



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 42

COMMON ADDRESS OF LOTS TO BE REZONED:

1339 POPLAR ST TERRE HAUTE, IN 47807

Parcel Number: 84-06-27-202-001-000-002

Current Zoning: C 6 STRIP BUSINESS DISTRICT

Requested Zoning: C 5 GENERAL CENTRAL BUSINESS DISTRICT

Proposed Use: SELF STORAGE UNITS

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: Martha Crossen

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

FILED

OCT 16 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 42, 2023**

CITY CLERK

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

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

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

TRACT I

**LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF
LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED
SEVENTY-FIVE (175) OFF THE EAST SIDE OF LOT NUMBER ONE (1) of NATHANIEL
PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4)
WEST.**

TRACT II

**LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST
SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF
OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9
WEST.**

TRACT III

**THIRTY-FIVE (35) FEET OFF THE EAST SIDE OF LOT NO. FOUR (4) IN WILLIAM
PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN
NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (w 1/2) OF THE NORTHEAST
QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 9 WEST.**


TRACT IV

**A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF
(1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN
TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS,
TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE
HALF(13 1/2) AND POPLAR STREETSAS NOW LOCATED AND ESTABLISHED THENCE
RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND
TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO.
ONE (1) OF WILLIAM PADDOCKS SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE
(175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTONS SUBDIVISION OF WEST
ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9
WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE
NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE
RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE
(125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2)
STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE
PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND
EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE
479, 206 PAGE 500, 227 PAGE 556, 227 PAGE558, 244 PAGE 129, AND BY 283 PAGE557, ALL
RECORDS OF THER RECORDERS OFFICE VIGO COUNTY, INDIANA.
SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER
MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.**

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 47807

Be and the same is hereby established as a **C5 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, 

Passed in Open Council this _____ day of _____, 20____. ~~Martha Cressen~~ Curtis DeBaun

Curtis DeBaun IV -President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor, Duke A. Bennett, of the City of Terre Haute this _____ day of _____, 20____.

Michelle Edwards, City Clerk

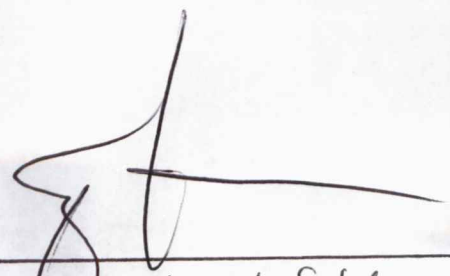
Approved by me, the Mayor of the city of Terre Haute this _____ day of _____, 20____.

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:

TRACT I

LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED SEVENTY-FIVE (175) OFF THE EAST SIDE OF LOT NUMBER ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) WEST.

TRACT II

LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9 WEST.

TRACT III

THIRTY-FIVE (35) FEET OFF THE EAST SIDE OF LOT NO. FOUR (4) IN WILLIAM PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (w 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 9 WEST.

TRACT IV

A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE HALF (13 1/2) AND POPLAR STREETS AS NOW LOCATED AND ESTABLISHED THENCE RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO. ONE (1) OF WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE (175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTON'S SUBDIVISION OF WEST ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9 WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE (125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2) STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE 479, 206 PAGE 500, 227 PAGE 556, 227 PAGE 558, 244 PAGE 129, AND BY 283 PAGE 557, ALL RECORDS OF THEIR RECORDERS OFFICE VIGO COUNTY, INDIANA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

Commonly known as: 1339 POPLAR STREET 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 6 STRIP BUSINESS DISTRICT.


Your petitioner would respectfully state that the real estate is now A VACANT LOT. Your petitioner intends to use the real estate to UTILIZE FOR THE EXPANSION OF SELF STORAGE UNITS.

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.

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 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 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 W. WESTERBEIO

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

at 1339 Poplar

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.

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:
04/05/2031
My County Of Residence:
Vigo



Poplar Street

121'

13th Street

355'

10
X
300
W
/10
X
10
unit

20'

20 x 80 w/10x10 units

30'

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

50'

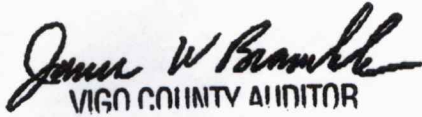
25 x 120 boat & RV w / 15' bays

= Entrances

ENTERED FOR PAYMENT
Subject to final acceptance for Transfer

2023011263 WD \$25.00
10/13/2023 09:49:58A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

OCT 13 2023


JAMES W. BRAMBLE
VIGO COUNTY AUDITOR



WARRANTY DEED

THIS INDENTURE WITNESSETH that Sherry L. Lamb, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to DIY Rentals, Inc., "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:

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of West half (1/2) of the North East Quarter (1/4) of Section Twenty-seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to-wit: Commencing at the Southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running East along the South line of Poplar Street, one hundred and twenty-five (125) feet more or less to the North West corner of Lot No. One (1) in William Paddock's Subdivision of One Hundred and seventy-five (175) feet off East side of Lot No. One (1) of N. Preston's Subdivision of West 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the North line of Oak Street as now located and established thence running West along North line of Oak Street One Hundred and twenty-five (125) feet more or less to East line of Thirteenth & one half (13 1/2) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 556, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana.

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


Parcel No.: 84-06-27-202-001.000-002

Commonly known as: 1339 Poplar St., Terre Haute, IN 47807

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 4th day of October, 2023.


Sherry L. Lamb

2

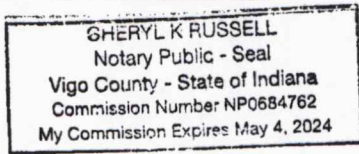
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

4th Before me, the undersigned, a Notary Public in and for said County and State, this day of October, 2023, personally appeared Sherry L. Lamb, 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:

Cheryl K Russell
Notary Public
Printed: _____
Residing in _____ County



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

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.

Cheryl K Russell

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 0675



Receipt of Payment

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

Date 10/16/23
Name ERIC J. WESTEFELD
Reason REZONING FBDS - \$ 45.00
1339 POPLAR

Cash 0.00
Check 0.00 Ck # _____
Credit 45.00
Total 45.00

TERRE HAUTE, IN
PAID
OCT 19 2023
CONTROLLER

Received By LEWIS IMPATR