

SPECIAL ORDINANCE NO. 35, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

4530 N. 25th Street, Terre Haute, IN 47805
Parcel No. 84-06-02-101-001.000-002

Rezone From: M-1 Light Industry District

Rezone To: Phase 2, Tract 1 R-2 Two Family Residence District
Phase 2, Tract 2 R-1 Single Family Residence District

Proposed Use: Phase 2, Tract 1, Duplexes
Phase 2, Tract 2, Single Family Homes

Name of Owners: Southard Homes, LLC

Address of Owners: 2340 N. 10 Street
Terre Haute, IN 47804

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 [x] Attorney

Council Sponsor: Cheryl Loudermilk

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

AUG 02 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 35, 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:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30

seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

Commonly known as 4530 N. 25th Street, Terre Haute, IN 47805

Be and the same is hereby established as an R-1 Single Family Residence District and R-2 Two Family Residence 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 7th day of September, 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 8th day of September 2023.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of SEPTEMBER 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.

/s/ 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Billy Southard, Managing Member of Southard Homes, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

Commonly known as 4530 N. 25th Street, Terre Haute, IN 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 M-1 Light Industry District.

This real estate is now vacant, and Petitioner is seeking to rezone the real estate to build forty (40) single family homes and eight (8) duplexes. Your Petitioner would request that the real estate described herein shall be zoned as an R-1 Single Family Residence District and R-2 Two Family Residence District.

Your Petitioner would allege that the construction of single-family homes and duplexes would not alter the general characteristics of this neighborhood since the neighborhood is primarily a residential 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 an R-1 Single Family Residence District and R-2 Two Family Residence 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 1st day of August, 2023.

PETITIONER:

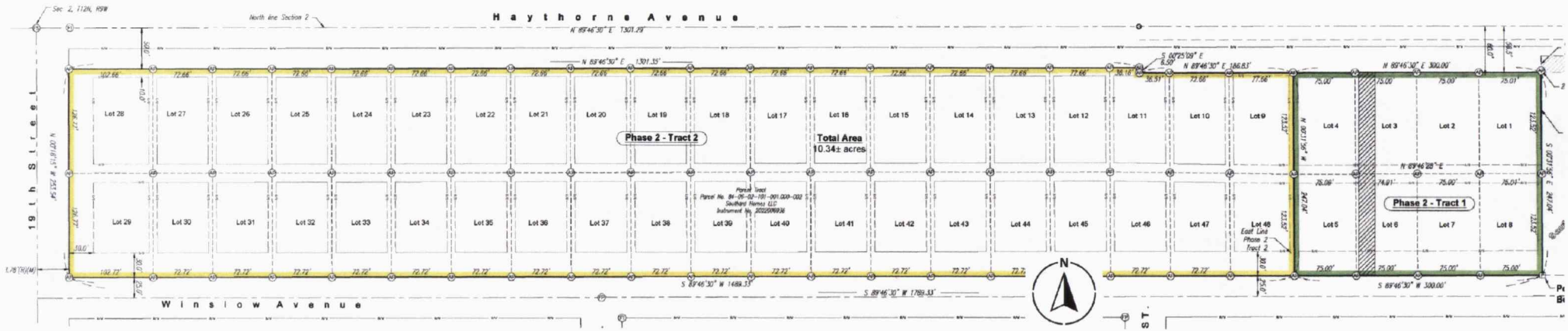
A handwritten signature in black ink, appearing to read 'Billy Southard', is written over a horizontal line.

Billy Southard, Managing Member of
Southard Homes, LLC

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. 35



4530 N. 25th Street, Terre Haute, Indiana 47805
Parcel No. 84-06-02-101-001.000-002

From M-1 Light Industry District to:
Phase 2, Tract 1 R-2 Two Family Residence District and
Phase 2, Tract 2 R-1 Single Family Residence District

Proposed use: Phase 2, Tract 1, Duplexes; and Phase 2, Tract 2, Single Family Homes

STATE OF INDIANA)
)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Billy Southard, Managing Member of Southard Homes, LLC, being duly sworn upon her oath, deposes and says:

1. That Southard Homes, 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:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder’s Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder’s Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30

seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

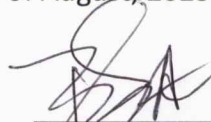
Commonly known as 4530 N. 25th Street, Terre Haute, IN 47805

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 Southard Homes, 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 Billy Southard, Managing Member of Southard Homes, LLC.

4. Further, Affiant saith not.

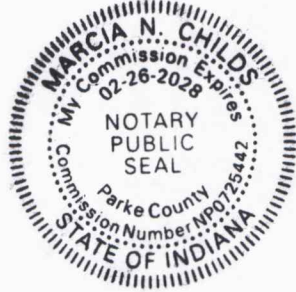
Dated at Terre Haute, Indiana this 1st day of August, 2023.



