

#1290

BILL NO. Z-12-07-22

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. A-11 (Sec. 14 of Aboite Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1

(Professional Office and Personal Service) District under the terms of Chapter 157 Title XV
of the Code of the City of Fort Wayne, Indiana:

A part of the East half of the Southeast Quarter of Section 14, township 30 North,
Range 11 East, Aboite Township, Allen County, Indiana, and being that part of the
grantor's land lying within the right-of-way lines depicted on the attached right-of-
way parcel plat marked Exhibit "B", described as follows:

Commencing at the Southeast corner of said East half, designated as point "4004" on
said Exhibit "B"; thence North 0 degrees 37 minutes 24 seconds West 68.00 feet
along the East line of said East half; thence South 89 degrees 17 minutes 31 seconds
West 20.00 feet to the West boundary of Dicke Road and the point designated "835"
on said Exhibit "B" and the Point of Beginning of this description; thence South 89
degrees 17 minutes 31 seconds West 23.13 feet to a point designated "849" on said
Exhibit "B"; thence Westerly 154.22 feet along an arc to the left having a radius of
20,060.00 feet and subtended by a long chord having a bearing of South 89 degrees
04 minutes 18 seconds West and a length of 154.22 feet to the point designated
"850" on said Exhibit "B"; thence South 88 degrees 51 minutes 06 seconds West
46.11 feet to the point designated "834" on said Exhibit "B"; thence North 86
degrees 51 minutes 34 seconds West 200.56 feet to the point designated "833" on
said Exhibit "B"; thence South 88 degrees 51 minutes 06 seconds West 161.66 feet
to the point designated "832" on said Exhibit "B"; thence North 0 degrees 42
minutes 29 seconds West 118.17 feet to the point designated "876" on said Exhibit
"B"; thence Northeasterly 467.44 feet along an arc to the right having a radius of
400.00 feet and subtended by a long chord having a bearing of North 32 degrees 46
minutes 13 seconds East and a length of 441.30 feet to the point designated "877" on
said Exhibit "B"; thence North 66 degrees 14 minutes 54 seconds East 118.45 feet to
the point designated "878" on said Exhibit "B"; thence Northeasterly 64.04 feet
along an arc to the left having a radius of 500.00 feet and subtended by a long chord
having a bearing of North 62 degrees 34 minutes 46 seconds east and a length of
63.99 feet to the point designated "879" on said Exhibit "B"; thence South 71

degrees 42 minutes 38 seconds East 156.91 feet to the point designated “880” on said Exhibit “B”; thence Southeasterly 104.31 feet along an arc to the right having a radius of 415.00 feet and subtended by a long chord having a bearing of South 7 degrees 49 minutes 26 seconds East and a length of 104.04 feet to the point designated “881” on said Exhibit “B”; thence South 0 degrees 37 minutes 24 seconds East 261.89 feet to the point designated “1660” on said Exhibit “B”; thence South 56 degrees 21 minutes 10 seconds West 47.71 feet to the point designated “1662” on said Exhibit “B”; thence South 0 degrees 37 minutes 24 seconds East 48.00 feet to the point designated “1663” on said Exhibit “B”; thence South 49 degrees 42 minutes 32 seconds East 39.70 feet to the point designated “1664” on said Exhibit “B”; thence North 89 degrees 22 minutes 36 seconds East 25.00 feet to the boundary of said Dicke Road and point designated “1665” on said Exhibit “B”; thence South 0 degrees 37 minutes 24 seconds East 57.03 feet along said boundary to the Point of Beginning, containing 6.135 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. A-11 (Sec. 14 of Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

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: Zoning Map Amendment
Case Number: 1290/12
Bill Number: Z-12-07-22
Council District: 4 – Mitch Harper

Introduction Date: July 24, 2012

Plan Commission
Public Hearing Date: August 13, 2012

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 6.14 acres of property from AR-Low Intensity Residential to CM1-Professional Office and Personal Service.

Location: On the north side of Aboite Center Road, and east side of Dicke Road, across from the Lutheran Hospital campus.

Reason for Request: To allow for medical office buildings.

Applicant: Spine Real Estate Holdings, LLC

Property Owner: Laura McDevitt and Henry Sutorius

Related Petitions: Primary Development Plan, Centers for Pain Relief

Effect of Passage: Property will be rezoned to CM1-Professional Office and Personal Service which will allow the development of medical offices as well as other permitted uses in the CM1 district.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and may develop with single family residential uses and low-intensity agricultural uses.

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Spine Real Estate Holdings, LLC
Address 7900 West Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone _____ Fax _____ E-mail _____

Property Ownership
Property Owner Laura McDevitt and Henry Sutorius
Address 8336 Aboite Center Rd.
City Fort Wayne State IN Zip 46804
Telephone _____ Fax _____ E-mail _____

Contact Person
Contact Person Andrew Boxberger
Address 1400 One Summit Square
City Fort Wayne State IN Zip 46802
Telephone 260-423-9411 Fax _____ E-mail aboxberger@summitboxberger.com

All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 8336 Aboite Center Rd. (a portion thereof) 4105 Diddle Road
Present Zoning AR Proposed Zoning CMI Acreage to be rezoned 6.135 Acres
Proposed density Commercial Use _____ units per acre
Township name Aboite Township section # 14
Purpose of rezoning (attach additional page if necessary) The purpose of the rezoning request is to facilitate the construction of a medical office building.
Sewer provider AQUA INDIANA Water provider CITY OF F.W.

