

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2016-0001
Bill Number: G-16-05-24
Council District: 4-Jason Arp

Introduction Date: May 24, 2016

Public Hearing Date: June 14, 2016

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

Synopsis of Ordinance: To vacate a portion of the 15 foot wide platted utility easement in Covington Acres Addition.

Location: On Lots 1 through 6 of Covington Acres Addition; south of Constitution Drive and west of Getz Road.

Reason for Request: To develop the area with an apartment complex.

Applicant: Walnut Hills Development, LLC

Property Owner: Walnut Hills Development, LLC

Related Petitions: Approved Primary for Walnut Hills Apartments

Effect of Passage: Vacation of the utility easement will allow the property to be developed for apartments.

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

#VEAS-2016-0001

BILL NO. G-16-05-24

Deed Book: 18

Page No: 97

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 15 foot wide platted easement located on Lots 1 through 6 of Covington Acres Addition, as recorded in Plat Book 18, page 97, in the Office of the Recorder of Allen County, Indiana, containing 0.331 acres, more or less.

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

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:

The 15 foot wide platted easement located on Lots 1 through 6 of Covington Acres Addition, as recorded in Plat Book 18, page 97, in the Office of the Recorder of Allen County, Indiana, containing 0.331 acres more or less.

SEE SURVEY AS **EXHIBIT "A"**.

(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: 18 PAGE(S) NUMBER(S): 97898 (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:

Petitioner is seeking to develop an apartment project in subject parcels in which the easement lies.

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.
SEE ATTACHED **EXHIBIT "B"**.

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

For June 14 public hearing

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.

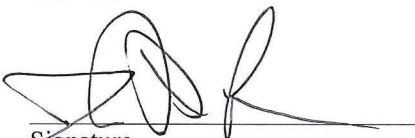

Signature

Walnut Hills Development, LLC

5/8/16
Date

522 Pinegrove Lane
Address

Fort Wayne, IN 46807
City/State/Zip


Signature

James Calkins, President

5/9/16
Date

Address

City/State/Zip

If additional space is needed for signatures, please attach a separate page.

