

#REZ-2014-0061

BILL NO. Z-14-05-20

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H-07 (Sec. 16 of Wayne 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 an AR (Low
Intensity Residential) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

Part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 30
North, Range 12 East, Allen County, Indiana, more particularly described as follows:
Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter
of Section 16, Township 30 North, Range 12 East, Allen County, Indiana, thence
South along the East line of the Northwest Quarter of the Southwest Quarter of
Section 16-30-12 a distance of 1320.5 feet to a point on the South line of the
Northwest Quarter of the Southwest Quarter of Section 16-30-12; thence West along
said line a distance of 459.03 feet; thence North a distance of 1318.0 feet to a point
on the North line of the Northwest Quarter of the Southwest Quarter of Section 16-
30-12; thence East along said line a distance of 453.68 feet to the point of
beginning, containing 13.82 acres of land, more or less, subject to road rights-of-way
and easements.

Together with:

Part of the Northwest Quarter of Section 16, Township 30 North, Range 12 East of
the Second Principal Meridian, Wayne Township in Allen County, Indiana, more
particularly described as follows:

Beginning at the Southeast corner of the West Half of said Northwest Quarter;
thence Westerly, a distance of 453 feet along the South line of said Northwest
Quarter; thence Northerly, a distance of 1500 feet parallel with the East line of the
West Half of said Northwest Quarter; thence Easterly, a distance of 453 feet parallel
with the South line of said Northwest quarter to the East line of the West Half of said
Northwest Quarter; thence Southerly, a distance of 1500 feet along said East line to
the Point of Beginning. Containing 15.60 acres, more or less, subject to the right-of-
way of Nuttman Avenue and subject to easements of record.

1 and the symbols of the City of Fort Wayne Zoning Map No. H-07 (Sec. 16 of Wayne
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
3 Wayne, Indiana is hereby changed accordingly.

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

6 _____
Council Member

7
8 APPROVED AS TO FORM AND LEGALITY:

9 _____
10 Carol T. Helton, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2014-0061
Bill Number: Z-14-05-20
Council District: 5 – Geoff Paddock

Introduction Date: May 27, 2014

Plan Commission
Public Hearing Date: June 9, 2014

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

Synopsis of Ordinance: To rezone approximately 29.4 acres of property from IN2-General Industrial
to AR-Low Intensity Residential

Location: 3522 and 3527 Nuttman Avenue

Reason for Request: To bring the current uses into compliance with the zoning ordinance.

Applicant: Darrel W. Hyde

Property Owner: Darrel W. Hyde and Betty Hyde 1993 Revocable Trust

Related Petitions: none

Effect of Passage: Properties will be rezoned to AR-Low Intensity Residential to allow the
current uses of single family home and agriculture.

Effect of Non-Passage: The property will remain zoned IN2-General Industrial. The current uses will
remain non-conforming.

Department of Planning Services
 Rezoning Petition Application

Applicant	Applicant <u>Darrel W. Hyde</u>		
	Address <u>3522 Nuttman Avenue</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46802</u>
	Telephone <u>260.416.1304</u>	Fax _____	E-mail _____

Property Ownership	Property Owner <u>Darrel W. Hyde/Nelson & Betty Hyde 1993 Revocable Trust</u>		
	Address <u>3522 Nuttman Avenue and 3527 Nuttman Avenue</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46802</u>
	Telephone <u>260.416.1304</u>	Fax _____	E-mail _____

Contact Person	Contact Person <u>Scott M. Federoff, Carson Boxberger LL:P</u>		
	Address <u>301 West Jefferson Boulevard, Suite 200</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46802</u>
	Telephone <u>260-423-9411</u>	Fax <u>260-423-4329</u>	E-mail <u>sfederoff@carsonboxberger.com</u>

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 <u>3522 Nuttman Avenue and 3527 Nuttman Avenue</u>		
	Present Zoning <u>I2</u>	Proposed Zoning <u>AR</u>	Acreage to be rezoned <u>29.42</u>
	Proposed density <u>N/A</u> units per acre		
	Township name <u>Wayne</u> Township section # <u>16</u>		
	Purpose of rezoning (attach additional page if necessary) <u>It is unclear how the property was rezoned industrial many years ago; however, the property has been continually used agriculturally for decades and will continue to be used in the same manner.</u>		
Sewer provider <u>City of Fort Wayne</u> Water provider <u>City of Fort Wayne</u>			

Filing Requirements	<i>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.</i>		
	☒ 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.

