

SPECIAL ORDINANCE NO. 61, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:
100-106 Kent Avenue and
Portion of Vacated Alley South of 100 Kent Avenue
Terre Haute, IN 47804

Rezoned From: R-2 Two-Family Residence District

Rezoned To: C-2 Community Commercial District

Proposed Use: Convenience Mart

Name of Owners: Matthew D. Trembley

Address of Owners: 1035 N. 8th Street
Terre Haute, IN 47807

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

DEC 01 2017

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 61, 2017**

CITY CLERK

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:

Commencing at a point 38.87 feet South of the Northeast Corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), and running thence West 146.45 feet more or less to the Ease line of 19th Street, as now located, thence South 39.70 feet more or less to the alley as now located on the South side of said Lot Number 12; thence East 146.45 feet to 20th Street (Kent Ave.) and thence North 39.70 feet to the point of beginning.

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

Tax Parcel Number: 840-06-23-301-003.000-002

Commonly known as: 100 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-002.000-002

Legal: J H BERRY'S SUB 39.87' N SIDE & 9' ADJ OW (104 KENT AVE) 20070001000 2006024078-07 23-12-9 Lot 12

Commonly known as: 104 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-001.000-002

Legal: BERRY'S SUB IN L & M & 9' ADJ ON WEST (106-08 KENT AVE) 2006000157 2005023985 23-12-9 LOT 11

Commonly known as: 106 Kent Avenue, Terre Haute, IN 47804.

AND

A portion of a public alley in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), more particularly described as follows:

Commencing at the Southwest corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana); thence directly South approximately 15 feet, more or less, to the Northwest corner of Lot 13 in said John H. Berry's Subdivision; thence East approximately 146.45 feet, more or less, along the north boundary line of Lots 13-15 of said John H. Berry's Subdivision to the Northeast corner of said Lot 15; thence North approximately 15 feet, more or less, to the Southeast corner of said Lot 12; thence West approximately 146.45 feet, more or less, along said Lot 12 to the place of beginning.

Commonly known as a Portion of Vacated Alley South of 100 Kent Avenue, Terre Haute, Indiana 47804.

Be and the same is hereby established as a C-2 Community 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.

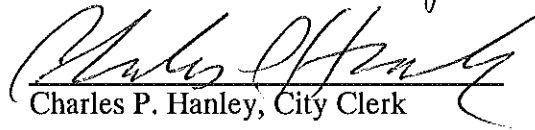
Presented by Council Member, Martha Crossen
Martha Crossen, Councilperson

Passed in open Council this 11th day of January, 2018.

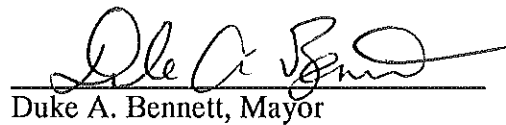
Curtis DeBavin
Curtis DeBavin President
14

ATTEST:
Charles P. Hanley
Charles P. Hanley, City Clerk

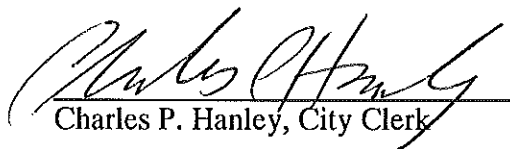
Presented by me, to the Mayor of the City of Terre Haute, this 12th day of January, 2018.


Charles P. Hanley, City Clerk

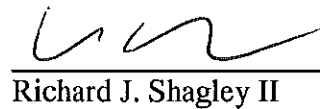
Approved by me, the Mayor of the City of Terre Haute, this 12th day of January, 2018.


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, Matthew D. Trembley, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Commencing at a point 38.87 feet South of the Northeast Corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), and running thence West 146.45 feet more or less to the Ease line of 19th Street, as now located, thence South 39.70 feet more or less to the alley as now located on the South side of said Lot Number 12; thence East 146.45 feet to 20th Street (Kent Ave.) and thence North 39.70 feet to the point of beginning.

