

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Vacation of Platted Easement
Case Number:	VEAS-2018-0002
Bill Number:	G-18-02-23
Council District:	2-Paul Ensley

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 40-foot wide platted utility easement on Lot 174 in Wyndemere, Section V.
Location:	At 5427 Dyerbrook Pass
Reason for Request:	To install a residential swimming pool.
Applicant:	Brian and Wendy Simpson
Property Owner:	Brian and Wendy Simpson

Related Petitions:	none
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Effect of Passage:	Vacation of the utility easement will allow the property owners to install a personal in-ground swimming pool in the backyard.
Effect of Non-Passage:	Under current circumstances, it would be very difficult to install a pool without encroaching on the easement.

1 **VEAS-2018-0002**

2 **BILL NO. G-18-02-23**

3 **Doc. #200051687**
4 **Cabinet E**
5 **Page 105**

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 Part of the existing 40.00 foot Utility and Surface Drainage Easement located in Lot Number
19 174 as shown on the recorded plat of Wyndemere Section V, in Allen County, Indiana, being
20 more particularly described as follows:

21 Commencing at the Northeast corner of said Lot 174; thence South 81 degrees 43 minutes
22 14 seconds West (Plat bearing and basis of bearing to follow), a distance of 116.95 feet along
23 the North line of said Lot 174 to the East line of said existing 40.00 foot easement, said point
24 also being the POINT OF BEGINNING of the herein described easement vacation; thence
25 South 00 degrees 10 minutes 00 seconds East, a distance of 75.00 feet (plat) along said East
26 line also being parallel with the West line of said Lot 174 to the North line of an existing
27 Utility Easement; thence North 86 degrees 06 minutes 39 seconds West, a distance of 15.04
28 feet along said North line; thence North 00 degrees 10 minutes 00 seconds West, a distance
29 of 71.80 feet parallel with the West line of said Lot 174 to the North line of said Lot 174;
30 thence North 81 degrees 46 minutes 14 seconds East, a distance of 15.15 feet along said
North line to the Point of Beginning. Containing 0.025 acres, more or less. Subject to
easements of record.

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:

See attached legal description of portion of
easement to be vacated. Basically we're requesting 40'
easement be reduced back to original 25', which is
sufficient based on sewer line location.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

Plat Cabinet E, Pg 105, Doc #200051687
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:

Swimming pool construction. The 40' easement as
shown on the developer's plat does not allow ~~any~~ enough
room for pool location.

(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:

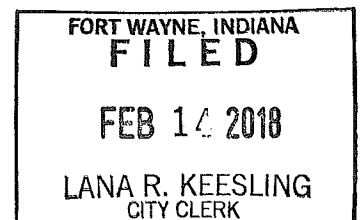
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: See attached - Adjacent Owners

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.

Brian Simpson
Signature

Brian Simpson
Printed Name

2-12-18
Date

5427 Dyerbrook Pass
Address

Ft. Wayne, IN 46835
City/State/Zip

Wendy Simpson
Signature

Wendy Simpson
Printed Name

2-12-18
Date

5427 Dyerbrook Pass
Address

Ft. Wayne, IN 46835
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 #: _____

Corporate Office

221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.

EASEMENT VACATION SKETCH

Fort Wayne Office

217 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-8571

Brett R. Miller, P.S. No.LS20300059

Robert J. Marucci, P.S. No.LS20400028

www.mlswebsite.us

Precision and Professionalism is where we draw the line.

