

#VEAS-2015-0056

BILL NO. G-15-10-09

Deed Book: 11

Page No: 84

GENERAL ORDINANCE NO. G-_____

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

WHEREAS, a petition to vacate 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:

The West 6 feet of Lots 23, 24, 25, and 26 and also including the West 6 feet of the South 34 feet of Lot 27, all in Delta Heights Addition, as recorded in Plat Book 11, Page 84 in the Office of the Recorder of Allen County, Indiana.

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

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 Platted Easement
Case Number: VEAS-2015-0056
Bill Number: Z-15-10-09
Council District: 1-Tom Smith

Introduction Date: October 27, 2015

Public Hearing Date: November 10, 2014

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

Synopsis of Ordinance: To vacate the 6-foot wide platted easement on Lots 23, 24, 25, 26 and a portion of Lot 27 in Delta Heights Addition.

Location: Running north-south, along the west line of 23, 24, 26, 26 and a portion of Lot 27 in Delta Heights Addition, at 1905 North Coliseum Boulevard.

Reason for Request: To develop the commercial outlot in front of the existing Lowes Store on North Coliseum Boulevard.

Applicant: GAB Financial Bank

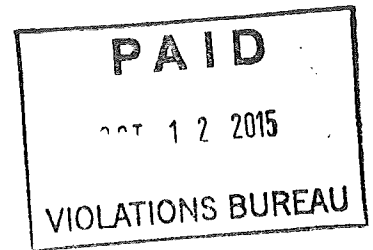
Property Owner: The Estate of Beverly Bowman

Related Petitions: Eventual Site Plan Routing Review for retail business

Effect of Passage: Vacation of the utility easement, will allow the property to be developed as a commercial outlot.

Effect of Non-Passage: Under current circumstances, it would be difficult to develop the commercial zoned property because the easement runs through the middle of the property, greatly reducing the developable ground.

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:

There is an existing 6 foot easement for sewer, gass, & pole lines per the plat, for the Detla Heights Addition.

Please see attached ALTA Survey and plat documents for reference. The ALTA Survey contains the legal description
of the property.

(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: 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:

The proposed building location is located on the existing 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:

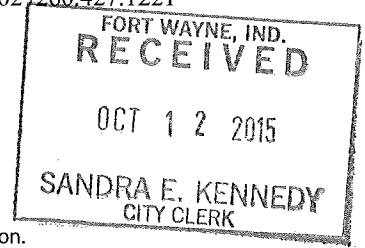
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: iAB Financial Bank, as Guardian of Beverly Bowman

Street Address: 9031 Stellhorn Crossing Parkway

City: Fort Wayne State: IN Zip: 46815 Phone: (260) 469-6296



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.

Sherri Chaney, ARP & TO Sherri Chaney 10/7/15
Signature Printed Name Date

9031 Stellhorn Crossing Parkway Fort Wayne, IN 46815
Address 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 #: _____

Legal Description

The West 6' of Lots 23, 24, 25 and 26 and also including the West 6' of the South 34' of Lot 27 all in Delta Heights Addition, as recorded in Plat Book 11, Page 84, in the Office of the Recorder, Allen County, Indiana.



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

