

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 2 2019

=====
Common Address of lots to be rezoned: **1412 Locust St., 1421 and 1425 1st Ave. Terre Haute,
IN**

Rezone From: **R-2 two family residential**

Rezone To: **C-2, Community Commerce District**

Proposed Use: **Medical and dental clinic**

Name of Owner: **Roman Catholic Archdiocese of Indianapolis Properties, Inc. and
Wabash Valley Health Center, Inc.**

Address of Owner: **1436 Locust St., Terre Haute, IN 47807**
P.O. Box 1410, Indianapolis, Indiana 46206-1410

Phone Number of Owner: **c/o (812) 232-6003 Louis F. Britton**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre
Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: Owner Attorney

Council Sponsor: Neil Garrison
Neil Garrison

Roman Catholic Archdiocese of Indianapolis
Properties, Inc.

By: _____
(Signature)

(Printed Name and Title)

Wabash Valley Health Center, Inc.

By: Charles Welker
(Signature)

Charles Welker-CEO
(Printed Name and Title)

FILED
JAN 03 2019
CITY CLERK

SPECIAL ORDINANCE NO. 2, 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 ORDAINED 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:

That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

See Exhibit A.

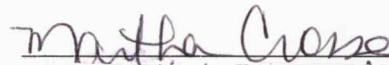
Commonly known as 1412 Locust Street (part), 1421 and 1425 Avenue, Terre Haute, Indiana, be and the same are hereby established as C-2, Community Commerce District as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-2, Community Commerce District authorizing the use of said real estate for the operation of a medical and dental clinic as well as the other uses permitted by such designation, together with all rights, privileges, and provisions 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 2. 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 approval by the Mayor and publication as required by law.

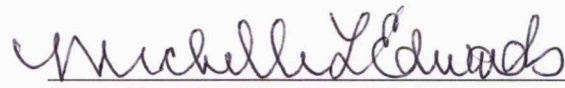
PRESENTED BY COUNCILPERSON 
Neil Garrison

Passed in open Council this 3RD day of MARCH, 2019.

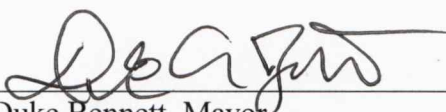

MARTHA CROSSEN, President

ATTEST: , City Clerk
Michelle Edwards

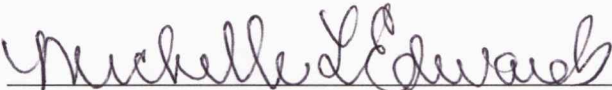
Presented by me to the Mayor this 11TH day of MARCH, 2019.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 11th day of MARCH, 2019.



Duke Bennett, Mayor
City of Terre Haute

ATTEST: 

Michelle Edwards, City Clerk

I have prepared the foregoing instrument and 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.



Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

Exhibit A
Description of Real Estate to Be Rezoned

Lot Numbers 17, 18, and 19 in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

The vacated portions of the alley located between said lots 17, 18 and 19 and lots 26, 27 and 28 and the vacated portion of the alley located between lots 16 and 29, all located in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

The West 4 ½ feet of the vacated alley lying between the West 4 ½ feet of Lot 16 and Lot 29 in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

A part of the land described in Deed Record 441, Page 855 being in Eshman and Ohm Subdivision (Plat Book 2, Page 17) being in the Southeast Quarter of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

All of Lot 26 and the East 2.51 feet of Lot 25 in said subdivision.

ALSO

The South Half of the 12 feet wide platted alley partially vacated with Instrument No. 201XXXXXXX adjoining the North line of Lot 26 and the East 2.51 feet of Lot 25 in said subdivision.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

Roman Catholic Archdiocese of Indianapolis Properties, Inc., ("Archdiocese") and
Wabash Valley Health Center, Inc. (WVHC), Petitioners, are the owners of the following
described real estate located in Vigo County, Indiana, to-wit:

See Attached

which real estate is commonly known as:

1412 Locust St., Terre Haute, Indiana-owner-Archdiocese
1421 and 1425 1st Ave., Terre Haute, Indiana -owner-WVHC

The Archdiocese proposes to convey the portion of 1412 Locust St. identified in Exhibit
A to WVHC for use as a medical/dental clinic.