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

Tax Parcel Number: 840-06-23-301-003.000-002

Commonly known as: 100 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-002.000-002
Legal: J H BERRY'S SUB 39.87' N SIDE & 9' ADJ OW (104 KENT AVE) 20070001000 2006024078-07 23-12-9 Lot 12

Commonly known as: 104 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-001.000-002
Legal: BERRY'S SUB IN L & M & 9' ADJ ON WEST (106-08 KENT AVE) 2006000157 2005023985 23-12-9 LOT 11

Commonly known as: 106 Kent Avenue, Terre Haute, IN 47804.

AND

A portion of a public alley in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), more particularly described as follows:

Commencing at the Southwest corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana); thence directly South approximately 15 feet, more or less, to the Northwest corner of Lot 13 in said John H. Berry's Subdivision; thence East approximately 146.45 feet, more or less, along the north boundary line of Lots 13-15 of said John H. Berry's Subdivision to the Northeast corner of said Lot 15; thence North approximately 15 feet, more or less, to the Southeast corner of said Lot 12; thence West approximately 146.45 feet, more or less, along said Lot 12 to the place of beginning.

Commonly known as a Portion of Vacated Alley South of 100 Kent Avenue, Terre Haute, Indiana 47804.

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 R-2 Two-Family Residence District.

Your Petitioner intends to use this real estate for a convenience mart. Your Petitioner would request that the real estate described herein shall be zoned as an C-2 Community Commercial District.


Your Petitioner would allege that the C-2 Community Commercial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community 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 29th day of November, 2017.

PETITIONER:

