

**SPECIAL ORDINANCE NO. 2, 2022**

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

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Common Address of lots to be rezoned:

210 Oakland Avenue, Terre Haute, IN 47803  
Parcel # 84-06-23-231-001.000-002

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Rezone From: M-2 Heavy Industry District

Rezone To: R-1 Single Family Residence District

Proposed Use: Single Family Home

Name of Owners: Cassidy N. Kingery and Gerald J. Kingery & Amy L. Kingery

Address of Owners: 210 Oakland Avenue  
Terre Haute, IN 47803

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery, P.C.  
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: [ ] Owner [x] Attorney

Council Sponsor: Cheryl Loudermilk

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**FILED**

JAN 21 2022

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 2, 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:

Commencing at the Northeast corner of Lot Number 40 in Park View Heights, a plat of a portion of the North one-half of the North East Quarter of Section 23, Township 12 North, Range 9 West, the same being a replat of lots numbered 179 to 304 inclusive in Schaal's Second Subdivision and an original plat as to lots numbered 123 to 147 inclusive, as shown by record plat in the Recorder's Office of Vigo County, Indiana, in Plat Record 12 page 38; thence running West 157 feet; thence South 70 feet; thence East 157 feet; thence North 70 feet to the place of beginning.

Commonly known as: 210 Oakland Avenue, Terre Haute, IN 47803.  
Parcel # 84-06-23-231-001.000-002

Be and the same is hereby established as an R-1 Single Family Residential 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, *Cheryl Loudermilk*  
Cheryl Loudermilk, 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

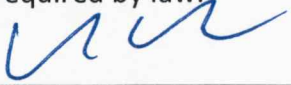
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 Shagley II

**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, Cassidy N. Kingery, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Commencing at the Northeast corner of Lot Number 40 in Park View Heights, a plat of a portion of the North one-half of the North East Quarter of Section 23, Township 12 North, Range 9 West, the same being a replat of lots numbered 179 to 304 inclusive in Schaal's Second Subdivision and an original plat as to lots numbered 123 to 147 inclusive, as shown by record plat in the Recorder's Office of Vigo County, Indiana, in Plat Record 12 page 38; thence running West 157 feet; thence South 70 feet; thence East 157 feet; thence North 70 feet to the place of beginning.

Commonly known as: 210 Oakland Avenue, Terre Haute, IN 47803.

Parcel # 84-06-23-231-001.000-002

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 M-2 Heavy Industry District.

Your Petitioner intends to continue using the real estate an already existing single family home. Your Petitioner would request that the real estate described herein shall be zoned as an R-1 Single Family Residential District.

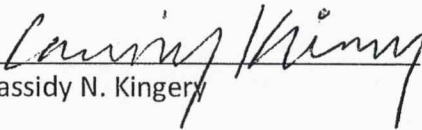
Your Petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is primarily single family homes.

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 an R-1 Single Family Residential 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 15 day of January, 2022.

**PETITIONER:**

By:   
Cassidy N. Kingery

SITE PLAN  
SPECIAL ORDINANCE NO. 2, 2022



210 Oakland Avenue, Terre Haute, Indiana 47803

Parcel No. 84-06-23-231-001.000-002

M-2 Heavy Industry District to R-1 Single Family Residential District

Proposed use as a residential single family home.



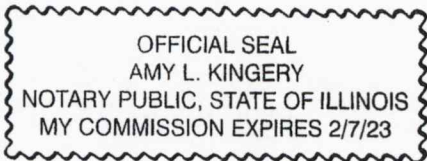
Dated at Effingham, Illinois this 15<sup>th</sup> day of January, 2022.

By: Cassidy Kingery  
Cassidy N. Kingery

STATE OF Illinois )  
COUNTY OF Effingham ) SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 15<sup>th</sup> day of January, 2022.

Amy L. Kingery  
\_\_\_\_\_, Notary Public



My Commission expires: 2/7/23

My County of Residence: Effingham



ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

JUN 26 2019

2019006396 WD \$25.00  
06/26/2019 03:39:21P 2 PGS  
Stacey Todd  
VIGO County Recorder IN  
Recorded as Presented



*James W. Bramble*  
VIGO COUNTY AUDITOR

## WARRANTY DEED

THIS INDENTURE WITNESSETH that **Kevin D. Kull, Jr.**, "Grantor" of the State of ~~Indiana~~<sup>South Carolina</sup> CONVEYS, GRANTS, AND WARRANTS to **Cassidy N. Kingery, and Gerald J. Kingery and Amy L. Kingery**, husband and wife, and all as Joint Tenants with Rights of Survivorship "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Commencing at the Northeast corner of Lot Number 40 in Park View Heights, a plat of a portion of the North one-half of the North East Quarter of Section 23, Township 12 North, Range 9 West, the same being a replat of lots numbered 179 to 304 inclusive in Schaal's Second Subdivision and an original plat as to lots numbered 123 to 147 inclusive, as shown by record plat in the Recorder's Office of Vigo County, Indiana, in Plat Record 12 page 38; thence running West 157 feet; thence South 70 feet; thence East 157 feet; thence North 70 feet to the place of beginning.

Commonly known as: 210 Oakland Ave, Terre Haute, IN 47803

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

Taxes shall be prorated to the date of this deed.

DATED this 18 day of JUNE, 2019.

*Kevin D. Kull, Jr.*  
Kevin D. Kull, Jr.

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STATE OF Florida )  
COUNTY OF Palm Beach ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 18 day of June, 2019, personally appeared Kevin D. Kull, Jr., and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 3/17/23



David Kiel  
Notary Public  
Printed: David Kiel  
Residing in Palm Beach County

Mail Tax Statements To Grantee at: 210 Oakland Ave. Terre Haute, IN.  
47803

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., Terre Haute, IN 47807

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.

Sherrie A. Harmon

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of this instrument.  
CMT: 19 0545



TERRE HAUTE, IN

PAID

JAN 21 2022

RECEIPT

CONTROLLER

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

Date: 2/1/2022

Name: Kingery

Reason: Re-zoning

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

Check: 072273 45.00

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

TOTAL: 45.00

Received By: \_\_\_\_\_