

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

**SPECIAL ORDINANCE NO. 37, 2016**

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

1, 11 and 101 West Sycamore St  
Terre Haute, IN 47807

200 and 476 N. Water St.  
Terre Haute, IN 47807

320, 410 and 418 N. 1<sup>st</sup> St.  
Terre Haute, IN 47807

1 West Chestnut St.  
Terre Haute, IN 47807

Rezoned From: M-2 – Heavy Industry

Rezoned To: R-3 – General Residence District

Proposed Use: multi-family apartment building

Name of Owner: Indiana State University

Address of Owner: 200 N. 7<sup>th</sup> St, Terre Haute, IN 47807

Phone Number of Owner: (812) 243-4790

Attorney Representing Owner: Louis F. Britton

Address of Attorney: Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807

Phone Number of Attorney: **(812) 232-6003**  
for Information Contact:  Owner  Attorney

Council Sponsor: Todd Nation

FILED

NOV 03 2016

CITY CLERK

**SPECIAL ORDINANCE NO. 37, 2016**

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:

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


See Exhibit A attached hereto

Commonly known as 1, 11 and 101 West Sycamore St; 200, and 476 N. Water St; and 320, 410, and 418 N. 1<sup>st</sup> St.; 1 West Chestnut Street, Terre Haute, Vigo County, Indiana 47807, be and the same is hereby established as R-3 – General Residence District - as designated in Chapter 10 Division VIII Section 10-180(d) of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a R-3 – General Residence District - authorizing the use of said real estate for a multi-family apartment building as well as the other uses permitted by such designation, together with all rights, privileges, and provisions that may inure to


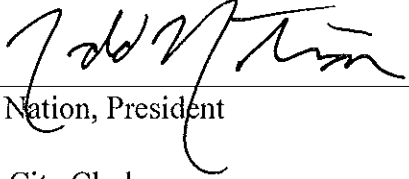
said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION 2. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and approval by the Mayor and publication as required by law.


SECTION 3. This Ordinance shall be recorded within ninety (90) days of approval.

PRESENTED BY COUNCILPERSON   
TODD NATION

Passed in open Council this 8<sup>th</sup> day of December, 2016.


ATTEST: , City Clerk  
Charles Hanley  
  
Todd Nation, President

Presented by me to the Mayor this 9<sup>th</sup> day of December, 2016.

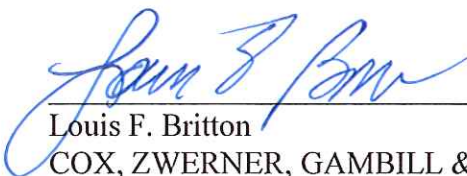
  
Charles Hanley, City Clerk

Approved by me, the Mayor, this 9<sup>th</sup> day of DECEMBER, 2016.

  
\_\_\_\_\_  
Duke Bennett, Mayor  
City of Terre Haute

ATTEST:   
\_\_\_\_\_  
Charles Hanley, City Clerk

I prepared the foregoing instrument and 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.

  
\_\_\_\_\_  
Louis F. Britton  
COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Avenue, Terre Haute, IN 47807  
Phone: (812) 232-6003

# EXHIBIT A

## ISU DESCRIPTION

Lot Number One (1) and Lot Number Two (2) In Block Fourteen (14) in Linton's Addition to Terre Haute, being a subdivision of Out Lot Two (2) of the Original Out Lots of the Town, now City of Terre Haute, as made by Lucius H. Scott, Guardian of the Linton Heirs, recorded in Deed Record 8, page 475.

Also, the vacated alley running North and South situated between Lots 1 and 2 Block 14 Linton's Addition.

Also

Out Lot Five (5) of the Original Out Lots of the Town, now City of Terre Haute (said description includes that portion of a vacated alley running North and South between Chestnut Street and Sycamore Street in the City of Terre Haute, Indiana, which vacation appears at Miscellaneous Record 161 page 913, records of the Recorder's Office of Vigo County, Indiana.)

Also, all that part of the East ½ of vacated Water Street which lies West of and adjoins the West line of said Out Lot 5.

Also, that part of Chestnut Street as vacated by the Board of Public Works and Safety of the City of Terre Haute, Indiana, as shown in Miscellaneous Record 161, page 335,, of the records of the Recorder of Vigo County, Indiana.

