

SPECIAL ORDINANCE NO. 7, 2018

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

A part of 3751 East Margaret Avenue, Terre Haute, IN 47803

Rezone From: C-2 Community Commerce District

Rezone To: C-3 Regional Commerce District

Proposed Use: Ingress/Egress for a Heavy Machinery Dealership

Name of Owner: Wilton Armstrong
Address of Owner: 335 Villa Lane
Terre Haute, IN 47802

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 04 2018

SPECIAL ORDINANCE NO. 7, 2018

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:

A part of L Dever One Lot Subdivision being in the Northeast Quarter of Section 1, Township 11 North, Range 9 West of the Second Principal Meridian, Honey Creek Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at an iron pin monumenting the North Quarter Corner of said section; thence South 89 degrees 47 minutes 01 second East along the North line of the Northeast Quarter of said section a distance of 130.19 feet to the Northeast Corner of the monumented land in the name of Wilton Armstrong and Marjorie Armstrong (Instrument No. 2007009342); thence continue the previous course a distance of 142.86 feet to a cotton gin spindle and the Point of Beginning of this description; thence South 00 degrees 22 minutes 05 seconds West a distance of 50.00 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015", hereinafter called a monument, on the South right of way line of Margaret Avenue; thence continue the previous course a distance of 252.34 feet to a monument; thence North 88 degrees 03 minutes 01 second West a distance of 133.25 feet to an iron pin with a plastic "Steele" cap monumenting the Southeast Corner of the Armstrong Land; thence North 88 degrees 03 minutes 01 second West along the South line of the Armstrong Land a distance of 104.70 feet to another "Steele" iron pin monumenting the Southwest Corner of the Armstrong Land; thence North 88 degrees 03 minutes 01 seconds West a distance of 2.22 feet to the West line of L Dever One Lot Subdivision also being the East right of way line of Fruitridge Avenue; thence South 04 degrees 39 minutes 17 seconds East along said West line of L Dever One Lot Subdivision a distance of 5.33 feet to an iron pin original to said subdivision; thence South 00 degrees 11 minutes 59 seconds West along the West line of L Dever One Lot Subdivision a distance of 144.96 feet to a monument replacing a broken right of way marker at the Northwest Corner of land in the name of the State of Indiana (Deed Record 341, Page 203-1); thence South 54 degrees 13 minutes 41 seconds East along the Northeast line of the State of Indiana Land a distance of 85.82 feet to an iron pin with a plastic "Keller" cap at the Northeast Corner of the State of Indiana Land; thence South 00 degrees 08 minutes 34 seconds West along the East line of the State of Indiana Land a distance of 110.40 feet to an iron pin with a plastic "Johnson" cap at the Southwest Corner of the L Dever One Lot Subdivision; thence South 89 degrees 46 minutes 13 seconds East along the South line of said subdivision a distance of 238.79 feet to an iron pin at the Southeast Corner of said

subdivision; thence North 00 degrees 22 minutes 05 seconds East along the East line of said subdivision a distance of 555.71 feet to a monument on the South right of way line of Margaret Avenue; thence continue the previous course a distance of 50.00 feet to a cotton gin spindle at the Northeast Corner of said subdivision also being on the North line of the Northeast Quarter of said section; thence North 89 degrees 47 minutes 01 seconds West along said North line a distance of 70.00 feet to the Point of Beginning containing 2.44 acres, more or less.

Subject to all grants, easements, mineral rights, rights of way and restrictions of record.

Commonly known as a part of 3751 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-005.000-005

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.

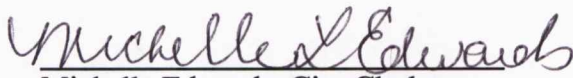
Presented by Council Member,


Amy Auler, Councilperson

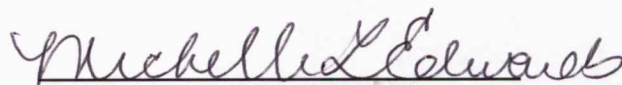
Passed in open Council this 7th day of June, 2018.


