

#VEAS-2013-0066

BILL NO. 13-06-10

**Deed Book: 48
Page No: 137**

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:

A portion of the lands of MoMas Investments, LLC, as described in Document Number 2008010275 and being part of Lots numbered 2, 3, and 4 within Cook Road Office and Industrial Park, Section I (Plat Book 47, page 137), Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Lot Number 3; thence North 83 degrees 41 minutes 15 seconds East along the South line of said Lot Number 3 a distance of 25.05 feet to the Point of Beginning; thence North 9 degrees 59 minutes 59 seconds West parallel and 25.00 feet normally distant from the West line of said Lot Number 3 a distance of 160.62 feet to a point; thence North 28 degrees 11 minutes 31 seconds East a distance of 33.07 feet to a point on the North line of an existing drainage easement; thence along said existing drainage easement the following 15 courses:

North 80 degrees 00 minutes 02 seconds East 14.55 feet;
North 45 degrees 00 minutes 00 seconds East 190.00 feet;
North 05 degrees 00 minutes 00 seconds East 265.82 feet;
North 47 degrees 00 minutes 00 seconds East 100.00 feet;
North 00 degrees 00 minutes 00 seconds East 20.00 feet;
South 49 degrees 23 minutes 44 seconds East 54.96 feet;
South 47 degrees 00 minutes 00 seconds West 104.40 feet;
South 05 degrees 00 minutes 00 seconds West 257.24 feet;
South 45 degrees 00 minutes 00 seconds West 235.02 feet;
South 09 degrees 59 minutes 59 seconds East 122.50 feet;
North 83 degrees 41 minutes 15 seconds East 61.90 feet;
South 45 degrees 00 minutes 00 seconds East 30.25 feet;

South 13 degrees 34 minutes 00 seconds West 50.39 feet;
North 45 degrees 00 minutes 00 seconds West 60.71 feet;
South 83 degrees 41 minutes 15 seconds West 59.27 feet

to the Point of Beginning, containing 0.73 acres, more or less.

and which vacating allows the portion of dedicated utility 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: Vacation of Dedicated Easement
Case Number: VEAS-2013-0066
Bill Number: G-13-06-10
Council District: 3 – Tom Didier

Introduction Date: June 25, 2013

Public Hearing Date: July 9, 2013

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

Synopsis of Ordinance: To vacate portions of the platted drainage easement located on Lots 2, 3, and 4 of Cook Road Office and Industrial Park, Section I.

Location: 7614 Opportunity Drive

Reason for Request: The applicant is planning a building addition which will be in conflict with the existing easement. A new easement will be dedicated to match new drain location.

Applicant: Mark Shambaugh/MoMas Investments, LLC

Property Owner: MoMas Investments, LLC

Related Petitions: Plan Commission VEAS-2013-0056 (platted building line vacation petition).

Effect of Passage: Vacation of the drainage will allow the property owner to expand the existing business and the new easement will reflect actual location of drain (drain is being relocated). No other properties will be affected.

Effect of Non-Passage: Under current circumstances, the building cannot be expanded as desired and the existing easement will not coincide with the new location of the drain.

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:

Portions of the Platted Drainage Easement Located on Lots 2, 3 & 4 of Cook Road Office &
Industrial Park Sec I per attached survey.

(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: 48 **PAGE(S) NUMBER(S):** 127 **(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 Vacate the Platted Drainage Easement for a Building Addition and Revise easement location
to match existing improvements.

(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: MoMas Investments LLC

Street Address: 7614 Opportunity Dr. (Lots 2, 3 & 4 of Cook Road Office & Industrial Park Sec. I)

City: Fort Wayne State: IN Zip: 46808 Phone:

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.

Mark P Shambaugh
Signature

Mark P Shambaugh 6-3-13
Printed Name Date

PO Box 1287
Address

Fort Wayne In 46801
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): _____

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.

