

SPECIAL ORDINANCE NO. 55, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:  
1217 Locust Street and a  
Portion of Vacated Alley East of 1217 Locust Street  
Terre Haute, IN 47807

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Rezone From: R-1 Single Family Residence District

Rezone To: C-1 Neighborhood Commercial District

Proposed Use: Service Station

Name of Owners: AKAL Investments Inc.

Address of Owners: 435 Virginia Ave #707  
Indianapolis, IN 46203

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: Martha Crossen

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

OCT 04 2017

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 55, 2017**

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 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248.

Except that part of said Lot 4 conveyed to Joseph Finley and Fannie Finley, his wife, by deed dated November 15, 1916, and recorded in Deed Record 146, Page 578, in the Recorder's Office of Vigo County, Indiana.

TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grant in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and
- (c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described real estate.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to utilities

Tax Parcel Number: 84-06-22-125-005.000-002

Commonly known as: 1217 Locust Street, Terre Haute, Indiana 47807.

AND

A portion of a public alley in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84

65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248, more particularly described as follows:

Commencing at the Southeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248 directly East approximately 19¾ feet, more or less, to the West boundary line of the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West; then North along the West boundary line of said North Half of Lot 134 and Lot 133 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West to the Northwest corner of said Lot 133; thence West approximately 19¾ feet, more or less, to the Northeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248; then South along the East boundary line of said Lot 4 to the place of beginning.

Commonly known as a Portion of Vacated Alley East of 1217 Locust Street.

Be and the same is hereby established as a C-1 Neighborhood Commercial 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, Martha Crossen  
Martha Crossen, Councilperson

Passed in open Council this 9<sup>th</sup> day of November, 2017.

Karrim Nasser  
Karrim Nasser, President

ATTEST:

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

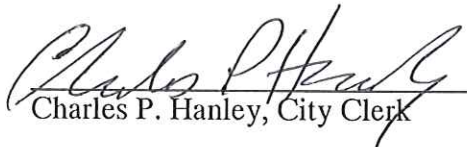
Presented by me, to the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of November 2017.

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

Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of NOVEMBER, 2017.

  
\_\_\_\_\_  
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 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, Varinder Sahi, Authorized Member of AKAL Investments Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248.

Except that part of said Lot 4 conveyed to Joseph Finley and Fannie Finley, his wife, by deed dated November 15, 1916, and recorded in Deed Record 146, Page 578, in the Recorder's Office of Vigo County, Indiana.

TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grant in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and
- (c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described real estate.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to utilities

Tax Parcel Number: 84-06-22-125-005.000-002

Commonly known as: 1217 Locust Street, Terre Haute, Indiana 47807.

AND

A portion of a public alley in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248, more particularly described as follows:

Commencing at the Southeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248 directly East approximately 19 ¾ feet, more or less, to the West boundary line of the North Half of Lot 134 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West; then North along the West boundary line of said North Half of Lot 134 and Lot 133 in Chauncey Rose's Subdivision of 84-65/100 acres off the North end of the Northwest Quarter of Section 22, Township 12 North, Range 9 West to the Northwest corner of said Lot 133; thence West approximately 19 ¾ feet, more or less, to the Northeast corner of Lot 4, in Rose Polytechnic Subdivision of Lot 132 and the North Half of Lot 131, in Chauncey Rose's Subdivision of 84 65/100 acres off the North side of the North West quarter of Section 22, Township 12 North, Range 9 West according to the plat thereof recorded March 20, 1889 in Plat Cabinet A Page 248; then South along the East boundary line of said Lot 4 to the place of beginning.

Commonly known as a Portion of Vacated Alley East of 1217 Locust Street.

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 R-1 Single Family Residence District.

Your Petitioner intends to use this real estate for a service station. Your Petitioner would request that the real estate described herein shall be zoned as an C-1 Neighborhood Commercial District.

Your Petitioner would allege that the C-1 Neighborhood Commercial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed use neighborhood and Petitioner is the owner of the parcel of real estate directly East of the above-described real estate.

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-1 Neighborhood Commercial 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 30<sup>th</sup> day of September, 2017.