Also

Outlots Numbers 3, 4 and 21 of the Original Town, now City of Terre Haute, and also all that part of Chestnut Street between the South side of Outlot 4 and the North side of Outlot 21, shown in the Original Plat of Outlot of the Original Town, now City of Terre Haute, extending from the West line of Water Street Westerly to the low water mark of the Wabash River; also the north one half of the following: Commencing at the southwest

corner of the Intersection of Eagle Street and Water Street, in the City of Terre Haute, Vigo County, Indiana, and running thence west along the south line of said Eagle Street to the Wabash River, thence northerly with said River, to the north line of Eagle Street, thence east along the north line of said Eagle Street to the northwest corner of the intersection of said Eagle Street and said Water Street, thence south to the place of beginning, except that portion thereof conveyed to Public Service Company of Indiana, Inc. In Deed Record 418, Page 923, described as follows: Part of the Southwest Quarter (SW ¼) of Section 21, Township 12 North, Range 9 West of the Second Principal Meridian, part of the Original Outlots of the City of Terre Haute, Harrison Township, Vigo County, State of Indiana described as follows: Beginning at the Southeast corner of Lot 21 in said Original Outlots, said corner being the Northwest corner of the intersection of Water Street and Eagle Street, said corner also being the Northeast corner of that part of Eagle Street vacated in Plat book 15, Page 26, thence South 0°-04'-48" East along the West line of said Water Street a distance of 4.5 feet to the true point of beginning of this description; thence 28 feet to a point on the centerline of said Eagle Street; thence North 89°-57'-48" West along the centerline of said vacated Eagle Street a distance of 280 feet more or less to the waters edge of the Wabash River; thence Northwardly along said waters edge a distance of 28 feet, more or less to the point; thence South 89°-57'-48" East a distance of 280 feet more or less to the place of beginning of this description. Containing 0.18 of an acre of land.

Also, all that part of the West ½ of vacated Water Street which lies East of and adjoins the East lines of Out Lots 3, 4, and 21.

Also

Block Number 25 in Linton's Addition, the same being a subdivision of Outlot Number 2 of the Original Outlots of the Town, now City of Terre Haute; also the West ½ of vacated Water Street which lies East of and adjoins the East line of said Block 25.

Also

Beginning at the Northeast corner of Outlot 20 of the Original Out Lots of the Town, now City, of Terre Haute, Indiana; running thence West along the North line of said Outlot, 158 feet more or less, to the Northeast corner of that part of said Outlot conveyed to Dennis Bowes (sometimes known as Dennis Boles) by Deed from William Lunday, dated July 2, 1866 and recorded on the same date in Deed Record 32 at Page 612 in the records of the Office of the Recorder of Vigo County, Indiana; thence South to the south line of said Outlot 20; thence East along the South line of said Outlot 20 to the Southeast corner of said Outlot; thence North along the East line of said Outlet to the place of beginning. Beginning at a point 158 feet West of the Northeast corner of

Outlot 20 of the Original Outlots of the Town, now City of Terre Haute, Indiana; running thence West to the Northwest corner of said Outlot 20; thence South to the Southwest corner of said Outlot 20; thence East 142 ½ feet, more or less; thence North 140.14 feet; more or less, thence West 6 inches; thence North to the place of beginning.

More particularly described to wit: Beginning at the Northeast corner of Outlot 20 of the Original Town, now City of Terre Haute, Indiana, South on the East line to the Southeast corner of said Outlot 20, 300.57 feet; West on the South line to the Southwest corner of said Outlot 20, 302.79 feet; North on the West line to the Northwest corner of said Outlot 20, 300.581 feet; East on the North line of said Outlot 20, 300.48 feet to beginning.

Also, all that part of the East ½ of vacated Water Street which lies West of and adjoins the West line of Out Lot 20.

All subject to easements for existing utilities.

Also: All of the following streets and alleys as vacated by Special Ordinance #38, 2016:

- 1) Sycamore Street west of First Street
- 2) Chestnut Street west of First Street
- 3) Water Street south of Sycamore Street to the North line of Eagle Street
- 4) Alley south of Sycamore Street, between Lots 1 and 2 in Block 14 in Linton's Addition to Terre Haute, being a subdivision of Lot 2 in the Original Outlots of the town now City of Terre Haute as made by Lucius H. Scott, Guardian of the Linton Heirs, recorded in Deed Record 8, Page 475.