<u>Darrel W. Hyde</u> (printed name of applicant)	<u>x Daniel Hyde</u> (signature of applicant)	<u>April 24, 2014</u> (date)
<u>Darrel W. Hyde</u> (printed name of property owner)	<u>x Darrel Hyde</u> (signature of property owner)	<u>April 24, 2014</u> (date)
<u>Betty Hyde, Co-Trustee</u> (printed name of property owner)	<u>x Betty Hyde</u> (signature of property owner)	<u>April 24, 2014</u> (date)
<u>BETTY HYDE</u> (printed name of property owner)	<u>Betty Hyde</u> (signature of property owner)	<u>4-24-2014</u> (date)

Received	Receipt No.	Hearing Date	Petition No.
5/7/14	114811		

Rez-2014-006

CERTIFICATE OF SURVEY

OFFICE OF:

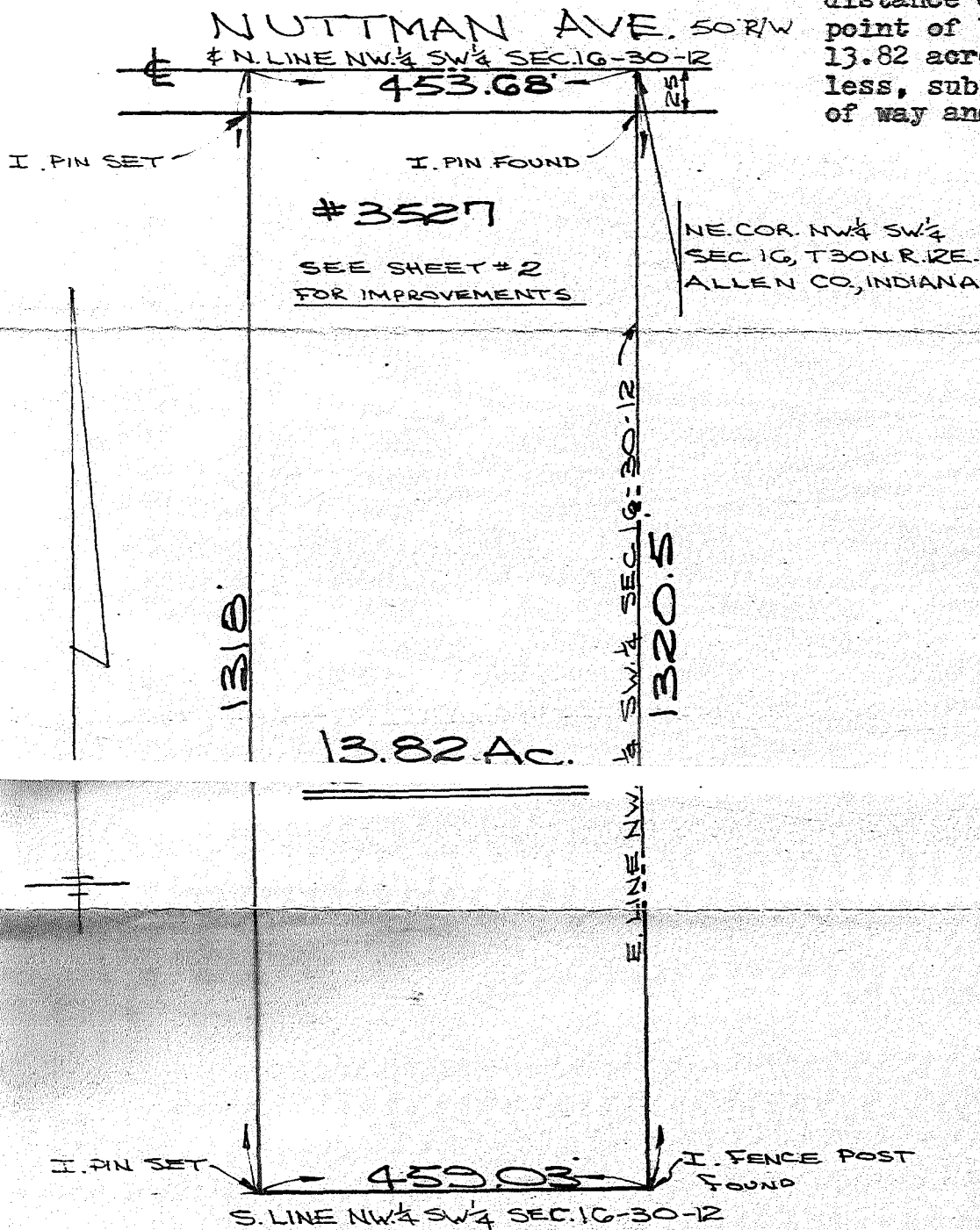
JOHN R. DONOVAN
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

