

1 #VEAS-2013-0118

2 BILL NO. 13-09-09

Plat Record: 11
Page No: 98

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE for the purpose of
6 Vacating a portion of a dedicated utility easement.

7 WHEREAS, a petition to vacate a portion of a dedicated utility easement within the City of
8 Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of
9 the City of Fort Wayne, Indiana; and

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

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

14 SECTION 1. That the petition filed herein to vacate a portion of a dedicated utility
15 easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 An eight foot easement lying four feet either side of the following described centerline:

17 Part of Harvester Park Addition to the City of Fort Wayne according to the plat thereof,
18 recorded in Plat Record 11 page 98 in the Office of the Recorder of Allen County, Indiana,
19 more particularly described as follows:

20 Beginning at a point on the East right-of-way line of Redwood Avenue in the Plat of Harvester
21 Park Addition to the City of Fort Wayne according to the plat thereof, recorded in Plat Record
22 11, page 98 in the Office of the Recorder of Allen County, Indiana, said point being the
23 Northwest corner of Lot 158 and the Southwest corner of Lot 140; thence East along the
24 South line of Lot 140, 141, 142, 143, 144, 145, 146, 147 and the North line of Lot 151, 152,
25 153, 154, 155, 156, 157 and 158 a distance of 204.6 feet to a point on the West right-of-way
26 line of a fourteen foot alley, said point being the point of termination.

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

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

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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: Vacation of Platted Easement
Case Number: VEAS-2013-0118
Bill Number: Z-13-09-09
Council District: 6 – Glynn Hines

Introduction Date: September 10, 2013

Public Hearing Date: September 24, 2013

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

Synopsis of Ordinance: To vacate the 8 foot wide platted utility easement located west of Redwood Avenue and east of a 14 foot wide alley between Felician Street and Pontiac Street.

Location: Running east-west, between Lots 140 through 148 and Lots 151 through 158, in the Harvester Park Addition, at 3805 and 3915 East Pontiac Street.

Reason for Request: SESCO (Systems Engineering and Sales Co., Inc.) wishes to expand their existing operations at this location. The existing clay pipe within the easement will be abandoned for a new sewer pipe. SESCO will assume responsibility for the abandoned pipe.

Applicant: SESCO, Inc.

Property Owner: SESCO, Inc.

Related Petitions: Eventual Site Plan Routing Review for building expansion

Effect of Passage: Vacation of the utility easement, will allow the property owner to expand the existing building. A new sewer line and easement will be dedicated.

Effect of Non-Passage: Under current circumstances, staff could not approve the desired building expansion, greatly reducing the ability of SESCO to grow in this location.

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:

See attached Easement Plat

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

Doc. #94009408, Doc. # 2012003270
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:

New sewer extension will eliminate need for existing system buildings. (existing and proposed) are located over easement.

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

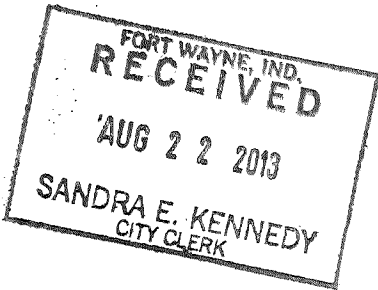
The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

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

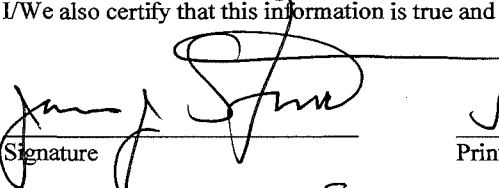
Applicant's name(s) if different from property owner(s):

Name: System Engineering & Sales Company
Street Address: 3805 E. Pontiac St.
City: Fort Wayne State: In Zip: 46803 Phone:

VEAS-2013-0118



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 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. I/We also certify that this information is true and accurate to the best of my/our knowledge.


Signature

JAMES J. STOUT
Printed Name

8-20-13
Date

3805 E. PONTIAC ST.
Address

FORT WAYNE, IN 46803
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): Donovan Engineering, Inc.

Street Address: 3521 Lake Ave. Ste. 2

City: Fort Wayne State: In Zip: 46805 Phone: 260-424-7418

- NOTICE:**
- Legal Description is to be the area to be vacated and must be complete ad 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 #: _____



Systems Engineering & Sales Co., Inc.
3805 East Pontiac Street, Fort Wayne, IN 46803
Phone: (260) 422-1671 Fax: (260) 424-0607
Website: www.sesco-inc.com

Page 1 of 1

July 8, 2013

Gregory L. Roberts
Donovan
3521 Lake Avenue, Suite 2
Fort Wayne, In 46805

To whom this may concern,

System Engineering and Sales Company (SESCO) agrees to the vacation of a 10 inch clay pipe and the easement located East of East right of way line Redwood Ave. and extends East to the West Edge of an alley; said line and Easement are part of lots 140 through Lot 158 in Harvester Park Addition to the City of Fort Wayne, recorded in Plat Record 11, page 98-99.

