

#VEAS-2013-0048

BILL NO. G-13-05-20

Plat Record: 30A

Page No: 28

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 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 easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Part of Lot number 163 in Hacienda Village, Section H an Addition to the City of Fort Wayne, Allen County, Indiana as recorded in Plat Book 30 pages 28-29 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of Lot number 163 in Hacienda Village, Section H an Addition to the City of Fort Wayne, Allen County, Indiana as recorded in Plat Book 30 pages 28-29 in the Office of the Recorder of Allen County, Indiana; thence North 81 degrees 28 minutes West (recorded bearing) along the Southerly line of Lot 163 a distance of 30.32 feet to a point 30 feet perpendicular to the East line of Lot 163; thence North 00 degrees 16 minutes 23 seconds East parallel to the East line of Lot 163 a distance of 7.08 feet to the point of beginning; thence North 00 degrees 16 minutes 23 seconds East, parallel to the East line of Lot 163 a distance of 242.07 feet; thence South 42 degrees 50 minutes West a distance of 20.7 feet to a point being 44.0 feet West of the East line of Lot 163; thence South 00 degrees 16 minutes 23 seconds West a distance of 224.76 feet; thence South 81 degrees 21 minutes East parallel to and 7.0 feet North of the Southerly line of Lot 163 a distance of 14.15 feet to the point of beginning, containing 0.075 acres.

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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Dedicated Easement
Case Number: VEAS-2013-0048
Bill Number: G-13-05-20
Council District: 1 – Tom Smith

Introduction Date: May 28, 2013

Public Hearing Date: June 11, 2013

Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the 14 foot platted utility easement to the east of the existing residence.

Location: In Hacienda Place, Section H, Lot 163; also known as 8210 Corto Calle

Reason for Request: The utility easement is vacant and located completely within the property of the applicant. The applicant wishes to place a swimming pool to the rear of the home in the area of the utility easement.

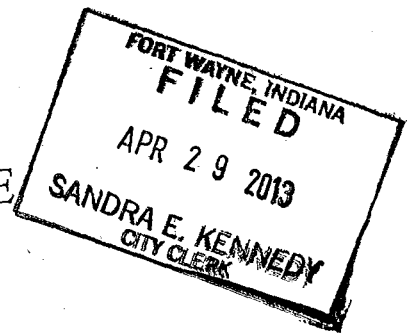
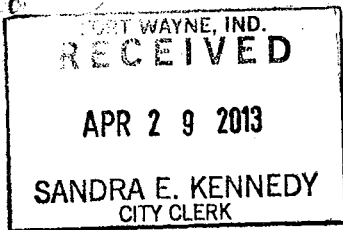
Applicant: Kay Allman

Property Owner: Mark and Marcy Meier, and Kay Allman

Related Petitions: none

Effect of Passage: Vacation of the utility easement, will allow the property owner to apply for an Improvement Location Permit for the swimming pool.

Effect of Non-Passage: Under current circumstances, the swimming pool cannot be placed in the desired location, and depending on the size of the pool, it may not be feasible to install one on the property.



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:

X Easement _____ Public Right of Way (street or alley)

More particularly described as follows:

Vacation of utility easement to put in
inground pool.

(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:

to build inground pool 18'x36'

(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: _____

Street Address: _____

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

Kay Allman
8216 Corto Calle St Fort Wayne IN 46815
4-29-13

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.

Marcy L. Meier
Signature
8216 Corto Calle St
Address

Marcy L. Meier
Printed Name
4/28/13
Date
Fort Wayne IN 46815
City/State/Zip

M L Meier
Signature
8216 Corto Calle St
Address

Mark L. Meier
Printed Name
4/28/13
Date
Fort Wayne IN 46815
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:

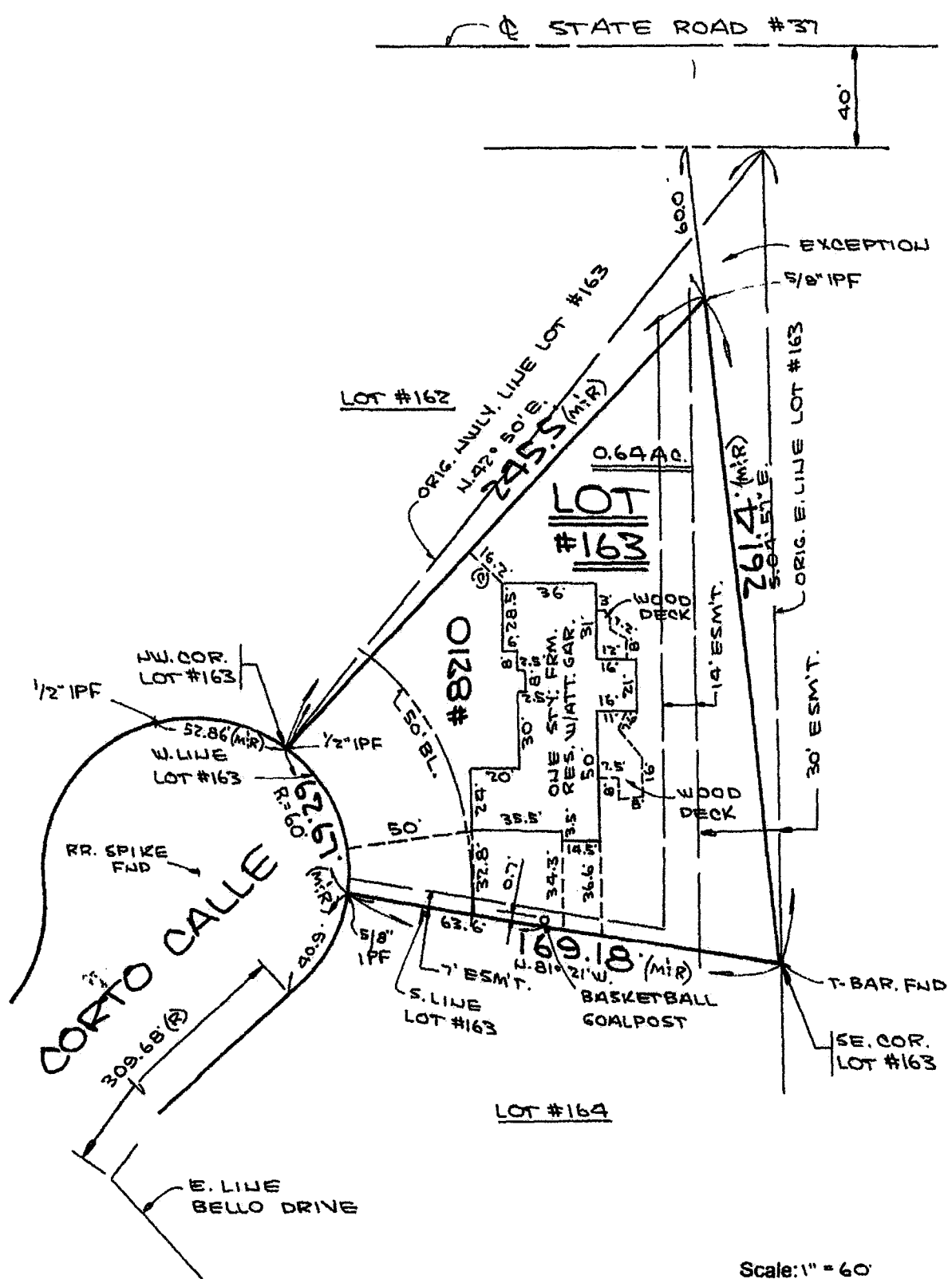
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET!



No. 163HAC Date: 10-5-98
for: WALLACE-GILLMAN- REV. 11-1-05
WAUCHEK

- LEGEND**
- IPF Iron Pin Found
 - PF Iron Pipe Found
 - IPS 5/8" re-bar set (with cap stamped #0027)
 - PK P.K. Nail
 - (M) Measured
 - (R) Recorded
 - (C) Calculated

Scale: 1" = 60'

Date of field work 10-31-05

KENNETH W. HARRIS
REGISTERED
No. 2500021

CERTIFIED 11-1-05

All monuments are at grade except as noted
All property line distances are recorded

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Lot numbered 163 in Hacienda Village Section H, an Addition to the City of Fort Wayne, Allen County, Indiana, except those parts thereof conveyed by deed recorded in Deed Record 721, page 547 and Document Number 71-14424 in the Office of the Recorder of Allen County, Indiana.

Also described as:

Part of Lot Numbered 163 in Hacienda Village Section H as recorded in Plat Book 30, pages 28-29 in the Office of the Recoder of Allen County, Indiana, more particularly described as follows to wit:

Commencing at the Southeast corner of aforesaid Lot numbered 163; thence North 81 degrees 28 minutes West along South line of said Lot a distance of 169.18 feet Thence Northerly along the West line of said Lot an arc distance of 62.67 feet to the Northwest corner of said Lot; thence North 42 degrees 50 minutes East 245.5 feet; thence South 4 degrees 57 minutes East 261.4 feet to the point of beginning, containing 0.64 acres of land, more or less.

66.