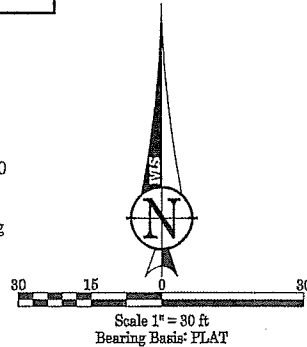
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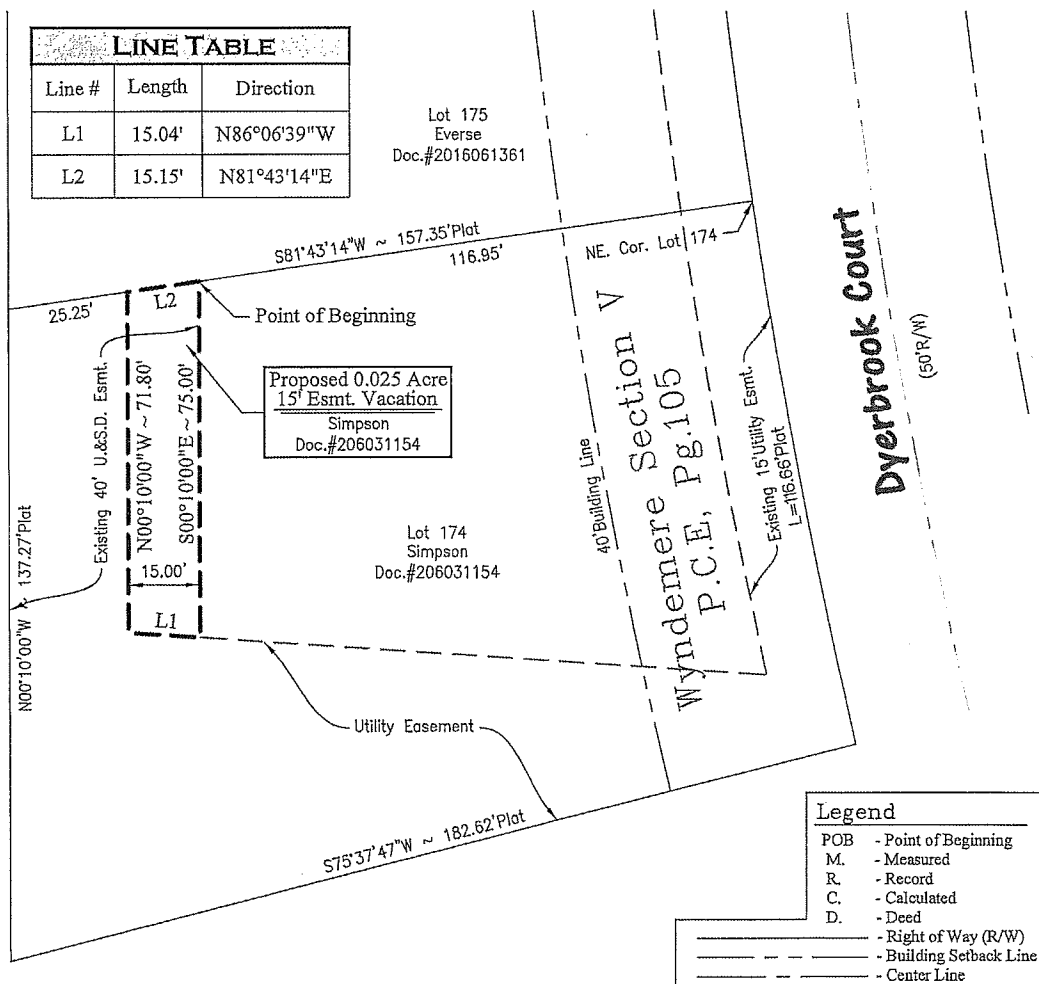
EASEMENT VACATION DESCRIPTION

Part of the existing 40.00 feet Utility and Surface Drainage Easement located in Lot Number 174 as shown on the recorded plat of Wyndemere Section V, in Allen County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 174; thence South 81 degrees 43 minutes 14 seconds West (Plat bearing and basis of bearing to follow), a distance of 116.95 feet along the North line of said Lot 174 to the East line of said existing 40.00 feet easement, said point also being the POINT OF BEGINNING of the herein described easement vacation; thence South 00 degrees 10 minutes 00 seconds East, a distance of 75.00 feet (Plat) along said East line also being parallel with the West line of said Lot 174 to the North line of an existing Utility Easement; thence North 86 degrees 06 minutes 39 seconds West, a distance of 15.04 feet along said North line; thence North 00 degrees 10 minutes 00 seconds West, a distance of 71.80 feet parallel with the West line of said Lot 174 to the North line of said Lot 174; thence North 81 degrees 46 minutes 14 seconds East, a distance of 15.15 feet along said North line to the Point of Beginning. Containing 0.025 Acres, more or less. Subject to easements of record.



LINE TABLE		
Line #	Length	Direction
L1	15.04'	N86°06'39"W
L2	15.15'	N81°43'14"E



Legend

- POB - Point of Beginning
- M. - Measured
- R. - Record
- C. - Calculated
- D. - Deed
- Right of Way (R/W)
- Building Setback Line
- Center Line

Survey No. 18014417

County: Allen

Subdivision: Wyndemere Section V

For: Simpson

Date: January 29, 2018

(Drawing Name: 18014417.dwg)

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