

#1271

BILL NO. G-12-03-01

Plat cabinet: B, Page No: 58
Document #910021384

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.**

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A part of the Lot Numbered 12 in Brotherhood Place as found in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at a ½" rebar (capped #9921) found monumenting the Northeast corner of said Lot Numbered 12; thence South 01 degrees 32 minutes 35 seconds East, on the Northern most East line of said Lot Numbered 12 (assumed bearing and basis of bearings for this description), a distance of 100.52 feet to a 1/2" rebar (capped #9921) found monumenting a corner of said Lot Numbered 12; thence South 88 degrees 32 minutes 24 seconds West, on a line of said Lot Numbered 12, a distance of 12.87 feet to the Point of Beginning; thence North 01 degrees 28 minutes 16 seconds West, said course being the northerly extension of the Southern most East line of said Lot Numbered 12, a distance of 10.00 feet to a point; thence South 88 degrees 32 minutes 24 seconds West, parallel with and 10.00 feet North of a line of said Lot Numbered 12, a distance of 30.00 feet to a point; thence South 01 degrees 28 minutes 16 seconds East, parallel with and 30.00 feet West of the Southern most East line of said Lot Numbered 12, a distance of 20.00 feet to a point; thence North 88 degrees 32 minutes 24 seconds East, parallel with and 10.00 feet South of a line of said Lot Numbered 12, a distance of 20.00 feet to a point; thence South 01 degrees 28 minutes 16 seconds East, parallel with and 10.00 feet East of the Southern most East line of said Lot Numbered 12, a distance of 95.50 feet to a point; thence North 88 degrees 28 minutes 18 seconds East, parallel with and 20.00 feet North of the South line of said Lot Numbered 12, a distance of 10.00 feet to a point on the Southern most East line of said Lot Numbered 12; thence North 01 degrees 28 minutes 16 seconds West, on the Southern most East line of said Lot Numbered 12, a distance of 105.48 feet to the Point of Beginning, said tract being described containing 0.999999 Acres, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

1 #1271

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7 Plan of the City Comprehensive ("Master")
8 Plan by vacating public right-of-way.

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21 Numbered 12; thence South 01 degrees 32 minutes 35 seconds East, on the Northern most East
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23 distance of 100.52 feet to a 1/2" rebar (capped #9921) found monumenting a corner of said Lot
24 Numbered 12; thence South 88 degrees 32 minutes 24 seconds West, on a line of said Lot
25 Numbered 12, a distance of 12.87 feet to the Point of Beginning; thence North 01 degrees 28
26 minutes 16 seconds West, said course being the northerly extension of the Southern most East
27 line of said Lot Numbered 12, a distance of 10.00 feet to a point; thence South 88 degrees 32
28 minutes 24 seconds West, parallel with and 10.00 feet North of a line of said Lot Numbered 12, a
29 distance of 30.00 feet to a point; thence South 01 degrees 28 minutes 16 seconds East, parallel
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10.00 feet South of a line of said Lot Numbered 12, a distance of 20.00 feet to a point; thence
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most East line of said Lot Numbered 12, a distance of 95.50 feet to a point; thence North 88
degrees 28 minutes 18 seconds East, parallel with and 20.00 feet North of the South line of said
Lot Numbered 12, a distance of 10.00 feet to a point on the Southern most East line of said Lot
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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Platted Utility Easement Vacation
Case Number: 1271/12
Bill Number: G-12-03-01
Council District: 3

Introduction Date: March 13, 2012
Public Hearing Date: March 27, 2012
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: A request to vacate a portion of a platted utility easement

Location: The property is located on Lot 12 within the platted office development of Brotherhood Place. This development is located south of Ludwig Road and west of Coldwater Road. The easement is on the east side of the building at 6316 Mutual Drive.

