

SPECIAL ORDINANCE NO. 58, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:  
1255 Locust Street  
Terre Haute, IN 47807

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Rezone From: C-2 Community Commercial District

Rezone To: C-1 Neighborhood Commercial District

Proposed Use: Service Station (Uniform Zoning to Adjoining Parcel)

Name of Owners: AKAL Investments Inc.

Address of Owners: 435 Virginia Ave #707  
Indianapolis, IN 46203

Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

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

For Information Contact:  Owner  Attorney

Council Sponsor: Martha Crossen

=====  
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

OCT 04 2017

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 58, 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 ORDANED 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:

Lot 133 and the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 1255 Locust Street, Terre Haute, Indiana 47807.

Be and the same is hereby established as a C-1 Neighborhood Commercial 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, Martha Crossen  
Martha Crossen, Councilperson

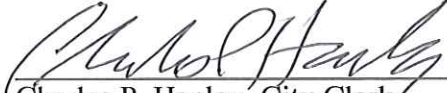
Passed in open Council this 9<sup>th</sup> day of November, 2017.

Karrum Nasser  
Karrum Nasser, President

ATTEST:

Charles P. Hanley  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of November 2017.

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of November, 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.

  
Richard J. Shagley II

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

**PETITION TO REZONE REAL PROPERTY**

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

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

LADIES AND GENTLEMAN:

The undersigned, Varinder Sahi, Authorized Member of AKAL Investments Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot 133 and the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 1255 Locust Street, Terre Haute, Indiana 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-2 Community Commercial District.

Your Petitioner intends to use this real estate for a service station (uniform zoning to adjoining parcel). Your Petitioner would request that the real estate described herein shall be zoned as an C-1 Neighborhood Commercial District.

Your Petitioner would allege that the C-1 Neighborhood Commercial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood and Petitioner is the owner of the parcel of real estate directly West of the above-described real estate.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-1 Neighborhood Commercial 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 30<sup>th</sup> day of September, 2017.

**PETITIONER:**

AKAL INVESTMENTS INC.

By:   
Varinder Sahi, Member

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



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

APR 21 2015

*Timothy M. Spivey*  
VIGO COUNTY AUDITOR

2015003923 WD \$22.00  
04/21/2015 12:04:57P 4 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



EXEMPT FROM DISCLOSURE FEE

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Kwick Mart, Inc., an Indiana corporation, a corporation organized and existing under the laws of the State of Indiana

CONVEYS AND WARRANTS TO

Akal Investments Inc., an Indiana corporation, for Ten Dollars 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:

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors 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, the Grantor has executed this deed this 10 day of April, 2015.

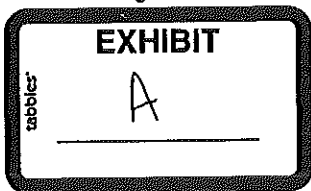
Kwick Mart, Inc., an Indiana corporation

*Pafshotam Sandhu*  
\_\_\_\_\_  
Pafshotam Sandhu, President

*Varinder Sahi*  
\_\_\_\_\_  
Varinder Sahi, Vice President

MTC File No.: 14-44561(CWD)

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State of Indiana, County of Hamilton ss:

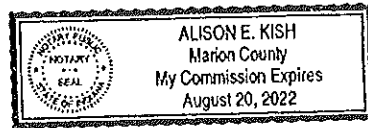
Before me, a Notary Public in and for said County and State, personally appeared **Parshotam Sandhu, President and Varinder Sahi, Vice President of Kwick Mart, Inc., an Indiana corporation**, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who having been duly sworn, stated that the representations contained therein are true.

WITNESS, my hand and Seal this 16 day of April, 2015.