**PETITIONER:**

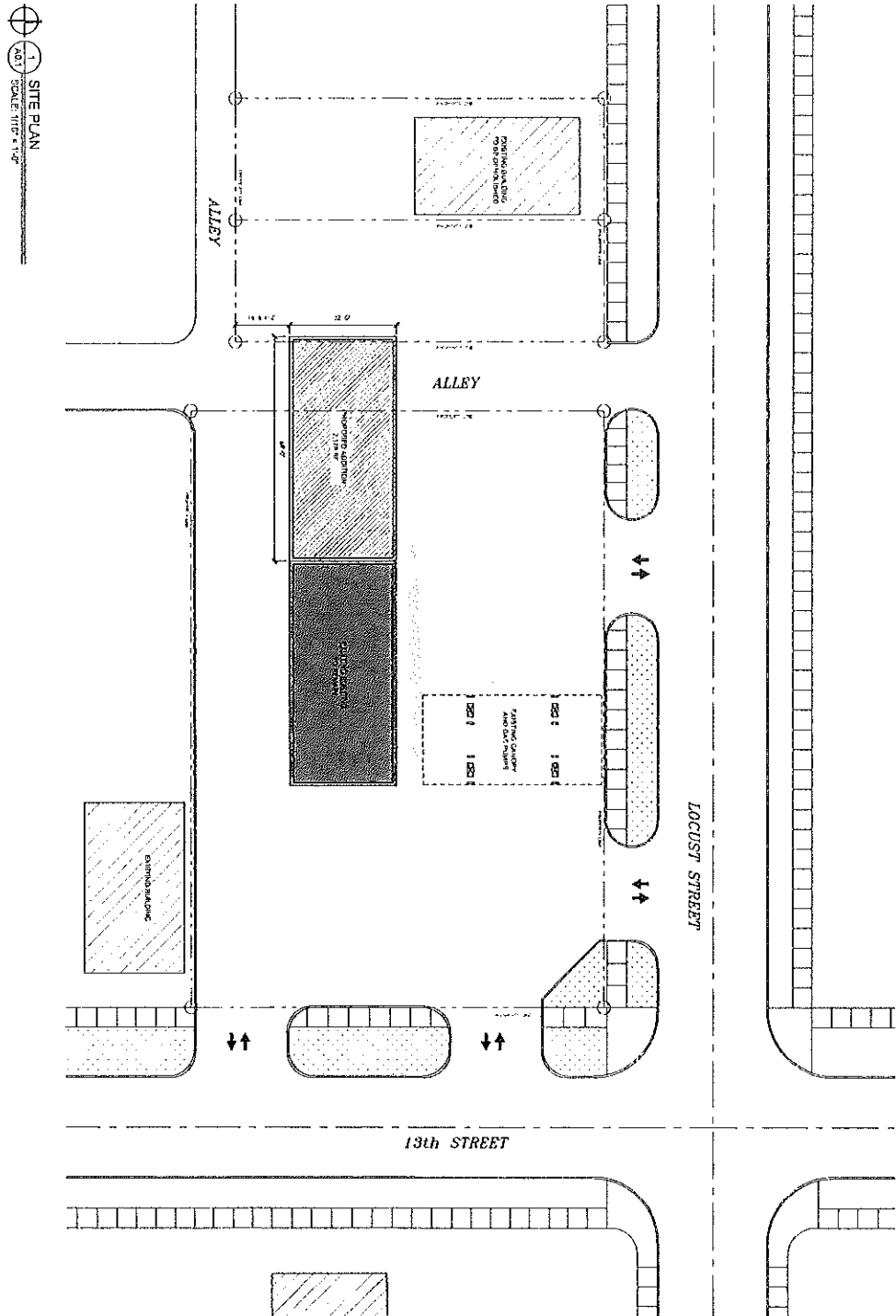
AKAL INVESTMENTS INC.

By: \_\_\_\_\_

  
Varinder Sahi, Member

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



1 SITE PLAN  
A0.1 SCALE 1/8" = 1'-0"

<b>A0.1</b> SHEET NO. A17-034	<b>INSTRUCTIONS FOR:</b> <b>13th &amp; LOCUST</b> <b>TERRE HAUTE, INDIANA</b>	DRAWN BY: AM	<b>PROFESSIONAL ENGINEER</b> <b>STATE OF INDIANA</b> LICENSE NO. 12345
		CHECKED BY: FAH	
SHEET DESCRIPTION: PROPOSED SITE PLAN		REVISIONS:	



ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

JUN 20 2017

*James W Brumble*  
VIGO COUNTY AUDITOR

2017005955 COR SPE WD \$20.00  
06/20/2017 10:30:38A 3 PGS  
Stacee Joy  
VIGO County Recorder IN  
Recorded as Presented  
[Barcode]

**CORPORATE SPECIAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, That **Steco, Inc.**, an Indiana corporation ("Grantor") **CONVEYS AND SPECIALLY WARRANTS** to **Akal Investments, Inc.**, an Indiana corporation ("Grantee") with a mailing address of 435 Virginia Ave, Apt 707 Indianapolis, IN, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

LOT 4, IN ROSE POLYTECHNIC SUBDIVISION OF LOT 132 AND THE NORTH HALF OF LOT 131, IN CHAUNCEY ROSE'S SUBDIVISION OF 84 65/100 ACRES OFF THE NORTH SIDE OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 12 NORTH, RANGE 9 WEST ACCORDING TO THE PLAT THEREOF RECORDED MARCH 20, 1889 IN PLAT CABINET A PAGE 248.

