

DEFEATED



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 24**

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COMMON ADDRESS OF LOTS TO BE REZONED:

812 Oak Street, Terre Haute, IN 47807

Current Zoning: R2 – Two Family Residence District. R3 General Residence District

Requested Zoning: R3 – General Residence District

Proposed Use: Apartment Building

Name of Owner: Ricky D. Ward

Address of Owner: 1843 E. Sierra Drive, Haubstadt, IN 47639

Phone Number of Owner: 812-249-9270

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Ricky Ward

Council Sponsor: Todd Nation

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

DEFEATED

FILED

MAY 05 2017

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 24, 2017

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as  
"Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDAINED 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:

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

Parcel ID: 84-06-27-104-010.000-002  
Tax ID: 118-06-27-104-010

Tract 1 - Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the  
Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of  
the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7,  
Page 185, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **806 Oak Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-008.000-002  
Tax ID: 118-06-27-104-008

Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre  
Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner  
of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the  
place of beginning.

Commonly known as: **426 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-009.000-002  
Tax ID: 118-06-27-104-009

Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.

Commonly known as: **430 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-007.000-002  
Tax ID: 118-06-27-104-007

Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed  
Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **418 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-011.000-002  
Tax ID: 118-06-27-104-011

Fountains ADD 32'W Side Lot 28 (812-814 Oak Street) 2005018931 D-430/289 200316174 27-12-9 Lots 28-31).

Commonly known as: **812 Oak Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-012.000-002  
Tax ID: 118-06-27-104-012

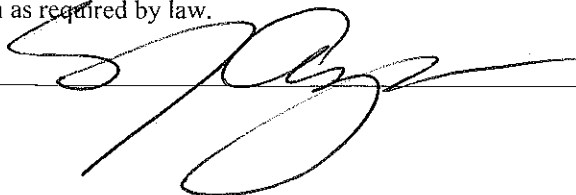
Thirty-two (32) feet off the West Side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in  
the subdivision of the North West Quarter of Section Twenty-seven Dewey as Executor of David Raymond, deceased.

Commonly known as: **818 Oak Street, Terre Haute, Vigo County Indiana 47807**

Be and the same is hereby established as a **R3-General Residence District**, together with all rights and  
privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases  
provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same  
shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its  
approval by the Mayor and publication as required by law.

Presented by Council Member,



(George Azar)

# DEFEATED

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Karrum Nasser-President

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

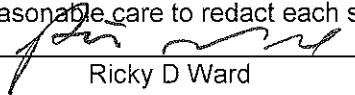
Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_

  
Ricky D Ward

This instrument prepared by: **Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47807. Phone: 812-249-9270.**

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, **Ricky D. Ward**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Parcel ID: 84-06-27-104-010.000-002

Tax ID: 118-06-27-104-010

Tract 1 - Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.

**Commonly known as: 806 Oak Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-008.000-002

Tax ID: 118-06-27-104-008

Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the place of beginning.

**Commonly known as: 426 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-009.000-002

Tax ID: 118-06-27-104-009

Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.

**Commonly known as: 430 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-007.000-002

Tax ID: 118-06-27-104-007

Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.

**Commonly known as: 418 South 8<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-011.000-002

Tax ID: 118-06-27-104-011

Fountains ADD 32' W Side Lot 28 (812-814 Oak Street) 2005018931 D-430/289 200316174 27-12-9 Lots 28-31).

**Commonly known as: 812 Oak Street, Terre Haute, Vigo County Indiana 47807**

Parcel ID: 84-06-27-104-012.000-002

Tax ID: 118-06-27-104-012

Thirty-two (32) feet off the West Side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in the subdivision of the North West Quarter of Section Twenty-seven Dewey as Executor of David Raymond, deceased.

**Commonly known as: 818 Oak Street, Terre Haute, Vigo County Indiana 47807**

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 **R2 - Two Family Residence District. R3 General Residence District.**

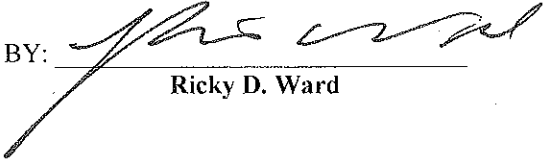
Your petitioner would respectfully state that the real estate is now **apartments**. Your petitioner intends to use the real estate to **continued use as apartments**.