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

Alison Kish  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public



\_\_\_\_\_  
Notary Public County and State of Residence

**This instrument was prepared by:**  
Andrew R. Drake, Attorney-at-Law  
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

**Grantee's Address and Mail Tax Statements To:**  
435 Virginia Ave, #707  
Indianapolis, IN, 46203

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. Andrew R. Drake



**EXHIBIT A**

Parcel 1: (301 South 3rd Street, Terre Haute, IN 47807)

Tract 1: Part of the original in lots of the town and now City of Terre Haute, Harrison Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows: Beginning at a P.O.T. at the intersection of South Third Street and Poplar Streets and running South 89 degrees 58 minutes 56 seconds West (assumed bearing) 49.50 feet and South 00 degrees 02 minutes 52 seconds West 37.5 feet to the point of beginning of this description and the Northeast corner of the original Lot 112; thence running South 00 degrees 02 minutes 52 seconds West along the West right of way line of South Third Street as it now exists 203.50 feet; thence running South 89 degrees 58 minutes 56 seconds West 148.68 feet; thence North 00 degrees 07 minutes 20 seconds East 203.50 feet to the South line of Poplar Street; thence North 89 degrees 58 minutes 56 seconds East along the South line of Poplar Street 148.42 feet to the point of beginning. Containing 0.696 acres more or less.

Tract 2: Part of the original in lots of the town and now City of Terre Haute, Harrison Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows: Beginning at a P.O.T. at the intersection of South Third Street and Poplar Streets and running South 89 degrees 58 minutes 56 seconds West (assumed bearing) 49.50 feet and South 00 degrees 02 minutes 52 seconds West 32.50 feet to the Northeast corner of the original Lot 112; and South 89 degrees 58 minutes 56 seconds West along the South line of Poplar Street 148.42 feet to the point of beginning of this description; thence South 00 degrees 07 minutes 20 seconds West 203.50 feet; thence South 89 degrees 58 minutes 56 seconds West 31.32 feet; thence North 00 degrees 02 minutes 52 seconds East 40.50 feet; thence South 89 degrees 58 minutes 56 seconds West 160.18 feet; thence North 00 degrees 02 minutes 52 seconds East 163.00 feet to the South line of Poplar Street; thence North 89 degrees 58 minutes 56 seconds East 191.74 feet to the point of beginning. Containing 0.745 acres more or less.

Tract 3: Easement as set forth in Warranty Deed dated April 20, 2012, recorded February 7, 2013, as Instrument No. 2013002447, in the Office of the Recorder of Vigo County, Indiana, over real estate, described as follows: Beginning at the Northwest corner of Tract 2 as described above thence running South 00 degrees 02 minutes 52 seconds West 163.00 feet; thence South 89 degrees 58 minutes 56 seconds West 12.5 feet; thence North 00 degrees 02 minutes 52 seconds East 163 feet; thence North 89 degrees 58 minutes 56 seconds East 12.5 feet to the point of beginning.

Parcel 2: (820 West National Avenue, West Terre Haute, IN 47885)

Lots Numbered 148, 149, 150, 151 and Lot 147 EXCEPT 2 feet off the East side of Lot 147, all in Vandalia Place, being a Subdivision of that part of the West half of the Southeast Quarter of Section 19, Township 12 North, Range 9 West, lying between the Paris and National Roads, Vigo County, Indiana.

Parcel 3: (1255 Locust Avenue, Terre Haute, IN 47807)

Lot 133 and the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Parcel 4: (2435 Lafayette Avenue, Terre Haute, IN 47805)

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Lot Numbered One (1) in Stewart's Corner Subdivision, being a Subdivision of a part of the Northeast Quarter of Section 2, Township 12 North, Range 9 West, Vigo County, Indiana, as shown in the recorded Plat thereof as Instrument No. 200304679 of the Records of Vigo County Recorder's Office.

Parcel 5: (9681 East US Highway 40, Seelyville, IN)

Lots 7 & 8 in the Plat of Estates of Orlando C. Dickerson and Anna M. Dickerson, in the Southwest Quarter of Section 11, Township 12 North, Range 8 West, Vigo County, Indiana, as per recorded Plat thereof, recorded in Plat Record 14, page 2 in the Vigo County Recorder's Office.