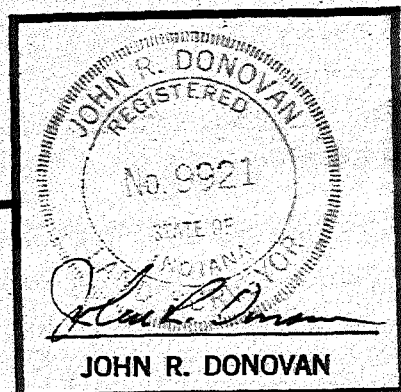
The description of the real estate is as follows, to wit: Part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the northeast corner of the northwest Quarter of the southwest quarter of Section 16, Township 30 North, Range 12 East, Allen County, Indiana; thence south along the east line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12 a distance of 1320.5 feet to a point on the south line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12; thence west along said line a distance of 459.03 feet; thence north a distance of 1318.0 feet to a point on the north line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12; thence east along said line a distance of 453.68 feet to the point of beginning, containing 13.82 acres of land, more or less, subject to road rights of way and easements.



JOB FOR: MCAFEE

1" = 200'
4-2-71



SHEET #1

Miller Land Surveying, Inc.

Corporate Office: 221 Tower Drive, P.O. Box 34, Monroe, IN 46772, Phone: 260-692-6166, Fax: 260-692-6242

Fort Wayne Office: 217 Airport North Office Park, Fort Wayne, IN 46825, Phone: 260-489-8571, Fax: 260-489-8570

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Legal Description

15.60 Acres

Part of the Northwest Quarter of Section 16, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of the West Half of said Northwest Quarter; thence Westerly, a distance of 453 feet along the South line of said Northwest Quarter; thence Northerly, a distance of 1500 feet parallel with the East line of the West Half of said Northwest Quarter; thence Easterly, a distance of 453 feet parallel with the South line of said Northwest Quarter to the East line of the West Half of said Northwest Quarter; thence Southerly, a distance of 1500 feet along said East line to the Point of Beginning. Containing 15.60 Acres, more or less. Subject to the right-of-way of Nuttman Avenue and subject to easements of record.

Survey Job #14042684

Date: April 22, 2014

Miller Land Surveying, Inc.



Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166
Fax: (260) 692-6242

Miller Land Surveying, Inc.

SURVEY SKETCH

Fort Wayne Office
217 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-8571
Fax: (260) 489-8570