Curtis DeBaun, President

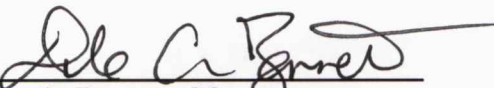
ATTEST:


Michelle Edwards, City Clerk

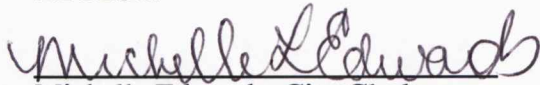
Presented by me, to the Mayor of the City of Terre Haute, this 8th day of June, 2018.


Michelle Edwards, City Clerk

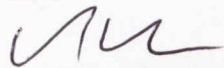
Approved by me, the Mayor of the City of Terre Haute, this 8th day of JUNE, 2018.


Duke A. Bennett, Mayor

ATTEST:


Michelle Edwards, 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, Wilton Armstrong, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

A part of L Dever One Lot Subdivision being in the Northeast Quarter of Section 1, Township 11 North, Range 9 West of the Second Principal Meridian, Honey Creek Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at an iron pin monumenting the North Quarter Corner of said section; thence South 89 degrees 47 minutes 01 second East along the North line of the Northeast Quarter of said section a distance of 130.19 feet to the Northeast Corner of the monumented land in the name of Wilton Armstrong and Marjorie Armstrong (Instrument No. 2007009342); thence continue the previous course a distance of 142.86 feet to a cotton gin spindle and the Point of Beginning of this description; thence South 00 degrees 22 minutes 05 seconds West a distance of 50.00 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015", hereinafter called a monument, on the South right of way line of Margaret Avenue; thence continue the previous course a distance of 252.34 feet to a monument; thence North 88 degrees 03 minutes 01 second West a distance of 133.25 feet to an iron pin with a plastic "Steele" cap monumenting the Southeast Corner of the Armstrong Land; thence North 88 degrees 03 minutes 01 second West along the South line of the Armstrong Land a distance of 104.70 feet to another "Steele" iron pin monumenting the Southwest Corner of the Armstrong Land; thence North 88 degrees 03 minutes 01 seconds West a distance of 2.22 feet to the West line of L Dever One Lot Subdivision also being the East right of way line of Fruitridge Avenue; thence South 04 degrees 39 minutes 17 seconds East along said West line of L Dever One Lot Subdivision a distance of 5.33 feet to an iron pin original to said subdivision; thence South 00 degrees 11 minutes 59 seconds West along the West line of L Dever One Lot Subdivision a distance of 144.96 feet to a monument replacing a broken right of way marker at the Northwest Corner of land in the name of the State of Indiana (Deed Record 341, Page 203-1); thence South 54 degrees 13 minutes 41 seconds East along the Northeast line of the State of Indiana Land a distance of 85.82 feet to an iron pin with a plastic "Keller" cap at the Northeast Corner of the State of Indiana Land; thence South 00 degrees 08 minutes 34 seconds West along the East line of the State of Indiana Land a distance of 110.40 feet to an iron pin with a plastic "Johnson" cap at the Southwest Corner of the L Dever One Lot Subdivision; thence South 89 degrees 46 minutes 13 seconds East along the South line of said subdivision a distance of 238.79 feet to an iron pin at the Southeast Corner of said subdivision; thence North 00 degrees 22 minutes 05 seconds East along the East

line of said subdivision a distance of 555.71 feet to a monument on the South right of way line of Margaret Avenue; thence continue the previous course a distance of 50.00 feet to a cotton gin spindle at the Northeast Corner of said subdivision also being on the North line of the Northeast Quarter of said section; thence North 89 degrees 47 minutes 01 seconds West along said North line a distance of 70.00 feet to the Point of Beginning containing 2.44 acres, more or less.

Subject to all grants, easements, mineral rights, rights of way and restrictions of record.

Commonly known as a part of 3751 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-005.000-005

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 C-2 Community Commerce District.

Your Petitioner would respectfully state that the real estate is now a single-family home. The Petitioners intend to sell the real estate for the use of ingress and egress for a heavy machinery dealership adjacent to this real estate.

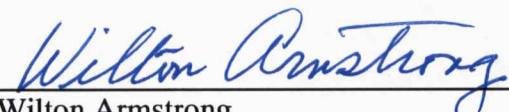
Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood.

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.

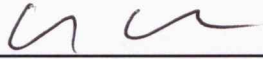
IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 3rd day of May, 2018.

