

**SPECIAL ORDINANCE NO. 16, 2022**

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

=====

Common Address of lots to be rezoned:

- 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

---

Rezoned From: C-6 Strip Business

Rezoned To: C-5 General Central Business District

Proposed Use: Retail, Church and School

Name of Owners: Elk Run Properties, Inc.

Address of Owners: P.O. Box 1005, Riley, IN 47871

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: Amy Auler

=====

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

**FILED**

MAY 06 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 16, 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:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the

right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.



ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to



the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument

Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

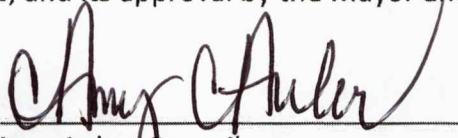
Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- (B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- (C) 2955 Erie Canal Rd., Terre Haute, IN 47802

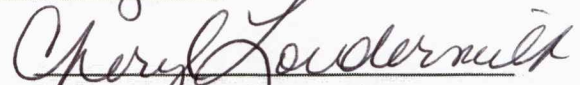
Parcel No. : 84-06-34-455-009.000-002

Be and the same is hereby established as a C-5 General Central Business 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,   
Amy Auler, Councilperson

Passed in open Council this 7<sup>th</sup> day of July, 2022.

  
Cheryl Loudermilk, President


ATTEST:

  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 8<sup>th</sup> day of July, 2022.

  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8<sup>th</sup> day of July, 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, Laura Lucille Stadler, President of Elk Run Properties, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based

on bearing system for Project No. STP-RRS-T200 ( ) for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72



feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres,

as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right



of Way lines of the Southern Indiana R.R. property in said quarter Section. .

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002



(B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

(C) 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

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 C-6 Strip Business.

Your Petitioner intends to use this real estate for retail space, a church and private school. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses as well as a school 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-5 General Central Business 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 5th day of May, 2022.

**PETITIONER:**

DocuSigned by:



Laura Lucille Stadler, President of  
Elk Run Properties, Inc.

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. 16, 2022**



**2927 Erie Canal Rd, Terre Haute, IN 47802**  
**Parcel No. : 84-06-34-455-016.000-002**

**2933 Erie Canal Rd., Terre Haute, IN 47802**  
**Parcel No. : 84-06-34-455-023.000-002**

**2955 Erie Canal Rd., Terre Haute, IN 47802**  
**Parcel No. : 84-06-34-455-009.000-002**

**Rezone from: C-6 Strip Business to C-5 General Central Business District**

**Proposed Use: Retail, Church, and School**



STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

**AFFIDAVIT**

Comes now, Laura Lucille Stadler, President of Elk Run Properties, Inc., LLC, being duly sworn upon his oath, deposes and says:

1. That Elk Run Properties, Inc. 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:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 ()) for City of Terre

Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of

75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo



County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County,

Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

(A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002

(B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

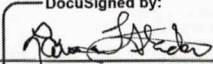
(C) 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

2. That a copy of the Deeds, 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 Elk Run Properties, Inc. 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 Elk Run Properties, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5th day of May, 2022.

DocuSigned by:  
  
\_\_\_\_\_  
Laura Lucille Stadler, President of  
Elk Run Properties, Inc.

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF VIGO    )

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

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

My Commission expires: \_\_\_\_\_

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



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

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2013004737 QD \$20.00  
04/03/2013 03:41:20P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



APR 03 2013

EXEMPT FROM DISCLOSURE FEE

*Timothy M. Stephens*  
VIGO COUNTY AUDITOR

**QUIT CLAIM DEED**

THIS INDENTURE WITNESSETH:

That **ANDREW STADLER**, a competent adult, of Vigo County, State of Indiana, RELEASES AND QUIT CLAIMS to **ELK RUN PROPERTIES, INC.**, an Indiana Corporation, for and in consideration of the sum 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:

Lots 475 and 476 in Rosemont, 2<sup>nd</sup> Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2<sup>nd</sup> Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning

2


containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2<sup>nd</sup> Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2<sup>nd</sup> Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2<sup>nd</sup> section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2<sup>nd</sup> Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2<sup>nd</sup> Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

IN WITNESS WHEREOF, the said Grantor, above named, Andrew Stadler, has caused this Quit Claim Deed to be executed this 29 day of March, 2013.

