

FACT SHEET

Case #REZ-2017-0052 Bill # Z-17-11-18 Project Start: 28 November 2017

APPLICANTS:	Paradigm Consulting Group, LLC; Christopher L. Bible Real Estate Holdings, LLC; Michael A. Hartle
REQUEST:	To rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services for existing medical offices.
LOCATION:	The sites for rezoning are located at 3825, 3835, and 3919 West Jefferson Blvd. The properties have approximately 550 feet of frontage on the south side of the 3800 to 3900 blocks of West Jefferson Blvd (Section 8 of Wayne Township).
LAND AREA:	Approximately 2.4 acres
PRESENT ZONING:	R3/Multiple Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	None
SPONSOR:	City of Fort Wayne Plan Commission

11 December 2017 Public Hearing

- One neighborhood representative spoke at the hearing in favor.
- One neighborhood representative spoke at the hearing with concerns.
- Staff recommended Do Pass with a Written Commitment.
- Mike Bynum and Billy Davenport were absent.

18 December 2017 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

A motion was made by Judi Wire and seconded by Shan Gunawardena to return the ordinance with a Written Commitment to Common Council for their final decision.

7-0 MOTION PASSED

- Billy Davenport and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
4 January 2018

Reviewed by:



Kimberly R. Bowman
Executive Land Use Director

PROJECT SUMMARY

SITE HISTORY:

- Fort Wayne Board of Zoning Appeals approvals have been granted on all three properties for various office uses beginning in 1979.
- A similar zoning request was made in 2012, along with a Primary Development Plan for 3919 West Jefferson. That request was denied because a requested Written Commitment for 3919 West Jefferson was not executed.

The petitioners are requesting to rezone each of three properties from R3/Multiple Family Residential to C1/Professional Office and Personal Services. Each property in this petition has at least one approval from the Board of Zoning Appeals to operate a medical office building. Included in the petition is a dentist office, a sports medicine and chiropractic office and a pediatric office and clinic. Two of the offices are in converted residential structures and the pediatrics office is in a converted studio/office. Approval of the rezoning request will allow the uses by right and would allow any expansion to occur under the standards for CM1 zoning.

Along the West Jefferson Boulevard corridor, from Ardmore to Randall Road, there is a mixture of residential and commercially zoned properties. Of the 19 parcels, six are vacant and only two appear to maintain residential homes. Ten parcels contain commercial uses, six of which are zoned C1; the remaining commercial businesses operate under BZA approvals. Rezoning this vacant parcel to C1/Professional Offices and Personal Services will allow for the expansion of an existing office use. The Plan Commission has supported recent rezoning proposals along this corridor, primarily to bring existing office uses into conformity with the zoning ordinance. With Plan Commission oversight of development and the C1 development standards, these businesses can continue to operate and expand under the commercial standards in the ordinance. Requirements for setbacks, lighting, parking, landscaping and screening will be applied with any new development or expansion.

This proposal is supported by the following goals and policies of the Comprehensive Plan:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

LU2. Use land resources more efficiently by encouraging new development within the conceptual development map growth area which are adjacent to existing development;

LU5.A Encourage consistent community standards for pedestrian, vehicular, bicycle, and other similar connectivity situations;

LU5.B Encourage development proposals that enhance area connectivity;

LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing;

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The 2012 denial of a similar zoning request was due primarily to an issue with a fence and gate on 3919 West Jefferson. At the time there was vehicular interconnectivity between the medical office and the residential house to the south (3838 Washington Road North) which resulted in complaints from the neighborhood. A Written Commitment to prohibit this connection was prepared but never executed by the owner of 3919 West Jefferson. Today, the fence is solid and there is no vehicular gate access to the house to the south. Significant landscaping has been installed along the south property line over the past five years. A new Written Commitment has been submitted to address any use concerns of the neighborhood, and is attached.

PUBLIC HEARING SUMMARY:

Presenter: Phillip Terrill, representing the applicants, presented the proposal to the Plan Commission as outlined above. He stated that there will be no connectivity between West Jefferson and North Washington properties. Dr. Bible may choose to improve his parking lot to C1 standards and all parties may pursue new signage under C1 standards.

Comments in Favor:

John Hoffman, with Westwood-Fairway Association, supported the petition with a Written Commitment.

Questions or Comments in Opposition:

Sarah Evans, also from Westwood-Fairway, had concerns over connectivity between West Jefferson property and North Washington property (which no longer exists).

