

SPECIAL ORDINANCE NO. 15, 2015

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:
3007-3013 S. 11 ½ Street and
3006-3020 S. 11th Street, Terre Haute, IN 47802

Rezone From: R-1 Single Family Residence District

Rezone To: C-4 Restricted Central Business District

Proposed Use: Commercial Development

Name of Owners: (1) Elk Run Properties, Inc.
c/o Andrew Stadler

Address of Owner: 2955 Erie Canal Road
Terre Haute, IN 47802

Name of Owners: (2) Mark A. Dick

Address of Owner: 3013 S. 11 ½ Street
Terre Haute, IN 47802

Phone Number of Owner(1) (812) 478-2800

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

SEP 3 2015

CITY CLERK

AMENDED
SPECIAL ORDINANCE NO. 15, 2015

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled. An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations@.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as AThe Comprehensive Zoning Ordinance for Terre Haute@ of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Number One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North ½ of the Northwest ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3006 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3020 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred Thirty-six (236) and Two Hundred Thirty-seven (237) in Ardmore, a Subdivision of a part of the North ½ of the North West ¼ of Section 3. Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3007 S. 11 ½ Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North

half (1/2) of the Northwest Quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

Commonly known as: 3013 S. 11 1/2 Street, Terre Haute, IN 47802;

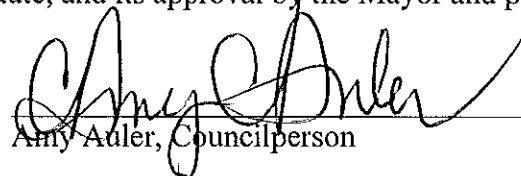
ALSO

Commencing at a point sixteen feet (16') North of the Southeast corner of Lot Number One Hundred Eighty-three (183) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana being a place of beginning; thence North along the East line of Lot Numbers One Hundred Eighty-three (183), One Hundred Eighty-Two (182), One Hundred Eighty-one (181) and One Hundred Eighty (180) to the Northeast corner of Lot Number One Hundred Eighty-two (182) in Ardmore; thence East sixteen feet (16') more or less to the Northwest corner of Lot Number Two Hundred Thirty-seven (237) in Ardmore; thence South along the East line of Lot Numbers Two Hundred Thirty-seven (237), Two Hundred Thirty-six (236), Two Hundred Thirty-five (235), and Two Hundred Thirty-four (234) to a point sixteen feet (16') North of the Southwest corner of said Lot Number Two Hundred Thirty-four (234) in Ardmore; thence West sixteen feet (16') more or less to the East line of Lot Number One Hundred Eighty-three (183) in Ardmore, being the place of beginning.

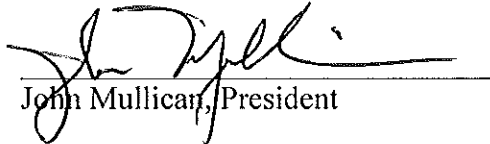
be and the same is, hereby established as a C-4 Restricted Central Business District together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

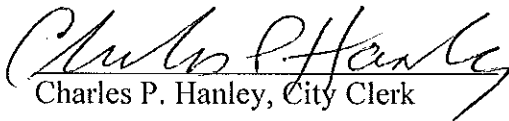
Presented by Council Member,


Amy Adler, Councilperson

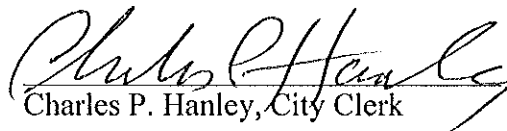
Passed in open Council this 10th day of September, 2015


John Mullican, President

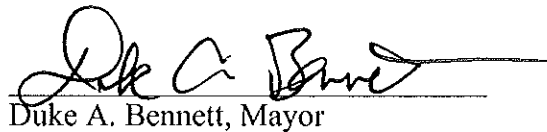
ATTEST:


Charles P. Hanley, City Clerk

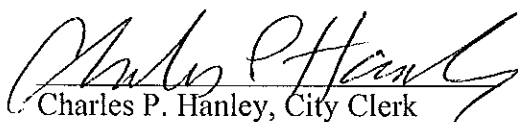
Presented by me, to the Mayor of the City of Terre Haute, this 11th day of September 2015.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 11th day of SEPTEMBER, 2015.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, 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

