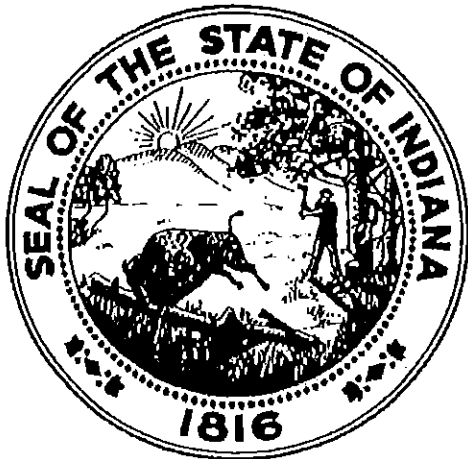
2008011859 MISC
08/29/2008 01:13:05P \$11.00
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Articles of Amendment of the above For-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Corporation Law.

The name following said transaction will be:

SCOTT HOLDING COMPANY, INC.

NOW, THEREFORE, with this document I certify that said transaction will become effective Wednesday, March 07, 2007.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, March 7, 2007.

A handwritten signature in black ink that reads "Todd Rokita".

TODD ROKITA,
SECRETARY OF STATE

WILKINSON

194296A081 / 2007030729146

Receipt

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

Date: 10/7/2014

Name: Bliss & Thornburg LLP

Reason: Bejoing Petition

TERRE HAUTE, IN
PAID

OCT 07 2014

CONTROLLER

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: Allen / BL



TERRE HAUTE
A KING 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: November 6, 2014

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #34-14**

CERTIFICATION DATE: November 5, 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. 34-14. This Ordinance is a rezoning of the property located at E. Margaret Dr. The Petitioner, Scott Holding Company, Inc. f/k/a Suba Holdings, Inc., petitions the Plan Commission to rezone said real estate from zoning classification 0-1 to M-1, Light Industry District for a truck (new and used) and truck parts sales and service as well as body shop restoration work on new and used trucks. 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. 34-14 at a public meeting and hearing held Wednesday, November 5, 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. 34-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 34-14 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. 34-14 was TABLE at Petitioner's request..

Handwritten signature of Fred L. Wilson in black ink, written over a horizontal line.

Fred L. Wilson, President

Handwritten signature of Darren Maher in black ink, written over a horizontal line.

Darren Maher, Executive Director

Received this 6th day of November, 2014



TERRE HAUTE
A LITTLE 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: January 8, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #34-14

CERTIFICATION DATE: January 7, 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. 34-14. This Ordinance is a rezoning of the property located at E. Margaret Dr. The Petitioner, Scott Holding Co., Inc., f/k/a Suba Holdings, Inc., petitions the Plan Commission to rezone said real estate from zoning classification 0-1 to M-1, Light Industry District for a truck parts sales, service, body shop restoration. 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. 34-14 at a public meeting and hearing held Wednesday, January 7, 2015. 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. 34-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 34-14 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. 34-14 was FAVORABLE WITH THE FOLLOWING CONDITION: All regulations, where necessary, shall be followed as defined by the Airport Noise Overlay District and the Hulman Regional Airport District.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 8th day of January, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #34-14

Doc: #50

Date: November, 2014

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Scott Holding Compay, Inc. f/k/a Suba Holdings Inc.

Property Owner: Same as Above

Representative: David Durm – Barns & Thornburg, LLP

Proposed Use: Truck (new and used) and truck parts sales and service as well as body shop restoration work on new and used trucks.

