

#VEAS-2014-0065

BILL NO. G-14-05-10

**Deed Book: 37
Page No: 23-25**

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE for the purpose of
Vacating a portion of a platted utility easement.**

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

A 14 foot wide utility easement along the west line of the following described tract:

(A parcel of real estate identified as Tract 1 on survey prepared by ZK Tazian Associates, Inc., Survey No. 09-12-05 dated February 11, 2010):

The North 380.0 feet of the South 780.0 feet of Block 8, Engle Ridge Industrial Park, Section "B", according to the recorded plat thereof, more particularly described as:

Part of the West half of the Northeast Quarter of Section 20, Township 30 Range 12 East (Wayne Township), Allen County, Indiana more particularly described as follows, to-wit: Beginning on the West line of said Northeast Quarter at a point situated 136.6 feet South of the Southwest corner of Block 3, Engle Ridge Industrial Park, Section "A", thence South, on and along said West line, 380.0 feet; thence Easterly, by a deflection angle of 87 degrees 48 minutes left and parallel to the South line of said Block 3, a distance of 253.64 feet to the West Right-of-Way line of Clubview Drive extended South; thence Northerly by deflection angle of 92 degrees 08 minutes left, 380.0 feet; thence Westerly and parallel to the South line of said Block 3, a distance of 253.85 feet to the point of beginning, containing 2.121 acres of land.

EXCEPT THEREFROM:

The North 19.5 feet of the South 780.0 feet of Block Number 8 in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, as recorded in Plat Record 37, Pages 23-25.

1 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
2 and is hereby approved in all respects.

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

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7 _____
8 COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

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11 Carol T. Helton, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2014-0065
Bill Number: Z-14-05-10
Council District: 4-Mitch Harper

Introduction Date: May 13, 2014

Public Hearing Date: May 27, 2014

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

Synopsis of Ordinance: To vacate a portion of the 14 foot wide platted utility easement located along the west line of Section B of Engle Ridge Industrial Park.

Location: Running north-south, along the west line of Section B of Engle Ridge Industrial Park, at 4420 Clubview Drive.

Reason for Request: The existing building plans to expand to the west, over the existing platted easement.

Applicant: Harbor Investments III, LLC

Property Owner: Harbor Investments III, LLC

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. New easements will be dedicated, if necessary.

Effect of Non-Passage: Under current circumstances, staff could not approve the desired building expansion, greatly reducing the ability of Harbor Investments III, LLC 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:

☒ Easement ☐ Public Right of Way (street or alley)

More particularly described as follows:

Engle Bridge Industrial Park, Section "B", (P.B. 37 pgs 23-25)
Blk 8. Beginning at the northeast corner of said Blk 8, thence
east S 87° 37' 23" E 14' thence south S 00° 11' 42" W a distance
of 360.5' said line being parallel with the east line of the
nw 1/4, sec. 20-30-12, thence west 14' to the said 1/4 section line, thence
north 360.50' to the point of beginning.
(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: 37 PAGE(S) NUMBER(S): 23-25 (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:

Building Expansion

(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.

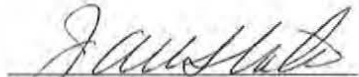
Applicant's name(s) if different from property owner(s): Harbor Investments III, LLC

Name: Joe D' Italia

Street Address: 10125 Dawson's Creek Blvd.

City: Ft. Wayne State: IN Zip: 46825 Phone: 482-9300

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

Joseph A. D'Italia
Printed Name

5.2.14
Date

10125 Dawson's Creek Blvd.
Address

Fort Wayne, IN 46825
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.

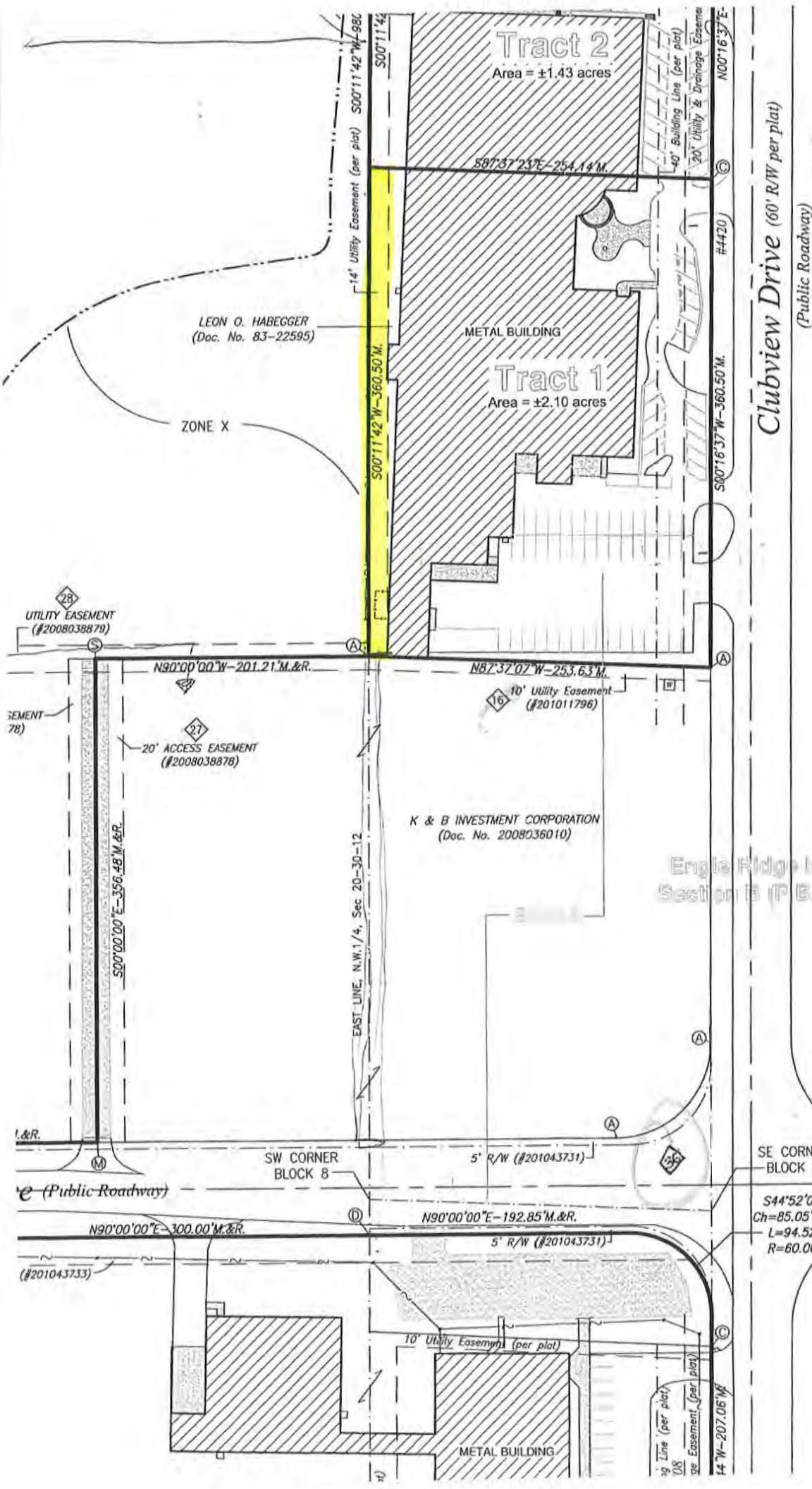
For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



Clubview Drive (60' R/W per plat)
(Public Roadway)



Project boundaries represented by bold colored lines are for representational purposes only.