

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 41 ,2016

Common address of lots to be rezoned:

1251 N Fruitridge Ave

Terre Haute, IN. 47804

Rezone from:	M-2 Heavy Industry District
Rezone to:	C-4 Restricted Central Business District
Proposed use:	Rental store and multi-use gymnasium
Name of owners:	The W Corp
Address of owners:	1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804
Phone number of owner:	(812)232-2500
Attorney representing owner:	N/A
Council Sponsor:	Norm Loudermilk

FILED

DEC 04 2015

CITY CLERK

SPECIAL ORDINANCE NO 41 , 2015

An ordinance amending Chapter 10, Article 2 of the Municipal code designated as "Comprehensive Zoning Ordinance of Terre Haute, Indiana."

Section 1. Be it ordained by the common council of the City of Terre Haute, Vigo County, State of Indiana, the Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance of Terre Haute" and Division 4, Section 10.121 thereof , District Maps, be, and the same is hereby amended to as follows:

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

PROPERTY DESCRIPTION

Beginning at a point on the West line of the Southeast Quarter of Section 12, Township 12 North, Range 9 West, 662.3 feet North of the South line of said Section, and thence North 660 feet, thence East at a 90 degree angle, 682 feet to the West Right-of-Way ilne of the Chicago, Milwaukee, and St Paul Railroad, thence Southerly along said Right-of-Way line to a point 662.3 feet North of the South line of said Section 12; thence West 701.2 feet to place of beginning.

Except 150 feet of even width off of the North side of the above tract as described in Deed Record 370, Page 836-1.

Except that part conveyed to Unique Graphics Corporation and described as Tract 1 In that certain Indenture dated October 14, 1977 and recorded in Deed Record 372, Page 694. Said part being a strip of 435 feet wide at the West end, 455 feet, more or less, wide at the East end, off the South side of the above described real estate.

Also Except that part conveyed to the City of Terre Haute, Indiana as shown by instrument dated June 7, 1971 and recorded in Deed Record 353, Page 532. Saud part being a strip 91 feet wide at the south end, 91.04 feet wide at the North end, off the West side of the above described real estate.

Subject to a payment right of way and easement granted the City of Terre Haute, Indiana, as shown by instrument dated November 16, 1973 and recorded in Deed Record 361, Page 585-1.

All records of the Vigo County Recorder's Office.

Parcel II – All of that part of the West Half of the South Half of the South Half of the Southeast Quarter of Section 12, Township 12 North, Range 9 West, lying West of the West line of that

part of the above described premises heretofore conveyed to the Southern Indiana Railway Company for a Right-of-Way by Mary Liver as shown by deed dated June 3, 1903 and recorded in Deed Record 110, Page 36 in the custody of the Recorder of Vigo County, Indiana. Except a strip 476 feet in width off the West side thereof.

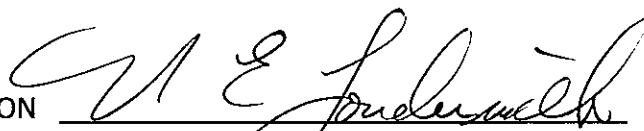
Subject to the Right-of-Way of Maple Avenue along the South boundary line together with all improvements located thereon, and more commonly known as 1251 North Fruitridge Avenue, Terre Haute, Vigo county, Indiana 47804.

Commonly known as 1251 N Fruitridge Ave Terre Haute, Vigo County, Indiana 47804, be and the same is hereby established as C-4, Restricted Central Business District as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-4, Restricted Central Business District.

Together with all rights and privileges that may ensure to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

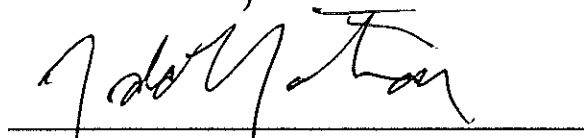
SECTION 2. WHEREAS, an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and approval by the mayor and publications required by law.

PRESENTED BY COUNCIL PERSON



Norm Loudermilk

Passed in open Council this 14th day of January 2016



Todd Nation, President

ATTEST: Charles Hanley City Clerk
Charles Hanley

Presented by me to the Mayor this 15th day of January, 2016.

Charles Hanley
Charles Hanley, City Clerk

Approved by me, the Mayor, this 15th day of JANUARY, 2016.

Duke Bennet
Duke Bennet, Mayor
City of Terre Haute

ATTEST: Charles Hanley
Charles 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.