Petitioners are informed and believe that according to Chapter 10, Article 2, Division IV,
Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for
Terre Haute," and amendments thereto, the above described real estate is zoned R-2, Two Family
Residence District of the City of Terre Haute, Indiana. Petitioners are further informed and
believes that the operation of WVHC's proposed businesses would require said real estate to be

rezoned to the classification as C-2, Community Commerce District, under which classification Section 10.207(g), "Uses Permitted in C-2 Zone" would authorize such business operations.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

A. That the proposed business would be beneficial to the local community;

B. That said real estate is located near an area which is zoned/used for commerce and the property is currently used as a church-operated medical/dental clinic; the use would not change;

C. That said real estate is located on Locust Street and First Avenue which provide access to businesses and patients in the immediate area as well as in other parts of town;

D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood.

E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area;

WHEREFORE, petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "C-2 Community Commerce District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioners, **Roman Catholic Archdiocese of Indianapolis Properties, Inc. and Wabash Valley Health Center, Inc.**, have duly executed this instrument this _____ day of _____, 2018.

**ROMAN CATHOLIC ARCHDIOCESE
OF INDIANAPOLIS PROPERTIES, INC.**

By: _____
(Signature)

(Printed Name and Title)

Wabash Valley Health Center, Inc.

By: Charles Welker
(Signature)
Charles Welker - CEO
(Printed Name and Title)

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

Exhibit A
Description of Real Estate to Be Rezoned

Lot Numbers 17, 18, and 19 in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

The vacated portions of the alley located between said lots 17, 18 and 19 and lots 26, 27 and 28 and the vacated portion of the alley located between lots 16 and 29, all located in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

The West 4 ½ feet of the vacated alley lying between the West 4 ½ feet of Lot 16 and Lot 29 in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 N., range 9 W., in the city of Terre Haute as shown by the recorded plat thereof as the same appears in the records of the Office of the Recorder of Vigo County, Indiana.

ALSO

A part of the land described in Deed Record 441, Page 855 being in Eshman and Ohm Subdivision (Plat Book 2, Page 17) being in the Southeast Quarter of Section 15, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

All of Lot 26 and the East 2.51 feet of Lot 25 in said subdivision.

ALSO

The South Half of the 12 feet wide platted alley partially vacated with Instrument No. 201XXXXXXX adjoining the North line of Lot 26 and the East 2.51 feet of Lot 25 in said subdivision.

AFFIDAVIT

COME NOW affiant, the Wabash Valley Health Center, Inc., by its duly authorized agent and affirms under penalty of law that it is the owner of record of the property located at 1421 and 1425 1st Ave., Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

Wabash Valley Health Center, Inc.

By Charles Welker
Signature

Charles Welker - CEO
Printed name and title

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, _____

_____, who acknowledge the execution of the above and foregoing

Affidavit, after being duly sworn upon their oaths and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this _____ day of _____, 2018.

Notary Public

(Printed Name)

My Commission Expires:

My County of Residence:

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

CERTIFIED TRUE COPY

Mail tax bills to:
Wabash Valley Health Center, Inc.
1421 1st Avenue 1436 East Street
Terre Haute, IN 47607-1027

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That Grantor, **Old National Trust Company (formerly Indiana Bank and Trust Company)**, as **Personal Representative of the Estate of Charles T. Lawson, deceased**, by its authorized representative, **Krista J. Grange, Senior Vice President**, of Vigo County, Indiana, **CONVEYS AND QUIT CLAIMS** to Grantee, **Wabash Valley Health Center, Inc.**, of Vigo County, Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number Eighteen in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15, Township 12 North, Range 9 West, in the City of Terre Haute, Indiana, as shown by the recorded plat thereof, as the same appears in the records in the Office of the Recorder of Vigo County, Indiana.

Real Estate taxes due and payable in the year 2013 shall be pro-rated to the date of closing. Any delinquent taxes shall be paid by Seller. Buyer shall be responsible for all taxes hereafter.

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

The real property and improvements as being sold "AS IS".

Grantor represents that all Indiana Inheritance Taxes due and owing from this Estate have been duly paid and satisfied.

Effective as of September 15, 2012, the Comptroller of the Currency (OCC) merged Indiana Bank and Trust Company, Columbus, Indiana, FDIC Certificate Number 28285, with the Old National Bank, Evansville, Indiana, OCC Charter Number 8846. The resulting bank title is Old National Bank, OCC Charter Number 8846.

IN WITNESS WHEREOF, Grantor has executed/delivered this deed this 26th day of March, 2014.

