

SPECIAL ORDINANCE NO. 5, 2019

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

4017 E. Margaret Drive, Terre Haute, IN 47802  
4069 East Margaret Drive, Terre Haute, IN 47802  
4051 East Margaret Drive, Terre Haute, IN 47802

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Rezoned From: R-1 Single Family Residence District  
O-1 Agricultural

Rezoned To: C-3 Regional Commerce District

Proposed Use: Speculative commercial rezoning

Name of Owner #1: Church of Christ at Terre Haute  
Address of Owner: 4017 E. Margaret Drive  
Terre Haute, IN 47802

Name of Owner #2: Johnie Paul Edwards and Melba J. Edwards Trust, June 26  
2006  
Address of Owner: 4069 E. Margaret Drive  
Terre Haute, IN 47802

Name of Owner #3: John Edwards  
Address of Owner: 4051 E. Margaret Drive  
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  
APR 04 2019  
CITY CLERK

**AMENDED SPECIAL ORDINANCE NO. 5, 2019**

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

SECTION 1. 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:

#1

A part of the land as deeded to John Edwards (Instrument No. 2013010259), being a part of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Honey Creek Township, 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 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.5 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped “TOWLES IN LS 21700001”, hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

And

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, expect 12 acres in the northeast corner

thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning and containing 1.354 acres, more or less. EXPECT 50 feet of even width off the east side of said 1.354 acre tract.

Being formerly known as:

377.20 Feet off the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West expect 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West half of said East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 377.20 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said West Half of said East Half of said Northeast Quarter of said Section 1; thence north along said west line a distance of 377.20 feet to the place of beginning and containing 2.221 acres, more or less.

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, expect 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west and 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the place of beginning

and containing 0.866 acres, more or less.

Commonly known as: 4017 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-226-002.000-005

And

#2

Fourteen (14) rods of even width off the West side of the following described real estate: Beginning at the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Vigo County Indiana, and running thence West along the North line of said Quarter Section 24 rods; thence South 80 rods; thence East 24 rods; thence North 80 rods to the place of beginning.

Except a tract in the Northeast corner thereof described as follows: Beginning at a point 10 rods West of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West; thence West 99 feet; thence South 495 feet; thence East 99 feet; thence North 495 feet to the place of beginning.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- a) Subject to Grant of Permanent and Temporary Easement granted unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana, dated February 26, 2001 and recorded September 18, 2001 as Instrument No. 200119294.
- b) Subject to Special Ordinance No. 16, 1998 as Amended dated May 15, 1998 and recorded October 15, 1998 in Miscellaneous Record 209, page 1251
- c) Subject to Location Control Route Survey Plat of New Margaret Avenue- Phase III, Project NO. 45285 recorded November 12, 2009 as Instrument No. 2009016043.

Commonly known as: 4069 East Margaret Drive, Terre Haute, Indiana 47803.

And

#3

The West Half (W1/2 of the E 1/2) of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof 24 rods east and west by 80 rods north and south, EXCEPT that part conveyed unto the State of Indiana for right-of-way as shown by instrument dated March 17, 1964, and recorded in Deed Record 334, page 80. ALSO EXCEPT that part thereof conveyed to James J. Isbell and Nancy A. Isbell, husband and wife, as shown by instrument dated April 29, 1981, and recorded in Deed Record 386, page 611. ALSO EXCEPT that part conveyed to Michael P Haley and Margaret A. K. Haley, husband and wife, as shown by instrument dated June

25, 1981 and recorded in Deed Record 387, page 965.

ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit:

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Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Officer of Vigo County, Indiana.

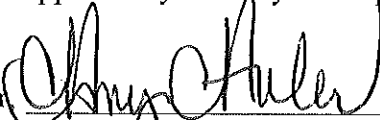
Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.

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."

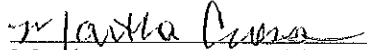
SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common

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 4<sup>TH</sup> day of APRIL, 2019.

  
Martha Crossen, President

ATTEST:

  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 5<sup>TH</sup> day of APRIL, 2019.

  
Michelle Edwards, City Clerk

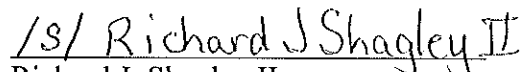
Approved by me, the Mayor of the City of Terre Haute, this 5<sup>TH</sup> day of APRIL, 2019.

  
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.

SPECIAL ORDINANCE NO. 5, 2019

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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

FEB 06 2019

CITY CLERK

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Parcel No.: 84-09-01-226-002.000-005



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11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.

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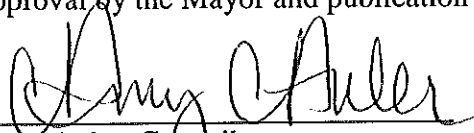
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Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.

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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Martha Crossen, President

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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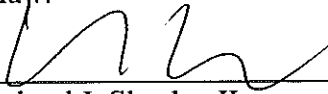
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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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, John P. Edwards as Elder, Johnnie Paul Edwards and Melba J. Edwards as Trustees, and John Edwards, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

**#1**

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Commencing at an iron pin monumenting the North Quarter Corner of said section; thence South 89 degrees 47 minutes 01 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.5 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped "TOWLES IN LS 21700001", hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

Commonly known as: 4017 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-226-002.000-005

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ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12

acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.