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

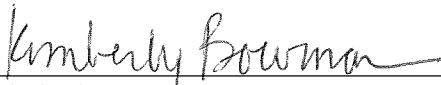
Rezoning Petition REZ-2017-0052

APPLICANTS:	Paradigm Consulting Group, LLC; Christopher L. Bible Real Estate Holdings, LLC; Michael A. Hartle
REQUEST:	To rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services for existing medical offices.
LOCATION:	The sites for rezoning are located at 3825, 3835, and 3919 West Jefferson Blvd. The properties have approximately 550 feet of frontage on the south side of the 3800 to 3900 blocks of West Jefferson Blvd (Section 8 of Wayne Township).
LAND AREA:	Approximately 2.4 acres
PRESENT ZONING:	R3/Multiple Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2017-0052, with an approved Written Commitment, be returned to Council with a “Do Pass” recommendation for the following reasons:

1. Approval of the rezoning request will not establish an undesirable precedent in the area. The majority of the properties along the south side of West Jefferson Boulevard from Ardmore Avenue to Randall Road have been converted to commercial office uses, or are currently vacant. Approval of this rezoning will allow the properties to remain as office uses and will allow for growth and expansion.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Commercial office uses have been established on each of these properties for over 20 years. The Zoning Ordinance standards will ensure that any expansion will follow current standards for lighting, signage, landscaping and buffering.
3. Approval is intended to conserve property values in the area through compatible development. The majority of the properties and structures along this corridor are being used for professional offices and personal services. The continuation of this use will not have a negative impact on the adjoining properties.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. No new construction is proposed at this time. Any future expansions will be reviewed for compliance with current standards.

These findings approved by the Fort Wayne Plan Commission on December 18, 2017.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Paradigm Consulting Grp LLC
Address 3919 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 330-715-2005 E-mail zveerula@yahoo.com

Contact Person
Contact Person Zoila Veerula
Address 3919 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 330-715-2005 E-mail zveerula@yahoo.com

All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 3919 W. Jefferson Blvd
Present Zoning R3 Proposed Zoning CM1 Acreage to be rezoned 1.345 acres (see Deed attached for legal desc.)
Proposed density _____ units per acre
Township name Wayne Township section # 9
Purpose of rezoning (attach additional page if necessary) For increased signage for medical office use
Sewer provider City Water provider City

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☒ Applicable filing fee
☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
☒ Legal Description of parcel to be rezoned (see attached Deed)
☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Zoila Veerula, Individually [Signature] 11.6.2017
(printed name of applicant) (signature of applicant) (date)
Paradigm Consulting Grp LLC
(printed name of property owner) (signature of property owner) (date)
By: Zoila Veerula, Manager [Signature] 11.6.2017
(printed name of property owner) (signature of property owner) (date)
(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
11/7/11	125610	12/11/17	Rez-2017-0052

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Christopher L. Bible Real Estate Holdings, LLC
Address 3825 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 435-1968 E-mail ct_bible@yahoo.com

Contact Person
Contact Person Christopher L. Bible
Address 3825 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 435-1968 E-mail ct_bible@yahoo.com

All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 3825 W. Jefferson Blvd.
Present Zoning R3 Proposed Zoning CM1 Acreage to be rezoned 0.585 (see Deed attached for legal description)
Proposed density _____ units per acre
Township name Wayne Township section # 9
Purpose of rezoning (attach additional page if necessary) Possibly change signage and increase parking lot for dental office
Sewer provider City Water provider City

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Christopher L. Bible, Individually [Signature] 11/6/17
(printed name of applicant) (signature of applicant) (date)

Christopher L. Bible _____
(printed name of property owner) (signature of property owner) (date)

Real Estate Holdings, LLC _____
By: Christopher L. Bible, Pres. [Signature] 11/6/17
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>11/7/17</u>	<u>125660</u>	<u>12/11/17</u>	<u>Rez-2017-6052</u>

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Michael A. Hartle d/b/a Allen County Family and Sports Chiropractic
Address 3835 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 260-969-0109 E-mail acchiropower@gmail.com

Contact Person
Contact Person Dr. Michael A. Hartle
Address 3835 W. Jefferson Blvd.
City Fort Wayne State IN Zip 46804
Telephone 260-969-0109 E-mail acchiropower@gmail.com

All staff correspondence will be sent only to the designated contact person.

