



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 41

COMMON ADDRESS OF LOTS TO BE REZONED:

906 & 914 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Parcel Number: 84-06-13-179-005.000-002

Current Zoning: C 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / R1 SINGLE FAMILY RESIDENCE

Requested Zoning: C4 RESTRICTED CENTRAL BUSINESS DISTRICT

Proposed Use: EQUIPMENT & PARTY RENTAL STORE

Name of Owner: DIY RENTALS INC

Address of Owner: 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Phone Number of Owner: 812-232-2500

Attorney Representing Owner (if any): NA

Address of Attorney: NA

Phone Number of Attorney: NA

For Information Contact: ERIC WUESTEFELD

Council Sponsor: Cheryl Loudermilk

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

FILED

OCT 16 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 41, 2023

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:

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

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of
Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the
records in the Recorder's office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in
Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect A, as
described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County,
Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3rd,
1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County,
Indiana.

ALSO EXCEPT that part thereof conveyed to the City of Terre Haute by deed dated May 20, 1971 and
recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo
County, Indiana.

Parcel Numbers 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002.

Commonly known as: 906 & 914 N Fruitridge Ave., Terre Haute, IN 47807

Be and the same is hereby established as a C4 Restricted 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, Curtis DeBaun

Passed in Open Council this _____ day of _____, 2023. Curtis DeBaun

Curtis DeBaun IV-President

ATTEST: _____

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____, 20__.

Michelle Edwards, City Clerk

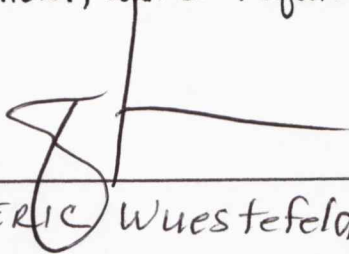
Approved by me, the Mayor, this _____ day of _____, 20__.

Duke A Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security's number in this document, unless required by law.



ERIC Wuestefeld

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, DIY RENTALS INC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect A, as described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3rd, 1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof conveyed to the City of Terre Haute by deed dated May 20, 1971 and recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel Numbers 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002.

Commonly known as: 906 & 914 N Fruitridge Ave Terre Haute, IN 47807

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 2 COMMUNITY COMMERCE DISTRICT / C6 STRIP BUSINESS DISTRICT / R1 SINGLE FAMILY RESIDENCE.

Your petitioner would respectfully state that the real estate is now A VACANT BUILDING AND LOT. Your petitioner intends to use the real estate to UTILIZE AS AN EQUIPMENT & PARTY RENTAL STORE.

Your petitioner would request that the real estate described herein shall be zoned as a C 4 RESTRICTED CENTRAL BUSINESS DISTRICT. Your petitioner would allege that the C 4 RESTRICTED CENTRAL BUSINESS DISTRICT would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C4 Restricted 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 WITNES WHEREOF, This petition has been duly executed this 16 day of OCTOBER, 2023

BY:  DIY RENTALS INC.

PETITIONER: DIY RENTALS INC 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

This instrument was prepared by ERIC WUESTEFELD 3834 LINDEN ST TERRE HAUTE, IN 47804.

AFFIDAVIT OF:

COMES NOW affiant ERIC WUESTEFELD

and affirms under penalty of law that affiant is the owner of record of the property located at _____

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

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

DIY Rentals Inc, Eric Wuestefeld

SIGNATURE: [Signature]

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

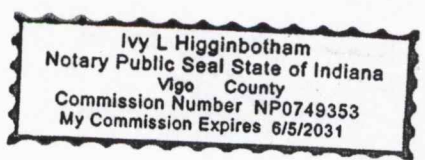
Personally appeared before me, a Notary Public in and for said County and State, Vigo Indiana

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

WITNESS my hand and notarial seal, this 16 day of October, 2023.

Notary Public: [Signature]
[Typed name]