Billy Southard, Managing Member
of Southard Homes, LLC

STATE OF INDIANA)
) :SS
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of August, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public
My Commission expires: 02-26-2028
My County of Residence: Parke

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.

ENTERED TAXATION

Subject to final acceptance for
Transfer

2022006936 CORP WD \$25.00

06/08/2022 4 PCS

Diana Winsted—Smith

VIGO County Recorder IN

Recorded as Presented



JUN 8

James W Beamble
VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Winslow Scale Company fka Winslow Government Standard Scale Works, 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 Southard Homes L C, a limited liability company organized and existing under the laws of the State of, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

The Northwest Quarter (NW 1/4) of Section 2, Township 12 North, Range 9 West, excepting therefrom 123.5 acres off the South end thereof, of the Northeast Quarter of the Northwest Quarter of said Section.

Also, except beginning at the Northeast corner of the Northwest Quarter of Section 2, Township 12 North, Range 9 West, thence South 303.54 feet, thence West 191 feet, thence North 303.54 feet, thence East 191 feet to the place of beginning.

Also, Thirty (30) feet of even width off the West end of the following described real estate: Beginning at the Northeast corner of the Northwest Quarter of Section 2, Township 12 North, Range 9 West, thence South 303.54 feet, thence West 191 feet, thence North 303.54 feet, thence East 191 feet to the place of beginning.

Parcel No. 84-06-02-128-001.000-002, 84-06-02-101-001.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor warrants and represents that Winslow Scale Company is one and the same as Winslow Government Standard Scale Works, Inc. that acquired title by deed dated March 19, 1923, and recorded March 26, 1923, at Deed Record 169 Page 279, and that pursuant to Articles of Amendment dated May 10, 1974, it is now known as Winslow Scale Company,

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, Winslow Scale Company fka Winslow Government Standard Scale Works, Inc, has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this day of ^U.OZ.-, 2022.

Winslow Scale Company fka Winslow Government
Standard Scale Works, Inc.

By: WY
William F. Young, CFO
(Printed Name and Title)

ATTEST:

By JY
Jonathan E. Young, VP Sales
(Printed Name and Title)

STATE OF CT
COUNTY OF Nun.

I, dul /frbccLR a Notary Public in and for aid county nd state, do hereby certify
th) laxn and personally known to me to be the
same perso whose names instrument as such officers, and
to be such officers, appeared before me this day in person _____
and, being first duly sworn, said and acknowledged that _____ are subscribed to the oreg | g
they are such officers and that they signed and delivered said deed as a free and voluntary act
of said Winslow Scale Company fka Winslow .Government Standard Scale Works, Inc. and as
their wn free and voluntary act as such

_____CFO and , by authority of the Board of Directors of said corporation for the use and
purposes therein set forth.

Given under my hand and notarial seal this L day of June, 2022.

WY

MELODY ANN MOCCIA
NOTARY PUBLIC
MY COMMISSION EXPIRES SEPT. 30, 2028

My Notary Public

Melody Moccia
(Printed Name)

New Haven County of
Residence:

My Commission Expires: _____

affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security

I affirm, under the penalties for number in this document, unless required by law.

Meagan . But
Meagan . But

This instrument was prepared by Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 51 1 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. 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 the instrument.

