

SPECIAL ORDINANCE NO. 36, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lot to be rezoned:

1547 Lafayette Avenue, Terre Haute, Indiana 47804

Parcel No. 84-06-10-280-001.000-002

Rezone From: C-2 Community Commerce District

Rezone To: C-3 Regional Commerce District

Proposed Use: Automobile Sales

Name of Owners: Walter H. Sebastian Jr.

Address of Owners: 8624 S. Sullivan PL
Terre Haute, IN 47802

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

AUG 04 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 36, 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 Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

Be and the same is hereby established as a C-3 Regional Commerce 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, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 8th day of September 2023.


Michelle Edwards, City Clerk


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

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, Walter H. Sebastian Jr., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as C-2 Community Commerce District.

Your Petitioner intends to use this real estate for an automobile sales establishment which is within the boundaries of the C-3 Regional Commerce District. Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District.

Your Petitioner would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-3 Regional Commerce District should not cause concern for the surrounding 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-3 Regional Commerce 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 August, 2023.

PETITIONER:

By: Walter H. Sebastian Jr.
Walter H. Sebastian Jr.

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. 36-23



1547 Lafayette Avenue, Terre Haute, Indiana 47804
Parcel No. 84-06-10-280-001.000-002

From C-2 Community Commerce District to C-3 Regional Commercial District

Proposed use: Automobile Sales

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Walter H. Sebastian Jr., being duly sworn upon his oath, deposes and says:

1. That Walter H. Sebastian Jr. 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 Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

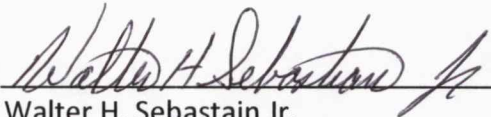
Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

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 Affiants make this Affidavit for the sole purpose of affirming that Walter H. Sabastian Jr. 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 Walter H. Sebastian Jr.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4th day of August, 2023.

By: 
Walter H. Sebastain Jr.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

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



Julie R. Baysinger
Julie R. Baysinger Notary Public

My Commission expires: 9-24-2028

My County of Residence: Vermillion

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 FOR TAXATION
Subject to final acceptance for Transfer

JAN 20 2023


VIGO COUNTY AUDITOR

2023001430 WD \$25.00
01/20/2023 01:47:41P 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



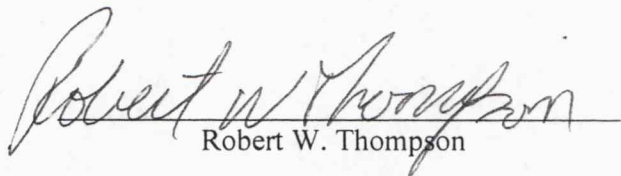
WARRANTY DEED

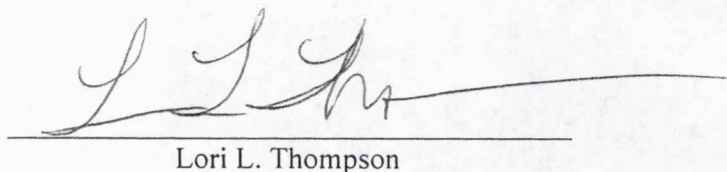
THIS INDENTURE WITNESSETH that Robert W. Thompson and Lori L. Thompson, husband and wife, of Vigo County, in the State of Indiana, CONVEY AND WARRANT to Walter H. Sebastian, Jr., a competent adult, of Vigo County, in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

Lot Number Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Subject to all 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.

IN WITNESS WHEREOF, the said grantors above named have hereunto set their hands and seals, this _____ day of January 2023


Robert W. Thompson


Lori L. Thompson

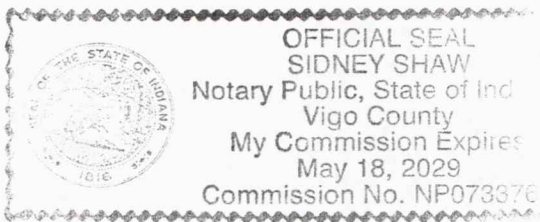
STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 12th day of January 2023, personally appeared Robert W. Thompson and Lori L. Thompson, husband and

