City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Vacation of Platted Easement
Case Number:	VEAS-2018-0001
Bill Number:	G-18-02-22
Council District:	3-Tom Didier

Introduction Date:	February 27, 2018
Public Hearing Date:	March 13, 2018 (to be held by Council)
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 easement on Lot 33 in Trixholme Addition.
Location:	South of 901 Coliseum Boulevard
Reason for Request:	To assist in the redevelopment of the Coliseum and Sherman Lassus store.
Applicant:	Coliseum and Sherman LLC
Property Owner:	Coliseum and Sherman LLC
Related Petitions:	Amended Primary Development Plan, Lassus convenience store rebuild.
Effect of Passage:	Vacation of the utility easement will allow the property to be redeveloped for a new Lassus convenience store with safer access and underground stormwater detention.
Effect of Non-Passage:	Under current circumstances, the desired site plan would need to be modified and not all of the planned improvements could be constructed. City Council approved the rezoning for this additional ground for the purpose of the rebuild in 2017.

VEAS-2018-0001

BILL NO. G-18-02-22

Deed Book 644
Pages 233

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:

A partial vacation of the easement conveyed to the City of Fort Wayne in Deed Book 644, Page 233, being the South 15.0 feet of Lot 33 in Trixholme Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at a 1 inch square bolt found monumenting the Southeast corner of Lot Number 33 in Trixholme Addition; thence South 89 degrees 36 minutes 39 seconds West (all bearings in this description are based on WGS-84 longitude and latitude by GPS observation), on the South line of Lot 33, a distance of 180.0 feet, to the Southwest Corner of said Lot 33; thence North 01 degrees 17 minutes 52 seconds West, on the West line of said Lot 33, a distance of 15.0 feet; thence North 89 degrees 36 minutes 39 seconds East, a distance of 179.92 feet, to a point on the West line of said Lot 33; thence South 01 degrees 35 minutes 00 seconds East, on said West line, a distance of 15.0 feet, to the Point of Beginning. Containing 0.062 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:

THE SOUTH 15' OF LOT 33 OF TRIXHOLME ADDITION.

OLD ALLEY/UTILITY EASEMENT WHICH IS NO LONGER IN USE, AND RELOCATE NIPSCO GAS LINE TO A NEW EASEMENT 65' SOUTH, TO ACCOMODATE STORE REDEVELOPMENT.

(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: 644 **PAGE(S) NUMBER(S):** 233 **(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 ABOVE.

(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: COLISEUM & SHERMAN LLC

Street Address: 1800 MAGNAVOX WAY

City: FT. WAYNE State: IN Zip: 46804 Phone: 260-436-1415

FORT WAYNE, INDIANA
FILED
FEB 06 2008
LANA R. KEESLING
CITY CLERK

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	GREG LASSUS Printed Name	2/5/18 Date
1800 MAGNAVOX WAY Address	FT WAYNE, IN 46804 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): SAM SCHEUCEL

Street Address: SAME

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

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: 157725 $200.00 Date Filed: 2/6/18