Alley running north and south in the center of Outlot 5 of the Original Outlots of the town, now City of Terre Haute

**PETITION FOR REZONING OF REAL ESTATE**

TO THE PRESIDENT AND MEMBERS  
OF THE COMMON COUNCIL OF  
THE CITY OF TERRE HAUTE,  
VIGO COUNTY, INDIANA

Gentlemen:

Indiana State University, petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

See Exhibit A attached hereto.

which real estate is commonly known as 1, 11 and 101 West Sycamore St; 200, and 476 N. Water St; and 320, 410, and 418 N. 1<sup>st</sup> St; and 1 West Chestnut Street Terre Haute, Vigo County, Indiana 47807.

The owner proposes to use the property for university related athletic fields and multi-family housing. Site plans are attached.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned M-2 – Heavy Industry of the City of Terre Haute, Indiana. Petitioner is further informed and believes that the operation of petitioner's proposed use would require said real estate to be rezoned to the



classification as R-3 – General Residence District, under which classification Section 10.180(d), "Uses Permitted – R-3 – General Residence District" would authorize such use.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

A. That the proposed use would be beneficial to the local community and would provide entertainment and housing opportunities for the community;

B. That said real estate is located on Sycamore and 1<sup>st</sup> Streets which provides access to business and industry in the immediate area as well as in other parts of town;

C. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;

D. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.

E. That the property suffers from hardship due to physical characteristics of the land and improvements.

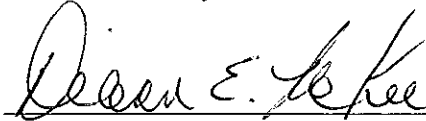
F. That the property suffers from hardship due to the general deterioration of the neighborhood.

WHEREFORE, Petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "R-3 – General Residence District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may

inure to said real estate and the owner thereof by virtue of said classification description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.


IN WITNESS WHEREOF, the petitioner, Indiana State University has duly executed this instrument this 1<sup>st</sup> day of November, 2016.

Indiana State University:

By: 

Sl. Vice President Finance & Admin/Treasurer  
Printed Name and Title

I prepared the foregoing instrument and 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.

  
Louis F. Britton  
COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Avenue, Terre Haute, IN 47807  
Phone: (812) 232-6003

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9/20/2016

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Also, the vacated alley running North and South situated between Lots 1 and 2 Block 14 Linton's Addition.

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Also, that part of Chestnut Street as vacated by the Board of Public Works and Safety of the City of Terre Haute, Indiana, as shown in Miscellaneous Record 161, page 335,, of the records of the Recorder of Vigo County, Indiana.