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
☒ Applicable number of surveys showing area to be rezoned (plans must be folded)
☒ Legal Description of parcel to be rezoned
☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Spine Real Estate Holdings, LLC
(printed name of applicant)

(signature of applicant)

7-2-12
(date)

Laura McDevitt
(printed name of property owner)

(signature of property owner)

7/4/12
(date)

Henry Sutorius
(printed name of property owner)

(signature of property owner)

7/2/12
(date)

(printed name of property owner)

(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>7/6/12</u>	<u>108816</u>	<u>8/13/12</u>	

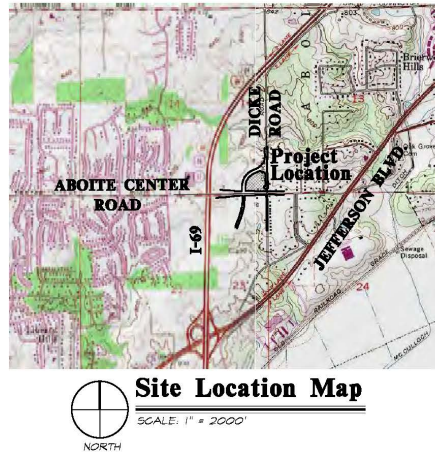
Re 2 - 2012 - 0070

ALL FINAL, ORIGINAL, AGREEMENTS AND PLANS INCURRED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF WORKMAN NATIONAL INC. AND THE CONTRACTOR. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF WORKMAN NATIONAL INC. AND THE CONTRACTOR. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENTS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL BE RESPONSIBLE FOR ALL SCALE DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE WILL NOT BE HELD RESPONSIBLE FOR ANY DISCREPANCIES OR OMISSIONS. DIMENSIONS SHOWN ON THESE DRAWINGS, OR OF DRAWINGS BEING SUBMITTED TO THIS OFFICE FOR REVIEW BEFORE CONSTRUCTION, SHALL TAKE PRECEDENCE OVER THE WORK SHOWN ON THIS DOCUMENT, AND THE CORRESPONDING SPECIFICATIONS, WHEREAS IN THE EVENT OF A DISCREPANCY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK TO BE PERFORMED BY OTHER SUB-CONTRACTORS OR SUBSIDIARIES. EACH CONTRACTOR OR SUB-CONTRACTOR SHALL BE FAIR AND WITH THE WORK OF OTHER CONTRACTORS ON THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK SHOWN ON THIS DOCUMENT, WHICH IMPACTS THE WORK IMPACTS THE WORK SHOWN HEREIN AND SHALL COORDINATE SUCH WORK WITH THE WORK SHOWN ON THE INTENT OF ALL OF THE PROJECT DOCUMENTS.

1 LANDS OF HENRY STORNIOS AND LAURA LEATHER
MEDVITT PER DOCUMENT #200801055
RECORDED ON MARCH 5, 2008.

2 LANDS OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF ALLEN, STATE OF INDIANA PER
DOCUMENT #2008021090 RECORDED ON APRIL
30, 2008.

A POSSIBLE EASEMENT IN FAVOR OF INDIANA
MICHIGAN POWER (NO DOCUMENTATION PROVIDED).

[illegible][illegible]

IN ACCORDANCE WITH TITLE 36B, ARTICLE 1, RULE 12, SECTIONS 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING REPORT IS SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS PARCEL AS A RESULT OF

(A) VARIANCES IN REFERENCE MONUMENTS;
(B) DISCREPANCIES IN RECORD DESCRIPTIONS AND/OR PLATS;
(C) INCONSISTENCIES IN LINES OF OCCUPATION AND/OR POSSESSION;
(D) RANDOM ERRORS IN MEASUREMENT (THEORETICAL UNCERTAINTY).

THE PURPOSE OF THIS SURVEY WAS TO PERFORM AN ORIGINAL SURVEY OF THE DEPICTED 6.155-ACRE PARCEL ENCOMPASSED BY ABOITE CENTER ROAD, DICKE ROAD, AND REALIGNED DICKE ROAD. WHILE THIS IS TECHNICALLY CONSIDERED AN ORIGINAL SURVEY, THIS PARCEL OF LAND WAS DESCRIBED AS AN EXCEPTION OF A FEE-SIMPLE RIGHT-OF-WAY TAKING RECORDED IN DOCUMENT #2008021090 ON FILE WITH THE ALLEN COUNTY RECORDER'S OFFICE.

THE BASIS OF BEARINGS AND COORDINATES FOR THIS SURVEY IS THE RECORD SYSTEM ESTABLISHED AND UTILIZED FOR THE ABOITE CENTER ROAD PROJECT CONSTRUCTED IN 2009 AND 2010. THESE PLANS WERE PREPARED BY DLZ FROM A LOGATION CONTROL ROUTE SURVEY PLAN RECORDED IN DOCUMENT #20-4032665 BY JAMES M. LIETZAN (PLS #50478) AND DATED FEBRUARY 26, 2005.