2

wife, who acknowledged the execution of the foregoing Warranty Deed to be their voluntary act and deed and stated that the representations therein contained are true as is verily believed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Sidney Shaw NP0733760

My Commission Expires:

5/18/2029

Sidney Shaw, Notary Public

A resident of Vigo County, Indiana

Mail tax duplicates to: 8624 S. Sullivan Pl, Terre Haute, IN 47802

Mailing address of the real estate is: 1547 Lafayette Avenue, Terre Haute, Indiana 47804-1340

Tax Parcel Identification Number is: 84-06-10-280-001.000-002

Mailing address of the Grantee: same

THIS INSTRUMENT PREPARED BY: Jared A. Farnsworth, Nattkemper & Farnsworth, LLC, Attorneys at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 47803.

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/ Jared A. Farnsworth.



Receipt of Payment

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

Date 08/04/23
Name Walter Sebastian
Reason Rezoning - notice of filing \$200-
Rezoning - petition \$200
\$400-

Cash _____

Check _____ Ck # _____

Credit \$400-

Total \$400-

CONTROLLER

AUG - 4 2023

PAID

TERRE HAUTE, IN

Received By Evitz



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 36-23

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. 36-23. This Ordinance is a rezoning located on 3 corners, N. 16th Street, Carl Avenue, and Lafayette Avenue, Terre Haute, IN. Parcel number 84-06-10-280-001.000-002. The Petitioner, Walter Sebastian Jr., petitions the Plan Commission to rezone said automobile sales from zoning classification C-2 to C-3 Regional Commerce 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. 36-23 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. 36-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 36-23 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. 36-23 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of any necessary variances 2) Site plan approval including parking and stormwater drainage by the Department of Engineering



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 #36-23

Doc: #79

Date: September 2023

Page 1 of 4

APPLICATION INFORMATION

Property Owners: Walter H. Sebastian Jr.