PETITIONER:



Wilton Armstrong

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

BY: 

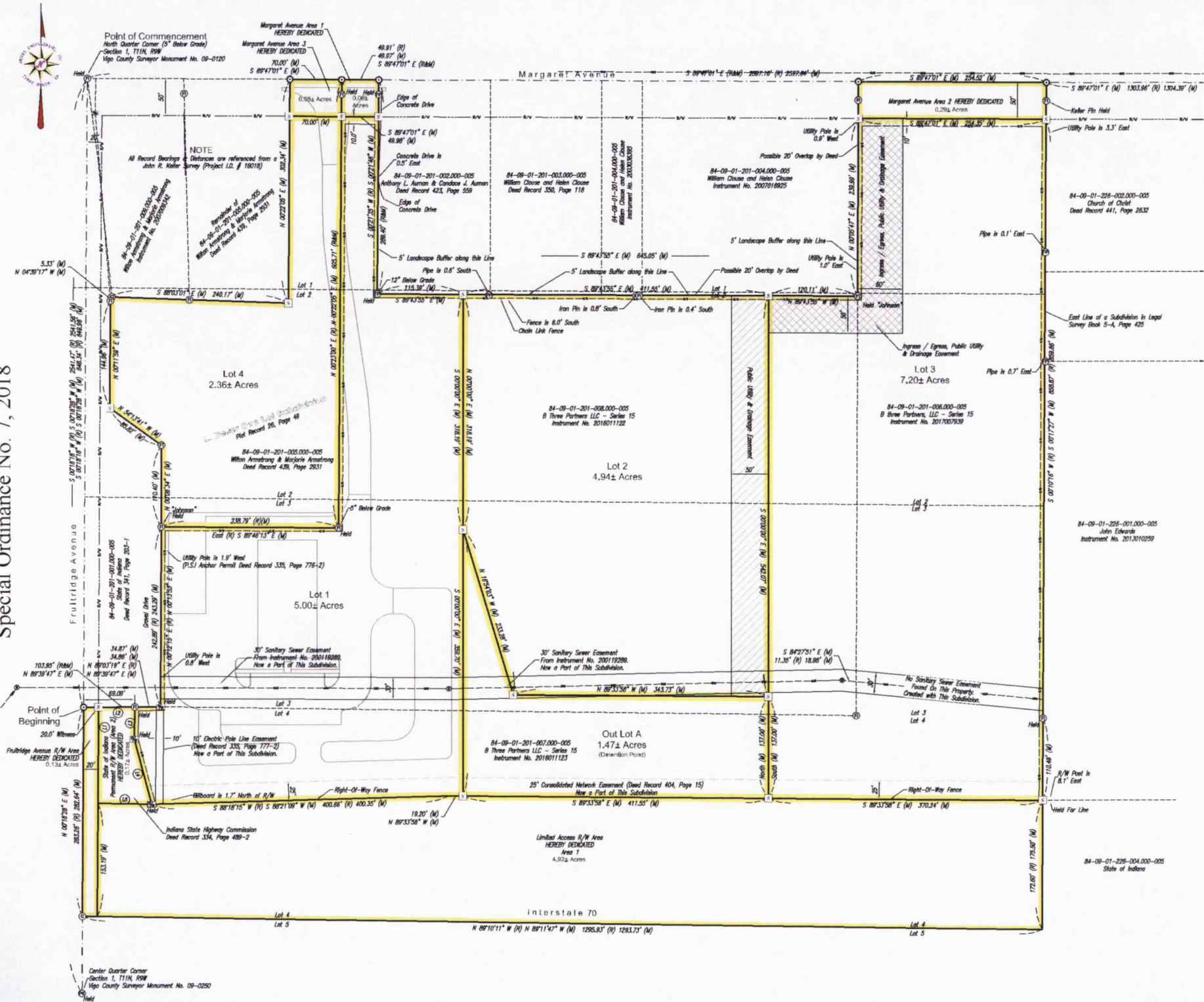
Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 335 Villa Lane, Terre Haute, IN 47802

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. 7, 2018



OCT 21 2005


VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Phelps Farm, an Indiana Limited Partnership, Grantor, CONVEYS AND WARRANT(S) to Wilton Armstrong and Marjorie Armstrong, Husband and Wife, Grantees, of Vigo County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Part of the Southeast Quarter of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, situated in Prairieton Township, Vigo County, Indiana, being more particularly described as follows:

Beginning at a point on the north line of said Southeast quarter section 49 rods and 4.50 feet east of the northwest corner of said southeast quarter section; thence south 48 rods and eight feet; thence west 33 rods 1.50 feet; thence north 48 rods and eight feet to the north line of said southeast quarter section; thence east 33 rods 1.50 feet to the place of beginning; and containing ten acres more or less.