  
\_\_\_\_\_  
Andrew Stadler



STATE OF INDIANA )  
 )SS:  
COUNTY OF VIGO )

Before me, the undersigned, a Notary Public, in and for said County and State, this 29 day of March, 2013, personally appeared Andrew Stadler, who acknowledged the execution of the foregoing Quit Claim Deed for and on behalf of said Grantor, and acknowledged the execution of the same to be his voluntary act and deed.

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

Jimi J. Brown  
Notary Public  
Printed: Jimi J. Brown



My Commission Expires:  
1-30-2018

County of Residence:  
Clay

Mail tax duplicates to: 1101 E. Margaret Ave., Terre Haute, IN 47802.

Mailing address of real estate: 2941 S. 14<sup>th</sup> Street, Terre Haute, IN 47802;  
2937 S. 14<sup>th</sup> Street, Terre Haute, IN 47802;

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  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47807.



## **QUITCLAIM DEED**

**THIS INDENTURE WITNESSETH:** That VXI 30, INC. by its President, LAURA LUCILLE STADLER, "GRANTOR", **CONVEYS AND QUITCLAIM ALL RIGHT, TITLE AND INTEREST**, to ELK RUN PROPERTIES, INC., "GRANTEE", of Vigo County, Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate located in Vigo County, State of Indiana:

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 ( ) for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

Commonly known as: 2927 Erie Canal Road  
Terre Haute, IN 47802

FEB 11 2021

Previously known as: 2927 S. 14<sup>th</sup> Street  
Terre Haute, IN 47802

Parcel: 84-06-34-455-016.000-00

*James W Bramble*  
VIGO COUNTY AUDITOR

IN WITNESS WHEREOF, the above stated Grantor, VXI 30, INC., by its President LAURA LUCILLE STADLER, have hereunto set their hands and seals this 10<sup>th</sup> day of February, 2021.

DATE: 02/10/21

BY: *Laura Stadler*  
LAURA LUCILLE STADLER,  
Grantor

Executed in my presence:

DATE: 02/10/21

BY: *Chris Harris*  
CHRISTOPHER MICHAEL HARRIS,  
Witness

STATE OF INDIANA )  
                                  ) ss:  
COUNTY OF VIGO )

Before me, the undersigned, a Notary Public in and for said County and State, this 10<sup>th</sup> day of February, 2021, personally appeared the within named VXI 30 INC., by its President LAURA LUCILLE STADLER, in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Notary Seal.

MY COMM N EXPIRES:  
04 / 27 / 2024  
RES: Vigo County, IN



BY: *Maria E David*  
Notary Public  
BY: MARIA E. DAVID  
Printed

MAIL TAX DUPLICATES TO:

ELK RUN PROPERTIES, INC.  
P.O. Box 1005  
Riley, IN 47871

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.

BY: *Laura Stadler*  
LAURA LUCILLE STADLER

THIS DEED PREPARED BY: KALEEL M. ELLIS III, ATTORNEY AT LAW  
417 WABASH AVENUE, TERRE HAUTE, INDIANA 47807 (812) 234-9000



**FILED FOR TAXATION**  
Subject to final acceptance for transfer

APR 16 2014

*Timothy M. Allsup*  
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

2014005131 CORP QUIT \$18.00  
04/16/2014 03:09:26P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



**CORPORATE QUIT CLAIM DEED**

THIS INDENTURE WITNESSETH:

That **STADLER & CO., INC.**, an Indiana Corporation of Vigo County, State of Indiana, QUIT CLAIMS to **ELK RUN PROPERTIES, INC.**, an Indiana Corporation of Vigo County, State of Indiana, for the sum of one dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, Indiana, to-wit:

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2<sup>nd</sup> Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

Commonly known as 2926 South 13 1/2 Street, Terre Haute, Indiana 47802.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this Deed; that Grantor has full corporation capacity to convey the real estate described herein and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, The said Grantor above named Stadler & Co., Inc., an Indiana Corporation, has caused this Corporate Quit Claim Deed to be executed on the 15 day of April, 2014.