Your petitioner would request that the real estate described herein shall be zoned as a **R3-General Residence District**. Your petitioner would allege that the **R3-General Residence District** would not alter the general characteristics of this 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 the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R3-General Residence District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 5<sup>th</sup> day of May, 2017.

BY:   
Ricky D. Ward

PETITIONER: **Ricky D. Ward**

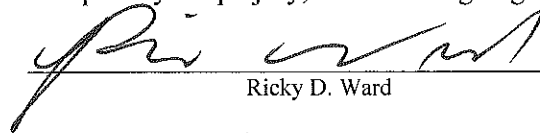
This instrument was prepared by **Ricky D. Ward, 1843 E. Sierra Drive, Haubstadt, IN 47639.**

**AFFIDAVIT OF:**

COMES NOW affiant **Ricky D. Ward**

and affirms under penalty of law that affiant is the owner of record of the property located at 812 Oak Street, 806 Oak St, 426 S. 8th St, 430 S. 8th St., 418 S. 8th St., & 818 Oak St. for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

  
Ricky D. Ward

SIGNATURE: n/r

SIGNATURE: n/r

STATE OF INDIANA  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Vigo, Indiana, Ricky D. Ward who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 5<sup>th</sup> day of May, 2002017.

Notary Public: Rhonda Kay Coombs  
Rhonda Kay Coombs  
[Typed name]

My Commission Expires: 08/01/2021

My County Of Residence: Vigo





Google Earth



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2014010835 QD \$18.00  
08/21/2014 03:04:46P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

AUG 21 2014

*Timothy M. Segura*  
VIGO COUNTY AUDITOR  
Space reserved for use by Recorder's Office

Recording requested by: Ricky Dean Ward  
When recorded, mail to:  
Ricky Dean Ward  
11692 E. State Road 445  
Bloomfield, IN 47424

Property Tax Parcel/Account Number:  
84-06-27-104-010.000-002  
84-06-27-104-008.000-002  
84-06-27-104-009.000-002  
84-06-27-104-007.000-002

Document prepared by:  
Ricky Dean Ward  
11692 E. State Road 445  
Bloomfield, IN 47424

### Quitclaim Deed

This Quitclaim Deed is made on August 20, 2014, between Phoenix Investment Corporation (David Axe President) & Janie Shepherd, **Grantor**, of 806 Oak Street, 426 South 8<sup>th</sup> Street, 430 South 8<sup>th</sup> Street, & 418 South 8<sup>th</sup> Street, City of Terre Haute, State of Indiana, and Ricky Dean Ward, **Grantee**, of 806 Oak Street, 426 South 8<sup>th</sup> Street, 430 South 8<sup>th</sup> Street, & 418 South 8<sup>th</sup> Street, City of Terre Haute, State of Indiana.

For valuable consideration, the **Grantor** hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the **Grantee**, and his or her heirs and assigns, to have and hold forever, located at 806 Oak Street, 426 South 8<sup>th</sup> Street, 430 South 8<sup>th</sup> Street, & 418 South 8<sup>th</sup> Street, City of Terre Haute, State of Indiana:

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any. Taxes for the tax year of 2014 (payable 2015) shall be paid by the Grantee.

Dated: August 20, 2014  
Signature of Grantor: *David Axe*  
Name of Grantor: Phoenix Investment Corporation

*Janie Shepherd*  
Janie Shepherd

Signature of Witness #1: *Kellee Stevenson*  
Printed Name of Witness #1: Kellee Stevenson

Signature of Witness #2: *Tina Gallagher*  
Printed Name of Witness #2: Tina Gallagher

State of Indiana County of Greene, On August 20, 2014, the Grantor, Phoenix Investment Corporation & Janie Shepherd personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

*Carla Gambill*  
Notary Signature: Carla Gambill

Notary Public,  
In and for the County of Greene State of Indiana  
My commission expires: May 30, 2016

SEAL

Send all tax statements to Grantee.  
See attachment for additional legal description of parcels.