Excepting that part thereof as conveyed to Warren D. Pigg and Lucy B. Pigg, husband and wife, by Deed Record 370, Page 43 in the Recorder's office of Vigo County, Indiana, and described as follows:

Beginning at a point 813.00 feet (49 rods and 4.50 feet) East of the Northwest corner of the Southeast Quarter of Section 25, Township 11 North, Range 10 West, Prairieton Township, Vigo County, Indiana; thence South 00 degrees 06 minutes East 290.00 feet; thence West 546 feet (33 rods and 1 ½ feet); thence North 00 degrees 06 minutes West 290.00 feet; thence East 546 feet (33 rods and 1 ½ feet) to the beginning, containing 3.635 acres, more or less.

Also, Part of the Southeast Quarter of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, situated in Prairieton Township, Vigo County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (1/4) of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, running thence North on the half section line to the Northwest corner of said Southeast Quarter (1/4) of said Section Twenty-Five (25), thence East sixteen (16) rods and three (3) feet; thence South Forty-Eight (48) rods and Eight (8) feet; thence East Thirty-Three (33) rods and One and One-Half (1 ½) feet; thence South Twenty-Seven (27) rods and One-Fourth (1/4) feet; thence East Twenty-Four (24) rods and Eleven (11) feet more or less; thence South Twenty-Four (24) rods, Eight and One-Fourth (8 ¼) feet; thence West Eighteen and Two-Thirds (18 2/3) rods; thence South to the South line of said Section Twenty-Five (25); thence West to the place of beginning; containing Forty-Three and Three-Tenths (43.3) acres, more or less.

Excepting that part hereof as conveyed to Warren D. Pigg and Lucille B. Pigg, husband and wife, by Deed Record 376, Page 690 in the Recorder's office of Vigo County, Indiana, and described as follows:

EXHIBIT A

2

Beginning One Hundred (100) feet East of the Northwest corner of the Southeast Quarter (1/4) of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, running thence East One Hundred Sixty-Seven (167) feet; South 0 degrees 06 minutes East, Two Hundred Ninety (290) feet, and parallel with the West line of said Southeast Quarter (1/4); thence West One Hundred Sixty-Seven (167) feet; thence North to the place of beginning, containing 1.112 Acres, more or less.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all [conveyances or reservations of mineral rights,] restrictions, easements and encumbrances of record.

IN WITNESS WHEREOF, Grantor has executed/delivered this deed this 18th day of October, 2005.

Phelps Farm, an Indiana Limited Partnership

By: _____
George Smith Phelps, General Partner

STATE OF GEORGIA)
) SS:
COUNTY OF FULTON)

Before me, a Notary Public in and for said County and State, personally appeared George Smith Phelps, General Partner of Phelps Farm, an Indiana Limited Partnership, 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 18 day of October, 2005.

Holly Talmon
Notary Public
Holly Talmon
Printed Name

My Commission Expires: Sept. 12, 2009 My County of Residence: Fulton

THIS INSTRUMENT PREPARED BY:
Kelvin L. Roots, Attorney
333 Ohio Street, P.O. Box
Terre Haute, IN 47808



MAIL TAX DUPLICATES TO:
Wilton and Marjorie Armstrong
1525 East Scarlet Oaks Court
Terre Haute, Indiana 47802

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Wilton Armstrong, being duly sworn upon his oaths, deposes and says:

1. That Wilton Armstrong 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:

Part of the Southeast Quarter of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, situated in Prairieton Township, Vigo County, Indiana, being more particularly described as follows:

Beginning at a point on the north line of said Southeast quarter section 49 rods and 4.50 feet east of the northwest corner of said southeast quarter section; thence south 48 rods and eight feet; thence west 33 rods 1.50 feet; thence north 48 rods and eight feet to the north line of said southeast quarter section; thence east 33 rods 1.50 feet to the place of beginning; and containing ten acres more or less.