GRANTEE'S ADDRESS: 2340 N. 10th St. Terre Haute, IN 47804

MAIL TAX STATEMENTS TO: Same



Receipt of Payment

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

Date 08/02/23

Name Southard Homes

Reason Reasoning - notice of filing \$25-

Reasoning - petition \$20/

/\$45-

Cash _____

Check \$45- _____

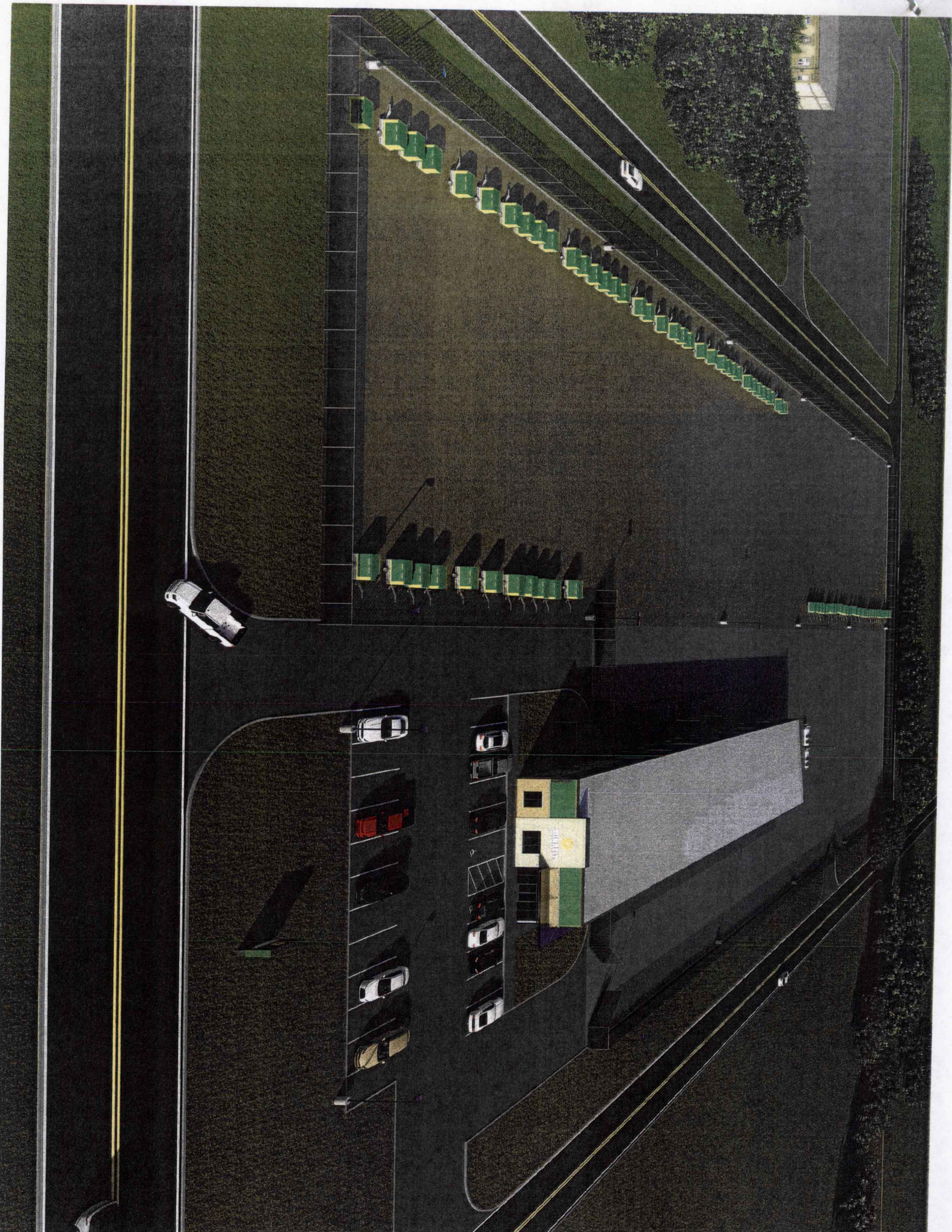
Ck # 073085

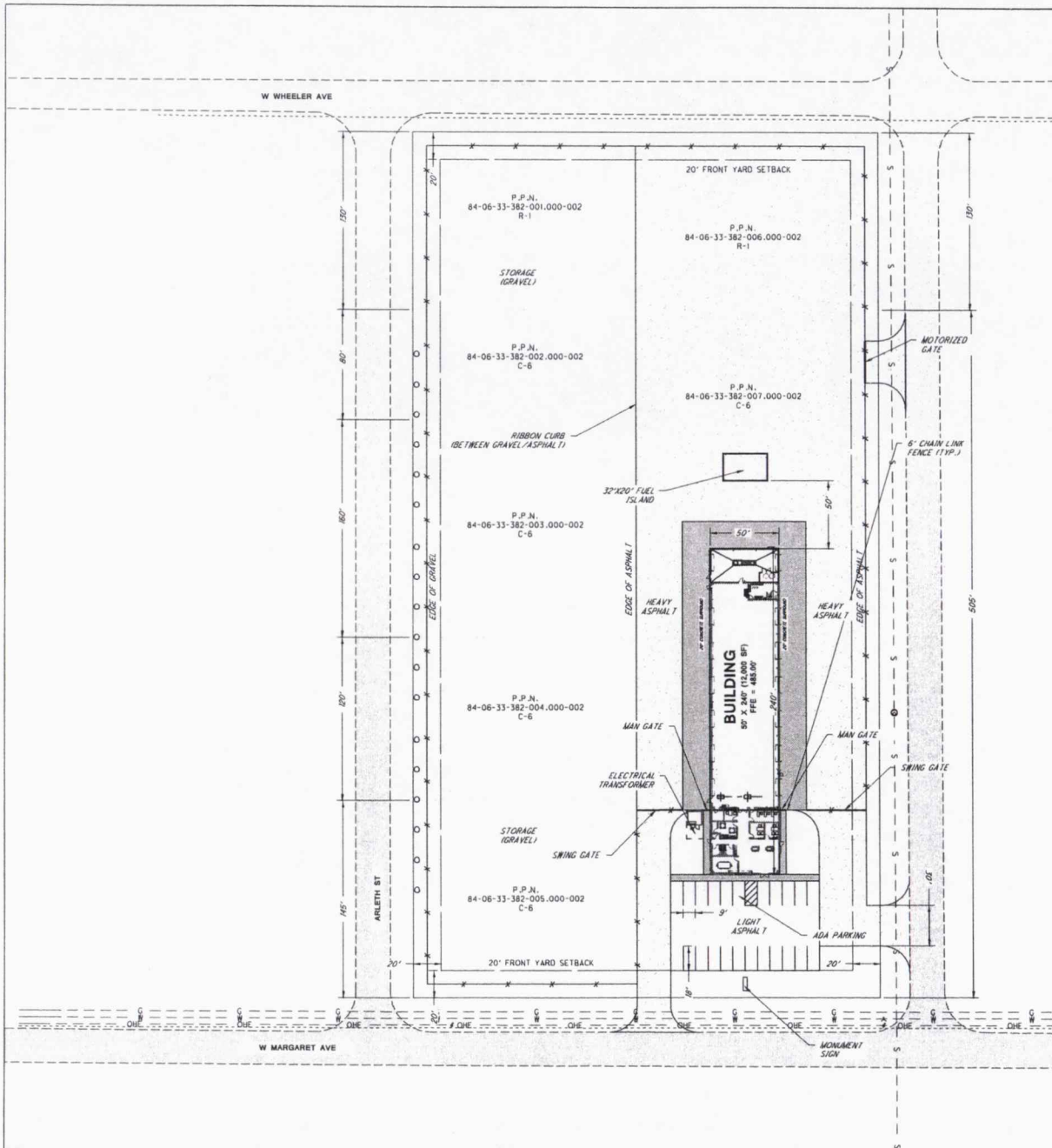
Credit _____

Total _____

Received By Erin White

TERRE HAUTE, IN
PAID
 AUG - 2 2023
 CONTROLLER





SITE INFORMATION

PROJECT SITE ADDRESS: 2829 1ST STREET

PARCELS# 84-06-33-382-007.000-002, 84-06-33-382-005.000-002, 84-06-33-382-004.000-002, 84-06-33-382-003.000-002, 84-06-33-382-002.000-002

ZONING: SINGLE FAMILY RESIDENTIAL (R-1) & HIGHWAY COMMERCIAL (C-6) (TO BE REZONED TO C-3 REGIONAL COMMERCIAL)

TOTAL PARCEL AREA: 4.95 AC
 DISTURBED AREA: 4.95 AC
 PRE-DEVELOPMENT IMPERVIOUS: 0.98 AC
 POST-DEVELOPMENT IMPERVIOUS: 4.45 AC

BUILDING INFORMATION
 BUILDING USE(S): RENTAL CENTER
 BUILDING MAX HEIGHT: 25'
 TOTAL BUILDING AREA: 12,000 SF

BUILDING SETBACKS
 FRONT: 20'
 SIDE: 9'
 REAR: 5'

NOTE: PARCEL, CONTOUR AND UTILITY INFORMATION IS BASED ON INDIANA GIS DATA AND AERIAL OVERLAY.



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: September 7, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 35-23

CERTIFICATION DATE: September 6, 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. 35-23. This Ordinance is a rezoning West of 4530 N. 25th Street, Terre Haute, IN. Parcel number 84-06-02-101-001.000-002. The Petitioner, Southard Homes, LLC, petitions the Plan Commission to rezone said two family residence (duplex - phase 2 - tract 1) and single family residence (phase 2 - tract 2) from zoning classification M-1 to R-2, Two Family Residence District (phase 2 - tract 1) and R-1, Single Family Residence District (phase 2 - tract 2).

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. 35-23 at a public meeting and hearing held Wednesday, September 6, 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. 35-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 35-23 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. 35-23 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Site plan approval with site plan approval by City Engineering 2) Approval of the Southard Acres East Phase 2 Subdivision.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 7th day of September, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 35-23
Date: September 2023

Doc: # 77
Page 1 of 4

APPLICATION INFORMATION

Property Owner: Southard Homes, LLC

Proposed Use: Two Family residence (Duplex) (Phase 2, Tract 1), and Single Family Residence on (Phase 2, Tract 2)

Proposed Zoning: R-2, Two Family & R-1, Single Family Residence District
(Phase 2, Tract 1) (Phase 2, Tract 2)