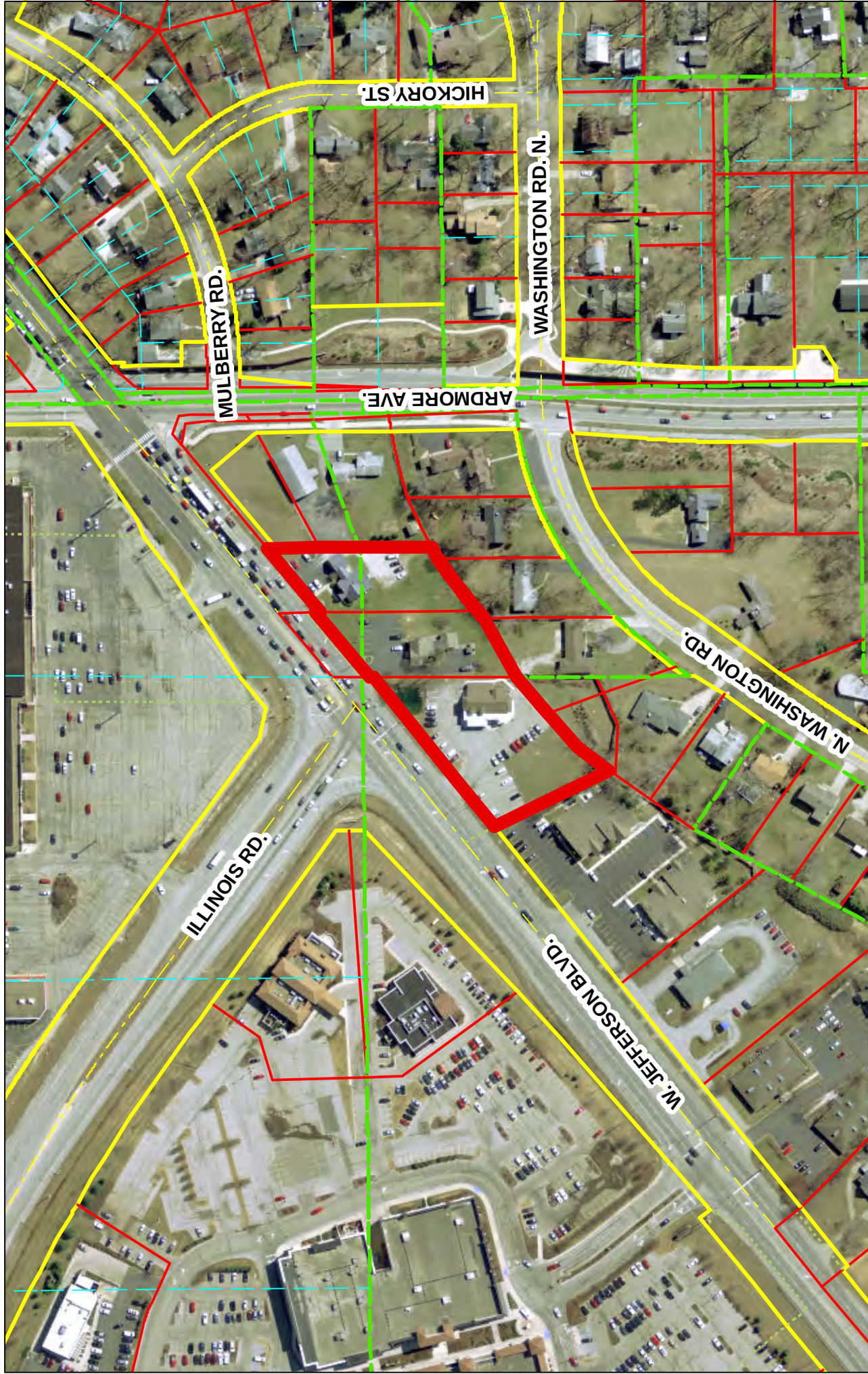
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 3835 W. Jefferson Blvd.
Present Zoning R3 Proposed Zoning CM1 Acreage to be rezoned 0.54 approx. (see Deed attached for legal desc.)
Proposed density _____ units per acre
Township name Wayne Township section # 9
Purpose of rezoning (attach additional page if necessary) Wants to increase size of sign and possibly enlarge clinic
Sewer provider City Water provider City

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
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☒ Legal Description of parcel to be rezoned (see attached Deed)
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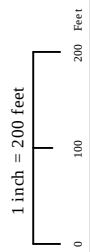
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

