

SPECIAL ORDINANCE NO. 12, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1490 Fort Harrison Road, Terre Haute, Indiana 47805
Parcel No. 84-06-03-451-006.000-002

Current Zoning: C-3 Regional Commerce District

Rezone To: C-5 General Central Business District

Proposed Use: Storage Units

Name of Owner: Plaza North Investors, LLC
Address of Owner: c/o Coastal Equities Real Estate
3265 Meridian Parkway, Suite 130
Weston FL 33331

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

Attorney Representing Owner: Richard J. Shagley, II/Richard J. Shagley

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

For Information Contact: Owner Attorney

Council Sponsor: Cheryl Loudermilk

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 05 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 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 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:

Lot Number 1 in Plaza North Addition, being a subdivision of a part of the
Southwest quarter of Section 2 and the Southeast quarter of Section 3, in
Township 12 North, Range 9 West, as shown by the recorded plat thereof,
recorded as Instrument No. 200213698 of the records of the Recorder's Office of
Vigo County, Indiana.

Parcel No. 84-06-03-451-006.000-002

Commonly known as: 1490 Fort Harrison Road, Terre Haute, Indiana 47805

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, Cheryl Loudermilk
Cheryl Loudermilk, Councilperson

Passed in open Council this 11 day of May, 2023.

Curtis DeBaun IV
Curtis DeBaun IV, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 12th day of May, 2023.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 12th day of May, 2023.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards
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
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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Howard Arnberg, Authorized Member of Plaza North Investors, LLC, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Number 1 in Plaza North Addition, being a subdivision of a part of the Southwest quarter of Section 2 and the Southeast quarter of Section 3, in Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded as Instrument No. 200213698 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-03-451-006.000-002

Commonly known as: 1490 Fort Harrison Road, Terre Haute, Indiana 47805

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-3 Regional Commerce District.

Your Petitioner intends to sell the real estate and the buyer intends to use this real estate for 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 since the neighborhood is a mixed-use neighborhood and there are several industrial and heavy commercial uses in this area.

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

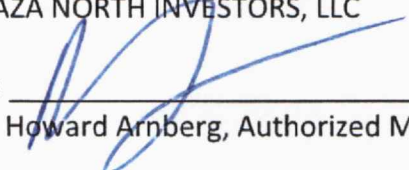
WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-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 4th day of April, 2023.

PETITIONER:

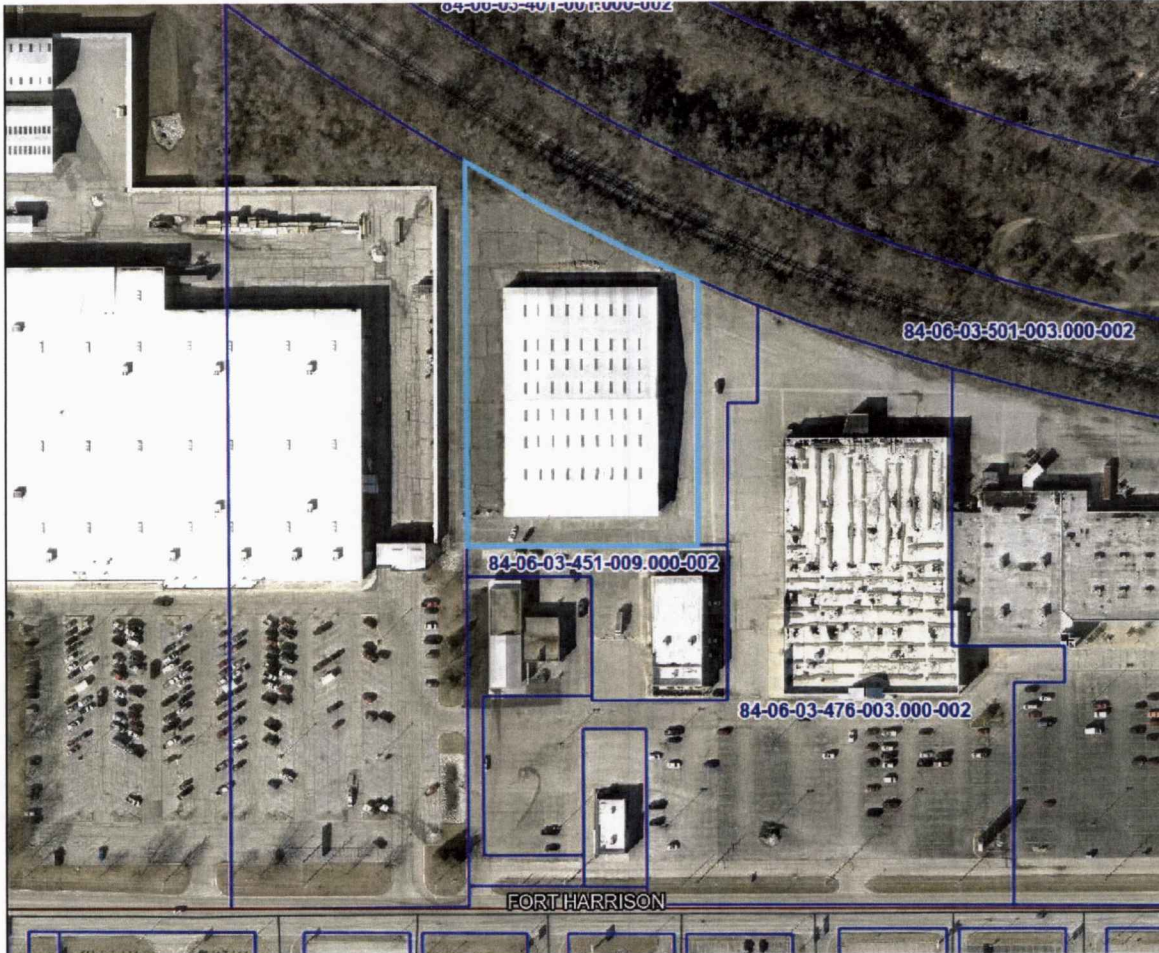
PLAZA NORTH INVESTORS, LLC

By: 
Howard Arnberg, Authorized Member

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. 12, 2023



1490 Fort Harrison Road, Terre Haute, Indiana 47805

Parcel No. 84-06-03-451-006.000-002

C-3 Regional Commerce District to C-5 General Central Business District

Proposed Use: Storage Units

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Howard Arnberg, Authorized Member of Plaza North Investors, LLC, being duly sworn upon his oath, deposes and says:

1. That Plaza North Investors, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number 1 in Plaza North Addition, being a subdivision of a part of the Southwest quarter of Section 2 and the Southeast quarter of Section 3, in Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded as Instrument No. 200213698 of the records of the Recorder's Office of Vigo County, Indiana.

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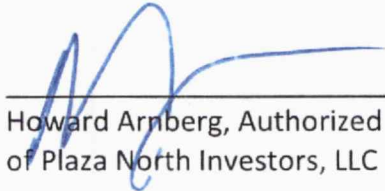
Commonly known as: 1490 Fort Harrison Road, Terre Haute, Indiana 47805

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Plaza North Investors, LLC is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Plaza North Investors, LLC.

4. Further, Affiant saith not.

Dated at _____, _____ this 4th day of April, 2023.
(City) (State)



Howard Arnberg, Authorized Member
of Plaza North Investors, LLC

[NOTARY TO FOLLOW]

STATE OF Florida)
) SS:
COUNTY OF Broward)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4 day of April, 2023.



Sarah Ann Mendel
_____, Notary Public

My Commission expires: 6/4/25

My County of Residence: Broward

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.

DUTY ENTITLED TO TAXATION
Subject to final assessment for transfer

2007001016 CS \$20.00
01/19/2007 02:09:51P 3 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

JAN 19 2007

LIMITED LIABILITY COMPANY SPECIAL WARRANTY DEED

Tyler S. Oliver
VIGO COUNTY INDIANA

THIS INSTRUMENT WITNESSETH, that **HOBB Partners III, LLC**, a Kansas limited liability company, duly created and existing under the laws of the State of Kansas (hereinafter referred to as Grantor), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEYS** and **SELLS** unto **PLAZA NORTH INVESTORS, LLC**, an Indiana limited liability company (hereinafter referred to as Grantee), the following described **REAL ESTATE** located in the County of Vigo, State of Indiana, to-wit:

See Exhibit A attached hereto and made a part hereof.

Together with all improvements thereon and all tenements and appurtenances thereto. To have and to hold in fee simple forever.

All subject to (a) easements, covenants, restrictions, encumbrances, mineral rights, and other matters of record affecting title to the subject real estate, (b) unpaid taxes and assessments not yet due and payable, (c) all matters visible upon a physical inspection and matters disclosed by an accurate ALTA survey.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this deed, that he holds the office indicated with his signature and has been duly authorized by all appropriate action of the grantor limited liability company 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.

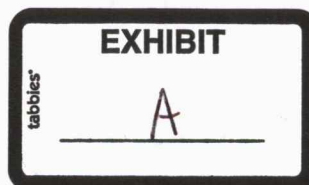
Grantor, for itself, its heirs, executors and administrators will warrant and defend title to the REAL ESTATE to Grantee, subject to the matters set forth above, against the lawful claims of all persons claiming by, under or through Grantor, its heirs, successors (expressly not including successors-in-title) and administrators.

IN WITNESS WHEREOF, HOBB Partners III, LLC, a Kansas limited liability company, has caused this deed to be executed in its name and on its behalf by its duly authorized member this 16th day of January, 2007.

HOBB Partners III, LLC, a Kansas limited liability company

By _____

Tyler S. Oliver
Tyler S. Oliver, Member



STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Before me, the undersigned, a Notary Public in and for said County and State, this 16th day of January, 2007, personally appeared the above named Tyler S. Oliver, as Member, of said Grantor, HOBBS Partners III, LLC, a Kansas limited liability company, and known by me to be such officer, and, after being first duly sworn upon his oath, acknowledged the execution of the above and foregoing instrument for and on behalf of said limited liability company as the free and voluntary act of said company and as his own free and voluntary act as such officer, and stated that the representations contained in said deed are true.

Notary Public State of Kansas
Patricia J Stout
My Appt Exp 11-15-08

Patricia J. Stout
Notary Public
Patricia J. Stout
(Printed Name)

My Commission Expires:
November 15, 2008

My County of Residence is:
Johnson

Please send original of Deed to: Seth Markowitz, Esq., 530 Fifth Avenue, 23rd Floor, New York, New York 10036.