**Sales Disclosure Additional Information  
Four Parcels**

**Properties (Land) Legal Description:**

**806 Oak Street, Terre Haute, Indiana 47807**

Parcel ID: 84-06-27-104-010.000-002

Tax ID: 118-06-27-104-010

Tract 1- Lot Number 30 in Fontaine's Addition to Terre Haute, the same being a subdivision of part of Lot 4 in the Subdivision of the Northwest Quarter of Section 27, Township 12 North, Range 9 West made by Charles Dewey, Executor of the Last Will and Testament of Davie Raymond, deceased, as shown by the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Recorder's Office of Vigo County, Indiana.

**426 South 8<sup>th</sup> Street, Terre Haute, Indiana 47807**

Parcel ID: 84-06-27-104-008.000-002

Tax ID: 118-06-27-104-008

Tract 2 -Forty-six (46) feet off the middle part of Lot Number Thirty-one (31) in Fontaine's Addition to the City of Terre Haute, the same being more fully described as follows: Beginning at a point sixty-one (61) feet South of the Northwest corner of said Lot Number Thirty-one (31) in Fontaine's Addition, thence East fifty (50) feet, thence North Forty-six (46) feet to the place of beginning.

**430 South 8<sup>th</sup> Street, Terre Haute, Indiana 47807**

Parcel ID: 84-06-27-104-009.000-002

Tax ID: 118-06-27-104-009

Tract 3 -33 feet off the South end of Lot 31, in Fontaines Addition to the City of Terre Haute, in Vigo County, Indiana.

**418 South 8<sup>th</sup> Street, Terre Haute, Indiana 47807**

Parcel ID: 84-06-27-104-007.000-002

Tax ID: 118-06-27-104-007

Tract 4 -61 feet off the North end of Lot 31, in Fontaine's Addition to the City of Terre Haute, as per recorded plat in Deed Record 7, Page 185, of the Recorder's Office of Vigo County, Indiana.

**RECORD OWNER:**

Tract 1, 3, and 4- Phoenix Investment Corporation.

Tract 2-Janie Shepherd.

JAN 31 2013

2013002164 WD \$18.00  
01/31/2013 11:42:51A 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented  


*Jessie M. Spivey*  
VIGO COUNTY AUDITOR

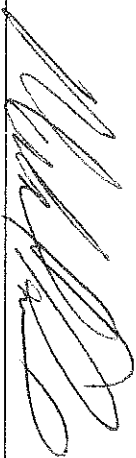
WARRANTY DEED


This Indenture Witnesseth that ROI Development, LLC, a limited liability company, organized and existing under the laws of the State of Indiana, of Vigo County in the State of Indiana, and Michael S. Rowe and Teresa Rowe, husband and wife, convey and Warrant to Ricky D. Ward, 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:

Lot Number 29 in Fontaines Addition to the Town, now City of Terre Haute,  
Vigo County, Indiana.

Subject to any and all easements, rights-of-way and other observable or recorded  
covenants, restrictions, conditions and limitations.

IN WITNESS WHEREOF the above referred to ROI Development, LLC, an Indiana Limited  
Liability Company, has caused this deed to be executed in its name and on its behalf by its duly  
authorized sole member, and Michael S. Rowe and Teresa Rowe, husband and wife, have herunto set  
their hands and seals this 30<sup>th</sup> day of JANUARY, 2013.

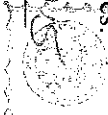
  
\_\_\_\_\_  
Michael S. Rowe

ROI DEVELOPMENT, LLC  
By   
\_\_\_\_\_  
Michael S. Rowe, its sole member

STATE OF INDIANA, COUNTY OF VIGO ) SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 30<sup>th</sup>  
day of JANUARY, 2013, personally appeared Michael S. Rowe, being the sole member of ROI  
Development, LLC, an Indiana Limited Liability Company, who stated that all of the facts and figures  
above set forth were true and thereupon executed and acknowledged execution of the foregoing  
instrument on behalf of said Limited Liability Company.