My Commission Expires: 06/5/2031
My County Of Residence: Vigo



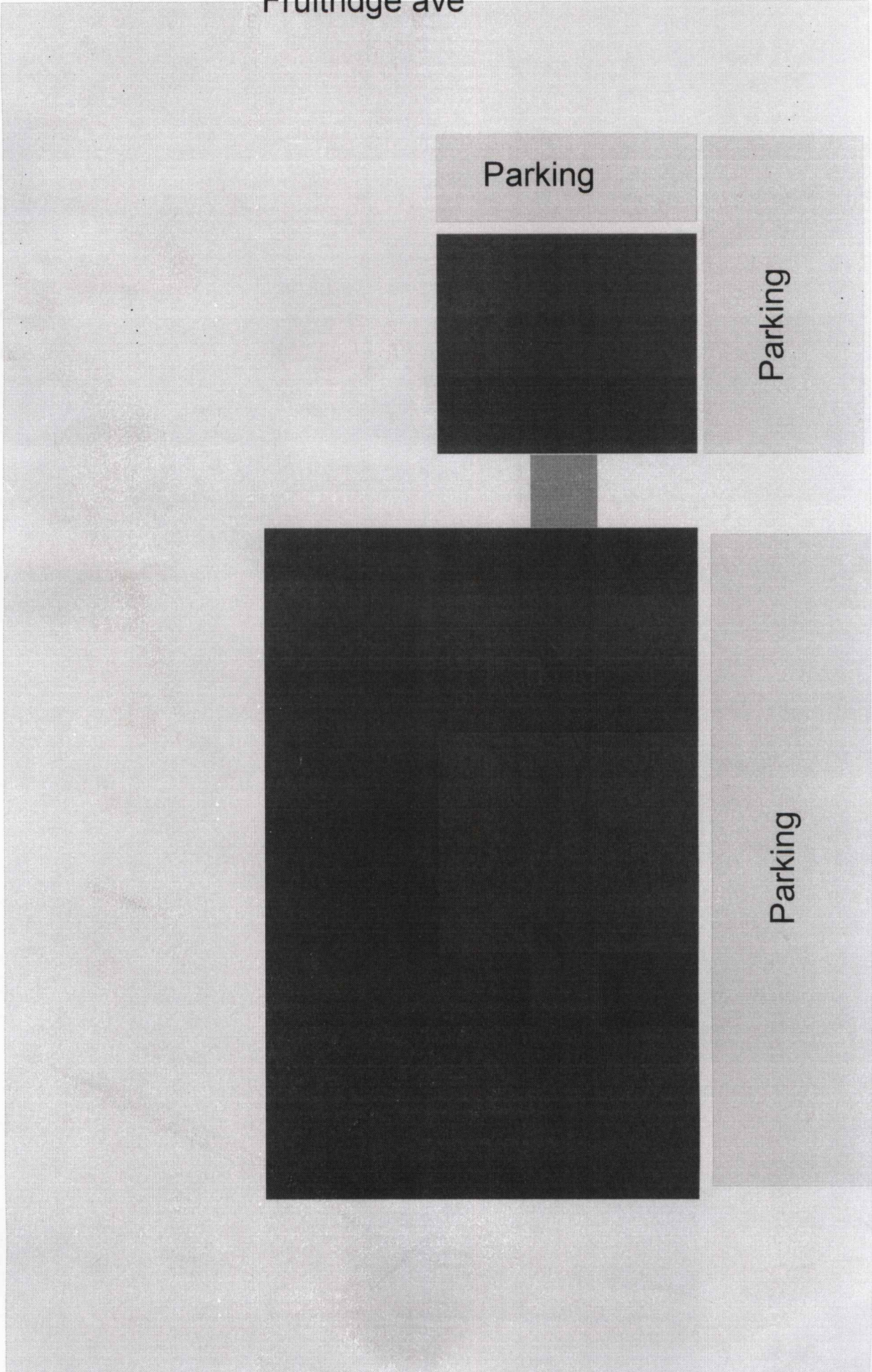
Fruitridge ave

Parking

Parking

Parking

Plum st



COPY

2023009581 WD \$25.00
08/25/2023 10:06:28A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

AUG 25 2023



James W Bramble
VIGO COUNTY AUDITOR

**LIMITED LIABILITY COMPANY
WARRANTY DEED**

THIS INDENTURE WITNESSETH that **JFC Holdings, LLC**, a limited liability company, organized and existing under the laws of the State of Indiana (hereinafter referred to as Grantor), for and in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby CONVEYS, GRANTS and WARRANTS to **DIY Rentals, Inc.**, (hereinafter referred to as Grantee), organized and existing in accordance with the laws of the State of Indiana, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect. A, being a Subdivision of part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder's Office of Vigo County, Indiana.

ALSO, the east one half of vacated 40th Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect. A, as described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3, 1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof conveyed to The City of Terre Haute by deed dated May 20, 1971 and recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel Numbers: 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002

Commonly known as: 906 & 914 N. Fruitridge Ave., Terre Haute, IN 47807

Taxes shall be prorated to the date of deed.

Subject to any and all covenants, conditions, restrictions, ordinances, by-laws, easements, 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.

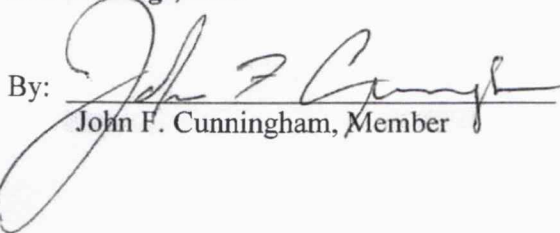
As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee to accept this Warranty Deed, that they have been fully empowered by the Articles of Organization of Grantor and proper resolution of Grantor to execute and deliver this deed; that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; Grantor further states under oath that no Indiana gross income tax is due or payable with respect to the transfer of the above-described real estate.

Grantor certifies that the above-described real estate is not "property" as defined by I.C. 13-11-2-174 and that the above-described real estate does not contain facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022) and is not the site of underground storage tanks for which notification is required under 42 U.S.C. 8991a or L.C. 13-23-1-2(c)(8)(A) and is not listed on the Comprehensive Environmental Response System (CERLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616), and that, consequently, no disclosure document under Indiana Code 13-25-3-1 et seq. (Indiana Responsible Transfer Law) is required for this transaction.

This conveyance is being made pursuant to Section IC 23-18-9-3 of the Indiana Code as part of the process of winding up the affairs of JFC Holdings, LLC, an Indiana Limited Liability Company, which has been administratively dissolved.

DATED this 17 day of August, 2023.

JFC Holdings, LLC

By: 
John F. Cunningham, Member

STATE OF Indiana)
COUNTY OF Vigo) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 17 day of August, 2023, personally appeared John F. Cunningham, an Authorized Member of JFC Holdings, LLC, and acknowledged and affirmed the execution of the foregoing deed.

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

My Commission Expires:
5-11-2029

Cari Hunt
Notary Public
Printed: Cari Hunt
Residing in Vigo County



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.

John A. Gurchiek, Esq.

Mail Tax Statements To Grantee at: 1251 N Fruitridge Ave, Suite C, Terre Haute,
IN 47804.

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

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: 23 0677



Receipt of Payment

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

Date 10/16/23
Name ERIC G. WUBSTEFELD
Reason REZONING FEES - \$ 45.00
906 + 914 N. FRUITRIDGE

Cash 0.00
Check 0.00 Ck # _____
Credit 45.00
Total 45.00

TERRE HAUTE, IN
REC'D
OCT 16 2023
CONTROLLER

Received By LEWIS | MBS ACT