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SPECIAL ORDINANCE NO. 15, 2015

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Number One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North ½ of the Northwest ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3006 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3020 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred Thirty-six (236), Two Hundred Thirty-seven (237) and Two Hundred Thirty-eight (238) in Ardmore, a Subdivision of a part of the North ½ of the North West ¼ of Section 3. Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3007 S. 11 ½ Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

Commonly known as: 3013 S. 11 ½ Street, Terre Haute, IN 47802;

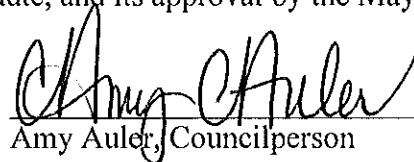
ALSO

Commencing at a point sixteen feet (16') North of the Southeast corner of Lot Number One Hundred Eighty-three (183) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana being a place of beginning; thence North along the East line of Lot Numbers One Hundred Eighty-three (183), One Hundred Eighty-Two (182), One Hundred Eighty-one (181) and One Hundred Eighty (180) to the Northeast corner of Lot Number One Hundred Eighty-two (182) in Ardmore; thence East sixteen feet (16') more or less to the Northwest corner of Lot Number Two Hundred Thirty-seven (237) in Ardmore; thence South along the East line of Lot Numbers Two Hundred Thirty-seven (237), Two Hundred Thirty-six (236), Two Hundred Thirty-five (235), and Two Hundred Thirty-four (234) to a point sixteen feet (16') North of the Southwest corner of said Lot Number Two Hundred Thirty-four (234) in Ardmore; thence West sixteen feet (16') more or less to the East line of Lot Number One Hundred Eighty-three (183) in Ardmore, being the place of beginning.

be and the same is, hereby established as a C-4 Restricted Central Business District together with all rights and privileges that may inure 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 the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,



Amy Auler, Councilperson

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2015.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2015.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, 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

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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, Elk Run Properties, Inc. and Mark A. Dick, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Number One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North ½ of the Northwest ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3006 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3020 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred Thirty-six (236), Two Hundred Thirty-seven (237) and Two Hundred Thirty-eight (238) in Ardmore, a Subdivision of a part of the North ½ of the North West ¼ of Section 3. Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3007 S. 11 ½ Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

Commonly known as: 3013 S. 11 ½ Street, Terre Haute, IN 47802

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Petitioners, Elk Run Properties, Inc., would propose to contract a commercial development on the site. A preliminary site plan had been prepared by Sanders and Associates, Inc. and filed with this Petition.

Your Petitioners would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District to allow for the use as proposed by Petitioner, Andrew Stadler. Your Petitioners would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood, since the real estate is located on the new Margaret Avenue development, formerly the site of Stadler and Company, Inc.

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

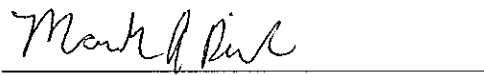
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-4 Restricted Central Business District of the City of Terre Haute, Indiana, and is 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, the undersigned Petitioners have executed this Petition to Rezone Real Property, this 6th day of July 2015.

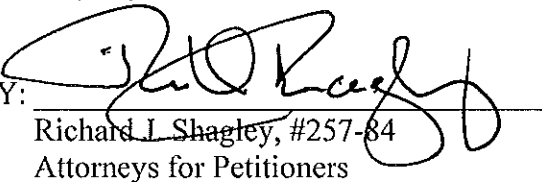
PETITIONERS:

Elk Run Properties, Inc.