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Excepting that part hereof as conveyed to Warren D. Pigg and Lucille B. Pigg, husband and wife, by Deed Record 376, Page 690 in the Recorder's office of Vigo County, Indiana, and described as follows: Beginning One Hundred (100) feet East of the Northwest corner of the Southeast Quarter (1/4) of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West, running thence East One Hundred Sixty-Seven (167) feet; South 0 degrees 06 minutes East, Two Hundred Ninety (290) feet, and parallel with the West line of said Southeast Quarter (1/4); thence West One Hundred Sixty-Seven (167) feet; thence North to the place of beginning, containing 1.112 Acres, more or less.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all [conveyances or reservations of mineral rights,] restrictions, easements and encumbrances of record.

Commonly known as 3751 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-005.000-005

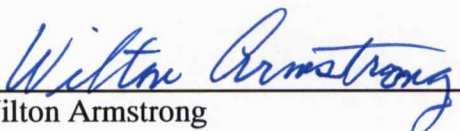
2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Wilton Armstrong and Marjorie Armstrong are attached hereto and made a part hereof and marked as Exhibit A.

3. That Marjorie Armstrong died on October 25, 2015, and a copy of Marjorie Armstrong's Death Certificate is attached hereto and made a part hereof and marked as Exhibit B.

4. That Affiants makes this Affidavit for the sole purpose of affirming that they are the owners 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 Wilton Armstrong.

5. Further, Affiants saith not.

Dated at Terre Haute, Indiana this 3rd day of May, 2018.



Wilton Armstrong

(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 3rd day of May, 2018.

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, Terre Haute, Indiana 47807.



