

**SPECIAL ORDINANCE NO. 15, 2022**

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

=====

Common Address of lots to be rezoned:

501 S. 25th St., Terre Haute, Indiana 47803

Parcel No. 84-06-26-133-008.000-002

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Rezone From: R-2 Two-Family Residence District

Rezone To: C-2 Community Commerce District

Proposed Use: Business Offices

Name of Owners: Tusk Bros. LLC

Address of Owners: 8525 S. Dearborn St., Cory, IN 47846

Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: 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: Martha Crossen

=====

**COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAY 04 2022

WITHDRAWN

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 15, 2022

CITY CLERK

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

SECTION I. 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:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25<sup>th</sup> St., Terre Haute 47803.

Be and the same is hereby established as a C-2Community Commerce 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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cheryl Loudermilk, President

ATTEST:

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

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

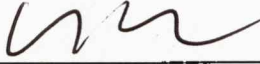
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jacob B. Wagle, Member of Tusk Bros., LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25th St., Terre Haute 47803.

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-2 Two Family Residence District.

Your Petitioner intends to use this real estate for business offices. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

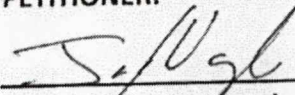
Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce 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.

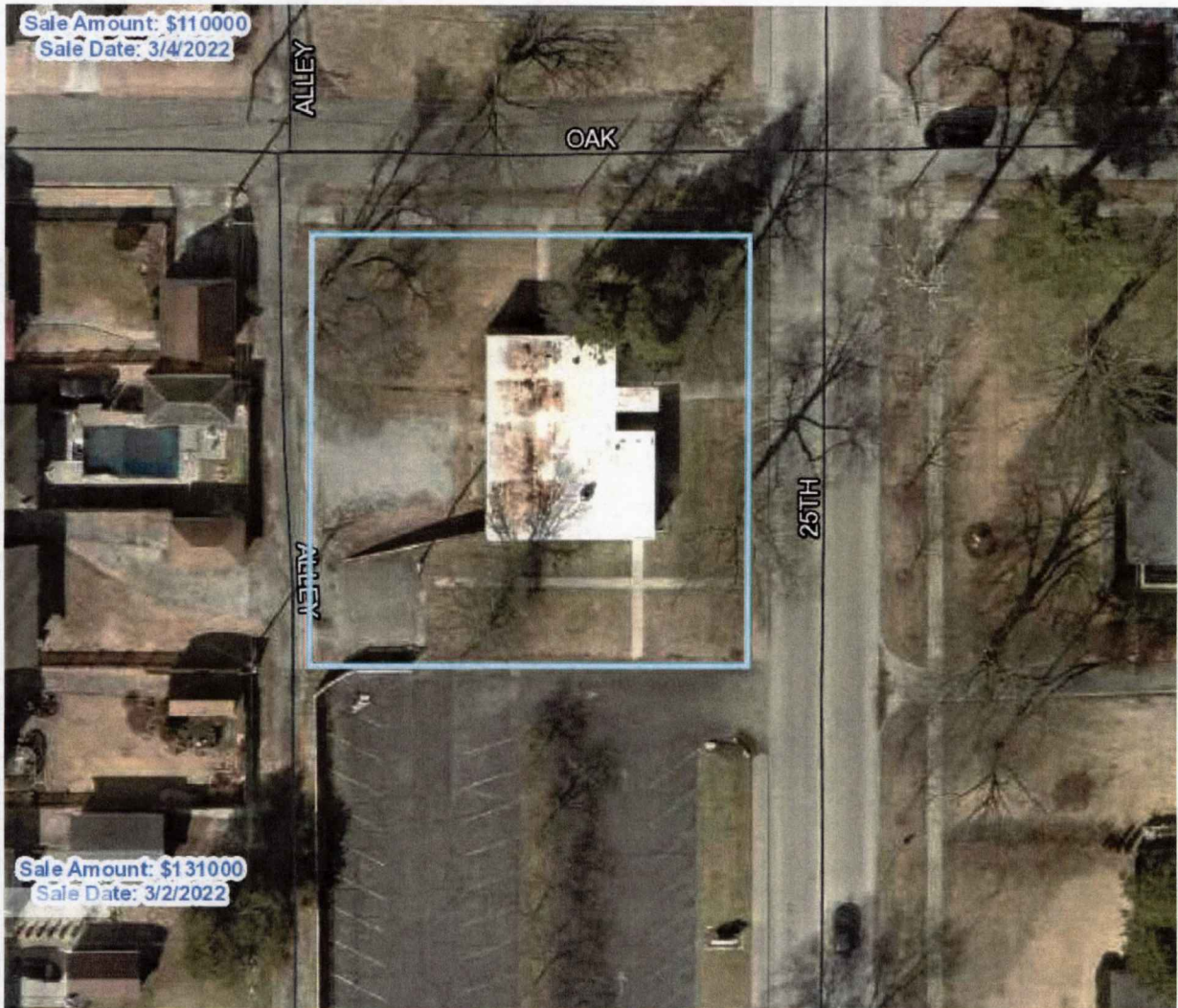
IN WITNESS WHEREOF, this petition has been duly executed this 2 day of May, 2022.