This instrument prepared by Jay T. Shadwick, Duggan, Shadwick, Doerr & Kurlbaum, P.C., 11040 Oakmont, Overland Park, KS 66210. In preparing this instrument, the preparer makes no representations or warranties regarding the title conveyed by such instrument.

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.

Jay T. Shadwick
Jay T. Shadwick

Send tax statements to: Plaza North Investors, LLC, c/o Finkle Ross & Rost, 600 Old County Road, Garden City, New York 11530.

EXHIBIT A

Lot Numbers 1 thru 5 in Plaza North Addition, being a subdivision of a part of the Southwest quarter of Section 2 and the Southeast quarter of Section 3, both in Township 12 North, Range 9 West as shown by the recorded plat thereof recorded as Instrument No. 200213698 of the records of the Recorder's Office of Vigo County, Indiana.

Except that part of Lot 2 conveyed to David and Connie Schimmel by Deed recorded February 20, 2004 as Instrument No. 2004003028.



Receipt of Payment

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

Date 04-05-2023
Name Awi Dimarsky

TERRE HAUTE, IN.
PAID
APR 05 2023
CONTROLLER

Reason Rezoning- Notice of filing \$25⁰⁰
Rezoning- Petition \$20⁰⁰

Cash _____
Check \$45⁰⁰
Credit _____
Total \$45⁰⁰

Ck # 73408

Received By *Jaime Price*



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: May 4, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 12-23

CERTIFICATION DATE: May 3, 2023

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. 12-23. This Ordinance is a rezoning of 1490 Ft. Harrison Rd, Terre Haute, IN. Parcel number 84-06-03-451-006.000-002. The Petitioner, Plaza North Investors, LLC, petitions the Plan Commission to rezone said storage units is currently planned, from zoning classification C-3 to C-5 General Central Business District.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 12-23 at a public meeting and hearing held Wednesday, May 3, 2023. 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. 12-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-23 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. 12-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan approval with parking by City Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 4th day of May, 2023

APPLICATION INFORMATION

Property Owner: Plaza North Investors, LLC.

Proposed Use: Storage Units

Proposed Zoning: C-5 General Central Business District

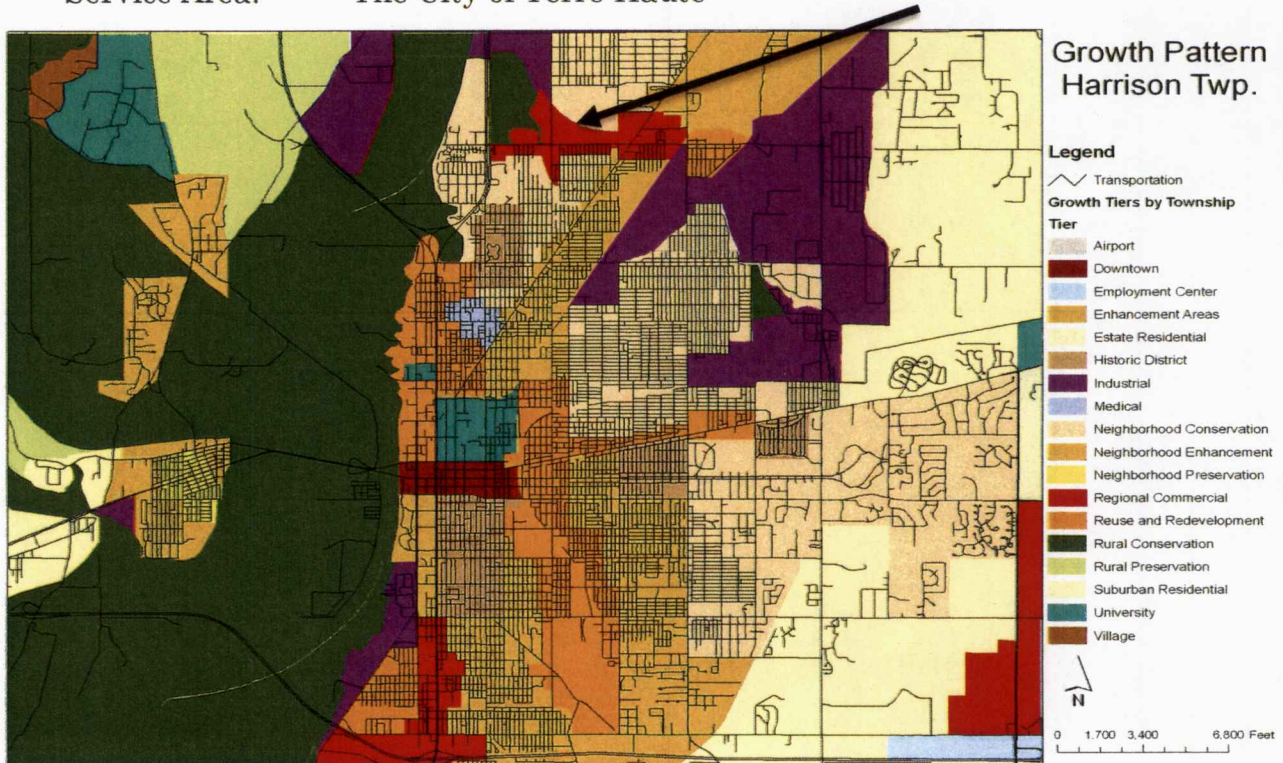
Current Zoning: C-3 Regional Commerce District

Location: The property is located to the east of Menards and north of the Carwash in the back.

