

SPECIAL ORDINANCE NO. 9, 2016

AMENDED
APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Addresses of Real Estate to be rezoned:
A part of 200 North Third Street, Terre Haute, Indiana 47807
220-224 North Third Street, Terre Haute, Indiana 47807
301 North Second Street, Terre Haute, Indiana 47807

Rezone From: C-5 General Central Business District, and
M-2 Heavy Industry District

Rezone To: R-3 General Residence District

Proposed Use: Student Housing Facility

Name of Owners: Terre Haute Boys & Girls Club, Inc.; and
JIB, LLC

Address of Owners: 924 N. 13th Street
Terre Haute, IN 47807; and
c/o Annex 41, LLC
6235 N. Guilford Ave., Ste. 200
Indianapolis, IN 46220

Phone Number of Owner c/o Richard J. Shagley
812-232-3388

Attorney Representing Owner: Richard J. Shagley

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

For Information Contact: Owner Attorney

Council Sponsor: Neil Garrison

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 07 2016

AMENDED SPECIAL ORDINANCE NO. 9, 2016

CITY CLERK

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

SECTION 1. BE IT ORDAINED 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:

Part of the South Half of Out Lot 18; Seven (7) inches by parallel lines off the entire North side of In-Lots 130 and 135; In-Lots 131, 132, 133, and 134 all in the original In-lots and Out-lots of the Town, (now city) of Terre Haute, recorded in D.R. 1, page 94 and D.R. 2, pages 174-177 in the Office of the Recorder of Vigo, County, Indiana; Lots 1 through 5 in Smith's Subdivision recorded in Plat Book 1, page 275 in the said Recorder's Office; the 8 foot alley and part of the 16 foot alley depicted in said Smith's Subdivision; vacated Eagle Street (paragraph S-1 0) and part of the North-South alley between 2nd & 3rd Streets (paragraph A-11) per Declaratory Resolution No.3 recorded as Instrument No. 8118 in Misc. Rec. 190, page 46 in the said Recorder's Office, all being more particularly described as follows:

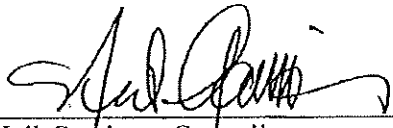
Commencing at the Northeast corner of said Out Lot 18, which is the intersection of the West right of way line of 3rd Street and the South right of way line of Chestnut Street; thence South 00 degrees 05 minutes 46 seconds East (basis of bearing is grid bearing based upon Indiana State Plane- West Zone, NAD 83) along the East line of said Out Lot 18 a distance of 150.02 feet to the North line of the South Half of said Out Lot 18 and the Point of Beginning; thence continuing South 00 degrees 05 minutes 46 seconds East along the said East line 83.14 feet to the Northeast corner of Lot 1 in said Smith's Subdivision; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said Lot 1 a distance of 66.88 feet to the Southeast corner thereof; thence continuing South 00 degrees 05 minutes 46 seconds East along the East right of way line of said vacated Eagle Street 65.00 feet to the Northeast corner of said In-Lot 132; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said In-Lots 132, 131 and 130 a distance of 150.66 feet to a point Seven (7) inches South of the Northeast corner of said In-Lot 130; thence South 89 degrees 51 minutes 01 seconds West parallel with the North line of said In-Lots 130 and 135 a distance of 297.94 feet to the West line of said In-Lot 135; thence North 00 degrees 07 minutes 13 Seconds West along the West line of said In-Lots 135, 134 and 133 a distance of 149.70 feet to the Northwest corner of said In-Lot 133; thence North 00 degrees 08 minutes 59 seconds West along the West right of way line of said vacated Eagle Street 65.00 feet to the Southwest corner of said Out Lot 18; thence North 00 degrees 10 minutes 39 seconds West along the West line thereof 74.58 feet to a point 74 feet 7 inches off the South side of the West Half of said Out Lot 18; thence North 89 degrees 39 minutes 50 seconds East parallel with the South line of said Out Lot 18 a distance of 149.09 feet to the centerline of

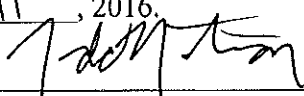
the 16 foot alley depicted in said Smith's Subdivision; thence North 00 degrees 08 minutes 13 seconds West along the said centerline 75.97 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 149.14 feet to the Point of Beginning, containing 2.242 acres, more or less.


Commonly known as a part of 200 North Third Street, 220-224 North Third Street and 301 North Second Street, Terre Haute, IN 47807.

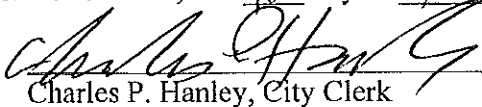
be and the same is hereby established as an R-3 General Residence District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."


SECTION II. WHEREAS, the Ordinance shall be in full force after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as require by law. In the event transfer of said real estate from Terre Haute Boys and Girls Club, Inc., an Indiana not for profit corporation and JIB, LLC, a Nevada limited liability company, to Annex 41, LLC, an Indiana limited liability company, by Special Warranty Deeds are not recorded on or before December 31, 2016, this Ordinance shall automatically become null and void and of no further force and effect, and the Petitioner shall be required to file necessary documentation to rescind the zoning Ordinance.

Presented by Council Member, 
Neil Garrison, Councilperson

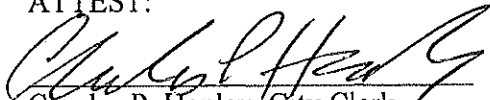
Passed in open Council this 14th day of April, 2016.

Todd Nation, President

ATTEST:

Charles P. Hanley, City Clerk

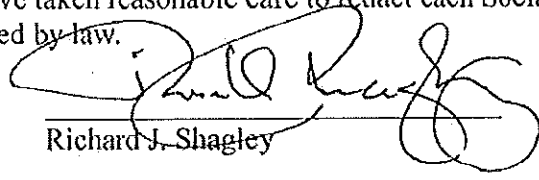
Presented by me, to the Mayor of the City of Terre Haute, this 15th day of APRIL, 2016.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of APRIL, 2016.

Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

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


Richard J. Shagley

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

AMENDED
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:

COUNCILPERSONS:

The undersigned, Jeffrey A. Kochvar, Chief Professional Officer of Terre Haute Boys & Girls Club, Inc. formerly known as the Flora Gulick Boys Club and the Terre Haute Boys Club, 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 the South Half of Out Lot 18; Seven (7) inches by parallel lines off the entire North side of In-Lot 130; In-Lots 131, 132, 133 and Thirty-four (34) feet by parallel lines off the entire North side of In-Lot 134 all in the original In-lots and Out-lots of the Town, (now city) of Terre Haute, recorded in D.R. 1, page 94 and D.R. 2, pages 174-177 in the Office of the Recorder of Vigo, County, Indiana; Lots 1 through 5 in Smith's Subdivision recorded in Plat Book 1, page 275 in the said Recorder's Office; the 8 foot alley and part of the 16 foot alley depicted in said Smith's Subdivision; vacated Eagle Street (paragraph S-10) and part of the North-South alley between 2nd & 3'0 Streets (paragraph A-11) per Declaratory Resolution No. 3 recorded as Instrument No. 8118 in Misc. Rec. 190, page 46 in the said Recorder's Office, all being more particularly described as follows:

Commencing at the Northeast corner of said Out Lot 18, which is the intersection of the West right of way line of 3'0 Street and the South right of way line of Chestnut Street; thence South 00 degrees 05 minutes 46 seconds East (basis of bearing is grid bearing based upon Indiana State Plane -West Zone, NAD 83) along the East line of said Out Lot 18 a distance of 150.02 feet to the North line of the South Half of said Out Lot 18 and the Point of Beginning; thence continuing South 00 degrees 05 minutes 46 seconds East along the said East line 83.14 feet to the Northeast corner of Lot 1 in said Smith's Subdivision; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said Lot 1 a distance of 66.88 feet to the Southeast corner thereof; thence continuing South 00 degrees 05 minutes 46 seconds East along the East right of way line of said vacated Eagle Street 65.00 feet to the Northeast corner of said In-Lot 132; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said In-Lots 132, 131 and 130 a distance of 150.66 feet to a point Seven (7) inches South of the Northeast corner of said In-Lot 130; thence South 89 degrees 51 minutes 01 seconds West parallel with the North line of said In-Lot 130 and the

Westerly extension thereof a distance of 148.97 feet to the centerline of the said vacated North-South alley; thence North 00 degrees 06 minutes 29 seconds West along said centerline 41.38 feet to the Easterly extension of Thirty-four (34) feet by parallel lines off the North side of In-Lot 134; thence South 89 degrees 45 minutes 26 seconds West along said Easterly extension and a line Thirty-four (34) feet by parallel lines off the entire North side of said In-Lot 134 a distance of 148.98 feet to the West line of said In-Lot 134; thence North 00 degrees 07 minutes 13 Seconds West along the West line of said In-Lots 134 and 133 a distance of 108.55 feet to the Northwest corner of said In-Lot 133; thence North 00 degrees 08 minutes 59 seconds West along the West right of way line of said vacated Eagle Street 65.00 feet to the Southwest corner of said Out Lot 18; thence North 00 degrees 10 minutes 39 seconds West along the West line thereof 74.58 feet to a point 74 feet 7 inches off the South side of the West Half of said Out Lot 18; thence North 89 degrees 39 minutes 50 seconds East parallel with the South line of said Out Lot 18 a distance of 149.09 feet to the centerline of the 16 foot alley depicted in said Smith's Subdivision; thence North 00 degrees 08 minutes 13 seconds West along the said centerline 75.97 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 149.14 feet to the Point of Beginning, containing 2.101 acres, more or less.