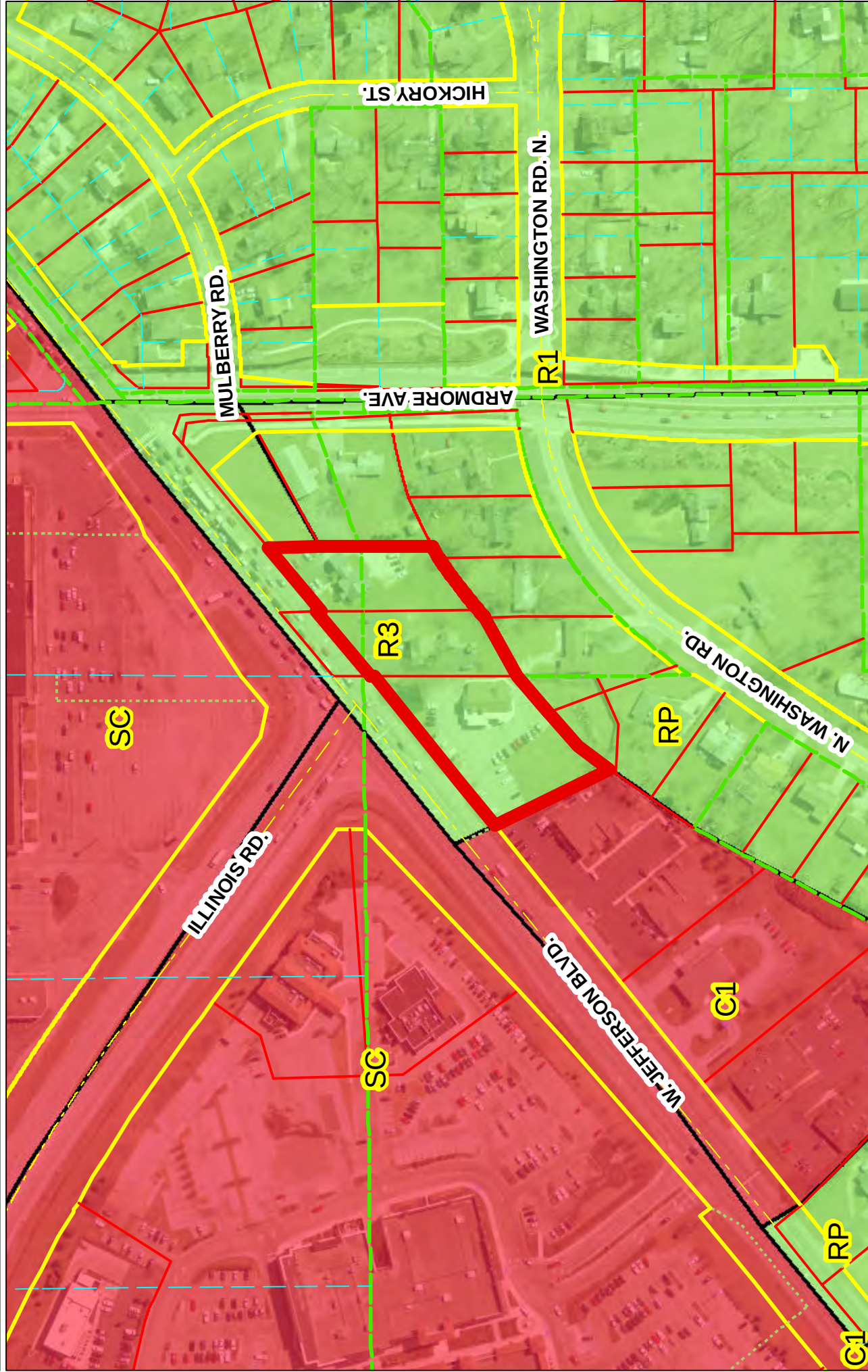
Michael A. Hartle, Individually [Signature] 11-06-17
(printed name of applicant) (signature of applicant) (date)
Allen County Family and Sports Chiropractic
(printed name of property owner) (signature of property owner) (date)
By: Michael A. Hartle, Pres. [Signature] 11-06-17
(printed name of property owner) (signature of property owner) (date)
(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>11/7/17</u>	<u>125610</u>	<u>12-11-17</u>	<u>Rez-2017-0052</u>



Areas depicted with bold 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: 11/17/2017

Areas depicted with bold lines are for representational purposes only.



1 inch = 200 feet
0 100 200 Feet

EXHIBIT A - LEGAL DESCRIPTION

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 Edsall's Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160.0 rods of said Lagro Section, by metes and bounds described as follows, to-wit:

COMMENCING at the Northwest corner of Lot Number 1 in the plat of Washington Place Addition, as recorded in Plat Book 15, page 134, of the records in the Office of the Recorder of said County; thence North and parallel to the East line of said Lot Number 18 of Edsall's Subdivision, a distance of 204.35 feet to an intersection by the centerline of the public highway known as the Upper Huntington Road; thence Southwesterly on the centerline of said Highway, 258.7 feet to its intersection by the West line of said Lot Number 18 Edsall's Subdivision; thence South on the West line of aforesaid Lot and on a line parallel to and 26.0 rods West of the East line of said Lagro Section, a distance of 288.87 feet to the Northwest corner of Lot Number 5 of said Washington Place Addition; thence Northeasterly on the North lines of Lots Numbered 5, 4 and 3, a distance of 244.3 feet to the Southwest corner of Lot Number 1 in said Washington Place Addition; thence North on the West line of the aforesaid Lot, 120.0 feet to the Point of Beginning, in Allen County, Indiana.

EXCEPTING from the above described real estate the following tract:

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 Edsall's Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160.0 rods of said Lagro Section and by metes and bounds described as follows, to-wit:

COMMENCING at the Northwest corner of Lot Number 1 in the Plat of Washington Place Addition, as recorded in Plat Book 15, page 134 in the records of the Office of the Recorder of Allen County, Indiana; thence North and parallel to the East line of said Lot Number 18 of Edsall's Subdivision, a distance of 204.35 feet to the center of the public highway known as the Upper Huntington Road; thence Southwesterly on the aforesaid highway centerline, a distance of 129.35 feet; thence Southerly, a distance of 309.87 feet to a point in the North line of Lot Number 4 Washington Place Addition, aforesaid, situated at a

Continued on next page

EXHIBIT A - CONT'D

distance of 17.65 feet Northeasterly from the Northwest corner of the aforesaid Lot Number 4; thence Northeasterly on the North line of said Lot Number 4, a distance of 101.9 feet to the Northeast corner thereof; thence continuing Northeasterly on the North line of Lot Number 3 Washington Place Addition, aforesaid, a distance of 20.3 feet to the Southwest corner of Lot Number 1 in said Washington Place Addition; thence North on the West line of the aforesaid Lot Number 1, a distance of 120 feet to the Place of Beginning, containing approximately six-tenths of an acre.