ALSO, Fifty (50) feet of even width off the east side of the following described real estate. Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East half of said Northeast Quarter of said Section 1, and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning.

Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.  
Parcel No.: 84-09-01-226-001.000-005

Your Petitioners are informed and believe 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 Petitioners would respectfully state that the real estate is now single-family homes and a church. The Petitioners intend to sell or rent the real estate for commercial use.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for any proposed commercial use allowed under this designation. 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.

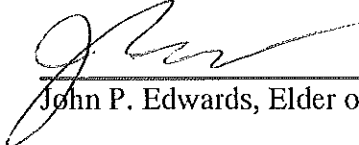
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning 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.

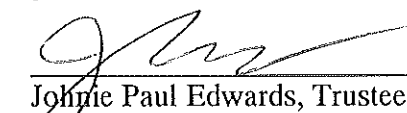
IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 5<sup>TH</sup> day of February, 2019.


**PETITIONERS:**

**#1 Church of Christ at Terre Haute**

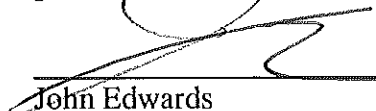
  
\_\_\_\_\_  
John P. Edwards, Elder of Church of Christ

**#2 Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016**

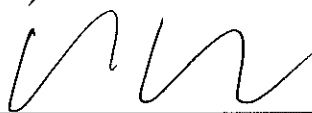
  
\_\_\_\_\_  
Johnie Paul Edwards, Trustee

  
\_\_\_\_\_  
Melba J. Edwards, Trustee

**#3 John Edwards**

  
\_\_\_\_\_  
John Edwards

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 Petitioners

The owner and mailing address: 4069 E. Margaret Drive, 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

↑  
NORTH

**Beacon**<sup>TM</sup> Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines

Parcel ID	84-09-01-226-002.000-005	Alternate ID	119-09-01-226-002	Owner Address	CHURCH OF CHRIST AT TERRE HAUTE
Sec/Twp/Rng	1	Class	Exempt: Religious structure		4017 E MARGARET DR
Property Address	4017 E MARGARET DRIVE	Acreage	1.21		TERRE HAUTE, IN 47803
	TERRE HAUTE				
Neighborhood	1021035 - HONEY CREEK				
District	005 HONEY CREEK				
Brief Tax Description	PRT NW COR NENE (4017 E MARGARET DR)				
	MISC-209/1251 D-441/2632 1-11-9 1.090 AC				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 2/6/2019  
Last Data Uploaded: 2/5/2019 8:27:41 PM

Developed by **Schneider**  
GEOSPATIAL

#1 4017 E. Margaret Dr.  
#2 4069 E. Margaret Dr.  
#3 4051 E. Margaret Dr.

R-1 to C-3



SURVEY RECORDING REFERENCE:  
Document No. 2018 004981

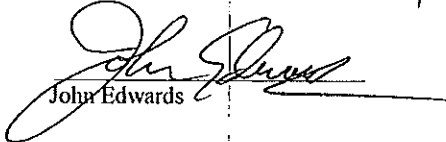
EXEMPT FROM DISCLOSURE FEE  
QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that John Edwards ("Grantor") of Vigo County in the State of Indiana, Conveys, Releases, Grants, and Quitclaims to Church of Christ at Terre Haute ("Grantee") of Vigo County in the State of Indiana, for consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

A part of the land as deeded to John Edwards (Instrument No. 2013010259), being a part of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Honey Creek Township, 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 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.95 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped "TOWLES IN LS 21700001", hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

DATED this 14<sup>th</sup> day of MAY, 2018.

  
John Edwards

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

MAY 15 2018

  
JAMES W. BRANTLEY  
VIGO COUNTY AUDITOR

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, the undersigned, a Notary Public in and for said County and State, this 14<sup>th</sup> day of May, 2018, personally appeared John Edwards, and acknowledged the execution of the foregoing deed. In Witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:



Justin Woodruff  
Notary Public  
Printed: \_\_\_\_\_  
Residing in \_\_\_\_\_ County

Mail Tax Bills To Grantee: 4017 E MARGARET DR, TERRE HAUTE, IN 47803

Mail Deed To: 4017 E MARGARET DR, TERRE HAUTE, IN 47803

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.

Justin Woodruff  
Justin Woodruff

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, 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 this instrument.  
CMT: 18 0535D

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2018007479 00 \$25.00  
07/20/2018 12:17:00P 3 PGS  
Stacey Joy  
VIGO County Recorder IN  
Recorded as Presented

JUL 20 2018

EXEMPT FROM DISCLOSURE FEE

*James W. Beamble* QUIT CLAIM DEED  
VIGO COUNTY AUDITOR  
THIS INDENTURE WITNESSETH, That

JOHNIE P. EDWARDS and MELBA EDWARDS,

Of Vigo As Tenants By The Entireties,  
County, in the State of Indiana,

Release and Quit Claim to

JOHNIE PAUL EDWARDS and MELBA J. EDWARDS, AS TRUSTEES OF THE  
JOHNIE PAUL EDWARDS and MELBA J. EDWARDS TRUST, JUNE 26, 2006,

Of Vigo County, in the State of Indiana,

for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Fourteen (14) rods of even width off the West side of the following described real estate: Beginning at the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Vigo County, Indiana, and running thence West along the North line of said Quarter Section 24 rods; thence South 80 rods; thence East 24 rods; thence North 80 rods to the place of beginning.