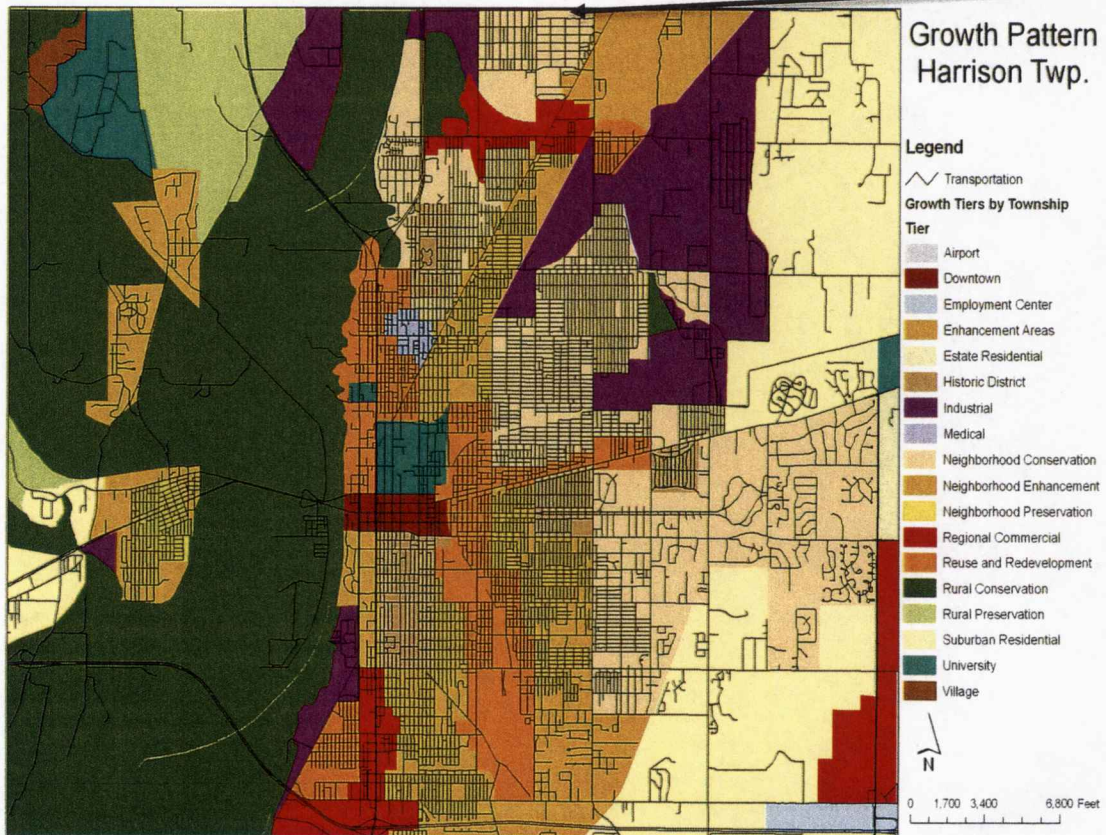
Current Zoning: M-1, Light Industry District

Representative: Richard Shagley II

Location: The property is located on the north side of Willow Avenue & South side of Haythorne Ave. approximately 841ft. west of the intersection of N. 25th Street

Common Address: West of 4530 N. 25th Street, Terre Haute, IN / 84-06-02-101-001.000-002

COMPREHENSIVE PLAN GUIDANCE



Service Area: The City of Terre Haute

ZONING COMPATIBILITY

Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 35-23

Doc: # 77

Date: September 2023

Page 3 of 4

Sur. Zones and Uses: **North** – (County Zoning) R-1, R-T, M-2
 East – M-1
 South – R-1, R-2
 West – R-1

Character of area: The property is surrounded by mix uses and has been vacant for several years.

Most Utilities should be available.

ZONING REGULATIONS

R-2 Purpose: Single-Family and Two-Family Dwellings Units

R-2 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

R-2 Standards: Minimum Lot Size: 7,200 Sq. Ft. per unit FAR 0.5 %
 Street Setback: 55 feet from centerline.
 Rear setback: 11 feet from the center of the alley right-of-way
 Interior setback: 5 feet from the interior lot line
 Two (2) parking spaces per two-bed room unit.

Uses, Permitted - R-1 Single-Family Residence District.

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)
- (8) Child Care.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 35-23

Doc: # 77

Date: September 2023

Page 4 of 4

- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)
- (A) Unlicensed Child Care.
An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.
- (B) Licensed Child Care
An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.
- (C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply to Subsections (a) and (b) above.
- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic field's incidental thereto.
- (12) Signs, as regulated by Sec. 10-141 and Table 5.
- (13) Temporary buildings and trailers for construction purposes, for a period not to exceed the lawful duration of such construction.
- (14) Accessory uses.
- (15) A private outdoor swimming pool, fully enclosed by a barrier fence five feet (5') high or an equivalent barrier.
- (16) Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98)
- (17) Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98)

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property from M-1, Light Manufacturing to R-1, Single Family Residence and R-2, Two-Family Residence District. The rezoning accompanies the Southard Acres East Phase 2 Subdivision.

Tract One is currently one lot for a single duplex. Tract Two is divided into 40 lots for single-family homes. The petitioner would have to rezone or replat the lot in Tract One in order to allow more than one duplex. Hard-surfaced parking is required in the R-2 district in the City Code.

The Department of Engineering has stated in their recommendation that the rezoning of the property would not create any significant problems for the surrounding area.

