

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Vacation of Platted Easement
Case Number:	VEAS-2016-0003
Bill Number:	G-16-11-14
Council District:	3-Tom Didier

Introduction Date:	November 22, 2016
Public Hearing Date:	December 6, 2016
Next Council Action:	Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance:	To vacate a platted utility easement.
Location:	Between Lots 70 and 71 of Centennial Industrial Park, at 3421 Centennial Drive.
Reason for Request:	To allow building and parking expansion of Votaw Electric.
Applicant:	Votaw Electric, Inc.
Property Owner:	Dan Votaw

Related Petitions:	Future site plan routing for building and parking expansion.
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Effect of Passage:	Vacation of the utility easement will allow the existing business to expand.
Effect of Non-Passage:	Under current circumstances, building setbacks will be affected which will limit the business's ability to expand.

#VEAS-2016-0003

BILL NO. G-16-11-14

**Doc. #960010694
Plat Cabinet C
Page 63**

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:

All that part of a utility and surface drainage easement over, under, and across the lands of TMD, LLC. Per Document No. 960010694 and also being part of Lots 70 and 71 of Centennial Industrial Park, Section 10, per Plat Cabinet C, Page 63, more particularly described as follows:

Commencing at the Northeast corner of Lot 70; thence South 89 degrees 14 minutes 38 seconds West, assumed bearing and basis of bearings to follow, on and along the North line of said Lot 70, 15.00 feet to the point of beginning; thence South 0 degrees 11 minutes 1 second East, parallel with and 15.00 feet distant of the East line of Lot 70, 10.00 feet to a point; thence South 89 degrees 14 minutes 38 seconds West, parallel with and 10.00 feet distant of the North line of Lot 70, 364.84 feet to a point; thence North 0 degrees 12 minutes 2 seconds West, parallel with and 20.00 feet distant to the West line of Lot 70, 10.00 feet to a point on the North line of Lot 70; thence continuing North 0 degrees 12 minutes 2 seconds West, parallel with and 20.00 feet distant to the West line of Lot 71, 10.00 feet to a point; thence North 89 degrees 14 minutes 38 seconds East, parallel with and 10.00 feet distant to the South line of Lot 71, 364.84 feet to a point; thence South 0 degrees 11 minutes 1 second East, parallel with and 15.00 feet distant of the East line of Lot 71, 10.00 feet to the point of beginning, containing 0.167 acres more or less.

Part of parcel Tax I.D. No. 02-07-28-376-002.000-073

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:

(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:

Expansion of parking lot

(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.

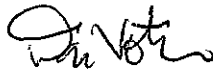
Applicant's name(s) if different from property owner(s):

Name: Votaw Electric, Inc

Street Address: 3421 Centennial Dr.

City: Fort Wayne State: In Zip: 46898-0158 Phone: 260-482-7099

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.



Signature

Dan Notaw

Printed Name

10/12/16

Date

3421 Centennial Dr.

Address

Fort Wayne, IN 46808

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 #: _____

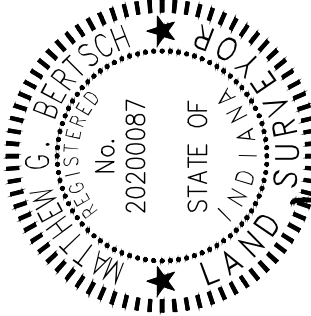
Exhibit "A"