BERTSCHE-FRANK & ASSOCIATES, LLC, PROVIDED CONSTRUCTION ENGINEERING SERVICES FOR THE RE-CONSTRUCTION OF ABOITE CENTER AND DICKS ROADS IN THE 2009-2010 CONSTRUCTION SEASONS. AS SUCH, BERTSCHE-FRANK LOCATED MANY OF THE ORIGINAL MONUMENTS REFERENCED ON THE 2009 LOCATION CONTROL ROUTE SURVEY PLAT PREPARED BY DLZ, AND OUR FIRM HAS ESTABLISHED THE LOCATION OF THE TYPE 'B', TYPE 'C', AND SECTION CORNER MONUMENTS INSTALLED BY THE CONTRACTOR.

SOUTHEAST CORNER SECTION 14, T30N, R10E, "A".
IN JULY 2009, A 1/2" REBAR WAS FOUND AT THIS LOCATION 0.2' NORTH AND 0.1' EAST OF ITS REPORTED LOCATION ON THE DLZ (POINT #4004)
LOCATION CONTROL ROUTE SURVEY PLAT. A HARRISON MONUMENT IS CURRENTLY MARKING THIS CORNER WHICH MATCHES THE 2009 POSITION. THIS
CORNER IS NOT CURRENTLY WITNESSED BY THE ALLEN COUNTY SURVEYOR'S OFFICE.

SOUTH QUARTER CORNER, SECTION 14, T30N, R11E "B".
IN JULY 2009, A HARRISON MONUMENT WAS FOUND AT THIS LOCATION 0.1' SOUTH AND 0.2' EAST OF ITS REPORTED LOCATION ON THE DL2 (POINT
#4005) LOCATION CONTROL ROUTE SURVEY PLAT. A HARRISON MONUMENT IS CURRENTLY MARKING THIS CORNER WHICH MATCHES THE 2009 POSITION.
THIS CORNER IS NOT CURRENTLY WITNESSED BY THE ALLEN COUNTY SURVEYOR'S OFFICE.

EAST QUARTER CORNER SECTION 14, T30N, R12E, 'G'.
THIS CORNER WAS NOT OBSERVED BY BERTSCH & FRANK & ASSOC. IN JULY 2009, BUT A RAILROAD SPIKE IS CURRENTLY LOCATED AT THIS POSITION 0.1' SOUTH & 0.4' WEST OF ITS REPORTED LOCATION ON THE DLZ (POINT #278) LOCATION CONTROL ROUTE SURVEY PLAT. THIS CORNER IS NOT CURRENTLY WITNESSED BY THE ALLEN COUNTY SURVEYOR'S OFFICE.

RECORD AND FOUND MONUMENTS:
A NUMBER OF INDOT TYPE "B" AND "C" MONUMENTS WERE FOUND AS SHOWN ON THIS SURVEY AND AS INDEXED ON THE RE-CONSTRUCTION PLANS FOR
ABOITE AND DICKE ROADS.

MINOR DISCREPANCIES EXIST FROM THE POINT OF COMMENCEMENT TO THE POINT OF BEGINNING FOR THIS PARCEL DUE TO THE SLIGHT DISCREPANCY WITH THE LOCATION OF THE SECTION CORNERS AS DISCUSSED ABOVE.

NO DISCREPANCIES WERE ENCOUNTERED IN THE LOCATION OF POSSESSION LINES OR OCCUPATION DURING THE COURSE OF THIS SURVEY. DISCREPANCIES MAY EXIST WHERE EVIDENCE OF THE DISCREPANCY WAS NOT READILY VISIBLE AT THE DATE OF THIS SURVEY.

THE SOUTH AND EAST LINES OF THE SOUTHEAST QUARTER OF SECTION 14 WERE ESTABLISHED ON THE BASIS OF THE MONUMENTATION DESCRIBED ABOVE. WHILE THESE CORNERS ARE NOT CURRENT WITNESSED BY THE ALLEN COUNTY SURVEYOR'S OFFICE, THEIR POSITIONS ARE GENERALLY CONSISTENT WITH THE 2005 DLZ LOCATION CONTROL ROUTE SURVEY PLAT AND HAVE BEEN ACCEPTED AS THE BEST EVIDENCE FOR THE PURPOSE OF THIS SURVEY.

ABOUT CENTER, DIKKE, AND RE-ALIGNED DIKKE RIVERS, AND AS DESCRIBED IN THE EXCEPTION RECORDED IN DOCUMENT #200601240. THE REB 0.135-ACRE PARCEL IS A PORTION OF THE LANDS OF HENRY SUTORUS AND LAURA HEATHER McDEVITT AS DESCRIBED IN DOCUMENT 200601070.

THE RELATIVE POSITIONAL ACCURACY, DUE TO RANDOM ERRORS IN MEASUREMENT, OF THE CORNERS OF THIS SURVEY IS WITHIN THE SPECIFICATION FOR A URBAN SURVEY (0.07 FEET PLUS 50 PARTS PER MILLION) AS DEFINED BY TITLE 365, ARTICLE 1, RULE 12, SECTION 1 OF THE INDIANA ADMINISTRATIVE CODE.

