



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

**SPECIAL ORDINANCE NO. 52**

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COMMON ADDRESS OF LOTS TO BE REZONED:

418 S 8<sup>th</sup> Street, 426 S 8<sup>th</sup> Street, 430 S 8<sup>th</sup> Street, 806 Oak Street, 812 Oak Street, 818 Oak Street, & 822 Oak Street, Terre Haute, IN 47807

Current Zoning: R1 – Single Family Residence District. R2 – Two Family Residence District. R3 General Residence District

Requested Zoning: R3 – General Residence District

Proposed Use: Bring empty R2 lots into compliance with main R3 property at 812 Oak St. Upgrade zoning at 822 Oak St from R1 to R3 so room additions can be made to make a multi-family residence if necessary.

Name of Owner: Freeman Chase, LLC (Ricky D. Ward Sole Member)

Address of Owner: 1843 E. Sierra Drive, Haubstadt, IN 47639

Phone Number of Owner: 812-249-9270

Attorney Representing Owner (if any):

Address of Attorney:

Phone Number of Attorney:

For Information Contact: Ricky D. Ward: 812-249-9270

Council Sponsor: Earl Elliott

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

FILED

SEP 08 2017

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 52, 2017**

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

SECTION I. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, 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:

Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.  
Commonly known as: 806 Oak Street, Terre Haute, Vigo County Indiana 47807

Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-One (31) in Fontaine's Addition, thence East fifty (50) feet, thence South Forty-six (46) feet, thence West fifty (50) feet, thence North forty-six (46) feet to the place of the beginning.  
Commonly known as: 426 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807

33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.  
Commonly known as: 430 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807

61 feet off the North end of Lot 31, Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.  
Commonly known as: 418 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807

Thirty-Two (32) feet off the West side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section Twenty-seven (27) Township Twelve (12) Range Nine (9) made by Charles Dewey as Executor of David Rayond, deceased.  
Commonly known as: 812 Oak Street, Terre Haute, Vigo County Indiana 47807

Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section (27), Township (12), Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.  
Commonly known as: 818 Oak Street, Terre Haute, Vigo County Indiana 47807

Eighteen (18) feet off the East side of Lot Twenty-eight (28), and Fourteen (14) feet off the West side of Lot Twenty-seven (27) both Lots in Fontaine's Addition to the City of Terre Haute, being a subdivision of Lot Four (4) in Dewey's Subdivision of the North West quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.  
Commonly known as: 822 Oak Street, Terre Haute, IN 47807

Be and the same is hereby established as a **R3-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."

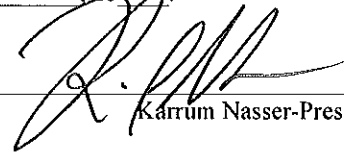
SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.


Presented by Council Member, \_\_\_\_\_

*Earl Elliott*

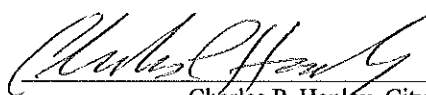
Earl Elliott

Passed in Open Council this 12 day of October, 2017.

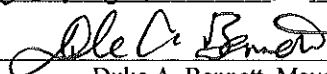
  
Karrim Nasser-President

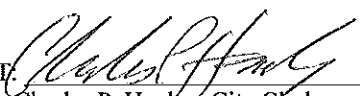
ATTEST:   
Charles P. Hanley, City Clerk

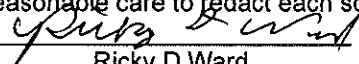
Presented by me to the Mayor of the City of Terre Haute this 13 day of October, 2017.

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13th day of OCTOBER, 2017.

  
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.   
Ricky D Ward

This instrument prepared by: Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47807. Phone: 812-249-9270.

PETITION TO REZONE REAL PROPERTY

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

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Ricky D. Ward**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.  
Commonly known as: **806 Oak Street, Terre Haute, Vigo County Indiana 47807**

Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-One (31) in Fontaine's Addition, thence East fifty (50) feet, thence South Forty-six (46) feet, thence West fifty (50) feet, thence North forty-six (46) feet to the place of the beginning.  
Commonly known as: **426 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

**33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.**  
Commonly known as: **430 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

61 feet off the North end of Lot 31, Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.  
Commonly known as: **418 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Thirty-Two (32) feet off the West side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section Twenty-seven (27) Township Twelve (12) Range Nine (9) made by Charles Dewey as Executor of David Rayond, deceased.  
Commonly known as: **812 Oak Street, Terre Haute, Vigo County Indiana 47807**

Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section (27), Township (12), Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.  
Commonly known as: **818 Oak Street, Terre Haute, Vigo County Indiana 47807**

Eighteen (18) feet off the East side of Lot Twenty-eight (28), and Fourteen (14) feet off the West side of Lot Twenty-seven (27) both Lots in Fontaine's Addition to the City of Terre Haute, being a subdivision of Lot Four (4) in Dewey's Subdivision of the North West quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.  
Commonly known as: **822 Oak 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 **R1 – Single Family Residence District. R2 – Two Family Residence District. R3 General Residence District.**

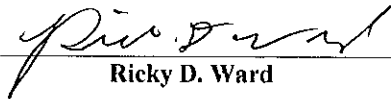
Your petitioner would respectfully state that the real estate is now **apartments**. Your petitioner intends to use the real estate to **continued use as apartments**.

Your petitioner would request that the real estate described herein shall be zoned as a **R3-General Residence District**. Your petitioner would allege that the **R3-General Residence District** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R3-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 WITNESS WHEREOF, This petition has been duly executed this 08<sup>th</sup> day of September, 2017.

BY:   
Ricky D. Ward

PETITIONER: Freeman Chase, LLC (Ricky D. Ward Sole Member)

This instrument was prepared by Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47639.

# Site Plan Freeman Chase, LLC



Receipt

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

Date: 9/8/17

Name: Freeman Chase LLC / Ricky Ward

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: 45.00

Check: \_\_\_\_\_

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

Total: \$45.00

TERRE HAUTE, IN  
PAID  
SEP 08 2017  
CONTROLLER

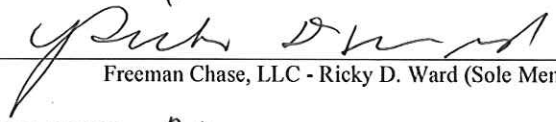
Received By: L. Ellington

**AFFIDAVIT OF:**

COMES NOW affiant **Ricky D. Ward**

and affirms under penalty of law that affiant is the owner of record of the property located at 418 S. 8<sup>th</sup> St, 426 S. 8<sup>th</sup> St, 430 S. 8<sup>th</sup> St, 806 Oak St, 812 Oak St, 818 Oak St, and 822 Oak Street for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

  
Freeman Chase, LLC - Ricky D. Ward (Sole Member)

SIGNATURE: n/a

SIGNATURE: n/a

STATE OF INDIANA  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Sullivan, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 8<sup>th</sup> day of September, 2017.

Notary Public:

  
[Typed name]

My Commission Expires: 7/29/2023

My County Of Residence: Sullivan



CERTIFIED TRUE COPY

WARRANTY DEED

This Indenture Witnesseth that Ricky D. Ward, a competent adult, of Vigo County, State of Indiana, Conveys and Warrants to Freeman Chase, LLC, a limited liability company, organized and existing under the laws of the State of Indiana, of Vigo 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 real estate in Vigo County, State of Indiana, to-wit:

Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.

Also

Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-One (31) in Fontaine's Addition, thence East fifty (50) feet, thence South forty-six (46) feet, thence West fifty (50) feet, thence North forty-six (46) feet to the place of beginning known as 426 South 8<sup>th</sup> Street, Terre Haute, Indiana.

Also

33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.

Also

61 feet off the North end of Lot 31, Fontaines Addition to the City of Terre Haute, as per recorded Plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.

Also

Thirty-Two (32) feet off the West side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section Twenty-seven (27) Township Twelve (12) Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.

Also

Lot Number 30 in Fontaine's Addition to Terre Haute the same being a Subdivision of Lot 4 in the Subdivision of the North West Quarter of Section Twenty-seven (27), Township Twelve (12), Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.

Subject to all rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Grantor warrants that he is the same person who has taken title to several of the tracts hereinabove described which were conveyed to him under the name and style of Ricky Dean Ward and that Ricky Dean Ward and Ricky D. Ward are one and the same person.

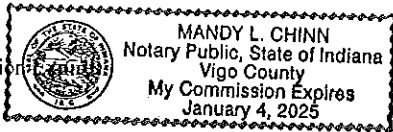
IN WITNESS WHEREOF, The said grantor above named has hereunto set his hand and seal,  
this 18 day of August, 2017.