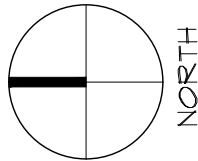
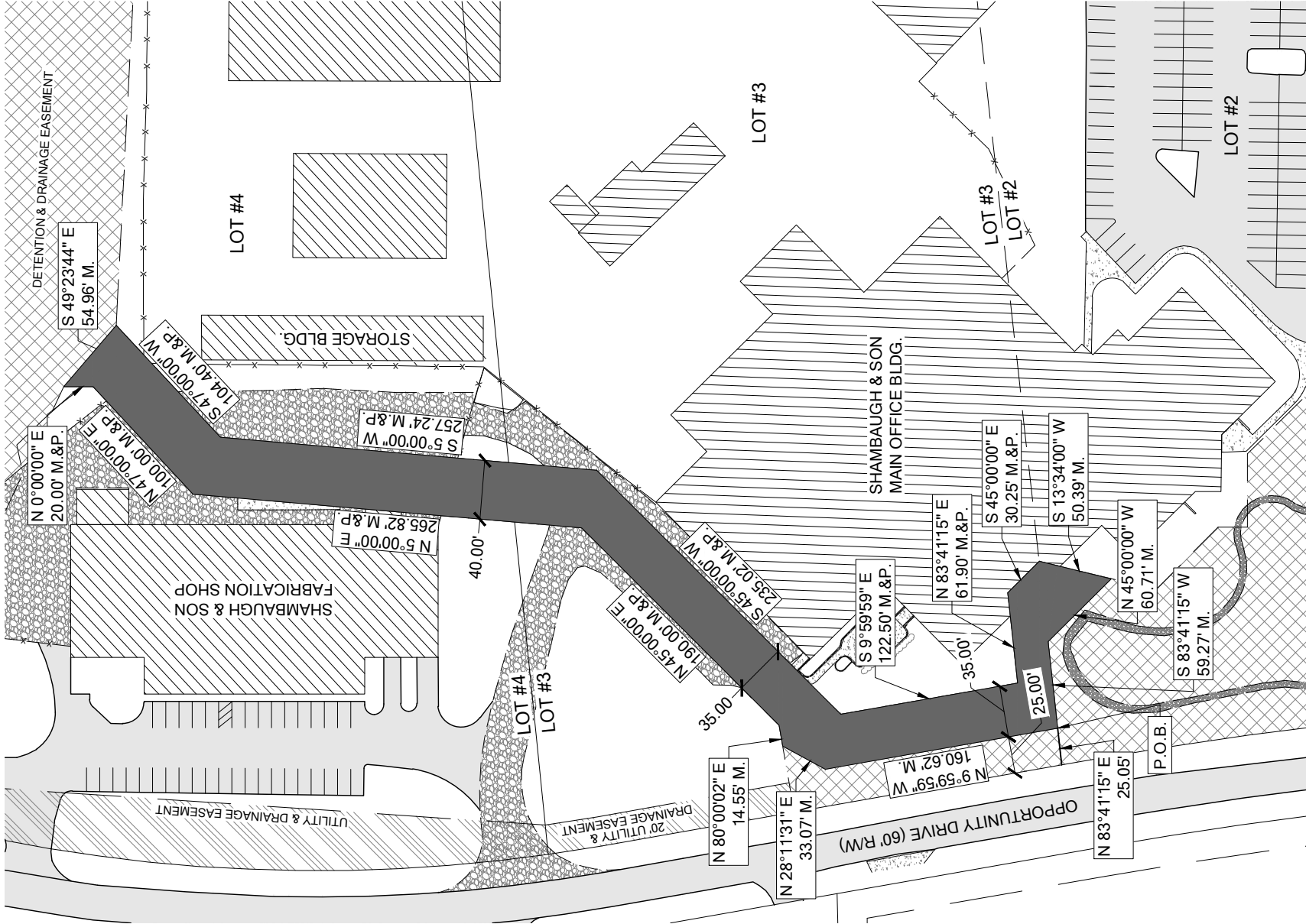
For Office Use Only:

Receipt #: _____

Date Filed: _____

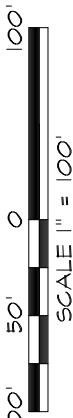
Map #: _____

Reference #: _____



Vacation Exhibit

SCALE: 1" = 100'



SCALE 1" = 100'

VACATION DESCRIPTION:

A PORTION OF THE LANDS OF MOMAS INVESTMENTS, LLC AS DESCRIBED IN DOCUMENT NUMBER 2008010275 AND BEING A PART OF LOTS NUMBERED 2, 3, AND 4 WITHIN COOK ROAD OFFICE & INDUSTRIAL PARK, SEC. 1 (P.B. 47, PG. 137), ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 3; THENCE NORTH 83°41'15" EAST ALONG THE SOUTH LINE OF SAID LOT NUMBER 3 A DISTANCE OF 25.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 04°54'54" WEST PARALLEL AND 25.00 FEET NORMALLY DISTANT FROM THE WEST LINE OF SAID LOT NUMBER 3 A DISTANCE OF 160.62 FEET TO A POINT; THENCE NORTH 28°11'31" EAST A DISTANCE OF 33.07 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING DRAINAGE EASEMENT; THENCE ALONG SAID EXISTING DRAINAGE EASEMENT THE FOLLOWING (15) COURSES:

NORTH 80°00'02" EAST 14.55 FEET;
NORTH 45°00'00" EAST 190.00 FEET;
NORTH 05°00'00" EAST 265.82 FEET;
NORTH 47°00'00" EAST 100.00 FEET;
NORTH 00°00'00" EAST 20.00 FEET;
SOUTH 44°23'44" EAST 54.96 FEET;
SOUTH 47°00'00" WEST 104.40 FEET;
SOUTH 05°00'00" WEST 257.24 FEET;
SOUTH 45°00'00" WEST 235.02 FEET;
SOUTH 04°54'54" EAST 122.50 FEET;
NORTH 83°41'15" EAST 61.90 FEET;
SOUTH 45°00'00" EAST 30.25 FEET;
SOUTH 13°34'00" WEST 50.39 FEET;
NORTH 45°00'00" WEST 60.71 FEET;
SOUTH 83°41'15" WEST 59.27 FEET

TO THE POINT OF BEGINNING, CONTAINING 0.73 ACRES, MORE OR LESS.

Vacation Notes:

1. BEING A PART OF THE SAME PROPERTY CONVEYED TO MOMAS INVESTMENTS, LLC PER DOC. #2008010275 IN THE ALLEN COUNTY RECORDER'S OFFICE.
2. THE EXISTING DRAINAGE EASEMENT IS PART OF A PLATTED DRAINAGE EASEMENT AS REPRESENTED ON IN THE COOK ROAD OFFICE & INDUSTRIAL PARK, SECTION 1 (P.B. 47, PG 137).
3. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY , A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



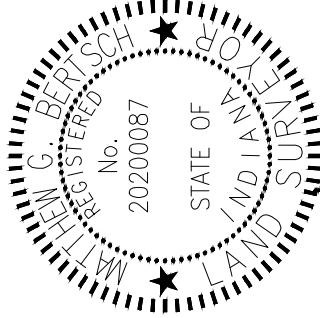
PROPOSED VACATION
OF EXISTING DRAINAGE
EASEMENT