EXCEPT a tract in the Northeast corner thereof described as follows: Beginning at a point 10 rods West of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West; thence West 99 feet; thence South 495 feet; thence East 99 feet; thence North 495 feet to the place of beginning.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- a) Subject to Grant of Permanent and Temporary Easement granted unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana, dated February 26, 2001 and recorded September 18, 2001 as Instrument No. 200119294.
- b) Subject to Special Ordinance No. 16, 1998 as Amended dated May 15, 1998 and recorded October 15, 1998 in Miscellaneous Record 209, page 1251.
- c) Subject to Location Control Route Survey Plat of New Margaret Avenue - Phase III, Project NO. 45285 recorded November 12, 2009 as Instrument No. 2009016043.

For information purposes only, the property address is purported to be:  
4069 E Margaret Drive, Terre Haute, Indiana 47803.

Tax bills should be sent to Grantees at such address unless otherwise indicated below.

Parcel No.: 84-09-01-227-001.000-005

IN WITNESS WHEREOF, the said Grantors have executed this deed on this 19<sup>th</sup> day of July, 20 18.

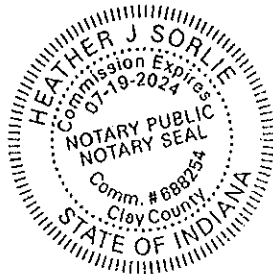
[Signature] (Seal)  
Johnie P. Edwards

[Signature] (Seal)  
Melba Edwards

STATE OF INDIANA )  
COUNTY OF Vigo ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 19<sup>th</sup> day of July, 20 18, personally appeared Johnie P. Edwards and Melba Edwards who acknowledged the execution of the foregoing Quit Claim Deed to be the voluntary act and deed of Grantors, and who, having been duly sworn, stated that any representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



[Signature]  
Notary Public  
Heather J Sorlie  
Printed Name

My Commission Expires:  
7.19.2024

My County of Residence:  
CLAY

**This Instrument Was Prepared By:** Matthew R. Effner, Attorney, Effner Law Firm, 19 S. 6<sup>th</sup> Street, Suite 1200, Terre Haute, IN 47807, (812) 238-4000, at the specific request of Honey Creek Vigo Title (HCVT) based solely on information supplied by HCVT without examination of title or abstract. Preparer makes no warranties, expressed or implied, regarding the title conveyed by it and assumes no liability for any error, inaccuracy or omission in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Grantor's execution and Grantee's acceptance of the instrument.

HCVT-2018.

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

**Mail Tax Bills To Grantee At:** 2286 Cottage Ct Terre Haute, IN 47802

**Return Deed To:** Honey Creek Vigo Title Services, Inc., 405 S. 6<sup>th</sup> Street, Terre Haute, IN 47807.


DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

AUG 13 2013

*Timothy M. Spurgeon*  
VIGO COUNTY AUDITOR

**WARRANTY DEED**

2013010259 WD \$20.00  
08/13/2013 12:08:25P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



THIS INDENTURE WITNESSETH, THAT **GEORGE R. HENRY and BENITA G. HENRY**, Husband and Wife of Vigo County, State of Indiana, Grantors, CONVEY AND WARRANT to **JOHN EDWARDS**, Individually, Grantee, of Vigo County, State of Indiana, for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

The West Half (W 1/2 of the E 1/2) of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof 24 rods east and west by 80 rods north and south, EXCEPT that part conveyed unto the State of Indiana for right-of-way as shown by instrument dated March 17, 1964, and recorded in Deed Record 334, page 80. ALSO EXCEPT that part thereof conveyed to James J. Isbell and Nancy A. Isbell, husband and wife, as shown by instrument dated April 29, 1981, and recorded in Deed Record 386, page 611. ALSO EXCEPT that part conveyed to Michael P. Haley and Margaret A. K. Haley, husband and wife, as shown by instrument dated June 25, 1981 and recorded in Deed Record 387, page 965.

ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.


2


ALSO, Fifty (50) feet of even width off the east side of the following described real estate. Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1, and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.30 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning.

Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 4051 Margaret Ave., Terre Haute, IN 47802  
State Parcel Number: 84-09-01-226-001.000-005

IN WITNESS WHEREOF, the said grantors above named, GEORGE R. HENRY and BENITA G. HENRY, Husband and Wife have executed this deed this 7 day of August, 2013.