Agent's name (Print Legibly): Casey B. Cox

Street Address: 110 W. Berry Street, Suite 1100

City: Fort Wayne

State: Indiana

Zip: 46802

Phone: (260) 426-9706

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 #: _____

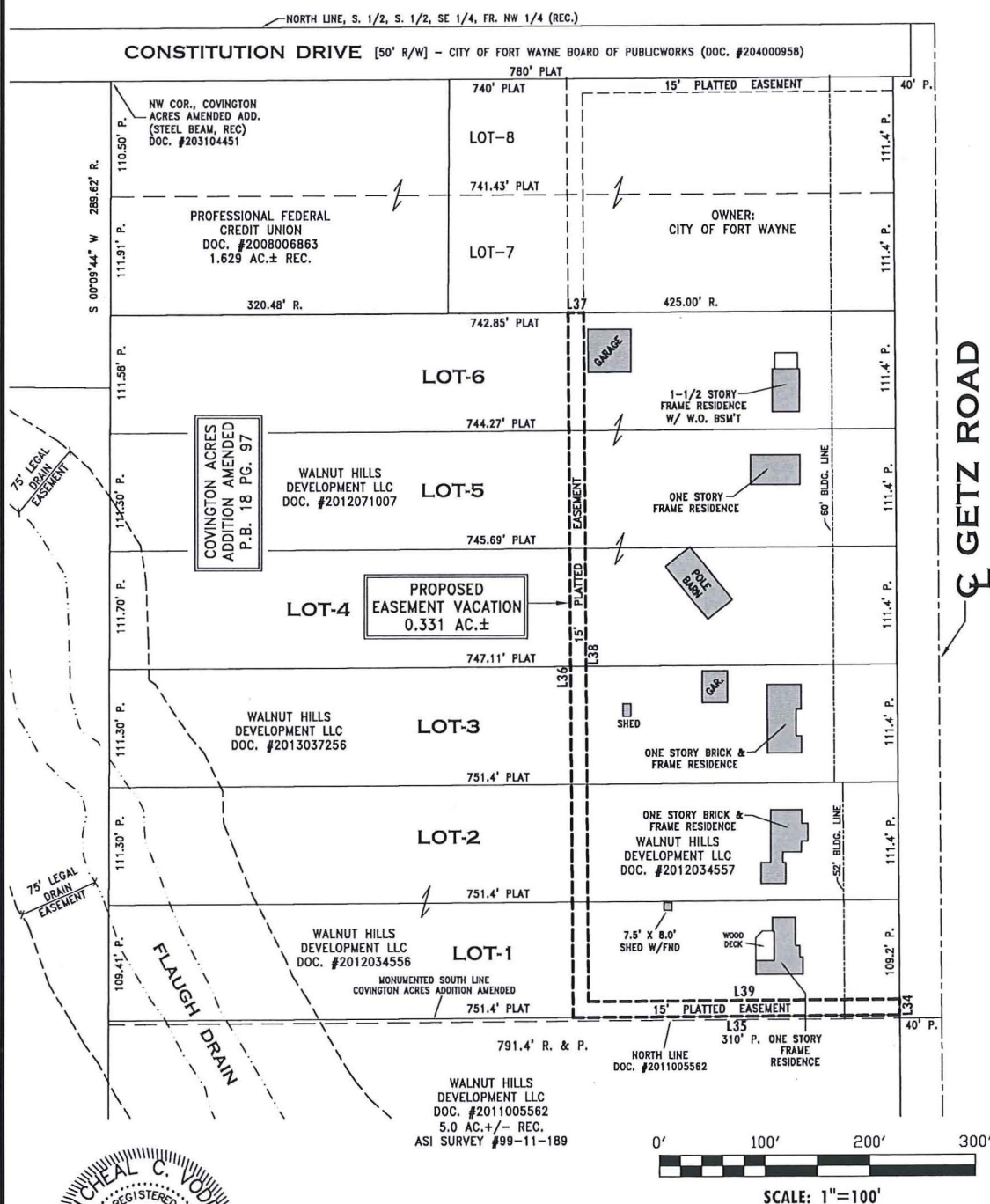
Date Filed: _____

Map #: _____

Reference #: G-16-05-24
VEAS-2016-0001

LINE	BEARING	DISTANCE
L34	S 00°24'08" E	15.00'
L35	S 89°41'35" W	310.00'
L36	N 00°24'08" W	666.23'
L37	N 89°42'58" E	15.00'
L38	S 00°24'08" E	651.22'
L39	N 89°41'35" E	295.00'

PROJECT NUMBER: 10-10-106



MICHAEL C. YOPDE, LS #2010001



WWW.ANDERSONSURVEYING.COM

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

Adjacent Property Owner(s):

Name(s): **City of Fort Wayne**
Attn: City Clerk

Street Address: 1910 Getz Road
c/o Property Management
200 E. Berry Street, Suite 470

City/State/Zip Code: Fort Wayne, IN 46802

Phone Number: (260) 427-1221

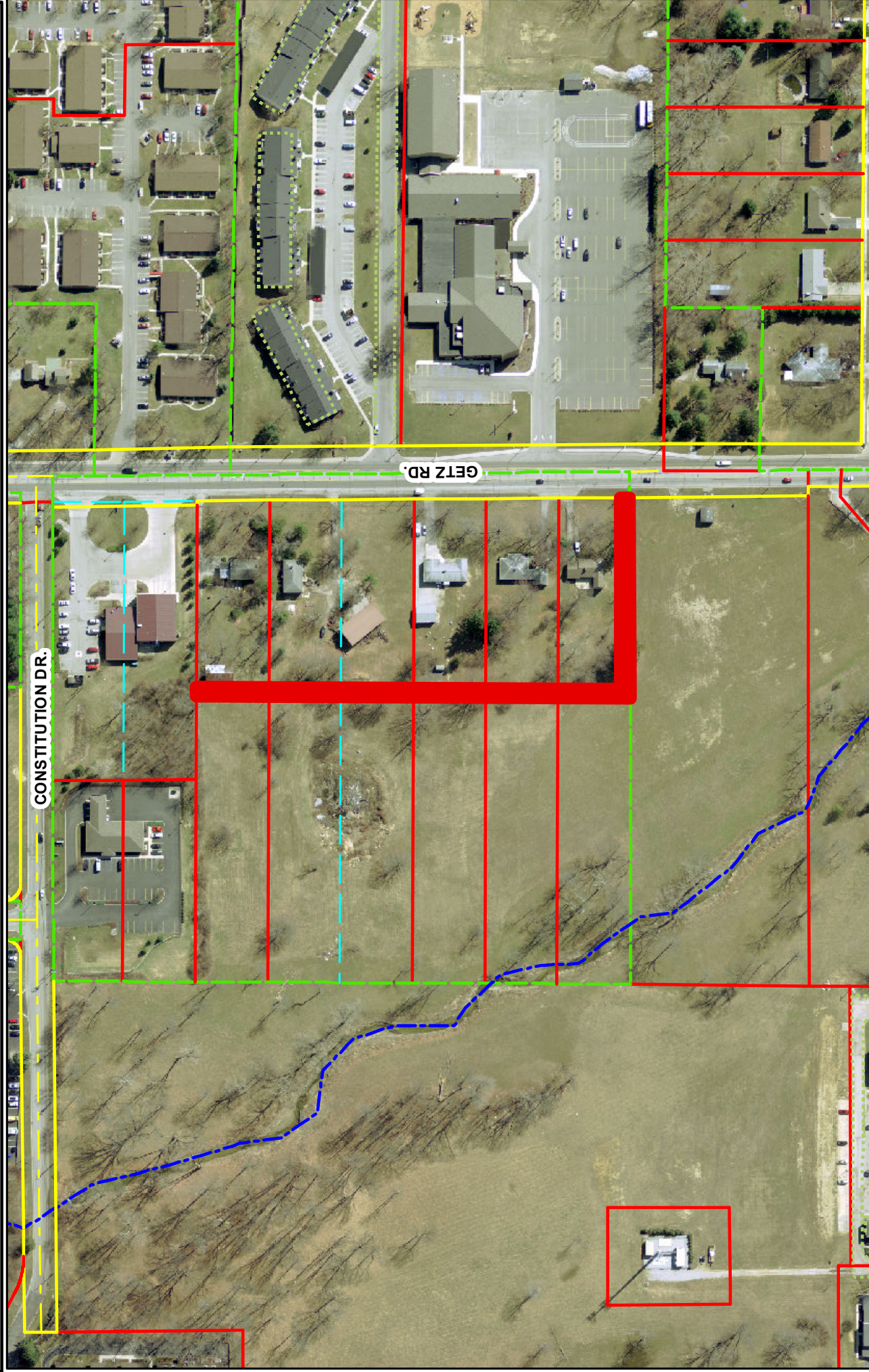
Name(s): **Professional Federal Credit Union**

Street Address: 6105 Constitution Drive

City/State/Zip Code: Fort Wayne, IN 46804

Phone Number: (260) 373-1624

23S0966



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

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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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 5/18/2016