Eric Wuestefeld
Eric Wuestefeld, 1251 N Fruitridge Ave Terre Haute, IN 47804

Instrument prepared by Eric Wuestefeld
Eric Wuestefeld, 1251 N Fruitridge Ave Terre Haute, IN. 47804

PETITION FOR REZONING OF REAL ESTATE

**TO THE PRESIDENT AND MEMBERS OF
THE COMMON COUNCIL OF THE
CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.**

Ladies and Gentleman:

The W Corp., petitioners, are the owners of the following described real estate located in Vigo County, Indiana, to-wit:

Property Description

7.14 acres

Beginning at a point on the West line of the Southeast Quarter of Section 12, Township 12 North, Range 9 West, 662.3 feet North of the South line of said Section, and thence North 660 feet, thence East at a 90 degree angle, 682 feet to the West Right-of-Way line of the Chicago, Milwaukee, and St Paul Railroad, thence Southerly along said Right-of-Way line to a point 662.3 feet North of the South line of said Section 12; thence West 701.2 feet to place of beginning.

Except 150 feet of even width off of the North side of the above tract as described in Deed Record 370, Page 836-1.

Except that part conveyed to Unique Graphics Corporation and described as Tract 1 in that certain Indenture dated October 14, 1977 and recorded in Deed Record 372, Page 694. Said part being a strip of 435 feet wide at the West end, 455 feet, more or less, wide at the East end, off the South side of the above described real estate.

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Subject to the Right-of-Way of Maple Avenue along the South boundary line together with all improvements located thereon, and more commonly known as 1251 North Fruitridge Avenue, Terre Haute, Vigo county, Indiana 47804.

Which real estate is commonly known as 1251 N Fruitridge Ave Terre Haute, Vigo County Indiana 47804. The owner proposes to use the property as C-4, Restricted Central Business District.

Petitioner is informed and believes that according to Chapter 20, Article 2, Division IV, Zones districts, Section 10.121 of the District Maps "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned M-2 heavy industry district.

Petitioner is further informed and believes that the operation of petitioner's proposed use would require said real estate to be rezoned to the classification as C-4, Restricted Central Business District.

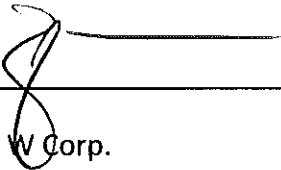
Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- That the proposed use would be beneficial to the local community and would provide employment opportunity for the community.
- That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

- Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.

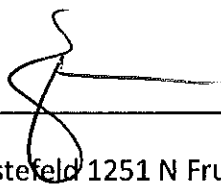
WHEREFORE, Petitioner respectfully requests the Common Council to favorably consider the passage of a special ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be part of C-4, Restricted Central Business District, of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owner thereof by virtue of said classification description and the laws and such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioners, The W INC, have duly executed this instrument this 4 day of December, 2015.