PETITIONER:

  
\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

**SITE PLAN  
SPECIAL ORDINANCE NO. 15, 2022**



8525 S. Dearborn St., Cory, IN 47846  
Parcel No. 84-06-26-133-008.000-002



R-2 Two-Family Residence District  
to  
C-2 Community Commerce District

Proposed Use: Business Offices

STATE OF INDIANA ) SS:  
COUNTY OF \_\_\_\_\_ )

AFFIDAVIT

Comes now, Jacob B. Wagle, Member of Tusk Bros., LLC, being duly sworn upon his oath, deposes and says:

1. That Tusk Bros., LLC 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:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

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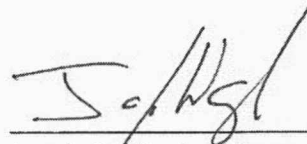
Commonly known as: 501 S. 25th St., Terre Haute 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is 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 Tusk Bros., LLC 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 Tusk Bros., LLC.

4. Further, Affiant saith not.

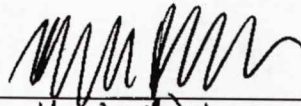
Dated at Terre Haute, Indiana this 2 day of May, 2022.



\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Madison )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2 day of May, 2022.



Kristie Rich, Notary Public




My Commission expires: 8/14/24

My County of Residence: Madison

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.



202205006 CORP WD \$25.00  
04/21/2022 09:38:01A 3 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented



APR 21 2022

  
VIGO COUNTY AUDITOR

## CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Tusk Bros. LLC, a limited liability company organized and existing under the laws of the State of Indiana, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor further states that Crossroads of America Council Boy Scouts of America Inc is one and the same as Wabash Valley Council Boy Scouts of America Inc., Grantee in that deed dated December 12, 1958 and recorded April 13, 1959 at Deed Record 315, page 480, and that subsequent thereto they merged with Crossroads of America Council Boy Scouts of America Inc on or about February 20, 2002 and is now known as Crossroads of America Council Boy Scouts of America Inc.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee(s) to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.

IN WITNESS WHEREOF, Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 20<sup>th</sup> day of April, 2022.



abstract. 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 the instrument.

GRANTEE'S ADDRESS: 8525 S. Dearborn St, Cory, Indiana 47846

MAIL TAX STATEMENTS TO: Same

Receipt

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

Date: 5/4/2022

Name: TUSK BROS, LLC

Reason: Rezoning - notice of filing \$25

Rezoning - petition \$20

\$45

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

Check: \$45

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

Total: \$45-

TERRE HAUTE, IN  
MAY - 4 2022  
PAID  
CONTROLLER

Received By: Gunn Wtz



**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: July 7, 2022

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 15-22

CERTIFICATION DATE: July 6, 2022

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. 15-22. This Ordinance is a rezoning of 501 S. 25<sup>th</sup> Street. The Petitioner, Tusk Bros. LLC, petitions the Plan Commission to rezone said business offices from zoning classification R-2 to C-2, Community Commerce District.

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. 15-22 at a public meeting and hearing held Wednesday, July 6, 2022. 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. 15-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-22 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, there was no recommendation by Area Plan Commission for Special Ordinance No. 15-22 due to the petition being WITHDRAWN.

Handwritten signature of Fred L. Wilson in cursive.

Fred L. Wilson, President

Handwritten signature of Sydney Shahar in cursive.

Sydney Shahar, Assistant Director

Received this 7th day of July, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: February 2022