**STADLER & CO., INC.**

BY: *Andrew Stadler*  
Andrew Stadler, President

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, a Notary Public, in and for said County and State, personally appeared, Andrew Stadler, as President of Stadler & Co., Inc., an Indiana corporation, Grantor in the above conveyance, and acknowledges the execution of the same as its voluntary act and deed.

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



*Christopher M Harris*  
\_\_\_\_\_  
Notary Public

Printed: Christopher Harris

My Commission Expires  
Sep 1, 2019

My County of Residence:  
Vigo

2955 Erie Canal Rd  
Mail to: Elk Run Properties, Inc., ~~1390 East Margaret Drive~~, Terre Haute, IN 47802


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.

Richard J. Shagley

This instrument prepared by Richard J. Shagley, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

JUL 16 2019

**SALES DISCLOSURE  
NOT REQUIRED**

2019007501 CORP WD \$25.00  
07/16/2019 02:18:24P 2 PGS  
Stacey Todd  
VIGO County Recorder IN  
Recorded as Presented  


*James W. Beaman*  
VIGO COUNTY AUDITOR

**CORPORATE WARRANTY DEED**

THIS INDENTURE WITNESSETH, That Stadler & Co., 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 Elk Run Properties, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTEE(S)), its one-half interest in the following described real estate in Vigo County, Indiana, to-wit:

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty-three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows:

All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousandths (18-576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to the taxes prorated from the date hereof.

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, Stadler & Co., Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 12<sup>th</sup> day of July, 2019.

Stadler & Co., Inc.

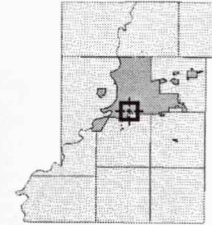
By *Chris H*







**Overview**



**Legend**

- Corporate Limits
- Political Township
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- 2022 Sales

|                              |  |                     |                                |                      |                        |
|------------------------------|--|---------------------|--------------------------------|----------------------|------------------------|
| <b>Parcel ID</b>             | 84-06-34-455-009.000-002                           | <b>Alternate ID</b> | 84-06-34-455-009.000-002       | <b>Owner Address</b> | Elk Run Properties Inc |
| <b>Sec/Twp/Rng</b>           | 34   | <b>Class</b>        | Com Neighborhood shopping cntr |                      | PO Box 2212            |
| <b>Property Address</b>      | 2955 ERIE CANAL RD                                 | <b>Acreage</b>      | n/a                            |                      | Terre Haute, IN 47802  |
|                              | TERRE HAUTE  |                     |                                |                      |                        |
| <b>Neighborhood</b>          | 118321 - HARRISON                                  |                     |                                |                      |                        |
| <b>District</b>              | 002 HARRISON                                       |                     |                                |                      |                        |
| <b>Brief Tax Description</b> | ROSEMONT 2ND SEC ALSO LOTS 475-480 & VAC ALLEY ADJ |                     |                                |                      |                        |
|                              | 2004017903 34-12-9 LOTS 425-431                    |                     |                                |                      |                        |
|                              | (Note: Not to be used on legal documents)          |                     |                                |                      |                        |

Date created: 4/26/2022  
 Last Data Uploaded: 4/26/2022 5:29:13 AM

Developed by  **Schneider**  
 GEOSPATIAL



**DULY ENTERED FOR TAXATION**  
Subject to final acceptance for transfer

2013004736 CORP QUIT \$20.00  
04/03/2013 03:41:20P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



APR 03 2013

EXEMPT FROM DISCLOSURE FEE

*Timothy M. Stegner*  
VIGO COUNTY AUDITOR

**CORPORATE QUIT CLAIM DEED**

THIS INDENTURE WITNESSETH:

**STADLER & CO., INC.**, an Indiana Corporation, organized under the laws of the State of Indiana, **QUIT CLAIMS TO ELK RUN PROPERTIES, INC.**, an Indiana Corporation, for and in consideration of the sum of One Dollar (\$1.00) of the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2<sup>nd</sup> Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2<sup>nd</sup> Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2<sup>nd</sup> Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.