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

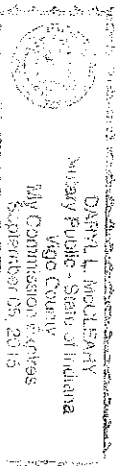
My Commission Expires: 03-06-2015  
 *Darryl M. Cray*  
\_\_\_\_\_  
Darryl M. Cray Notary Public  
My Commission Expires: 03-06-2015  
Notary Public - State of Indiana  
Vigo County  
My Commission Expires: 03-06-2015

STATE OF INDIANA, COUNTY OF VIGO ) SS:

Before me, a Notary Public in and for said county and state, this 30<sup>th</sup> day of JANUARY,  
2013, personally appeared Michael S. Rowe and Teresa Rowe, 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 they verily believe.

2

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



*Darryl L. McCleary*  
Darryl L. McCleary, Notary Public

My Commission Expires: 09-05-2015  
A resident of WGO County, Indiana

Mail tax duplicates to: 11692 E. State Road 445 Bloomfield IN 47434

Mailing addresses of the real estate is 812-814 Oak Street, Terre Haute, Indiana 47807.

Mailing address of the Grantee is 11692 E. State Road 445 Bloomfield IN 47434

This instrument prepared by: C. Don Nattekemper, Attorney 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 read each Social Security number in this document, unless ~~signed~~ initialled by me

*[Signature]*

2014010542 QD \$20.00  
08/13/2014 11:26:10A 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



Recording requested by: Ricky Ward

When recorded, mail to:

Name: Ricky Ward  
Address: 11692 E. State Rd 445  
City: Bloomfield  
State/Zip: IN, 47424

Space above reserved for use by Recorder's Office

Document prepared by:

Name: Michael S. Power  
Address: 11692 E. State Rd  
City/State/Zip: Terre Haute IN 47782

Property Tax Parcel/Account Number:

84-06-27-104-012.000-002

## Quitclaim Deed

This Quitclaim Deed is made on August 13, 2014, between

ROI Development LLC Michael S. Power, Grantor, of 818 OAK ST.  
, City of Terre Haute, State of Indiana,  
and Ricky Dean Ward, Grantee, of 818 OAK ST.  
, City of Terre Haute, State of Indiana.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 818 OAK ST.

, City of Terre Haute, State of Indiana:

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2014 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

Dated: 2-13-14

Michael Rowa  
Signature of Grantor

ROI Dlv. LLC  
Name of Grantor

[Signature]  
Signature of Witness #1

Ryan Wickens  
Printed Name of Witness #1

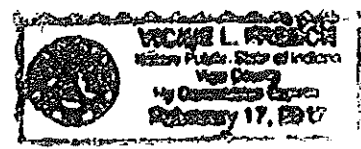
Jared Bayler  
Signature of Witness #2

Jared Bayler  
Printed Name of Witness #2

State of Indiana County of Vigo  
On 2-13-14, the Grantor, ROI Dlv. LLC Michael S Rowa

personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Vickie L. French  
Notary Signature Vickie L. French



Notary Public,  
In and for the County of Vigo State of IN  
My commission expires: 2-17-2017 Seal

Send all tax statements to Grantee.

Thirty-two (32) feet off the West side of Lot 28 in Fontaine's Addition to Terre Haute, the same being a subdivision of Lot 4 in the subdivision of the North West Quarter of Section Twenty-seven (27) Township Twelve (12), Range Nine (9) made by Charles Dewey as Executor of David Raymond, deceased.

commonly known as 818 Oak Street, Terre Haute, Indiana.

Receipt

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

Date: 5/5/17

Name: Ricky Ward

Reason: <u>Rezoning - Notice of Filing</u>	<u>\$25.00</u>
<u>Rezoning - Petition</u>	<u>\$20.00</u>
	<u>\$45.00</u>

TERRE HAUTE, IN  
PAID  
MAY 15 2017  
CONTROLLER

Cash: 45.00

Check: \_\_\_\_\_

Credit: \_\_\_\_\_

Total: \$45.00

Received By: L. Elbs (signature)