1. THE DELINEATION OF WETLANDS OR OTHER ENVIRONMENTAL CONDITIONS WERE NOT CONSIDERED AS A PART OF THIS SURVEY.
2. A FULL AND COMPLETE TITLE COMMITMENT MAY REVEAL RELEVANT ADDITIONAL WRITTEN TITLE INFORMATION NOT AVAILABLE TO BENTSON - FRANK & ASSOCIATES AT THE TIME OF THE SURVEY.
3. A SEARCH DID NOT REVEAL ANY LEGAL DRAINS ON THE SUBJECT PROPERTY. ANY LEGAL DRAINS WOULD SUBJECT THE PROPERTY TO A DRAINAGE EASEMENT TO FEET WIDE MEASURED FROM EACH TOP OF BANK OR EACH MAY FROM THE CENTERLINE OF A TIE.

THE UNDERSIGNED LAND SURVEYOR, REGISTERED UNDER THE LAWS OF THE STATE OF INDIANA, CERTIFIES THAT HE HAS MADE A SURVEY OF THE LAND, ESTATE DEPICTED AND DESCRIBED THEREON. MEASUREMENTS WERE MADE AND MONUMENTS WERE PERPETUATED AND SHOWN IN ACCORDANCE WITH THE RECORD THEREOF. THE OFFICE OF THE REGISTER, IN DEKALB COUNTY, INDIANA, HAS NO RECORDS OF MONUMENTS EXISTED, EXCEPT AS NOTED. THEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAN REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 36.8, ARTICLE 1, RULE 12, SECTIONS 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE.

COMMISSION NO.: 12861100
PREPARED FOR: MORRISON KATTMAN MENZE, INC.
CENTERS FOR PAIN RELIEF

DATE OF FIELDWORK: JUNE 14, 15, & 21, 2012.
IN WITNESS THEREOF, I HEREBY PLACE MY
HAND AND SEAL THIS 2ND DAY OF JULY, 2012.

Matthew G. Berke
REGISTERED PROFESSIONAL ENGINEER
State of California
License No. 44517
Mechanical Engineering



Matthew G. Bertsch

 MATTHEW G. BERTSCH, P.L.S.

AMBULATORY
SURGERY CENTER

8000 Dicke Road
Fort Wayne, IN 46804

REVISION		
No.	Date	Revision

SCHEMATIC DESIGN PACKAGE

DRAWING CONTENTS
SITE BOUND
SURVEY

ISSUE DATE:	PROJECT NO.
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07/02/2012	
REPUBLIKA SRBIJA MINISTARSTVO ZDRAVLJA POSREDOVANJE U PROMETU NEPOKRETNOSTI	

C-0.0

RW
plat



* 2 0 0 8 0 2 1 0 9 0 1 0 *

2008021090

RECORDED ON
04/30/2008 10:31:53AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

REC FEE: 0.00
PROJECT: ~~STRA 89021090~~
PARCEL: 51
ABOITE CENTER ROAD

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT HENRY SUTORIUS and LAURA HEATHER McDEVITT, as tenants in common with rights of survivorship, of Allen County in the State of Indiana,

CONVEY and WARRANT TO THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, STATE OF INDIANA

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Allen County, Indiana, to-wit: 02-11-14-426-001.000-075

See Exhibits "A" and "B" attached hereto and made a part hereof by reference.

the last deed of record from which the above real estate has been taken was recorded October 20, 2005, as Document Number 205068899,

Grantor herein agrees to pay all real estate taxes and assessments levied or assessed against the above-described real estate prior to the date of this deed.

Grantor hereby conveys the above-described real estate free and clear of all leases, licenses, or other interests, both legal and equitable, and all encumbrances of any kind or character.

This document shall constitute a conveyance of the above-described real estate (excepting any parcels specifically designated as easements or as temporary rights-of-way) in fee simple and not merely for right-of-way purposes, and no reversionary rights whatsoever are intended to remain in the Grantor.

RETURN TO ALLEN COUNTY
HIGHWAY DEPARTMENT BOX

AUDITOR OF ALLEN COUNTY
Duly entered to the books of the Auditor of Allen County
49874
APR 29 2008

AUDITOR OF ALLEN COUNTY

N/C
10

Dated this 15TH day of April, 2008.

Henry Sutorius
HENRY SUTORIUS

Laura Heather McDevitt
LAURA HEATHER McDEVITT

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 15 day of April, 2008, personally appeared HENRY SUTORIUS and LAURA HEATHER McDEVITT, as tenants in common with rights of survivorship, and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal.