Brett R. Miller, PLS No.LS20300059
Robert J. Marucci, PLS No.LS20400028

Angela D. Wallace, PLS No.LS21200016

www.mlswebsite.us

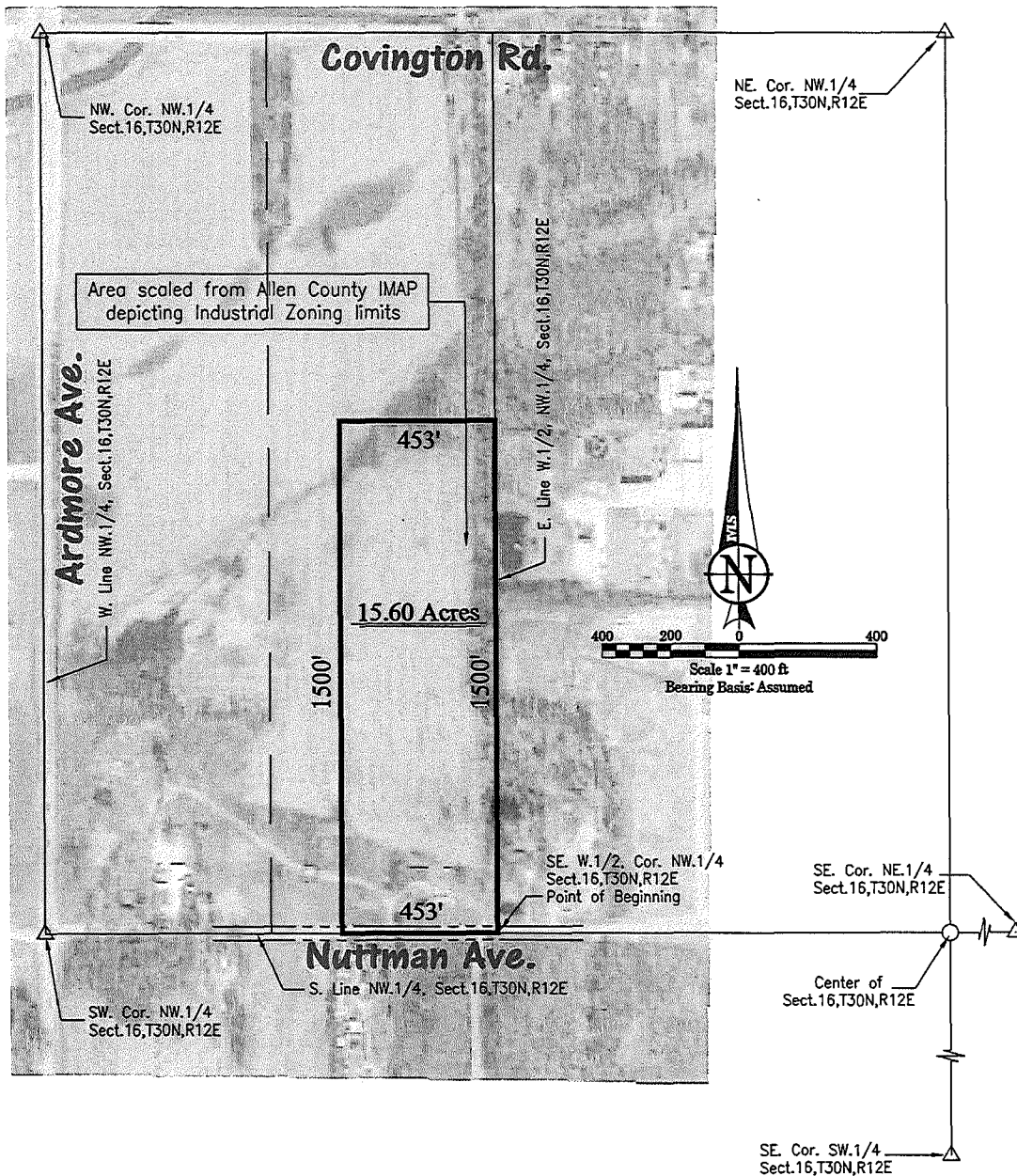
Precision and Professionalism is where we draw the line.

MLS

Page 1 of 2

LEGAL DESCRIPTION

SEE ATTACHED



Survey No. 14042684

County: Allen

Township: Wayne

Sect/Twp/Rng:16,T N, R E

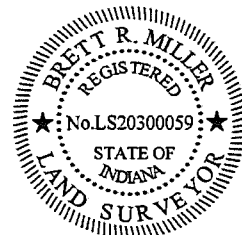
For: Hyde

Fieldwork Completed: N/A

IN WITNESS WHEREOF, I hereunto place my hand and
seal this 22nd day of April, 2014.