EXCEPT that part being more particularly described as follows:

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 in Edsall's Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160 rods of said Lagro Section, by metes and bounds described as follows, to-wit:

COMMENCING at a point on the West line of Lot Number 18 of Edsall's Subdivision of the Lagro Reserve, said point also being the Southerly right-of-way line of Jefferson Boulevard and being 2 feet North of the South line of Edsall's Subdivision of Lagro Reserve, this point shall also be the Point of Beginning of the following described parcel of right-of-way; thence in a Northeasterly direction along the Southerly right-of-way line of Jefferson Boulevard 129.35 feet to a point on the East property line which is 100 feet East of the West line of the aforesaid Lot Number 18; thence South along the East property line a distance of 12.8 feet; thence Southwesterly 129.35 feet to a point on the West property line of Lot Number 18 of Edsall's Subdivision; thence North 12.8 feet to a point on the existing 40 foot right-of-way line which is also the Point of Beginning, containing 2587 square feet or 0.0594 acres of land, more or less.

END OF EXHIBIT A

ORDER NO: 40004645

EXHIBIT A - LEGAL DESCRIPTION

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 in Edsall's Subdivision of Lagro Reserve, together with a part of the East 26.0 rods of the South 160 rods of said Lagro Reserve and by metes and bounds described as follows:

Commencing at the Northwest corner of Lot Number 1 in the Plat of Washington Place Addition, as recorded in Plat Book Number 15, page 134, in the records of the Office of the Recorder of Allen County, Indiana; thence North and parallel to the East line of said Lot Number 18 of Edsall's Subdivision, a distance of 204.35 feet to the center of the public highway known as the Upper Huntington Road; thence Southwesterly, on the aforesaid highway centerline, a distance of 129.35 feet; thence Southerly, a distance of 309.87 feet to a point in the North line of Lot Number 4 in Washington Place Addition aforesaid, situated at a distance of 17.65 feet Northeasterly from the Northwest corner of the aforesaid Lot Number 4; thence Northeasterly, on the North line of said Lot Number 4, a distance of 101.9 feet to the Northeast corner thereof; thence continuing Northeasterly, on the North line of Lot Number 3 in Washington Place Addition aforesaid, a distance of 20.3 feet to the Southwest corner of Lot Number 1, in said Washington Place Addition; thence North on the West line of said aforesaid Lot Number 1, a distance of 120 feet to the point of beginning, containing approximately 0.6 of an acre.

EXCEPT:

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 in Edsall's Subdivision of Lagro Reserve to wit:

Commencing at the Northwest corner of Lot Number 1 in the Plat of Washington Place Addition, as recorded in Plat Book Number 15, page 134 in the records of the Office of the Recorder of Allen County, Indiana; thence North and parallel to the East line of said Lot Number 18 of Edsall's Subdivision, a distance of 153.25 feet to a point on the Southerly right of way line of Jefferson Boulevard, which shall be the point of beginning of

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EXHIBIT A - CONT'D

the following described parcel; thence South 51 degrees 30 minutes West 129.35 feet to the West property line; thence South along the West property line 12.8 feet; thence North 51 degrees 30 minutes East 129.35 feet to a point on the East property line; thence North, along the East property line 12.8 feet to the point of beginning, containing 1293.5 square feet or 0.0297 acres of land more or less.

BEING DESCRIBED AFTER A FIELD SURVEY AS:

Part of Lot #18 in Edsall's Subdivision of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, together with part of the East 26.0 rods of the South 160 rods of said Lagro Reserve, more particularly described as follows, to wit:

Beginning at the Northwest corner Lot #1 in Washington Place Addition recorded in Plat Book 15, Page 134, in the Office of the Recorder of Allen County, Indiana; thence Northerly, recorded parallel with the East line of said Lot #18, a distance of 140.45 feet to the Southeast corner of a 0.0297 acre tract of land dedicated for street purposes in Document No. 960021083 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly, by an interior angle of 51 degrees 15 minutes 37 seconds, along the Southerly line of said 0.0297 acre tract, a distance of 132.00 feet (recorded 129.35 feet) to the Southwest corner thereof; thence Southerly, by a deflection angle left of 53 degrees 05 minutes 06 seconds, a distance of 251.50 feet to a square inch rod found on the North line of Lot #4 in said Washington Place Addition; thence Northeasterly, by an interior angle of 52 degrees 48 minutes 50 seconds, along the North line of said Lot #4, a distance of 101.9 feet to the Northeast corner thereof; thence continuing Northeasterly, along the North line of Lot #3 in said Washington Place Addition, a distance of 20.3 feet to a 3/8 inch rod found at the Southwest corner of Lot #1 in said Washington Place Addition; thence Northerly, by an interior angle of 129 degrees 00 minutes 39 seconds, along the West line of said Lot #1, a distance of 120.00 feet to the point of beginning, containing 0.585 acres of land.