EXCEPT the coal lying beneath the surface of the above described land.

Parcel 6: (1257 Poplar Street, Terre Haute, IN 47807)

Lots Number 7, 8, and 9 in Mrs. Burt's Subdivision of the East part of Lot No. One in Raymond's Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West of the 2nd Principal Meridian, a subdivision in Vigo County, Indiana.

Parcel 7: Intentionally omitted.

Parcel 8: (1831 North 3rd Street, Terre Haute, IN 47804)

Lots Numbered 103 through 110, inclusive in Peyton Park, a Subdivision of Lots 8 and 11 in the Subdivision of School Section 16, Township 12 North, Range 9 West, in the City of Terre Haute, Vigo County Indiana.

EXCEPT: Those portions conveyed to the State of Indiana as follows: Deed Record 319, page 891 dated October 28, 1959; Deed Record 319, page 690 dated October 14, 1959; Deed Record 319, page 707; and Deed Record 320, page 51 dated October 21, 1959 all in the Recorder's Office of Vigo County, Indiana.

Parcel 9: (2951 South 25th Street, Terre Haute, IN)

A part of 13 1/2 acres off the East end of the South half of the Southwest Quarter of Section 35, Township 12 North, Range 9 West, Vigo County, Indiana, more particularly described as follows: Beginning at the intersection of the West line of 25th Street and the North line of Margaret Avenue, as now located and established in Terre Haute, Indiana; thence North along said West line of 25th Street 100 feet; thence West 150 feet; thence South 100 feet to the North line of said Margaret Avenue; thence East along the said North line of Margaret Avenue 150 feet to the place of beginning.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

AFFIDAVIT

Comes now, Varinder Sahi, Authorized Member of AKAL Investments Inc., being duly sworn upon his oath, deposes and says:

1. That AKAL Investments Inc. is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot 133 and the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 1255 Locust Street, Terre Haute, Indiana 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 Affiants make this Affidavit for the sole purpose of affirming that AKAL Investments 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 AKAL Investments Inc.

4. Further, Affiant saith not.

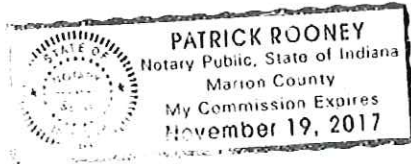
Dated at Terre Haute, Indiana this 30<sup>th</sup> day of September, 2017.

AKAL INVESTMENTS INC.

By: Varinder Sahi  
Varinder Sahi, Member

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 30<sup>th</sup> day of September, 2017.



Patrick Rooney  
, Notary Public

My Commission expires: \_\_\_\_\_  
My County of Residence: \_\_\_\_\_

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

Receipt

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

Date: 10/4/17

Name: AKAL Investments

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

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

Check: #67785 \$45<sup>00</sup>

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

Total: \$45<sup>00</sup>

TERRE HAUTE, IN  
\$45.00  
RECEIVED  
CONTROLLER

Received By: Lelbsty



TERRE HAUTE  
VIGO ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807  
Telephone: (812) 462-3354 Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: November 2, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #58-17

CERTIFICATION DATE: November 1, 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. 58-17. This Ordinance is a rezoning of the property located at 1255 Locust Street. The Petitioner, AKAL Investments Inc. petitioned the Plan Commission to rezone said real estate from zoning classification C-2 to C-1, Neighborhood Commerce District, for a Service Station. 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. 58-17 at a public meeting and hearing held Wednesday, November 1, 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. 58-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 58-17 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. 58-17 was FAVORABLE WITH THE FOLLOWING CONDITION: 1.) Approval of any new land use plans by the City Engineering Department.

A handwritten signature in cursive script, appearing to read "Fred L. Wilson".  
Fred L. Wilson, PresidentA handwritten signature in cursive script, appearing to read "Jared Bayler".  
Jared Bayler, Executive Director

Received this 2nd day of November, 2017