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

1. Site plan approval with site plan approval by City Engineering
2. Approval of the Southard Acres East Phase 2 Subdivision



**CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Maitri Desai
City Planner

DATE: August 17, 2023

RE: **Special Ordinance No. 35-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Southard Homes LLC for the following:

- Rezoning of 4530 N 25th street from M-1 Light Industry District to R-2 Two Family Residential District and R-1 Single Family Residence District for proposed use of a tract 1 duplexes and tract 2 single-family homes.

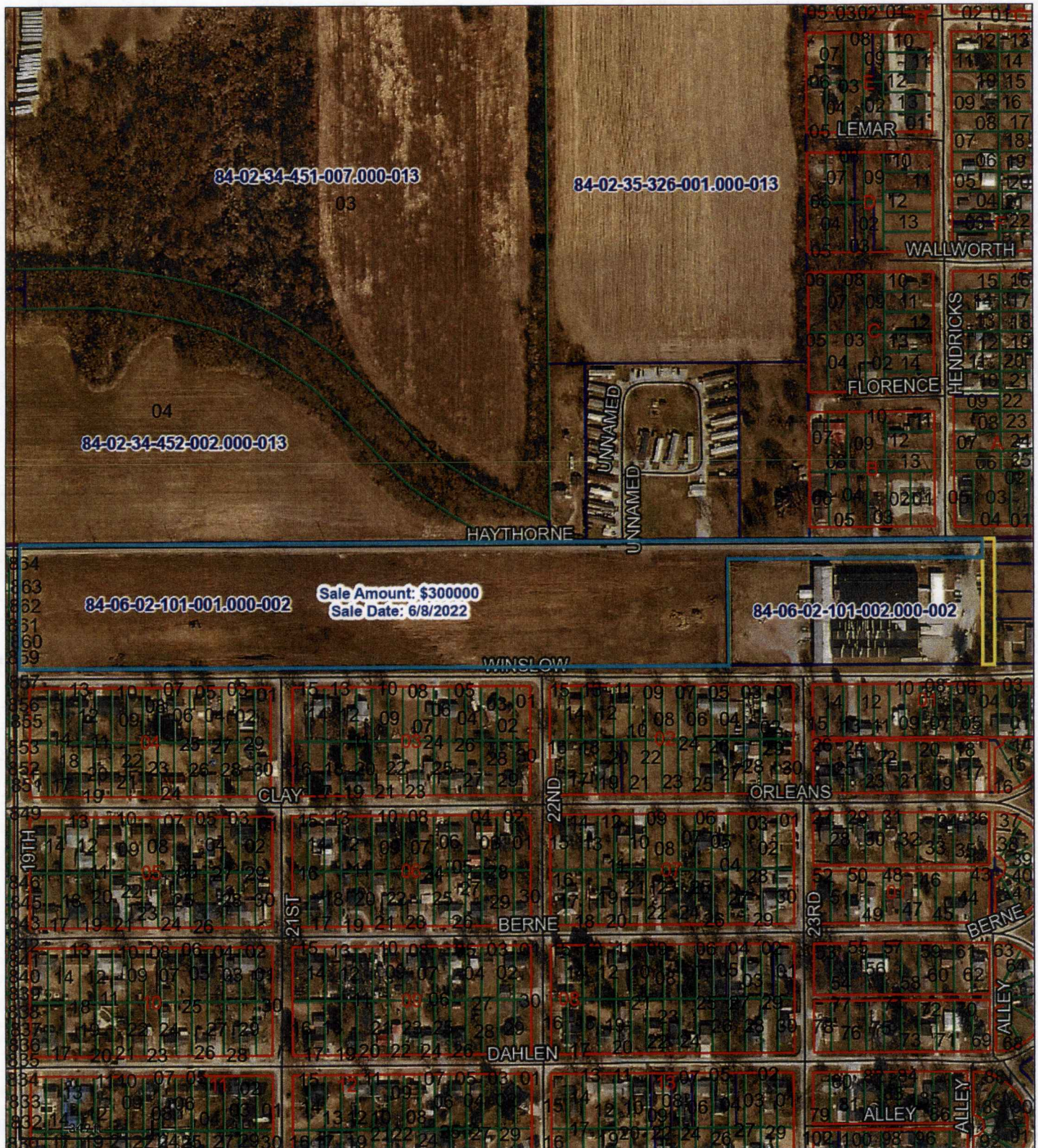
The intended use of the property as duplexes and single-family homes would not alter the neighborhood's characteristic. The majority of parcels on the south, west and northeast sides are zoned R-1 and R-2. Parcels on the north and east sides are zoned industrial. This rezoning of the property would not create any significant problems for the surrounding area.

If multiple units of duplexes are planned for tract 1, the engineering department suggests implementing a subdivision to ensure compliance with R-2 zoning.

