

1 BILL NO. X-15-02-06

2 ANNEXATION ORDINANCE NO. X-_____

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4 **An ORDINANCE annexing certain territory commonly known as the U.S. 30**
5 **West – C Supervoluntary Annexation to Fort Wayne and including the same**
6 **Councilmanic District No. 3.**

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8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
9 WAYNE, INDIANA:

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11 SECTION 1. That the following described territory is and the same is
12 hereby annexed to, and made part of, the corporation of the City of Fort Wayne,
13 Indiana to-wit:

14 Part of the Southwest Quarter of Section 18 (road right-of-way, only), part of
15 the Southeast Quarter of Section 18 (road right-of-way, only), also part of the
16 fractional Northwest Quarter of Section 19, part of the Northwest Quarter of the
17 Northeast Quarter of Section 19, and part of the fractional Southwest Quarter of
18 Section 19, Township 31 North, Range 12 East, Washington Civil Township, also
19 part of the Northeast Quarter of Section 24 (road right-of-way, only), and part of the
20 Southeast Quarter of Section 24 (road right-of-way, only), Township 31 North,
21 Range 11 East, Lake Civil Township, Second Principal Meridian, Allen County,
22 Indiana, more particularly described as follows:

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24 Beginning at the intersection of the south line of the Northwest Quarter of the
25 Northeast Quarter of the aforesaid Section 19 with the west line of Kruse
26 Homestead Addition according to the plat thereof as recorded in Plat Book 25, page
27 144, in the Office of the Recorder of Allen County, Indiana, thence Westerly along
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1 the aforesaid line, also being along the north line of the territory described in the
2 "U.S. 30 West – A" annexation ordinance (Ordinance No. X-01-14), a distance of
3 1,322 feet, more or less, to the southwest corner of the aforesaid Northwest Quarter
4 of the Northeast Quarter of Section 19; thence continuing Westerly along the north
5 line of the South Half of the fractional Northwest Quarter of the aforesaid Section 19,
6 also being along the north line of the territory described in the "U.S. 30 West – B"
7 annexation ordinance (Ordinance No. X-01-15), a distance of 860 feet; thence
8 Southerly, parallel with the east line of the aforesaid fractional Northwest Quarter,
9 along a west line of the territory described in the "U.S. 30 West – B" annexation
10 ordinance (Ordinance No. X-01-15), into the right-of-way of U.S. Highway 30
11 (Indiana State Highway F Project No. 870(13) Columbia City-Fort Wayne Road,
12 1959), a distance of 1,201 feet, more or less, to the south line of the aforesaid
13 fractional Northwest Quarter, also being the north line of the fractional Southwest
14 Quarter of the aforesaid Section 19; thence continuing Southerly, through the right-
15 of-way of the aforesaid U.S. Highway 30, parallel with the east line of the aforesaid
16 fractional Southwest Quarter, along a west line of the territory described in "U.S. 30
17 West – B" annexation ordinance (Ordinance No. X-01-15), a distance of 100 feet,
18 more or less, to the south right-of-way of the aforesaid U.S. Highway 30; thence
19 Westerly along the aforesaid south right-of-way and the westerly projection of the
20 aforesaid right-of-way, a distance of 633 feet, more or less, to the southerly
21 projection of the west right-of-way of Flaugh Road; thence Northerly along the
22 aforesaid projection, through and into the right-of-way of the aforesaid U.S. Highway
23 30, and along the aforesaid west right-of-way of Flaugh Road, a distance of 2,633
24 feet, more or less, to the north line of the Northeast Quarter of Section 24, Township
25 31 North, Range 11 East; thence Easterly along the aforesaid north line, and the
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1 north line of the fractional Northwest Quarter of the aforesaid Section 19, into and
2 through the right-of-way of Flaugh Road, a distance of 32 feet, more or less, to the
3 east right-of-way of Flaugh Road; thence continuing Easterly along the north line of
4 the aforesaid fractional Northwest Quarter, and the centerline of the right-of-way
5 Washington Center Road, a distance of 995 feet, more or less, to the southwest
6 corner of a parcel of land conveyed to Paul F. Schmidt, Trustee of the Paul F.
7 Schmidt Revocable Trust U/A by a deed recorded as Document Number
8 2008054455 in the office of the aforesaid recorder; thence Northerly along the west
9 line of said Schmidt parcel, a distance of 55 feet, more or less, to the north right-of-
10 way of the aforesaid road; thence Easterly along said north right-of-way, a distance
11 of 1,232 feet, more or less, to the point of intersection with the northerly projection of
12 the west line of a parcel of land conveyed to Jean L. Markey, Trustee of the Jean L.
13 Markey Revocable Living Trust by a deed recorded as Document Number
14 2008052555 in the office of the aforesaid recorder; thence Southerly into the
15 aforesaid right-of-way, along the aforesaid projection, a distance of 48 feet, more or
16 less, to the northwest corner of the aforesaid Markey parcel of land, also being the
17 north line of the Northeast Quarter of the aforesaid Section 19; thence continuing
18 Southerly, through said right-of-way, along the west line of the aforesaid Markey
19 parcel, a distance of 400 feet (recorded per the aforesaid Document Number
20 2008052555) to the southwest corner of the aforesaid Markey parcel; thence
21 Easterly along the south line of said Markey parcel, a distance of 514.41 feet
22 (recorded per the aforesaid Document Number 2008052555), more or less, to the
23 west line of the aforesaid Kruse Homestead Addition; thence Southerly along the
24 aforesaid west line, a distance of 928 feet, more or less, to the point of beginning,
25 containing 101 acres of land, more or less. (See Map 1 Attached)
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1 SECTION 2. That a petition for annexation has been received by 100% of
2 property owners in the territory proposed to be annexed in accordance with Indiana
3 Code 36-4-3-5.1.
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5 SECTION 3. That the municipality has established and adopted a
6 resolution approving the written Fiscal Plan.
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8 SECTION 4. That a public hearing has been advertised and held in
9 accordance with IC 36-4-3-5.1.
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11 SECTION 5. That the City of Fort Wayne will furnish the above described
12 territory within a period of one (1) year from the effective date of annexation,
13 planned services of a non-capital nature, including police and fire protection, and
14 street and road maintenance, in a manner which is equivalent in standard and
15 scope to those non-capital services provided to the areas within the City of Fort
16 Wayne regardless of topography, patterns of land-use, and population density to the
17 said described territory. The City of Fort Wayne will also provide services of capital
18 improvement nature, to the annexed territory within three (3) years of the effective
19 date of annexation, in the same manner as such services are provided to areas
20 already in the City of Fort Wayne regardless of topography, patterns of land-use,
21 and population density and in a manner consistent with federal, state and local laws,
22 procedures and planning criteria.
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25 SECTION 6. That governmental and proprietary services will be provided to
26 the above described territory in a manner consistent with the written Fiscal Plan for
27 the territory. Said Plan was examined by the Common Council of the City of Fort
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Wayne and has been approved and adopted by the Common Council. Two copies of said plan are on file in the Office of the Clerk of the City of Fort Wayne and are available for inspection as required by law.