Map #: K-26 Wash 27 Reference #: VEAS-2018-0001

0 40′ 80′

SCALE: 1"=40'
-ORIGINAL SCALE-

DEC 29, 2017

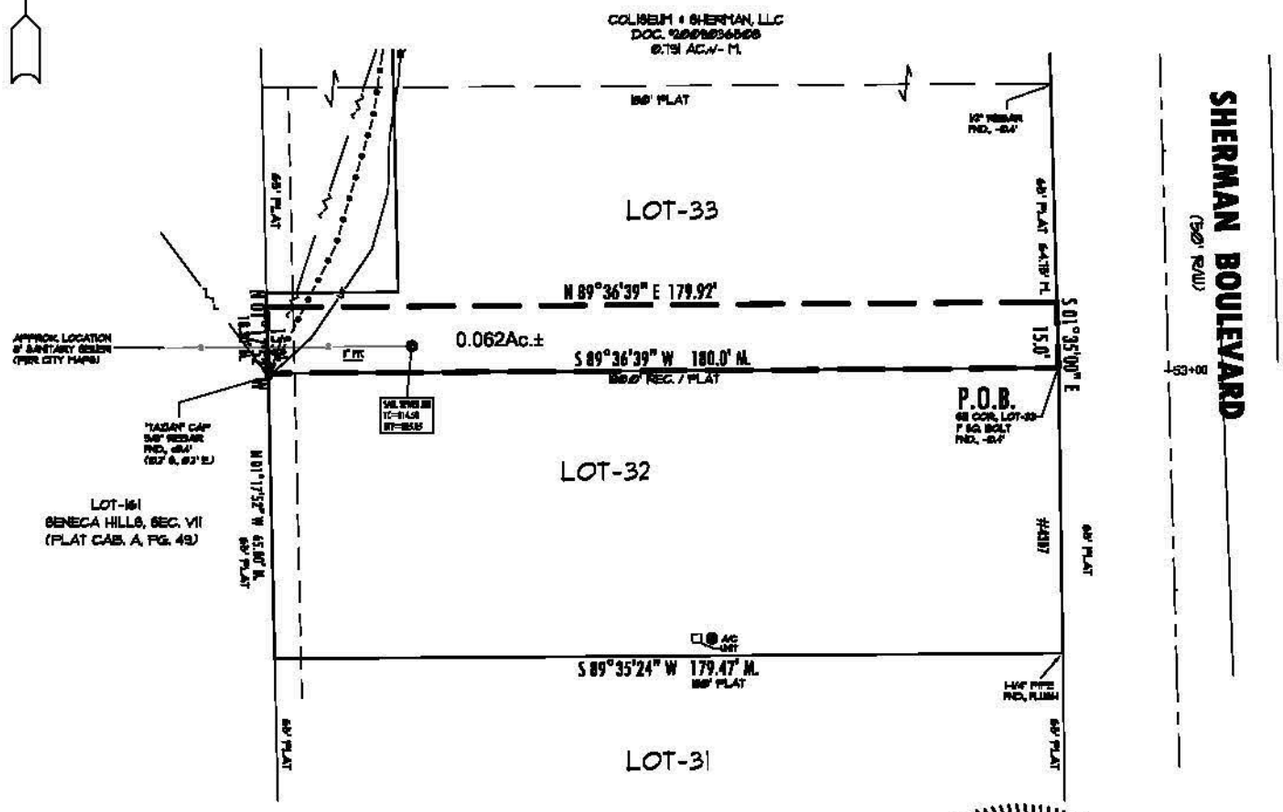
ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

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

JOB DESCRIPTION:

LASSUS SHERMAN STREET
PT. LOTS 32 AND 33 TRIXHOLME ADDITION
ALLEN CO., IN



MICHEAL C. VODDE
REGISTERED
LS 20100011
STATE OF INDIANA
LAND SURVEYOR

Michael C. Vodde

DESCRIPTION NUMBER: 09-03-118 VACATION
REV. 2/21/18

EASEMENT VACATION EXHIBIT "A"

A partial vacation of the easement conveyed tothe City of Fort Wayne in Deed Book 644, Page 233, being the South 15.0 feet of Lot 33 in Trixholme Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