Easement Vacation Description

ALL THAT PART OF A UTILITY AND SURFACE DRAINAGE EASEMENT OVER, UNDER, AND ACROSS THE LANDS OF TMD, LLC. PER DOCUMENT NO. 960010694 AND ALSO BEING PART OF LOTS 70 AND 71 OF CENTENNIAL INDUSTRIAL PARK, SECTION 10, PER PLAT CABINET C, PAGE 63, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 70; THENCE SOUTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, ASSUMED BEARING AND BASIS OF BEARINGS TO FOLLOW, ON AND ALONG THE NORTH LINE OF SAID LOT 70 15.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 11 MINUTES 1 SECOND EAST, PARALLEL WITH AND 15.00 FEET DISTANT OF THE EAST LINE OF LOT 70, 10.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, PARALLEL WITH AND 10.00 FEET DISTANT OF THE NORTH LINE OF LOT 70, 364.84 FEET TO A POINT; THENCE NORTH 0 DEGREES 12 MINUTES 2 SECONDS WEST, PARALLEL WITH AND 20.00 FEET DISTANT TO THE WEST LINE OF LOT 70, 10.00 FEET TO A POINT ON THE NORTH LINE OF LOT 70; THENCE CONTINUING NORTH 0 DEGREES 12 MINUTES 2 SECONDS WEST, PARALLEL WITH AND 20.00 FEET DISTANT TO THE WEST LINE OF LOT 71, 10.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 14 MINUTES 38 SECONDS EAST, PARALLEL WITH AND 10.00 FEET DISTANT TO THE SOUTH LINE OF LOT 71, 364.84' TO A POINT; THENCE SOUTH 0 DEGREES 11 MINUTES 1 SECOND EAST, PARALLEL WITH AND 15.00 FEET DISTANT OF THE EAST LINE OF LOT 71, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.167 ACRES MORE OR LESS.

PART OF PARENT PARCEL TAX I.D. No. 02-07-28-376-002.000-073

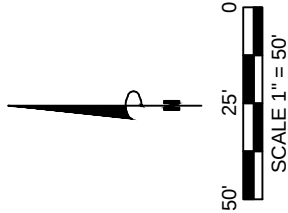
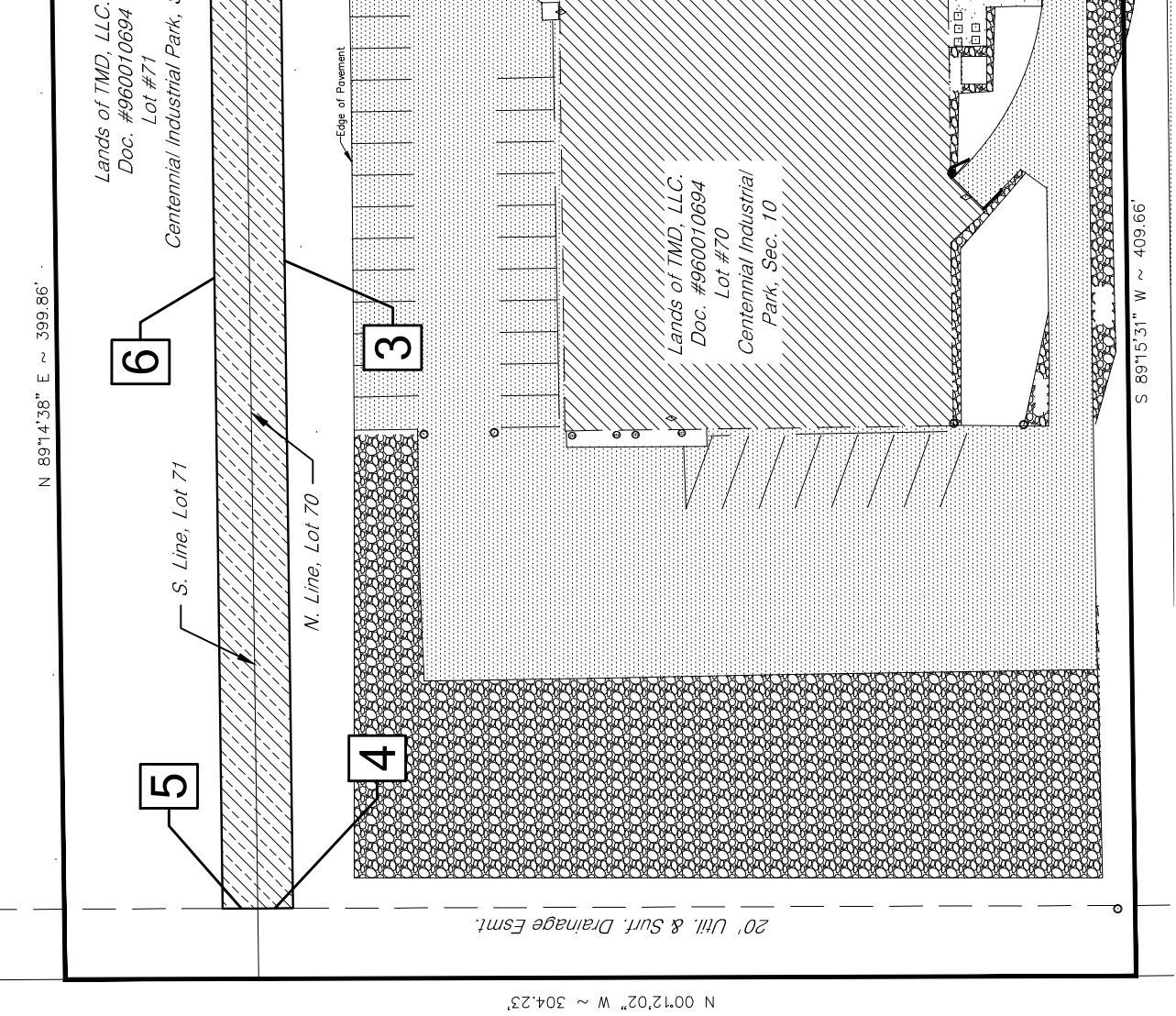