Page 1 of 4

**APPLICATION INFORMATION**

Property Owner: Tusk Bros. LLC

Representative: Richard Shagley II

Proposed Use: Business Offices

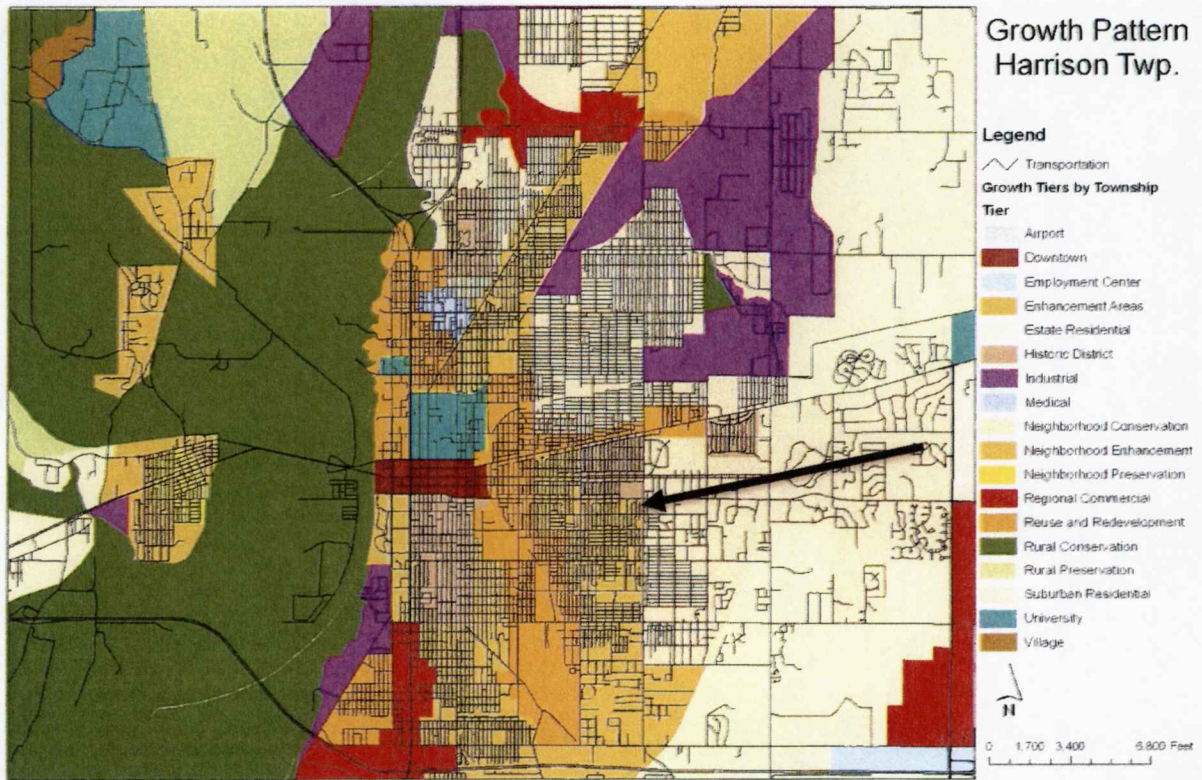
Proposed Zoning: C-2 Limited Community Commerce

Current Zoning: R-2 Two Family District

Common Address: 501 S 25<sup>th</sup> Street, Terre Haute  
Parcel#84-06-26-133-008.000-002/Monterey Place Third sub  
Lots 1, 2 & 3

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: February 2022

Page 2 of 4

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### Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Street Access: S. 25<sup>TH</sup> Street, Terre Haute

Parking Access: Oak Street from the Alleyway

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

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Page 3 of 4

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**ZONING COMPATIBILITY**

Sur. Zones and Uses: **North** – C-2  
**East** – R-1  
**South** – C-2  
**West** – R-2

**ZONING REGULATIONS**

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: February 2022

Page 4 of 4

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**FINDINGS and RECOMMENDATION**

Staff Findings: The petitioner is requesting to rezone from R-2 to C-2 for “business offices”. The type of business was not specified. The office was previously used for the Boy Scouts of America. The intended use of the property as an office does not significantly alter the neighborhood characteristic given the adjacent commercial properties to the north and south (see Memo).

There appears to be four hard-surfaced parking spaces in the rear of the building. Other parking behind the building appears to be white rock. The proposed change of use requires 9 parking spaces, per City Engineering. All parking is accessed through the alley. Parking is required to be hard-surfaced and illuminated. A variance will be required due to the fact that vehicles are required to back into the alley for the existing parking (Sec. 10-137(d)(14)).

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Additional site information confirming the number of existing off-street parking spaces and a plan to address any deficits if applicable.
2. Approval of variance from the Terre Haute BZA to allow for backing into the public alley for the existing parking.