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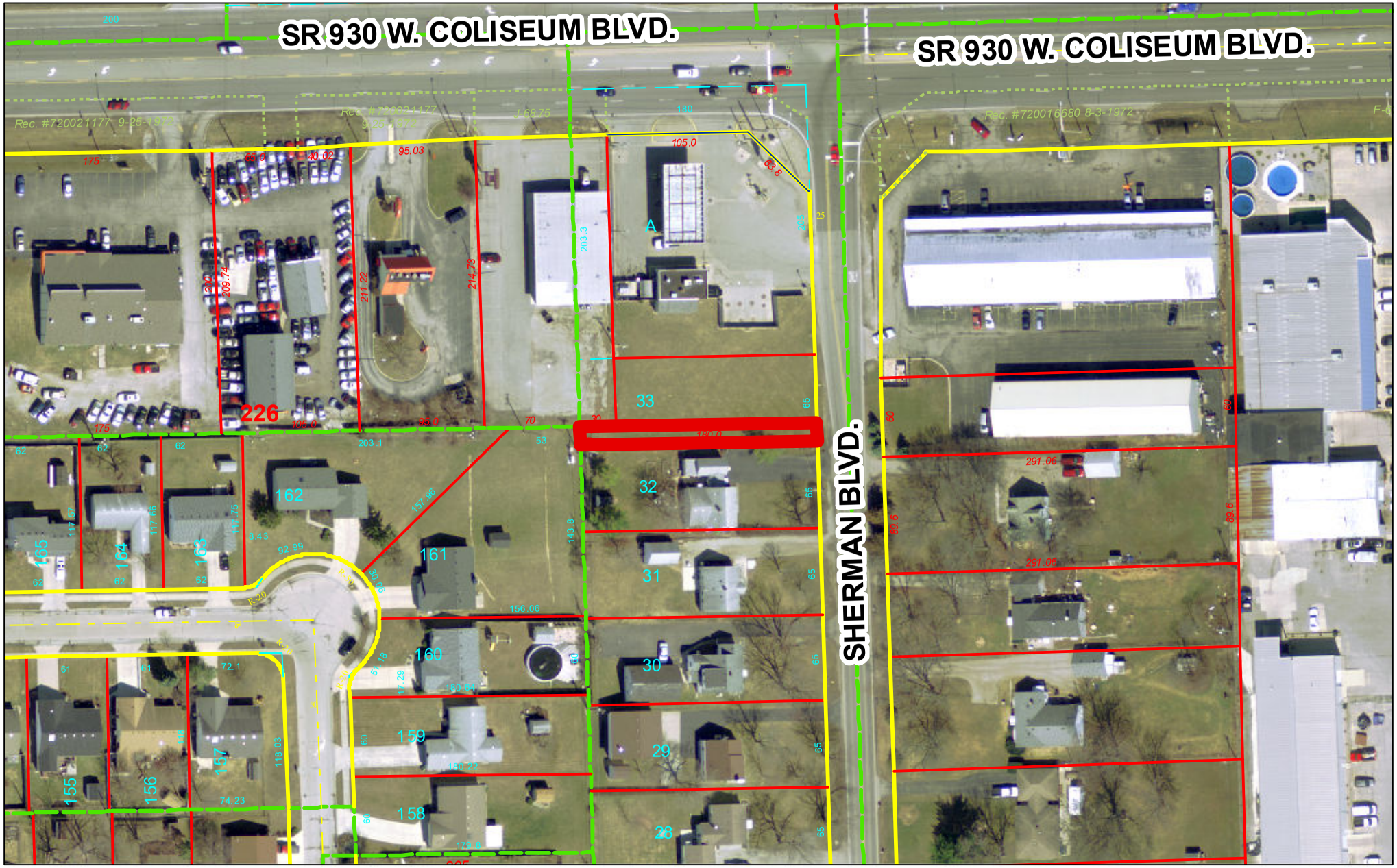
Vacation Petition VEAS-2018-0001