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0155 F, dated Nov. 5, 2003 the herein described real estate is located in Zone "AE" and is within the 100 year flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

Scale:



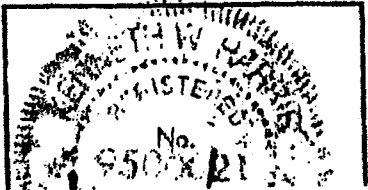
No. 163 HAC
for: WALLACE-GILLMAN -
WAUCHEK

Date: 10-5-98
REV. 11-1-05

LEGEND	
IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar set (with cap stamped #0027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are at grade except as noted
All property line distances are recorded

Date of field work 10-31-05



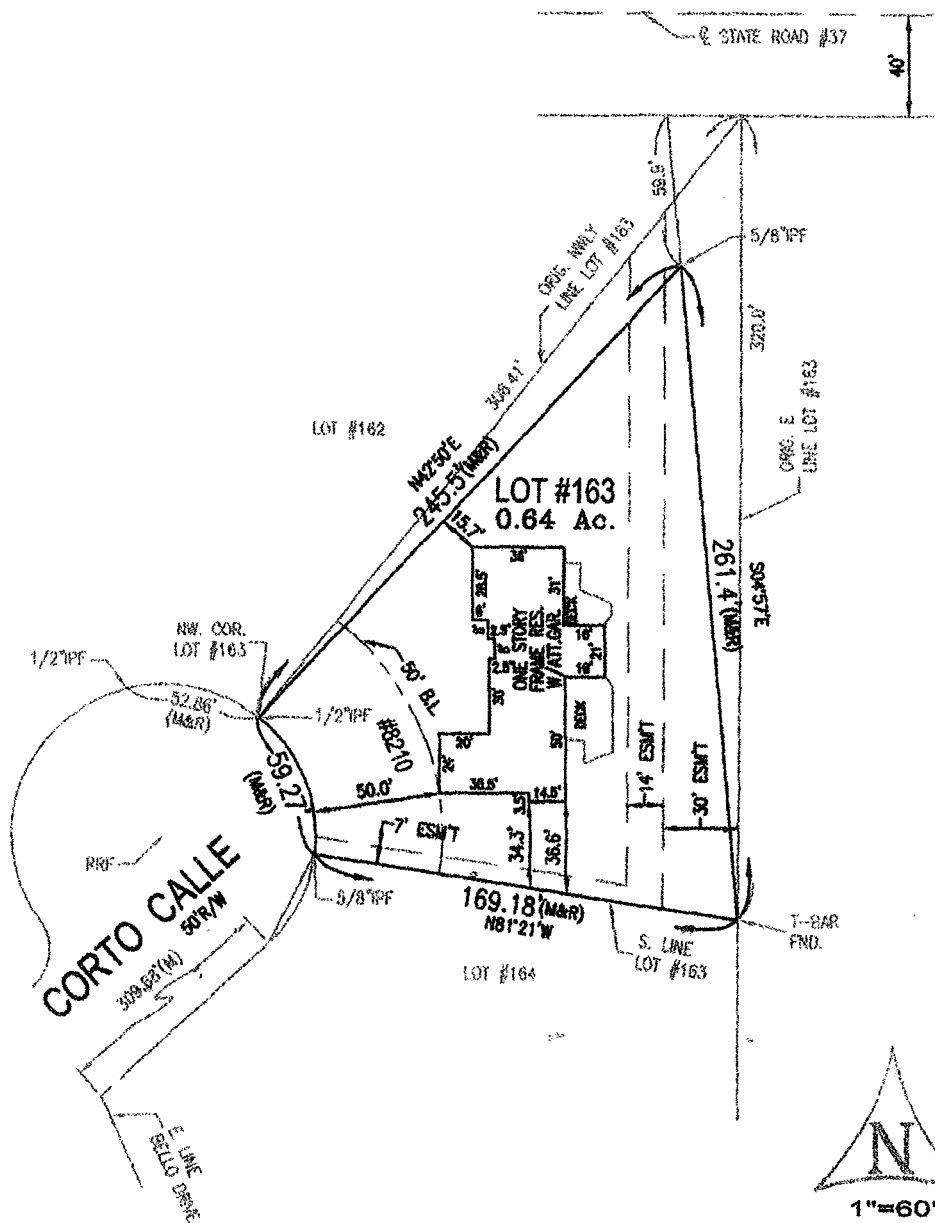
CERTIFIED 11-1-05

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 29500021 IN
MICHAEL W. HARRIS PLS 21100018 IN

DONOVAN ENGINEERING, INC.
3521 LAKE AVENUE, SUITE 2
FORT WAYNE, INDIANA 46805
260.424.7418
www.donovan-eng.com

FRANCIS X. MUELLER PLS S0193 IN
JOHN R. DONOVAN PE, PLS (RETIRED)

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET!