EXISTING DRAINAGE EASEMENT
TO REMAIN PER PLAT

I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

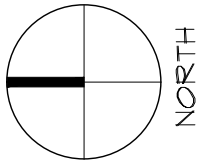
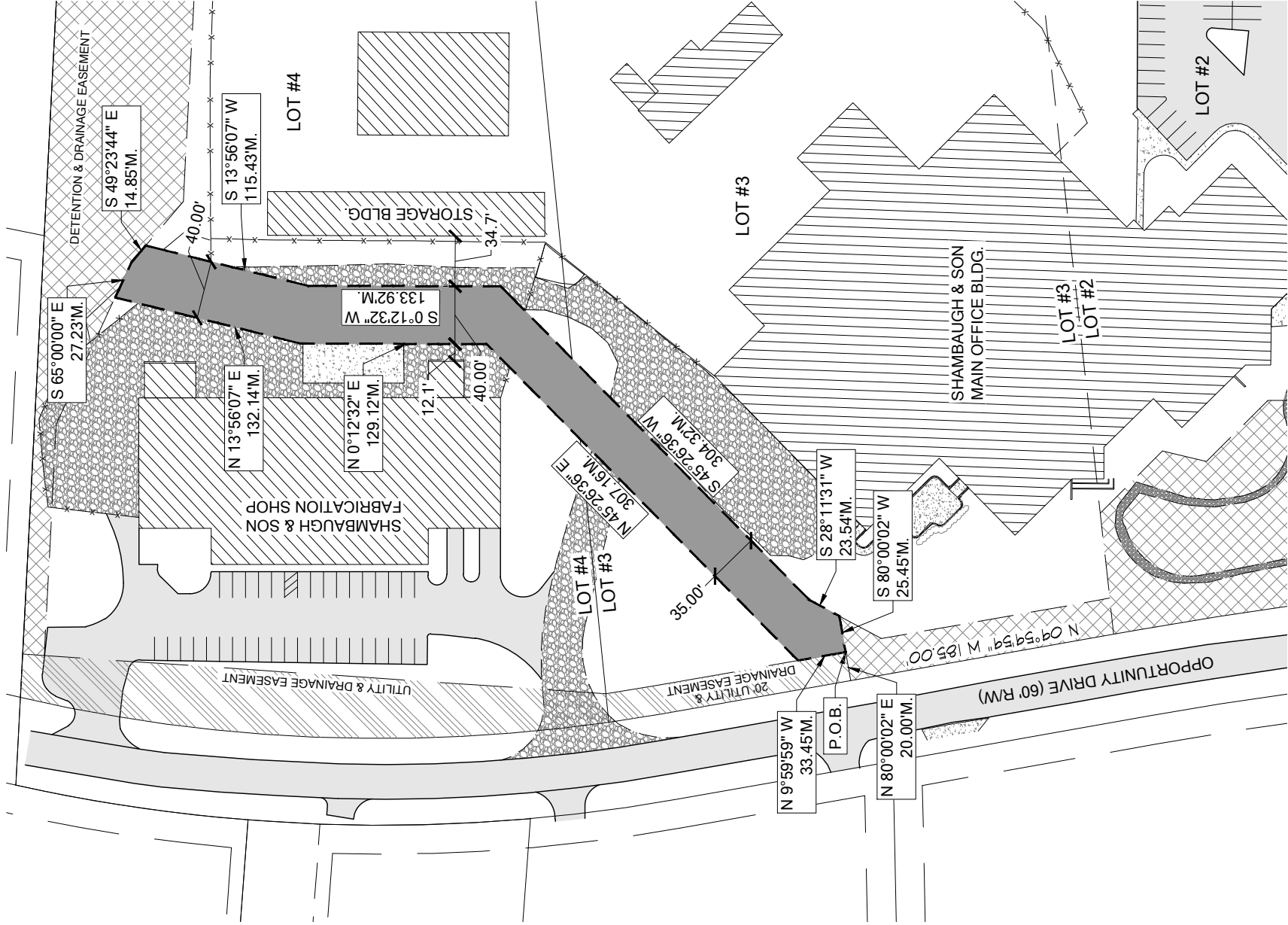


Matthew G. Bertisch

MATTHEW G. BERTISCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

Vacation Exhibit for:
Shambaugh & Son
#7614 Opportunity Drive
Fort Wayne, Indiana

Land Surveying
Land Planning
Land Surveying & Associates, LLC
4630 W. Jefferson Blvd. #6
Fort Wayne, Indiana 46804
Telephone (260) 459-9393
Facsimile (260) 459-9303



