

#1291

BILL NO. G-12-07-23

Plat Cabinet No.: C

Page No: 197

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE for the purpose of
vacating a portion of a dedicated utility easement.**

WHEREAS, a petition to vacate a portion of a dedicated utility and surface drainage easement 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 portion of a dedicated utility and surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Vacation of a platted twenty foot wide utility and surface drainage easement located on Lots 255 and 256 in Cherry Hill, Section IX, a subdivision in the Northwest Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, the plat of said subdivision having been recorded at Document No. 970072895, Cabinet C, page 197, in the Office of the Recorder of Allen County, Indiana, and more particularly described as follows:

An easement lying 10 feet on both sides of the following described line: Beginning at a point 20 feet east of the Northwest Corner of said Lot 255, and continuing thence East 100 feet along the North line of said Lot 155 to the point of termination, and more particularly as shown on Exhibit A.

and which vacating allows the portion of dedicated utility and surface drainage easement to revert to the use of the adjacent property owners, is hereby approved.

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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Utility and Surface Drainage Easement Vacation
Case Number: 1291/12
Bill Number: G-12-07-23
Council District: 1 – Tom Smith

Introduction Date: July 24, 2012
Public Hearing Date: August 14, 2012
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: A request to vacate a utility and surface drainage easement.

Location: The right-of-way to be vacated is located between Lots 255 and 256 of Cherry Hill, Section IX, at 6911 Hawksnest Trail.

Reason for Request: The applicant owns the land on both sides of the easement and wishes to expand the garage for the single family home. The adjacent property owner affected also signed the application.

Applicant: G. Ted Brandenberger

Property Owner: G. Ted Brandenberger

Related Petitions: none

Effect of Passage: The easement will be vacated, allowing for expansion of the garage. The applicant will relocate the existing private stormsewer and will rededicate an easement in the new location.

Effect of Non-Passage: The easement will remain as platted and the applicant will not be able to expand the garage.

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:

See Attached Legal Description

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

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:

Add 3rd Car Garage to existing garage.

(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:

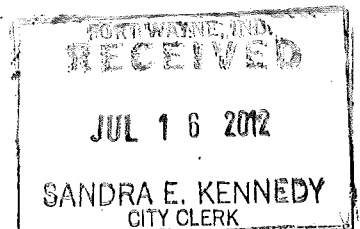
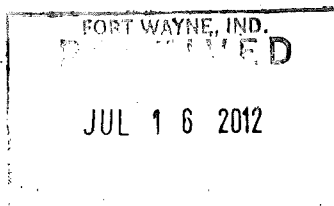
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: G Ted Brandenberger

Street Address: 6911 Hawksnest Tr

City: Ft Wayne State: IN Zip: 46835 Phone: 260-492-9728



I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort 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. I/We also certify that this information is true and accurate to the best of my/our knowledge.


Signature

G. Ted Drawnberger
Printed Name

7/3/12
Date

6911 Hawksnest Tr
Address

Ft Wayne IN 46835
City/State/Zip


Signature

Mary Schalliol
Printed Name

7/6/12
Date

6825 Hawksnest Trail
Address

Fort Wayne, IN 46835
City/State/Zip

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

Agent's Name (Print Legibly): _____

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 easement's as needed.

For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

**LEGAL DESCRIPTION
FOR
VACATION OF PLATTED UTILITY AND SURFACE DRAINAGE EASEMENT**

Vacation of a platted twenty (20) ft. wide utility and surface drainage easement located on Lots 255 and 256 in Cherry Hill, Section IX, a subdivision in the Northwest Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, the plat of said subdivision having been recorded at Document No. 970072895, Cabinet C, Pg. 197, in the office of the Recorder of Allen County, Indiana, and more particularly described as follows:

An easement lying 10 ft. on both sides of the following described line: Beginning at a point 20 ft. east of the Northwest Corner of said Lot 255, and continuing thence East 100 ft. along the north line of said Lot 255 to the point of termination, and more particularly as shown on the attached Exhibit A.