**CITY OF  
TERRE HAUTE  
DEPARTMENT  
OF ENGINEERING**

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807

Phone: 812.232.4028  
Fax: 812.234.3973

[www.terrehaute.IN.gov](http://www.terrehaute.IN.gov)

**DUKE A. BENNETT**  
Mayor

**CHARLES W. ENNIS, P.E., S.E.**  
City Engineer

[engineering@terrehaute.in.gov](mailto:engineering@terrehaute.in.gov)

## MEMORANDUM

**TO:** Sydney Shahar  
Vigo County Area Planning Department

**FROM:** Caleb Williams  
Staff Engineer

**DATE:** May 9, 2022

**RE:** **501 S. 25<sup>th</sup> St – Tusk Bros. LLC**

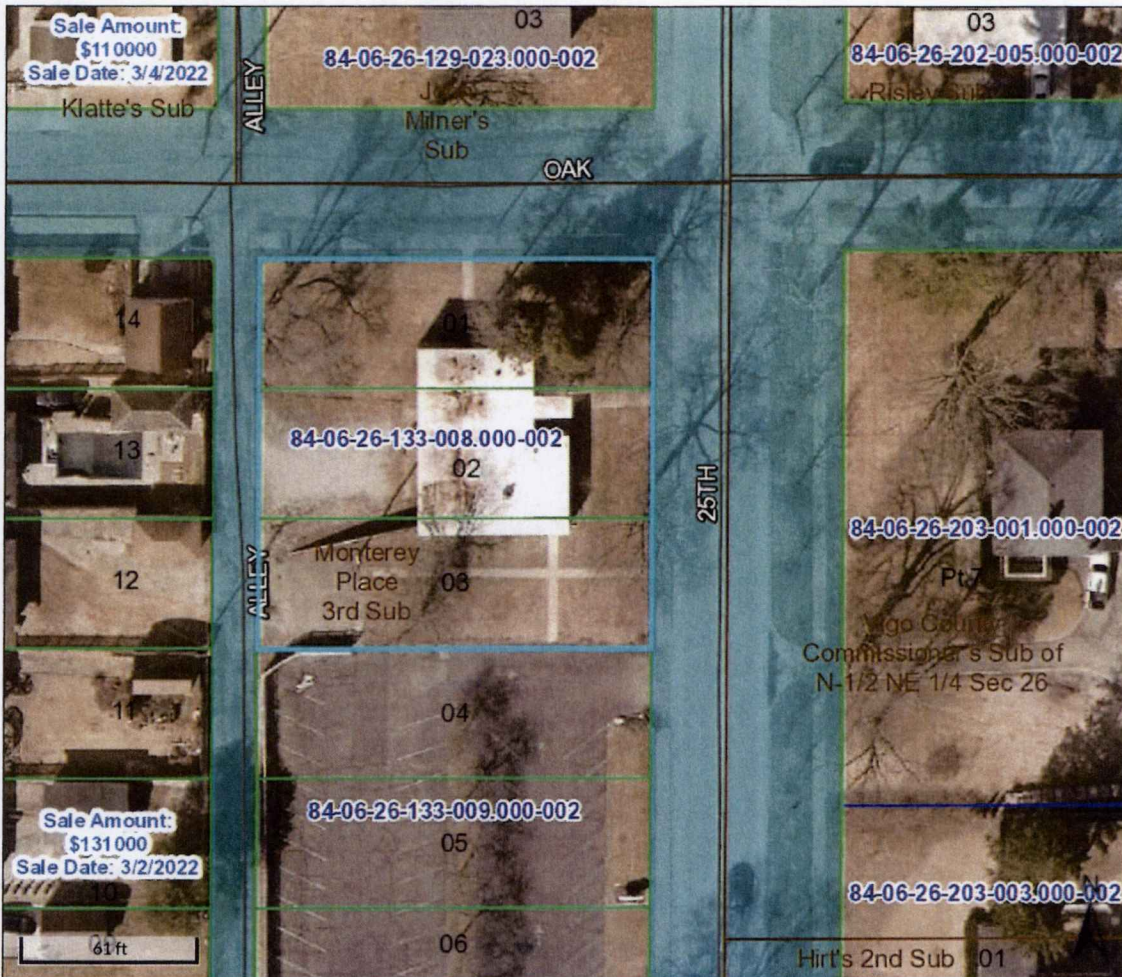
As requested by Area Planning, the Department of Engineering has reviewed the request by Tusk Bros. LLC at 501 S. 25<sup>th</sup> St. for the following:

- Rezoning of property from R-2 Two-Family Residence District to C-2 Community Commerce District

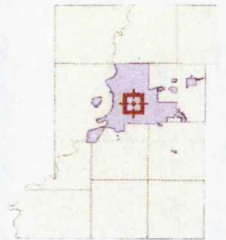
The intended use of the property as an office does not significantly alter the neighborhood characteristic given the adjacent commercial properties to the north and south. A notable concern is the required off-street parking spaces, with the proposed change of use requiring 9 spaces. The site plan provided does not denote parking spaces which makes this office unable to determine compliance if rezoned.

The Department of Engineering would offer a positive recommendation with the condition that the Department receive additional site information confirming the number of existing off-street parking spaces and a plan to address any deficits if applicable.