Proposed Zoning: M-1 – Light Industry District

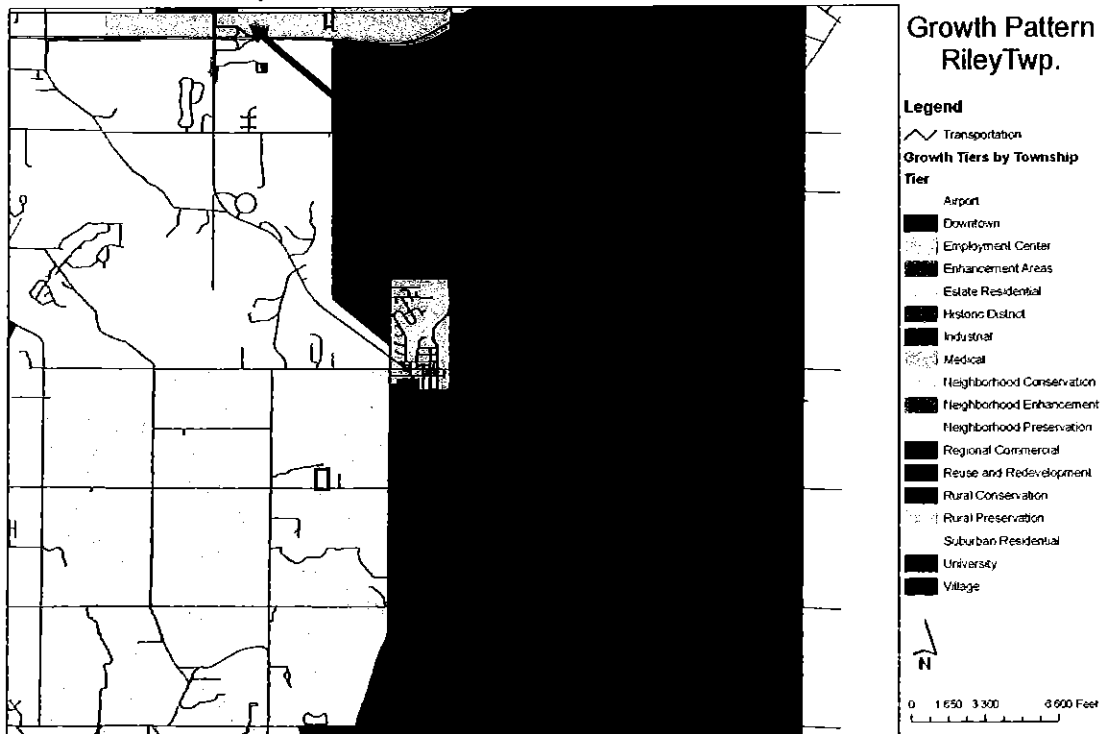
Current Zoning: O-1 - Agricultural District

Location: The property is located on the south side of E. Margaret Dr. east of State Road 46/U.S. Hwy 40 and east of the Pilot service station

Common Address: No common address has been assigned at this time.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #34-14

Doc: #50

Date: November, 2014

Page 2 of 4

Recommended Use: Employment Centers

These areas are to be developed as high intensity, mixed-use, planned corporate business parks. Employment Centers may include a wide diversity of use activities including research and development, office buildings, corporate headquarters or corporate “campus” facilities, office/distribution facilities – so called “flex space” and institutional uses. In addition to these primary uses, complementary, secondary or ancillary activities should be encouraged on a limited basis. These may include day care centers. Business support services like print services or computer service bureaus, and limited retail commercial activities such as restaurants, designed to use by employees and open space recreational amenities. Employment Centers should be developed under a master development plan which provide landscape, lighting, architectural controls, internal vehicular and pedestrian circulation plans, controlled access parking and loading facilities, common area lighting and standardized signage. Additionally, these areas should offer the protection of performance standards with respect to noise, vibration and environmental quality (Thrive 2025)

Available Services: Area is well served by utilities and urban services.

Soil Limitations: unknown

Street Access: East Margaret Drive is a Primary Arterial Roadway: Characterized by sparse development, limited access.

Dev. Priority: The petitioned property has a medium priority for new development, as identified by the Thrive 2025 Comprehensive Plan.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – O-1, Agricultural District/Airport overlay
M-2 Heavy Industry
East – A-1, Agricultural District (not in city)
South – I-70 Corridor and M-1 Light Industry
West – C-6, Strip Business
O-1, Agricultural District

Character of Area: The petitioned property is located within the regional commercial hub centered on State Road 46 and I-70 Interchange. Within a close vicinity to this property are the International Airport, distribution services such as UPS and FedEx, and a few other industrial uses. The region receives heavy traffic from the I-70

interchange, a portion of which is commercial traffic visiting the Pilot station for various services offered.