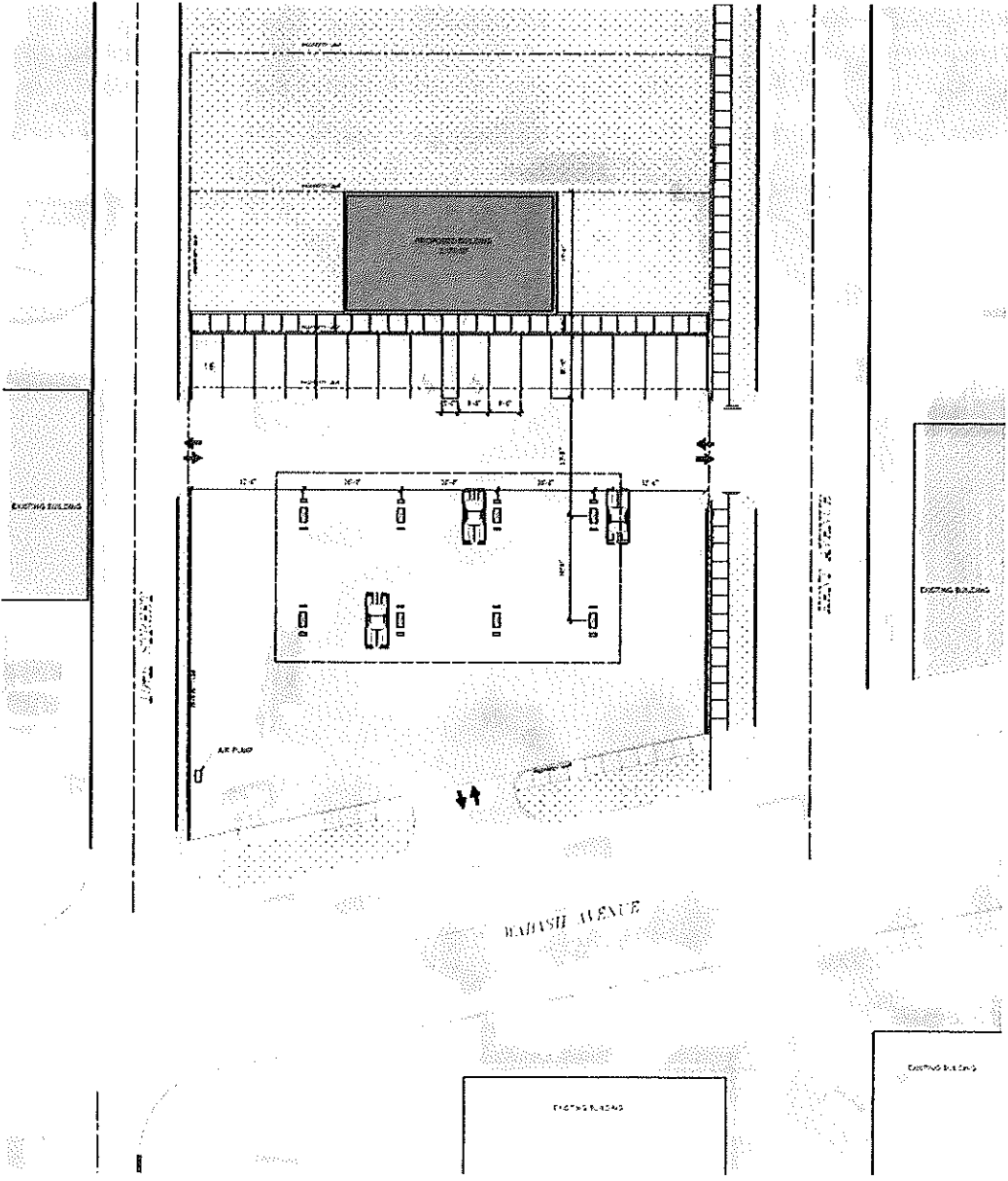
By: 
Matthew D. Trembley

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.


SITE PLAN SPECIAL ORDINANCE NO. 61, 2017

100-106 Kent Avenue and
Portion of Vacated Alley South of 100 Kent Avenue
Terre Haute, IN 47804

Currently Zoned: R-1
Proposed Zoning: C-2
Proposed Use: Convenience Mart



SITE PLAN
SCALE: 1/8" = 1'-0"



CTD HOLDER

100-106 Kent Avenue
Terre Haute, IN 47804
100-106 Kent Avenue
Terre Haute, IN 47804

SCOPE DOCUMENT

This document is a part of the planning process for the proposed project. It is intended to provide information to the public and the community about the project and the proposed zoning. The information provided in this document is for informational purposes only and does not constitute a guarantee or warranty of any kind. The information provided in this document is subject to change without notice and is not intended to be used for any other purpose.

PREPARED BY:
CITY OF TERRE HAUTE

DATE:
10/10/17

REVISIONS

NO.	DATE	DESCRIPTION

INSTRUCTIONS FOR:
19th & WABASH
TERRE HAUTE, INDIANA

SHEET DESCRIPTION: PROPOSED SITE PLAN

NO.:
A0.1

DATE:
A17-032

JUL 03 1996

90307300081

Judith Anderson
AUDITOR VIGO COUNTY

WARRANTY DEED

THIS INDENTURE WITNESSETH, That SANDRA S. WILLIS (hereinafter referred to as Grantor), 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, CONVEYS and WARRANTS unto MATTHEW D. TREMBLEY (hereinafter referred to as Grantee), the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Commencing at a point 39.87 feet South of the Northeast Corner of Lot Number 12 in John W. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), and running thence West 146.45 feet more or less to the East line of 19th Street, as now located, thence South 39.70 feet more or less to the alley as now located on the South side of said Lot Number 12; thence East 146.45 feet to 20th Street (Kent Ave.) and thence North 39.70 feet to the point of beginning.

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

Subject to Indiana real property taxes prorated to date hereof.

IN WITNESS WHEREOF, the above referred to Grantor has hereunto set her hand and seal this 1ST day of JULY, 1996.

Sandra S. Willis (SEAL)
Sandra S. Willis

STATE OF INDIANA)
COUNTY OF VIGO) SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 1ST day of JULY, 1996, personally appeared Sandra S. Willis and, being duly sworn on oath, stated that the representations contained in the foregoing deed are true and acknowledged the execution of this conveyance to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.