Easement Dedication Exhibit

SCALE: 1" = 100'

SCALE 1" = 100'

DRAINAGE EASEMENT DESCRIPTION:

A PORTION OF THE LANDS OF MOMAS INVESTMENTS, LLC AS DESCRIBED IN DOCUMENT NUMBER 2008010275 AND BEING A PART OF LOTS NUMBERED 2, 3, AND 4 WITHIN COOK ROAD OFFICE & INDUSTRIAL PARK, SEC. 1 (P.B. 47, PG. 137), ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

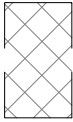
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 3; THENCE NORTH 09°59'59" WEST ALONG THE WEST LINE OF SAID LOT NUMBER 3 A DISTANCE OF 185.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF AN EXISTING DRAINAGE EASEMENT; THENCE NORTH 80°00'02" EAST ALONG THE NORTH LINE OF SAID EXISTING EASEMENT A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 09°59'59" WEST PARALLEL AND 20.00 FEET NORMALLY DISTANT FROM THE WEST LINE OF SAID LOT NUMBER 3 A DISTANCE OF 33.45 FEET TO A POINT; THENCE NORTH 45°26'36" EAST 307.16 FEET; THENCE NORTH 00°12'32" EAST 129.12 FEET; THENCE NORTH 13°56'07" EAST 132.14 FEET TO A POINT ON AN EXISTING DETENTION AND DRAINAGE EASEMENT; THENCE SOUTH 65°00'00" EAST ALONG THE EXISTING DETENTION AND DRAINAGE EASEMENT 27.23 FEET TO A POINT; THENCE SOUTH 49°23'44" EAST ALONG THE EXISTING DETENTION AND DRAINAGE EASEMENT 14.85 FEET TO A POINT; THENCE LEAVING SAID DETENTION AND DRAINAGE EASEMENT BEARING SOUTH 13°56'07" EAST A DISTANCE OF 115.43 FEET TO A POINT; THENCE SOUTH 00°12'32" WEST A DISTANCE OF 133.92 FEET TO A POINT; THENCE SOUTH 45°26'36" EAST A DISTANCE OF 304.32 FEET TO A POINT; THENCE SOUTH 28°11'31" WEST A DISTANCE OF 23.54 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING DRAINAGE EASEMENT; THENCE SOUTH 80°00'02" WEST A DISTANCE OF 25.45 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES, MORE OR LESS.

Easement Dedication Notes:

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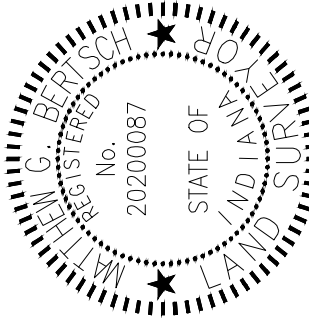
PROPOSED DRAINAGE
EASEMENT



EXISTING DRAINAGE EASEMENT
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KNOWLEDGE AND BELIEF.

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OF PERJURY, THAT I HAVE TAKEN
REASONABLE CARE TO REDACT EACH
SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW.



