

SPECIAL ORDINANCE NO. 53, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:
1631 Lafayette Avenue, Terre Haute, IN 47804

Rezoned From: R-1 Single Family Residence District

Rezoned To: C-2 Community Commercial District

Proposed Use: Service Station

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: Karrum Nasser

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

SEP 29 2017

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 53, 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:

Lots Number One Hundred Sixteen (116) and One Hundred Seventeen (117) in Highland Place Subdivision, a subdivision of part of the South half of the North East Quarter of Section 10, Township 12 North of Range 9 West of the 2nd principal Meridian.

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.

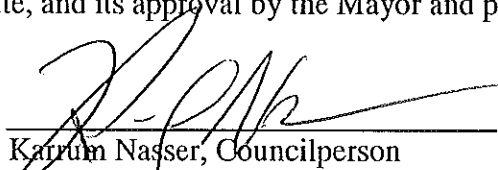
Tax Parcel Number: 84-06-10-276-001.000-002

Commonly known as: 1631 Lafayette Avenue, Terre Haute, Indiana 47807.

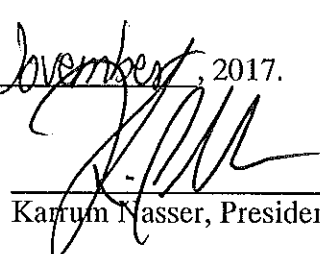
Be and the same is hereby established as a C-2 Community Commercial District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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,


Karim Nasser, Councilperson

Passed in open Council this 9th day of November, 2017.


Karim Nasser, President

ATTEST:


Charles P. Hanley, City Clerk

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


Charles P. Hanley, City Clerk

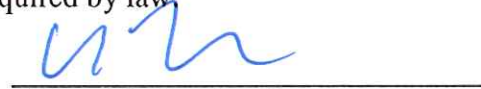
Approved by me, the Mayor of the City of Terre Haute, this 13th day of November, 2017.


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:

Lots Number One Hundred Sixteen (116) and One Hundred Seventeen (117) in Highland Place Subdivision, a subdivision of part of the South half of the North East Quarter of Section 10, Township 12 North of Range 9 West of the 2nd principal Meridian.

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.

Tax Parcel Number: 84-06-10-276-001.000-002

Commonly known as: 1631 Lafayette Avenue, 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 R-1 Single Family Residence District.

Your Petitioner intends to use this real estate for a service station. 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.

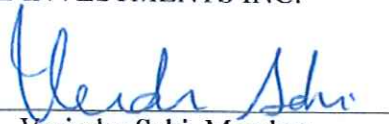
WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 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 28th 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.