Melissa Dunbar
Notary Public
MELISSA DUNBAR
Printed or typewritten name of Notary

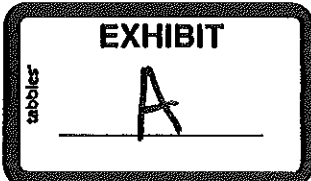
INDEXED

My Commission Expires:
JANUARY 10, 1997

My county of residence is: VIGO

THIS INSTRUMENT PREPARED BY: *Ronald E. Jumps*
Ronald E. Jumps, Attorney at Law

MAIL TAX STATEMENTS TO: *Matthew: 1035 North Kent Street*
Jane Haute, IN 47807

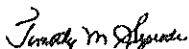


RECEIVED FOR RECORD THE 3 DAY OF July 1996 AT 10:30 O'CLOCK AM
RECORD 491 PAGE 2519 MARY SHANNON RECORDER

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2011015609 TAX DEED \$16.00
11/28/2011 02:43:37P 1 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

NOV 28 2011



VIGO COUNTY AUDITOR
Prescribed by the State Board of Accounts

EXEMPT FROM DISCLOSURE

TAX DEED

WHEREAS MATTHEW TREMBLEY did the 21st day of October, 2011 produce to the undersigned, TIMOTHY M. SEPRODI Auditor of the County of Vigo in the State of Indiana, a certificate of sale dated the 18th day of April, 2011, signed by TIMOTHY M. SEPRODI who, at the date of sale, was Auditor of the County, from which it appears that MATTHEW TREMBLEY on the 18th day of April, 2011, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of \$301.00 THREE HUNDRED ONE AND 00/100 DOLLARS, being the amount due on the following tracts of land returned delinquent in the name DANG TUAN S for 2009 and prior years, namely:

Key No. 84-06-23-301-002.000-002
Legal: J H BERRY'S SUB 39.87' N SIDE & 9' ADJ OW (104 KENT AVE) 2007000100 2006024078-079 23-12-9 LOT 12
Common: 104 Kent Ave., Terre Haute, IN

Such real property has been recorded in the Office of the Vigo County Auditor as delinquent for the nonpayment of taxes and proper notice of the sale has been given. It appearing that MATTHEW TREMBLEY is the owner of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that the undersigned has received a court order for the issuance of a deed for the real property described in the certificate of sale, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for 2009 and prior years.

THEREFORE, this indenture, made this 16th day of November, 2011 between the State of Indiana by TIMOTHY M. SEPRODI Auditor of Vigo County, of the first part, and MATTHEW TREMBLEY of the second part, witnesseth; That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second part, their heirs and assigns, the real property described in the certificate of sale, situated in the County of Vigo, and State of Indiana, namely and more particularly described as follows:

Key No. 84-06-23-301-002.000-002
Legal: J H BERRY'S SUB 39.87' N SIDE & 9' ADJ OW (104 KENT AVE) 2007000100 2006024078-079 23-12-9 LOT 12
Common: 104 Kent Ave., Terre Haute, IN

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered by law to convey the same.

In testimony whereof, TIMOTHY M. SEPRODI, Auditor of Vigo County, has hereunto set his/her hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.

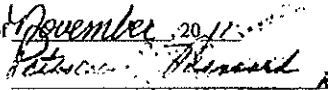


Attest: DAVID R. CROCKETT
Treasurer: Vigo County

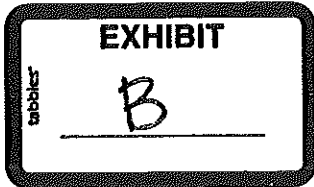
Witness: 
TIMOTHY M. SEPRODI, Auditor of Vigo County

State of Indiana)
) SS.
County of Vigo)

Before me, the undersigned, PATRICIA MANSARD, in and for said County, this day, personally called the above named TIMOTHY M. SEPRODI, Auditor of said County, and acknowledged that he/she signed and sealed the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 16th day of November, 2011.