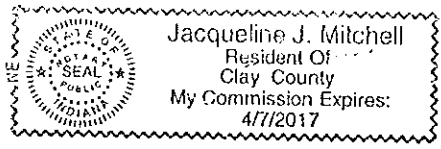
  
\_\_\_\_\_  
GEORGE R. HENRY

  
\_\_\_\_\_  
BENITA G. HENRY

STATE OF IN )  
 )SS:  
COUNTY OF Vigo )

Before me, the undersigned, a Notary Public, in and for said County and State, this 7 day of Aug, 2013, personally appeared the within named: **GEORGE R. HENRY and BENITA G. HENRY**, Husband and Wife, Vigo County, State of Indiana, and acknowledged the execution voluntary act and deed, and, being first duly sworn upon their oath stated that the representations contained in said deed are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Jacqueline J. Mitchell  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

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

\_\_\_\_\_  
Margaret A. Berry

This instrument prepared by: Margaret A. Berry, Attorney at Law, 6445 W State Road 340, Brazil, IN 47384. (812) 448-8250

Grantee's Address: 4051 E Margaret Dr Telleport, IN 47503  
Mailing Address: SAME



STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

AFFIDAVIT

Comes now, John P. Eldred as an Elder of Church of Christ at Terre Haute, being duly sworn upon their oaths, depose and say:

1. That Church of Christ At Terre Haute is owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the land as deeded to John Edwards (Instrument No. 2013010259), being a part of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Honey Creek Township, 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 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.5 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped "TOWLES IN LS 21700001", hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

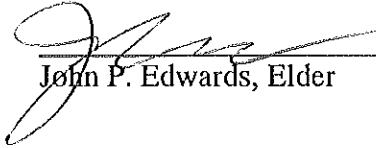
Commonly known as: 4017 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-226-002.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Church of Christ at Terre Haute are 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 they are 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 John P. Edwards as one of the Elders of Church of Christ at Terre Haute.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5<sup>th</sup> day of February, 2019.

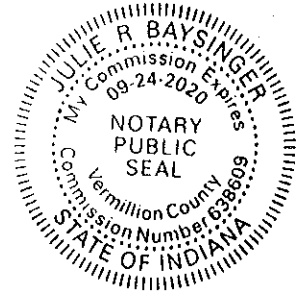
  
 \_\_\_\_\_  
 John P. Edwards, Elder

STATE OF INDIANA )  
                               ) SS:  
 COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State,  
 this 5<sup>th</sup> day of February, 2019.

Julie R. Baysinger  
 \_\_\_\_\_  
Julie R. Baysinger Notary Public

My Commission expires:      My County of Residence:  
9-24-2020      Vermillion



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

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

AFFIDAVIT

Comes now, Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016, being duly sworn upon their oaths, depose and say:

1. That Johnie Paul Edwards and Melba J. Edwards are Trustees for the Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016 which 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:

Fourteen (14) rods of even width off the West side of the following described real estate: Beginning at the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Vigo County Indiana, and running thence West along the North line of said Quarter Section 24 rods; thence South 80 rods; thence East 24 rods; thence North 80 rods to the place of beginning.

Except a tract in the Northeast corner thereof described as follows: Beginning at a point 10 rods West of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West; thence West 99 feet; thence South 495 feet; thence East 99 feet; thence North 495 feet to the place of beginning.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- g) Subject to Grant of Permanent and Temporary Easement granted unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana, dated February 26, 2001 and recorded September 18, 2001 as Instrument No. 200119294.
- h) Subject to Special Ordinance No. 16, 1998 as Amended dated May 15, 1998 and recorded October 15, 1998 in Miscellaneous Record 209, page 1251
- i) Subject to Location Control Route Survey Plat of New Margaret Avenue- Phase III, Project NO. 45285 recorded November 12, 2009 as Instrument No. 2009016043.

Commonly known as: 4069 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-227-001.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to John Edwards and Melba Edwards are 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 they are 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 Johnie Paul Edwards and Melba J. Edwards, Trustees

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5<sup>th</sup> day of February, 2019.

Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016

Johnie Paul Edwards, Trustee  
Melba J. Edwards, Trustee

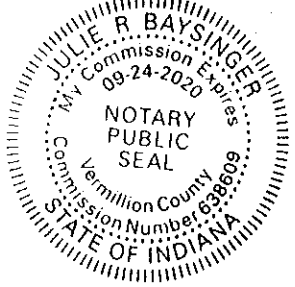
STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5<sup>th</sup> day of February, 2019.

Julie R. Baysinger  
Notary Public

My Commission expires:  
9-24-2020

My County of Residence:  
Vermillion



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

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

AFFIDAVIT

Comes now, John Edwards, being duly sworn upon his oath, depose and say:

1. That John Edwards 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:

The West Half (W1/2 of the E ½) of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof 24 rods east and west by 80 rods north and south, EXCEPT that part conveyed unto the State of Indiana for right-of-way as shown by instrument dated March 17, 1964, and recorded in Deed Record 334, page 80. ALSO EXCEPT that part thereof conveyed to James J. Isbell and Nancy A. Isbell, husband and wife, as shown by instrument dated April 29, 1981, and recorded in Deed Record 386, page 611. ALSO EXCEPT that part conveyed to Michael P Haley and Margaret A. K. Haley, husband and wife, as shown by instrument dated June 25, 1981 and recorded in Deed Record 387, page 965.

ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.