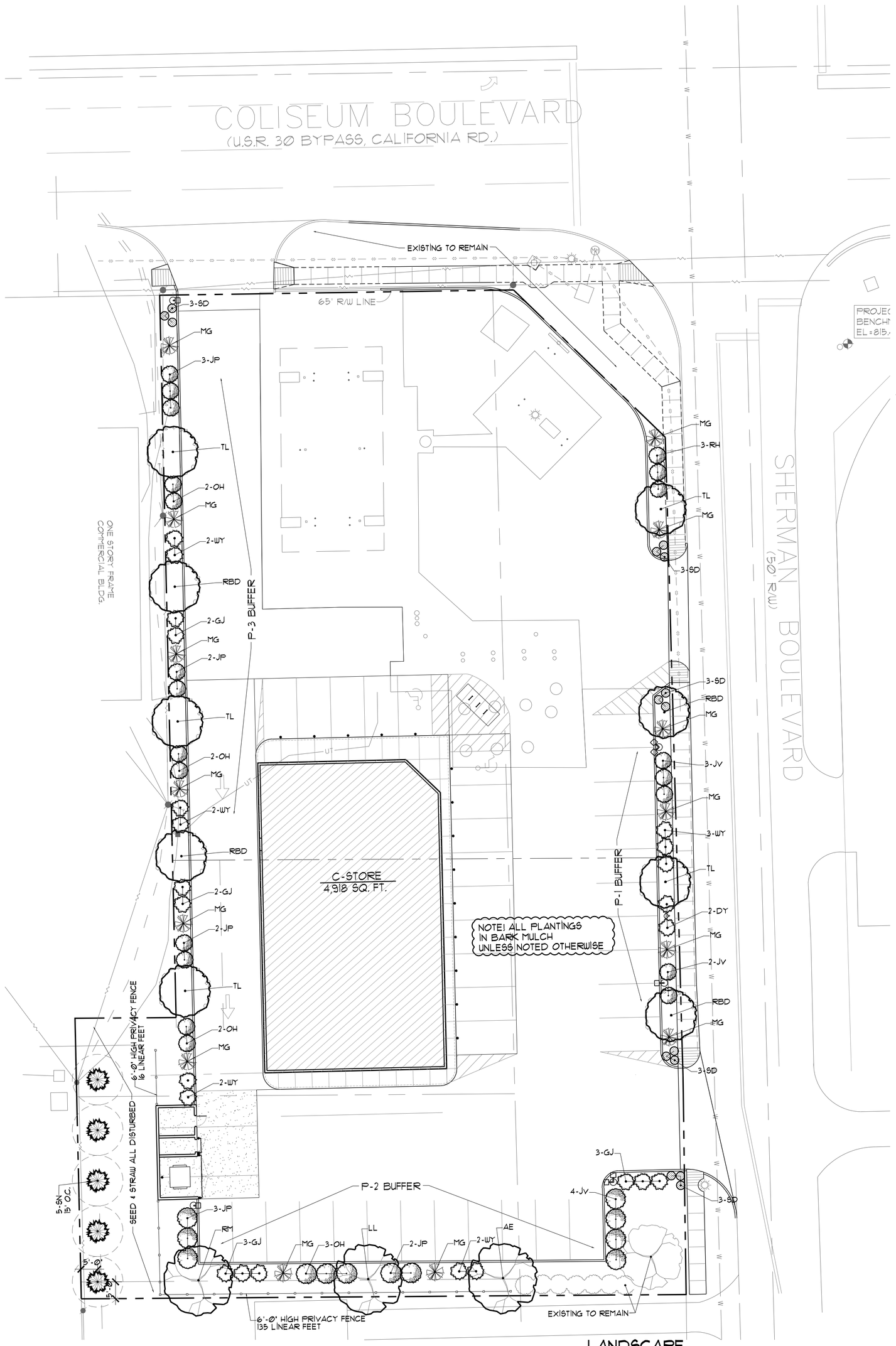
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/19/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only

N

1 inch = 100 feet

0 50 100 Feet



LANDSCAPE PLAN

1" = 20'-0"

0 5' 10' 20' 50'