After the vacation approval from the City of Fort Wayne Board of Works, SESCO agrees to accept ownership and Maintenance of the 10 inch clay pipe.

Sincerely,

James J. Stout
President

EASEMENT PLAT

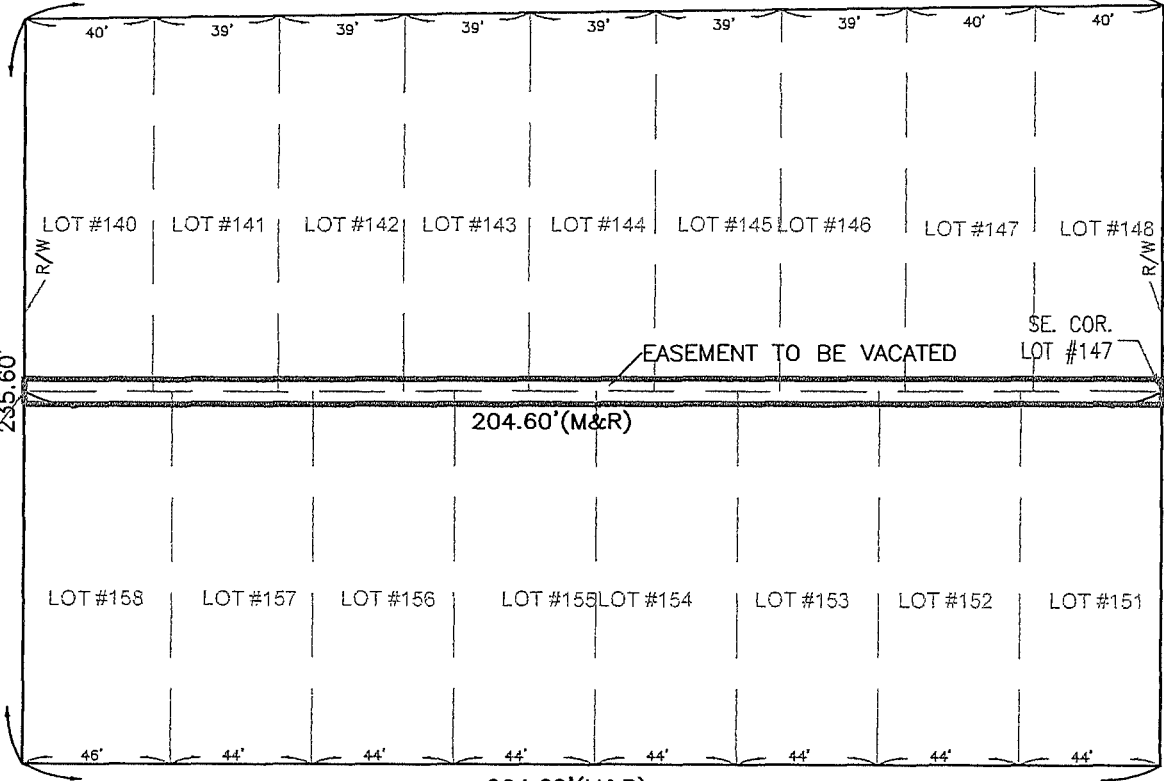
FELICIAN STREET
60'R/W

204.6'(M&R)