Matthew G. Bertsch

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 202000087

Land Surveying
Land Planning
Land Surveying & Associates, LLC
Fort Wayne, Indiana 46804
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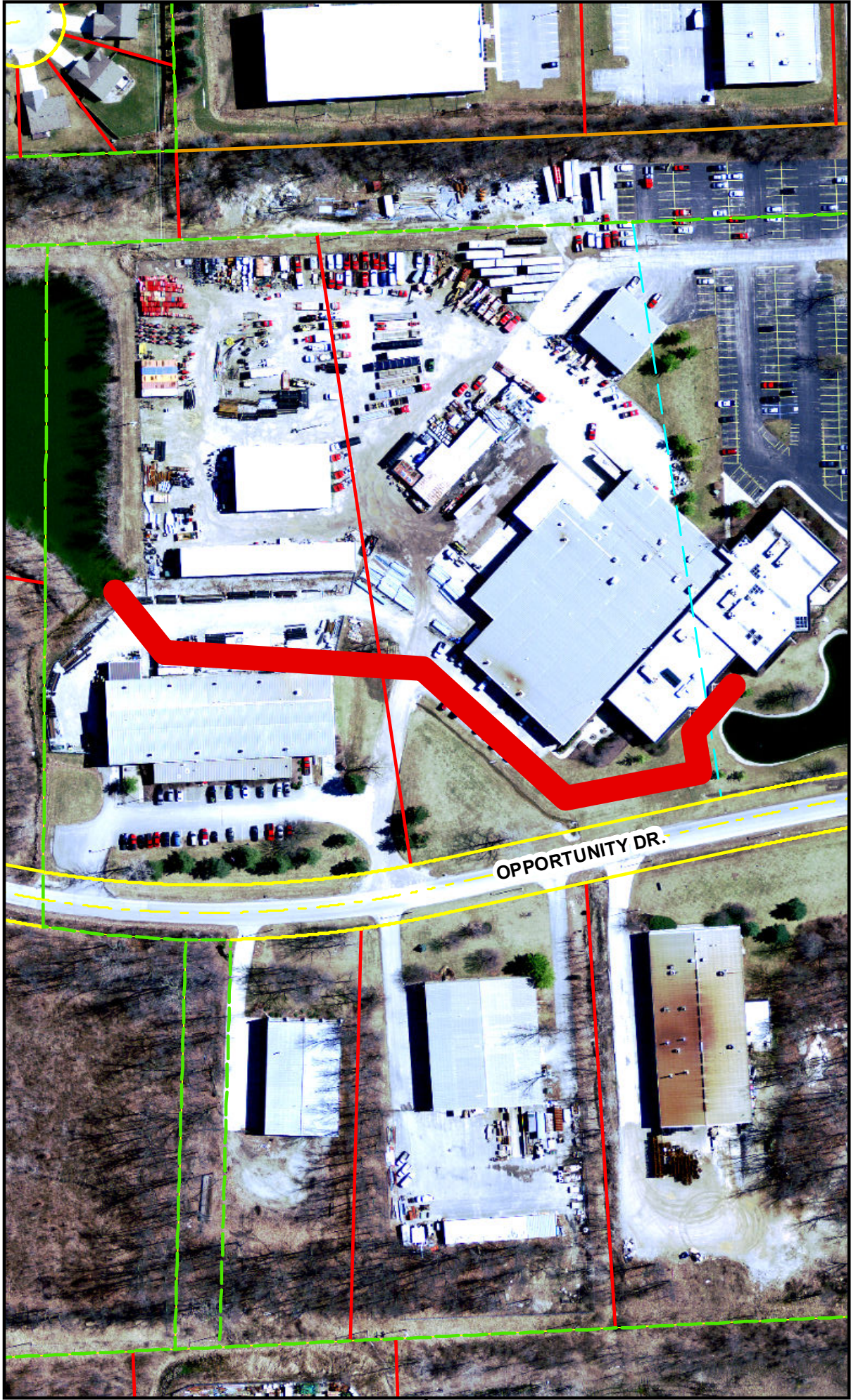


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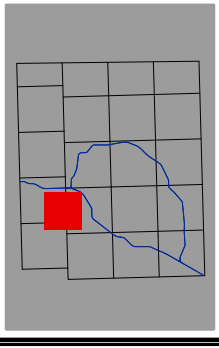
REVISIONS

MARK	DATE	DESCRIPTION

CAD FILE: 13471Esmnt
DRAWN BY: ARF
CHECKED BY: MGB
DATE: 6/12/2013
PRJCT. NO.: 13516.100



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



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos: Spring 2006 / Contours: 1999

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Vacation Petition VEAS-2013-0066

Printed: June 17, 2013

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North American Datum 1983

State Plane Coordinate System, Indiana East

Photos: Spring 2006 / Contours: 1999

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0 150 Feet
Scale: 1"= 150'