Common Address: 1490 Ft. Harrison Rd, Terre Haute, In/84-06-03-451--006.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Regional Commercial

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages between and among major existing activity centers.
 - Increase the identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
 - Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes.
 - Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
 - Ensure that future retail commercial development in the area does not detract from the viability of existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Street Access: Ft. Harrison Rd.

ZONING COMPATIBILITY

North – M-2

East – C-3

South – C-3

West – C-3

Character of Area: Area is all commercial uses off of Ft. Harrison Rd.

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.

(D) Television studios.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 12-23

Doc: # 35

Date: May 2023

Page 4 of 4

(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 petitioner is requesting to rezone the property to allow for Storage Units in a pre-existing structure. It appears the building is already being used as a storage facility. The petitioner did not provide the number or type of storage units. The surrounding area is mixed-use and there are several industrial and heavy commercial uses.

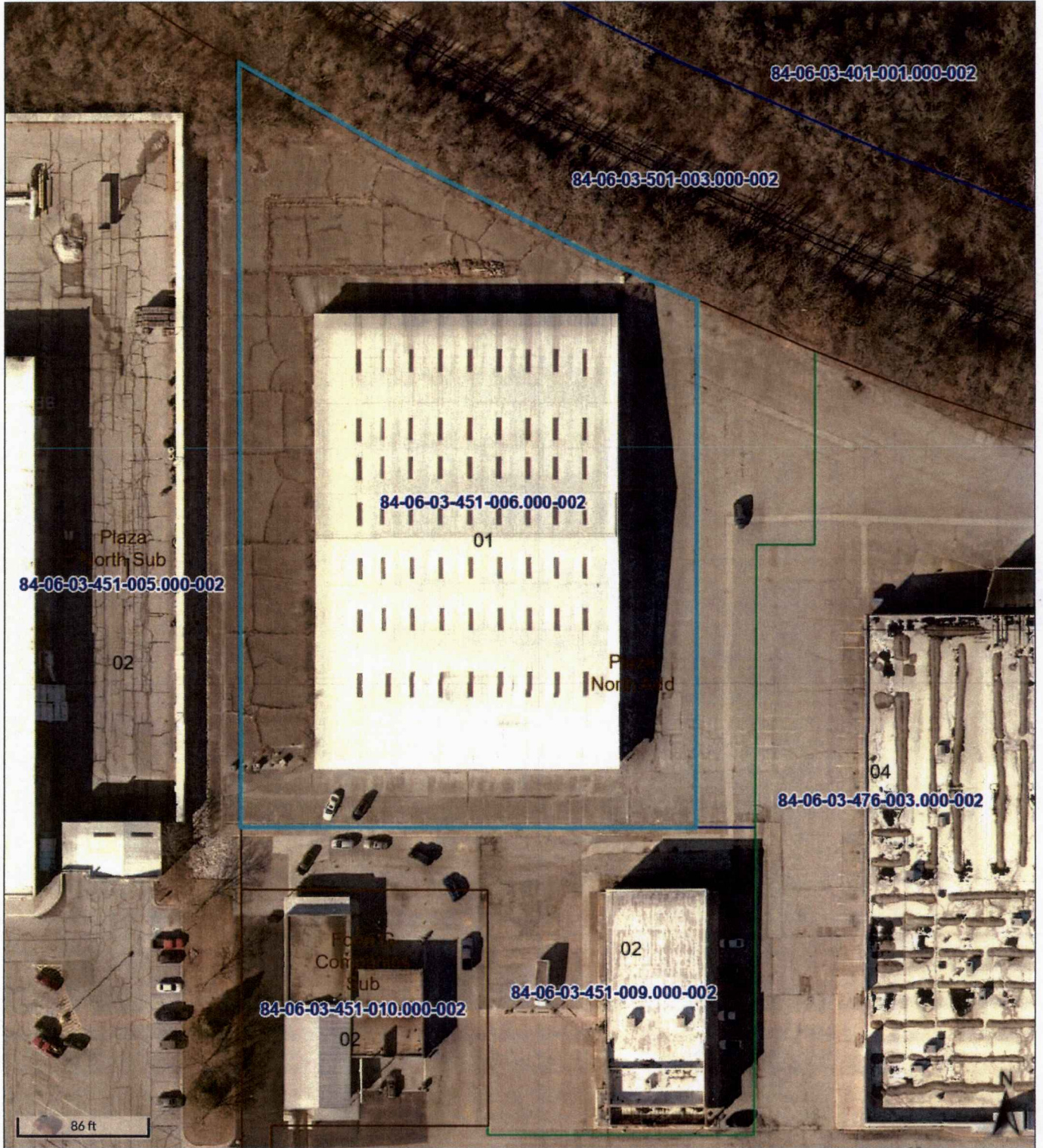
The site plan does not show parking. A site plan with parking will need to be approved by City Engineering or a variance requested through the Board of Zoning Appeals.

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

1. Site plan approval with parking by City Engineering

Docket #35 SO #12-23

1490 Fort Harrison Road



SPECIAL ORDINANCE NO. 12, 2023

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Proposed Use: Storage Units

Name of Owner: Plaza North Investors, LLC
Address of Owner: c/o Coastal Equities Real Estate
3265 Meridian Parkway, Suite 130
Weston FL 33331

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

Attorney Representing Owner: Richard J. Shagley, II/Richard J. Shagley

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

For Information Contact: Owner Attorney

Council Sponsor: Cheryl Loudermilk

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

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APR 05 2023

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Presented by Council Member, Cheryl Loudermilk
Cheryl Loudermilk, Councilperson

Passed in open Council this _____ day of _____, 2023.