ZONING REGULATIONS

It is the purpose of this classification to provide for complete separation of residential and commercial areas, from industrial areas for the mutual protection of both industrial and residential, and commercial uses. It is recognized that for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses, this goal must be paramount in the consideration thereof and special uses not clearly of manufacturing or industrial nature must be incidental to an established industrial facility.

The Light Industrial zone classification provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards as contained in Sec. 10-143.

FINDINGS and RECOMMENDATION

Staff Findings:

The Terre Haute City Code has no general provisions for, nor does it list, in any terms, truck sales greater than one ton. Due to the nature and use of these vehicles they cannot be placed in the same category as farm equipment or automobiles, both of which fit into a zoning category. Staff must then follow precedence for proper categorization of heavy commercial vehicles, service and sales. The M-1 zone was designated as proper zoning when the Kenworth truck dealership was established on E. S.R. 42. It has been determined by staff, by way of past precedence, that the M-1 zoning is the most logical and best fit for the developer's needs.

It is also important to note that the property is in the airport noise overlay. Requirements have been placed on developments within this area to use sound dampening or sound reducing insulation to specific levels. It will be the responsibility of the developer to insure all regulations, including but not limited to, sound dampening, height restrictions and light pollution control are followed. Mandates for which, exist within the Airport Noise Overlay District. Area Plan can provide the developer with contact information for help in attaining the proper construction guidelines.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #34-14

Doc: #50

Date: November, 2014

Page 4 of 4

Recommendation: Favorable Recommendation on the request to rezone the property with the following conditions

1. Recorded within 90 days
2. All regulations, where necessary, shall be followed as defined by the Airport Noise Overlay District and the Hulman Regional Airport District.

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW affiant, Donald W. Scott, the President of Scott Holding Company, Inc. formerly known as Suba Holdings, Inc., an Indiana corporation, and affirms under penalty of law that affiant is the owner of record of the property located at East Margaret Drive, Terre Haute, Indiana 47803 [Parcel No. 84-10-05-100-019.000-023] (the "Property") for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

Further, as the owner of record, I hereby consent to allowing VoMac, LLC, an Indiana limited liability company ("Purchaser") and its lawyers and representatives to present information in support of the proposed rezoning, which shall be effective upon Purchaser's acquisition of the property, as Purchaser will be the beneficiary of rezoning upon its acquisition.

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

Scott Holding Company, Inc., f/k/a Suba Holdings, Inc.

SIGNATURE: Donald W. Scott
Printed: DONALD W. SCOTT
Its: PRESIDENT

STATE OF INDIANA
COUNTY OF Vermillion

Personally appeared before me, a Notary Public in and for said County and State, Donald W. Scott, the President of Scott holding Company, Inc. (f/k/a Suba Holdings, In.) who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 6th day of October, 2014.

Notary Public: Robin S. Straw

[Typed name]



My Commission Expires: 9/13/2019

My County Of Residence: Vermillion

89-92 3142
FILED FOR TAXATION

396 / 711

W. Bramble
Notary Public
Vigo Co. Ind.

PERSONAL REPRESENTATIVE'S DEED

CHARLES ROSS SANKEY, as Personal Representative of the Estate of James R. Sankey, deceased, which estate is under the supervision of the Superior Court, Probate Division, of Vigo County, under Cause Number S-P-83-149, in the Office of the Clerk of the Superior Court of Vigo County, Indiana, pursuant to an order of the Superior Court, Probate Division, of Vigo County, Indiana, dated on the 10th day of April, 1984, for good and sufficient consideration, conveys to:

Suba Holdings, Inc., an Indiana Corporation,

the following described real estate in Vigo County, State of Indiana, to-wit:

The North West quarter (1/4) of the North West Quarter (1/4) of Section Five (5), Township Eleven (11) North, Range Eight (8) West.

