



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. #46**

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COMMON ADDRESS OF LOTS TO BE REZONED: 916 Kussner St Terre Haute, IN 47802

Parcel Number: 84-06-34-307-010.000-002

Current Zoning: R-1 Single-Family Residence District

Requested Zoning: R-3 General Residence District

Proposed Use: Same as current, residential. No building or construction required.

Name of Owner: Wires Only LLC – Ethan Whitaker, Member

Address of Owner: 3841 S Randolph St Indianapolis, IN 46227

Phone Number of Owner: 812-720-0123

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: Ethan Whitaker 812-720-0123 OR Zach Hoereth 317-518-488

Council Sponsor: Curtis DeBaun

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

**FILED**

DEC 01 2021

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 46, 20 21**

**CITY CLERK**

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

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

**(Lot Numbered One Hundred Twelve (112) in Stewart Place Subdivision, as per plat thereof, recorded in Plat Book g, Page 25, being a Subdivision of Lots 1,2,3, 4, 5, 11, 13, 14 and a part of Lot 12 in William H. Stewart's Subdivision, as appears on the recorded plat thereof, recorded in Plat Book 14, Page 27, in Vigo County, Indiana.)**

Commonly known as: **916 Kussner St, Terre Haute, Vigo County Indiana 47802**

Be and the same is hereby established as a **R-3 General Residence District** together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Curtis DeBaun (Curtis DeBaun)

Passed in Open Council this 10 day of February, 2022

ATTEST: Michelle L Edwards Cheryl Loudermilk  
Michelle Edwards, City Clerk Cheryl Loudermilk -President

Presented by me to the Mayor of the City of Terre Haute this 11<sup>th</sup> day of February 2022  
Michelle L Edwards  
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 11<sup>th</sup> day of FEBRUARY, 2022  
Duke A Bennett  
Duke A. Bennett, Mayor

ATTEST: Michelle L Edwards  
Michelle Edwards, City Clerk

This instrument prepared by: (Ethan Whitaker, 3841 S Randolph St Indianapolis, IN 46227, 812-720-0123)

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.

DocuSigned by: Ethan Whitaker  
Ethan Whitaker 11/30/2021

PETITION TO REZONE REAL PROPERTY

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

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Ethan Whitaker, member of, Wires Only LLC**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

**(Lot Numbered One Hundred Twelve (112) in Stewart Place Subdivision, as per plat thereof, recorded in Plat Book g, Page 25, being a Subdivision of Lots 1,2,3, 4, 5, 11, 13, 14 and a part of Lot 12 in William H. Stewart's Subdivision, as appears on the recorded plat thereof, recorded in Plat Book 14, Page 27, in Vigo County, Indiana.)**

Commonly known as: **916 Kussner St, Terre Haute, Indiana 47802.**

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1 Single-Family Residence District**.



Your petitioner would respectfully state that the real estate is now a **residential dwelling**. Your petitioner intends to use the real estate as **three residential units**.

Your petitioner would request that the real estate described herein shall be zoned as a **R-3 General Residence District**. Your petitioner would allege that the **R-3 General Residence District** would **not** alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-3 General Residence District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 29 day of November, 2021.

BY:    
**(Ethan Whitaker – Wires Only LLC)**

PETITIONER: **Ethan Whitaker, Member of Wires Only LLC, 3841 S Randolph St Indianapolis, In 46227**

This instrument was prepared by **Ethan Whitaker, 3841 S Randolph St Indianapolis, IN 46227, 812-720-0123**

**AFFIDAVIT OF:**

COMES NOW affiant Ethan Whitaker

and affirms under penalty of law that affiant is the owner of record of the property located at 916 Bussner St Terre Haute, IN 47802

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

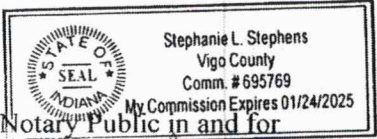
I affirm under penalty for perjury, that the foregoing representations are true.

Ethan Whitaker  
[Wires Only LLC - Ethan Whitaker, Member]

SIGNATURE: [Signature]

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)



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

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 29th day of November, 2021.

Notary Public:  
Stephanie Stephens  
[Typed name] Stephanie Stephens

My Commission Expires: 1/24/25

My County Of Residence: Vigo

2020015952 DEED \$25.00  
12/04/2020 10:22:19AM 4 PGS  
Stacey M. Todd  
Vigo County Recorder IN  
Recorded as Presented



**LIMITED LIABILITY PARTNERSHIP WARRANTY DEED**

THIS INDENTURE WITNESSETH, That **CHERRY WALKUP, LLP** (Grantor) CONVEYS AND WARRANTS to **WIRES ONLY LLC** (Grantee), for the sum of Ten and No/100---Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

Lot Numbered One Hundred Twelve (112) in Stewart Place Subdivision, as per plat thereof, recorded in Plat Book 9, Page 25, being a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and a part of Lot 12 in William H. Stewart's Subdivision, as appears on the recorded plat thereof, recorded in Plat Book 14, Page 27, in Vigo County, Indiana.