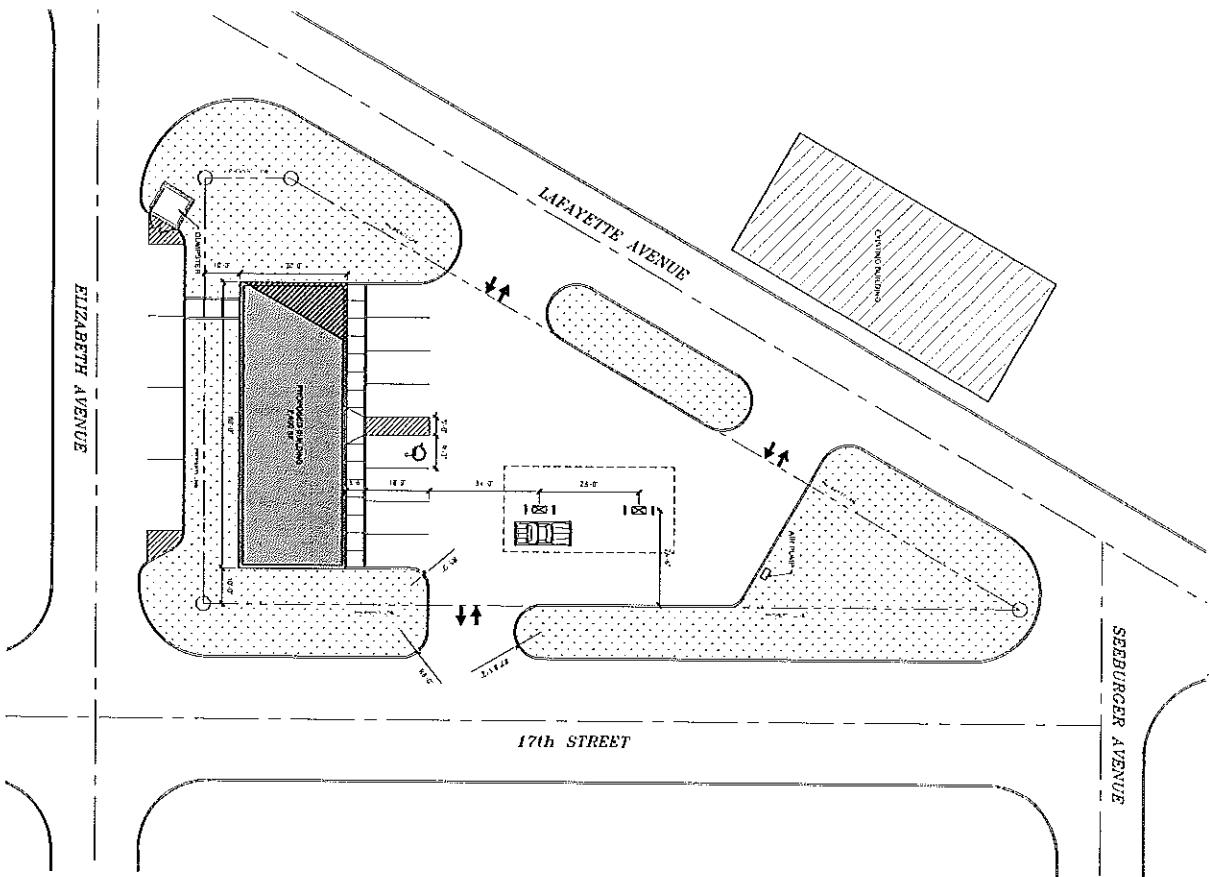
SITE PLAN



 1 SITE PLAN

 NO. 1

 SCALE: 3/16" = 1'-0"



SHEET DESCRIPTION: A0.1 A17-031	INSTRUCTIONS FOR: 17th & LAFAYETTE TERRE HAUTE, INDIANA	DRAWN BY: JRM CHECKED BY: JRM NOT SCALE ASSUMED DATE: 09.28.2017	<p style="font-size: small;"> THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY DECISION. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. </p>	<p style="font-size: small;"> GEORGE JOHNSON HOLDING COMPANY, INC. 1000 N. W. 10th St. Ft. Lauderdale, FL 33304 954.575.1100 </p>
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ENTERED FOR TAXATION
Subject to final acceptance for Trans.

2017009566 HD \$25.00
09/21/2017 03:46:36P 1 PGS
Stacey Joy
VIGO County Recorder IN
Recorded as Presented

SEP 21 2017

James W Bonomo
VIGO COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Tracy D. Pruitt, of Vigo County, State of IN, 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 AKAL Investments Inc., a corporation organized under the laws of the State of IN, the following described real estate situated in the County of Vigo, State of Indiana, to-wit:

Lots Number One Hundred Sixteen (116) and One Hundred Seventeen (117) in Highland Place Subdivision, a subdivision of part of the South half of the North East Quarter of Section 10, Township 12 North of Range 9 West of the 2nd principal Meridian.

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.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Tracy D. Pruitt has hereto set her hand and seal, this 20th day of September, 2017.

Tracy D. Pruitt (SEAL)
Tracy D. Pruitt

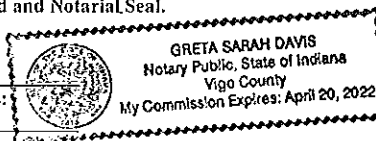
STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 20th day of September, 2017, personally appeared Tracy D. Pruitt and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

My County of residence is:



Greta Sarah Davis
Notary Public
Greta Sarah Davis
Typewritten or printed name of notary

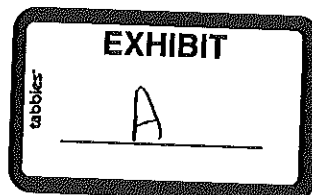
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Donald J. Bonomo
Donald J. Bonomo

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

GRANTEE'S ADDRESS: 1131 Lafayette Ave, Terre Haute, IN 47804

MAIL TAX STATEMENTS TO: 435 Virginia Ave #707 Indianapolis, IN 46203



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:

Lots Number One Hundred Sixteen (116) and One Hundred Seventeen (117) in Highland Place Subdivision, a subdivision of part of the South half of the North East Quarter of Section 10, Township 12 North of Range 9 West of the 2nd principal Meridian.

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.

Tax Parcel Number: 84-06-10-276-001.000-002

Commonly known as: 1631 Lafayette Avenue, 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 28th day of September, 2017.

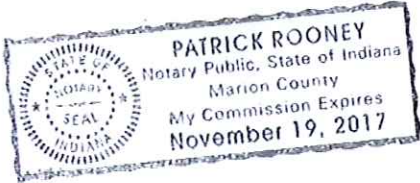
AKAL INVESTMENTS INC.

By: _____


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 28th 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: 9/29/17

Name: AKAL Investments

Reason: Rezoning - Notice of Filing \$25.00
Rezoning - Petition \$20.00
\$45.00

Cash: _____

Check: #67770 \$45.00

Credit: _____

Total: \$45.00

TERRE HAUTE, IN
PAID
SEP 29 2017
CONTROLLER

Received By: L Ellis / g



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 #53-17

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. 53-17. This Ordinance is a rezoning of the property located at 1631 Lafayette Ave. The Petitioner, AKAL Investments, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-2 Community Commercial 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. 53-17 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. 53-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 53-17 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. 53-17 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) BZA approval for relief from the setbacks in a C-2 Community Commercial District.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 2nd day of November, 2017