# Beacon™ Vigo County, IN / City of Terre Haute



## Overview



## Legend

- Corporate Limits
- Political Township
- Sections
- Subdivisions
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

Parcel ID	84-06-26-133-008.000-002	Alternate ID	84-06-26-133-008.000-002	Owner Address	Tusk Bros LLC
Sec/Twp/Rng	26	Class	Exempt: Other structures		8525 S Dearborn St
Property Address	501 S 25TH ST TERRE HAUTE	Acreage	n/a		Cory, IN 47846
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	MONTEREY PLACE 3RD SUB 26-12-9 LOTS 1-3 <span style="color: red;">(Note: Not to be used on legal documents)</span>				

Date created: 5/10/2022  
Last Data Uploaded: 5/10/2022 5:21:10 AM

Developed by Schneider  
GEOSPATIAL

Docket #42

**SPECIAL ORDINANCE NO. 15, 2022**

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

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Proposed Use: Business Offices

Name of Owners: Tusk Bros. LLC

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Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: 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: Martha Crossen

=====

**COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION**

**FILED**

MAY 04 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 15, 2022**

**CITY CLERK**

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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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cheryl Loudermilk, President

ATTEST:

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

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

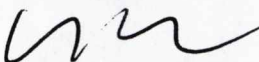
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jacob B. Wagle, Member of Tusk Bros., LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25th St., Terre Haute 47803.

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-2 Two Family Residence District.

Your Petitioner intends to use this real estate for business offices. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

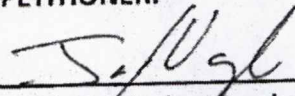
Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce 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 WITNESS WHEREOF, this petition has been duly executed this 2 day of May, 2022.

PETITIONER:

  
\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



**SITE PLAN**  
**SPECIAL ORDINANCE NO. 15, 2022**



8525 S. Dearborn St., Cory, IN 47846  
Parcel No. 84-06-26-133-008.000-002



R-2 Two-Family Residence District  
to  
C-2 Community Commerce District

Proposed Use: Business Offices

STATE OF INDIANA ) SS:  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

Comes now, Jacob B. Wagle, Member of Tusk Bros., LLC, being duly sworn upon his oath, deposes and says:

1. That Tusk Bros., LLC 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:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

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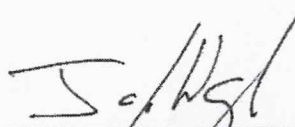
Commonly known as: 501 S. 25th St., Terre Haute 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is 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 Tusk Bros., LLC 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 Tusk Bros., LLC.

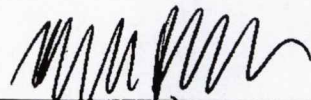
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2 day of May, 2022.

  
\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Madison )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2 day of May, 2022.

  
\_\_\_\_\_  
Kristie Rich, Notary Public



My Commission expires: 8/14/24  
My County of Residence: Madison

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.

APR 21 2022



*James W Brantle*  
VIGO COUNTY AUDITOR

## CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS AND WARRANTS to Tusk Bros. LLC, a limited liability company organized and existing under the laws of the State of Indiana, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor further states that Crossroads of America Council Boy Scouts of America Inc is one and the same as Wabash Valley Council Boy Scouts of America Inc., Grantee in that deed dated December 12, 1958 and recorded April 13, 1959 at Deed Record 315, page 480, and that subsequent thereto they merged with Crossroads of America Council Boy Scouts of America Inc on or about February 20, 2002 and is now known as Crossroads of America Council Boy Scouts of America Inc.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee(s) to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.

IN WITNESS WHEREOF, Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 20<sup>th</sup> day of April, 2022.



abstract. 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 the instrument.

GRANTEE'S ADDRESS: 8525 S. Dearborn St, Cory, Indiana 47846

MAIL TAX STATEMENTS TO: Same



# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: June 2, 2022

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 15-22

CERTIFICATION DATE: June 1, 2022

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. 15-22. This Ordinance is a rezoning of 501 S. 25<sup>th</sup> Street. The Petitioner, Tusk Bros. LLC, petitions the Plan Commission to rezone said business offices from zoning classification R-2 to C-2, Limited Community Commerce.

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. 15-22 at a public meeting and hearing held Wednesday, June 2, 2022. 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. 15-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-22 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. 15-22 was TABLED.