Curtis DeBaun IV, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2023.

Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2023.

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.

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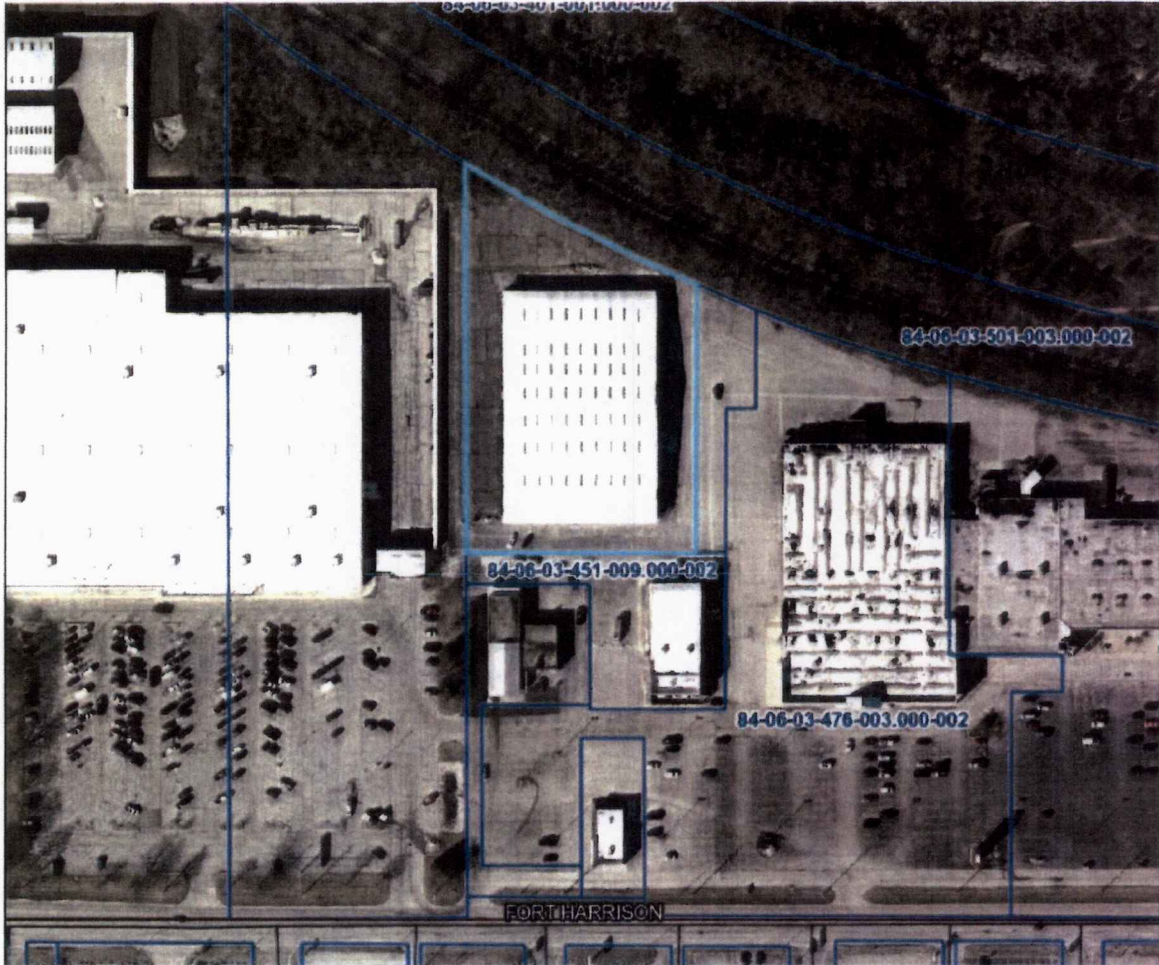
By: 

Howard Arnberg, Authorized Member

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.

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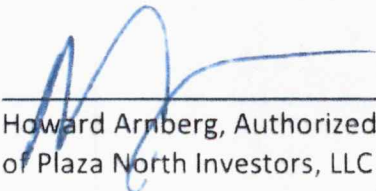
Commonly known as: 1490 Fort Harrison Road, Terre Haute, Indiana 47805

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Plaza North Investors, LLC is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Plaza North Investors, LLC.

4. Further, Affiant saith not.

Dated at _____, _____ this 4th day of April, 2023.
(City) (State)



Howard Arnberg, Authorized Member
of Plaza North Investors, LLC

[NOTARY TO FOLLOW]

STATE OF Florida)
) SS:
COUNTY OF Broward)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4 day of April, 2023.



Sarah Ann Mendel

_____, Notary Public

My Commission expires: 6/4/25

My County of Residence: Broward

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.