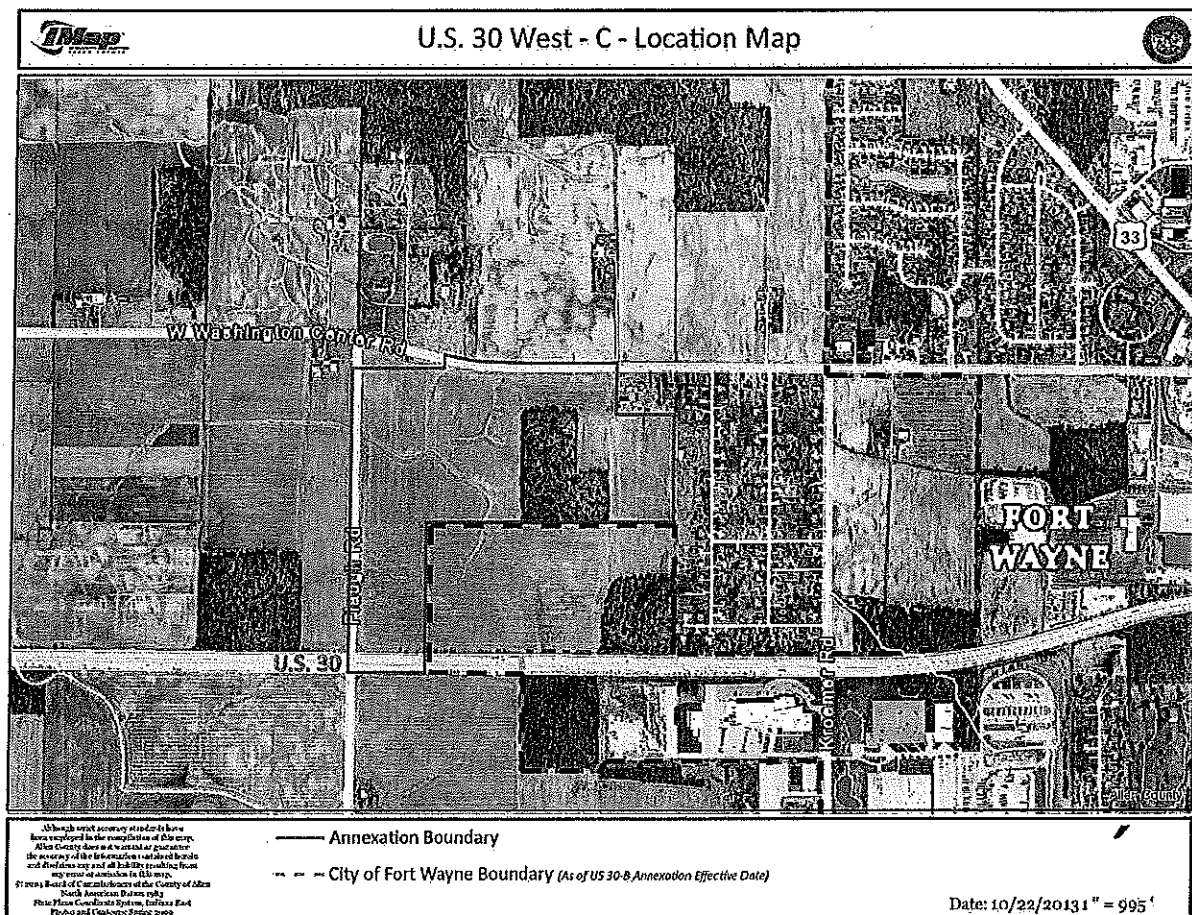
SECTION 7. That said described territory shall be temporarily assigned to City Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 32.02(A)(3) of the City of Fort Wayne Code of Ordinances. This assignment is subject to redistricting.