Your petitioner, JIB, LLC is the owner of the following described real estate and has consented to the rezoning of the real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

40 feet and 7 inches off the south side of Lot 134 and 7 inches by parallel lines off the north side of Lot 135 of the original in-lots of the town (now City) of Terre Haute, Indiana, together with the west half of the alley between Second and Third Streets east of and adjacent to that portion of the Lots 134 and 135 described as vacated by Declaratory Resolution 3, recorded in Miscellaneous Record 190, page 46.

Commonly known as a part of 200 North Third Street, 220-224 North Third Street and 301 North Second Street, Terre Haute, IN 47807.

Your petitioners are informed and believe 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 C-5 General Central Business District and M-2 Heavy Industry District.

Your petitioners intend to sell the real estate for use as a student housing facility. Your petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District. Your petitioner would allege that the General Residence District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed use neighborhood.

Your petitioners believe that the sale of the real estate and the development of a student housing facility will act as a catalyst for the redevelopment of the near North Third Street real estate and will have a profound effect upon the economic revitalization of the Downtown area and the City of Terre Haute.

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

WHEREFORE, your petitioners respectfully request 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 R-3 General Residence District 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 WITNES WHEREOF, this Amended Petition has been duly executed this 30th
day of March, 2016.

PETITIONERS:

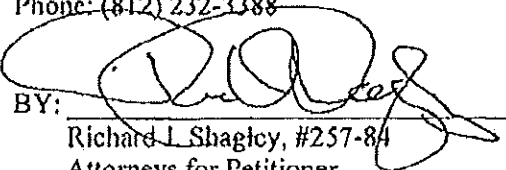
TERRE HAUTE BOYS & GIRLS CLUB, INC.

By:  CPO
Jeffrey A. Kochvar, Chief Professional Officer

JIB, LLC by ANNEX 41, LLC

By: 
Kyle Bach, Manager

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

BY: 
Richard L. Shagley, #257-84
Attorneys for Petitioner

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Kyle Bach, Manager of Annex 41, LLC, by and for JIB, LLC, being duly sworn upon his oath, deposes and says:

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

40 feet and 7 inches off the south side of Lot 134 and 7 inches by parallel lines off the north side of Lot 135 of the original in-lots of the town (now City) of Terre Haute, Indiana, together with the west half of the alley between Second and Third Streets east of and adjacent to that portion of the Lots 134 and 135 described as vacated by Declaratory Resolution 3, recorded in Miscellaneous Record 190, page 46.

Commonly known as a part of 200 North Third Street, Terre Haute, IN 47807.

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

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

4. Further, Affiant saith not.

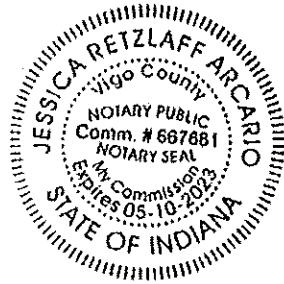
Dated at Terre Haute, Indiana this 31st day of March, 2016.

JIB, LLC by ANNEX 41, LLC

By: Kyle Bach
Kyle Bach, Manager

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 30th day of March, 2016.



Jessica Arcario
Jessica Arcario, Notary Public

My Commission expires: 05-10-23
My County of Residence: Vigo

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

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jeffrey A. Kochvar, Chief Professional Officer of Terre Haute Boys & Girls Club, Inc., formerly known as the Flora Gulick Boys Club and the Terre Haute Boys Club, being duly sworn upon his oath, deposes and says:

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

Part of the South Half of Out Lot 18; Seven (7) inches by parallel lines off the entire North side of In-Lot 130; In-Lots 131, 132, 133 and Thirty-four (34) feet by parallel lines off the entire North side of In-Lot 134 all in the original In-lots and Out-lots of the Town, (now city) of Terre Haute, recorded in D.R. 1, page 94 and D.R. 2, pages 174-177 in the Office of the Recorder of Vigo, County, Indiana; Lots 1 through 5 in Smith's Subdivision recorded in Plat Book 1, page 275 in the said Recorder's Office; the 8 foot alley and part of the 16 foot alley depicted in said Smith's Subdivision; vacated Eagle Street (paragraph S-10) and part of the North-South alley between 2nd & 3'0 Streets (paragraph A-11) per Declaratory Resolution No. 3 recorded as Instrument No. 8118 in Misc. Rec. 190, page 46 in the said Recorder's Office, all being more particularly described as follows:

Commencing at the Northeast corner of said Out Lot 18, which is the intersection of the West right of way line of 3'0 Street and the South right of way line of Chestnut Street; thence South 00 degrees 05 minutes 46 seconds East (basis of bearing is grid bearing based upon Indiana State Plane -West Zone, NAD 83) along the East line of said Out Lot 18 a distance of 150.02 feet to the North line of the South Half of said Out Lot 18 and the Point of Beginning; thence continuing South 00 degrees 05 minutes 46 seconds East along the said East line 83.14 feet to the Northeast corner of Lot 1 in said Smith's Subdivision; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said Lot 1 a distance of 66.88 feet to the Southeast corner thereof; thence continuing South 00 degrees 05 minutes 46 seconds East along the East right of way line of said vacated Eagle Street 65.00 feet to the Northeast corner of said In-Lot 132; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said In-Lots 132, 131 and 130 a distance of 150.66 feet to a point Seven (7) inches South of the Northeast corner of said In-Lot 130; thence South 89 degrees 51 minutes 01 seconds West parallel with the North line of said In-Lot 130 and the Westerly extension thereof a distance of 148.97 feet to the centerline of the said vacated North-South alley; thence North 00 degrees 06 minutes 29 seconds West along said centerline 41.38 feet to the Easterly extension of Thirty-four (34) feet by parallel lines off the North side of In-Lot 134; thence South 89 degrees 45

minutes 26 seconds West along said Easterly extension and a line Thirty-four (34) feet by parallel lines off the entire North side of said In-Lot 134 a distance of 148.98 feet to the West line of said In-Lot 134; thence North 00 degrees 07 minutes 13 Seconds West along the West line of said In-Lots 134 and 133 a distance of 108.55 feet to the Northwest corner of said In-Lot 133; thence North 00 degrees 08 minutes 59 seconds West along the West right of way line of said vacated Eagle Street 65.00 feet to the Southwest corner of said Out Lot 18; thence North 00 degrees 10 minutes 39 seconds West along the West line thereof 74.58 feet to a point 74 feet 7 inches off the South side of the West Half of said Out Lot 18; thence North 89 degrees 39 minutes 50 seconds East parallel with the South line of said Out Lot 18 a distance of 149.09 feet to the centerline of the 16 foot alley depicted in said Smith's Subdivision; thence North 00 degrees 08 minutes 13 seconds West along the said centerline 75.97 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 149.14 feet to the Point of Beginning, containing 2.101 acres, more or less.

Commonly known as 220-224 North Third Street and 301 North Second Street, Terre Haute, IN 47807.

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, are attached hereto and made a part hereof and marked as Exhibit A.

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

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2nd day of March, 2016.

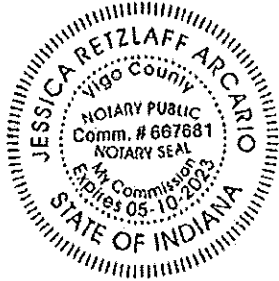
TERRE HAUTE BOYS & GIRLS CLUB, INC.

By: Jeffrey A. Kochvar CPO
Jeffrey A. Kochvar, Chief Professional Officer

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2nd day of March, 2016.