Matthew G. Bertsch

THIS DESCRIPTION WAS PREPARED FOR TMD, LLC. BY BERTSCH-FRANK & ASSOCIATES, LLC. AND
CERTIFIED BY MATTHEW G. BERTSCH, P.L.S. INDIANA REGISTERED LAND SURVEYOR NO. 20200087

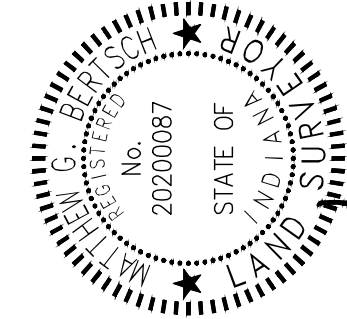
MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

BF BERTSCH-FRANK LAND SURVEYING 811 LAWRENCE DRIVE FORT WAYNE, IN 46804		& associates LAND SURVEYING LAND PLANNING TELEPHONE: (260) 459-9393 FACSIMILE: (260) 459-9303	
TMD, LLC. Easement Exhibit "A" Votaw Electric Expansion 3421 Centennial Drive The City of Fort Wayne			
REVISIONS		CAD FILE: 16128Esmnt.dwg	
MARK	DATE	DESCRIPTION	DRAWN BY: ARF
			CHECKED BY: MGB
			DATE: 10/26/2016
			PRCT. NO.: 16128.100



BF BERTSCH-FRANK
& a s s o c i a t e s
LAND SURVEYING | LAND PLANNING
811 LAWRENCE DRIVE
FORT WAYNE, IN 46804
TELEPHONE: (260) 459-9393
FACSIMILE: (260) 459-9303

TMD, LLC.
Easement Exhibit "B"
Votaw Electric Expansion
3421 Centennial Drive
The City of Fort Wayne



Matthew G. Bertsch

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

Exhibit "B"