SECTION 8. That, after adoption and any and all necessary approval by the Mayor, this Ordinance shall be published as provided for in Indiana Code 36-4-3-7. In the absence of appeal under I.C. 36-4-3-15.5, the above mentioned territory shall become part of the City of Fort Wayne the above mentioned territory shall become part of the City of Fort Wayne thirty-one days from the publication of the approved annexation ordinance.

COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



**PETITION FOR AND CONSENT TO ANNEXATION INTO THE
CITY OF FORT WAYNE, INDIANA**

The undersigned hereby certify that they own land located outside of the City of Fort Wayne, Indiana, and hereby request and consent to the adoption of an ordinance, annexing to the City of Fort Wayne, Indiana, the territory, containing that land. The territory sought to be annexed is legally described as follows, to wit:

Part of the Southwest Quarter of Section 18 (road right-of-way, only), part of the Southeast Quarter of Section 18 (road right-of-way, only), also part of the fractional Northwest Quarter of Section 19, part of the Northwest Quarter of the Northeast Quarter of Section 19, and part of the fractional Southwest Quarter of Section 19, Township 31 North, Range 12 East, Washington Civil Township, also part of the Northeast Quarter of Section 24 (road right-of-way, only), and part of the Southeast Quarter of Section 24 (road right-of-way, only), Township 31 North, Range 11 East, Lake Civil Township, Second Principal Meridian, Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the south line of the Northwest Quarter of the Northeast Quarter of the aforesaid Section 19 with the west line of Kruse Homestead Addition according to the plat thereof as recorded in Plat Book 25, page 144, in the Office of the Recorder of Allen County, Indiana, thence Westerly along the aforesaid line, also being along the north line of the territory described in the "U.S. 30 West - A" annexation ordinance, a distance of 1,322 feet, more or less, to the southwest corner of the aforesaid Northwest Quarter of the Northeast Quarter of Section 19; thence continuing Westerly along the north line of the South Half of the fractional Northwest Quarter of the aforesaid Section 19, also being along the north line of the territory described in the "U.S. 30 West - B" annexation ordinance, a distance of 860 feet; thence Southerly, parallel with the east line of the aforesaid fractional Northwest Quarter, along a west line of the territory described in the "U.S. 30 West - B" annexation ordinance, into the right-of-way of U.S. Highway 30 (Indiana State Highway F Project No. 870(13) Columbia City-Fort Wayne Road, 1959), a distance of 1,201 feet, more or less, to the south line of the aforesaid fractional Northwest Quarter, also being the north line of the fractional Southwest Quarter of the aforesaid Section 19; thence continuing Southerly, through the right-of-way of the aforesaid U.S. Highway 30, parallel with the east line of the aforesaid fractional Southwest Quarter, along a west line of the territory described in "U.S. 30 West - B" annexation ordinance, a distance of 100 feet, more or less, to the south right-of-way of the aforesaid U.S. Highway 30; thence Westerly along the aforesaid south right-of-way and the westerly projection of the aforesaid right-of-way, a distance of 633 feet, more or less, to the southerly