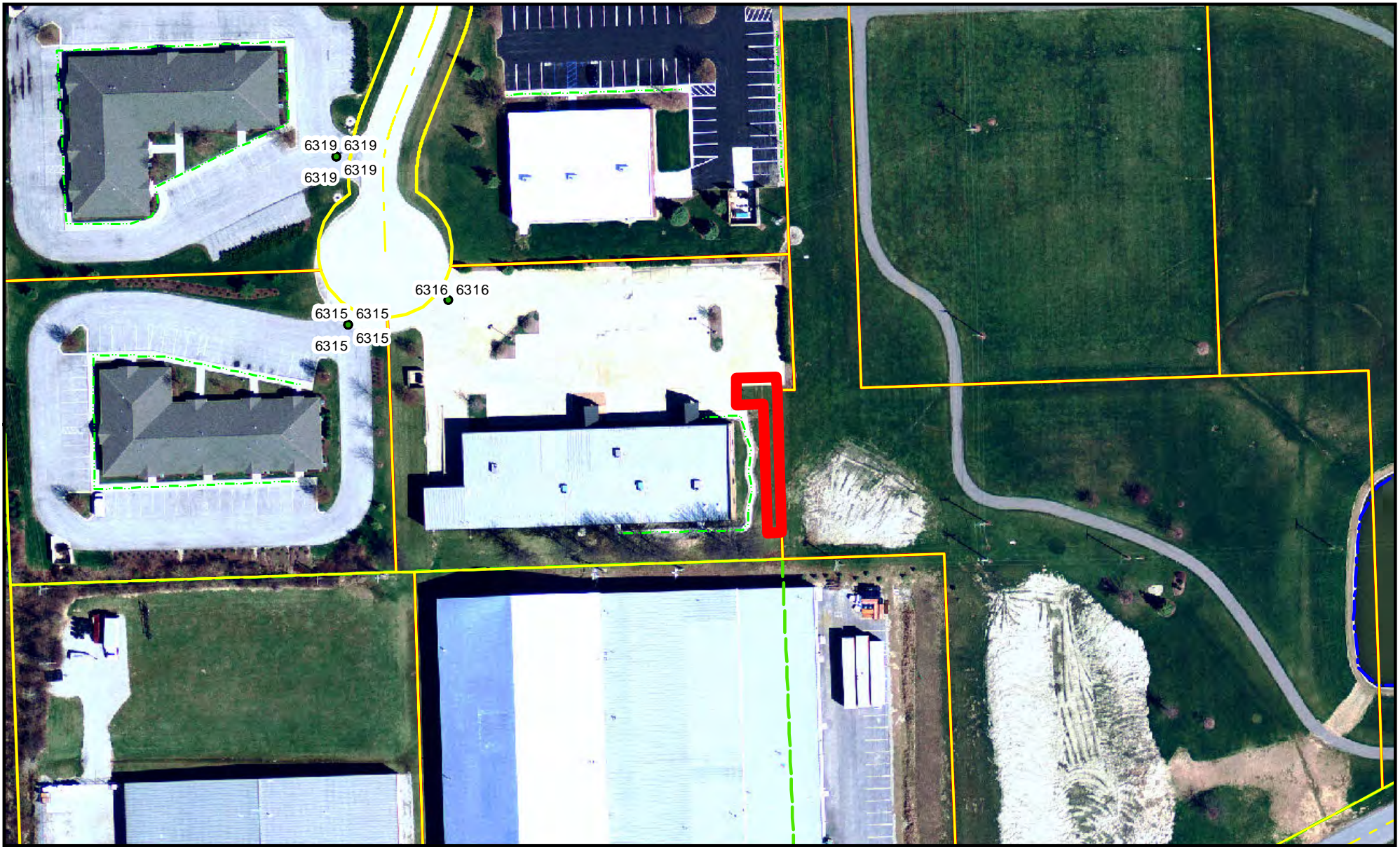
Reason for Request: The applicant wishes to create a healing garden, including a sidewalk and gazebo, on the east side of the building to serve its clients, partially over a platted utility easement.

Applicant: Cancer Services of Allen County, Inc. – Dianne May
Property Owner: Cancer Services of Allen County, Inc.

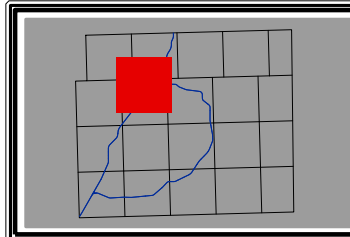
Related Petitions: none

Effect of Passage: A portion of the easement will be vacated, allowing the Cancer Services to create a healing garden for its clients.

Effect of Non-Passage: The easement will remain as platted and the site improvements will not take place, or will have to be moved elsewhere on the site.