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 2nd day of June, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: *JUNE* 2022

Page 1 of 4

**APPLICATION INFORMATION**

Property Owner: Tusk Bros. LLC

Representative: Richard Shagley II

Proposed Use: Business Offices

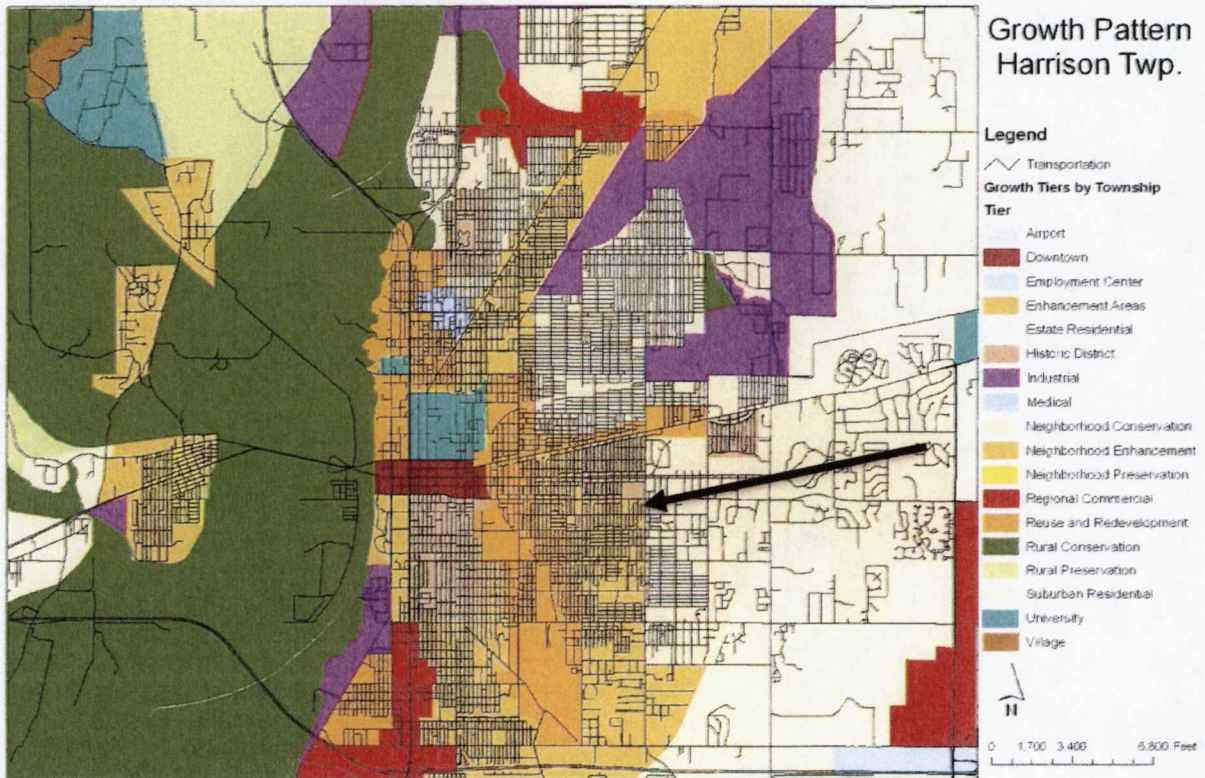
Proposed Zoning: C-2 Limited Community Commerce

Current Zoning: R-2 Two Family District

Common Address: 501 S 25<sup>th</sup> Street, Terre Haute  
Parcel#84-06-26-133-008.000-002/Monterey Place Third sub  
Lots 1, 2 & 3

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute





## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: 2022

Page 2 of 4

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### Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Street Access: S. 25<sup>TH</sup> Street, Terre Haute

Parking Access: Oak Street from the Alleyway

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: 2022

Page 3 of 4

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**ZONING COMPATIBILITY**

Sur. Zones and Uses: **North** – C-2

**East** – R-1

**South** – C-2

**West** – R-2

**ZONING REGULATIONS**

**C-2 Purpose:** The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

**C-2 Uses:** Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

**C-2 Standards:** Minimum Lot Size: 3,300 Sq. Ft.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-22

Doc: # 42

Date: \_\_\_\_\_ 2022

Page 4 of 4

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**FINDINGS and RECOMMENDATION**

Staff Findings: The petitioner is requesting to rezone from R-2 to C-2 for “business offices”. The type of business was not specified. The office was previously used for the Boy Scouts of America. The intended use of the property as an office does not significantly alter the neighborhood characteristic given the adjacent commercial properties to the north and south (see Memo).

There appears to be four hard-surfaced parking spaces in the rear of the building. Other parking behind the building appears to be white rock. The proposed change of use requires 9 parking spaces, per City Engineering. All parking is accessed through the alley. Parking is required to be hard-surfaced and illuminated. A variance will be required due to the fact that vehicles are required to back into the alley for the existing parking (Sec. 10-137(d)(14)).

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Additional site information confirming the number of existing off-street parking spaces and a plan to address any deficits if applicable.
2. Approval of variance from the Terre Haute BZA to allow for backing into the public alley for the existing parking.