Jessica Arcario
Jessica Arcario, Notary Public

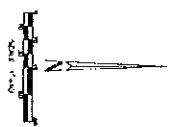


My Commission expires: 05-10-2023
My County of Residence: Vigo

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

SITE PLAN (AMENDED)

OFF STREET PARKING TOTAL = 254
 WEST LOT 230
 NORTH LOT 24
 ON STREET PARKING TOTAL = 97
 ADJACENT NEARBY 49
 TOTAL = 341



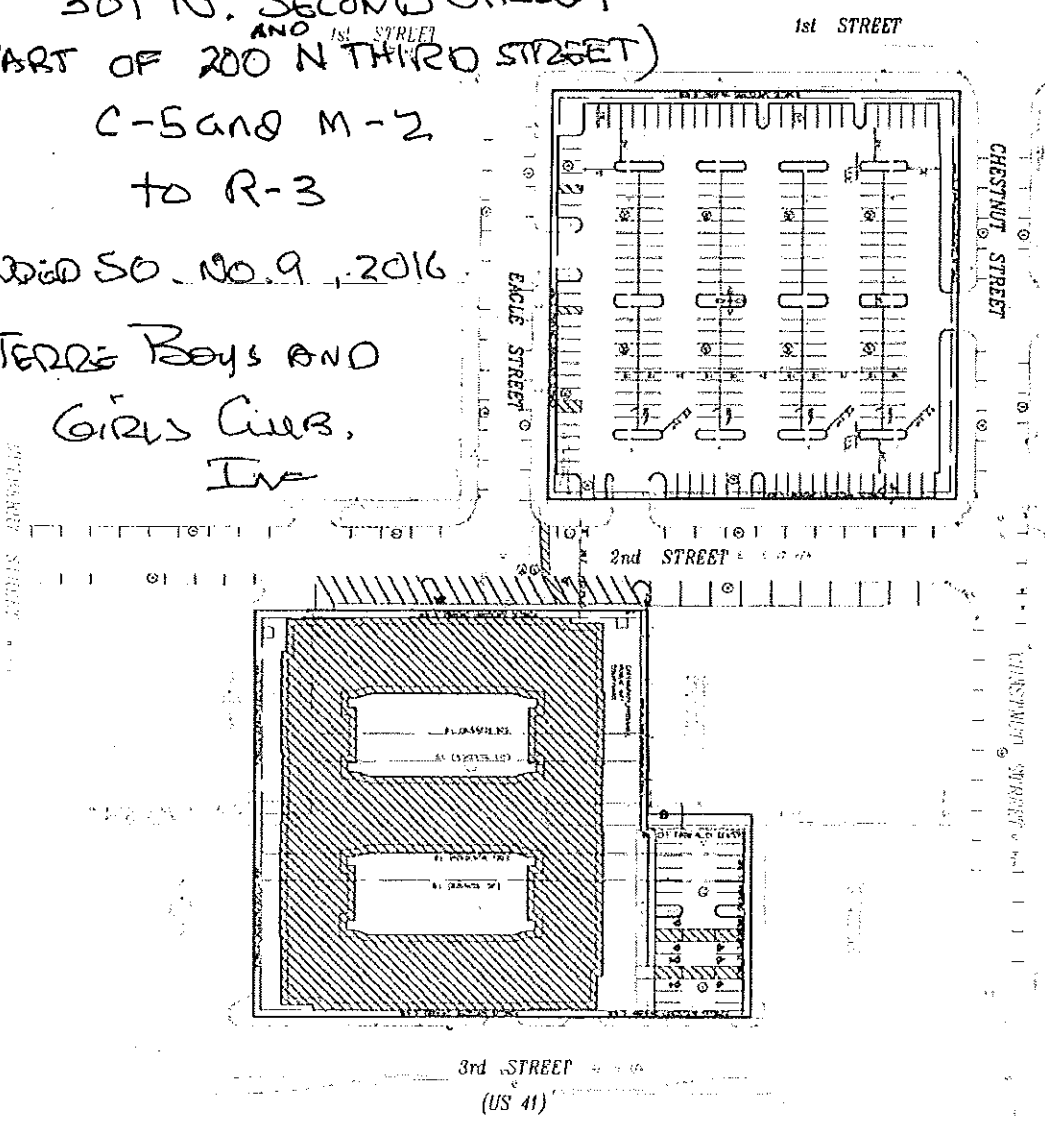
220-224 N THIRD ST.
 AND

301 N. SECOND STREET +
 (PART OF 200 N THIRD STREET)
AND 1st STREET

C-5 AND M-2
 to R-3

AMENDED SO. NO. 9, 2016

TERRE Boys AND
 GIRLS CLUB,
 Inc





TERRE HAUTE
A TEXT 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

FILED

APR 07 2016

CITY CLERK

DATE: April 7, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #9-16

CERTIFICATION DATE: April 6, 2016

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. 9-16. This Ordinance is a rezoning of the property located at 220-224 N. 3rd and 301 N. 2nd. The Petitioner, T.H. Boys and Girls Club, petitions the Plan Commission to rezone said real estate from zoning classification C-5 and M-2 to R-3, General Residence District, for Student Housing Facility. 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. 9-16 at a public meeting and hearing held Wednesday, April 6, 2016. 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. 9-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.9-16 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.9-16 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) BZA approval for lot line setbacks, a reduction in parking, special use for off-site parking, allow parking to back into a right-of-way, allow a parking area in a front setback to an R-3, reduce the required minimum lot area per unit; allow a parking lot fronting N. 3rd St., allow on street parking; 2) A revised copy of the deed be recorded reflecting the deed restriction.

Handwritten signature of Fred L. Wilson in cursive.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in cursive.

Jared Bayler, Interim Director

Received this 7th day of April, 2016

APPLICATION INFORMATION

Petitioner: Terre Haute Boys & Girls Club, Inc.

Property Owner: Same-As-Above

Representative: Richard J. Shagley

Proposed Use: Student Housing Facility

Proposed Zoning: R-3 General Residence District

Current Zoning: C-5 General Central Business District
M-2 Heavy Industry District

Location: The property is located along N 3rd St spanning the distance between a fast food establishment and a gas station. The property also has frontage along 2nd street between Mulberry and Chestnut streets. The second portion to be rezoned is one city block bordered by Chestnut, 2nd, Eagle and 1st Streets and is currently used as a parking lot.

Common Address: 220-224 N 3rd St. & 301 N 2nd St., Terre Haute, IN 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

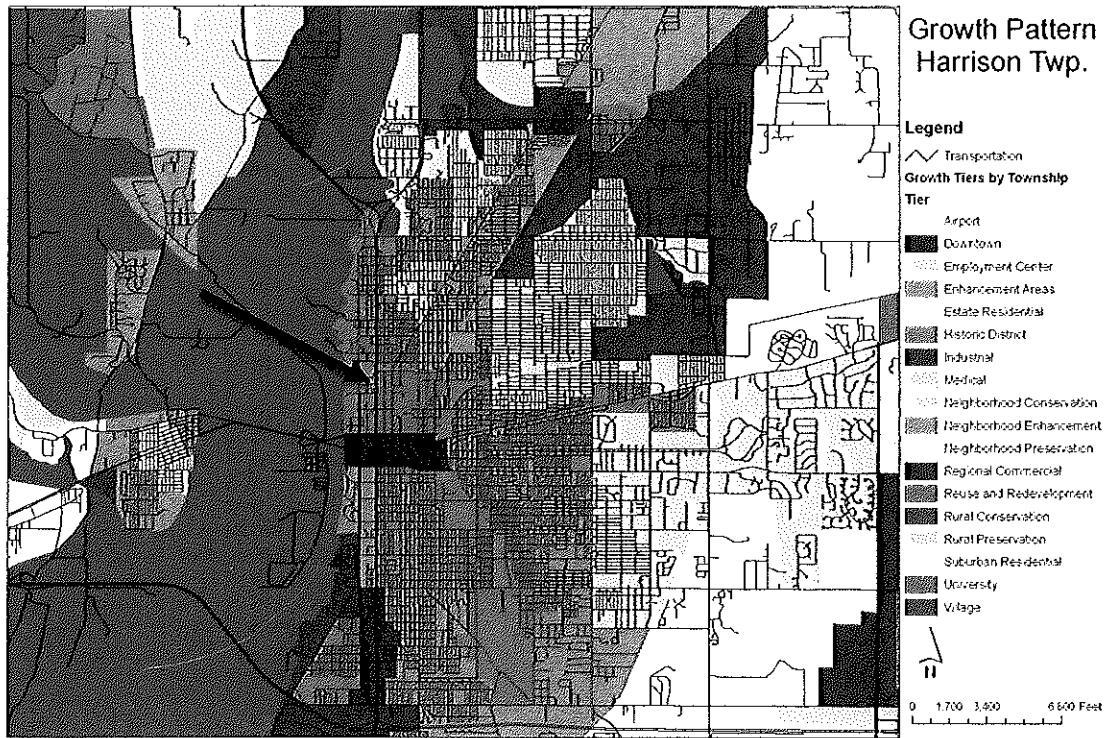
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-16

Doc: # 32

Date: April 2016

Page 2 of 4



Available Services: Area is well served by utilities.

Street Access: 2nd, Eagle and Chestnut Streets may be utilized.

Dev. Priority: Medium

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – M-2 Heavy Industrial
 East – R-3 & C-5
 South – C-5 General Central Business District
 West –M-2 Heavy Industrial

Character of Area: The area is currently a mix of commercial and industrial uses unrelated to university functions.