Proposed Use: Automobile Sales

Proposed Zoning: C-3, Regional Commerce District

Current Zoning: C-2, Community Commerce District

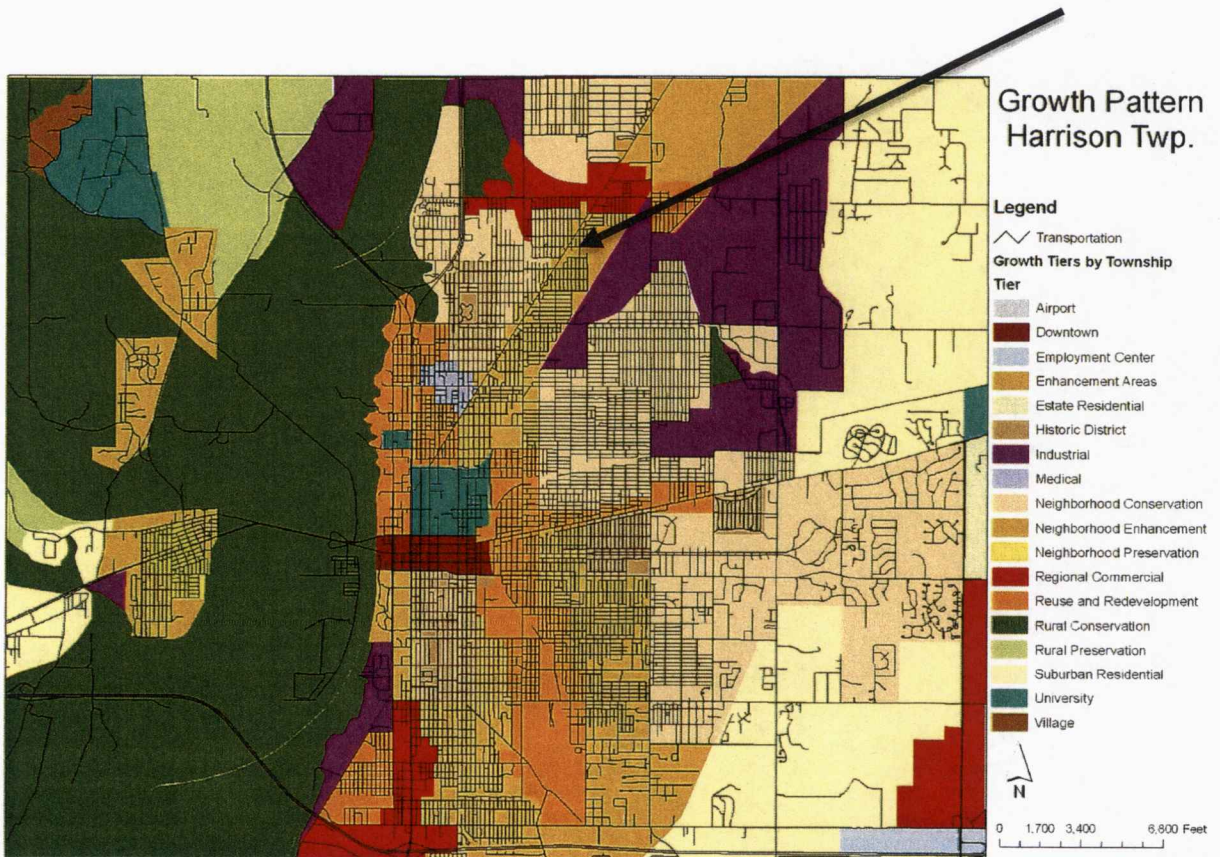
Representative: Richard Shagley II

Location: The property is located on 3 corners. N. 16th Street, Carl Avenue & Lafayette Avenue. Highland Place Lot 235

Common Address: 1547 Lafayette Ave, T.H. 84-06-10-280-001.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY

Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-23

Doc: #79

Date: September 2023

Page 3 of 4

Available Services: Area is well served by utilities.

Character of Area: Neighborhood Commercial

Street Access: Lafayette Avenue

Sur. Zones and Uses:

North – C-3, R-1

West – C-3

South – C-2

East – R-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioners are requesting to rezone the property for automobile sales.

The property has front street setbacks on all three sides. There is a pre-existing structure on the property that does not meet setback requirements. The Department of Engineering has commented that the right-of-way will be utilized when Lafayette Avenue is reconstructed in the near future.

It appears that parking has been utilized in the existing right-of-way. The right-of-way cannot be used for parking and variances cannot be obtained. Hard-surfacing is required in all commercial zonings per City Code. The drive from Carl Avenue may not meet the requirements for the minimum distance from an intersection, but a site plan was not submitted showing ingress/egress. Although not entirely impossible, extensive variances will be necessary for the property to be utilized and will leave a very small buildable area.

The Department of Engineering also believes that a C-5 zoning, rather than a C-3 zoning would be more appropriate. However, automobile sales and service (major and minor repairs) are a listed use in the C-3 District. They did offer a negative recommendation for the rezoning.

Recommendation:

Staff recommends a favorable recommendation with the following conditions:

1. Approval of any necessary variances
2. Site plan approval including parking and stormwater drainage by the Department of Engineering



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: Josey Daugherty
Assistant City Engineer

