

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2017-0001
Bill Number: G-17-08-05
Council District: 3-Tom Didier

Introduction Date: August 8, 2017

Public Hearing Date: August 22, 2017 (to be held by Council)

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

Synopsis of Ordinance: To vacate a 14 foot wide platted utility easement in Interstate Industrial Park, Section E.

Location: At 4747 Lima Road.

Reason for Request: To develop the site with a new Habitat ReStore retail building.

Applicant: Fort Wayne Habitat for Humanity, Inc.

Property Owner: Fort Wayne Habitat for Humanity, Inc.

Related Petitions: Site Plan Review for Habitat for Humanity ReStore

Effect of Passage: Vacation of the utility easement will allow the property to be redeveloped for a discount home improvement store and donation center.

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

1 **VEAS-2017-0001**

2 **BILL NO. G-17-08-05**

3
4 **Deed Book 30**
5 **Pages 104-106**

6 **GENERAL ORDINANCE NO. G-_____**

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

9 WHEREAS, a petition to vacate a platted utility easement within the City of Fort Wayne,
10 Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort
11 Wayne, Indiana; and

12 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
13 and approved said petition, as provided in I.C. 36-7-3-12.

14 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
15 FORT WAYNE, INDIANA:

16 SECTION 1. That the petition filed herein to vacate a portion of a platted utility easement
17 within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

18 A 14' UTILITY AND DRAINAGE EASEMENT UNDER, OVER, AND ACROSS THAT PART OF BLOCK
19 13, SECTION "E", INTERSTATE INDUSTRIAL PARK, AS RECORDED IN PLAT RECORD 30, PAGES
20 104-106, LYING EAST OF THE WEST LINE OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12
21 EAST, ALLEN COUNTY, INDIANA, EXCEPT THE WEST 100.77 FEET, THEREOF, BEING MORE
22 PARTICULARLY DESCRIBED AS FOLLOWS:

23 PART OF THE NORTH 50 ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF
24 SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, BEING MORE
25 PARTICULARLY DESCRIBED AS FOLLOWS:

26 COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 50 ACRES OF THE
27 WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 13
28 EAST, ALLEN COUNTY, INDIANA, WITH THE NORTH-SOUTH SECTION LINE OF SECTIONS 22
29 AND 23; THENCE NORTH 89 DEGREES 02 MINUTES EAST (ASSUMED BEARING) ALONG THE
30 SOUTH LINE OF THE NORTH 50 ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF
SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, A DISTANCE OF 100.77 FEET TO A 5/8 IN
IRON PIN; THENCE NORTH 02 DEGREES 06 MINUTES WEST ALONG THE EAST LINE OF ALL
THAT PART OF BLOCK 13, SECTION "E", INTERSTATE INDUSTRIAL PARK, AS RECORDED IN
PLAT RECORD 30, PAGES 104-106 LYING EAST OF THE WEST SECTION LINE OF SECTION 23,

TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, EXCEPT THE WEST 100.77 FEET OF SAID PARCEL, REAL ESTATE CONVEYED TO THE MULHAUPT PRINTING COMPANY, INC. RECORDED IN DOCUMENT NUMBER 970063317, A DISTANCE OF 238.05 FEET TO A 1/2 INCH IRON PIN ON THE SOUTH RIGHT-OF-WAY LINE OF PRODUCTION ROAD; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 744.7 FEET, A CHORD OF 261.55 FEET, WITH A CHORD BEARING OF NORTH 77 DEGREES 49 MINUTES 47 SECONDS EAST, AN ARC LENGTH OF 262.91 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 744.7 FEET, A CHORD OF 7.09 FEET WITH A CHORD BEARING OF NORTH 67 DEGREES 26 MINUTES 35 SECONDS EAST, AN ARC LENGTH OF 7.09 FEET TO A POINT; THENCE CONTINUING NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 744.7 FEET, A CHORD OF 7.10 FEET WITH A CHORD BEARING OF NORTH 68 DEGREES 04 MINUTES 56 SECONDS EAST TO A POINT; THENCE SOUTH 31 DEGREES 35 MINUTES EAST, PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF LIMA ROAD (STATE ROAD #3), A DISTANCE OF 209.98 FEET TO A POINT ON THE NORTHERLY LINE OF REAL ESTATE CONVEYED TO F.B. KELSEY AND O.C. KELSEY, RECORDED IN DOCUMENT NUMBER 70-9461; THENCE SOUTH 89 DEGREES 02 MINUTES WEST, ALONG THE NORTHERLY LINE OF SAID KELSEY PARCEL, A DISTANCE OF 14.00 FEET TO A POINT; THENCE NORTH 31 DEGREES 35 MINUTES WEST, PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF LIMA ROAD, A DISTANCE OF 212.29 FEET TO THE POINT OF BEGINNING, CONTAINING 0.069 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:

X Easement _____ Public Right of Way (street or alley)

More particularly described as follows:

- 4747 Lima Road, Fort Wayne, IN 46808
- approx. 2.7 acres within plat of Interstate Industrial Park
Section E
- platted utility easement comprises approx. .069 acres and 14' in
width (see survey and legal description)

(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: 30 PAGE(S) NUMBER(S): 104-106 (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:

see attached Summary of Request

(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: _____

Street Address: _____

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

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.

see Exhibit A

Signature

Printed Name

Date

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): Mark H. Bains // Barrett McNagny

Street Address: 215 E Berry St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-423-9551

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:

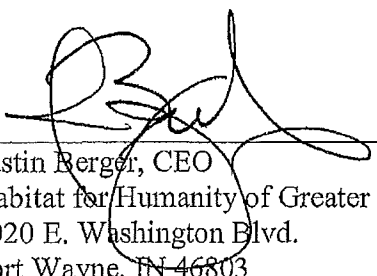
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

EXHIBIT A



Justin Berger, CEO
Habitat for Humanity of Greater Fort Wayne
2020 E. Washington Blvd.
Fort Wayne, IN 46803

7/11/2017
Date

104-106

BF BERTSCH-FRANK
& a s s o c i a t e s
LAND SURVEYING | LAND PLANNING

A 14' UTILITY AND DRAINAGE EASEMENT UNDER, OVER, AND ACROSS THAT PART OF BLOCK 13, SECTION "E", INTERSTATE INDUSTRIAL PARK, AS RECORDED IN PLAT RECORD 30, PAGES 104-104, LYING EAST OF THE WEST LINE OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, EXCEPT THE WEST 100.77 FEET, THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**INTERSTATE INDUSTRIAL PARK
SECTION E
KEY**

Tract Letter	Owner	Address	Parcel No.
A	Bastin Professional Group LLC	909 Production Rd.	02-07-23-351-001.000-073
B	JRM Realty LLC	919 Production Rd.	02-07-22-478-003.000-073
C	OI Capital Corporation	1005 Production Rd.	02-07-22-478-001.000-073
D	Parkview Health System Inc.	1010, 1050 Production Rd.	02-07-22-427-006.000-073
E	Reliable Real Estate LLC	1015 Production Rd.	02-07-22-477-012.000-073
F	Ag Plus Inc.	1105 Production Rd.	02-07-22-477-001.000-073
G	Parkview Health System Inc.	1540 Production Rd.	02-07-22-451-002.000-073
H	CNL Net Lease Funding 2001	4747 Lima Rd.	02-07-23-351-002.000-073
I	Rohrman, Robert	4909 Lima Rd.	02-07-23-301-001.000-073
J	Fort Wayne Hotel Suites Inc.	4919 Lima Rd.	02-07-22-427-005.000-073
K	WhyNot Group Inc.	Progress Rd.	02-07-22-427-003.000-073
L	CC Realty LLC	1211 Progress Rd.	02-07-22-404-004.000-073
M	EMG Properties LLC (partially in Sec. E)	1222 Progress Rd.	02-07-22-403-009.000-073
N	Lynn Leasing	Newaygo Rd.	02-07-22-476-001.000-073



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
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1 inch = 100 feet