Ricky D. Ward  
Ricky D. Ward

STATE OF INDIANA, COUNTY OF VIGO ) SS:

Before me, a Notary Public in and for said county and state, this 18 day of August, 2017, personally appeared Ricky D. Ward, a competent adult, who acknowledged the execution of the foregoing Warranty Deed to be his voluntary act and deed and stated that the representations therein contained are true as he verily believes.

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

My Commission Expires 11/4/25  Mandy L. Chinn, Notary Public  
A resident of Vigo County, Indiana

Mail Tax Duplicates to: 1843 E Sierra Dr., Haubstadt, IN 47639

Mailing address of the real estate is: 812 Oak St., Terre Haute, IN 47807

Mailing address of the Grantee is: 1843 E. Sierra Dr., Haubstadt, IN 47639

This instrument prepared by: C. Don Nattkemper, Attorney at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 47803.

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. /s/ C. Don Nattkemper

JUL 25 2017



*James W. Brann*  
VIGO COUNTY AUDITOR  
**LIMITED LIABILITY COMPANY  
WARRANTY DEED**

THIS INDENTURE WITNESSETH that ROI Development, LLC, a limited liability company, originally organized under the laws of the State of Indiana (hereinafter referred to as Grantor), for and in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby CONVEYS, GRANTS and WARRANTS to Ricky Ward, of the State of Indiana (hereinafter referred to as Grantee), the following described real estate in Vigo County in the State of Indiana, to-wit:

Eighteen (18) feet off the East side of Lot Twenty-eight (28), and Fourteen (14) feet off the West side of Lot Twenty-seven (27) both Lots in Fontaine's Addition to the City of Terre Haute, being a subdivision of Lot Four (4) in Dewey's Subdivision of the North West quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West.

Commonly known as: 822 Oak Street, Terre Haute, IN 47807

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Warranty Deed, that they have been fully empowered by the Articles of Organization of Grantor and proper resolution of Grantor 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; Grantor further states under oath that no Indiana gross income tax is due or payable with respect to the transfer of the above-described real estate.

Grantor certifies that the above-described real estate is not "property" as defined by I.C. 13-11-2-174 and that the above-described real estate does not contain facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022) and is not the site of underground storage tanks for which notification is required under 42 U.S.C. 8991a or L.C. 13-23-1-21(8)(A) and is not listed on the Comprehensive Environmental Response System (CERLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616), and that, consequently, no disclosure document under Indiana Code 13-25-3-1 et seq. (Indiana Responsible Transfer Law) is required for this transaction.

IN WITNESS WHEREOF, ROI Development, LLC, has caused this deed to be executed in its name and on its behalf by its duly authorized Member, this 21 day of July, 2017.

ROI Development, LLC

By: [Signature]  
Michael S. Rowe, Authorized Member

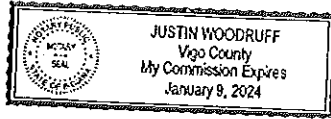
STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, the undersigned, a Notary Public in and for said County and State, this 21 day of July, 2017, personally appeared: Michael S. Rowe, and being first duly sworn and on his oath, stated that he is the Authorized Member of ROI Development, LLC, and that as such Member he is duly authorized by the Members of the Company to make, execute, and deliver this instrument for and on behalf of said Company and acknowledged the execution of the above and foregoing instrument as his/her/their free and voluntary act for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

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

[Signature]  
Notary Public  
Printed: \_\_\_\_\_  
Residing in \_\_\_\_\_ County



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.

John A. Gurchiek, Esq.

Mail Tax Statements To Grantee at: Ricky Ward, 1843 E. Sierra Dr., Haubstadt, IN 47639.

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., Terre Haute, IN 47807.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.

CMT: 17 0740



TERRE HAUTE  
AUGUST 1807

# 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

OCT 05 2017

CITY CLERK

DATE: October 5, 2017

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #52-17

CERTIFICATION DATE: October 4, 2017

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. 52-17. This Ordinance is a rezoning of the property located on 8<sup>th</sup> Street and Oak Street. The Petitioner, Freeman Chase, LLC petitioned the Plan Commission to rezone said real estate from zoning classification R-1, R-2 and R-3 to R-3, General Residence District, for Multifamily Residential Use. 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. 52-17 at a public meeting and hearing held Wednesday, October 4, 2017. 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. 52-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 52-17 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. 52-17 was FAVORABLE WITH THE FOLLOWING CONDITION: 1.) A detailed site plan for any new development be approved by City Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jafed Bayler.

Jafed Bayler, Executive Director

Received this 5th day of October, 2017