My Commission Expires:

6/29/14

Terry G. Leitner
Notary Public

Printed: TERRY G. LEITNER

County of Residence: DELAWARE

AFFIRMATION

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Craig R. Finlayson, Attorney at Law

The foregoing Warranty Deed is hereby accepted by:

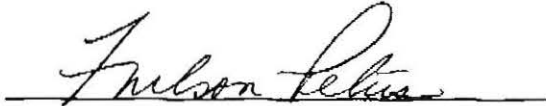
THE BOARD OF COMMISSIONERS OF THE COUNTY OF
ALLEN, STATE OF INDIANA



Linda K. Bloom, President



WM. E. Brown, Vice President



F. Nelson Peters, Secretary

ATTEST:



LISABETH BLOSSER

Allen County Auditor

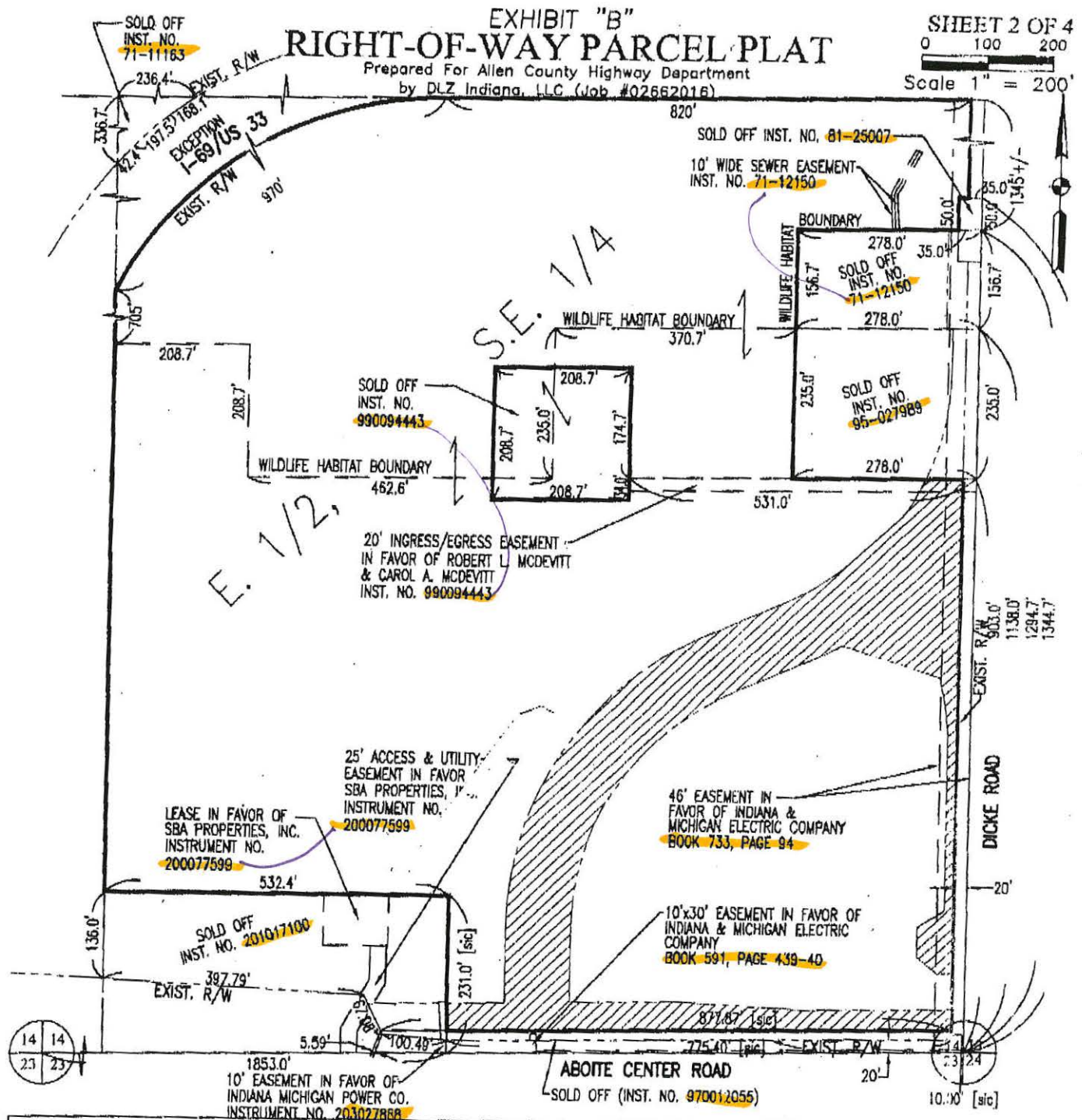
Date: 4/25/08

AFFIRMATION

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Craig R. Finlayson

This instrument reviewed by: Allen County Attorney, Craig R. Finlayson.

This instrument prepared by: Jay A. Stankiewicz, P.E.
DLZ Indiana, LLC
111 W. Columbia Street Suite 100
Fort Wayne, Indiana 46802
(260) 420-3114



PARCEL: 51 OWNER: SUTORIUS, HENRY A.
ROAD: ABOITE CENTER ROAD
COUNTY: ALLEN
SECTION: 14
TOWNSHIP: 30N
RANGE: 11E

Dimensions shown are from the following listed Record Documents:
Instrument No. 71-12150, Dated 7-06-1971
Instrument No. 990094443, Dated 1-19-1981
Instrument No. 81-25007, Dated 12-07-1981
Instrument No. 95-027989, Dated 6-30-1995
(Continued on sheet 3)

DRAWN BY: S.M.HARTMAN
CHECKED BY: J.M.LIETZAN
DATE: OCTOBER, 2005

DLZ
INDIANA, LLC
111 WEST COLUMBIA STREET, STE 130
FORT WAYNE, INDIANA 46802

Exhibit "A"