ALSO

Being at the Southeast corner of Lot 425, Rosemont 2<sup>nd</sup> Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2<sup>nd</sup> Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2<sup>nd</sup> Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2<sup>nd</sup> Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2<sup>nd</sup> Section, except the following described real estate;

Beginning at the South West corner of Lot 478 Rosemont 2<sup>nd</sup> Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2<sup>nd</sup> Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2<sup>nd</sup> section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2<sup>nd</sup> Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2<sup>nd</sup> Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this Deed; that Grantor has full corporation capacity to convey the real estate described herein and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, The said Grantor above named Stadler & Co., Inc., an Indiana Corporation, has caused this Corporate Quit Claim Deed to be executed on the 29 day of March, 2013.

STADLER & CO., INC.

By:   
ANDREW STADLER, PRESIDENT

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, a Notary Public, in and for said County and State, this 29 day of March, 2013, personally appeared, Andrew Stadler, as President of Stadler & Co., Inc., LLC, an Indiana Corporation, Grantor in the above conveyance, and acknowledges the execution of the same as his voluntary act and deed.

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

Joni J. Brown  
Notary Public  
Printed: Joni J. Brown

My Commission Expires:  
1.20.2018

My County of Residence:  
Clay

Mail tax duplicates to: 1101 E. Margaret Ave., Terre Haute, IN 47802.

Mailing address of real estate: 2956 S. 13 1/2 Street, Terre Haute, IN 47802;  
2970 S. 13 1/2 Street, Terre Haute, IN 47802;  
1390 Margaret Avenue, Terre Haute, IN 47802;

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.

Richard J. Shagley  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807 (812) 232-3388.

Receipt

TERRE HAUTE, IN.  
**PAID**  
MAY 5 2022  
CONTROLLER

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

Date: 5/8/22

Name: Elk Run

Reason: Rezoning - Notice of Filing \$25.00  
Rezoning - Petition \$ 20.00  
\$45.00

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

Check: 45.00 # 072566

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

Total: \$45.00

Received By: L. Collins / ET





**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 16-22

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. 16-22. This Ordinance is a rezoning of 2927, 2933, and 2955 Erie Canal Road. The Petitioner, Elk Run Properties, Inc., petitions the Plan Commission to rezone said retail, church, and school from zoning classification C-6 to C-5, General Central Business.

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. 16-22 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. 16-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-22 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. 16-22 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Approval of Special Use for a church by the BZA

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Sydney Shahar in black ink.

Sydney Shahar, Assistant Director

Received this 7th day of July, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 1 of 4

**APPLICATION INFORMATION**

Property Owner: Elk Run Properties, Inc.

Proposed Use: Retail, Church & School

Proposed Zoning: C-5 General Central Business District

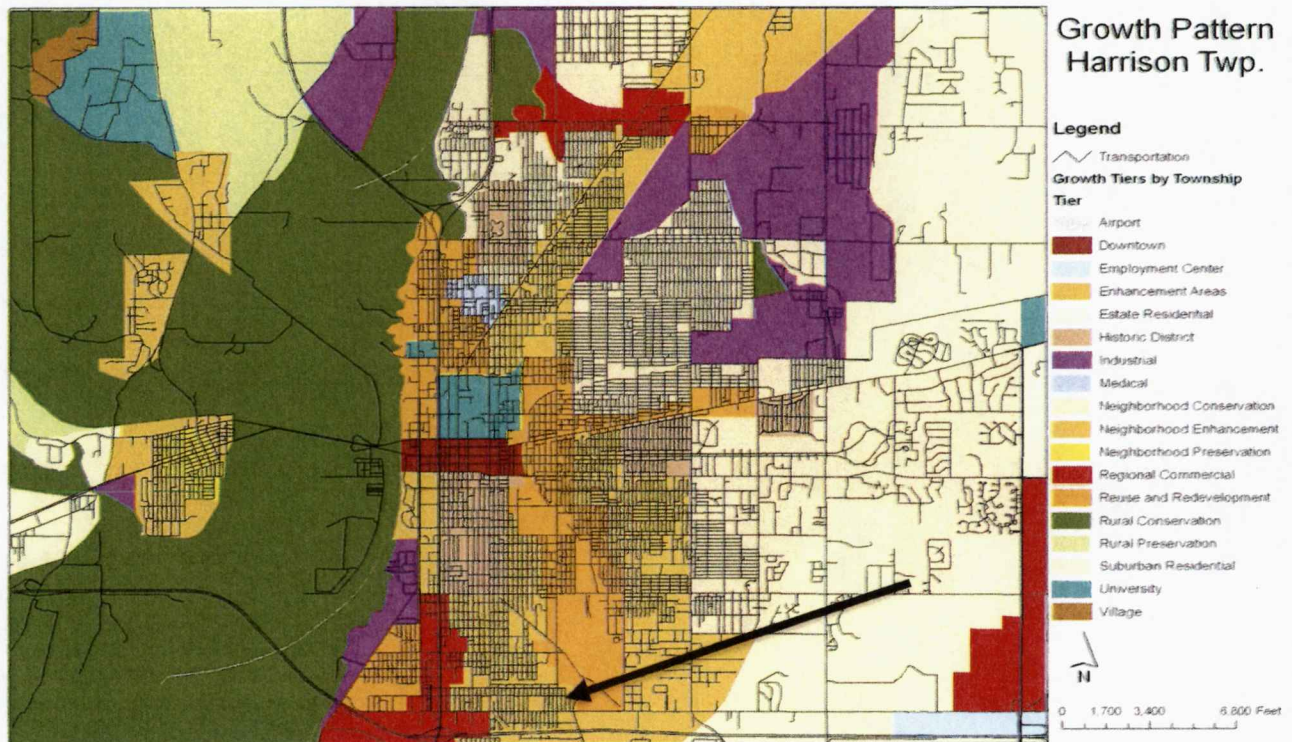
Current Zoning: C-6 (Strip Business District)