Easement Vacation Limits

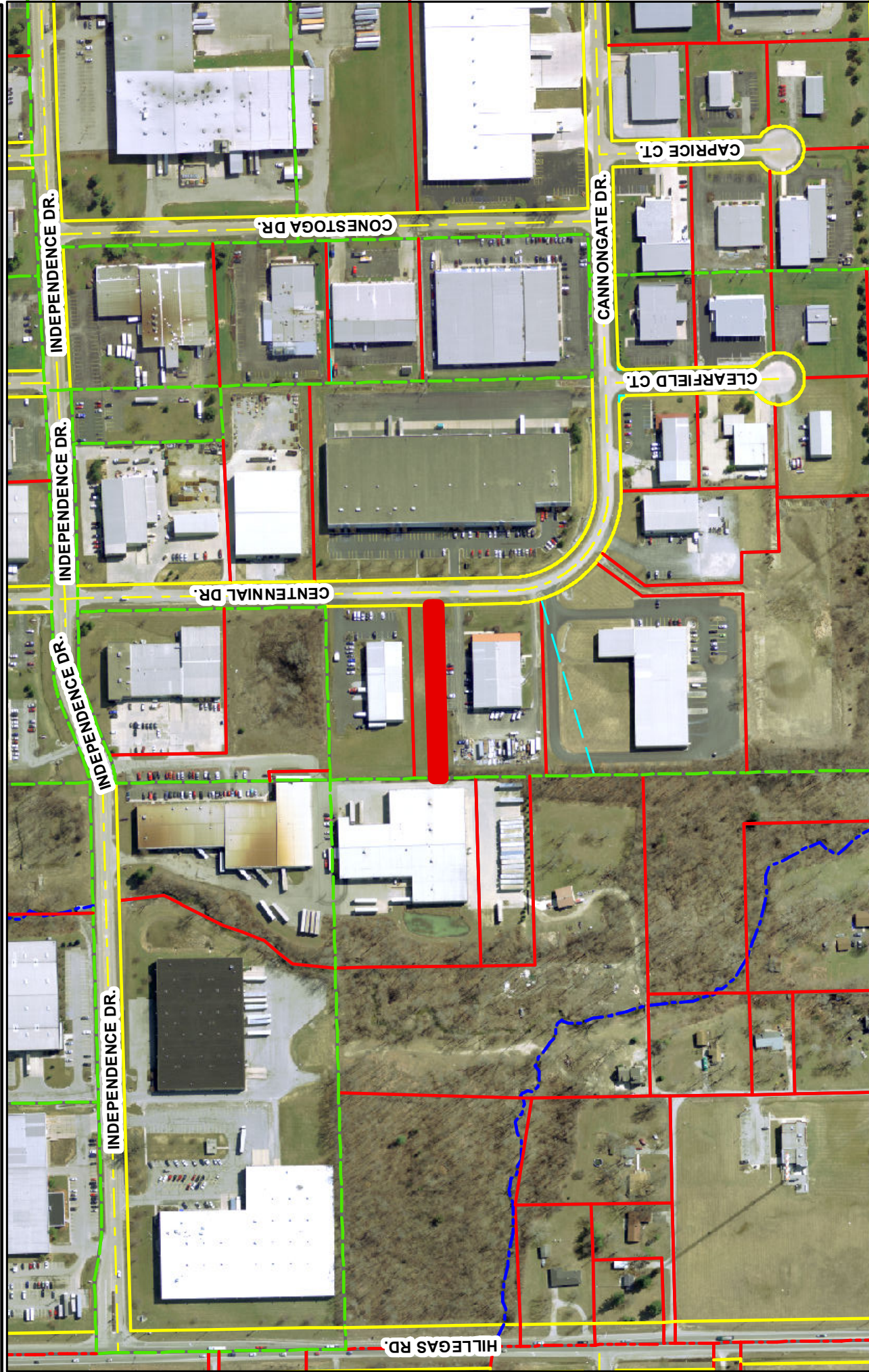
I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Easement Notes:

1. BEING A PART OF THE SAME PROPERTY CONVEYED TO TMD, LLC, PER DOC. #960010694 RECORDED ON FEB. 28, 1996 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.
2. PART OF TAX PARCEL: 02-07-28-376-002.000-073
3. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

Platted Easement Vacation		
#	Bearing	Length
1	S 89°14'38" W	15.00'
2	S 0°11'01" E	10.00'
3	S 89°14'38" W	364.84'
4	N 0°12'02" W	10.00'
5	N 0°12'02" W	10.00'
6	N 89°14'38" E	364.84'
7	S 0°11'01" E	10.00'



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.

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

Date: 11/14/2016