Grantor further certifies that there is no Gross Income Tax due the State of Indiana currently in respect to this conveyance.

Subject to current real estate property taxes and assessments not delinquent and subject to real estate property taxes and assessments payable thereafter.

Taxing Unit: Harrison Township.  
Tax Identification No.: 118-06-34-307-010 / 84-06-34-307-010.000-002.

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

The address of such real estate is commonly known as 916 Kussner Street, Terre Haute, Indiana 47802.

The undersigned person(s) executing this deed on behalf of Grantor represent(s) and certifies/certify that she/he/they is/are (a) duly elected officer(s) of Grantor and/or has/have been fully empowered, by proper entity resolution of Grantor, to execute and deliver this Deed; that Grantor has full entity capacity to convey the real estate described herein; and that all necessary entity action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this Deed this 1st day of December, 2020.

Signature page to follow next

[the remainder of this page intentionally left blank]



for and on behalf of **CHERRY WALKUP, LLP**, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of December, 2020.

My Commission Expires:

9/21/2023

Signature

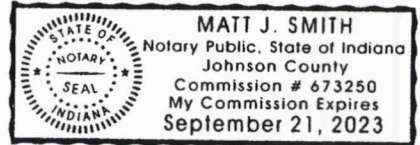
Matt J Smith

Printed

Matt J Smith

Notary Public

Residing in Johnson County, State of Indiana.



STATE OF INDIANA )  
 ) SS:  
COUNTY OF Johnson )

Before me, a Notary Public in and for said County and State, personally appeared Stacey Lynn [Witness's Name], being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Paula E Walkup, as Partner, and X, as X, respectively, of and for and on behalf of **CHERRY WALKUP, LLP**, in the above-named subscribing witness's presence, and that the above-named subscribing witness is not a party to the transaction

described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this 15<sup>th</sup> day of December, 2020.

My Commission Expires:

9/21/2023

Signature

Matt J. Smith

Printed

Matt J. Smith

Notary Public

Residing in Johnson County, State of Indiana.



Grantee's Post Office mailing address is 3841 S. Randolph Street, Indianapolis, Indiana 46227.

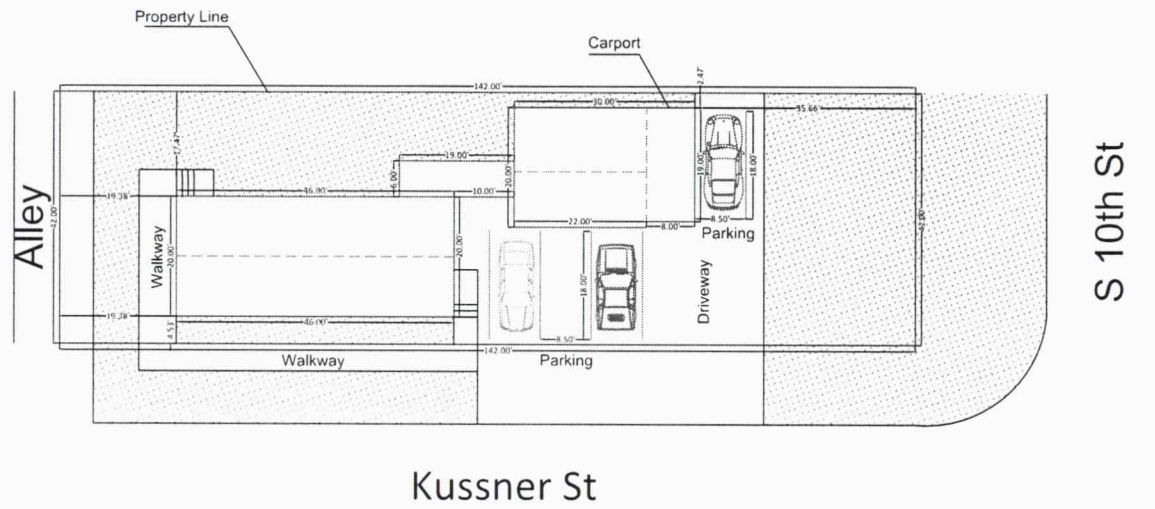
Send tax bills to Grantee at the address of 3841 S. Randolph Street, Indianapolis, Indiana 46227.

Prepared from Investors Title Service, Inc. File No.: 20-075211.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Name: Jeffrey R. Slaughter, Attorney at Law, Declarant.

This instrument was prepared by **JEFFREY R. SLAUGHTER**, Attorney at Law #362-49, 8310 Allison Pointe Boulevard, Suite 204, Indianapolis, Indiana 46250 / Telephone 317-579-0816.





916 Kussner St  
Terre Haute, IN 47802  
Scale: 1"=20'

RECEIPT

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

Date: 12-1-21

Name: Wires Only LLC - Char Whitaker

Reason: Removing Notice of Filing \$25.00  
Removing - petition \$20.00  
\$45.00

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

Check: 45.00 CK # 2762

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

TOTAL: 45.00

TERRE HAUTE, IN  
**PAID**

DEC 01 2021

CONTROLLER

Received By: [Signature]