PLANT MATERIAL LIST

ITEM	SIZE	COMMON NAME	BOTANICAL NAME	SIZE	MATURE SIZE	DESCRIPTION
SHADE TREES						
RB		RIVER BIRCH	BETULA NIGRA	2" CAL/8' HT.	55' T, 30' W	SHEDS BARK
AE		AMERICAN ELM	ULMUS AMERICANA 'PRINCETON'	2" CAL/8' HT.	40' T, 30' W	FAST GROWING
IW		IMPERIAL HONEYLOCUST (SEEDLESS)	GLEDITSIA TRIA NERMIS 'IMPERIAL'	2" CAL/8' HT.	35' T, 30' W	FAST GROWING
LL		GREENSPIRE LITTLELEAF LINDEN	TILIA CORDATA 'GREENSPIRE'	2" CAL/8' HT.	40' T, 30' W	
NM		CLEVELAND NORWAY MAPLE	ACER PLATANOIDES 'CLEVELAND'	2" CAL/8' HT.	60' T, 20' W	THICK GREEN SHADE TREE
RM		RED SUNSET RED MAPLE	ACER RUBRUM RED SUNSET	2" CAL/8' HT.	50' T, 50' W	NICE EARLY FALL COLOR
SM		SUGAR MAPLE	ACER SACCHARUM	2" CAL/8' HT.	80' T, 60' W	YELLOW RED IN FALL
BO		BURR OAK	QUERCUS MACROCARPA	2" CAL/8' HT.	75' T, 75' W	SLOW GROWING
AP		ARISTOCRAT CALLERY PEAR	PYRUS CALLERYANA 'ARISTOCRAT'	2" CAL/6' HT.	40' T, 35' W	FAST GROWING, WHITE FLOWER
EVERGREEN						
PN		AUSTRIAN PINE	PINUS NIGRA	2" CAL/4' HT.	40' T, 15' W	
CS		COLORADO SPRUCE	PICEA PUNGENS	2" CAL/4' HT.	65' T, 25' W	CONES
SN		SPRUCE NORWAY	PICEA ABIES	2" CAL/4' HT.	80' T, 40' W	THICK EVERGREEN
DECORATIVE TREES						
CA		CRABAPPLE VARIETIES	MALUS SPECIES	2" CAL/6' HT.	15' T, 20' W	RED FRUIT
FD		FLOWERING DOGWOOD	CORNUS FLORIDA	2" CAL/6' HT.	30' T, 30' W	WHITE FLOWER
RBD		RED BUD	CERCIS CANADENSIS	2" CAL/6' HT.	30' T, 25' W	PURPLE/PINK FLOWER
GH		WINTER KING GREEN HAWTHORN	CRATAEGUS VIRIDIS 'WINTER KING'	2" CAL/6' HT.	20' T, 20' W	
AB		AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHER X GRANDIFLORA	2" CAL/6' HT.	20' T, 20' W	WHITE FLOWER, RED BERRY
TL		TREE LILAC	SYRINGA RETICULATA 'IVORY SILK'	2" CAL/6' HT.	20' T, 15' W	SMALL WHITE FLOWER
SHRUBS						
RT	L	DOGWOOD TATARIAN (RED TWIG)	CORNUS ALBA SIBERICA	36" HT.	6' T, 6' W	
LG	L	FORSYTHIA (LYNWOOD GOLD)	FORSYTHIA X INTERMEDIA 'LYNWOOD VARIETY'	36" HT.	6' T, 6' W	
DN	L	DIABLO NINEBARK	PHYSO CARPUS OPULIFOLUS 'DIABLO'	36" HT.	6' T, 6' W	PURPLE/RED FLOWER
KL	L	KOREAN LILAC (MISS KIM)	SYRINGA PUBESCENS 'MISS KIM'	36" HT.	4' T, 5' W	
CB	L	VIBURNUM AMERICAN CRANBERRY BUSH	VIBURNUM TRILOBUM	36" HT.	8' T, 8' W	
VA	L	VIBURNUM ARROWWOOD	VIBURNUM DENTATUM	36" HT.	6' T, 6' W	WHITE FLOWER
JV	L	JUDD VIBURNUM	VIBURNUM JUDDII	36" HT.	4' T, 5' W	PINK FLOWER
OH	M	OAKLEAF HYDRANGEA	HYDRANGEA QUERCIFOLIA	24" HT.	5' T, 5' W	