CITY OF  
TERRE HAUTE  
DEPARTMENT  
OF ENGINEERING

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807

Phone: 812.232.4028  
Fax: 812.234.3973

[www.terrehaute.IN.gov](http://www.terrehaute.IN.gov)

**DWIGHT A. BENNETT**  
Mayor

**CHARLES W. ENNIS, PE, S.E.**  
City Engineer

[engineering@terrehaute.in.gov](mailto:engineering@terrehaute.in.gov)

## MEMORANDUM

TO: Sydney Shahar  
Vigo County Area Planning Department

FROM: Caleb Williams  
Staff Engineer

DATE: May 9, 2022

RE: **501 S. 25<sup>th</sup> St – Tusk Bros. LLC**

As requested by Area Planning, the Department of Engineering has reviewed the request by Tusk Bros. LLC at 501 S. 25<sup>th</sup> St. for the following:

- Rezoning of property from R-2 Two-Family Residence District to C-2 Community Commerce District

The intended use of the property as an office does not significantly alter the neighborhood characteristic given the adjacent commercial properties to the north and south. A notable concern is the required off-street parking spaces, with the proposed change of use requiring 9 spaces. The site plan provided does not denote parking spaces which makes this office unable to determine compliance if rezoned.

The Department of Engineering would offer a positive recommendation with the condition that the Department receive additional site information confirming the number of existing off-street parking spaces and a plan to address any deficits if applicable.



# Beacon™ Vigo County, IN / City of Terre Haute



### Overview



### Legend

- Corporate Limits
- Political Township
- Sections
- Subdivisions
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

<b>Parcel ID</b>	84-06-26-133-008.000-002	<b>Alternate ID</b>	84-06-26-133-008.000-002	<b>Owner Address</b>	Tusk Bros LLC
<b>Sec/Twp/Rng</b>	26	<b>Class</b>	Exempt: Other structures		8525 S Dearborn St
<b>Property Address</b>	501 S 25TH ST	<b>Acres</b>	n/a		Cory, IN 47846
	TERRE HAUTE				
<b>Neighborhood</b>	118321 - HARRISON				
<b>District</b>	002 HARRISON				
<b>Brief Tax Description</b>	MONTEREY PLACE 3RD SUB				
	26-12-9 LOTS 1-3				
	(Note: Not to be used on legal documents)				

Date created: 5/10/2022  
 Last Data Uploaded: 5/10/2022 5:21:10 AM

Developed by Schneider  
 GEOSPATIAL

Docket #42

**SPECIAL ORDINANCE NO. 15, 2022**

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

=====  
Common Address of lots to be rezoned:

501 S. 25th St., Terre Haute, Indiana 47803

Parcel No. 84-06-26-133-008.000-002  
=====

Rezoned From: R-2 Two-Family Residence District

Rezoned To: C-2 Community Commerce District

Proposed Use: Business Offices

Name of Owners: Tusk Bros. LLC

Address of Owners: 8525 S. Dearborn St., Cory, IN 47846

Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: 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: Martha Crossen

=====  
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**FILED**

MAY 04 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 15, 2022**

**CITY CLERK**

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

SECTION I. 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:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25<sup>th</sup> St., Terre Haute 47803.

Be and the same is hereby established as a C-2Community Commerce 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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cheryl Loudermilk, President

ATTEST:

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

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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


Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

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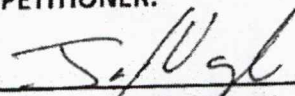
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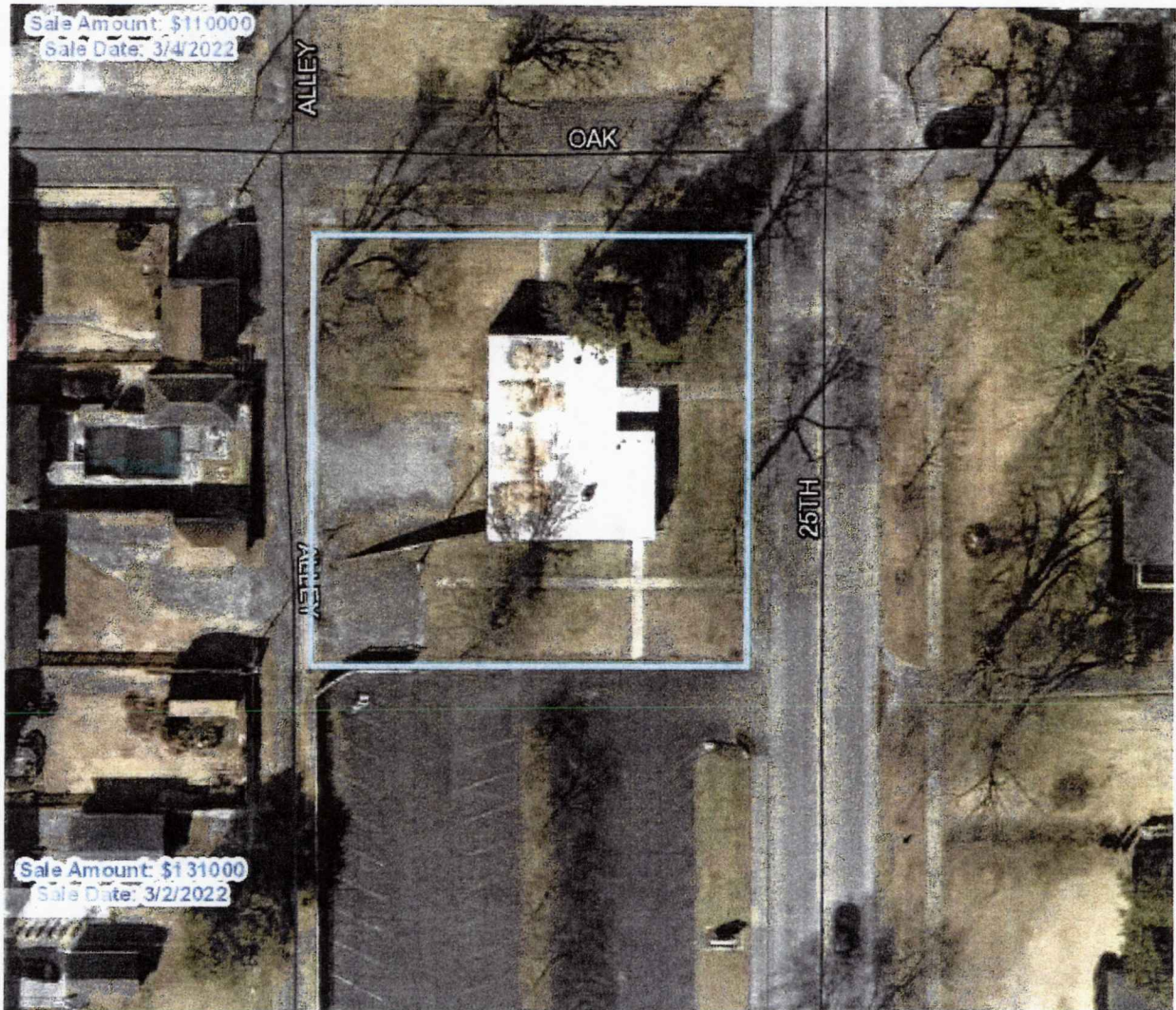
IN WITNESS WHEREOF, this petition has been duly executed this 2 day of May, 2022.

PETITIONER:

  
\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

**SITE PLAN**  
**SPECIAL ORDINANCE NO. 15, 2022**



8525 S. Dearborn St., Cory, IN 47846  
Parcel No. 84-06-26-133-008.000-002



R-2 Two-Family Residence District  
to  
C-2 Community Commerce District

Proposed Use: Business Offices

STATE OF INDIANA ) SS:  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

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1. That Tusk Bros., LLC 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:

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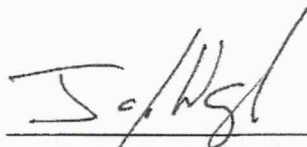
Commonly known as: 501 S. 25th St., Terre Haute 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is 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 Tusk Bros., LLC 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 Tusk Bros., LLC.

4. Further, Affiant saith not.


Dated at Terre Haute, Indiana this 2 day of May, 2022.



\_\_\_\_\_  
Jacob B. Wagle, Member of Tusk  
Bros., LLC

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Madison )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2 day of May, 2022.

  
\_\_\_\_\_  
Kristie Rich, Notary Public



My Commission expires: 8/14/24

My County of Residence: Madison

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.



APR 21 2022

*Jane W Brantle*  
VIGO COUNTY AUDITOR

## CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Tusk Bros. LLC, a limited liability company organized and existing under the laws of the State of Indiana, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor further states that Crossroads of America Council Boy Scouts of America Inc is one and the same as Wabash Valley Council Boy Scouts of America Inc., Grantee in that deed dated December 12, 1958 and recorded April 13, 1959 at Deed Record 315, page 480, and that subsequent thereto they merged with Crossroads of America Council Boy Scouts of America Inc on or about February 20, 2002 and is now known as Crossroads of America Council Boy Scouts of America Inc.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee(s) to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.

IN WITNESS WHEREOF, Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 20<sup>th</sup> day of April, 2022.



abstract. 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 the instrument.

GRANTEE'S ADDRESS: 8525 S. Dearborn St, Cory, Indiana 47846

MAIL TAX STATEMENTS TO: Same