Revised:

Brett R. Miller
Brett R. Miller, PLS NO. 20300059

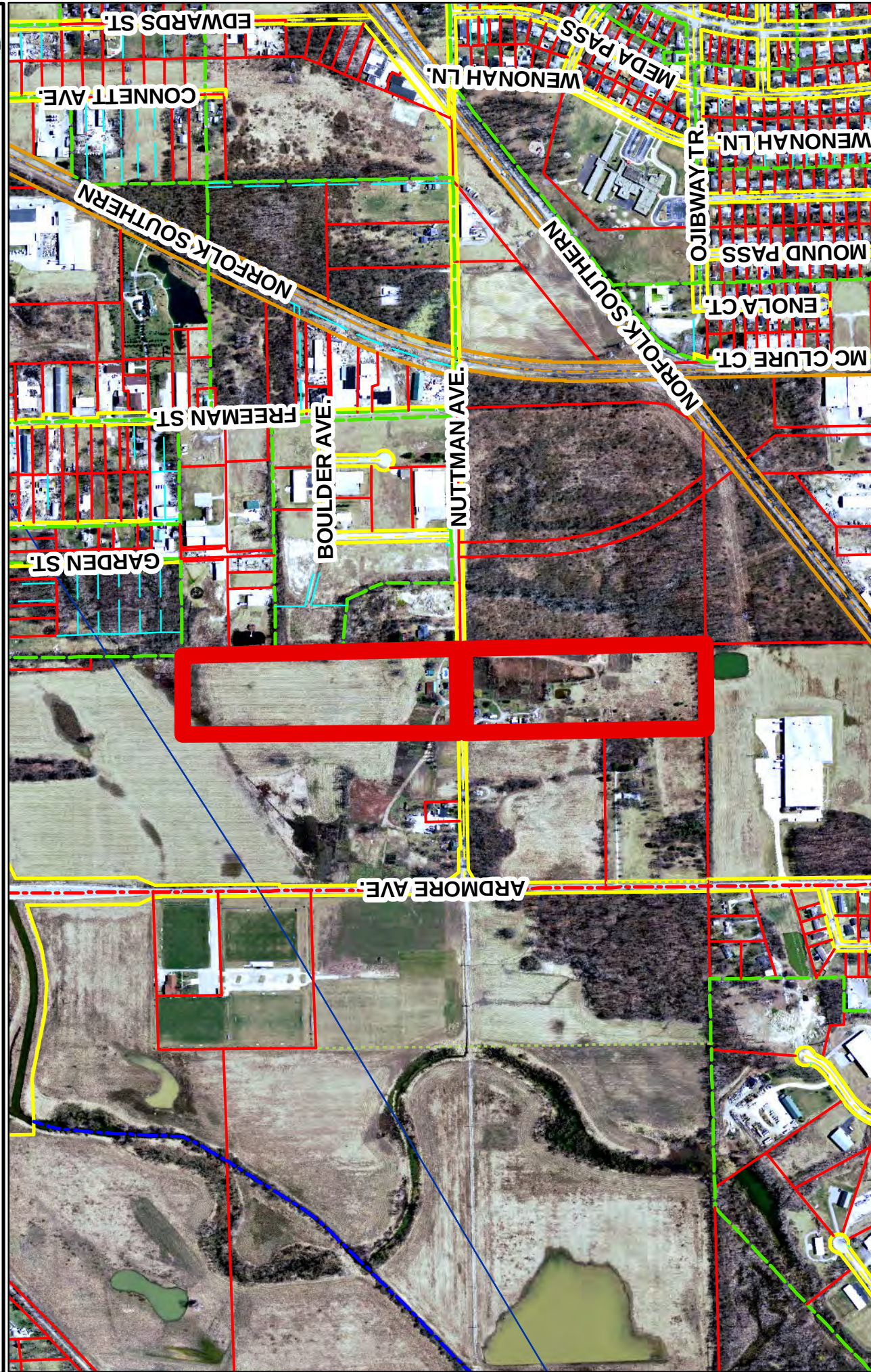


MLS

(Drawing Name: 14042684.dwg)