DATE: August 17, 2023

RE: **Special Ordinance No. 36-2023**

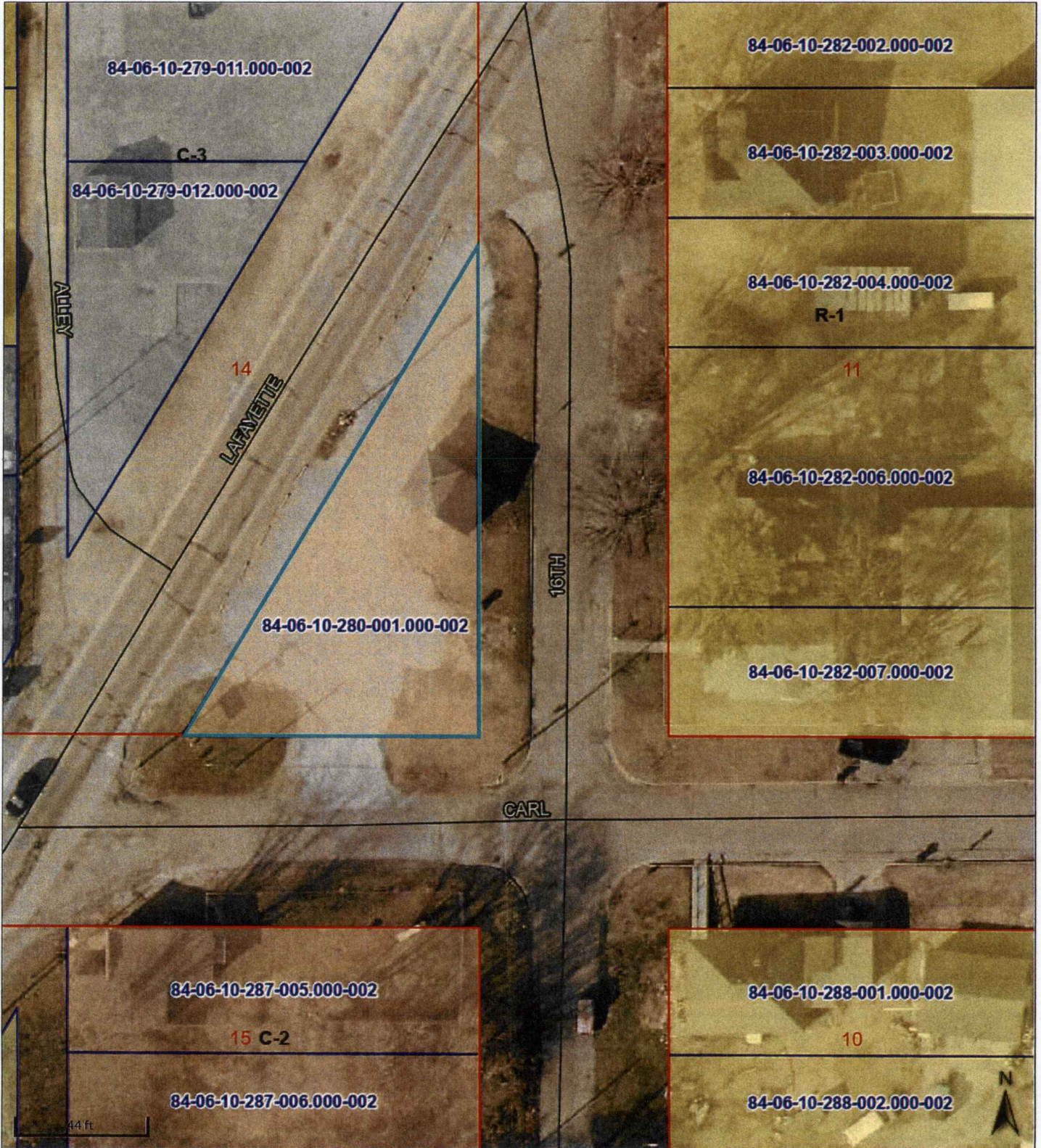
As requested by Area Planning, the Department of Engineering has reviewed the request by Walter H. Sebastian Jr. for the following:

- Rezoning of 1547 Lafayette Avenue from C-2 Community Commerce District to C-3 Regional Commerce District for proposed use of automobile sales.

The intended use of the property as automobile sales would not alter the neighborhood's characteristic. However, the small size and shape of the lot make it unusable for the proposed use. The current parking arrangement encroaches into the right-of-way. This right-of-way will be utilized when Lafayette Avenue is reconstructed in the near future. The existing building also does not meet setbacks and may encroach into the right-of-way. In addition, a C-5 zoning rather than a C-3 zoning would be a better fit for automobile sales.

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

Docket #79 SO #36-23
1547 Lafayette Ave



SPECIAL ORDINANCE NO. 36, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lot to be rezoned:

1547 Lafayette Avenue, Terre Haute, Indiana 47804

Parcel No. 84-06-10-280-001.000-002

Rezone From: C-2 Community Commerce District

Rezone To: C-3 Regional Commerce District

Proposed Use: Automobile Sales

Name of Owners: Walter H. Sebastian Jr.