Krista J. Grange
Old National/Trust Company (formerly Indiana Bank and Trust Company), as Personal Representative of the Estate of Charles T. Lawson, deceased, by its Authorized representative, Krista J. Grange, Senior Vice President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, this 26th day of March, 2014, personally appeared Grantor, Krista J. Grange, Senior Vice President of Old National Trust Company (formerly Indiana Bank and Trust Company), as Personal Representative of the Estate of Charles T. Lawson, deceased, and acknowledged this conveyance to be her voluntary act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.



Kathleen G. Cox
Signature of Notary Public

Kathleen G. Cox
Printed Name of Notary Public

Vigo
County of Residence


My Commission Expires:
February 3, 2017

This Instrument Prepared by Richard S. Eynon, Eynon Law Group, P.C., Attorney-at-Law 555 First Street, P.O. Box 1212, Columbus, Indiana 47202.

LIBRARY INFORMATION
Subject to final acceptance for Transfer

SEP 20 2018

James W. Beardsall
VIGO COUNTY AUDITOR

2018010004 MO 525.00
09/20/2018 12:55:22P 2 PGS
Stacey Joy
VIGO County Recorder III
Recorded as Presented


WARRANTY DEED

THIS INSTRUMENT WITNESSETH that Larry Allen Coleman and Penny S. Coleman, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **Walsh Valley Health Center, Inc.**, "Grantee", organized and existing in accordance with the laws of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lot 19, in Esters and Green's Subdivision of part of the South East quarter of Section 15, Township 17 North, Range 9 West

Commonly known as 1415 1st Ave. Terre Haute, IN 47807


Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage ditches, ditches, fences and laterals, if any

DATED this 20th day of September, 2018

Larry Allen Coleman
Larry Allen Coleman

Penny S. Coleman
Penny S. Coleman

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2018072315 40 625.00
07/17/2018 01:50:09P 2 PGS
Stacey Joy
Vigo County Recorder IN
Recorded as Presented


JUL 17 2018


JAMES W. BRANTLEY
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH that Enrique Andrade and Betsy E. Andrade, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to Wabash Valley Health Center, Inc. "Grantee" organized and existing in accordance with the laws of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lot 17 in Esthman and Oem's Subdivision of part of the South East quarter of Section 15, Township 12 North, Range 9 West.

Commonly known as 1425 1st Ave., Terra Haute, IN 47807

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed

DATED this 16 day of July, 2018.


Enrique Andrade


Betsy E. Andrade

STATE OF INDIANA)
)
)
COUNTY OF VIGO)
)
)

Before me, the undersigned, a Notary Public, found for said County and State, this
14 day of July, 2018, personally appeared Enrique Andrade and
Beisy E. Andrade, 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:



Shannon L. Harrison
Notary Public
Printed Shannon L. Harrison
Residing in Vigo County

Mail Tax Statements To Grantee at 1434 Laurel St
Leoni, Indiana IN 47807

Mail Deed To Integrity Title Services, 1512 Wabash Ave., Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have not received any fee to collect each Social Security
number in this document, in violation of 26 U.S.C. § 6050K(b)(1).

Shannon L. Harrison

This instrument was prepared by Robyn Givichuk of GURCHUCK LAW, P.C., P.O. Box 6327, Sisters, IN 46784, at the specific request of the parties of their organized representatives based solely on information supplied by one or more of the parties to this instrument. The drafter assumes no liability for any errors, inaccuracies, or omissions in this instrument resulting from the information provided and makes no representation regarding the nature or quality of such information, conveyed by a party's signature and that party's acceptance of this instrument. (MPT 18-057)

Receipt

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

TERRE HAUTE, IN
PAID

JAN 03 2019

Date: Jan. 3, 2019

Name: Wabash Valley Health Center

CONTROLLER

Reason: Rezoning - Notice of Filing \$ 25⁰⁰

Rezoning - Petition \$ 20⁰⁰

45⁰⁰

Cash: _____

Check: \$ 45⁰⁰ ck # 99300

Credit: _____

Total: \$ 45⁰⁰

Received By: S. Ellis / AR



TERRE HAUTE
A LEVEL 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

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 2-19,**

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. 2-19. This Ordinance is a rezoning of the property located at 1421 Locust, 1421 & 1425 1st Ave. The Petitioner, Wabash Valley Health Center Inc. petitioned the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Community Commerce District for a medical and dental clinic. 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. 2-19 at a public meeting and hearing held Wednesday, March 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. 2-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 2-19 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. 2-19 was **FAVORABLE WITH THE FOLLOWING CONDITION: Approval of a landscape and buffering plan by City Engineering**



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 7th day of March, 2019