PATRICIA MANSARD, Clerk of Vigo County

This instrument prepared by TIMOTHY M. SEPRODI, Auditor
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. TIMOTHY M. SEPRODI, Auditor
Post Office address of grantee: MATTHEW TREMBLEY
1035 N 8th Street
Terre Haute, IN 47807



DULY ENTERED FOR TAXATION
 Subject to final acceptance for transfer

SEP 06 2013

EXEMPT FROM DISCLOSURE FEE

Timothy M. Seprodi
 Presently by the State Board of Accounts
 VIGO COUNTY AUDITOR

2013011713 TAX DEED \$16.00
 09/06/2013 01:41:50P 1 PGS
 NANCY S. ALLSUP
 VIGO County Recorder IN
 Recorded as Presented

TAX DEED

WHEREAS MATTHEW TREMBLEY did the 17th day of August, 2013 produce to the undersigned, TIMOTHY M. SEPRODI Auditor of the County of Vigo in the State of Indiana, a certificate of sale dated the 18th day of March, 2013, signed by Timothy M. Seprodi who, at the date of sale, was Auditor of the County, from which it appears that MATTHEW TREMBLEY on the 18th day of March, 2013, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of \$251.00 TWO HUNDRED FIFTY-ONE AND 00/100 DOLLARS, being the amount due on the following tracts of land returned delinquent in the name DANG TUAN S for 2011 and prior years, namely:

Key No: 84-06-23-301-001.000-002
 Legal: BERRYS SUB IN L & M & 9' ADJ ON WEST (106-08 KENT AVE) 2006000157 2005023985 23-12-9 LOT 11
 Common: 106 Kent Avenue, Terre Haute, Indiana

Such real property has been recorded in the Office of the Vigo County Auditor as delinquent for the nonpayment of taxes and proper notice of the sale has been given. It appearing that MATTHEW TREMBLEY is the owner of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that the undersigned has received a court order for the issuance of a deed for the real property described in the certificate of sale, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for 2011 and prior years.

THEREFORE, this indenture, made this 30th day of August, 2013 between the State of Indiana by TIMOTHY M. SEPRODI Auditor of Vigo County, of the first part, and MATTHEW TREMBLEY of the second part, witnesseth; That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second part, their heirs and assigns, the real property described in the certificate of sale, situated in the County of Vigo, and State of Indiana, namely and more particularly described as follows:

Key No: 84-06-23-301-001.000-002
 Legal: BERRYS SUB IN L & M & 9' ADJ ON WEST (106-08 KENT AVE) 2006000157 20050223985 23-12-9 LOT 11
 Common: 106 Kent Avenue, Terre Haute, Indiana

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered by law to convey the same.

In testimony whereof, TIMOTHY M. SEPRODI, Auditor of Vigo County, has hereunto set his/her hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.

James W. Bramble
 Attest: JAMES W. BRAMBLE
 Treasurer: Vigo County

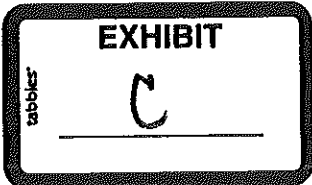
Witness: *Timothy M. Seprodi* (In S.)
 TIMOTHY M. SEPRODI, Auditor of Vigo County

State of Indiana }
 County of Vigo } SS.

Before me, the undersigned, DAVID R. CROCKETT, in and for said County, this day, personally came the above named TIMOTHY M. SEPRODI, Auditor of said County, and acknowledged that he/she signed and sealed the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 30th day of August, 2013
David R. Crockett
 DAVID R. CROCKETT, Clerk of Vigo County

This instrument prepared by TIMOTHY M. SEPRODI, Auditor
 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. TIMOTHY M. SEPRODI, Auditor
 Post Office address of grantee: MATTHEW TREMBLEY
 1035 N 8th Street
 Terre Haute, IN 47807



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Matthew D. Trembley, being duly sworn upon his oath, deposes and says:

1. That Matthew D. Trembley 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:

Commencing at a point 38.87 feet South of the Northeast Corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), and running thence West 146.45 feet more or less to the Ease line of 19th Street, as now located, thence South 39.70 feet more or less to the alley as now located on the South side of said Lot Number 12; thence East 146.45 feet to 20th Street (Kent Ave.) and thence North 39.70 feet to the point of beginning.

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

Tax Parcel Number: 840-06-23-301-003.000-002

Commonly known as: 100 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-002.000-002
Legal: J H BERRY'S SUB 39.87' N SIDE & 9' ADJ OW (104 KENT AVE) 20070001000 2006024078-07 23-12-9 Lot 12

Commonly known as: 104 Kent Avenue, Terre Haute, Indiana 47804.