By: 
Andrew Stadler, President

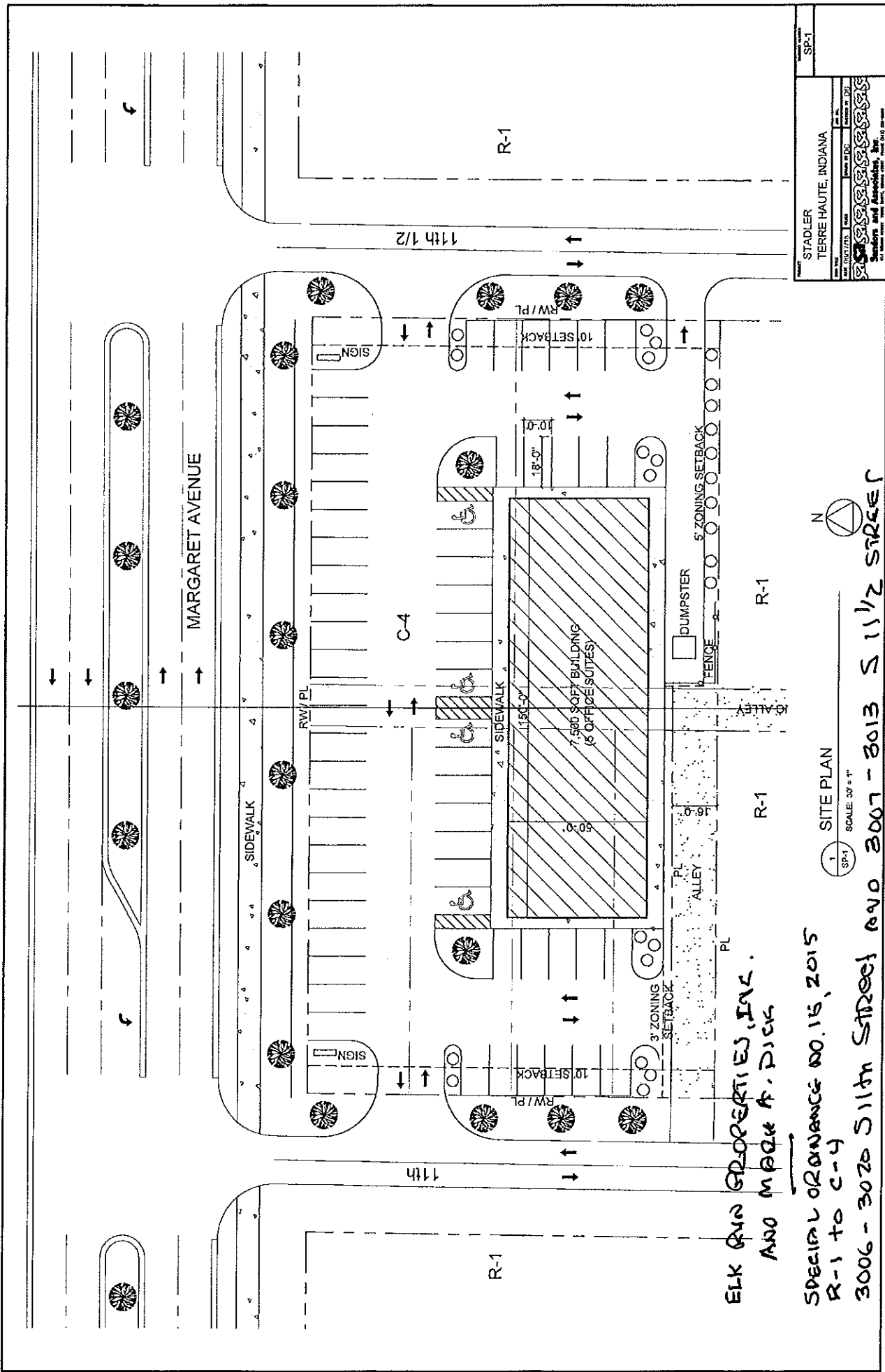

Mark A. Dick

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 
Richard J. Shagley, #257-84
Attorneys for Petitioners

The owner and mailing address: Elk Run Properties, Inc, c/o Andrew Stadler, 2955 Erie Canal Road, Terre Haute, IN 47802; Mark A. Dick, 3013 S. 11 ½ Street, Terre Haute, IN 47802

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



STADLER TERRE HAUTE, INDIANA		SP-1
DATE	PROJECT NO.	DATE
SCALE	DATE	DATE

ELK RUN PROPERTIES, INC.
AND MARGIE A. DICK

SPECIAL ORDINANCE NO. 15, 2015
R-1 to C-4

3006 - 3020 511th Street AND 2007 - 2013 S 11 1/2 STREET



1 SITE PLAN
SCALE: 3/8" = 1'

DUPLICATE ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 12 2015

Timothy M. Spurgeon
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

CORPORATE WARRANTY DEED

2015002212 WD \$20.00
03/12/2015 12:06:05P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



THIS INDENTURE WITNESSETH, That Stadler & Co, Inc. a/k/a Stadler & Company, Inc., "Grantor," a corporation organized and existing under the laws of the State of Indiana, *CONVEYS AND WARRANTS* to Elk Run Properties Inc., "Grantee," a corporation organized and existing under the laws of the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate located in Vigo County, in the State of Indiana, described as follows:

Lots Number Two Hundred Thirty-six (236), Two Hundred Thirty-seven (237) and Two Hundred Thirty-eight (238) in Ardmore, a Subdivision of a part of the North ½ of the North West ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

(Commonly known as 3007 South 11½ Street, Terre Haute, IN 47802.)