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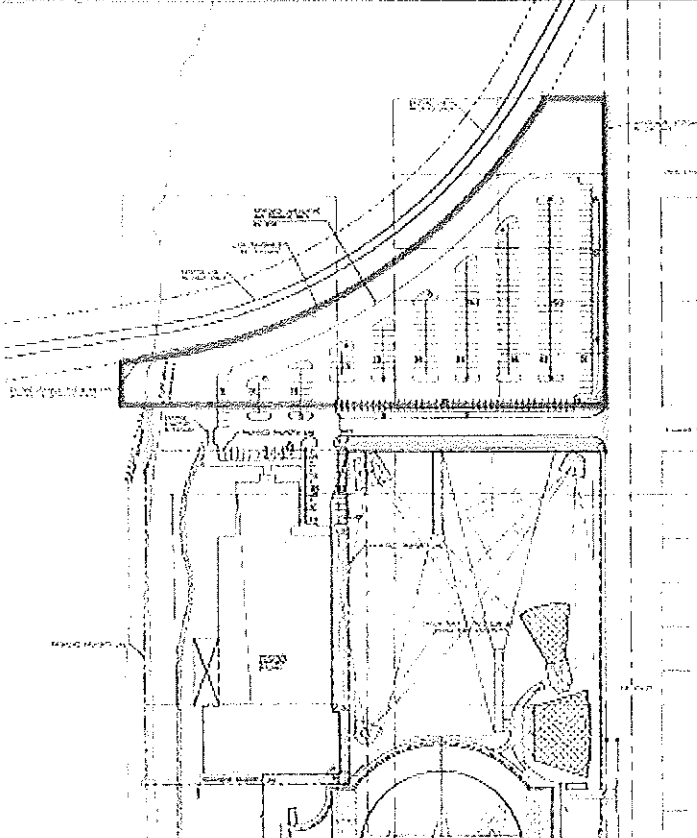
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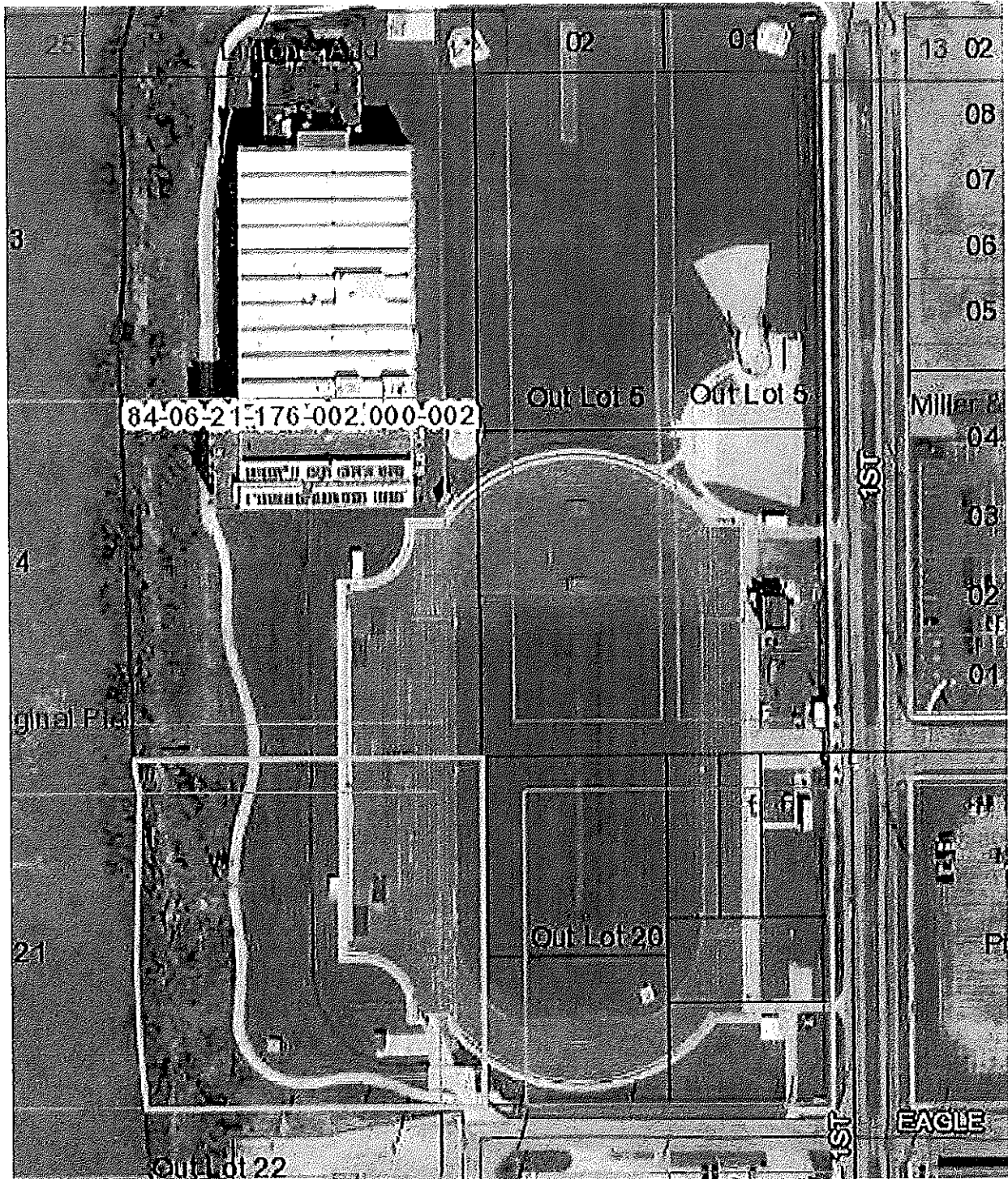
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- 5) Alley running north and south in the center of Outlot 5 of the Original Outlots of the town, now City of Terre Haute

# SITE PLANS





**AFFIDAVIT**

COMES NOW affiant, Indiana State University, by Diann E. McKee, its Sr. Vice President, and affirms under penalty of law that Indiana State University is the owner of record of the property located at West Sycamore St., Water St., Chestnut Street, and N. 1<sup>st</sup> St., Terre Haute, Indiana, for which a rezoning is requested and attached hereto are deeds evidencing such ownership and is acquiring the property described in Exhibit A.