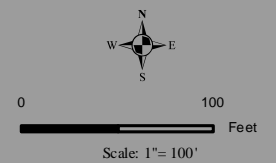


This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Vacation Petition 1271/12

Printed: March 7, 2012
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

1271/12

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 / 260.427.1221

I We do hereby petition to vacate the following:

Easement Public Right of Way (street or alley)

More particularly described as follows:

A part of Lot Numbered 12 in Brotherhood Place as found in the Office of the Recorder of Allen County, Indiana and as described in the Legal Description prepared by Karst Surveying and attached.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.) **ATTACHED**

DEED BOOK NUMBER: _____ PAGE(S) NUMBER(S): _____ (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

Owner Cancer Services of Allen County, Inc seeks to create a healing garden in the open space immediately east of its building. This garden would include a private sidewalk extending into the current platted easement.

(If additional space is needed please attach separate page.)

The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows: **ATTACHED**

Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone

Applicant's name(s) if different from property owner(s): N/A

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Pt

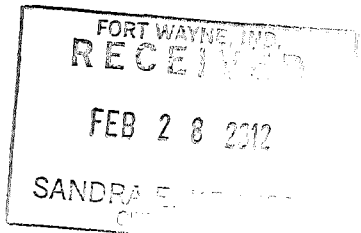
Plat of Brotherhood Place

Cabinet B, Pg 58

Doc # 910021384

Cancer Services of Allen Co. Deed

Doc # 2008018152



We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. We agree to abide by all provisions of the For Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. We also certify that this information is true and accurate to the best of my/our knowledge.

Dianne May
Signature

6316 Mutual Drive
Address

Dianne May
Printed Name Allen County, Inc Date 2/29/12
Fort Wayne, IN 46825
City/State/Zip

Signature

Printed Name

Date

Address

City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): N/A

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

- Legal Description is to be the area to be vacated and must be complete and accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.