projection of the west right-of-way of Flaugh Road; thence Northerly along the aforesaid projection, through and into the right-of-way of the aforesaid U.S. Highway 30, and along the aforesaid west right-of-way of Flaugh Road, a distance of 2,633 feet, more or less, to the north line of the Northeast Quarter of Section 24, Township 31 North, Range 11 East; thence Easterly along the aforesaid north line, and the north line of the fractional Northwest Quarter of the aforesaid Section 19, into and through the right-of-way of Flaugh Road, a distance of 32 feet, more or less, to the east right-of-way of Flaugh Road; thence continuing Easterly along the north line of the aforesaid fractional Northwest Quarter, and the centerline of the right-of-way Washington Center Road, a distance of 995 feet, more or less, to the southwest corner of a parcel of land conveyed to Paul F. Schmidt, Trustee of the Paul F. Schmidt Revocable Trust U/A by a deed recorded as Document Number 2008054455 in the office of the aforesaid recorder; thence Northerly along the west line of said Schmidt parcel, a distance of 55 feet, more or less, to the north right-of-way of the aforesaid road; thence Easterly along said north right-of-way, a distance of 1,232 feet, more or less, to the point of intersection with the northerly projection of the west line of a parcel of land conveyed to Jean L. Markey, Trustee of the Jean L. Markey Revocable Living Trust by a deed recorded as Document Number 2008052555 in the office of the aforesaid recorder; thence Southerly into the aforesaid right-of-way, along the aforesaid projection, a distance of 48 feet, more or less, to the northwest corner of the aforesaid Markey parcel of land, also being the north line of the Northeast Quarter of the aforesaid Section 19; thence continuing Southerly, through said right-of-way, along the west line of the aforesaid Markey parcel, a distance of 400 feet (recorded per the aforesaid Document Number 2008052555) to the southwest corner of the aforesaid Markey parcel; thence Easterly along the south line of said Markey parcel, a distance of 514.41 feet (recorded per the aforesaid Document Number 2008052555), more or less, to the west line of the aforesaid Kruse Homestead Addition; thence Southerly along the aforesaid west line, a distance of 928 feet, more or less, to the point of beginning, containing 101 acres of land, more or less.

Executed 3 day of February 2015.

Signed

Edna Hockmeyer, General Partner



COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne IN 46802
260.427.1127 • 311
www.fwcommunitydevelopment.org

To: Fort Wayne City Council Members

From: Justin Brugger, Executive Director
Fort Wayne Redevelopment

Re: U.S. 30 West-B Annexation

Date: February 5, 2015

The process to consider adoption of an annexation fiscal plan resolution and ordinance titled U.S. 30 West-C is being initiated at the February 10, 2015 City Council meeting. A petition has been received by the property owner holding 100% of the property for this annexation making it super-voluntary per Indiana Code 36-4-3-5.1. It is the desire of the Fort Wayne Redevelopment Commission to purchase this property for the purpose of the future development of a corporate park similar to the adjacent Sweetwater Sound development. The land needs to be part of the city for this purchase to occur. This annexation is the third of three annexations that will need to occur prior to land acquisition.

A public hearing will be held on March 3, 2015 and a vote on the resolution and ordinance is scheduled for March 24, 2015. The super-voluntary process includes a 30 day appeal. The annexation would be effective 31 days after publication of an approved ordinance, or approximately April 26, 2015.

If you have any questions regarding the ordinance, please feel free to contact me at 427-1117.

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