ZONING REGULATIONS

R-3 Purpose: The General Residence District

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-16

Doc: # 32

Date: April 2016

Page 3 of 4

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, apartment, hotels, colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner has requested an R-3 zoning for development of a 4 story apartment building. The proposed development, which is adjacent to the campus of Indiana State University, will contain 87 single bedroom units, 15 two bedroom units, 23 four bedroom units for a total of 125 units.

The current zoning of C-5 would allow for this development to go forward but would require commercial space be available in the building. The petitioner has chosen the R-3 zoning at the request of their financial institution. No commercial space has been reserved at this time.

Staff has requested of the petitioner that attention be paid to the esthetic design of the exterior. The building will play a prominent role in the skyline of downtown Terre Haute.

A deed restriction will need placed on the property to be rezoned in relief of the 300 ft. setback for any new M-2 developments adjacent to the rezoned R-3 property.

Multiple variance are needed to make this project work at this location. All but one would not have been needed if the property were to remain C-5. Listed below are variances needed for this development and all are conditions for approval of the rezoning.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-16

Doc: # 32

Date: April 2016

Page 4 of 4

Recommendation: Staff offers a favorable recommendation on the R-3 rezoning with the following conditions.

1. BZA approval for lot line setbacks
2. BZA approval for a reduction in parking
3. BZA approval for a special use for off-site parking.
4. BZA approval to allow parking to back into a Right-of-way
5. BZA approval to allow a parking area in a front setback in an R-3
6. BZA approval to reduce the required minimum lot area per unit
7. BZA approval to allow a parking lot fronting N 3rd St.
8. BZA approval to allow on street parking.
9. A revised copy of the deed be recorded reflecting the deed restriction.

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:

COUNCILPERSONS:

The undersigned, Jeffrey A. Kochvar, Chief Professional Officer of Terre Haute Boys & Girls Club, Inc. formerly known as the Flora Gulick Boys Club and the Terre Haute Boys Club, 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 the South Half of Out Lot 18; Seven (7) inches by parallel lines off the entire North side of In-Lot 130; In-Lots 131, 132, 133 and Thirty-four (34) feet by parallel lines off the entire North side of In-Lot 134 all in the original In-lots and Out-lots of the Town, (now city) of Terre Haute, recorded in D.R. 1, page 94 and D.R. 2, pages 174-177 in the Office of the Recorder of Vigo, County, Indiana; Lots 1 through 5 in Smith's Subdivision recorded in Plat Book 1, page 275 in the said Recorder's Office; the 8 foot alley and part of the 16 foot alley depicted in said Smith's Subdivision; vacated Eagle Street (paragraph S-10) and part of the North-South alley between 2nd & 3rd Streets (paragraph A-11) per Declaratory Resolution No. 3 recorded as Instrument No. 8118 in Misc. Rec. 190, page 46 in the said Recorder's Office, all being more particularly described as follows:

Commencing at the Northeast corner of said Out Lot 18, which is the intersection of the West right of way line of 3rd Street and the South right of way line of Chestnut Street; thence South 00 degrees 05 minutes 46 seconds East (basis of bearing is grid bearing based upon Indiana State Plane - West Zone, NAD 83) along the East line of said Out Lot 18 a distance of 150.02 feet to the North line of the South Half of said Out Lot 18 and the Point of Beginning; thence continuing South 00 degrees 05 minutes 46 seconds East along the said East line 83.14 feet to the Northeast corner of Lot 1 in said Smith's Subdivision; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said Lot 1 a distance of 66.88 feet to the Southeast corner thereof; thence continuing South 00 degrees 05 minutes 46 seconds East along the East right of way line of said vacated Eagle Street 65.00 feet to the Northeast corner of said In-Lot 132; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said In-Lots 132, 131 and 130 a distance of 150.66 feet to a point Seven (7) inches South of the Northeast corner of said In-Lot 130; thence South 89 degrees 51 minutes 01 seconds West parallel with the North line of said In-Lot 130 and the Westerly extension thereof a distance of 148.97 feet to the centerline of the said vacated North-South alley; thence North 00 degrees 06 minutes 29 seconds West along said centerline 41.38 feet to the Easterly extension of Thirty-four (34) feet

by parallel lines off the North side of In-Lot 134; thence South 89 degrees 45 minutes 26 seconds West along said Easterly extension and a line Thirty-four (34) feet by parallel lines off the entire North side of said In-Lot 134 a distance of 148.98 feet to the West line of said In-Lot 134; thence North 00 degrees 07 minutes 13 Seconds West along the West line of said In-Lots 134 and 133 a distance of 108.55 feet to the Northwest corner of said In-Lot 133; thence North 00 degrees 08 minutes 59 seconds West along the West right of way line of said vacated Eagle Street 65.00 feet to the Southwest corner of said Out Lot 18; thence North 00 degrees 10 minutes 39 seconds West along the West line thereof 74.58 feet to a point 74 feet 7 inches off the South side of the West Half of said Out Lot 18; thence North 89 degrees 39 minutes 50 seconds East parallel with the South line of said Out Lot 18 a distance of 149.09 feet to the centerline of the 16 foot alley depicted in said Smith's Subdivision; thence North 00 degrees 08 minutes 13 seconds West along the said centerline 75.97 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 149.14 feet to the Point of Beginning, containing 2.101 acres, more or less.

Commonly known as 220-224 North Third Street and 301 North Second Street, Terre Haute, IN 47807.

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 C-5 General Central Business District and M-2 Heavy Industry District.

Your petitioner intends to see the real estate for use as a student housing facility. Your petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District. Your petitioner would allege that the General Residence District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed use neighborhood.

Your petitioner believes that the sale of the real estate and the development of a student housing facility will act as a catalyst for the redevelopment of the near North Third Street real estate and will have a profound effect upon the economic revitalization of the Downtown area and the City of Terre Haute.

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 petitioners 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 R-3 General Residence District 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.

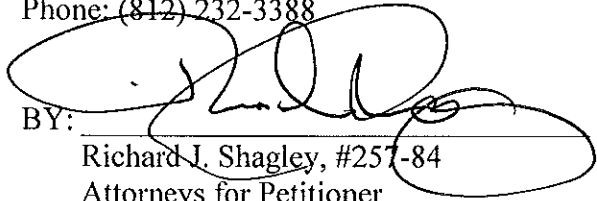
IN WITNES WHEREOF, This petition has been duly executed this 2nd day of March, 2016.

PETITIONER:

TERRE HAUTE BOYS & GIRLS CLUB, INC.

By:  CPO
Jeffrey A. Kochvar, Chief Professional Officer

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

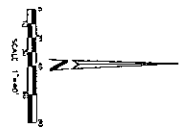
BY: 
Richard J. Shagley, #257-84
Attorneys for Petitioner

The owner and mailing address: Terre Haute Boys & Girls Club, Inc., 924 N. 13th Street, Terre Haute, IN 47807.