INDIANA STATE DEPARTMENT OF HEALTH
CERTIFICATE OF DEATH

Local No 001143

EDR No 000000476119

State No 050483

1. Decedent's Legal Name (First, Middle, Last) MARJORIE L ARMSTRONG		1a. Maiden Name (If female) COTTOM		2. Sex FEMALE	3. Time Of Death 10:51 PM	4. Date Of Death: (Month/Day/Year) 10/25/2015
5. Social Security Number 309-34-7620	6a. Age - Yrs 83	6b. Under 1 Year Months	6c. Under 1 Month Days	6d. Under 1 Day Hours	6e. Under 1 Hour Minutes	7. Date of Birth (Month/Day/Year) 05/04/1932
8. Birthplace (City and State or Foreign Country) TERRE HAUTE, IN		9. Ever in U.S. Armed Forces? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown				
10. If Death Occurred In A Hospital: <input type="checkbox"/> Inpatient <input type="checkbox"/> Emergency Department Outpatient <input type="checkbox"/> Dead on Arrival		10a. If Death Occurred Somewhere Other Than A Hospital: <input type="checkbox"/> Hospice Facility <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Nursing Home/Long-term Care Facility <input type="checkbox"/> Other (Specify)				
11. Facility Name (If Not Institution, Give Street and Number) 335 VILLA LANE		12. City Or Town, State, And Zip Code TERRE HAUTE, IN, 47802		13. County Of Death VIGO		14. Marital Status At Time Of Death <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, But Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown
15. Surviving Spouse's Name WILTON F ARMSTRONG		15a. (If Wife) Give Maiden Last Name		16. Decedent's Usual Occupation SELF EMPLOYED		17. Kind Of Business/Industry CONSTRUCTION BUISNESS
18. Residence - State INDIANA		18a. County VIGO		18b. City Or Town TERRE HAUTE		18c. Street And Number 335 VILLA LANE
18d. Apt. No.		18e. Zip Code 47802		18f. Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
19. Decedent's Education SOME COLLEGE CREDIT, BUT NOT A DEGREE		20. Decedent Of Hispanic Origin NOT HISPANIC		21. Decedent's Race White		
22. Father's Name (First, Middle, Last) HUBERT COTTOM		23. Mother's Name (First, Middle, Last) MARY COTTOM		23a. Mother's Maiden Last Name JONES		
24. Informant's Name WILTON F ARMSTRONG		24a. Relationship To Decedent HUSBAND		24b. Mailing Address (Street And Number, City, State, Zip Code) 335 VILLA LANE, TERRE HAUTE, IN 47802		
25. Place Of Disposition						
25a. Method Of Disposition <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal From State <input type="checkbox"/> Other (Specify):		25b. Place Of Disposition (Name Of Cemetery, Crematory, Other Place) MT PLEASANT CEMETERY		25c. Location - City, Town, And State TERRE HAUTE, IN		
26. Was Coroner Contacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		27. Name And Complete Address Of Funeral Facility FITZPATRICK FUNERAL HOME, 220 N 3RD STREET, WEST TERRE HAUTE, IN 47885				27a. Funeral Home License Number: FH19500081
27b. Signature Of Indiana Funeral Service Licensee: JOHN T FITZPATRICK , BY ELECTRONIC SIGNATURE				27c. License Number (Of Licensee): FD29400081		
Cause Of Death (See Instructions And Examples)						
28. Part I. Enter The Chain Of Events - Diseases, Injuries, Or Complications - That Directly Caused The Death. Do Not Enter Terminal Events Such As Cardiac Arrest, Respiratory Arrest, Or Ventricular Fibrillation Without Showing The Etiology. Do Not Abbreviate. Enter Only One Cause On A Line. Add Additional Lines If Necessary.						
Immediate Cause (Final Disease Or Condition Resulting In Death)		A. END STAGE RENAL DISEASE				Approximate Interval: Onset To Death NA
Sequentially List Conditions, If Any, Leading To The Cause Listed On Line A. Enter The Underlying Cause (Disease Or Injury That Initiated The Events Resulting In Death) Last		B. _____				
		C. _____				
		D. _____				
Part II. Enter Other Significant Conditions Contributing to Death But Not Resulting In The Underlying Cause Given In Part I				29. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
NA				30. Were Autopsy Finding Available To Complete The Cause Of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No		
31. Did Tobacco Use Contribute To Death? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown		32. If Female: <input type="checkbox"/> Not Pregnant Within Past Year <input type="checkbox"/> Pregnant At Time Of Death <input type="checkbox"/> Not Pregnant, But Pregnant Within 42 Days Of Death <input type="checkbox"/> Not Pregnant, But Pregnant 43 Days To 1 year Before Death <input type="checkbox"/> Unknown If Pregnant Within The Past Year		33. Manner Of Death: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could Not Be Determined		
34. Date Of Injury (Month/Day/Year)		35. Time Of Injury		36. Place Of Injury (E.G., Decedent's Home, Construction Site, Restaurant, Wooded Area)		37. Injury At Work? <input type="checkbox"/> Yes <input type="checkbox"/> No
38. Location Of Injury - State		38a. City Or Town		38b. Street & Number		38c. Apt. No.
						38d. Zip Code
39. Describe How Injury Occurred				40. If Transportation Injury, Specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)		
41. Signature, Of Person Certifying Cause Of Death: BRIAN H. BLACK , BY ELECTRONIC SIGNATURE				42. Certifier (Check Only One) <input checked="" type="checkbox"/> Certifying Physician <input type="checkbox"/> Coroner <input type="checkbox"/> Health Officer		
43. Name, Address And Zip Code Of Person Certifying Cause Of Death: BRIAN H. BLACK , 1145 INDIANAPOLIS RD., GREENCASTLE, IN 46135				44. License Number 02002904A		45. Date Certified 10/28/2015
46. Additional Funeral Service Provider:				47. *Akas:		
48. Signature of Local Health Officer: DARREN BRUCKEN, VIA ELECTRONIC SIGNATURE				49. For Registrar Only - Date Filed (Month/Day/Year): OCT 28 2015		

AMENDMENT TO CERTIFICATE OF DEATH (ENTRY OR ORIGINAL)

EXHIBIT

B

State Form 53395 ATTENTION ESTATE: The Social Security # is being requested

WARNING: ORIGINAL DOCUMENT HAS A MULTICOLORED SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED.

responsibility. Disclosure is voluntary and there will be no penalty for refusal.