For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

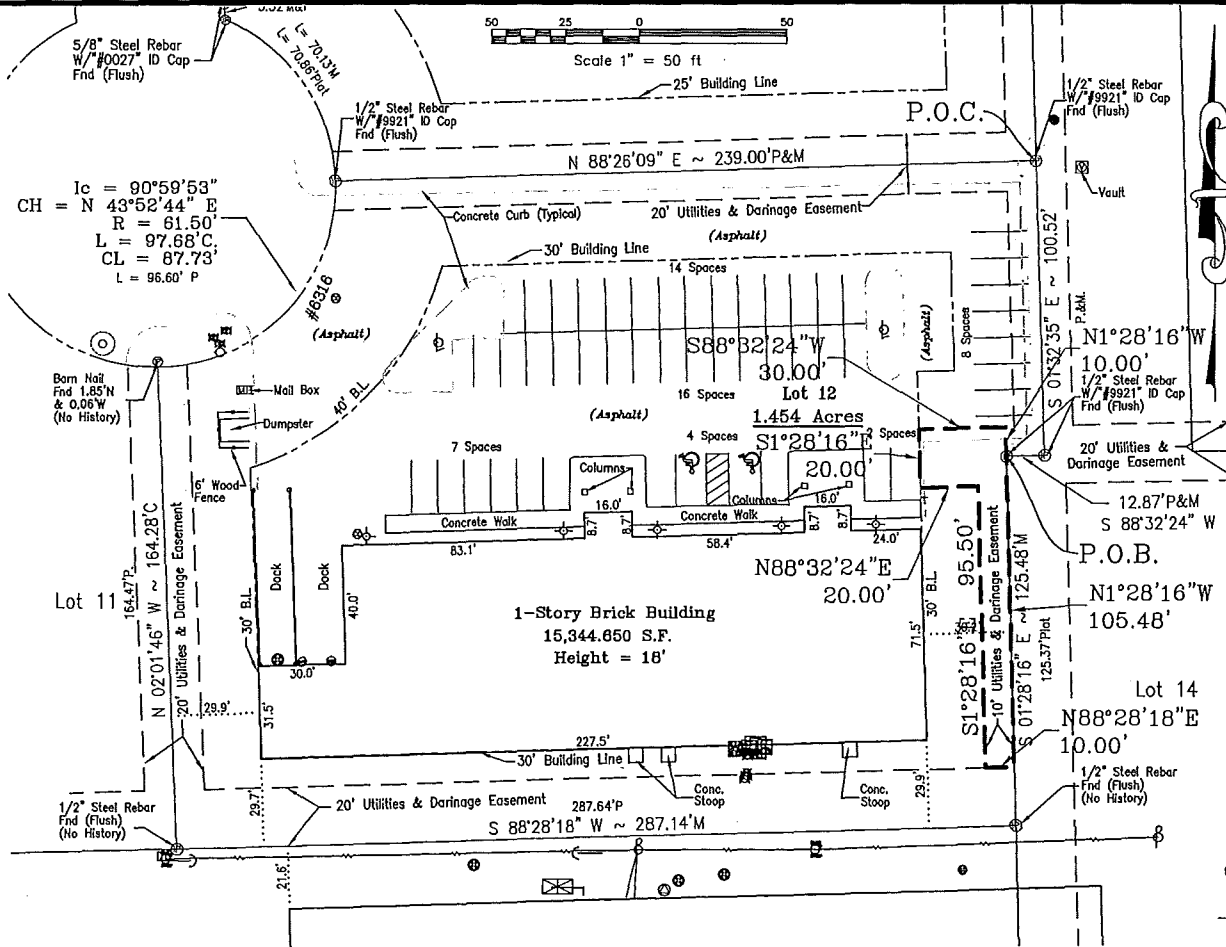
EASEMENT VACATION SKETCH

1310 Progress Road
Fort Wayne, IN 46808
Phone: (260) 426-3336
Fax: (260) 426-3337



Karst Surveying Services, Inc.

RICHARD K. KARST, PLS No. LS80040561
RYAN C WEBER, PLS No. LS20800107



The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a new legal description for the purpose of vacating an existing easement as depicted and described of the real estate below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the Office of the Recorder of Allen County, Indiana. No encroachments existed, except as noted. The description of the existing easement to be vacated is as follows, to wit:

A part of the Lot Numbered 12 in Brotherhood Place as found in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

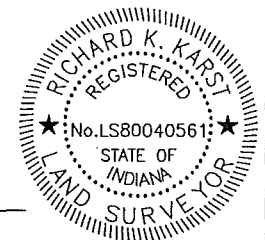
Commencing at a 1/2" Rebar (capped #9921) found monumenting the Northeast corner of said Lot Numbered 12; thence South 01 degrees 32 minutes 35 seconds East, on the Northern most East line of said Lot Numbered 12 (assumed bearing and basis of bearings for this description), a distance of 100.52 feet to a 1/2" Rebar (capped #9921) found monumenting a corner of said Lot Numbered 12; thence South 88 degrees 32 minutes 24 seconds West, on a line of said Lot Numbered 12, a distance of 12.87 feet to the Point of Beginning; thence North 01 degrees 28 minutes 16 seconds West, said course being the northerly extension of the Southern most East line of said Lot Numbered 12, a distance of 10.00 feet to a point; thence South 88 degrees 32 minutes 24 seconds West, parallel with and 10.00 feet North of a line of said Lot Numbered 12, a distance of 30.00 feet to a point; thence South 01 degrees 28 minutes 16 seconds East, parallel with and 30.00 feet West of the Southern most East line of said Lot Numbered 12, a distance of 20.00 feet to a point; thence North 88 degrees 32 minutes 24 seconds East, parallel with and 10.00 feet South of a line of said Lot Numbered 12, a distance of 20.00 feet to a point; thence South 01 degrees 28 minutes 16 seconds East, parallel with and 10.00 feet East of the Southern most East line of said Lot Numbered 12, a distance of 95.50 feet to a point; thence North 88 degrees 28 minutes 18 seconds East, parallel with and 20.00 feet North of the South line of said Lot Numbered 12, a distance of 10.00 feet to a point on the Southern most East line of said Lot Numbered 12; thence North 01 degrees 28 minutes 16 seconds West, on the Southern most East line of said Lot Numbered 12, a distance of 105.48 feet to the Point of Beginning, said tract being described containing 0.999999 Acres more or less.

I Richard K. Karst certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate.

Job No. 11084370
For: Tom Neizer

IN WITNESS WHEREOF, I hereunto place my hand and seal this 1st day of August, 2011.

Richard K. Karst
Richard K. Karst, PLS 80040561



VACATION PETITION, 2/29/12
Cancer Services of Allen County, Inc.

Adjacent property owners to 6316 Mutual Drive, Fort Wayne, IN 46825

Name	Strret Address	City	State	Zip	telephone
Brotherhood Mutual Insurance Company	6400 Brotherhood Way	Fort Wayne	IN	46825	260.481.9943