AND

Key No. 84-06-23-301-001.000-002
Legal: BERRY'S SUB IN L & M & 9' ADJ ON WEST (106-08 KENT AVE) 2006000157 2005023985 23-12-9 LOT 11

Commonly known as: 106 Kent Avenue, Terre Haute, IN 47804.

AND

A portion of a public alley in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana), more particularly described as follows:

Commencing at the Southwest corner of Lot Number 12 in John H. Berry's Subdivision of the South part of Lot Number 1 in Linton and Madrigal's Subdivision of part of the West Half of Section 23, Township 12 North, Range 9 West, in Vigo County, Indiana (being an addition to or in the City of Terre Haute, Indiana); thence directly South approximately 15 feet, more or less, to the Northwest corner of Lot 13 in said John H. Berry's Subdivision; thence East approximately 146.45 feet, more or less, along the north boundary line of Lots 13-15 of said John H. Berry's Subdivision to the Northeast corner of said Lot 15; thence North approximately 15 feet, more or less, to the Southeast corner of said Lot 12; thence West approximately 146.45 feet, more or less, along said Lot 12 to the place of beginning.


Commonly known as a Portion of Vacated Alley South of 100 Kent Avenue, Terre Haute, Indiana 47804.

2. That copies 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 Exhibits A, B and C.

3. That Affiants make this Affidavit for the sole purpose of affirming that Matthew D. Trembley. 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 Matthew D. Trembley.

4. Further, Affiant saith not.

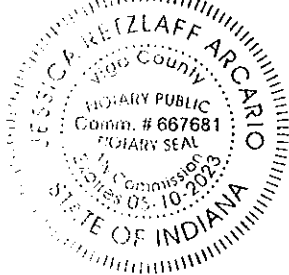
Dated at Terre Haute, Indiana this 29th day of November, 2017.

By: 
Matthew D. Trembley

[Notary to follow.]

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said
County and State, this 29th day of November, 2017.



Jessica Arcario
Jessica Arcario, Notary Public

My Commission expires: 5/10/23

My County of Residence: Vigo

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: 12/1/17

Name: Matthew D. Trembley

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: _____

Check: # 67893 45.00

Credit: _____

Total: 45.00

Received By: *Zellis*

TERRE HAUTE, IN
CLAY COUNTY
CONTROLLER



Area Planning Department For Vigo County

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

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: January 4, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #61-17

CERTIFICATION DATE: January 4, 2018

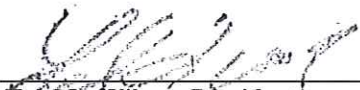
TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 61-17. This Ordinance is a rezoning of the property located at 100-106 Kent Avenue and portion of vacated alley South of 100 Kent Ave. The Petitioner, Matthew D. Trembley, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Community Commercial District, for a convenience mart. 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. 61-17 at a public meeting and hearing held Wednesday, January 3, 2018.. 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. 61-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 61-17 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. 61-17 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) All outdoor off-site advertising regulations must be met; 2) A detailed Site Plan be submitted and approved by City Engineering Department showing the required 50 foot buffer area against residential.


Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 4th day of January, 2018

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 66-17

Doc: # 89

Date: January 2018

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Mathew D. Trembly

Property Owner: Same-As-Above

Representative: Richard J. Shagley II

Proposed Use: Convenience Mart

Proposed Zoning: C-2, Community Commerce District

Current Zoning: R-2, Two Family Residence District

Location: The property is located north of Wabash Ave behind an alley with Kent Ave. on the east and 19th St. on the West.

Common Address: 100-106 Kent Ave., Terre Haute, Indiana 47804

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

Available Services: Area is well served by utilities.

Street Access: Wabash Ave. 19th St. or Kent Ave.