Location: The property is located on the corner of Erie Canal Rd and E. Margaret Drive.

Common Address: 2927, 2933 & 2955 Erie Canal Rd., Terre Haute, IN – 84-06-34-455-016.000-002/023/009- Rosemont 2<sup>nd</sup> Sec – Lots 471,432-436,472-474, 425-431 & 475-480

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute





## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 2 of 4

---

### 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.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 3 of 4

---

Street Access: Erie Canal Rd.

### ZONING COMPATIBILITY

**North** – R-1, C-2

**East** – R-1

**South** – R-1, C-2

**West** – R-1, C-6, C-1

Character of Area: Area has mix uses of Commercial and Residential

---

### ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (\*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(\*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (\*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 4 of 4

---

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

---

## **FINDINGS and RECOMMENDATION**

Staff Findings: The petitioners are requesting to rezone the properties from C-6, Strip Business, to C-5, General Central Business District to allow for retail, a church, and a school. The building is currently used as retail and business offices. Parking is sufficient. There is additional parking located at 2963 S 13 ½ St, behind the building. A special use for off-site parking was obtained by the Board of Zoning Appeals in 2012 (BZA 05/12).

Churches are not a use by right in the C-5 District. The petitioners will need to request a Special Use for a Church through the Board of Zoning Appeals (Sec. 10-208(a)(1)).

A portion of alley remains to the west of the property at 2927 Erie Canal Rd. It may need to be vacated if the building is expanded. City Engineering does state that the proposed use would likely increase traffic after church services, but the property has access to Erie Canal, Margaret, and 13<sup>th</sup> ½, which allows traffic to be dispersed more equally (see Memo).

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

1. Approval of Special Use for a church by the BZA

**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:** **2927, 2933, and 2955 Erie Canal Rd. – Elk Run Properties Inc.**

As requested by Area Planning, the Department of Engineering has reviewed the request by Elk Run Properties Inc. at 2927, 2933, and 2955 Erie Canal Rd. for the following:

- Rezoning of properties from C-6 Strip Business to C-5 Central Business District

The intended use of the property as retail, church, and school does not significantly alter the neighborhood characteristic given that the property has existing retail and Fuqua Elementary is in close proximity. The proposed use would likely increase traffic after church services but the property has access to Erie Canal, Margaret, and 13<sup>th</sup> ½, which allows traffic to be dispersed more equally.

The Department of Engineering would recommend approving the request.