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

SITE PLAN

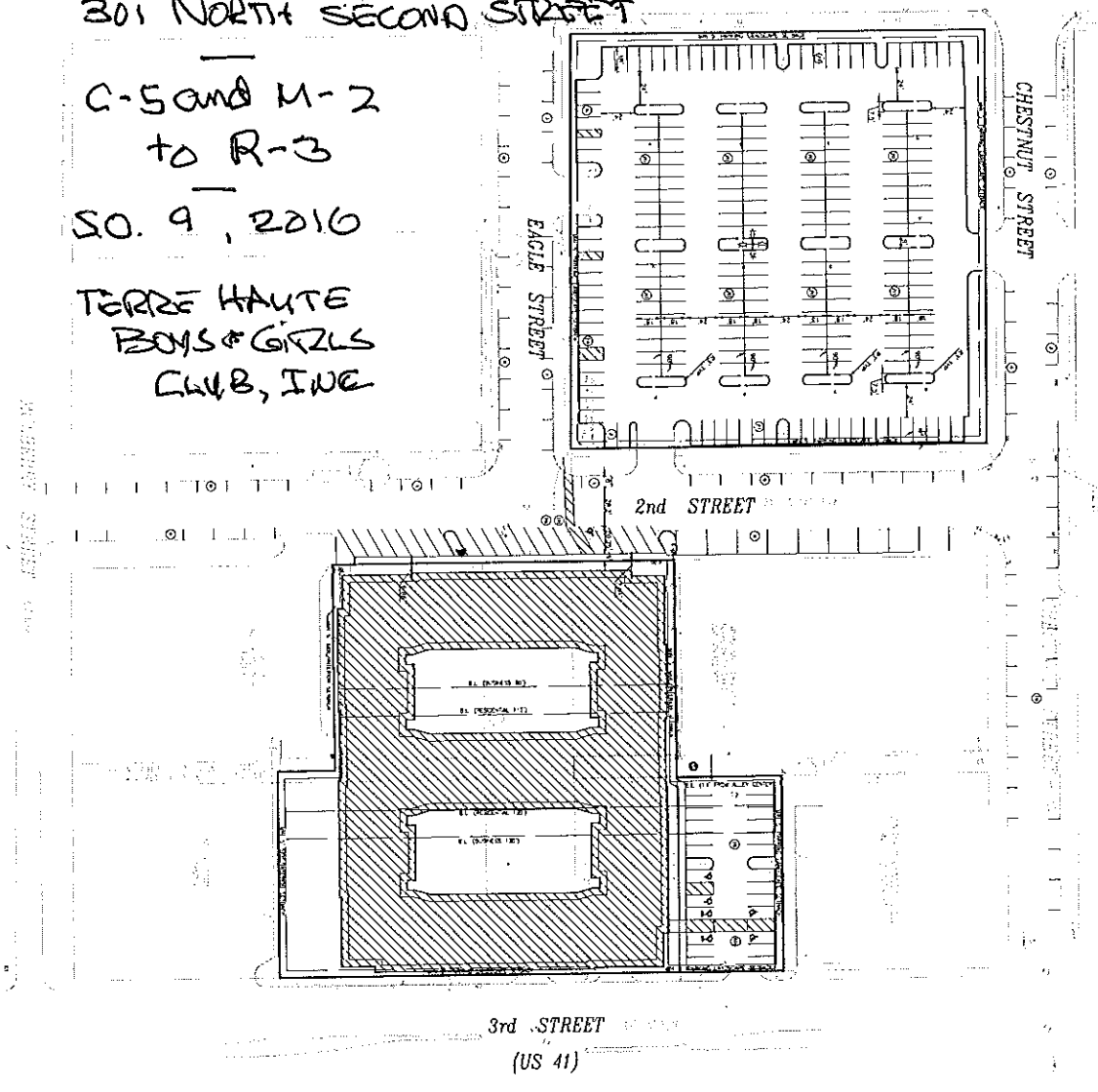
PARKING SUMMARY	
OFF STREET PARKING TOTAL =	255
WEST LOT	230
NORTH LOT	25
ON STREET PARKING TOTAL =	87
ADJACENT	48
NEARBY	39



220-224 N THIRD STREET
AND
301 NORTH SECOND STREET

C-5 and M-2
to R-3
SO. 9, 2016

TERRE HAUTE
BOYS & GIRLS
CLUB, INC



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jeffrey A. Kochvar, Chief Professional Officer of Terre Haute Boys & Girls Club, Inc., formerly known as the Flora Gulick Boys Club and the Terre Haute Boys Club, being duly sworn upon his oath, deposes and says:

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

Part of the South Half of Out Lot 18; Seven (7) inches by parallel lines off the entire North side of In-Lot 130; In-Lots 131, 132, 133 and Thirty-four (34) feet by parallel lines off the entire North side of In-Lot 134 all in the original In-lots and Out-lots of the Town, (now city) of Terre Haute, recorded in D.R. 1, page 94 and D.R. 2, pages 174-177 in the Office of the Recorder of Vigo, County, Indiana; Lots 1 through 5 in Smith's Subdivision recorded in Plat Book 1, page 275 in the said Recorder's Office; the 8 foot alley and part of the 16 foot alley depicted in said Smith's Subdivision; vacated Eagle Street (paragraph S-10) and part of the North-South alley between 2nd & 3'0 Streets (paragraph A-11) per Declaratory Resolution No. 3 recorded as Instrument No. 8118 in Misc. Rec. 190, page 46 in the said Recorder's Office, all being more particularly described as follows:

Commencing at the Northeast corner of said Out Lot 18, which is the intersection of the West right of way line of 3'0 Street and the South right of way line of Chestnut Street; thence South 00 degrees 05 minutes 46 seconds East (basis of bearing is grid bearing based upon Indiana State Plane -West Zone, NAD 83) along the East line of said Out Lot 18 a distance of 150.02 feet to the North line of the South Half of said Out Lot 18 and the Point of Beginning; thence continuing South 00 degrees 05 minutes 46 seconds East along the said East line 83.14 feet to the Northeast corner of Lot 1 in said Smith's Subdivision; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said Lot 1 a distance of 66.88 feet to the Southeast corner thereof; thence continuing South 00 degrees 05 minutes 46 seconds East along the East right of way line of said vacated Eagle Street 65.00 feet to the Northeast corner of said In-Lot 132; thence continuing South 00 degrees 05 minutes 46 seconds East along the East line of said In-Lots 132, 131 and 130 a distance of 150.66 feet to a point Seven (7) inches South of the Northeast corner of said In-Lot 130; thence South 89 degrees 51 minutes 01 seconds West parallel with the North line of said In-Lot 130 and the Westerly extension thereof a distance of 148.97 feet to the centerline of the said vacated North-South alley; thence North 00 degrees 06 minutes 29 seconds West along said centerline 41.38 feet to the Easterly extension of Thirty-four (34) feet by parallel lines off the North side of In-Lot 134; thence South 89 degrees 45

minutes 26 seconds West along said Easterly extension and a line Thirty-four (34) feet by parallel lines off the entire North side of said In-Lot 134 a distance of 148.98 feet to the West line of said In-Lot 134; thence North 00 degrees 07 minutes 13 Seconds West along the West line of said In-Lots 134 and 133 a distance of 108.55 feet to the Northwest corner of said In-Lot 133; thence North 00 degrees 08 minutes 59 seconds West along the West right of way line of said vacated Eagle Street 65.00 feet to the Southwest corner of said Out Lot 18; thence North 00 degrees 10 minutes 39 seconds West along the West line thereof 74.58 feet to a point 74 feet 7 inches off the South side of the West Half of said Out Lot 18; thence North 89 degrees 39 minutes 50 seconds East parallel with the South line of said Out Lot 18 a distance of 149.09 feet to the centerline of the 16 foot alley depicted in said Smith's Subdivision; thence North 00 degrees 08 minutes 13 seconds West along the said centerline 75.97 feet to the North line of the South Half of said Out Lot 18; thence North 89 degrees 52 minutes 09 seconds East along the said North line 149.14 feet to the Point of Beginning, containing 2.101 acres, more or less.

Commonly known as 220-224 North Third Street and 301 North Second Street, Terre Haute, IN 47807.


2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, are attached hereto and made a part hereof and marked as Exhibit A.

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

4. Further, Affiant saith not.

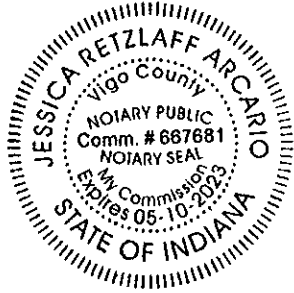
Dated at Terre Haute, Indiana this 2nd day of March, 2016.

TERRE HAUTE BOYS & GIRLS CLUB, INC.

By:  CPO
Jeffrey A. Kochvar, Chief Professional Officer

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2nd day of March, 2016.



Jessica Arcario
Jessica Arcario, Notary Public

My Commission expires: 05-10-2023
My County of Residence: Vigo

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

91-65

2357

512

CORPORATE WARRANTY DEED

DULY ENTERED FOR TAXATION 1
March 12 1986
Wm Paul Newton
Auditor Vigo County

THIS INDENTURE WITNESSETH, that Wabash Realty, Inc., of Terre Haute, Vigo County, Indiana, ("Grantor") a corporation organized and existing under the laws of the State of Indiana, CONVEYS AND WARRANTS to Terre Haute Boys Club 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 located in Vigo County, in the State of Indiana:

The South half of One Hundred Forty-One feet and two inches (141'2") off the East side of Out Lot 18 of the original town, (now City) of Terre Haute, as shown in the records of the Recorder's Office of Vigo County, Indiana.

ALSO

Seventy-four feet, seven inches (74'7") off the South side of the West half of Lot Number Eighteen (18) in the original town, now City of Terre Haute.

Grantor herein certifies that there is no gross income tax due as a result of this conveyance.

This conveyance is not a special corporate transaction as that term is defined under the Indiana General Corporation Act (IC 23-1-6-1).

The undersigned persons executing this Deed on behalf of Grantor represent and certify that they are duly elected Officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor and approved by the Shareholders of Grantor, to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Corporate Warranty Deed to be executed this 3rd day of March, 1986.

WABASH REALTY, INC.

By: Ralph E. Llewellyn (SEAL)
PRINTED: Ralph E. Llewellyn,
Vice-President

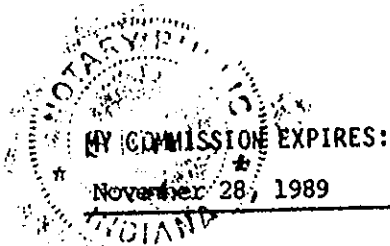
ATTEST:

Walter S. Curtis (SEAL)
PRINTED: Walter S. Curtis,
Secretary

STATE OF INDIANA)
)SS
COUNTY OF VIGO)

Before me, a Notary Public in and for and a resident of said County and State, personally appeared Ralph E. Llewellyn and Walter S. Curtis, the Vice-President and Secretary, respectively, of Wabash Realty, Inc., who acknowledged the execution of the foregoing Corporate Warranty Deed for and on behalf of Grantor, and who, having been first duly sworn, stated that the representations contained therein are true.