REDWOOD AVE

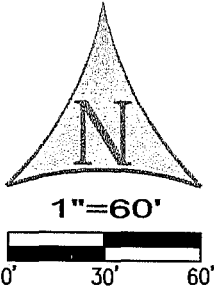
50'R/W

NW. COR.
LOT #158
SW. COR. 140
POB



PONTIAC STREET
60'R/W

OWNER:
SYSTEM ENGINEERING & SALES
DOC. #94009408
DOC. #2012003270



Easement Vacation

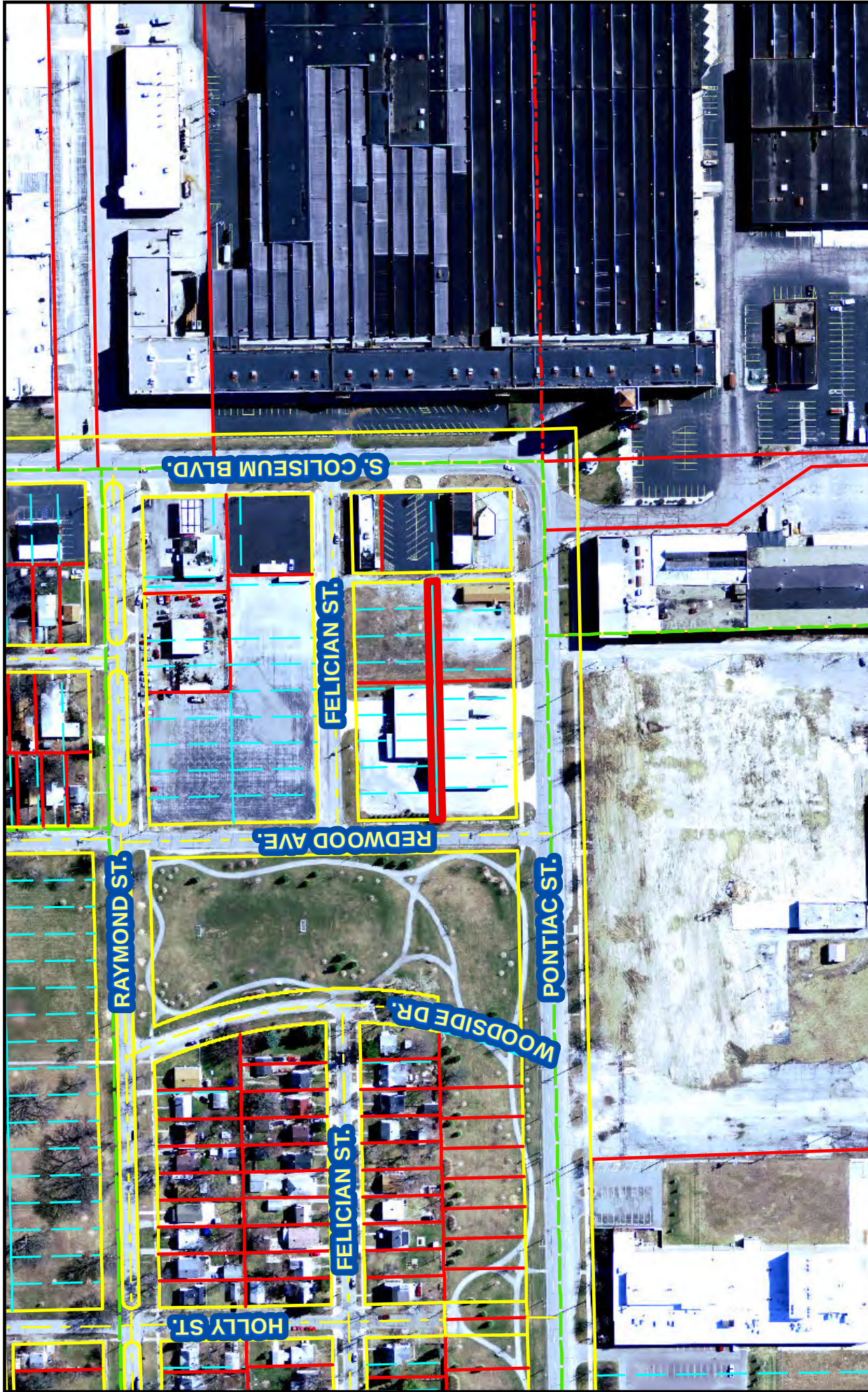
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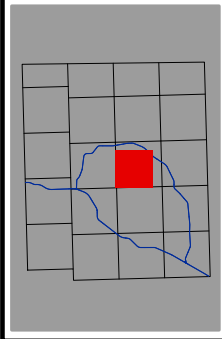
Beginning at a point on the East right of way line of Redwood Avenue in the Plat of Harvester Park Addition to the City of Fort Wayne according to the plat thereof, recorded in Plat Record 11, page 98 in the Office of the Recorder of Allen County, Indiana, said point being the Northwest corner of Lot 158 and the Southwest corner of Lot 140; thence East along the South line of Lot 140, 141, 142, 143, 144, 145, 146, 147 and the North line of Lot 151, 152, 153, 154, 155, 156, 157 and 158 a distance of 204.6 feet to a point on the West right of way line of a 14 foot alley, said point being the point of termination.

Harvester Park Addition legal-7-31-13

A handwritten mark, possibly a signature or initials, consisting of a loop and a short horizontal stroke.



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



Printed: August 09, 2013
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photo: 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.

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