

SPECIAL ORDINANCE NO. 26, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

3951 East Margaret Avenue, Terre Haute, IN 47803

Rezone From: R-1 Single Family Residence District

Rezone To: C-3 Regional Commerce District

Proposed Use: Entry-way to a Heavy Machinery Dealership

Name of Owner: Scott C. Dyer
Address of Owner: 3951 E. Margaret Drive
Terre Haute, IN 47803

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

Attorney Representing Owner: 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: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAY 05 2017

SPECIAL ORDINANCE NO. 26, 2017

CITY CLERK

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

SECTION 1. BE IT ORDIANED 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:

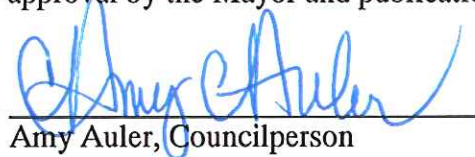
Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

be the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges 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 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,


Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2017.

Karrum Nasser, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2017.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 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, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Scott C. Dyer respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

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Parcel No. 84-09-01-201-006.000-005

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-1 Single-Family Residential District.

Your Petitioner would respectfully state that the real estate is now a single-family home. The Petitioner intends to sell the real estate for the use of an entry-way to a heavy machinery dealership adjacent to this real estate.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the C-3 Regional Commerce 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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits

that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this _____ day of _____, 2017.

PETITIONER:



Scott C. Dyer

Richard Shagley for Scott Dyer

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

BY: 

Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3951 E. Margaret Drive, Terre Haute, IN 47803

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


3951 E. Margaret Drive, Terre Haute, IN 47803

R-1 to R-3

Proposed Use: Entry-way to a heavy machinery dealership adjacent to this real estate



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2010013735 WD \$18.00
10/15/2010 02:46:36P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


OCT 15 2010

Janet M. Spivey
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH that Dennis R. Pabst, a competent adult, ("Grantor"), of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Scott C. Dyer, of Vigo County, in the State of Indiana, ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as: 3951 East Margaret Avenue
Terre Haute, IN 47803

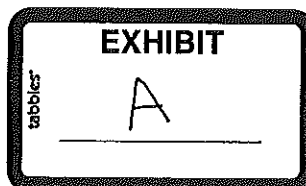
Parcel No. 84-09-01-201-006.000-005

Subject to real estate taxes which Grantee assumes and agrees to pay.

IN WITNESS WHEREOF, Grantor has executed this deed this 14th day of October, 2010.

Dennis R. Pabst

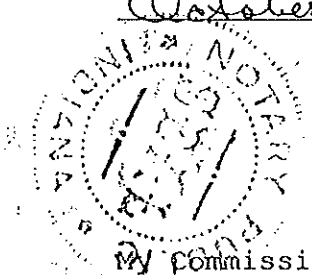
Dennis R. Pabst



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared Dennis R. Pabst, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 14th day of October, 2010.



Joyce Strange
Printed: Joyce Strange
Notary Public, residing in
Clay County, Indiana

My Commission Expires:
2-19-2015

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

Rhonda Oldham
Rhonda Oldham

After recording return to: BRAMES & OLDHAM

Mail tax statements to Grantee's Address:
Scott C. Dyer
3951 East Margaret Drive
Terre Haute, IN 47803

This instrument prepared by Rhonda D. Oldham, BRAMES & OLDHAM, Attorney at Law, 191 Harding Avenue, Terre Haute, Indiana 47807. Phone: 812-238-2421; Facsimile: 812-232-2940; E-Mail: Roldham@BNOLaw.net

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Scott C. Dyer, being duly sworn upon her oaths, depose and say:

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

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

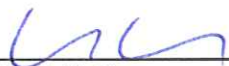
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Parcel No. 84-09-01-201-006.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Scott C. Dyer are attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that she 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 Scott C. Dyer.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5th day of May, 2017.



Scott C. Dyer
Richard Shaefer for Scott Dyer

(Notary Page 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 5th day of May, 2017.

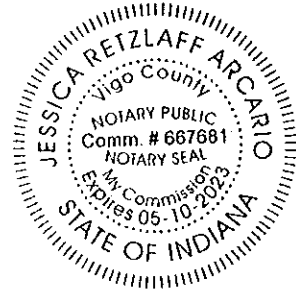
Jessica Arcario
Jessica Arcario, Notary Public

My Commission expires:

5-10-2023

My County of Residence:

Vigo



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

Receipt

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

Date: 5/5/17

Name: Scott Dyer

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
MAY 05 2017
CONTROLLER

Cash: _____

Check: #67326 \$45.00

Credit: _____

Total: \$45.00

Received By: [Signature]