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

Diann E. McKee  
INDIANA STATE UNIVERSITY  
Diann E. McKee  
Sr. Vice President Finance & Admin. Treasurer  
Printed Name and Title

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF VIGO        )

Personally appeared before me, a Notary Public in and for said County and State,  
Diann McKee as Managing Member of Indiana State University, who  
acknowledged the execution of the above and foregoing Affidavit, after being duly sworn upon  
his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 1st day of November, 2016.



Joseph M Newport Jr  
Notary Public  
Joseph M Newport Jr  
(Printed Name)

My Commission Expires:  
2-18-2024

My County of Residence:  
Vigo



I prepared the foregoing instrument and 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.

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Louis F. Britton  
COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Avenue, Terre Haute, IN 47807  
Phone: (812) 232-6003

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10/28/2016

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

DEC 16 2009

2009017377 00 \$18.00  
12/16/2009 03:02:56P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder III  
Recorded as Presented

*Timothy M. Spivey*  
VIGO COUNTY AUDITOR

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, THAT Allen Furrer ("Grantor") of Marion County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, RELEASES AND QUIT CLAIMS unto Indiana State University, of Vigo County, in the State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lot Number Two (2) in Block Fourteen (14) in Linton's Addition to Terre Haute, being a subdivision of Out Lot Two (2) of the Original Out Lots of the Town, now City of Terre Haute, as made by Lucius H. Scott, Guardian of the Linton Heirs, recorded in Deed Record 8, Page 475.

Also that part of the East 1/2 of vacated Water Street which lies West of and Adjoins the West line of said Lot 2.

Also, the West 1/2 of a vacated alley running North and South situated between Lots 1 and 2 Block 14 Linton's Addition.

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

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Allen Furrer has hereunto set his hand and seal this 2nd day of December, 2009.

*Allen Furrer* (SEAL)  
Allen Furrer

STATE OF Indiana, Marion COUNTY, SS.

Before me, the undersigned, a Notary Public in and for said county and state, this 2 day of December, 2009, personally appeared Allen Furrer and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal

My Commission Expires:



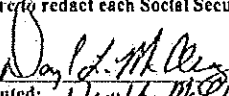
*Brian E. Gordon*  
Notary Public

My County of residence is:

Typewritten or printed name of Notary

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

  
Printed: Daryl D. McCleary

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

GRANTEE'S ADDRESS: Terre Haute, IN 47809

Mail Tax Statements to: Indiana State University Terre Haute, IN 47809

C:\Documents and Settings\rotzked.COXLAW\Desktop\Quitclaim Deed -- Furrer to ISU (Tract 3).doc

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

DEC 16 2009

*Tina M. Spivey*  
VIGO COUNTY AUDITOR

2009017376 WD \$20.00  
12/16/2009 09:02:08P 3 PGS  
NANCY G. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

**LIMITED LIABILITY COMPANY WARRANTY DEED**

**THIS INDENTURE WITNESSETH**, That Sycamore Realty II, LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Indiana State University of Vigo County, Indiana (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

In Lots 237, 238, 239, 240, 241, 242, 243, and 244 of the Original In Lots of the Town (now City) of Terre Haute, Indiana. Also that portion of a public alley vacated by Special Ordinance No. 72, 1989, recorded in Miscellaneous Record 198, Page 291 and 309, in records of the Recorder's Office of Vigo County, Indiana.

Also

Beginning at the Northeast corner of Outlot 20 of the Original Out Lots of the Town, now City, of Terre Haute, Indiana; running thence West along the North line of said Outlot, 158 feet, more or less, to the Northeast corner of that part of said Outlot conveyed to Dennis Bowes (sometimes known as Dennis Boles) by Deed from William Lunday, dated July 2, 1866 and recorded on the same date in Deed Record 32 at Page 612 in the records of the Office of the Recorder of Vigo County, Indiana; thence South to the South line of said Outlot 20; thence East along the South line of said Outlot 20 to the Southeast corner of said Outlot; thence North along the East line of said Outlot to the place of beginning.

Beginning at a point 158 feet West of the Northeast corner of Outlot 20 of the Original Outlots of the Town, now City of Terre Haute, Indiana; running thence West to the Northwest corner of said Outlot 20; thence South to the Southwest corner of said Outlot 20; thence East 142 1/4 feet, more or less; thence North, 140.14 feet; more or less, thence West 6 inches; thence North to the place of beginning.

More particularly described to wit: Beginning at the Northeast corner of Outlot 20 of the Original Town, now City, of Terre Haute, Indiana, South on the East line to the Southeast corner of said Outlot 20, 300.57 feet; West on the South line to the Southwest corner of said Outlot 20, 302.79 feet; North on the West line to the Northwest corner of said Outlot 20, 300.581 feet; East on the North line of said Outlot 20, 300.48 feet to beginning.