DULT ENVIRONMENTAL RESTORATION
Subject to final settlement for transfer

2007001016 CS \$20.00
01/19/2007 02:09:51P 3 PGS
RAYMOND L. MATTS
VIGO County Recorder IN
Recorded as Presented

JAN 19 2007

LIMITED LIABILITY COMPANY SPECIAL WARRANTY DEED

James H. Smith
VIGO COUNTY INDIANA

THIS INSTRUMENT WITNESSETH, that **HOBB Partners III, LLC**, a Kansas limited liability company, duly created and existing under the laws of the State of Kansas (hereinafter referred to as Grantor), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONVEYS** and **SELLS** unto **PLAZA NORTH INVESTORS, LLC**, an Indiana limited liability company (hereinafter referred to as Grantee), the following described **REAL ESTATE** located in the County of Vigo, State of Indiana, to-wit:

See Exhibit A attached hereto and made a part hereof.

Together with all improvements thereon and all tenements and appurtenances thereto. To have and to hold in fee simple forever.

All subject to (a) easements, covenants, restrictions, encumbrances, mineral rights, and other matters of record affecting title to the subject real estate, (b) unpaid taxes and assessments not yet due and payable, (c) all matters visible upon a physical inspection and matters disclosed by an accurate ALTA survey.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this deed, that he holds the office indicated with his signature and has been duly authorized by all appropriate action of the grantor limited liability company 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.

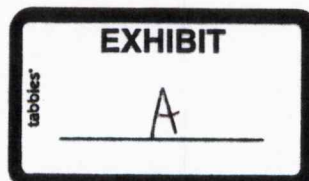
Grantor, for itself, its heirs, executors and administrators will warrant and defend title to the REAL ESTATE to Grantee, subject to the matters set forth above, against the lawful claims of all persons claiming by, under or through Grantor, its heirs, successors (expressly not including successors-in-title) and administrators.

IN WITNESS WHEREOF, **HOBB Partners III, LLC**, a Kansas limited liability company, has caused this deed to be executed in its name and on its behalf by its duly authorized member this 16th day of January, 2007.

HOBB Partners III, LLC, a Kansas limited liability company

By _____

Tyler S. Oliver
Tyler S. Oliver, Member



STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Before me, the undersigned, a Notary Public in and for said County and State, this 16th day of January, 2007, personally appeared the above named Tyler S. Oliver, as Member, of said Grantor, HOBBS Partners III, LLC, a Kansas limited liability company, and known by me to be such officer, and, after being first duly sworn upon his oath, acknowledged the execution of the above and foregoing instrument for and on behalf of said limited liability company as the free and voluntary act of said company and as his own free and voluntary act as such officer, and stated that the representations contained in said deed are true.

Notary Public State of Kansas
Patricia J Stout
My Appt Exp 11-15-08

Patricia J. Stout
Notary Public
Patricia J. Stout
(Printed Name)

My Commission Expires:

My County of Residence is:

November 15, 2008

Johnson

Please send original of Deed to: Seth Markowitz, Esq., 530 Fifth Avenue, 23rd Floor, New York, New York 10036.

This instrument prepared by Jay T. Shadwick, Duggan, Shadwick, Doerr & Kurlbaum, P.C., 11040 Oakmont, Overland Park, KS 66210. In preparing this instrument, the preparer makes no representations or warranties regarding the title conveyed by such instrument.

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.

Jay T. Shadwick
Jay T. Shadwick

Send tax statements to: Plaza North Investors, LLC, c/o Finkle Ross & Rost, 600 Old County Road, Garden City, New York 11530.

EXHIBIT A

Lot Numbers 1 thru 5 in Plaza North Addition, being a subdivision of a part of the Southwest quarter of Section 2 and the Southeast quarter of Section 3, both in Township 12 North, Range 9 West as shown by the recorded plat thereof recorded as Instrument No. 200213698 of the records of the Recorder's Office of Vigo County, Indiana.

Except that part of Lot 2 conveyed to David and Connie Schimmel by Deed recorded February 20, 2004 as Instrument No. 2004003028.