Address of Owners: 8624 S. Sullivan PL
Terre Haute, IN 47802

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

FILED

AUG 04 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 15, 2021**

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 Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

Be and the same is hereby established as a C-3 Regional Commerce 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, 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.

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, Walter H. Sebastian Jr., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as C-2 Community Commerce District.

Your Petitioner intends to use this real estate for an automobile sales establishment which is within the boundaries of the C-3 Regional Commerce District. Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District.

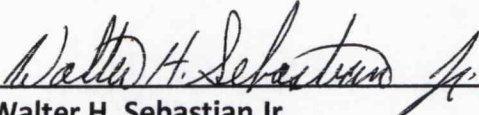
Your Petitioner would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-3 Regional Commerce District should not cause concern for the surrounding 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-3 Regional Commerce 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 August, 2023.

PETITIONER:

By: 
Walter H. Sebastian Jr.

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. 36-23



1547 Lafayette Avenue, Terre Haute, Indiana 47804
Parcel No. 84-06-10-280-001.000-002

From C-2 Community Commerce District to C-3 Regional Commercial District

Proposed use: Automobile Sales

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Walter H. Sebastian Jr., being duly sworn upon his oath, deposes and says:

1. That Walter H. Sebastian Jr. 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 Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Parcel No. 84-06-10-280-001.000-002

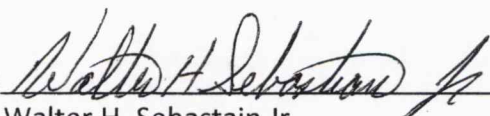
Commonly known as: 1547 Lafayette Avenue, Terre Haute, Indiana 47804.

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 Affiants make this Affidavit for the sole purpose of affirming that Walter H. Sabastian Jr. 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 Walter H. Sebastian Jr.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4th day of August, 2023.

By: 
Walter H. Sebastain Jr.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

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



Julie R. Baysinger
Julie R. Baysinger Notary Public

My Commission expires: 9-24-2028

My County of Residence: Vermillion

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 FOR TAXATION
Subject to final acceptance for Transfer

JAN 20 2023

2023001430 WD \$25.00
01/20/2023 01:47:41P 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



James W Bramble
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH that Robert W. Thompson and Lori L. Thompson, husband and wife, of Vigo County, in the State of Indiana, CONVEY AND WARRANT to Walter H. Sebastian, Jr., a competent adult, of Vigo County, in the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

Lot Number Two Hundred Thirty-five (235) in Highland Place, a Subdivision (among other lands) of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Ten (10), Township Twelve (12) North, Range Nine (9) West as per recorded plat thereof recorded in Plat Record 5-A, Page 85 in the Vigo County Recorder's Office.

Subject to all 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.

IN WITNESS WHEREOF, the said grantors above named have hereunto set their hands and seals, this _____ day of January 2023

Robert W. Thompson
Robert W. Thompson

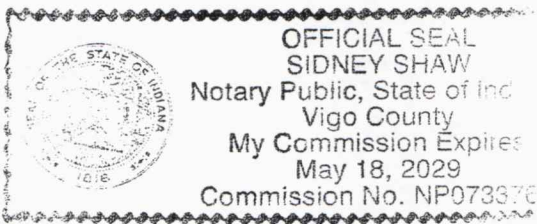
Lori L. Thompson
Lori L. Thompson

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 12th day of January 2023, personally appeared Robert W. Thompson and Lori L. Thompson, husband and

wife, who acknowledged the execution of the foregoing Warranty Deed to be their voluntary act and deed and stated that the representations therein contained are true as is verily believed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Sidney Shaw NP0733760

My Commission Expires:

Sidney Shaw, Notary Public

5/18/2029

A resident of Vigo County, Indiana

Mail tax duplicates to: 8624 S. Sullivan Pl, Terre Haute, IN 4780

Mailing address of the real estate is: 1547 Lafayette Avenue, Terre Haute, Indiana 47804-1340

Tax Parcel Identification Number is: 84-06-10-280-001.000-002

Mailing address of the Grantee: same

THIS INSTRUMENT PREPARED BY: Jared A. Farnsworth, Nattkemper & Farnsworth, LLC, Attorneys at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 47803.

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/ Jared A. Farnsworth.