DKL	M	DWARF KOREAN LILAC	SYRINGA MEYERI 'PALIBIN'	24" HT.	6' T, 5' W	PINK & PURPLE FLOWERS
CAC		COMPACT AMERICAN CRANBERRY BUSH	VIBURNUM TRILOBUM 'BAILEY COMPACT'	24" HT.	4' T, 5' W	RED IN FALL BERRY/WHITE FLOWER
DJ	S	DWARF JAPANESE BARBERRY	BERBERIS THUNBERGII VARIETIES	18" HT.	2' T, 3' W	DEEP RED IN FALL
BW	S	LITTLELEAF BOXWOOD (WINTERGREEN)	BUXUS MICROPHYLLA VAR. KOREANA	18" HT.	2' T, 3' W	
EMH	S	EMERALD MOUND HONEYSUCKLE	LONICERA XYLOSTEUM 'EMERALD MOUND'	18" HT.	3' T, 6' W	YELLOW/WHITE FLOWER
JP	S	JACKMANN POTENTILLA	POTENTILLA FRUTICOSA 'JACKMANNII'	18" HT.	4' ROUND	DEEP YELLOW FLOWER
FS	S	FROEBEL SPIREA	SPIREA X BUMALDA FROEBELII	18" HT.	4' ROUND	PINK FLOWERS
AR		AUTUMN ROYALTY ENCORE AZALEA	AZALEA X 'CONLEC'	18" HT.	4' ROUND	PURPLE FLOWER
EVERGREEN						
DY	M	DENSE SPREADING YEW	TAXUS MEDIA DENSIFORMIS	18" HT.	3'-4' T, 4'-6' W	EVERGREEN
WY	M	WARDI YEW	TAXUS X MEDIA 'WARDII'	18" HT.	2'-3' T, 3'-4' W	RED BERRIES IN FALL
MP		MUGO PINE	PINUS MUGO PUMILIO	18" HT.	4' T, 10' W	EVERGREEN
GJ	S	CHINESE JUNIPER (OLD GOLD)	JUNIPERSIS CHINENSIS 'OLD GOLD'	12" HT.	4'-5' T, 6'-10' W	YELLOW/GREEN EVERGREEN
BJ	S	BROADMOOR JUNIPER	JUNIPERUS SABINA	12" HT.	2'-3' T,8'-10' W	EVERGREEN
WJ		WILTON BLUE RUG JUNIPER	JUNIPERSIS HORIZONTALIS 'WILTON'	12" HT.	6" T, 6' W	GROUND COVER
FLOWERS, OTHER						
SD		STELLA D'ORO DAYLILY	HEMEROCALIS LILIIACEAE 'STELLA D'ORO'	1-GAL.	12" T, 12" W	YELLOW FLOWER
DM		MIX OF DAYLILY COLORS	HEMEROCALIS	1-GAL.	12" T, 12" W	MIX OF COLORED FLOWERS
BES		BLACK EYED SUSANS	RUDBECKIA HIRTA	1-GAL.	2'-3' T	YELLOW/BLACK FLOWER
RS		RUSSIAN SAGE	PEROVSKIA ATRIPLICIFOLIA	1-GAL.	2'-4' T, 3' W	PURPLE FOLIAGE
BI		BOSTON IVY	PARTHENOCISSUS TRICUSPIDATA	1-GAL.	AS SHOWN	
ORNAMENTAL GRASSES						
FRG		FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FORESTER'	2-GAL.	5'-7' HT.	WHITE FLOWERS
MS		MAIDEN GRASS	MISCANTHUS SINENSIS 'GRACILLIMUS'	2-GAL.	3'-6' HT.	CREAMY WHITE FLOWERS
FG		FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES	2-GAL.	2'-3' HT	PURPLE FLOWERS
DFG		FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES 'HAMELN'	2-GAL.	1'-3' HT	PINK/WHITE FLOWERS
SE		SEDUM	SEDUM ELLACOMBIANUM	1-QT.	0'-6' HT	YELLOW FLOWERS
MULCHING						
ROCK MULCH:		2" DIAMETER WASHED GRAVEL OVER SIX (6) MIL BLACK VISQUEEN.				
BARK MULCH:		4" THICK SHREDDED HARDWOOD OVER WOVEN WEED BARRIER.				
MULCH EDGING:		NONE REQUIRED				
		ROCK / BOULDERS				