Receipt of Payment

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

Date 04-05-2023
Name Ovi Dimarsky

Reason Rezoning- Notice of filing \$25⁰⁰
Rezoning- Petition \$20⁰⁰

Cash _____
Check \$45⁰⁰
Credit _____
Total \$45⁰⁰

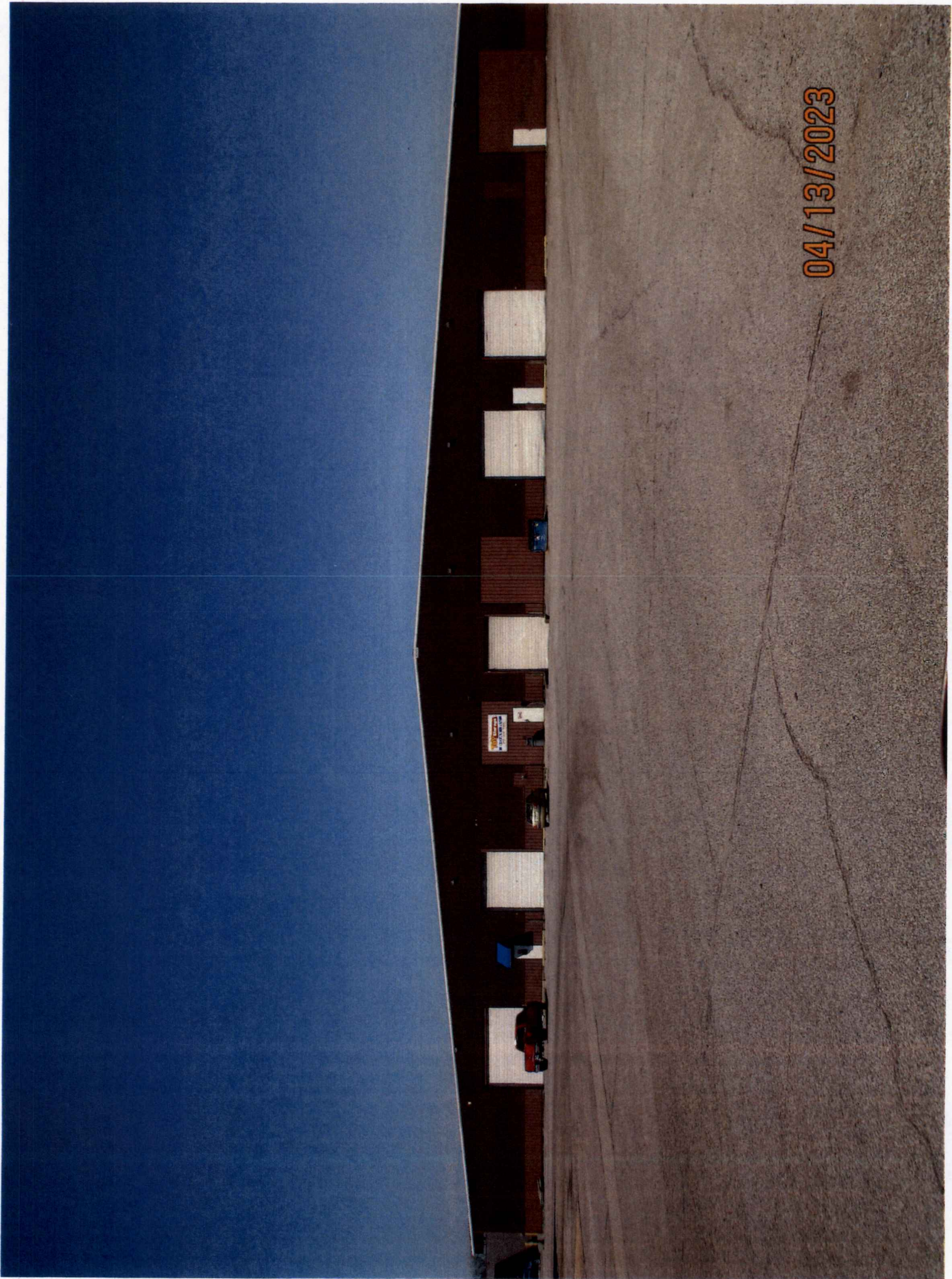
ck # 73408

Received By *Saum Price*

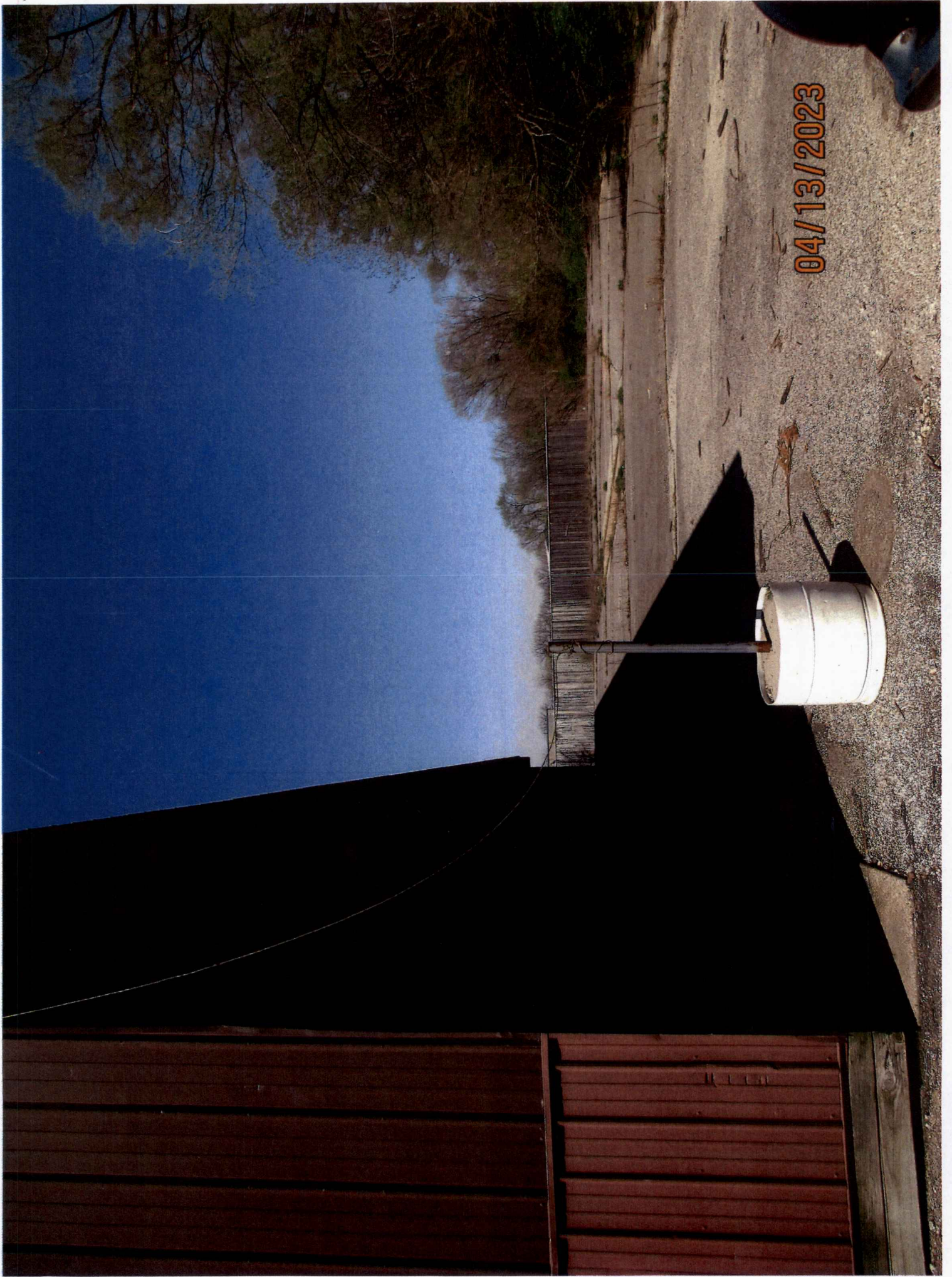
TERRE HAUTE, IN.
PAID
APR 05 2023
CONTROLLER