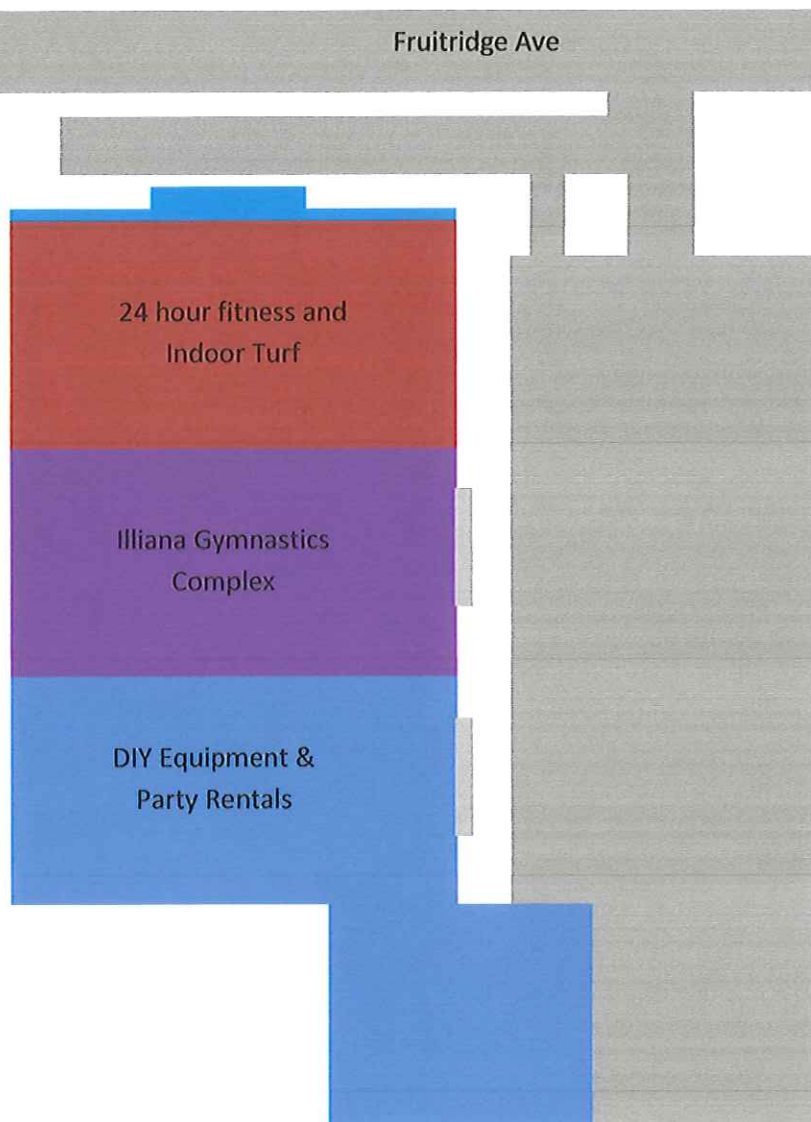


The W Corp.

1251 N Fruitridge Ave, Terre Haute, IN 47807

This Instrument prepared by: 

Eric Wuestefeld 1251 N Fruitridge Ave Terre Haute, IN. 47807



We have hired Rosehill Landscaping to develop and execute a plan for both the west and north side of the building to make a more picturesque curb appeal.

Site Plan for 1251 N Fruitridge Ave:

We will be subdividing into three separate suites to house two of our current businesses and one new entity.

Suite 1: "The Complex" Will consist of a 24 hour fitness center and an indoor turf training facility which will be located in the front 16800 sq feet.

Suite 2: "Illiana Gymnastics Complex" This is a business that we opened four years ago and is ready for a much larger facility. It will be occupying the middle 12600 sq feet of the building. We will be building out a store front facing the parking lot side (north side of the building). We currently have 200+ families that have chosen our facility for their training location. With this facility we will be able to start hosting meets in Terre Haute which will bring upwards of 2000 people in for each event from out of town.

Suite 3 : "DIY Equipment and Party Rentals" We have been in business going on 10 years now and are in much need of ROOM to continue to grow. We will be occupying the remainder of the square footage in the rear of the building. Again we will be building a store front facing the north as depicted in the picture.

STATE OF MA)
COUNTY OF Norfolk) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of November 2015, personally appeared Landen C. Williams, the Chief Restructuring Officer and Treasurer of SRC Liquidation Company (formerly known as The Standard Register Company), and acknowledged the execution of the foregoing deed. In Witness whereof, I have hereunto subscribed my name and affixed my official seal.

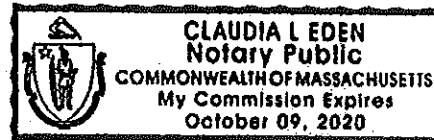
My Commission Expires:

10/9/2020

Claudia L. Eden
Notary Public
Printed: CLAUDIA L. EDEN
Residing in Norfolk County

Mail Tax Bills To: 1251 N. Fruitridge Ave
Terre Haute IN 47805

Mail Deed To: 1532 Wabash Ave
Terre Haute IN 47807



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Justin Woodruff
JUSTIN WOODRUFF

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of this instrument.
CMT: 15 0907

Receipt

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

Date: 12-3-15

Name: DIY Rentals

Reason: Re Zoning

TERRE HAUTE, IN
PAID

DEC 03 2015

CONTROLLER

Cash: _____

Check: \$4500 #7167

Credit: _____

Total: \$4500

Received By: [Signature]



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: January 7, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #41-15**

CERTIFICATION DATE: January 6, 2016


TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

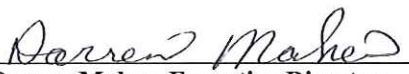
The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No.41-15. This Ordinance is a rezoning of the property located at 1251 N. Fruitridge. The Petitioner, The W Corporation, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to C-4, Restricted Central Business District for a rental store and multi-use gymnasium. 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. 41-15 at a public meeting and hearing held Wednesday, January 6, 2016. 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. 41-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 41-15 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. 41 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Proof can be provided that adequate parking is available on site; 2) A pickup/drop off area can be demonstrated as required by code; 3) No use of the onsite well water shall be allowed until which time all contaminants have dissipated; 4) No soil movement shall be allowed until further environmental studies can be conducted.



Fred L. Wilson, President



Darren Maher, Executive Director

Received this 7th day of January, 2016