ALSO, Fifty (50) feet of even width off the east side of the following described real estate. Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East half of said Northeast Quarter of said Section 1, and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of

the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1: thence north along said west line a distance of 230.00 feet to the place of beginning.

Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.  
Parcel No.: 84-09-01-226-001.000-005

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

3. That Affiant make this Affidavit for the sole purpose of affirming that he 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 John Edwards.

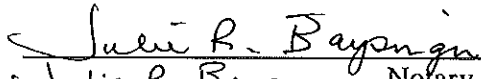
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
John Edwards

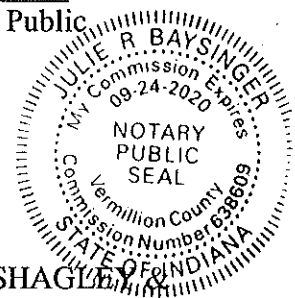
STATE OF INDIANA )  
  ) SS:  
COUNTY OF VIGO    )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Julie R. Baysinger, Notary Public

My Commission expires:  
9-24-2020

My County of Residence:  
Vermillion



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

AMENDED 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, John P. Edwards as Elder, Johnnie Paul Edwards and Melba J. Edwards as Trustees, and John Edwards, respectfully submit this Amended Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

**#1**

A part of the land as deeded to John Edwards (Instrument No. 2013010259), being a part of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Honey Creek Township, 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 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.5 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped "TOWLES IN LS 21700001", hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

And

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1. Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of

1305.00 feet to the northwest corner of said West Half of Sid East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance pf 230.00 feet; thence west parallel tot he north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning and containing 1.354 acres, more or less. EXPECT 50 feet of even width off the east side of said 1.354 acre tract.

Being formerly known as:

377.20 Feet off the north side of the West Half of the East Half of the Northeast Quarter of Section1, Township 11 North, Range 9 West expect 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter if said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West half if said East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of above described 12 acre tract; thence south along the west line of said 12actetract a distance if 377.20 feet; thence west parallel to the north line of said Northeast Quarter a of 256.50 feet to the west line of said West Half of said East Half of said Northeast Quarter of said Section1; thence north along said west line a distance of 377.20 feet to the place of beginning and containing 2.221 acres, more or less.

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section1, Township 11 North, Range 9 West, expect 12 acres in the northeast corner thereof (which 12 acres us measured 24 rods east and west and 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance pf 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the place of beginning and containing 0.866 acres, more or less.

Commonly known as: 4017 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-226-002.000-005



And

#2

Fourteen (14) rods of even width off the West side of the following described real estate: Beginning at the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Vigo County Indiana, and running thence West along the North line of said Quarter Section 24 rods; thence South 80 rods; thence East 24 rods; thence North 80 rods to the place of beginning.

Except a tract in the Northeast corner thereof described as follows: Beginning at a point 10 rods West of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West; thence West 99 feet; thence South 495 feet; thence East 99 feet; thence North 495 feet to the place of beginning.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- d) Subject to Grant of Permanent and Temporary Easement granted unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana, dated February 26, 2001 and recorded September 18, 2001 as Instrument No. 200119294.
- e) Subject to Special Ordinance No. 16, 1998 as Amended dated May 15, 1998 and recorded October 15, 1998 in Miscellaneous Record 209, page 1251
- f) Subject to Location Control Route Survey Plat of New Margaret Avenue- Phase III, Project NO. 45285 recorded November 12, 2009 as Instrument No. 2009016043.

Commonly known as: 4069 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-227-001.000-005

And

#3

The West Half (W1/2 of the E 1/2) of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof 24 rods east and west by 80 rods north and south, EXCEPT that part conveyed unto the State of Indiana for right-of-way as shown by instrument dated March 17, 1964, and recorded in Deed Record 334, page 80. ALSO EXCEPT that part thereof conveyed to James J. Isbell and Nancy A. Isbell, husband and wife, as shown by instrument dated April 29, 1981, and recorded in Deed Record 386, page 611. ALSO EXCEPT that part conveyed to Michael P Haley and Margaret A. K. Haley, husband and wife, as shown by instrument dated June 25, 1981 and recorded in Deed Record 387, page 965.

ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south),

which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.

ALSO, Fifty (50) feet of even width off the east side of the following described real estate. Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East half of said Northeast Quarter of said Section 1, and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning.

Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Officer of Vigo County, Indiana.

Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.  
Parcel No.: 84-09-01-226-001.000-005

Your Petitioners are informed and believe 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 and 0-1 Agricultural.

Your Petitioners would respectfully state that the real estate is now single-family homes and a church. The Petitioners intend to sell or lease the real estate for commercial use(s).

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for any proposed commercial use allowed under this designation. 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 Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Amended 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 \_\_\_\_\_, 2019.

**PETITIONERS:**

**#1 Church of Christ at Terre Haute**

\_\_\_\_\_  
John P. Edwards, Elder of Church of Christ

**#2 Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016**

\_\_\_\_\_  
Johnie Paul Edwards, Trustee

\_\_\_\_\_  
Melba J. Edwards, Trustee

**#3 John Edwards**

\_\_\_\_\_  
John Edwards

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 Petitioners

The owner and mailing address: 4069 E. Margaret Drive, 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.