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor further warrants and states that Stadler & Co, Inc. is the correct name of the corporation and is one and the same entity as Stadler & Company, Inc., who took title to the above-described real estate by Warranty Deed dated October 29, 2004 and recorded November 24, 2004 as Instrument No. 2004026458, in the records of the Recorder's Office of Vigo County, Indiana.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper corporate

2

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 described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 28 day of February, 2015.

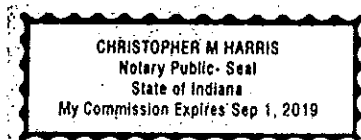
Stadler & Co, Inc.

By: *Andrew Stadler*
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, President of Stadler & Co, Inc. a/k/a Stadler & Company, Inc., who acknowledged execution of the foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 28 day of February, 2015.



Christopher Harris
Notary Public
Christopher Harris
Printed Name

My Commission Expires: Sep 1, 2019 My County of Residence: Vigo

3


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.

Robert M. Williams
Robert M. Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: Elk Run Properties Inc.
2955 Erie Canal Rd, Terre Haute, IN 47802

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2015002213 WD \$18.00
03/12/2015 12:06:05P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


MAR 12 2015

Jenette M. Shively
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

WARRANTY DEED

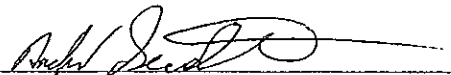
THIS INDENTURE WITNESSETH, That Andrew Stadler, Grantor, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Elk Run Properties Inc., Grantee, a corporation organized and existing under the laws of the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

IN WITNESS WHEREOF, Grantor has executed/delivered this deed this 28 day of February, 2015.



Andrew Stadler

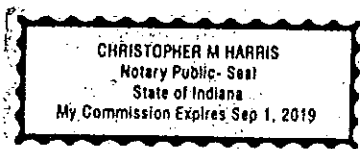
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

EXHIBIT "B"

2

Witness my hand and Notarial Seal this 28 day of February, 2015.



Chris Harris
Notary Public

Christopher Harris
Printed Name

My Commission Expires: Sep 1, 2019 My County of Residence: Vigo

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.

Robert Williams
Robert M. Williams

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: Elk Run Properties Inc.
2955 Erie Canal Rd, Terre Haute, IN 47802

Property address: Vacant lot on South 11th Street, Terre Haute, Indiana 47802
84-09-03-127-017.000-005

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 12 2015

EXEMPT FROM DISCLOSURE FEE

Timothy M. Spigade
VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Stadler & Co, Inc., "Grantor," a corporation organized and existing under the laws of the State of Indiana, *CONVEYS AND WARRANTS* to Elk Run Properties Inc., "Grantee," a corporation organized and existing under the laws of the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate located in Vigo County, in the State of Indiana, described as follows:

Lots Numbers One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North ½ of the Northwest ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

(Commonly known as 3006 South 11th Street, Terre Haute, Indiana 47802.)

Subject to all general real estate taxes prorated to the date of this indenture and all subsequent taxes.

Subject to all conveyances or reservations of mineral rights, covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper corporate 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 described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

2015002211 CORP WD \$20.00
03/12/2015 12:06:05P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



2

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 28 day of February, 2015.

STADLER & CO, INC.

By: *Andrew Stadler*
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Andrew Stadler, the President of Stadler & Co, Inc., who acknowledged execution of the foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 28 day of February, 2015.



Christopher Harris
Notary Public
Christopher Harris
Printed Name

My Commission Expires: Sept 1, 2019 My County of Residence: Vigo

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.