THIS IS A COPY OF THE ORIGINAL DOCUMENT. IT IS NOT VALID FOR ANY PURPOSES OTHER THAN IDENTIFICATION. IT IS VOID ON FRONT THAT APPEARS WHEN PHOTO COPIED.

STATE OF INDIANA



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: June 7, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #7-18**

CERTIFICATION DATE: June 6, 2018

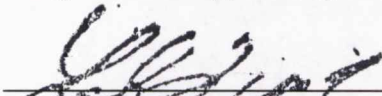
TO: The Honorable Common Council of the City of Terre Haute

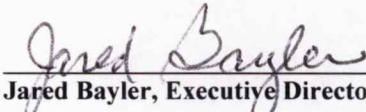
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 7-18. This Ordinance is a rezoning of the property located at 3751 E. Margaret Dr.. The Petitioner, Wilton Armstrong, petitions the Plan Commission to rezone said real estate from zoning classification C-2 to C-3, Regional Commerce District, for ingress/egress for a heavy machine dealership. 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. 7-18 at a public meeting and hearing held Wednesday, June 6, 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. 7-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-18 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. 7-18 was **FAVORABLE WITH THE FOLLOWING CONDITIONS:** 1) Landscape Plan must be submitted and approved; 2) A completed and updated detailed Site Plan must be submitted and approved; 3) All drive cut related designs must be approved by City Engineering.


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 7th day of June, 2018

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-18

Doc: #37

Date: June, 2018

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Wilton Armstrong

Property Owner: Same as Above

Representative: Richard J. Shagley II

Proposed Use: Ingress/Egress for a heavy machine dealership

Proposed Zoning: C-3, Regional Commerce District

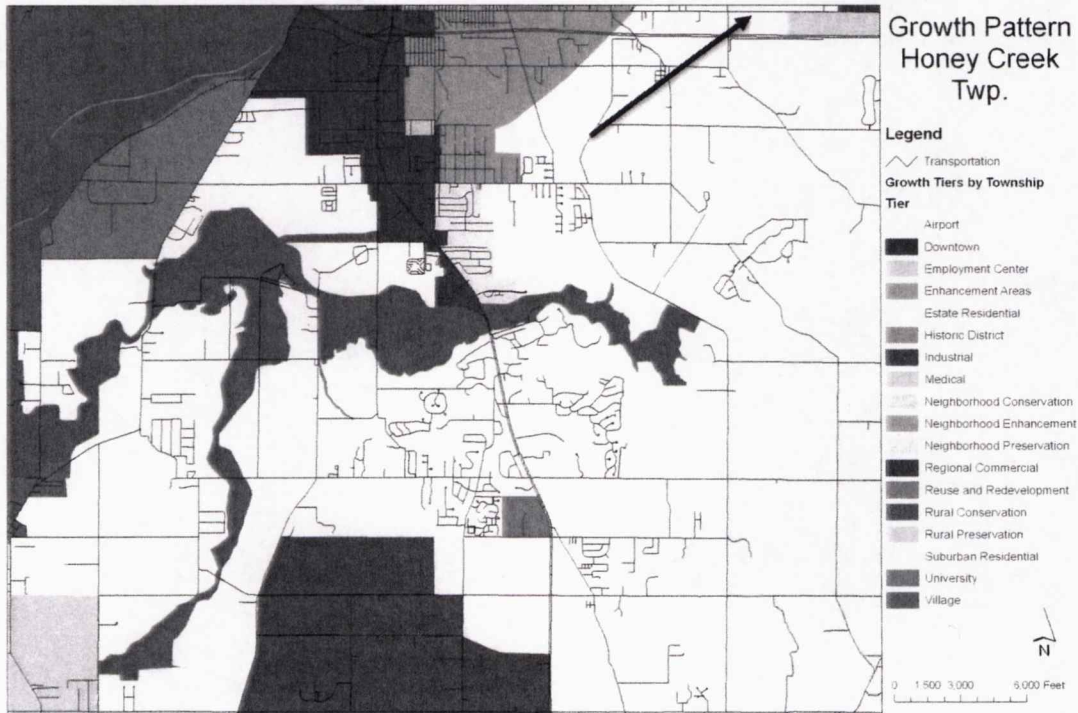
Current Zoning: C-2, Community Commerce District

Location: The property is located east of the corner of the intersection of S. Fruitridge Ave and E. Margaret Dr.