EXCEPT THAT PART OF SAID LOT 4 CONVEYED TO JOSEPH FINLEY AND FANNIE FINLEY, HIS WIFE, BY DEED DATED NOVEMBER 15, 1916, AND RECORDED IN DEED RECORD 146, PAGE 578, IN THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

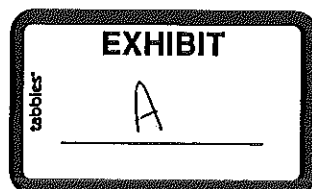
TOGETHER WITH all improvements thereon and all appurtenances thereto, including, but not limited to, all the right, title and interest, if any, of Grantor in and to:

- (a) Any strips and gores of land adjoining the above described real estate on any side thereof;
- (b) Any land lying in the bed of any street or way abutting the above described real estate to the center line thereof; and
- (c) Any easements or other rights in adjoining property inuring to Grantor by reason of its ownership of the above described real estate.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements

NCS-848137

Return to:  
First American Title Insurance Company  
National Commercial Services  
211 N Pennsylvania Str., Ste 1250  
Indianapolis, IN 46204  
File No: NCS \_\_\_\_\_



granted to public utilities.

The warranties of Grantor hereunder is limited to its own acts and deeds and those of persons claiming by, through and under Grantor, and not otherwise. Grantor understands that the above-described real estate has been assigned Parcel No. 84-06-22-128-005.000-002. This deed does not contain nor is it to be construed as containing any implied covenants or warranties of title with respect to any land located within a heretofore platted or dedicated street or alley which has not yet been vacated.

As a further consideration of the payment of the above sum, the undersigned person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this Corporate Warranty Deed, that he is the duly elected President of Grantor and has been fully empowered, by either Grantor's By-Laws or by proper resolution of the Board of Directors of Grantor, to execute, acknowledge and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein and conveyed hereby; that the real estate conveyed by this indenture is conveyed in Grantor's usual and regular course of business of Grantor; and all necessary corporate action for the making of such conveyance has been taken and done.

The undersigned certify that no corporate gross income tax is due and owing with respect to this conveyance.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 25<sup>th</sup> day of MAY, 2017.

Steco, Inc.

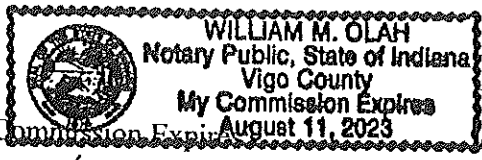
By Richard A. Stephens  
Richard A. Stephens, President

STATE OF INDIANA )  
                                  )SS:  
COUNTY OF VIGO )

Before me, a Notary Public in and for said County and State, personally appeared

Richard A. Stephens, the President of Steco, Inc., an Indiana corporation, who acknowledged execution of the foregoing 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 25<sup>th</sup> day of MAY, 2017.



William M. Olah  
William M. Olah, Notary Public  
Printed Name  
County of Residence: Vigo

My Commission Expires 8/11/2023

This instrument prepared by William M. Olah, Attorney, 333 Ohio Street, Terre Haute, IN 47807 (812) 232-4311 at the specific bequest of GRANTOR based solely on information supplied by one or more of the parties to this conveyance and without examination of title or abstract. The preparer assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by GRANTOR'S execution and GRANTEE'S acceptance and recordation of this deed.

Send Tax Bills To: 435 Virginia Ave, Apt 407  
Indianapolis IN 46203

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.

William M. Olah  
William M. Olah

Receipt

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

Date: 10/4/17

Name: AKAL Investments

Reason: Reasoning - notice of Filing \$25.00

Reasoning - Petition \$20.00

\$45.00

Cash: \_\_\_\_\_

Check: # 67766 \$45<sup>00</sup>

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

Total: \$45<sup>00</sup>

Received By: L Elhs / gm

TERRE HAUTE, IN  
OCT 10 2017  
CONTROLLER



TERRE HAUTE  
A CITY 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: November 2, 2017

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #55-17

CERTIFICATION DATE: November 1, 2017

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. 55-17. This Ordinance is a rezoning of the property located at 1217 Locust Street. The Petitioner, AKAL Investments Inc. petitioned the Plan Commission to rezone said real estate from zoning classification R-3 to C-1, Neighborhood Commerce District, for a Service Station. 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. 55-17 at a public meeting and hearing held Wednesday, November 1, 2017. 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. 55-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 55-17 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. 55-17 was FAVORABLE WITH THE FOLLOWING CONDITION: 1.) If required by City Engineering a landscape plan be approved for visual screening.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 2nd day of November, 2017