Robert M. Williams

3

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: Elk Run Properties Inc.
2955 Eric Canal Rd, Terre Haute, IN 47802

003197

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

98 30 150

RECORDED FOR RECORD
SEP 01 1998
VIGO COUNTY

SEP 01 1998

015169

Justin A. Anderson AUDITOR
VIGO COUNTY

WARRANTY DEED

This Indenture Witnesseth that Harold Loveall and Lavera Loveall, husband and wife, and Larry R. Dick and Fredia Dick, husband and wife, all of Vigo County in the State of Indiana Convey and Warrant to Mark A. Dick, 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 Real Estate in Vigo County in the State of Indiana, to-wit:

Lois Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

IN WITNESS WHEREOF, The said grantors above named have hereunto set their hands and seals, this 28th day of August, 1998.

Harold P. Loveall
Harold Loveall

Larry R. Dick
Larry R. Dick

Lavera Loveall
Lavera Loveall

Fredia Dick
Fredia Dick

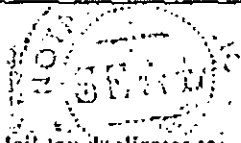
STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 28th day of August, 1998, personally appeared Harold Loveall and Lavera Loveall, husband and wife, and Larry R. Dick and Fredia Dick, husband and wife, who acknowledged the execution of the foregoing Warranty Deed to be their voluntary act and deed.

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

My Commission expires:
December 14, 1999

Kathy L. Rogaya
Kathy L. Rogaya Notary Public
A resident of Vigo County,
Indiana



Mail tax duplicates to: Terre Haute Savings Bank PO Box 1648 Terre Haute, IN 47808

This instrument prepared by: C. Don Natkemper, Attorney at Law, 322 South 6th Street, P.O. Box 1444, Terre Haute, Indiana 47808.

RECORDED FOR RECORD
AT _____ O'CLOCK _____ M
RECORD 443 PAGE 3197

Paul Mason
RECORDED VIGO COUNTY

EXHIBIT "A"

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Andrew Stadler, President of Elk Run Properties, Inc. being duly sworn upon his oath, deposes and says:

1. That Elk Run Properties, Inc. is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Number One Hundred Eighty (180), One Hundred Eighty-one (181), and One Hundred Eighty-two (182) in Ardmore, a subdivision of a part of the North ½ of the Northwest ¼ of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3006 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lot Number 183 in Ardmore, a subdivision of part of the North Half of the Northwest Quarter of Section 3, Township 11 North, Range 9 West, Vigo County, Indiana.

Commonly known as: 3020 S. 11th Street, Terre Haute, IN 47802;

ALSO

Lots Number Two Hundred Thirty-six (236), Two Hundred Thirty-seven (237) and Two Hundred Thirty-eight (238) in Ardmore, a Subdivision of a part of the North ½ of the North West ¼ of Section 3. Township 11 North, Range 9 West, Vigo County, Indiana.

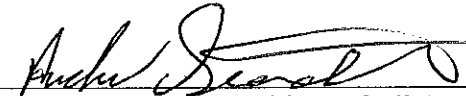
Commonly known as: 3007 S. 11 ½ Street, Terre Haute, IN 47802

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Elk Run Properties, Inc. are attached hereto and made a part hereof and marked as Exhibit A, B and C.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Elk Run Properties, Inc. 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 Elk Run Properties, Inc. and Mark A. Dick.

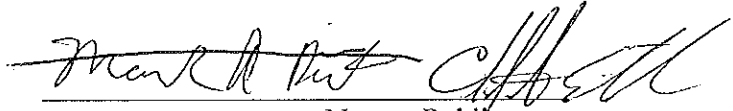
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 6th day of July, 2015.


Andrew Stadler, President of Elk Run Properties, Inc.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 06 day of July 2015.



, Notary Public

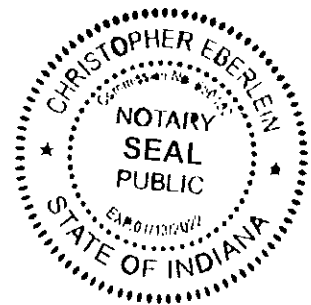
My Commission expires:

01/13/2022

My County of Residence:

VIGO

This instrument prepared by Richard J. Shagley, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Mark A. Dick, being duly sworn upon his oath, deposes and says:

1. That Mark A. Dick is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Number Two Hundred thirty-four (234) and Two Hundred thirty-five (235) in Ardmore, a Subdivision of a part of the North half (1/2) of the Northwest Quarter of Section 3, Township 11 North of Range 9 West, Vigo County, Indiana.