Common Address: 3751 E. Margaret Dr.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-18

Doc: #37

Date: June, 2018

Page 2 of 4

Recommended Use: Suburban Residential

These are largely undeveloped areas lying within the boundaries of existing and planned urban services. Current residential densities range from building on lots of ½ acre to 2 acres in size, this should be used as a minimum density. Over time, densities should be encouraged to increase moderately to allow average densities of three to three and one-half (3 to 3.5) households per acre. In the case of all residential densities, densities are stated as an average for the entire area in a given land use categories.

Promotion of monotonous suburban tract housing is not the intent of this growth pattern, although this may be an undesirable consequence. To avoid this outcome, careful consideration of alternative site development schemes should be undertaken by planning, engineering, development and real estate professionals for each new residential tract.

Increasing residential densities within this growth pattern offers four distinct advantages over typical low-density development.

- Optimization of the relationship between public infrastructure capacity and average development densities.
- Reduction in the need for infrastructure extensions and expansions, thereby saving public capital cost.
- Provides pedestrian scale residential neighborhoods, which will blend with existing Terre Haute neighborhoods that were developed at five to seven (5 to 7) units per acre and at the same time provide enhanced opportunities for non-motorized travel.
- Minimize land consumption and limits land disturbance.

Not every new subdivision will provide developed densities approaching four (4) units per acre, yet, as cluster housing, patio homes, variations of zero-lot line housing and integrated neighborhoods of town houses, garden apartment, and single family dwelling units become more common and more fashionable, average densities will increase. Traditionally, allowable densities controlled mix and pattern of suburban residential development. Density, per se, is increasingly viewed by development professionals as only one of many variables that must be considered in making site development decisions. The infrastructure capacity relative to undeveloped areas and special environmental conditions of a specific development site, as well as, the site plan itself and its impact on surrounding property should primarily control the developed density. This should especially be the case as development moves beyond minimum residential densities. In all cases, density and the arrangement of uses on a developed site should be sensitive to surrounding development patterns, making land use transitions within the new development and utilizing natural features as transitions or buffers.

Policies for Suburban Residential areas should include:

- Houses on lots ranging from one-half to two acres depending on wastewater treatment needs.
- The extent of non-residential uses should be limited to parks, churches, and schools.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-18

Doc: #37

Date: June, 2018

Page 3 of 4

- Residential subdivision lots should not have frontage on county roads, rather they should be required to build local level public streets to provide access from the county road to the lots.
- Medium range plans for expanding needed infrastructure should be developed, considering projected demand and funding.

Available Services: Area is well served by utilities and urban services.

Street Access: According to the Site Plan ingress/egress is to be from Margaret Dr.

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-1, Single Family Residential,

West – O-1, Agricultural District, R-1

South – C-3 Regional Commerce Dist. & I-70 Corridor

East – C-3 & R-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-18

Doc: #37

Date: June, 2018

Page 4 of 4

establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

In July of 2016 the APC passed on a favorable recommendation on the rezoning of Docket #56 S.O. #18-16 which rezoned a portion of ground bordered by I-70 to the south, Fruitridge on the west and Margaret on the north. The zoning, a C-3, allowed for development of the proposed heavy equipment dealership to commence. Amongst the concerns and subsequent request from the APC was ingress/egress placement be reviewed. The solution was the placement of the commercial ingress/egress along Margaret. The rezoning today is in response to that request. The petitioner has agreed to purchase 2.36 additional acres to the west which adds 70 feet of road frontage along Margaret. This should allow for ample space to maneuver commercial traffic into and off of the development. This also moves the commercial entrance further to the west and away from the previously proposed, narrower entrance and exit also along Margaret.

This rezoning only applies to the newly created lot #4 and matches the zoning of the lots previously created.

The design of the road cut will need City Engineering approval and a landscape plan must be approved where Residential adjoins the C-3 zoning.

Recommendation: Favorable Recommendation on the request to rezone the property to C-3, Regional Commercial with the following conditions.

1. Landscape plan be submitted and approved by the city.
2. A completed and updated detailed site plan be submitted and approved.
3. All drive cut related designs be approved by City Engineering.