04/13/2023





04/13/2023



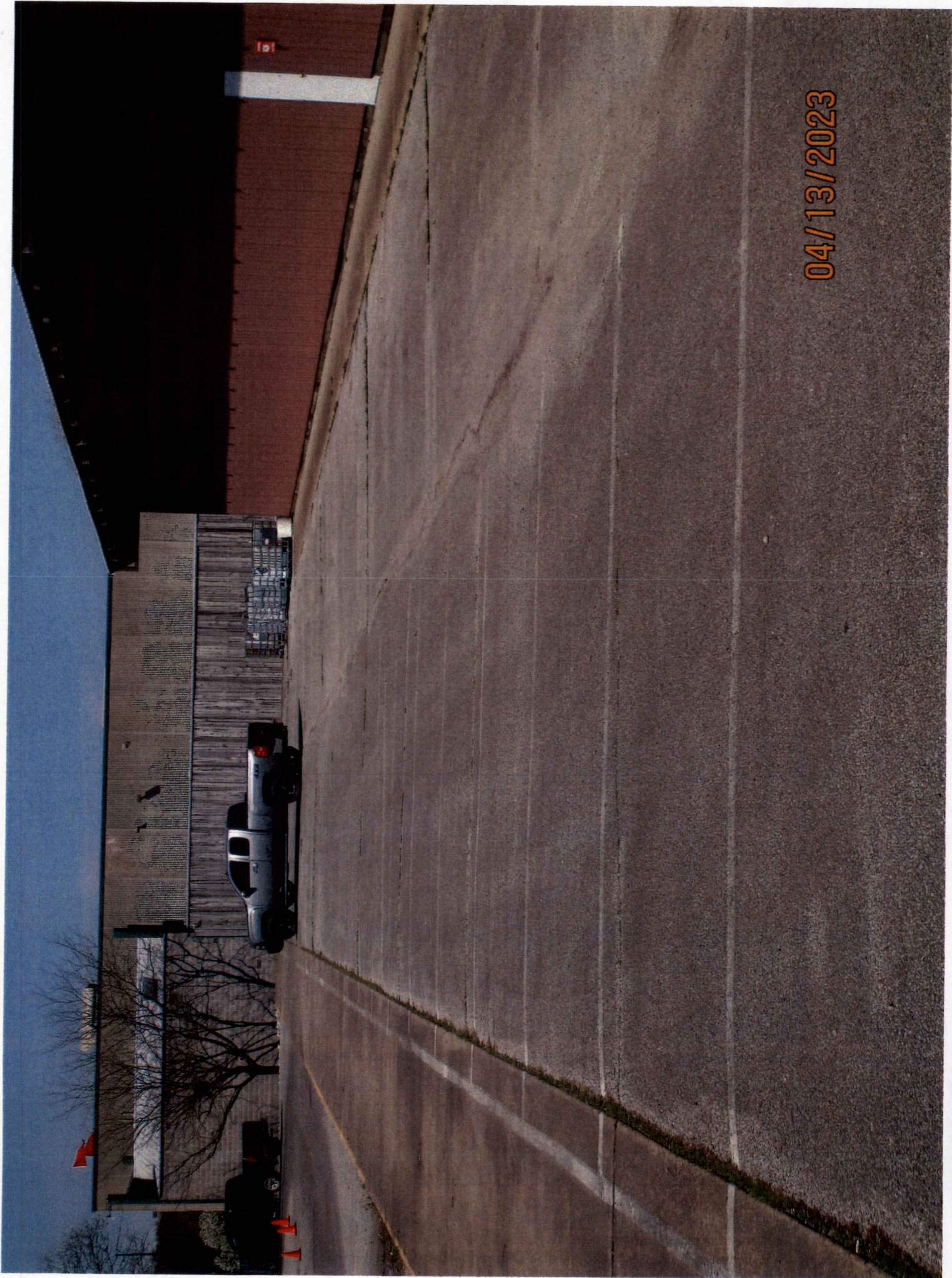
04/13/2023



04/13/2023



04/13/2023



04/13/2023