Project: STP-9902(42)
Parcel 51 Fee

Sheet 1 of 3

A part of the East Half of the Southeast Quarter of Section 14, Township 30 North, Range 11 East, Aboite Township, Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: **Beginning** at the southeast corner of said East Half, designated as point "4004" on said Exhibit "B"; thence South 89 degrees 17 minutes 31 seconds West 793.07 feet along the south line of said East Half to the east line of the 2.012-acre tract described in Instrument No. 201017100; thence North 0 degrees 42 minutes 29 seconds West 20.02 feet along said east line to the northern boundary of Aboite Center Road; thence South 84 degrees 59 minutes 50 seconds East 0.21 feet along the boundary of said Aboite Center Road; thence North 89 degrees 17 minutes 31 seconds East 772.90 feet (775.40 feet by Instrument No. 970012055) along said boundary to the west boundary of Dicke Road; thence North 0 degrees 37 minutes 24 seconds West 15.00 feet (10.00 feet by Instrument No. 970012055) along the boundary of said Dicke Road to the northeast corner of the 0.238-acre tract described in Instrument No. 970012055; thence South 89 degrees 17 minutes 31 seconds West 773.12 feet along the north line of said 0.238-acre tract to the east line of said 2.012-acre tract; thence North 0 degrees 42 minutes 29 seconds West 42.83 feet along said east line to the line between the point designated "830" and the point designated "831" on said Exhibit "B"; thence North 88 degrees 51 minutes 06 seconds East 87.95 feet to the point designated "831" on said Exhibit "B"; thence North 0 degrees 42 minutes 29 seconds West 119.54 feet to the point designated "870" on said Exhibit "B"; thence northeasterly 584.31 feet along an arc to the right having a radius of 500.00 feet and subtended by a long chord having a bearing of North 32 degrees 46 minutes 13 seconds East and a length of 551.62 feet to the point designated "871" on said Exhibit "B"; thence North 66 degrees 14 minutes 54 seconds East 118.45 feet to the point designated "872" on said Exhibit "B"; thence northeasterly 140.12 feet along an arc to the left having a radius of 400.00 feet and subtended by a long chord having a bearing of North 56 degrees 12 minutes 47 seconds East and a length of 139.40 feet to the point designated "873" on said Exhibit "B"; thence North 46 degrees 07 minutes 33 seconds East 90.36 feet to the point designated "874" on said Exhibit "B"; thence northeasterly 69.55 feet along an arc to the left having a radius of 410.00 feet and subtended by a long chord having a bearing of North 28 degrees 35 minutes 09 seconds East and a length of 69.47 feet to the south line of the 1.500-acre tract described in Instrument No. 95-027989; thence North 89 degrees 17 minutes 31 seconds East 76.47 feet along the south line of

Project: STP-9902(42)
Parcel 51 Fee

Sheet 2 of 3

said 1.500-acre tract to the east line of said East Half; thence South 0 degrees 37 minutes 24 seconds East 903.00 feet (distance quoted from Instrument No. 95-027989) along said east line to the point of beginning and containing 10.756 acres, more or less, inclusive of the presently existing right-of-way which contains 0.769 acres, more or less, for a net additional taking of 9.987 acres, more or less.

EXCEPT THEREFROM,

A part of the East Half of the Southeast Quarter of Section 14, Township 30 North, Range 11 East, Aboite Township, Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the southeast corner of said East Half, designated as point "4004" on said Exhibit "B"; thence North 0 degrees 37 minutes 24 seconds West 68.00 feet along the east line of said East Half; thence South 89 degrees 17 minutes 31 seconds West 20.00 feet to the west boundary of Dicke Road and the point designated "835" on said Exhibit "B" and the point of beginning of this description; thence South 89 degrees 17 minutes 31 seconds West 23.13 feet to the point designated "849" on said Exhibit "B"; thence westerly 154.22 feet along an arc to the left having a radius of 20,060.00 feet and subtended by a long chord having a bearing of South 89 degrees 04 minutes 18 seconds West and a length of 154.22 feet to the point designated "850" on said Exhibit "B"; thence South 88 degrees 51 minutes 06 seconds West 46.11 feet to the point designated "834" on said Exhibit "B"; thence North 86 degrees 51 minutes 34 seconds West 200.56 feet to the point designated "833" on said Exhibit "B"; thence South 88 degrees 51 minutes 06 seconds West 161.66 feet to the point designated "832" on said Exhibit "B"; thence North 0 degrees 42 minutes 29 seconds West 118.77 feet to the point designated "876" on said Exhibit "B"; thence northeasterly 467.44 feet along an arc to the right having a radius of 400.00 feet and subtended by a long chord having a bearing of North 32 degrees 46 minutes 13 seconds East and a length of 441.30 feet to the point designated "877" on said Exhibit "B"; thence North 66 degrees 14 minutes 54 seconds East 118.45 feet to the point designated "878" on said Exhibit "B"; thence northeasterly 64.04 feet along an arc to the left having a radius of 500.00 feet and subtended by a long chord having a bearing of North 62 degrees 34 minutes 46 seconds East and a length of 63.99 feet to the point designated "879" on said Exhibit "B"; thence South 71 degrees 42 minutes 38 seconds East 156.91 feet to the point designated "880" on said Exhibit "B"; thence southeasterly 104.31 feet along an arc to the right having a radius of 415.00 feet and subtended by