NOTE: Acreage in the legal description of the subject real estate is solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

EXHIBIT A

LEGAL DESCRIPTION

Part of Lagro Reserve in Township 30 North, Range 12 East (Wayne Township), Allen County, Indiana, more particularly described as follows, to-wit:

BEGINNING on the West line of the East 6.50 chains (429.0 feet) of Lagro Reserve at its intersection with the South line of Lot Number 17 in Edsall's Subdivision in Lagro Reserve (recorded in Deed Record 30, pages 160-161, in the Office of the Recorder of Allen County, Indiana); thence South 89 degrees 42 minutes West (bearings based on Indiana State Highway Commission plans for U.S. Highway #24) on and along the South line of said Lot Number 17, a distance of 63.4 feet (recorded 66 feet) to the centerline of U.S. Highway #24; thence South 51 degrees 30 minutes West on and along said centerline 242.44 feet; thence South 26 degrees 12 minutes 30 seconds East), 253.8 feet; thence North 38 degrees 38 minutes East (recorded North 38 degrees 50 minutes East), 59.0 feet; thence North 48 degrees 48 minutes East (recorded North 49 degrees, East) 141.0 feet to the West line of said East 6.50 chains; thence North 00 degrees 27 minutes West, on and along said West line, 240.0 feet to the point of beginning; containing 1.345 acres of land except that part taken for W. Jefferson Blvd. right-of-way



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RECORDED: 12/19/2017 3:07:19 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this 13 day of December 2017, by HARTLE, MICHAEL A AND CHRISTOPHER L BIBLE AND PARADIGM CONSULTING GRP LLC, the property owner's ("Declarant's"), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 2.4 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit A (the "Real Estate"); and

WHEREAS, Declarant's Zoning Map Amendment Application, filed with the City of Fort Wayne Plan Commission (the "Plan Commission"), bearing number REZ-2017-0052 (the "Application"), respecting the Real Estate, has been approved by the City of Fort Wayne, Indiana Common Council and the Mayor of the City of Fort Wayne; and

WHEREAS, pursuant to the Application, the Real Estate has been rezoned to C1 pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain professional office and personal service uses; and

WHEREAS, the Declarant's have submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant's hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the C1 zoning district, shall be prohibited upon the Real Estate:

- a. Correctional Services Facility

- b. Group Residential Facility (Large)
 - c. Group Residential Facility (Small)
 - d. Homeless/Emergency Shelter
 - e. Live-Work Unit
 - f. Residential Facility for homeless individuals
 - g. Television Station
 - h. Wind Energy conversion system (micro)
 - i. Rehabilitation facility with live in clients or extended hours of operation
 - j. Zoo
 - k. Drive through ATM machines or service windows that may otherwise be permitted accessarily with other permitted uses in the C1 district.
2. Lighting. The Declarant's agree that all new or replaced lighting be installed with low intensity, fully cut-off fixtures and shall not negatively impact the adjacent residential properties.
3. Noise. The Declarant's agree to not install outdoor speakers on the Real Estate.
4. Landscaping and Screening. The Declarant's agree to maintain the existing landscaping, screening and fencing along the Real Estates rear border with the homes along North Washington Blvd.
5. Access. The Declarant's agree to not install any private or public driveways from North Washington Blvd to the Real Estate.
6. Drainage. The Declarant's agree to comply with all of the City of Fort Wayne Stormwater Ordinances for future improvements on the Real Estate.
7. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.
8. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

9. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.
10. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.
11. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
12. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
13. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
14. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
15. Last Deed of Record. The last deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Numbers 2013034020 (Hartle Property) and 204008387 (Bible Property) and 2017058318 (Paradigm Property).
16. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[SIGNATURE AND EXHIBIT PAGES FOLLOW]

"DECLARANT"

HARTLE MICHAEL A

By: [Signature]

Name: Michael A. Hartle, Jr.