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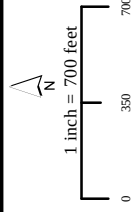
Rezoning Petition REZ-2014-0061



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

© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo and Contours: Spring 2009

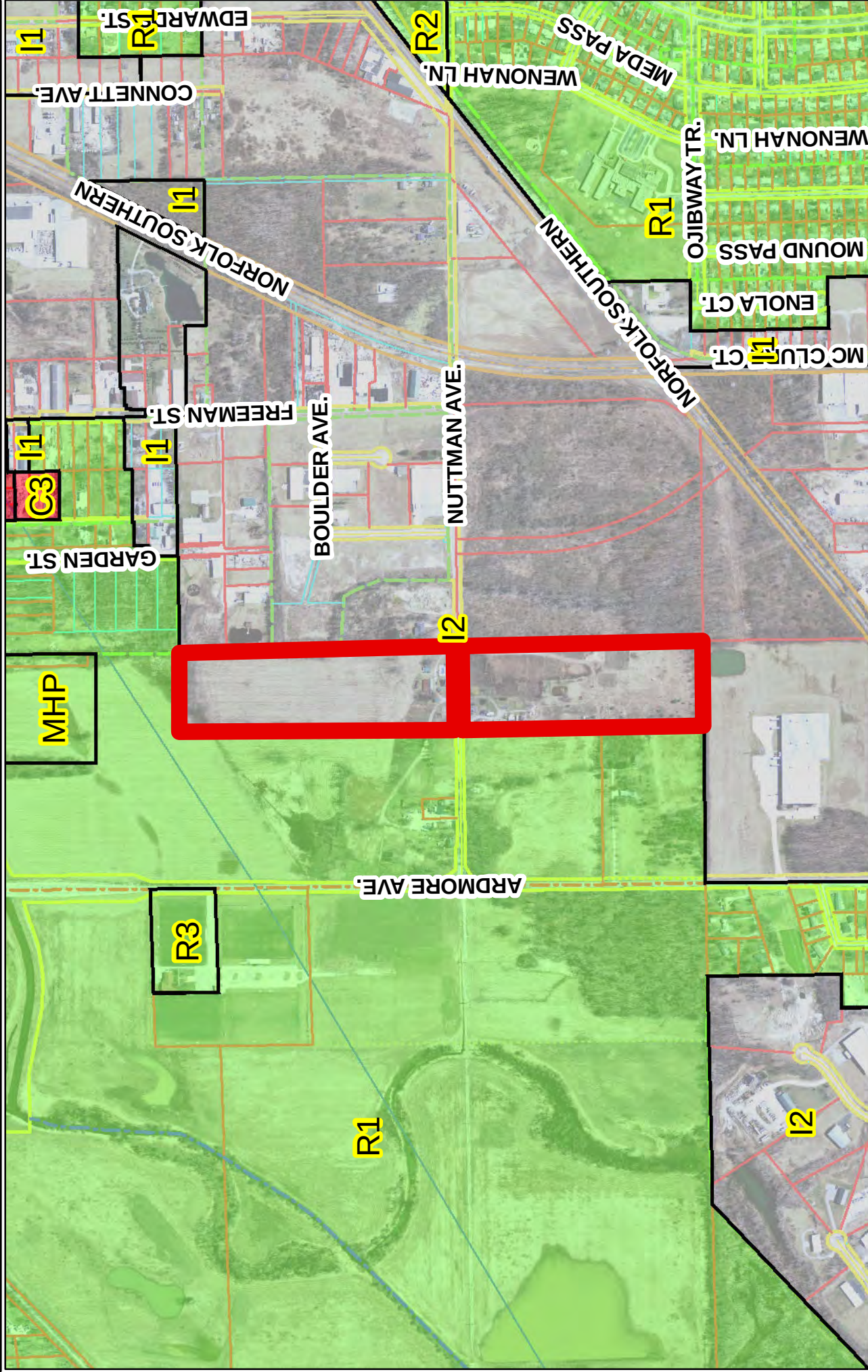
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.



Date: 5/13/2014



Rezoning Petition REZ-2014-0061



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