

SPECIAL ORDINANCE NO. 8, 2019

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Address of lots to be rezoned:
2400 Spring Clean Avenue, Terre Haute, Indiana 47804
=====

Rezoned From: C-3 Community Commercial District

Rezoned To: C-5 Community Commercial District

Proposed Use: Storage Units

Name of Owners: Mutchner LLC

Address of Owners: 5175 Riley Road
Terre Haute, IN 47802

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

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

For Information Contact: Owner Attorney

Council Sponsor: Karrum Nasser

=====
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 06 2019

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 8, 2019

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:

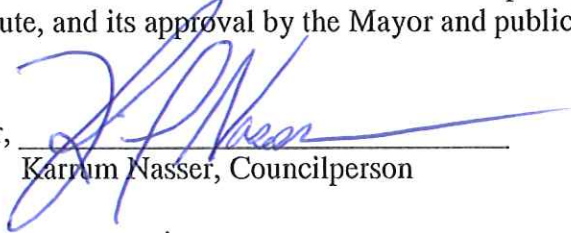
Lots Number Six (6) and Seven (7) in the Replat of Lots 2 and 4 North Plaza Park Sub division, being a subdivision of a part of the South half of the Southwest quarter of Section 2, Township 12 North, Range 9 West as shown by the recorded plat thereof dated March 13, 1995 and recorded July 24, 1995, in Plat Record 29, Page 58 of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 2400 Spring Clean Avenue, Terre Haute, Indiana 47804.


Be and the same is hereby established as a C-5 Community 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,


Karrum Nasser, Councilperson

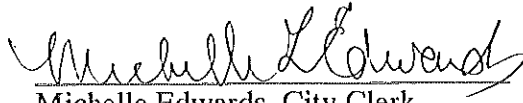
Passed in open Council this 4th day of APRIL, 2019.


Martha Crossen, President

ATTEST:


Michelle Edwards City Clerk

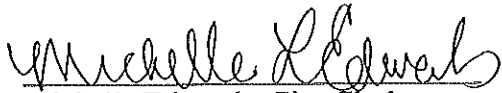
Presented by me, to the Mayor of the City of Terre Haute, this 5TH day of APRIL,
2019.


Michelle Edwards, City Clerk

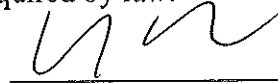
Approved by me, the Mayor of the City of Terre Haute, this 5TH day of April,
2019.


Duke A. Bennett, Mayor

ATTEST:


Michelle Edwards, City Clerk

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


Richard J. Shagley II

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

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jon Mutchner, Authorized Member of Mutchner LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Number Six (6) and Seven (7) in the Replat of Lots 2 and 4 North Plaza Park Sub division, being a subdivision of a part of the South half of the Southwest quarter of Section 2, Township 12 North, Range 9 West as shown by the recorded plat thereof dated March 13, 1995 and recorded July 24, 1995, in Plat Record 29, Page 58 of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as: 2400 Spring Clean Avenue, Terre Haute, Indiana 47804.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as C-3 Community Commercial District.

Your Petitioner intends to use this real estate for an extension of the self-storage units that currently are located directly to the north of this real estate. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 Community Commercial District.

Your Petitioner would allege that the C-5 Community Commercial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and Mutchner LLC is the owner of several parcels of real estate directly north of 2400 Spring Clean Avenue, Terre Haute, Indiana 47804.


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 an C-5 Community 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 26th day of February, 2019.

PETITIONER:

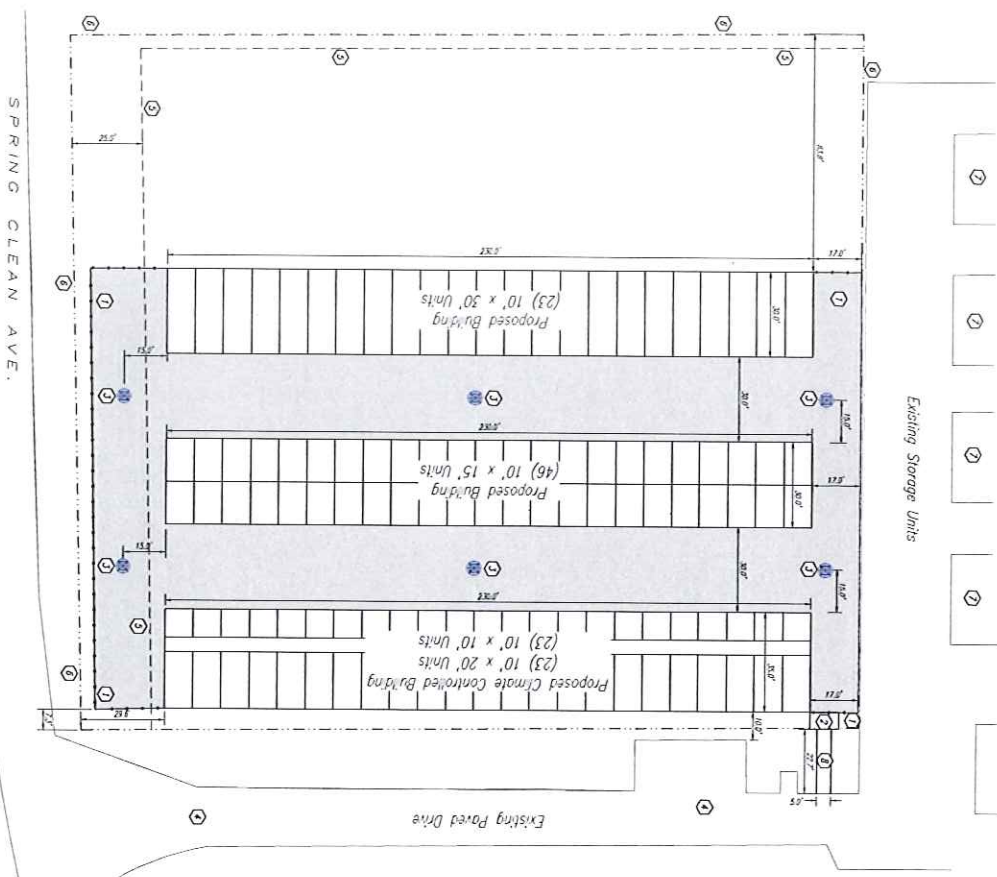
Mutchner LLC

By: 
Jon Mutchner, Manager

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

Sec. 2, Township 12 North, Range 9 West
Harrison Township, Vigo County, Indiana



Existing Storage Units

- LEGEND**
1. Chain Link Fence
 2. Proposed Kiosk
 3. Storm Inlet
 4. Existing Pavement
 5. Sidewalk
 6. Approximate Property Line
 7. Existing Storage Units
 8. Proposed Sidewalk



HEAVY DUTY ASPHALT PAVEMENT SECTION
1/2\"/>



Know Your Bottom
Call before you dig.

James W. Myers
Professional Engineer
State of Indiana
License No. 12345

2400 Spring Clean Avenue

MYERS ENGINEERING
1111 S. W. 11th Ave., Suite 100
Tomball, TX 77375
Tel: 281-358-4111
Fax: 281-358-4112
www.myers-engineering.com

DATE: 11/15/2011
DRAWN BY: JLM
CHECKED BY: JLM
PROJECT NUMBER: 2400 Spring Clean Ave.
SHEET: CS.0

Client: JT Mulder, Inc. | Madeline, LLC

Site Plan

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2018012959 HD \$25.00
12/06/2018 02:26:08P 1 PGS
Stacey Joy
VIGO County Recorder IN
Recorded as Presented

DEC 06 2018

James W. Barmble
VIGO COUNTY AUDITOR **WARRANTY DEED**

THIS INDENTURE WITNESSETH, THAT Thomas E. Thompson and Mary Alice Thompson, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY and WARRANT unto Mutchner, LLC, a limited liability company organized and existing under the laws of the State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lots Number Six (6) and Seven (7) in the Replat of Lots 2 and 4 North Plaza Park Subdivision, being a subdivision of a part of the South half of the Southwest Quarter of Section 2, Township 12 North, Range 9 West as shown by the recorded plat thereof dated March 13, 1995 and recorded July 24, 1995, in Plat Record 29, Page 58 of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Thomas E. Thompson and Mary Alice Thompson have hereunto set their hands and seals, this 5th day of December, 2018.

Thomas E. Thompson (SEAL)
Thomas E. Thompson

Mary Alice Thompson (SEAL)
Mary Alice Thompson

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 5th day of December, 2018, personally appeared Thomas E. Thompson and Mary Alice Thompson and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notary Seal

My Commission Expires 3-19-2026
My County of residence is Vigo



OFFICIAL SEAL
MEAGAN RAYNEL BUTRUM
Notary Public, State of Indiana
Vigo County
My Commission Expires
March 19, 2026
Commission No. 711608

Meagan Raynel Butrum
Meagan Raynel Butrum
Type, print or printed name of notary

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.

Donald J. Bonomo
Signature
Donald J Bonomo
Printed Name

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807, at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance and without examination of title or abstract. 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 the instrument.

GRANTEE ADDRESS: 5175 Riley Rd, Terre Haute, IN 47802

MAIL TAX STATEMENTS TO: 5175 Riley Rd, Terre Haute, IN 47802

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jon Mutchner, Member of Mutchner LLC, being duly sworn upon his oath, deposes and says:

1. That Mutchner LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Number Six (6) and Seven (7) in the Replat of Lots 2 and 4 North Plaza Park Sub division, being a subdivision of a part of the South half of the Southwest quarter of Section 2, Township 12 North, Range 9 West as shown by the recorded plat thereof dated March 13, 1995 and recorded July 24, 1995, in Plat Record 29, Page 58 of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 2400 Spring Clean Avenue, Terre Haute, Indiana 47804.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that Mutchner LLC 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 Mutchner LLC.

4. Further, Affiant saith not.

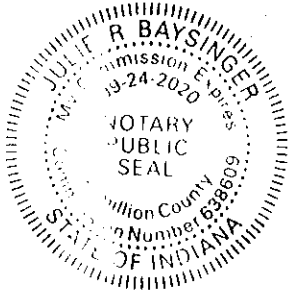
Dated at Terre Haute, Indiana this 26th day of February, 2019.

Mutchner LLC

By: 
Jon Mutchner, Manager

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said
County and State, this 26th day of February, 2019.



Julie R. Baysinger
Julie R. Baysinger, Notary Public

My Commission expires: 9-24-2020

My County of Residence: Vermillion

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

Receipt

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

Date: 3/6/19

Name: Mitchner

Reason: Rezoning - notice of filing # 25

Rezoning - Petition = # 20

45⁰⁰

Cash: _____

Check: \$45⁰⁰ / CK # 069362

Credit: _____

Total: \$45⁰⁰

RECEIVED
MARCH 11 2019
TERRE HAUTE, IN
CONTROLLER

Received By: L. Ellis / [Signature]

Receipt

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

Date: 3/6/19

Name: Mutchnier

Reason: Rezoning - notice of filing # 25

Rezoning - Petition = # 20

45⁰⁰

Cash: _____

Check: \$45⁰⁰ / CR# 069362

Credit: _____

Total: \$45⁰⁰

RECEIVED
MAY 08 2019
TERRE HAUTE, IN
CONTROLLER

Received By: L. Ellis / [Signature]