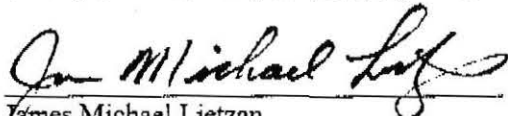
Project: STP-9902(42)
Parcel 51 Fee

Sheet 3 of 3

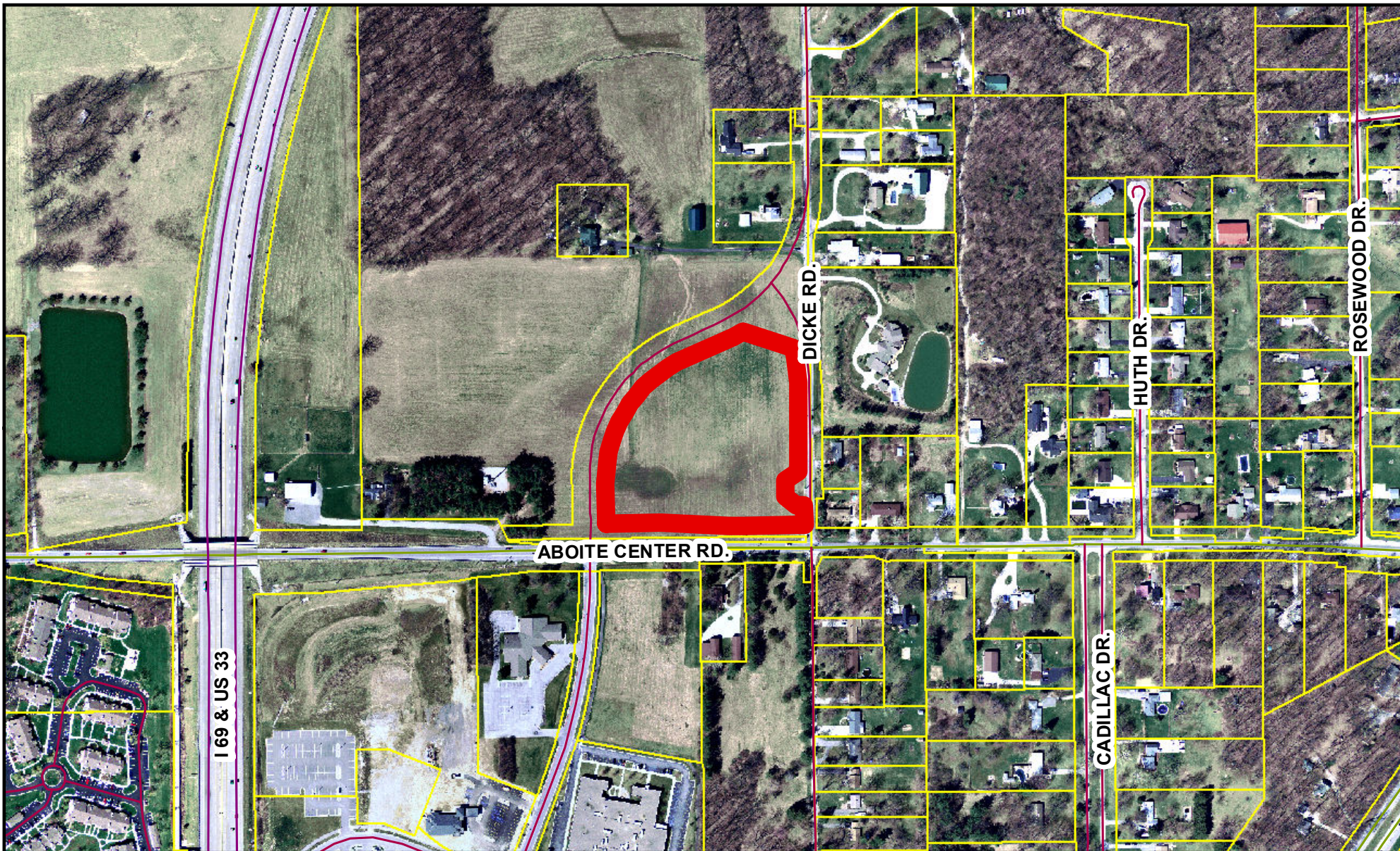
a long chord having a bearing of South 7 degrees 49 minutes 26 seconds East and a length of 104.04 feet to the point designated "881" on said Exhibit "B"; thence South 0 degrees 37 minutes 24 seconds East 261.89 feet to the point designated "1660" on said Exhibit "B"; thence South 56 degrees 21 minutes 10 seconds West 47.71 feet to the point designated "1662" on said Exhibit "B"; thence South 0 degrees 37 minutes 24 seconds East 48.00 feet to the point designated "1663" on said Exhibit "B"; thence South 49 degrees 42 minutes 32 seconds East 39.70 feet to the point designated "1664" on said Exhibit "B"; thence North 89 degrees 22 minutes 36 seconds East 25.00 feet to the boundary of said Dicke Road and the point designated "1665" on said Exhibit "B"; thence South 0 degrees 37 minutes 24 seconds East 57.03 feet along said boundary to the point of beginning and containing 6.135 acres, more or less.