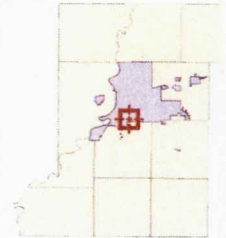




# Beacon™ Vigo County, IN / City of Terre Haute



### Overview



### Legend

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

|                              |   |                     |                                |                      |                        |
|------------------------------|---|---------------------|--------------------------------|----------------------|------------------------|
| <b>Parcel ID</b>             | 84-06-34-455-009.000-002  | <b>Alternate ID</b> | 84-06-34-455-009.000-002       | <b>Owner Address</b> | Elk Run Properties Inc |
| <b>Sec/Twp/Rng</b>           | 34  | <b>Class</b>        | Com Neighborhood shopping cntr |                      | PO Box 2212            |
| <b>Property Address</b>      | 2955 ERIE CANAL RD<br>TERRE HAUTE   | <b>Acreage</b>      | n/a                            |                      | Terre Haute, IN 47802  |
| <b>Neighborhood</b>          | 118321 - HARRISON   |                     |                                |                      |                        |
| <b>District</b>              | 002 HARRISON  |                     |                                |                      |                        |
| <b>Brief Tax Description</b> | ROSEMONT 2ND SEC ALSO LOTS 475-480 & VAC ALLEY ADJ<br>2004017903 34-12-9 LOTS 425-431<br><i>(Note: Not to be used on legal documents)</i> |                     |                                |                      |                        |

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

Developed by Schneider  
GEO SPATIAL

**SPECIAL ORDINANCE NO. 16, 2022**

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

Common Address of lots to be rezoned:

- 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

---

Rezoned From: C-6 Strip Business

Rezoned To: C-5 General Central Business District

Proposed Use: Retail, Church and School

Name of Owners: Elk Run Properties, Inc.

Address of Owners: P.O. Box 1005, Riley, IN 47871

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: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION



**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 16, 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:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the



right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousandths (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to



the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument



Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

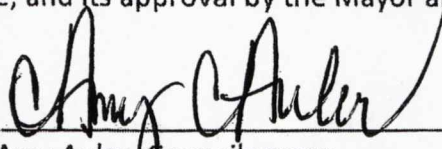
- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- (B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- (C) 2955 Erie Canal Rd., Terre Haute, IN 47802

Parcel No. : 84-06-34-455-009.000-002

Be and the same is hereby established as a C-5 General Central Business 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,

  
\_\_\_\_\_  
Amy Auler, 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, Laura Lucille Stadler, President of Elk Run Properties, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based

on bearing system for Project No. STP-RRS-T200 ( ) for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72



feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres,



as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right

of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002



(B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

(C) 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

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 C-6 Strip Business.

Your Petitioner intends to use this real estate for retail space, a church and private school. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses as well as a school in this area.

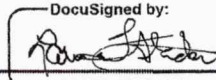
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

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-5 General Central Business 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 5th day of May, 2022.

**PETITIONER:**

DocuSigned by:



Laura Lucille Stadler, President of  
Elk Run Properties, Inc.





**SITE PLAN**  
**SPECIAL ORDINANCE NO. 16, 2022**



2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002

2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

Rezone from: C-6 Strip Business to C-5 General Central Business District

Proposed Use: Retail, Church, and School





# 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 16-22

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. 16-22. This Ordinance is a rezoning of 2927, 2933, and 2955 Erie Canal Road. The Petitioner, Elk Run Properties, Inc., petitions the Plan Commission to rezone said retail, church, and school from zoning classification C-6 to C-5, General Central Business.

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. 16-22 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. 16-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-22 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. 16-22 was TABLED.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 2nd day of June, 2022



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 1 of 4

**APPLICATION INFORMATION**

Property Owner: Elk Run Properties, Inc.