Commonly known as: 3013 S. 11 1/2 Street, Terre Haute, IN 47802

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Mark A. Dick are attached hereto and made a part hereof and marked as Exhibits A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Mark A. Dick 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 Elk Run Properties, Inc. and Mark A. Dick.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 6 day of July, 2015.

Mark A. Dick
Mark A. Dick

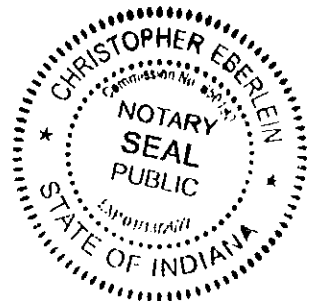
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 6 day of ~~June~~ July, 2015.

Christopher Eberlein
Notary Public

My Commission expires:
01/13/2022

My County of Residence:
VIGO



This instrument prepared by Richard J. Shagley, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.



Receipt

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

Date: July 7, 2015

Name: Wright, Shagley + Lowery

Reason: Rezoning Petition \$20.00

Rezoning Filing \$25.00

Andy Stadler

TERRE HAUTE, IN
PAID

JUL 07 2015

Cash: _____

Check: \$45.00 CK# 65522

CONTROLLER

Credit: _____

Total: \$45.00

Received By: M. Dowell/SE



TERRE HAUTE
A LEVEL ABOVE

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: August 6, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #15-15

CERTIFICATION DATE: August 5, 2015

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.15-15. This Ordinance is a rezoning of the property located at 3007-3013 S. 11 ½ and 3006-3020 S. 11th Street. The Petitioner, Elk Run Properties/Mark A. Dick, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-4, Restricted Central Business District for a commercial development . 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. 15-15 at a public meeting and hearing held Wednesday, August 5, 2015. 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. 15-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.15-15 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. 15-15 was TABLE at Petitioner's request.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Darren Maher in black ink.

Darren Maher, Executive Director

Received this 6th day of August, 2015



TERRE HAUTE
A LEVEL ABOVE

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

FILED

SEP 3 2015

CITY CLERK

DATE: September 3, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #15-15

CERTIFICATION DATE: September 2, 2015

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.15-15. This Ordinance is a rezoning of the property located at 3007-3013 S. 11 ½ and 3006-3020 S. 11th. The Petitioner, Elk Run Properties, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-4, Restricted Central Business District for a commercial development.. 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. 15-15 at a public meeting and hearing held Wednesday, September 2, 2015. 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. 15-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.15-15 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. 15-15 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) A landscape plan must be submitted and approved reflecting the inclusion of adequate vegetation to screen against vehicle headlights where parking is adjacent to residential uses; 2) All pertinent documentation involving special ordinances be approved and recoded pertaining to the vacation and subsequent rededication of the public alley between 11th and 11 1/2 St.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 3rd day of September, 2015

APPLICATION INFORMATION

Petitioner: Elk Run Properties, Inc. & Mark A. Dick.

Property Owner: Same-As-Above

Representative: Richard J Shagley.

Proposed Use: Commercial Development

Proposed Zoning: C-4 Restricted Central Business District

Current Zoning: R-1, Single-Family Residential District

Location: The property is located on the South Side of E. Margaret Ave. directly across from Fuqua Elementary School. Containing approximately 310 feet of frontage the properties span a bifurcating alley approximately .4 miles east of 7th St.

Common Address: 3007-3013 S. 11th ½ St. & 3006-3020 S 11th St.

Property Description: The property consists of platted city lots with single family homes.

COMPREHENSIVE PLAN GUIDANCE

Land Use Category: **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.