Containing after said exception 3.852 acres, more or less.

This description was prepared for the Allen County Board of Commissioners by DLZ Indiana, LLC and certified by James Michael Lietzan, Indiana Registered Land Surveyor, License Number S0475, on the 28th day of October, 2005.


James Michael Lietzan
Indiana Registered Land Surveyor No. S0475





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

Rezoning Petition 1290/12
Primary Development Plan - Centers for Pain Relief

Printed: July 19, 2012

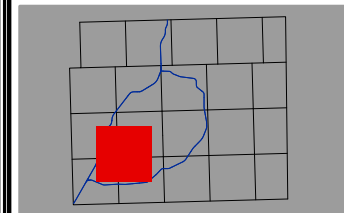
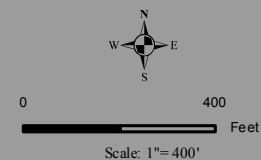
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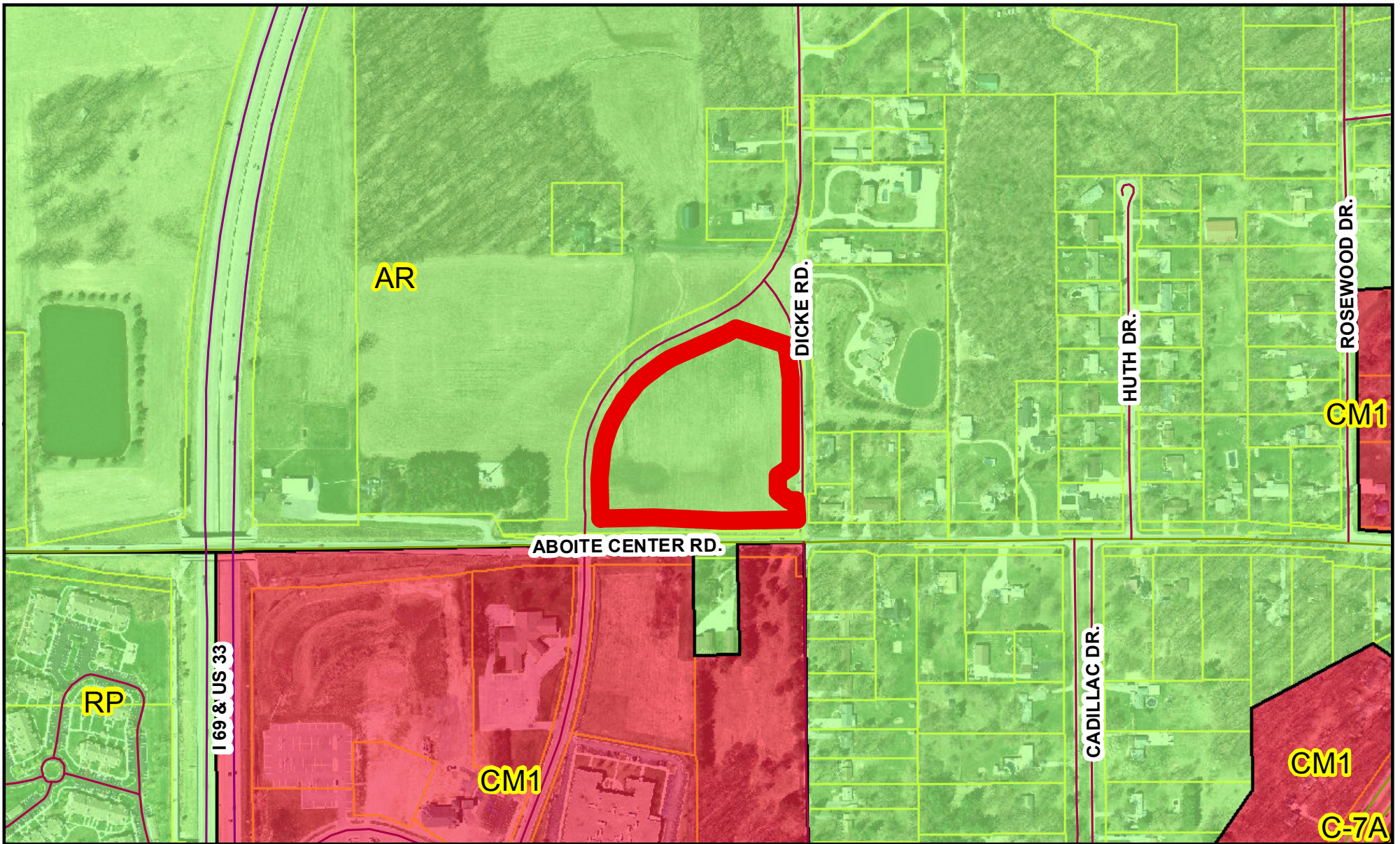
North American Datum 1983

State Plane Coordinate System, Indiana East

Photos: Spring 2006 / Contours: 1999

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