Also, all that part of the East 1/4 of vacated Water Street which lies West of and adjoins the West line of Out Lot 20.

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

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Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (mark applicable option):

- 1. all of the Members of Grantor
- Or
- 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.

IN WITNESS WHEREOF, Sycamore Realty II, LLC has caused this Deed to be executed in its name and on its behalf by its undersigned members or its duly authorized Manager, this 20th day of December, 2009.

SYCAMORE REALTY II, LLC

By Allen P. Furrer And by \_\_\_\_\_  
Allen P. Furrer, Manager \_\_\_\_\_  
(Printed Name and Title) (Printed Name and Title)

And by \_\_\_\_\_ And by \_\_\_\_\_  
(Printed Name and Title) (Printed Name and Title)

STATE OF Indiana )  
 ) SS:  
COUNTY OF Marion )

I, Rian Gordon, a Notary Public in and for said County and State, do hereby certify that Allen Furrer, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as Member(s) or Manager of Sycamore Realty II, LLC, appeared before me this day in person and, being first duly sworn said that the statements and

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representations contained in said instrument are true and that said person(s) signed and delivered said instrument as a free and voluntary act of said Sycamore Realty II, LLC and as said person(s) own free and voluntary act as such Member(s) or Manager for the use and purposes therein set forth.

Given under my hand and notarial seal this 2nd day of December, 2009.



Ray E. Gordon  
Notary Public

(Printed Name)

My Commission Expires \_\_\_\_\_

My County of Residence: \_\_\_\_\_

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

Donald J. Bonomo  
Printed: Donald J. Bonomo

This instrument prepared by Donald J. Bonomo, Attorney at Law, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47407. This Deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: Terre Haute, IN 47809

MAIL TAX STATEMENTS TO: Indiana State University Terre Haute, IN 47809

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

DEC 16 2009

2009017375 WD \$22.00  
12/16/2009 02:02:06P 4 PGS  
HARVEY E. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

*Trudy M. Spivey*  
VIGO COUNTY AUDITOR

### LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That Sycamore Realty, LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS AND WARRANTS to Indiana State University of Vigo County, Indiana (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Lot Number One (1) in Block Fourteen (14) in Linton's Addition to Terre Haute, being a subdivision of Out Lot Two (2) of the Original Out Lots of the Town, now City of Terre Haute, as made by Lucius H. Scott, Guardian of the Linton Heirs, recorded in Deed Record 8, page 475.

Also, the East 1/2 of a vacated alley running North and South situated between Lots 1 and 2 Block 14 Linton's Addition

Also

Out Lot Five (5) of the Original Out Lots of the Town, now City of Terre Haute (said description includes that portion of a vacated alley running North and South between Chestnut Street and Sycamore Street in the City of Terre Haute, Indiana, which vacation appears at Miscellaneous Record 161 page 913, records of the Recorder's Office of Vigo County, Indiana.)

Also, all that part of the East 1/2 of vacated Water Street which lies West of and adjoins the West line of said Out Lot 5.

Also

That part of Chestnut Street as vacated by the Board of Public Works and Safety of the City of Terre Haute, Indiana, as shown in Miscellaneous Record 161, page 335, of the records of the Recorder of Vigo County, Indiana.

Also

Outlots Numbers 3, 4 and 21 of the Original Town, now City of Terre Haute, and also all that part of Chestnut Street between the South side of Outlot 4 and the North side of Outlot 21, shown in the Original Plat of Outlots of the Original Town, now City of Terre Haute, extending from the West line of Water Street westerly to the low water mark of the Wabash River; also, the north one half of the following: Commencing at the southwest corner of the intersection of Eagle Street and Water Street, in the City of Terre Haute, Vigo County, Indiana, and running thence west along the south line of said Eagle Street to the Wabash River.