Proposed Use: Retail, Church & School

Proposed Zoning: C-5 General Central Business District

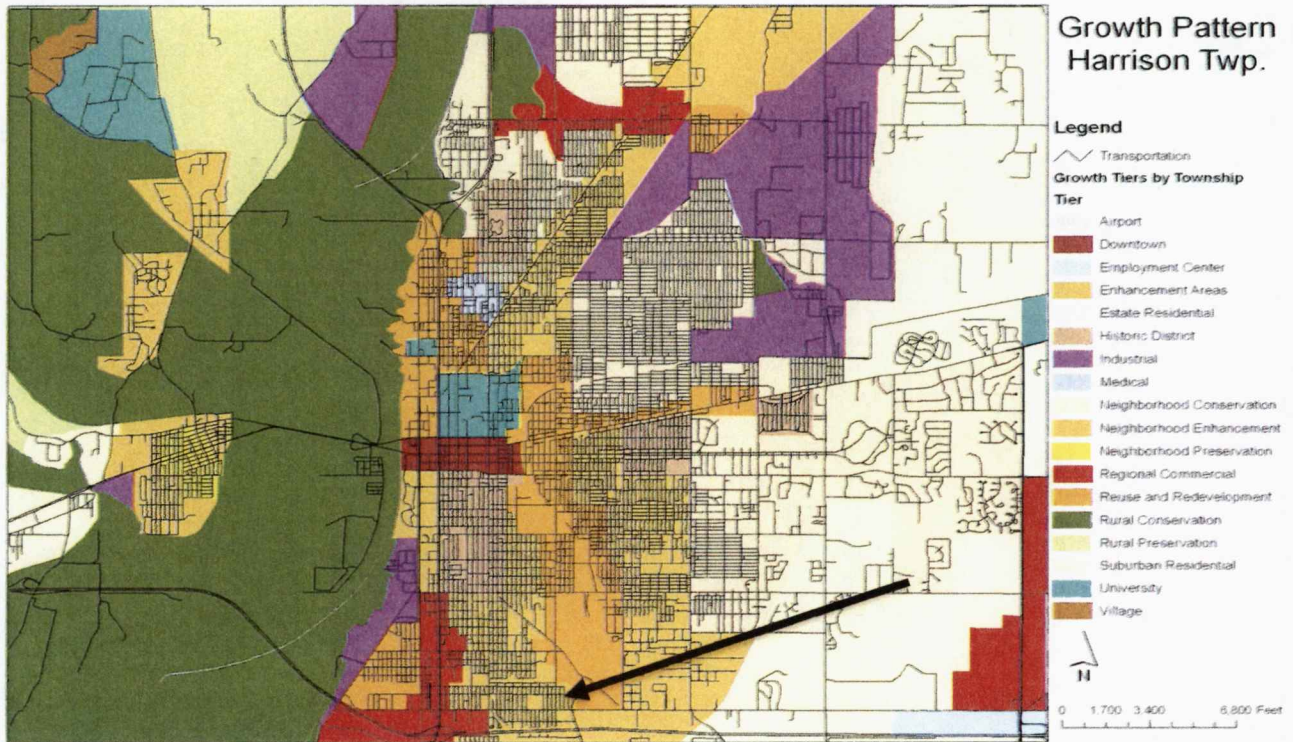
Current Zoning: C-6 (Strip Business District)

Location: The property is located on the corner of Erie Canal Rd and E. Margaret Drive.

Common Address: 2927, 2933 & 2955 Erie Canal Rd., Terre Haute, IN – 84-06-34-455-016.000-002/023/009- Rosemont 2<sup>nd</sup> Sec – Lots 471,432-436,472-474, 425-431 & 475-480

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 2 of 4

---

### 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.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 3 of 4

---

Street Access: Erie Canal Rd.

## ZONING COMPATIBILITY

**North** – R-1, C-2

**East** – R-1

**South** – R-1, C-2

**West** – R-1, C-6, C-1

Character of Area: Area has mix uses of Commercial and Residential

---

## ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (\*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(\*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (\*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-22

Doc: # 44

Date: June 2022

Page 4 of 4

---

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

---

## **FINDINGS and RECOMMENDATION**

**Staff Findings:** The petitioners are requesting to rezone the properties from C-6, Strip Business, to C-5, General Central Business District to allow for retail, a church, and a school. The building is currently used as retail and business offices. Parking is sufficient. There is additional parking located at 2963 S 13 ½ St, behind the building. A special use for off-site parking was obtained by the Board of Zoning Appeals in 2012 (BZA 05/12).

Churches are not a use by right in the C-5 District. The petitioners will need to request a Special Use for a Church through the Board of Zoning Appeals (Sec. 10-208(a)(1)).

A portion of alley remains to the west of the property at 2927 Erie Canal Rd. It may need to be vacated if the building is expanded. City Engineering does state that the proposed use would likely increase traffic after church services, but the property has access to Erie Canal, Margaret, and 13<sup>th</sup> ½, which allows traffic to be dispersed more equally (see Memo).