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

AFFIDAVIT

Comes now, John P. Eldred as an Elder of Church of Christ at Terre Haute, being duly sworn upon their oaths, depose and say:

1. That Church of Christ At Terre Haute is owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the land as deeded to John Edwards (Instrument No. 2013010259), being a part of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Honey Creek Township, 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 seconds East along the North line of said quarter section a distance of 1293.24 feet to a cotton gin spindle monumenting the East Sixteenth Corner (North) of said section; thence South 00 degrees 17 minutes 27 seconds West along the West line of the East Half of the Northeast Quarter a distance of 229.5 feet to the Southwest Corner of a tract of land deeded to Church of Christ of Terre Haute (Instrument No. 2014000509), witnessed by an iron pipe 0.1 feet East and the Point of Beginning of this description; thence South 89 degrees 47 minutes 41 seconds East along the South line of the Church of Christ of Terre Haute Land a distance of 206.54 feet to an iron pipe at the Southeast Corner of said Church of Christ of Terre Haute land; thence South 00 degrees 17 minutes 27 seconds West parallel with West line of the East Half of the Northeast Quarter a distance of 26.32 feet to a 5/8 inch rebar with plastic cap stamped "TOWLES IN LS 21700001", hereinafter called a monument; thence North 89 degrees 47 minutes 01 seconds West parallel with the North line of said quarter a distance of 206.54 feet to a monument on the West line of the East Half of the Northeast Quarter; thence North 00 degrees 17 minutes 27 seconds East along said West line of the East Half of the Northeast Quarter a distance of 26.28 feet to the Point of Beginning containing 0.12 acres, more or less.

And

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, exact 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1. Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of Sid East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning: thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described

12 acre tract: thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter Section 1; thence north along said west line a distance of 230.00 feet to the place of beginning and containing 1.354 acres, more or less. EXPECT 50 feet of even width off the east side of said 1.354 acre tract.

Being formerly known as:

377.20 Feet off the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West expect 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West half of said East Half of said Northeast Quarter of said Section 1 and which point is the place of beginning; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 377.20 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said West Half of said East Half of said Northeast Quarter of said Section 1; thence north along said west line a distance of 377.20 feet to the place of beginning and containing 2.221 acres, more or less.

Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, expect 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west and 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of

147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the place of beginning and containing 0.866 acres, more or less.

Commonly known as: 4017 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-226-002.000-005

2. That copies of the Deeds, recorded in the records of the Recorder’s Office of Vigo County, Indiana, transferring fee simple title to Church of Christ at Terre Haute are 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 they are 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 John P. Edwards as one of the Elders of Church of Christ at Terre Haute.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John P. Edwards, Elder

STATE OF INDIANA )  
  ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, 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, Terre Haute, Indiana 47807.

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016, being duly sworn upon their oaths, depose and say:

1. That Johnie Paul Edwards and Melba J. Edwards are Trustees for the Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016 which 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:

Fourteen (14) rods of even width off the West side of the following described real estate: Beginning at the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, Vigo County Indiana, and running thence West along the North line of said Quarter Section 24 rods; thence South 80 rods; thence East 24 rods; thence North 80 rods to the place of beginning.

Except a tract in the Northeast corner thereof described as follows: Beginning at a point 10 rods West of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West; thence West 99 feet; thence South 495 feet; thence East 99 feet; thence North 495 feet to the place of beginning.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

- g) Subject to Grant of Permanent and Temporary Easement granted unto the City of Terre Haute, Indiana for the use and benefit of the Sanitary District of the City of Terre Haute, Indiana, dated February 26, 2001 and recorded September 18, 2001 as Instrument No. 200119294.
- h) Subject to Special Ordinance No. 16, 1998 as Amended dated May 15, 1998 and recorded October 15, 1998 in Miscellaneous Record 209, page 1251
- i) Subject to Location Control Route Survey Plat of New Margaret Avenue- Phase III, Project NO. 45285 recorded November 12, 2009 as Instrument No. 2009016043.

Commonly known as: 4069 East Margaret Drive, Terre Haute, Indiana 47803.  
Parcel No.: 84-09-01-227-001.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to John Edwards and Melba Edwards are 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 they are 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 Johnie Paul Edwards and Melba J. Edwards, Trustees

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2019.

Johnie Paul Edwards and Melba J. Edwards Trust, June 26, 2016

\_\_\_\_\_  
Johnie Paul Edwards, Trustee

\_\_\_\_\_  
Melba J. Edwards, Trustee

STATE OF INDIANA )  
                              ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My Commission expires:

My County of Residence:

\_\_\_\_\_

\_\_\_\_\_

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, John Edwards, being duly sworn upon his oath, depose and say:

1. That John Edwards 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:

The West Half (W1/2 of the E 1/2) of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof 24 rods east and west by 80 rods north and south, EXCEPT that part conveyed unto the State of Indiana for right-of-way as shown by instrument dated March 17, 1964, and recorded in Deed Record 334, page 80. ALSO EXCEPT that part thereof conveyed to James J. Isbell and Nancy A. Isbell, husband and wife, as shown by instrument dated April 29, 1981, and recorded in Deed Record 386, page 611. ALSO EXCEPT that part conveyed to Michael P Haley and Margaret A. K. Haley, husband and wife, as shown by instrument dated June 25, 1981 and recorded in Deed Record 387, page 965.