Its: PRESIDENT / OWNER

STATE OF INDIANA)
COUNTY OF Allen) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 14 day of December, 2017, personally appeared HARTLE, MICHAEL A as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

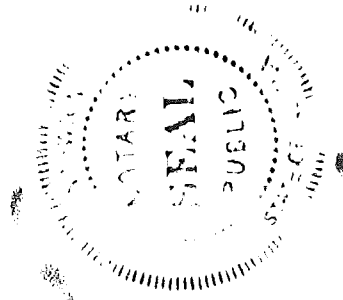
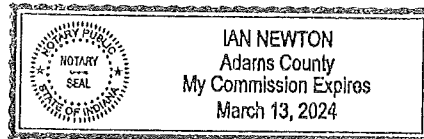
In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 3/13/24

My County of Residence: Allen

[Signature]

Ian Newton, Notary Public



"DECLARANT"

CHRISTOPHER L BIBLE

By: Christopher L. Bible DAS
Name: Christopher L Bible
Its: owner

STATE OF INDIANA)
COUNTY OF Allen) SS:

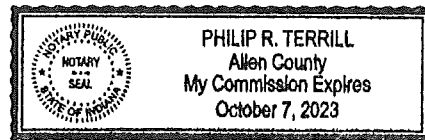
Before me, the undersigned, a Notary Public, in and for said County and State, this 13 day of December, 2017, personally appeared CHRISTOPHER L BIBLE as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Philip R. Terrill, Notary Public

My Commission Expires: Oct 7, 2023

My County of Residence: Allen Co Ind



THIS INSTRUMENT prepared by Patrick D. Rew, Principal Planner, Department of Planning Services

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. Patrick D. Rew

When recorded, return to: the Department of Planning Services

"DECLARANT"

PARADIGM CONSULTING GRP LLC

By: ZOLA VEERUKA, President
Name: Zola Veeruka

Its: President & Owner

STATE OF INDIANA)
) SS:
COUNTY OF Allen)

Zola Veeruka, Pres.

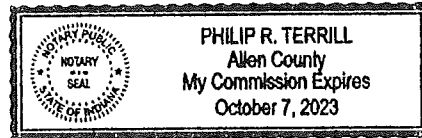
Before me, the undersigned, a Notary Public, in and for said County and State, this 13 day of December, 2017, personally appeared PARADIGM CONSULTING GRP LLC as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Philip R. Terrill
_____, Notary Public

My Commission Expires: Oct 7, 2023

My County of Residence: Allen Co Ind



THIS INSTRUMENT prepared by Patrick D. Rew, Principal Planner, Department of Planning Services

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. _____

When recorded, return to: the Department of Planning Services

EXHIBIT A

“LEGAL DESCRIPTION”

Parcel “A” (Hartle Property):

Part of Lot #18 in Edsall’s Subdivision of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, together with part of the East 26.0 rods of the South 160 rods of said Lagro Reserve, more particularly described as follows, to wit:

Beginning at the Northwest corner of Lot #1 in Washington Place Addition recorded in Plat Book 15, page 134, in the Office of the Recorder of Allen County, Indiana; thence Northerly, recorded parallel with the East line of said Lot #18, a distance of 140.45 feet to the Southeast corner of a 0.0297 acre tract of land dedicated for street purposes in Document No. 960021083 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly, by an interior angle of 51 degrees 15 minutes, 37 seconds, along the Southerly line of said 0.0297 acre tract, a distance of 132.00 feet (recorded 129.35 feet) to the Southwest corner thereof; thence Southerly, by a deflection angle left of 53 degrees 05 minutes 06 seconds, a distance of 251.50 feet to a square inch rod found on the North line of Lot #4 in said Washington Place Addition; thence Northeasterly, by an interior angle of 52 degrees 48 minutes 50 seconds, along the North line of said Lot #4, a distance of 101.9 feet to the Northeast corner thereof; thence continuing Northeasterly, along the North line of Lot #3 in said Washington Place Addition, a distance of 20.3 feet to a 3/8 inch rod found at the Southwest corner of Lot #1 in said Washington Place Addition; thence Northerly, by an interior angle of 129 degrees 00 minutes 39 seconds, along the West line of said Lot 1, a distance of 120.00 feet to the point of beginning, containing 0.585 acres of land.

Together with:

Parcel “B” (Bible Property):

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 Edsall’s Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160.0 rods of said Lagro Section, by metes and bounds described as follows, to-wit:

COMMENCING at the Northwest corner of Lot Number 1 in the plat of Washington Place Addition, as recorded in Plat Book 15, page 134, of the records in the Office of the Recorder of said County; thence North and parallel to the East line of said Lot Number 18 of Edsall’s Subdivision, a distance of 204.35 feet to an intersection by the centerline of the public highway known as the Upper Huntington Road; thence Southwesterly on the centerline of said Highway, 258.7 feet to its intersection by the West line of said Lot Number 18 Edsall’s Subdivision; thence South on the West line of aforesaid Lot and on a line parallel to and 26.0 rods West of East line of said Lagro Section, a distance of 288.87 feet to the Northwest corner of Lot Number 5 of said Washington Place Addition; thence Northeasterly on the North line of Lots Numbered 5, 4 and 3, a distance of 244.3 feet to the Southwest corner of Lot Number 1 in said Washington Place Addition; thence North of the West line of the aforesaid Lot, 120.0 feet to the Point of Beginning, in Allen County, Indiana.