The Department of Engineering offers a positive recommendation for this rezoning.

Docket #77 SO #35-23

4530 N 25th St



SPECIAL ORDINANCE NO. 35, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:

4530 N. 25th Street, Terre Haute, IN 47805
Parcel No. 84-06-02-101-001.000-002

Rezoned From: M-1 Light Industry District

Rezoned To: Phase 2, Tract 1 R-2 Two Family Residence District
Phase 2, Tract 2 R-1 Single Family Residence District

Proposed Use: Phase 2, Tract 1, Duplexes
Phase 2, Tract 2, Single Family Homes

Name of Owners: Southard Homes, LLC

Address of Owners: 2340 N. 10 Street
Terre Haute, IN 47804

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: Cheryl Loudermilk

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

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 35, 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:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30

seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

Commonly known as 4530 N. 25th Street, Terre Haute, IN 47805

Be and the same is hereby established as an R-1 Single Family Residence District and R-2 Two Family Residence 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 _____, 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.

/s/ 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Billy Southard, Managing Member of Southard Homes, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder's Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

Commonly known as 4530 N. 25th Street, Terre Haute, IN 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 M-1 Light Industry District.

This real estate is now vacant, and Petitioner is seeking to rezone the real estate to build forty (40) single family homes and eight (8) duplexes. Your Petitioner would request that the real estate described herein shall be zoned as an R-1 Single Family Residence District and R-2 Two Family Residence District.

Your Petitioner would allege that the construction of single-family homes and duplexes would not alter the general characteristics of this neighborhood since the neighborhood is primarily a residential 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 an R-1 Single Family Residence District and R-2 Two Family Residence 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 1st day of August, 2023.

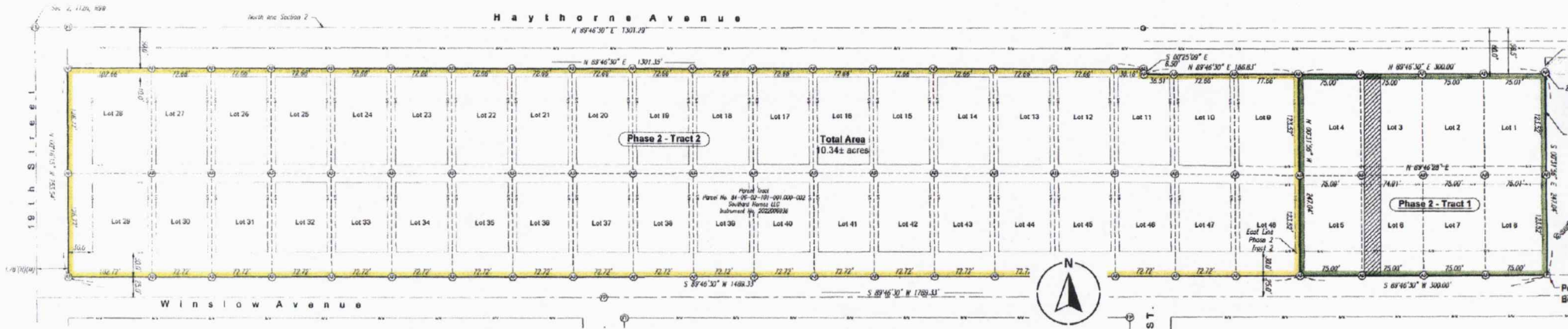
PETITIONER:

A handwritten signature in black ink, appearing to read 'Billy Southard', is written over a horizontal line.

Billy Southard, Managing Member of
Southard Homes, LLC

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. 35



4530 N. 25th Street, Terre Haute, Indiana 47805
Parcel No. 84-06-02-101-001.000-002

From M-1 Light Industry District to:
Phase 2, Tract 1 R-2 Two Family Residence District and
Phase 2, Tract 2 R-1 Single Family Residence District

Proposed use: Phase 2, Tract 1, Duplexes; and Phase 2, Tract 2, Single Family Homes

STATE OF INDIANA)
)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Billy Southard, Managing Member of Southard Homes, LLC, being duly sworn upon her oath, deposes and says:

1. That Southard Homes, 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:

Phase 2 – Tract 1

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder’s Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Beginning at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30 seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet; thence North 00 degrees 31 minutes 56 seconds West a distance of 247.04 feet to the South right of way of Haythorne Avenue; thence North 89 degrees 46 minutes 30 seconds East along the South right of way of Haythorne Avenue a distance of 300.00 feet to the Northwest corner of Southard Acres East Phase 1; thence South 00 degrees 31 minutes 56 seconds East along the West line of said subdivision a distance of 247.04 feet to the Point of Beginning containing 1.70 acres, more or less.