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thence northerly with said River, to the north line of Eagle Street, thence east along the north line of said Eagle Street to the northwest corner of the intersection of said Eagle Street and said Water Street, thence south to the place of beginning, except that portion thereof conveyed to Public Service Company of Indiana, Inc. in Deed Record 418, Page 923, described as follows: Part of the Southwest Quarter (SW ¼) of Section 21, Township 12 North, Range 9 West of the Second Principal Meridian, part of the Original Outlots of the City of Terre Haute, Harrison Township, Vigo County, State of Indiana described as follows: Beginning at the Southeast corner of Lot 21 in said Original Outlots, said corner being the Northwest corner of the intersection of Water Street and Eagle Street, said corner also being the Northeast corner of that part of Eagle Street vacated in Plat book 15, Page 26, thence South 0°-04'-48" East along the West line of said Water Street a distance of 4.3 feet to the true point of beginning of this description; thence 28 feet to a point on the centerline of said Eagle Street; thence North 89°-57'-48" West along the centerline of said vacated Eagle Street a distance of 280 feet more or less to the waters edge of the Wabash River; thence Northwardly along said waters edge a distance of 28 feet, more or less to the point; thence South 89°-57'-48" East a distance of 280 feet more or less to the place of beginning of this description. Containing 0.18 of an acre of land.

Also, all that part of the West ¼ of vacated Water Street which lies East of and adjoins the East lines of Out Lots 3, 4 and 21.

Also

Block Number 25 in Linton's Addition, the same being a subdivision of Outlot Number 2 of the Original Outlots of the Town, now City of Terre Haute; also the West ¼ of vacated Water Street which lies East of and adjoins the East line of said Block 25.

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

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantor to accept this Warranty Deed, that they are either (mark applicable option):

- 1. all of the Members of Grantor
- Or
- 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.



3

IN WITNESS WHEREOF, Sycamore Realty, LLC has caused this Deed to be executed in its name and on its behalf by its undersigned members or its duly authorized Manager, this 20 day of December, 2009.

SYCAMORE REALTY, LLC

By Allen P. Furrer And by \_\_\_\_\_  
Allen P. Furrer, Manager \_\_\_\_\_  
(Printed Name and Title) (Printed Name and Title)

And by \_\_\_\_\_ And by \_\_\_\_\_  
\_\_\_\_\_  
(Printed Name and Title) (Printed Name and Title)

STATE OF Indiana )  
COUNTY OF marion ) SS:

I, Rian Gordon, a Notary Public in and for said County and State, do hereby certify that Allen Furrer personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as Member(s) or Manager of Sycamore Realty, LLC, appeared before me this day in person and, being first duly sworn said that the statements and representations contained in said instrument are true and that said person(s) signed and delivered said instrument as a free and voluntary act of said Sycamore Realty, LLC and as said person(s) own free and voluntary act as such Member(s) or Manager for the use and purposes therein set forth.

Given under my hand and notarial seal this 2 day of December, 2009.



Rian Gordon  
Notary Public  
\_\_\_\_\_  
(Printed Name)

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

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 L. McCreary  
Printed: David L. McCreary



Receipt

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

Date: 11/3/16

Name: Cox, Zwerner, Gambill and Sullivan LLP

Reason:	<u>Rezoning - Notice of Filing</u>	<u>\$25.00</u>
	<u>Rezoning - Petition</u>	<u>\$20.00</u>
		<u>\$45.00</u>

TERRE HAUTE, IN  
PAID  
NOV 13 2016  
CONTROLLER

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

Check: #96731 \$45.00

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

Total: \$45.00

Received By: Lilly/gw



# 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: December 8, 2016

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #37-16

CERTIFICATION DATE: December 7, 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. 37-16. This Ordinance is a rezoning of the property located at 1, 11 & 101 W. Sycamore; 200, 476 N. Water; 320, 410, 418 N. 1<sup>st</sup>; 1 W. Chestnut. The Petitioner, Indiana State University, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to R-3, General Residence District, for a multi-family apartment building. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 37-16 at a public meeting and hearing held Wednesday, December 7, 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. 37-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 37-16 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. 37-16 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of subdivision; 2) Passing of all necessary variances.

  
Fred L. Wilson, President

  
Jared Bayler, Interim Director

Received this 8th day of December, 2016

## APPLICATION INFORMATION

Petitioner: Indiana State University

Property Owner: Same-As-Above

Representative: Louis Britton

Proposed Use: Multi-Family Apartment Complex

Proposed Zoning: R-3 General Residence District

Current Zoning: M-2 Heavy Industrial

Location: The property includes and surrounds the location of the ICON Building and Indiana State University Track and Field Facility.