EXCEPTING from the above described real estate the following tract:

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 Edsall’s Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160.0 rods of said Lagro Section and by metes and bounds described as follows, to-wit:

COMMENCING at the Northwest corner of Lot Number 1 in the Plat of Washington Place Addition, as recorded in Plat Book 15, page 134 in the records of the Office of the Recorder of Allen County, Indiana, thence North and parallel to the East line of said Lot Number 18 of Edsall’s Subdivision, a distance of 204.35 feet to the center of the public highway known as the Upper Huntington Road, thence Southwesterly on the aforesaid highway centerline, a distance of 129.35 feet, thence Southerly, a distance of 309.87 feet to a point in the North line of Lot Number 4 Washington Place Addition, aforesaid, situated at a distance of 17.65 feet Northeasterly from the Northwest corner of the aforesaid Lot Number 4, thence Northeasterly on the North line of said Lot Number 4, a distance of 101.9 feet to the Northeast corner thereof; thence continuing Northeasterly on the North line of Lot Number 3 Washington Place Addition, aforesaid, a distance of 20.3 feet to the Southwest corner of Lot Number 1 in said Washington Place Addition, thence North on the West line of the aforesaid Lot Number 1, a distance of 120.0 feet to the Place of Beginning, containing approximately six-tenths of an acre.

EXCEPT that part being more particularly described as follows:

A tract of land in Township 30 North, Range 12 East, being a part of Lot Number 18 in Edsall's Subdivision of Lagro Reserve, TOGETHER with a part of the East 26.0 rods of the South 160.0 rods of said Lagro Section, by metes and bounds described as follows, to-wit:

COMMENCING at a point on the West line of Lot Number 18 of Edsall's Subdivision of the Lagro Reserve, said point also being the Southerly right-of-way line of Jefferson Boulevard and being 2.0 feet North of the South line of Edsall's Subdivision of Lagro Reserve, this point shall also be the Point of Beginning of the following described parcel of right-of-way; thence in a Northeasterly direction along the Southerly right-of-way line of Jefferson Boulevard 129.35 feet to a point on the East property line which is 100 feet East of the West line of the aforesaid Lot Number 18; thence South along the East property line a distance of 12.8 feet; thence Southwesterly 129.35 feet to a point on the West property line of Lot Number 18 of Edsall's Subdivision; thence North 12.8 feet to a point on the existing 40 foot right-of-way line which is also the Point of Beginning; continuing 2587.0 square feet or 0.0594 acres of land, more or less.

Together with:

Parcel "C" (Paradigm Property):

Part of Lagro Reserve in Township 30 North Range 12 East (Wayne Township), Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the West line of the East 6.50 chains (429.0) feet of Lagro Reserve at its intersection with the South line of Lot Number 17 in Edsall's Subdivision in Lagro Reserve (recorded in Deed Record 30, pages 160-161, in the Office of the Recorder of Allen County, Indiana); thence South 89 degrees 42 minutes West (bearings based on Indiana State Highway Commission plans for U.S. Highway #24) on and along the South line of said Lot #17, a distance of 63.4 feet (recorded 66 feet) to the centerline of U.S. Highway #24; thence South 51 degrees 30 minutes West on and along said centerline 242.44 feet; thence South 26 degrees 12 minutes 30 seconds East, 253.8 feet; thence North 38 degrees 38 minutes East (recorded North 38 degrees 50 minutes East), 59.0 feet; thence North 48 degrees 48 minutes East (recorded North 49 degrees East) 141.0 feet to the West line of said East 6.50 chains; thence North 00 degrees 27 minutes West, on and along said West line, 240.0 feet to the point of beginning, containing 1.345 acres of land.

Excepting that part being more particularly described as follows:

DOC. #960070152

Part of the Lagro Reserve in Township 30 North, Range 12 East (Wayne Township), Allen County, Indiana, and more particularly described as follows, to wit: Commencing on the West line of the East 6.50 chains (429.0 feet) of Lagro Reserve at its intersection with the South line of Lot 17 in Edsall's Subdivision in Lagro Reserve (recorded in Deed Record 30, pages 160-161, in the Office of the Recorder of Allen County, Indiana;) thence South 89 degrees 42 minutes West (bearings based on Indiana State Highway Commission plans for U.S. Highway #24) on and along the south line of said Lot 17, a distance of 63.4 feet (recorded 66 feet) to the center line of U.S. Highway #24; thence South 51 degrees 30 minutes West on and along said centerline 242.44 feet; thence South 26 degrees 12 minutes 30 seconds East 40.9 feet to the South right of way line of West Jefferson Boulevard; which is also the point of beginning of the following described parcel; thence continuing South 26 degrees 12 minutes 30 seconds East 10.22 feet; thence North 51 degrees 30 minutes East 294.46 feet; thence North 12.7 feet to the intersection of the Southerly right of way line of Jefferson Boulevard; thence South 51 degrees 30 minutes West a distance of 300.16 feet to the point of beginning and containing 2973.1 square feet or 0.0682 acres of land, more or less.

Subject to the 40 foot wide right of way of West Jefferson.