Phase 2 – Tract 2

A portion of the land in the name of Southard Homes LLC (Instrument No. 2022006936 of the records of the Vigo County Recorder’s Office), being a part of the Northwest Quarter of Section 2, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described as follows:

Commencing at the Southwest Corner of Southard Acres East Phase 1 (Instrument No. 2023007751); thence South 89 degrees 46 minutes 30

seconds West along the North right of way of Winslow Avenue (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) a distance of 300.00 feet to the Point of Beginning of this description; thence continuing said course a distance of 1489.33 feet to the East right of way of 19th Street; thence North 00 degrees 16 minutes 15 seconds West along said right of way a distance of 253.54 feet to the South right of way of Haythorne Avenue; thence along said right of way the next 3 courses: 1) North 89 degrees 46 minutes 30 seconds East a distance of 1301.35 feet; 2) thence South 00 degrees 25 minutes 09 seconds East a distance of 6.50 feet; 3) thence North 89 degrees 46 minutes 30 seconds East a distance of 186.83 feet; thence leaving said right of way South 00 degrees 31 minutes 56 seconds East a distance of 247.04 feet to the Point of Beginning containing 8.64 acres, more or less.

Parcel No. 84-06-02-101-001.000-002

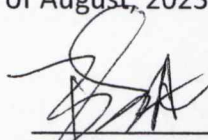
Commonly known as 4530 N. 25th Street, Terre Haute, IN 47805

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 Southard Homes, 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 Billy Southard, Managing Member of Southard Homes, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 1st day of August, 2023.



Billy Southard, Managing Member
of Southard Homes, LLC

STATE OF INDIANA)
) :SS
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of August, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public
My Commission expires: 02-26-2028
My County of Residence: Parke

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.

ENTERED TAXATION

Subject to final acceptance for
Transfer

2022006936 CORP WD \$25 . 00

06/08/2022 4 PCS

Diana Winsted—Smith

VIGO County Recorder IN

Recorded as Presented



JUN 8

James W Beamble
VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Winslow Scale Company fka Winslow Government Standard Scale Works, 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 Southard Homes L C, a limited liability company organized and existing under the laws of the State of, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

The Northwest Quarter (NW ¹/₄) of Section 2, Township 12 North, Range 9 West, excepting therefrom 123.5 acres off the South end thereof, of the Northeast Quarter of the Northwest Quarter of said Section.

Also, except beginning at the Northeast corner of the Northwest Quarter of Section 2, Township 12 North, Range 9 West, thence South 303.54 feet, thence West 191 feet, thence North 303.54 feet, thence East 191 feet to the place of beginning.

Also, Thirty (30) feet of even width off the West end of the following described real estate: Beginning at the Northeast corner of the Northwest Quarter of Section 2, Township 12 North, Range 9 West, thence South 303.54 feet, thence West 191 feet, thence North 303.54 feet, thence East 191 feet to the place of beginning.

Parcel No. 84-06-02-128-001.000-002, 84-06-02-101-001.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor warrants and represents that Winslow Scale Company is one and the same as Winslow Government Standard Scale Works, Inc. that acquired title by deed dated March 19, 1923, and recorded March 26, 1923, at Deed Record 169 Page 279, and that pursuant to Articles of Amendment dated May 10, 1974, it is now known as Winslow Scale Company,

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, Winslow Scale Company fka Winslow Government Standard Scale Works, Inc, has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this day of .-J^U.OZ.-, 2022.

Winslow Scale Company fka Winslow Government
Standard Scale Works, Inc.

By: W
William F. Young, CFO
(Printed Name and Title)

ATTEST:

By J
Jonathan E. Young, VP Sales
(Printed Name and Title)

STATE OF CT
COUNTY OF Nun.

I, dul /frbccLR a Notary Public in and for aid county nd state, do hereby certify
th) laxn and personally known to me to be the
same perso whose names instrument as such officers, and
to be such officers, appeared before me this day in person _____
and, being first duly sworn, said and acknowledged that _____ are subscribed to the oreg | g
they are such officers and that they signed and delivered said deed as a free and voluntary act
of said Winslow Scale Company fka Winslow .Government Standard Scale Works, Inc. and as
their wn free and voluntary act as such
_____CFO and , by authority of the Board of Directors of said corporation for the use and
purposes therein set forth.

Given under my hand and notarial seal this L day of June, 2022.
W

MELODY ANN MOCCIA
NOTARY PUBLIC
MY COMMISSION EXPIRES SEPT. 30, 2028

My Notary Public

Melody Moccia

(Printed Name)

New Haven

County of
Residence:

My Commission Expires: _____

affirmFGnder the penalties for perjury, that I have taken reasonable care to redact each Social Security

I affirm, under the penalties for number in this document, unless required by law.

Meagan K. But

Meagan . But

This instrument was prepared by Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 51 1 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. 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 the instrument.

GRANTEE'S ADDRESS: 2340 N. 10th St. Terre Haute, IN 47804

MAIL TAX STATEMENTS To: Same