ALSO, part of the north side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate herein conveyed is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East Half of said Northeast Quarter of said Section 1; thence east along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet and which point is the place of beginning; thence south along the west line of said 12 acre tract a distance of 147.2 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.60 feet to the west line of said East Half of said Northeast Quarter of Section 1; thence north along said west line a distance of 147.2 feet; thence east parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the place of beginning and containing 0.866 acres, more or less.

ALSO, Fifty (50) feet of even width off the east side of the following described real estate. Part of the North side of the West Half of the East Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, except 12 acres in the northeast corner thereof (which 12 acres is measured 24 rods east and west by 80 rods north and south), which real estate is more particularly described as follows, to-wit: Commencing at the northeast corner of the Northeast Quarter of said Section 1, Township 11 North, Range 9 West; thence west along and with the north line of said Northeast Quarter a distance of 1305.00 feet to the northwest corner of said West Half of said East half of said Northeast Quarter of said Section 1, and which point is the place of beginning; thence eat along and with the north line of said Northeast Quarter a distance of 256.50 feet to the west line of

the above described 12 acre tract; thence south along the west line of said 12 acre tract a distance of 230.00 feet; thence west parallel to the north line of said Northeast Quarter a distance of 256.50 feet to the west line of said East Half of said Northeast Quarter of Section 1: thence north along said west line a distance of 230.00 feet to the place of beginning.

Subject to Grant of Permanent and Temporary Easement in favor of the Sanitary District of the City of Terre Haute, Indiana, dated February 19, 2001 and recorded September 18, 2001 in Instrument Number 200119293, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 4051 Margaret Avenue, Terre Haute, IN 47802.  
Parcel No.: 84-09-01-226-001.000-005

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

3. That Affiant make this Affidavit for the sole purpose of affirming that he 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 John Edwards.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Edwards

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF VIGO  )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, 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, Terre Haute, Indiana 47807.

Receipt

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

Date: 02-06-19

Name: Wright, Ashley & Lowery

Reason: Rezoning - John Edwards

TERRE HAUTE, IN  
PAID

Cash: \_\_\_\_\_

Check: \$45.00 - #069273

CONTROLLER

Credit: \_\_\_\_\_

Total: \$45.00

Received By: [Signature]



# 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: March 7, 2019

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 5-19,

CERTIFICATION DATE: March 6, 2019

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. 5-19. This Ordinance is a rezoning of the property located at 4017, 4069 & 4051 Margaret Dr. The Petitioners, Church of Christ of Terre Haute, Johnie Paul & Melba J. Edwards Trust & John Edwards, petitioned the Plan Commission to rezone said real estate from zoning classification R-1 to C-3, Community Commerce District for speculative commercial zoning. 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. 5-19 at a public meeting and hearing held Wednesday, March 6, 2019. 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. 5-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-19 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. 5-19 was to TABLE pthe petition as requested by the petitioners.



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 7th day of March, 2019.



**TERRE HAUTE**  
A LITTLE ABOVE

# 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

FILED

APR 04 2019

CITY CLERK

DATE: April 4, 2019

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 5-19,

CERTIFICATION DATE: April 3, 2019

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.58-19. This Ordinance is a rezoning of the property located at 4017, 4069 & 4051 E. Margaret Dr. The Petitioners, Church of Christ of Terre Haute, Johnie Paul and Melba J Edwards Trust and John Edwards petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-3, General Business District for Speculative Commercial zoning. 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. 5-19 at a public meeting and hearing held Wednesday, April 6, 2019. 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. 5-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-19 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. 5-19 was FAVORABLE WITH THE FOLLOWING CONDITION: Approval of Site Plan meeting all City codes. A major subdivision be submitted and approved with future site plans. Buffering and landscaping plan be submitted and approved. Approval from City Council to allow dwelling units in a C-3 at these locations.



A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 4th day of April, 4 2019

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-19

Doc: #15

Date: March 2019

Page 1 of 5

## APPLICATION INFORMATION

Property Owner #1: Church of Christ of T.H. – 4017 E. Margaret Dr.  
 Property Owner#2: John Edwards – 4051 E. Margaret Dr.  
 Property Owner#3: Johnie & Melba Edwards Trust – 4069 E. Margaret Dr.