LANDSCAPING NOTES

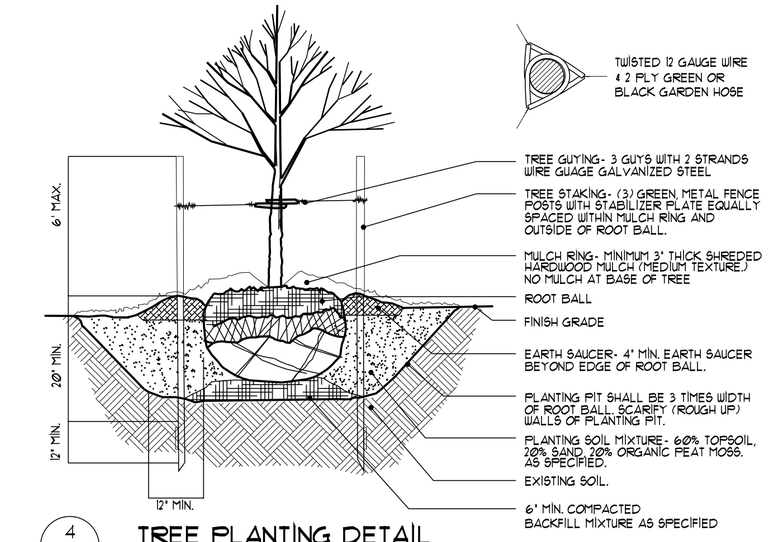
1. THE LANDSCAPE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND APPROVALS FROM AGENCIES GOVERNING THE LANDSCAPE WORK PRIOR TO BEGINNING ANY WORK.
2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR KEEPING THE PREMISES AND ADJACENT CONSTRUCTION EQUIPMENT CLEAN AND FREE OF DIRT AND DEBRIS.
3. THE LANDSCAPE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING UTILITY LINE LOCATIONS PRIOR TO ANY CONSTRUCTION. ANY DEVIATIONS FROM THE DESIGN LOCATIONS SHALL BE REPORTED TO ARCHITECT. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES AND STRUCTURES WHICH OCCUR AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
4. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND SCHEDULING ALL LANDSCAPE RELATED WORK WITH OTHER CONTRACTORS AND TRADES.
5. THE EXCAVATION CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND SPREADING TOPSOIL (IF REQUIRED) IN ALL LAWN AREAS. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PERFORMING ALL FINISH GRADING IN CONJUNCTION WITH SEEDING THE SITE. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THE FINISH GRADE OF ALL LAWN AND PLANTING AREAS IS FLUSH WITH ADJACENT HARDSCAPE ELEMENTS (SUCH AS CURBS AND WALKS)
6. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE OUT OF ALL PLANTING ISLANDS AND PLANTING STRIPS BETWEEN HARDSCAPE ELEMENTS (SUCH AS CURBS AND WALKS)
7. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING APPROVED PLANTING SOIL MIX AREAS PER THE PLANTING DETAILS.
8. PLANTING BED EDGES SHALL BE HAND CUT 3" -4" DEEP.
9. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SEEDING ALL LAWN AREAS INDICATED ON THE LANDSCAPE PLANTING PLANS. LANDSCAPE CONTRACTOR SHALL LOOSEN COMPACTED SOIL TO A MINIMUM DEPTH OF 4" AND REMOVE STICKS/ ROOTS, WEEDS AND STONES LARGER THAN 1" DIAMETER. DISTRIBUTE SEED BY SOWING IN EQUAL QUANTITIES IN TWO DIRECTIONS AT RIGHT ANGLES TO EACH OTHER. REFER TO THE MIXTURE AND APPLICATION RATE BELOW: SEED MIX: MEDALIST AMERICAN TURF GRASS SEED. (OR EQUAL)

   1) 70% KENTUCKY BLUEGRASS-EQUAL PARTS NUGLADE, ASPEN AND BLUE CHIP

   2) 30% PERENNIAL RYEGRASS- EQUAL PARTS APM AND ACCENT APPLICATION RATE: 5 LBS/ 1,000 S.F.

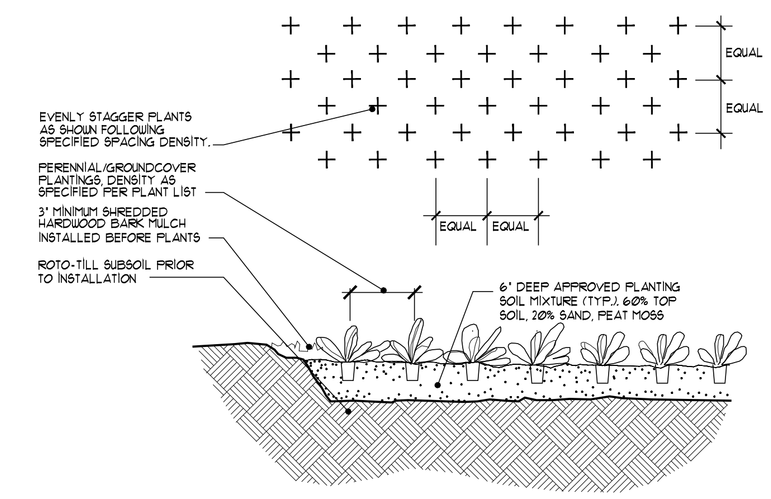
   FERTILIZER: USE STARTER FERTILIZER- 10-18-22 AT 10 LBS/ 1,000 S.F.

