

FILED

OCT 12 2018

CITY CLERK

RESOLUTION 15, 2018

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS Vigo County, by and through its Board of Commissioners, is the owner of real property commonly identified as the International Paper Site and located at 2403 Prairieton Road, Terre Haute, IN 47802 (hereinafter "IP Site");

WHEREAS the IP Site was purchased in 2016 by the Vigo County Redevelopment Commission for, but not limited to, riverfront recreational development envisioned by Riverscape, other community groups and many in local government through nearly a decade of consensus building;

WHEREAS the IP Site was proposed as the new location of the Vigo County Jail and Sheriff's Department in April 2017;

WHEREAS Special Ordinance 20, 2017 was previously filed April 07, 2017 by Vigo County in an attempt to rezone the IP Site from M-2 – Heavy Industry, zoning classification, to O-1 – Open Space, zoning classification pursuant, in part, to Section 10-240 of *Terre Haute City Code*;

WHEREAS Special Ordinance 20, 2017 was subsequently withdrawn at the request of the petitioner, Vigo County, without further action by the Common Council;

WHEREAS, through the recent filing to the Board of Zoning Appeals for Variance(s) and Special Uses(s) on October 03, 2018, Vigo County is attempting to once again pursue the IP Site as the location of the new Vigo County Jail and Sheriff's Department;

WHEREAS, to date, Vigo County, or its representatives, have not offered a sufficient legal explanation that would negate or absolve the legal requirement that the IP Site be rezoned in conjunction with *Terre Haute City Code* prior to receiving a building permit for the construction of the new Vigo County Jail and Sheriff's Department;

WHEREAS, without additional information or explanation, the Common Council must assume that the IP Site must be rezoned in accordance with the penitentiary zoning classification, as set forth in *Terre Haute City Code* Sections 10-252, 10-253, 10-254 and 10-263, to facilitate the future construction of the new Vigo County Jail and Sheriff's Department on the IP Site.

BE IT THEREFORE RESOLVED that the Common Council will take all necessary steps to ensure that *Terre Haute City Code* and the legal authority of the Common Council are recognized, and that based upon the information provided to the Common Council to-date, it is the opinion of the Common Council that the IP Site must be rezoned before any construction is permitted on the new Vigo County Jail and Sheriff's Department at the IP Site.

BE IT FURTHER RESOLVED that pursuant to *Terre Haute City Code*, rezoning any parcel within the City requires a majority vote, in favor thereof, by the Common Council.

Introduced by: \_\_\_\_\_ Todd Nation, Councilperson and

\_\_\_\_\_ Martha Crossen, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_ Curtis DeBaun, President

ATTEST: \_\_\_\_\_ Michelle Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_ Michelle L. Edwards, City  
Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_ Duke A. Bennett, Mayor

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