Except that part thereof as granted to State of Indiana for right of way by instrument dated July 11, 1941 and recorded in Deed Record 222 page 545;

Also except that part thereof as granted to State of Indiana for right of way by instrument dated April 17, 1964 and recorded in Deed Record 334 page 386;

Also except that part thereof conveyed to Cities Service Oil Company, as shown by instrument dated May 3, 1966 and recorded in Deed Record 339 page 108;

Subject to easement for pipe line as granted to The Ohio Oil Company by instrument dated June 29, 1943 and recorded in Deed Record 228 page 453;

Also subject to easement as granted to Public Service Company of Indiana, Inc., by instrument dated Oct. 7, 1954 and recorded in Deed Record 286 page 345;

All records of Recorder's Office of Vigo County, Indiana.

Subject to taxes prorated to date.

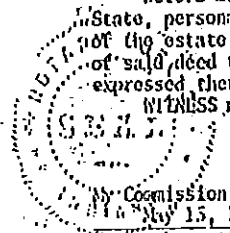
IN WITNESS WHEREOF, the said Charles Ross Sankey, as Personal Representative of the estate of James R. Sankey, deceased, has hereunto set his hand and seal this 10th day of April, 1984.

Charles Ross Sankey
Charles Ross Sankey, as Personal Representative of the Estate of James R. Sankey, Deceased.

STATE OF INDIANA, COUNTY OF VIGO, SS:

Before me, the undersigned a Notary Public, in and for said County and State, personally appeared Charles Ross Sankey, as Personal Representative of the estate of James R. Sankey, deceased, and acknowledged the execution of said deed to be his voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal this 10th day of April, 1984.



My Commission Expires: May 15, 1987

Eva Kocus
Eva Kocus, Notary Public
A resident of Vigo County, Indiana

EXAMINED AND APPROVED IN OPEN COURT
THIS 10th day of April, 1984.
Robert Howard Brown
Robert Howard Brown
Judge of the Vigo Superior Court
Probate Division

This instrument was prepared by C DON NATTKEMPER
Attorney at Law 606 Ohio Street Terre Haute, Indiana

RECEIVED FOR RECORD THE 26 DAY OF April 1984 AT 9 O'CLOCK AM
RECORD 396 PAGE 711 WILLIAM BRAMBLE, RECORDER

Taxes to: P.O. Box 443
Terre Haute, IN 47803

Terre Haute City Clerk

TO:

Vigo County IN

REF:

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

Head -- number of lines	1
Body -- number of lines	55
Tail -- number of lines	1
Total number of lines in notice	57

COMPUTATION OF CHARGES

57 lines 1 columns wide equal equivalent lines
 \$0.4026 cost per line \$ 22.95

Additional charges for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 22.95

AD # 115296

YOUR ACCT # 19149

DATA FOR COMPUTING COST

Width of single column 7.4 ems

Number of insertions 1

NOTICE 7 point

Notice is hereby given that the Common Council of the City of Terre Haute, Indiana will discuss the following ordinances at their Sunshine Meeting on December 4, 2014 and consider them for passage at their Regular Meeting on December 11, 2014 both meetings at 6:00 PM. The meetings are to be held in the City Hall Courtroom. The ordinances are on file in the Office of the City Clerk.

he foregoing account is just and correct, that the amount claimed is legally due, after showing all just part of the same has been paid.

Kim Wilkerson

GENERAL ORDINANCE 8, 2014 Amending City Code, Chapter 9, Septic Tank Provisions Title: Legal Clerk/ Kim Wilkerson

GENERAL ORDINANCE 7, 2014 Amending City Code, Chapters 2 and 4, Creating a Terre Haute Police Department Drug Training, Prevention, and Education Non-Reverting Fund - Loudermilk PUBLISHER'S AFFIDAVIT

State of Indiana)
Vigo) ss:
County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Kim Wilkerson who, being duly sworn, says that she is LEGAL CLERK of the Tribune Star newspaper general circulation printed and published in the English language in the (city) (town) of Terre Haute, IN in state and county aforesaid, and that

1 time(s), the dates of publication being as follows:

November 20 - 2014

Subscribed and sworn to me this 20 day of November Sandra Sealey

Notary Public Vigo County

My commission expires 2/16/2015