Job No.: 12-5443
Job for: WAUCHEK - MEIER

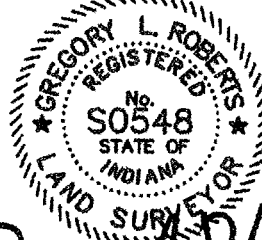
Date: 09-15-12

LEGEND

IPF Iron Pin (Rebar) Found
PF Pipe Found
RRF Railroad Spike Found
PKF P.K. Nail Found
MNF Mog Nail Found
MNS Mog Nail Set
IPS 5/8" rebar set w/cap stamped "DE FRM #0027"
(M) Measured (P) Plotted
(R) Recorded (C) Calculated

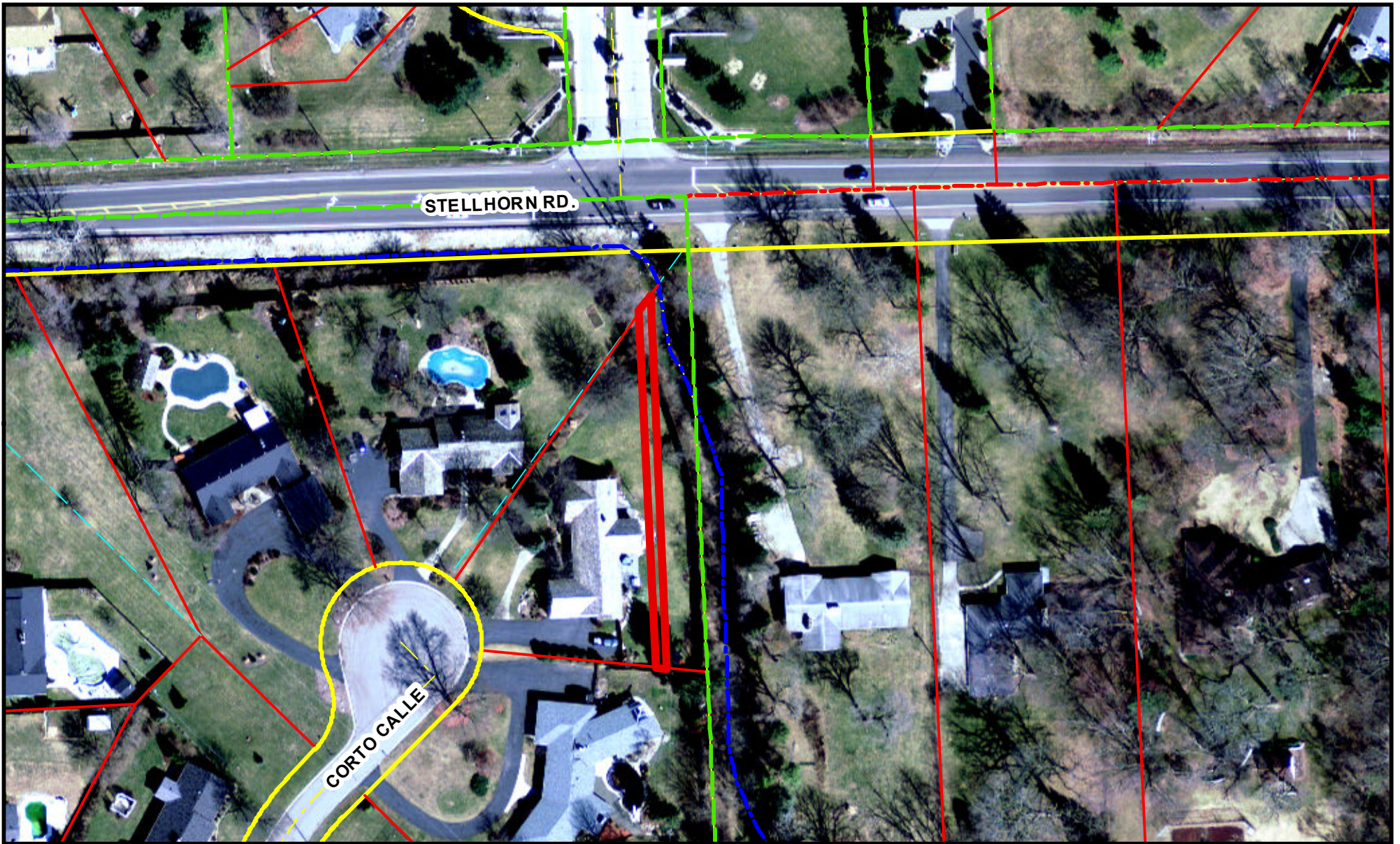
All monuments are at grade except as noted.
All Property line distances are recorded
dimensions, except as noted. Monuments found
have no documented history except as noted.

Date of latest field work: 09-14-12

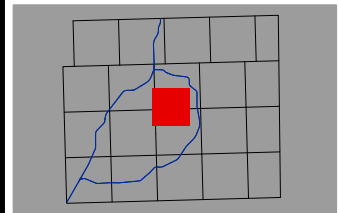


Gregory L. Roberts
SHEET 1 OF 2

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 86S IAC 1-12.



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



Vacation Petition VEAS-2013-0048

Printed: April 19, 2013
 © 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.