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

1. Approval of Special Use for a church by the BZA

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: **2927, 2933, and 2955 Erie Canal Rd. – Elk Run Properties Inc.**

As requested by Area Planning, the Department of Engineering has reviewed the request by Elk Run Properties Inc. at 2927, 2933, and 2955 Erie Canal Rd. for the following:

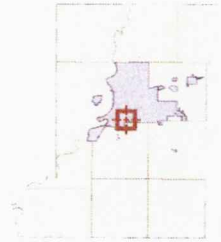
- Rezoning of properties from C-6 Strip Business to C-5 Central Business District

The intended use of the property as retail, church, and school does not significantly alter the neighborhood characteristic given that the property has existing retail and Fuqua Elementary is in close proximity. The proposed use would likely increase traffic after church services but the property has access to Erie Canal, Margaret, and 13<sup>th</sup> ½, which allows traffic to be dispersed more equally.

The Department of Engineering would recommend approving the request.



**Overview**



**Legend**

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

|                              |  |                     |                                |                      |                        |
|------------------------------|--|---------------------|--------------------------------|----------------------|------------------------|
| <b>Parcel ID</b>             | 84-06-34-455-009.000-002                           | <b>Alternate ID</b> | 84-06-34-455-009.000-002       | <b>Owner Address</b> | Elk Run Properties Inc |
| <b>Sec/Twp/Rng</b>           | 34   | <b>Class</b>        | Com Neighborhood shopping cntr |                      | PO Box 2212            |
| <b>Property Address</b>      | 2955 ERIE CANAL RD                                 | <b>Acreage</b>      | n/a                            |                      | Terre Haute, IN 47802  |
|                              | TERRE HAUTE  |                     |                                |                      |                        |
| <b>Neighborhood</b>          | 118321 - HARRISON                                  |                     |                                |                      |                        |
| <b>District</b>              | 002 HARRISON                                       |                     |                                |                      |                        |
| <b>Brief Tax Description</b> | ROSEMONT 2ND SEC ALSO LOTS 475-480 & VAC ALLEY ADJ |                     |                                |                      |                        |
|                              | 2004017903 34-12-9 LOTS 425-431                    |                     |                                |                      |                        |
|                              | (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



**SPECIAL ORDINANCE NO. 16, 2022**

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

Common Address of lots to be rezoned:

- 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

---

Rezoned From: C-6 Strip Business

Rezoned To: C-5 General Central Business District

Proposed Use: Retail, Church and School

Name of Owners: Elk Run Properties, Inc.

Address of Owners: P.O. Box 1005, Riley, IN 47871

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: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**FILED**

MAY 06 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 16, 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:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the

right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.



ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to





Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002
- (B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002
- (C) 2955 Erie Canal Rd., Terre Haute, IN 47802

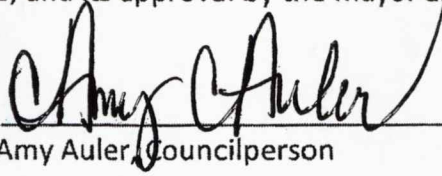


Parcel No. : 84-06-34-455-009.000-002

Be and the same is hereby established as a C-5 General Central Business 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,

  
Amy Auler, 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

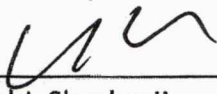
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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, Laura Lucille Stadler, President of Elk Run Properties, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based



on bearing system for Project No. STP-RRS-T200 ( ) for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 ( ); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72

feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres,



as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right



of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

- (A) 2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002

(B) 2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

(C) 2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

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 C-6 Strip Business.

Your Petitioner intends to use this real estate for retail space, a church and private school. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses as well as a school in this area.

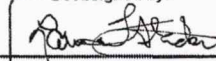
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

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-5 General Central Business 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 5th day of May, 2022.

**PETITIONER:**

DocuSigned by:



Laura Lucille Stadler, President of  
Elk Run Properties, Inc.

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. 16, 2022**



2927 Erie Canal Rd, Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-016.000-002

2933 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-023.000-002

2955 Erie Canal Rd., Terre Haute, IN 47802  
Parcel No. : 84-06-34-455-009.000-002

Rezone from: C-6 Strip Business to C-5 General Central Business District  
Proposed Use: Retail, Church, and School