WITNESS my hand and Notarial Seal this 3rd day of March, 1986.



Mary V. Montgomery
Notary Public

PRINTED: Mary V. Montgomery

COUNTY OF RESIDENCE: Vigo

This instrument prepared by:
Attorney David H. Goeller
333 Ohio Street, P. O. Box 1646
Terre Haute, IN. 47808

Mail tax statements to:

RECEIVED FOR RECORD THE
12 DAY OF March 1986
AT 2:30 O'CLOCK Pm
RECORD 404 PAGE 512
JUDITH ANDERSON, RECORDER

90-182 6559
Duly entered for taxation this 22nd day of July 1985

Warranty Deed

Received for record this 22nd day of July 1985 at 3:45 o'clock P.M. and recorded in Book No. 401 Page 493
Judith Anderson
Recorder Vigo County

Auditors fee \$
Wm. L. L. Hewston
Auditor Vigo County

THIS INDENTURE WITNESSETH:

That James K. Shirley and Helen M. Shirley, husband and wife, of Vigo County, in the State of Indiana CONVEY AND WARRANT to Terre Haute Boys Club, (an Indiana Not-for-Profit Corporation) of Vigo County, in the State of Indiana

for and in consideration of the sum of One (\$1.00) Dollars, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

61½ feet off of the East end of In Lot No. 133 of the original In Lots of the Town (now City) of Terre Haute except ten (10) feet off of the South side of said above described 61½ feet, and the West half of a previously vacated alley along the entire east end of said tract, and the south half of previously vacated Eagle Street along the entire North side of said 61½ feet;

Also

A part of In Lot Number One Hundred thirty three (133) of the Original In Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit: Fifty four and seven twelfths (54 7/12) feet off the South side of said Lot, except sixty one and one half (61½) feet off the East end thereof;

Also

A part of In Lot Number One Hundred Thirty-three (133) of the original In Lots of the Original town, now City of Terre Haute, Indiana, and described as follows, to-wit: Beginning at the Southeast corner of aforesaid In Lot Number One Hundred Thirty-three (133) of the Original In Lots of the Original Town, now City of Terre Haute, Indiana, and running from thence North Ten (10) feet, thence West 61½ feet, thence South Ten (10) feet and thence East 61½ feet to the place of beginning;

Also

Twenty (20) feet off of the North side of In Lot #133 of the Original In Lots of the Town (now City) of Terre Haute, Indiana.

Except sixty one and one half (61½) feet off of the East end thereof;

Also

Thirty-four (34) feet off the North side of In Lot Number One hundred and thirty four (134) of the original town now City of Terre Haute, Ind.;

Also

The South half of now vacated Eagle Street extending East from the East edge of North 2nd Street a distance of 149'-2" to the mid-line, as extended, of that certain North-South alley (now vacated) lying between North 2nd Street and North 3rd Street;

Also

The West half of the portion of that certain North-South alley extending South from the South edge of Eagle Street (now vacated) a distance of 108'-7" to the South line of the above described real estate.

Taxes pro-rated to the date of closing.

Property known as 223 North Second Street, Terre Haute, Indiana.

IN WITNESS WHEREOF, The said grantor^s above named James K. Shirley and Helen M. Shirley, husband and wife,

have hereunto set their hands and seals, this 22nd day of July 1985
James K. Shirley (Seal) Helen M. Shirley (Seal)
James K. Shirley (Seal) Helen M. Shirley (Seal)
(Seal) (Seal)

STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 22nd day of July A.D. 1985, personally appeared the within named James K. Shirley and Helen M. Shirley, husband and wife,

Grantor^s

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.

Commission expires 8-2-1988
County of Residence: Vigo
Mail to: Terre Haute Boys Club, 220 N. 3rd St., Terre Haute, IN 47807
George H. DeSaute Notary Public

This instrument prepared by George H. DeSaute, Attorney-at-Law, 20 South 5th Street, P. O. Box 599, Terre Haute, IN 47808-0599 812-232-6022.

or corporation, subsequent to the dates of the execution of said mortgages, and the liens of said mortgages are hereby expressly preserved in favor of Wabash Federal Savings and Loan Association, the Grantee herein, its successors, and assigns as against any such person, firm, or corporation holding or asserting any such claim, lien, title, or other interest of any kind whatsoever, in and to, or against said real estate. And which mortgages are held in full force and effect as against all liens and claims junior to the liens of these mortgages.

In Witness Whereof, the said Grantors have hereunto set their hands and seals this 28th day of October, 1936.

(Revenue Stamp, Eleven Dollars)

Walker Caton (Seal)

Estella Caton (Seal)

State of Indiana,
County of Vigo, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 28th day of October, 1936, personally appeared Walker Caton and Estella Caton, his wife, and acknowledged the execution of the annexed Deed.

Witness my hand and Notarial Seal.

Fred G. Kramer,

Notary Public.

(Notary Seal) My commission expires Feb. 7, 1938.

Received for record October 29, 1936 at 3 o'clock P.M.

Leslie B. Ferguson, Recorder

41-245-9312

THIS INDENTURE WITNESSETH, That Catherine Blenz and Gertrude Blenz, both single, of Macon County, in the State of Illinois, Convey and Warrant to Flora Gulick Boys Club, Inc., a corporation of Terre Haute, of Vigo County, in the State of Indiana, for the sum of One Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

The south half of Inlot One Hundred Thirty-two (132) of the Original Inlots of the Town, now City, of Terre Haute, except ten feet off the North side of the west half of said Inlot.

In Witness Whereof, The said Catherine Blenz and Gertrude Blenz, have hereunto set their hands and seals this 23rd day of October, A.D. 1936.

(Revenue Stamp, Fifty Cents)

(Catherine)
Kathryn M. Blenz (Seal)

Gertrude Blenz (Seal)

State of Illinois,
Macon County, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 23rd day of October, A.D. 1936, personally appeared the within named Catherine Blenz & Gertrude Blenz, Grantors, in the above conveyance, and acknowledged the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal,

(Notary Seal)

Leo Quintenz,

Notary Public.

My commission expires Dec. 15, 1938.

Received for record October 29, 1936, at 4 o'clock P.M. Leslie B. Ferguson, Recorder.

41-245-9318

THIS INDENTURE WITNESSETH, That Minnie May Gallen, sole and unmarried, of Vigo County, in the State of Indiana, Release and Quit-Claim to Joseph Robert Gallen, of Delaware County, in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Estate in Vigo County, in the State of Indiana, to-wit:

appeared Mary Gertrude King, as Commissioner appointed in the Cause of Pearl Cahal, Executrix, vs. James D. Green et al; and as such Commissioner acknowledged the execution of the above and foregoing Commissioner's Deed.

Witness my hand and seal.

Eaton J. Dudley,

(Notary Seal) My commission expires: 1-18-1949.

Notary Public.

Received for record January 23, 1946 at 9 1/2 o'clock A.M. James G. Fagin, Recorder.

51-15-594 ✓ THIS INDENTURE WITNESSETH, That Jesse W. Dennis and Hazel A. Dennis, husband and wife, of Vigo County, in the State of Indiana, Convey and Warrant to Joseph G. S. Weber and Helen M. Weber, husband and wife, of Clay County, in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the following described real estate, in Vigo County, State of Indiana, to-wit:

Lot Number Twenty-four (24) in S. E. Mass' Subdivision of part of Lot Number Eighteen (18) of Barbour Place, Vigo County, Indiana, as per recorded plat of the same, recorded in Plat Record 7, Page 37 of the Recorder's Office of Vigo County, Indiana.

Subject to taxes for the year 1945, due and payable in 1946, and all subsequent taxes, which the grantees assume and agree to pay.

In Witness Whereof, the said Jesse W. Dennis and Hazel A. Dennis, husband and wife, have hereunto set their hands and seals, this 17th day of January 1946.

Jesse W. Dennis (Seal)

(Revenue Stamp, Thirteen Dollars and
Twenty Cents)

Hazel A. Dennis (Seal)

STATE OF INDIANA

VIGO COUNTY SS:

Before me, the undersigned, a Notary Public in and for said County, this 17th day of January 1946, personally appeared the within named Jesse W. Dennis and Hazel A. Dennis, husband and wife, who acknowledged the execution of the annexed deed.

Witness my hand and Official Seal.

Anna H. Chamberlin,

(Notary Seal) My commission expires March 3, 1947.

Notary Public.

Received for record January 23, 1946 at 10:00 o'clock A.M. James G. Fagin, Recorder.