Common Address: 1, 11 and 101 West Sycamore St. Terre Haute, IN 47807  
200 and 476 N. Water St. Terre Haute, IN 47807  
310, 410 and 418 N. 1<sup>st</sup> St. Terre Haute, IN 47807  
1 West Chestnut St. Terre Haute, IN 47807

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## 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

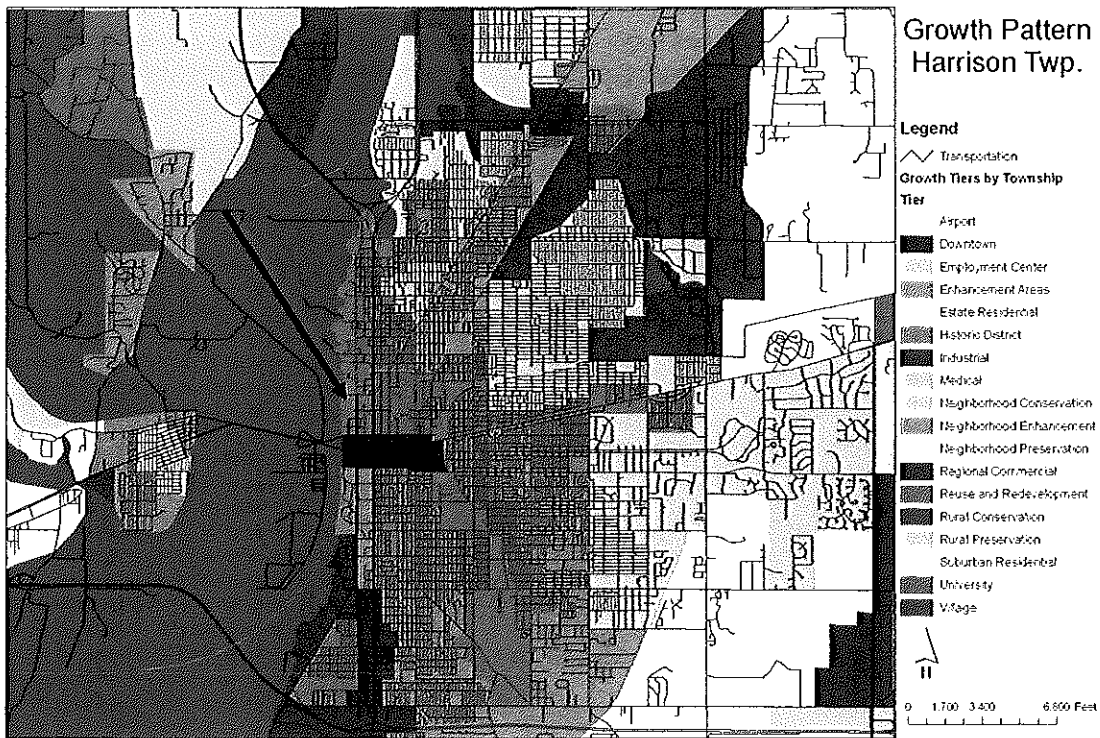
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-16

Doc: # 86

Date: Dec. 2016

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Available Services: Area is well served by utilities.

Soil Limitations: Portions of the area are in a wellhead protection district

Street Access: 1<sup>st</sup> St.

Dev. Priority: Medium

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – M-2, Heavy Industry District  
**East** – M-2, Heavy Industry District  
**South** – M-2, Heavy Industry District  
**West** – M-2, Heavy Industry District

Character of Area: The area is currently being revitalized and reused for university purposes.

## ZONING REGULATIONS

R-3 Purpose: The General Residence District

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.

R-3 Standards: Minimum Lot Size: N/A;

### Parking Requirements

1.5 parking spaces per 1 bedroom unit.

2.0 parking spaces per 2 bedroom unit.

3.0 parking spaces per 3 bedroom unit.

Apartment, buffer strip separation of 150 Feet

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## FINDINGS and RECOMMENDATION

Staff Findings: The requested rezoning encompasses the whole block between the river on the west, 1<sup>st</sup> St. on the east, Eagle St. on the south and the property south of the railroad on the north. University uses are a use by right within an R-3 zoning. The petitioner proposes remodeling the existing ICON building into a 3 story 178 unit apartment building.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-16

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The petitioner will not have enough parking and will need a variance (applied for). Density ratios are compatible with The City Code. Portions of Sycamore St. are to be vacated. A subdivision will be needed (applied for). A paved bike and/or trail path exists in the right-of-way for Eagle St. Coordination with the city will be needed to ascertain the needs for code compliance for the path.

**Recommendation:** Staff offers a FAVORABLE RECCOMENDAION with the following conditions:

1. Approval of a subdivision
2. Passing of all necessary variances.