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CHERRY HILL SEC. IX
Doc. 970072895
CAB. C, PG. 197

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HANKS NEST

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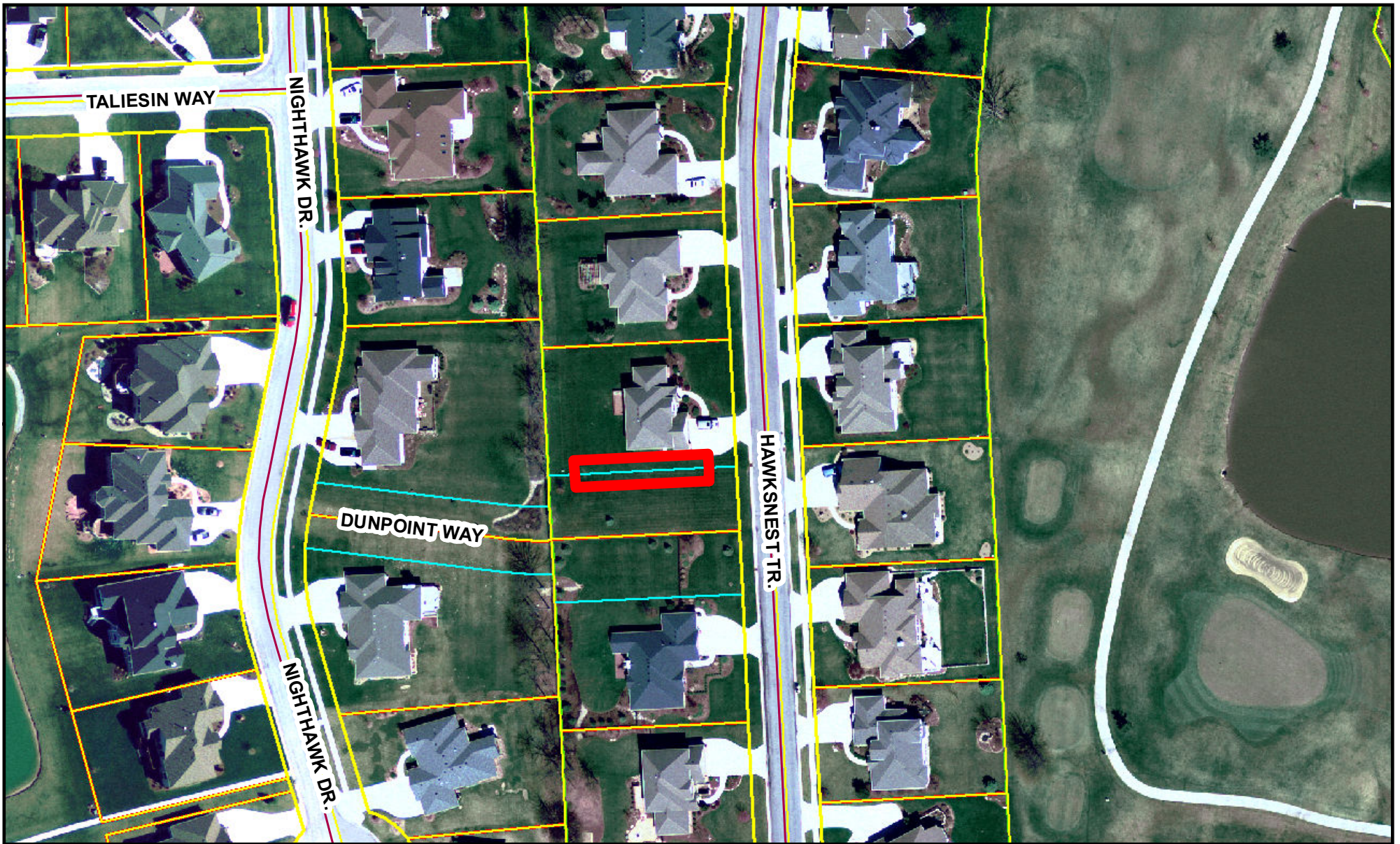
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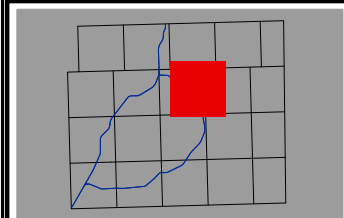
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This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Vacation Petition 1291/12

Printed: July 19, 2012

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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.



0 100 Feet

Scale: 1"= 100'