   STRAW MULCH: STRAW MULCH MUST BE APPLIED, USING A STRAW BLOWER APPLY UNIFORMLY 1 BALE CLEAN STRAW PER 1,000 S.F. WET STRAW TO HOLD IN PLACE.
10. LANDSCAPE CONTRACTOR SHALL PROVIDE A ACCEPTABLE LAWN, FREE OF WEEDS, BARE SPOTS AND SURFACE IRREGULARITIES
11. ALL STAKING AND GUYING TO BE REMOVED BY LANDSCAPE CONTRACTOR NO EARLIER THAN 12 MONTH AND NO LATER THAN 18 MONTHS.



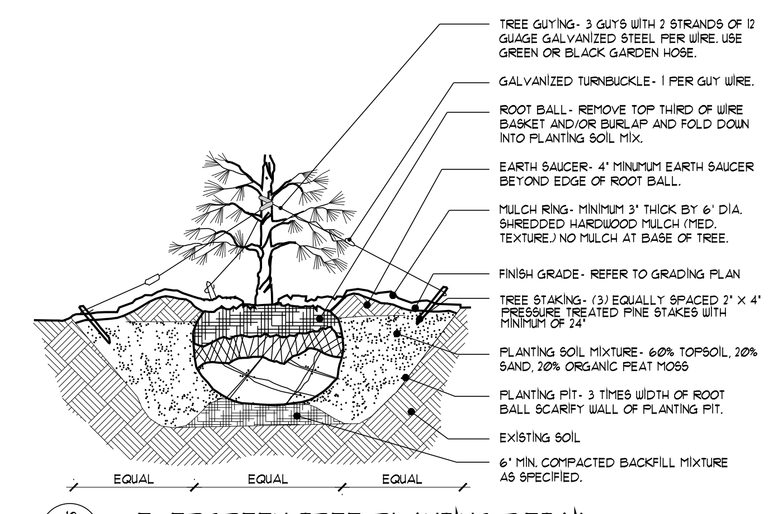
4 TREE PLANTING DETAIL

SCALE: NONE



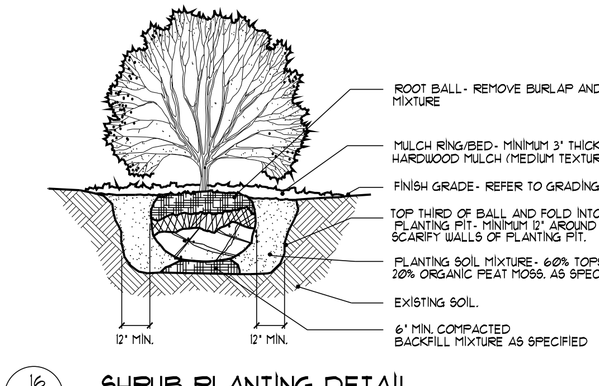
8 PERENNIAL/GROUNDCOVER PLANTING DETAIL

SCALE: NONE



12 EVERGREEN TREE PLANTING DETAIL

SCALE: NONE



16 SHRUB PLANTING DETAIL

SCALE: NONE

P. A. TROYER INC
ARCHITECTURE DEVELOPMENT CONSTRUCTION
1510 W. LUDWIG RD. FT. WAYNE, IN 46825
O. 260-489-2810 F. 260-489-6162 C. 260-318-0926

12/6/2016
1/12/2017
2/5/18

PHILLIP ALAN TROYER REGISTERED No. 4068 STATE OF INDIANA PROFESSIONAL ARCHITECT

P. A. Troyer

LASSUS BROS. OIL
901 WEST COLISEUM BOULEVARD
FORT WAYNE, INDIANA 46808

S3