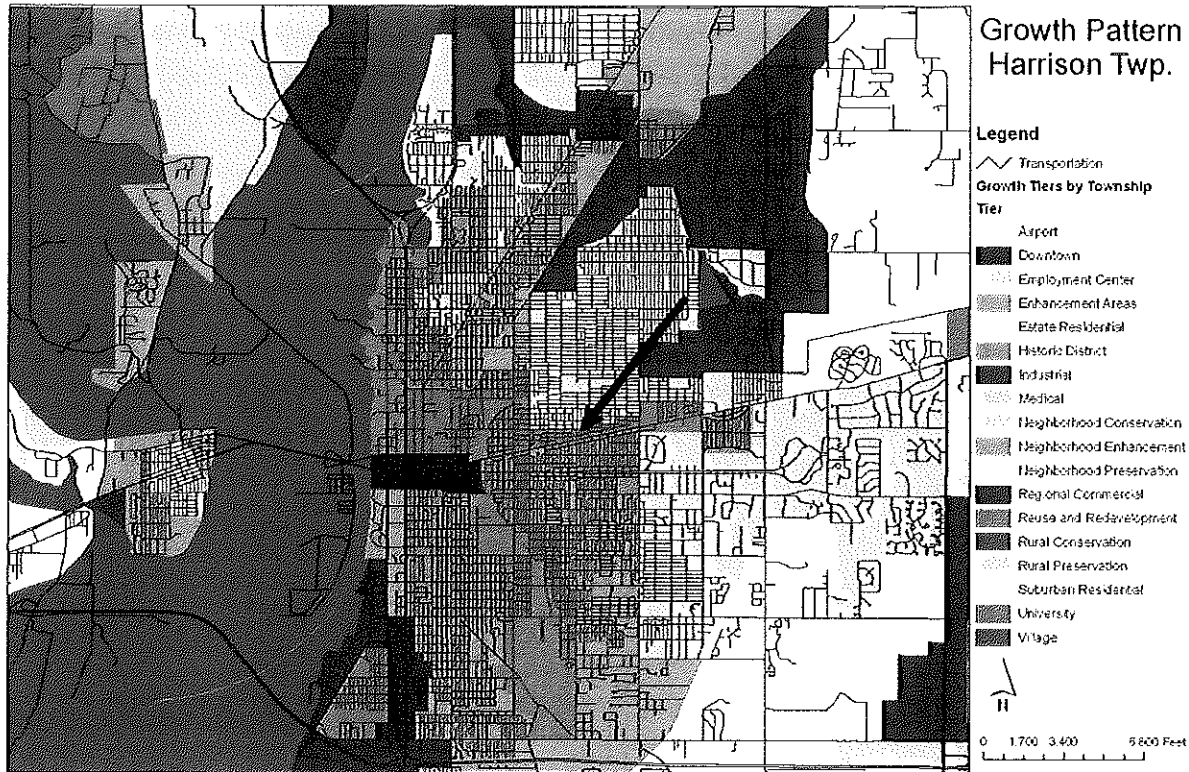
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 66-17

Doc: # 89

Date: January 2018

Page 2 of 4



ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two Family Residential District
East – R-1, Residential District & C-6
South – C-2, Community Commerce District
West – R-2, Two Family Residential District

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 66-17

Doc: # 89

Date: January 2018

Page 3 of 4

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FINDINGS and RECOMMENDATION

Staff Findings:

The property owners have requested to rezone this property as a portion of the site upon which a convenience Mart is to be constructed. Careful site planning will be required. The C-2 zoning has a max building size of 10,000 sq. ft. Also, a 50 ft. buffer against residencies must be maintained. Visual screening of parking areas needs to be installed and maintained.

There is a platted alley to the south that will need to be vacated. Also the property to the south contains 6 different lots that will need to be combined or replatted into one. A replat is suggested so as to combine the petitioned property with the alley and the 6 other lots. If not replatted with the lots to the south the minimum 50ft buffer cannot be met as the lot width of the petitioned property is only 39.7 feet. If the subdivision is not completed the petitioned property could be rendered useless.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 66-17

Doc: # 89

Date: January 2018

Page 4 of 4

There is also an onsite billboard sign. Regulations regarding the sign and off site advertising must be met.

Recommendation: Staff has a Favorable Recommendation on the C-2 Community Commercial District at this location with the following conditions.

1. All outdoor off site advertising regulations must be met.
2. A detailed site plan be submitted and approved to City Engineering showing the required 50ft. buffer area against residential.