51-15-596 ✓ THIS INDENTURE WITNESSETH, That Ermisch Brothers Incorporated, a corporation duly organized and existing under and by virtue of the applicable laws of the State of Indiana, of Vigo County, Indiana, releases and quitclaims to The Flora Gulick Boy's Club of Terre Haute, Indiana, of Vigo County, Indiana, for and in consideration of the sum of One Dollar (\$1.00) the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, Indiana, to-wit: Seven (7) inches of even width off the north side of In-Lot Number One Hundred Thirty (130) of the original In-Lots of the Town (now City) of Terre Haute, Indiana.

In Witness Whereof, the said Ermisch Brothers Incorporated, has hereunto set its hand and seal this 2nd day of November, 1945.

(Corporate Seal)

ERMISCH BROTHERS INCORPORATED

Attest: John L. Trimpe,
Secretary.

By: Zora J. Ermisch, President.

STATE OF INDIANA

COUNTY OF VIGO SS:

I, Mary C. Schroer, a Notary Public within and for said County and State, do hereby certify that Zora J. Ermisch and John L. Trimpe, to me personally known as the President and Secretary respectively of Ermisch Brothers Incorporated, a corporation duly organized and existing under and by virtue of the applicable laws of the State of Indiana, and

also known to me as the person whose names are affixed to the foregoing instrument, appeared before me this day in person and acknowledged their signing, sealing, and delivering of the said instrument as the free and voluntary act of said Ermisch Brothers Incorporated.

In Witness Whereof, I have hereunto set my hand and seal this 2nd day of November, 1945.

Mary C. Schroer,

(Notary Seal) My commission expires December 15, 1947. Notary Public.

Received for record January 23, 1946 at 10 1/4 o'clock A.M. James G. Fagin, Recorder.

51-16-597 ✓ THIS INDENTURE WITNESSETH, That Walter H. Maehling and Nell E. Maehling, husband and wife, of Vigo County, in the State of Indiana, Convey and Warrant to Ray D. Hookey and Lena D. Hookey, husband and wife, of Vigo County, in the State of Indiana for the sum of One (\$1.00) Dollar 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:

The North half (1/2) of Lot Number Two Hundred eighty-six (286) in Deming, a subdivision of a part of the west half of Section twenty-three (23) Township Twelve (12) North, Range Nine (9) West, lying south of Wabash Avenue in the City of Terre Haute, Indiana, as shown by the recorded plat of said subdivision in the office of the Recorder of Vigo County, Indiana.

Subject to all existing building and other restrictions.

Subject also to the taxes which are due and payable in the year of 1947.

In Witness Whereof, the said Walter H. Maehling and Nell E. Maehling, husband and wife, have hereunto set their hands and seals, this 11th day of January, A.D. 1946.

Walter H. Maehling (Seal)

(Revenue Stamp, Fifty-five Cents)

Nell E. Maehling (Seal)

STATE OF INDIANA

VIGO COUNTY SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 11th day of January 1946, personally appeared Walter H. Maehling and Nell E. Maehling, husband and wife, and acknowledged the execution of the annexed deed.

Witness my hand and Notarial Seal.

Rosanna Tindall,

(Notary Seal) My commission expires October 13th 1946. Notary Public.

Received for record January 23, 1946 at 10 1/2 o'clock A.M. James G. Fagin, Recorder.

51-16-899 ✓ THIS INDENTURE WITNESSETH, That Hattie Wilson, widow of Bruce Wilson, of Vigo County, in the State of Indiana, Convey and Warrant to Francis M. Camp and Gladys Camp, husband and wife, of Vigo County, in the State of Indiana, for the sum of One Dollar 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: Lot No. 15 in Block A in Graston Place, a subdivision of the east half of the east half of the southwest quarter of Section 35, Township 13 North, Range 9 West as shown by the recorded plat thereof recorded in Plat Record 14, page 53 in the Vigo County Recorder's Office.

Subject to all taxes and assessments.

In Witness Whereof, the said Hattie Wilson, unmarried, widow of Bruce Wilson, has hereunto set her hand and seal, this 18th day of January, A.D. 1946.

STATE OF INDIANA

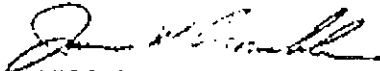
Hattie Wilson (Seal)

VIGO COUNTY SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 18th

EXEMPTED FROM TAXATION
Due to full acceptance for transfer

FEB 25 2000


VIGO COUNTY RECORDER

EGA Date 02/28/2000 Time 08:22:13
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 15.00
J 200002931 D 445/1351

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH:

DRAKE PRODUCE, INC., an Indiana Corporation, of Vigo County, in the State of Indiana, as Grantor, **CONVEYS AND WARRANTS** to **TERRE HAUTE BOYS CLUB, INC.**, an Indiana Non-Profit Corporation, of Vigo County, State of Indiana, as Grantee, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Out Lot Number Nineteen (19) of the Original Out Lots of the Town, now City, of Terre Haute, Vigo County, Indiana

Together with all improvements thereon and appurtenances thereto.

This conveyance is made subject to:

- (i) All rights-of-way and easements now of records;
- (ii) Easements of public utilities customarily granted, if any, and

Subject to real estate taxes prorated to date of Deed.

Grantor certifies that there is no Indiana Gross Income Tax due on this transaction at the time of closing.

The undersigned persons executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered by proper resolution of the Grantor, to execute and deliver this Deed, that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Drake Produce, Inc., has caused this Deed to be executed this 25th day of February, 2000.

DRAKE PRODUCE, INC.

By: Robert See
Robert See, President

ATTEST:

By: Tim Slaughter
Tim Slaughter, Secretary

STATE OF INDIANA, COUNTY OF VIGO, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 25th day of February, 2000, personally appeared the within named Robert See and Tim Slaughter, as President and Secretary, respectively, of Drake Produce, Inc., Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary acts and deeds.

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

Tami L. Robertson
Tami L. Robertson, Notary Public

My Commission Expires: 08-29-01

County of Residence: Parke

Mail to: Terre Haute Boys Club, Inc., 220 N. 3rd Street, Terre Haute, IN 47807.

This instrument prepared by Timothy E. Fears, Attorney at Law, Wright, Shagley & Lowery, 500 Ohio Street, P.O. Box 8448, Terre Haute, IN 47808-8448, (812) 232-3388.

Receipt

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

Date: 3/2/16

Name: Wright, Shanley & Lowery PC

Reason: Rezoning filing fee

TERRE HAUTE, IN
TERRE HAUTE, IN
PAID

MAR 02 2016

CR# 65593

CONTROLLED

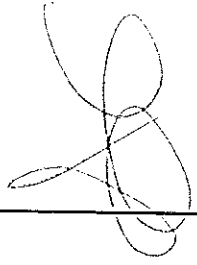
Cash: _____

Check: 45.00

Credit: _____

Total: _____

Received By: _____



**ANNEX 41
PROPOSED STUDENT
HOUSING**

**220 & 224 N 3RD STREET
301 N 2ND STREET
TERRE HAUTE, INDIANA**

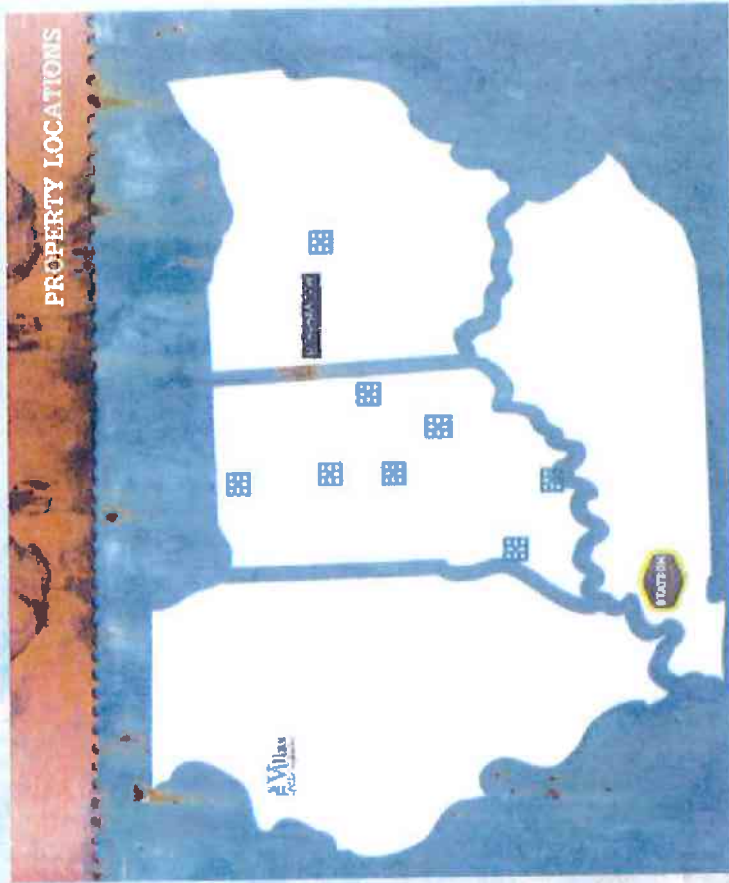
FILED

APR 04 2016

CITY CLERK

ANNEX STUDENT LIVING – HISTORY

- Annex Student Living, LLC is a fast-growing student housing developer serving the needs of colleges and universities throughout the Midwest. Our goal is to bring the life experience and benefits of big campus living to smaller campus communities.
- Founded in 2009, Annex has a portfolio of communities valued at more than \$70 million. Projects in the pipeline will bring total assets north of \$150 million by 2016.
- We take pride in creating environments that promote resident life and community belonging as this truly impacts our residents' futures. Each Annex development is strategically planned and executed to ensure a finished product that is cohesive with the goals and values of the schools and communities we serve.
- Annex has nearly 2,000 beds in various stages of operation in Indiana, Illinois and Ohio with several hundred more in development in Indiana, Ohio, Kentucky, Michigan and Missouri. Our rapid growth has been facilitated through public-private partnerships, unique financing methods and community redevelopment efforts.