Representative: Richard J. Shagley II

Proposed Use: Speculative commercial rezoning

Proposed Zoning: C-3, Regional Commerce District

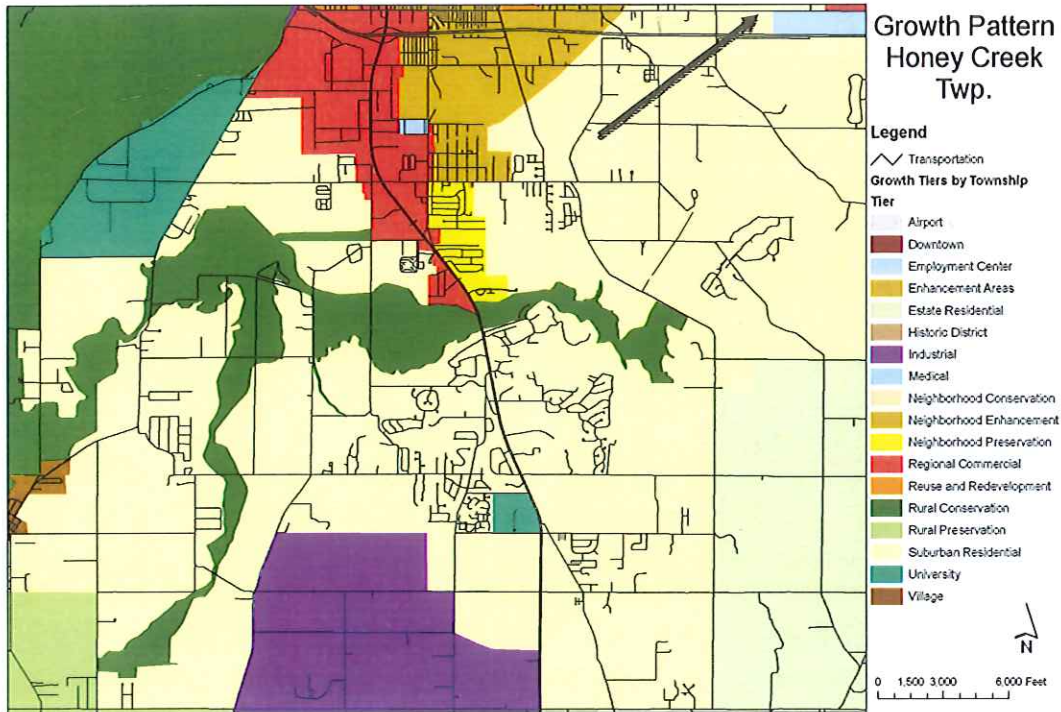
Current Zoning: R-1 Single Family Residence District

Location: The properties are located approximately 1,315 ft. east of the corner of the intersection of S. Fruitridge Ave and E. Margaret Dr. on the south side of E. Margaret Dr.

Common Address: 4017, 4051 & 4069 E. Margaret Dr.

## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



**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 #5-19

Doc: #15

Date: March 2019

Page 3 of 5

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- 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:** E. Margaret Dr.

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### ZONING COMPATIBILITY

Sur. Zones and Uses:

**North** – R-1, Single Family Residential

**West** – C-3, Regional Commerce District

**South** – A-1, Agricultural District & I-70 Corridor

**East** – R-1, Single Family Residential

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### 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 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.

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## **FINDINGS and RECOMMENDATION**

### **Findings:**

For planning purposes spec. zonings are difficult. Rezoning real property for future use without a need for the use creates opportunities for illegal non-conforming uses to arise and imposes hardships, self-imposed or otherwise, upon land owners, but for the rezoning, would not exist. Also, spec zonings lend themselves to spot zoning which is not permitted. Spot zoning is not an issue with this request.

This rezoning request creates multiple self-imposed hardships upon the property owners. Self-imposed hardships are not viewed by the BZA as a hardship and therefore should not be approved. Churches are a special exception use in all commercial zonings in the city. BZA approval will be required for the church to continue to operate. The BZA request should run concurrently with the rezoning so as to not create an illegal nonconforming use. The church will also be required to hard surface the parking area unless another variance is requested and approved.

Dwelling units, lodging rooms, motels, and mobile home parks are not permitted in the C-3 Zone except as they may be permitted by the Planning Commission, with the approval of the Common Council, whom may vary the requirements in order to comply with the spirit and meaning as denned in Division I, Sec. 10-20 (§10-207g.(1)(A)). Thus, special permission must be granted from the APC and City Council for the residents at 4051 and 4069 to remain in their homes. Failure to obtain permission with approval of the rezoning will mean eviction for the home owners creating yet another hardship for those home owners.

Finally 4069 and 4051 will also require a major subdivision prior to commercial development at those locations.

It has frequently been the position of the APC to favorably recommend a rezoning when a need presents itself. This stance assures compliance with all portions of the code and eliminates opportunity for developers to submit site plans which cannot comply with code and could be viewed as injurious to the public; health, safety, comfort, morals, convenience, and general welfare of the community or surrounding land uses.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-19

Doc: #15

Date: March 2019

Page 5 of 5

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As no current site plan exists for an immediate commercial use at this location, staff would consider continuing a reactionary approach in expanding the commercial zoning.

However, this area is a part of the Margaret Avenue Corridor Plan. That plan identifies that over time this area of the City of Terre Haute is eventually to become either commercial or industrial in use. Also, this particular zoning class already has been approved immediately to the west.

If in the future the land owners have a potential commercial use for this location then a site plan must be approved prior to development.

**Recommendation:**

Staff would offer a favorable recommendation. With the following conditions:

1. All future site plans must meet code and must be approved by City Engineering
2. A major subdivision be submitted as a part of any future site plans.
3. Buffering and a landscape plan be submitted and approved.
4. BZA approval for a special exception use for the Church.
5. Approval from City Council to allow dwelling units in a C-3 at this location.