STAFF REVIEW – VIGO COUNTY UNINCORPORATED ZONE CHANGE

Number: SO #15-15

Doc: # 53

Date: August, 2015

Page 2 of 5

Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

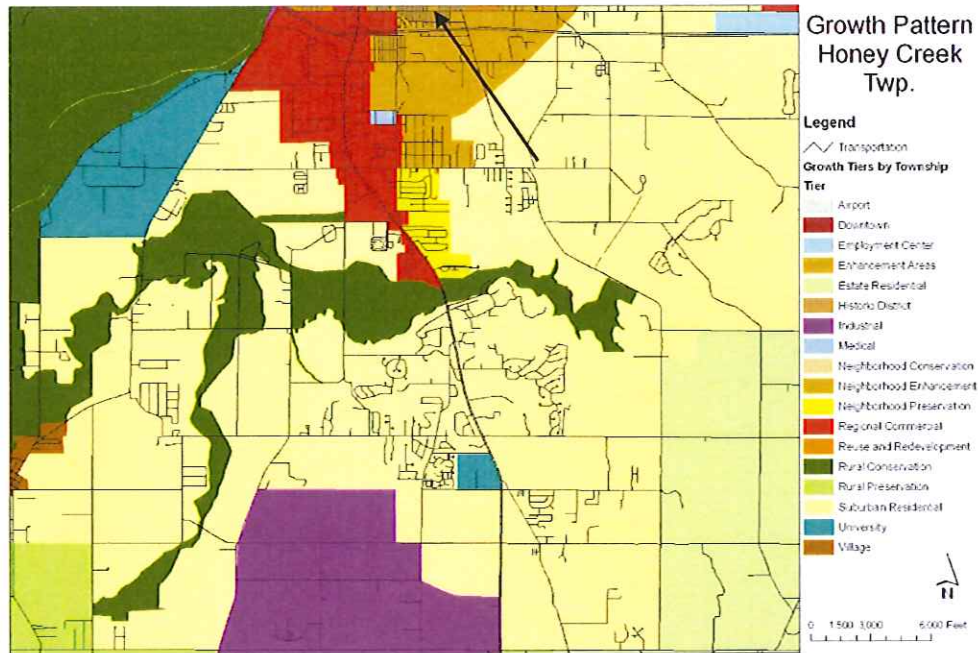
Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. 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.

Street Access: Current access is via either S 11th or S 11 ½ St. The proposed development will maintain ingress/egress from both streets.



ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1 Single Family Residential District
 South – R-1 Single Family Residential District
 West – R-1 Single Family Residential District
 East – R-1 Single Family Residential District

Character of Area: The area consists of single family attached and detached dwellings. There is a school immediately to the north and some lite commercial uses scattered to the east.

Contig. Uses & Zones: Contiguous to residential uses on all sides.

ZONING REGULATIONS

C-4 Restricted Central Business District

The Restricted Central Business District Zone is designed to accommodate basic retail, wholesale and office uses characteristic of the major shopping street and financial section of the Central Business Area. It is the main retail area for Terre Haute and the economic region and is characterized by high volumes of both vehicular and pedestrian traffic.

Uses, Permitted - C-4 Restricted Central Business District (CBD Core).

(1) Uses permitted in the C-4 Zone are subject to the following requirements:

(A) Dwelling units and lodging rooms and motels are not permitted except as otherwise provided herein. (B) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. (C) Establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles are not permitted. (D) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform to the performance standards as set forth in Sec. 10-143, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

(2) Uses, Permitted - C-4 Zone.

(A) The following uses are permitted in the C-4 Zone except as may be allowed for planned developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

1. Any use permitted in the C-3 Zone unless otherwise set forth or superseded hereinafter. However, restrictions on ground floor location for any use designated with an asterisk (*) in the C-3 zone shall not apply unless such use is designated hereinafter with an asterisk. Apartment hotel and hotels, no other type of dwelling unit is permitted. Employment agencies. Machinery Sales, with no repair or servicing, provided that storage and display of machinery, except of household appliances and office machines such as typewriters, shall be restricted to floor samples. Printing and publishing. Recording studios.* Schools (as permitted in the C-3 Zone, Subsection g.(1)(C)4. Theatres, excluding drive-in theatres. Travel bureaus and transportation ticket offices. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).

FINDINGS and RECOMMENDATION

Staff Findings: The Comprehensive Plan describes this area as neighborhood enhancement. Commercial developments are listed as a component of this district. The

comprehensive plan describes these neighborhood commercial areas. “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.

The choice of the C-4 zoning was determined by our director and Mr. Shagley to be the best zoning class for the petitioners needs. It is believed that with the improvements currently underway along Margaret that traffic will increase overtime leading to increased commercial development and the creation of a new central business district.

Recommendation: Based upon the above finding staff offers a **Favorable Recommendation** with the following conditions:

1. A landscape plan be submitted and approved reflecting the inclusion of adequate vegetation to screen against vehicle headlights where parking is adjacent to residential uses.
2. All pertinent documentation involving special ordinances be approved and recorded pertaining to the vacation and subsequent rededication of the public alley between 11th and 11 ½ streets.