OUR MISSION

It is our mission to provide memorable college experiences through unique housing opportunities that serve as a catalyst for economic development. We seek to:

- Create community by establishing relationships and trust with open communication to create a family atmosphere.
- Innovate solutions by seeking input from our tenants, and adapting and absorbing that information to provide a superior product
- Calculate risk by carefully analyzing the market to understand potential threats and create contingency plans.
- Enhance culture of every student, campus and community.

ARCHITECTURE – BUILDING ELEVATION



PROJECT OVERVIEW

- Four-story student housing development and associated parking.
- Approximately 254 units with 408 beds
- \$25 million development
- Projected to begin construction this fall or sooner with completion by fall semester of 2017
- Addition of a portion of the Hardee's parcel included in submittal
- Project benefits to the community:
 - About 100 direct construction jobs and 90 additional indirect jobs would be supported the county during the construction phases in 2016 and 2017.
 - The land earmarked for the development at North Third Street and U.S. Highway 41 houses the Boys & Girls Club, which will receive an injection of cash when the project is approved and the purchase is complete.
 - The development would house 408 students whose local-area spending would support approximately 140 direct and indirect jobs.
 - Annex 41 will employ at least 5 full time management and leasing staff.
 - About \$3.3 million in total direct and indirect personal income or employee payroll would be generated by the project based on student spending and property management activities.

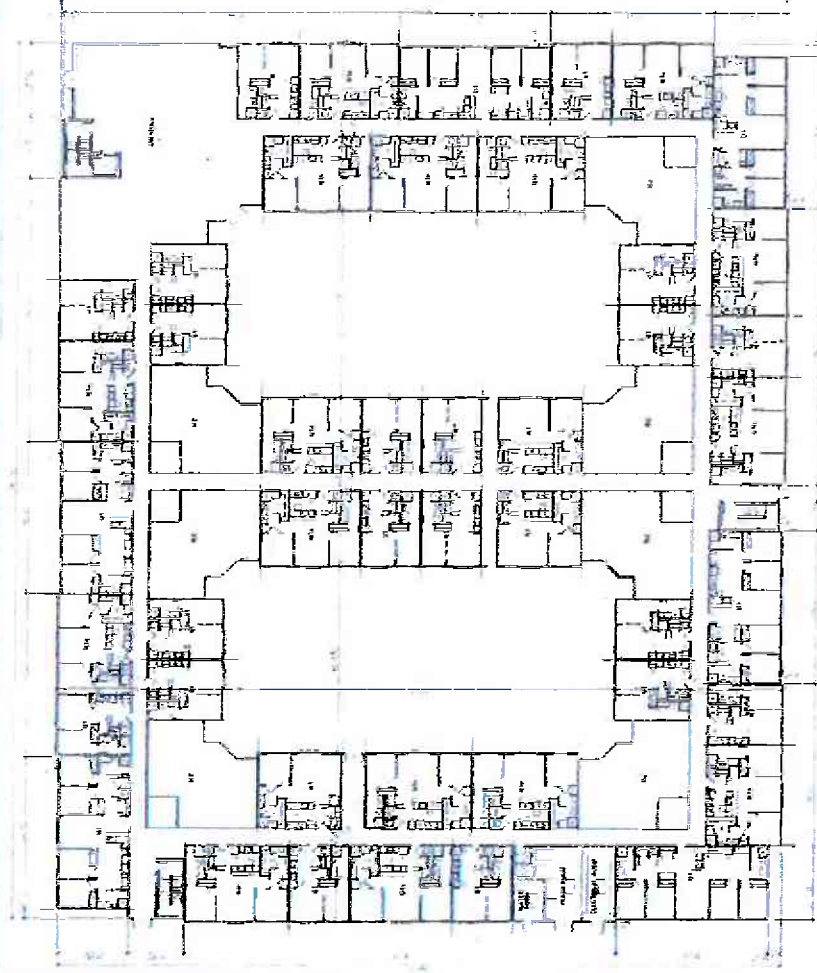
SITE PLAN



- Parking
 - Off Street – 254 Spaces
 - On Street (adjacent to property) – 53 Spaces
 - Total – 307 Spaces (0.75/Bed)
- Pedestrian Traffic
 - Barrier on 41
- Stormwater
- Utilities
- Landscaping
 - Courtyard
 - Public Art Area

ARCHITECTURE – FIRST FLOOR PLAN

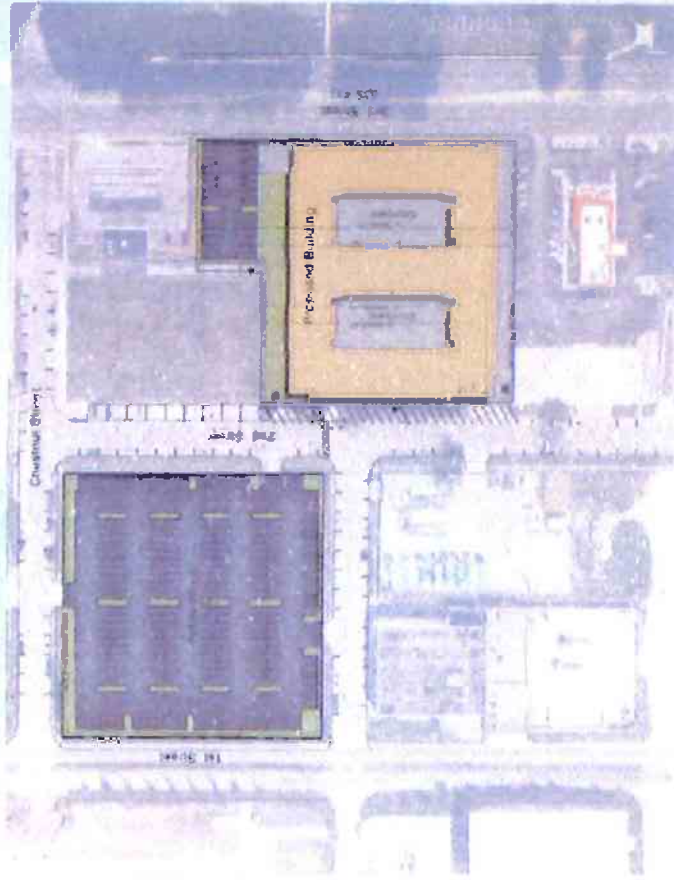
Unit Mix
Amenity Area SF
Student Entrances & Exits



ANNEX 41 – PROJECT DETAILS

- **Financing**
 - Working with First Merchants out of Indianapolis which has engaged First Financial based on our request to work with local banks for financing
 - Private equity investors
- **Parking**
 - Industry standard for similar urban setting apartment complexes indicate 0.7 spaces per bedroom is sufficient parking for this development
 - Annex wants to encourage other means of green transportation within the downtown and university area.
 - Given the marketing approach to target only students, most other university housing also limits parking near their primary residences
- **Student Mentoring Programs & Community Involvement**
 - Terre Haute Apartment Association Membership
 - Student Mentoring Services
 - Resume writing courses
 - Internship placement opportunities
 - Financial literacy courses
 - Credit enhancement classes

ANNEX 41 - DISCUSSION



Any questions or comments?

PROJECT ENTITLEMENT SCHEDULE

- Board of Zoning Appeals
 - Number of Parking Spaces, Off-site Parking, Building Setback Line
 - Meeting outcome – April 6th, 2016
- Area Plan Commission
 - Comments from April 6th, 2016
- Rezone to R3
- Replat
 - APC Comments – April 6th, 2016
 - Scheduled for Vigo County Council vote on April 12th
- Alley vacations
- Tax Abatement – Tabled until May Sunshine Meeting