

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0021
Bill Number: Z-18-05-03
Council District: 3-Tom Didier

Introduction Date: May 8, 2018

Plan Commission
Public Hearing Date: May 14, 2018 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 1.6 acres of property from I1-Limited Industrial to
I2-General Industrial.

Location: 2650 Congressional Parkway

Reason for Request: To allow the maintenance and repair of company trucks for Parker Service,
Inc.

Applicant: Krumsick Associates, L.P.

Property Owner: Krumsick Associates, L.P.

Related Petitions: none

Effect of Passage: Property will be rezoned to the I2-General Industrial district which will
allow company truck maintenance.

Effect of Non-Passage: The property will remain zoned I1-Limited Industrial, which would not
allow the maintenance and repair of company trucks onsite.

#REZ-2018-0021

BILL NO. Z-18-05-03

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-26 (Sec. 28 of Washington Township)**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an I2
(General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast
Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana,
more particularly described as follows, to-wit:

Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said
Section 28 at a point situated 369.26 feet South of the Northeast corner of the
Southwest Quarter of said Northeast Quarter; thence South, on and along said East
line, a distance of 293.25 feet to the Southeast corner of the North Half of the
Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle
right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said
North Half, a distance of 19.0 feet; thence North and parallel to said East line, a
distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00
minutes, a distance of 19.0 feet to the point of beginning.

Also:

Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31
North, Range 12 East, Allen County, Indiana, more particularly described as follows,
to-wit:

Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a
point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of
said Northeast Quarter; thence South, on and along said West line, a distance of
365.0 feet to the point of intersection of said West line with the Northwestern right-
of-way line of Congressional Parkway as dedicated in Document Number 79-20351
in the Office of the Recorder of Allen County, Indiana; thence Northeasterly, by a
deflection angle left of 128 degrees 41 minutes on and along said Northwestern
right-of-way line, a distance of 369.67 feet; thence Northwesternly, by a deflection

1 angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a
2 deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet
3 to the point of beginning, containing 1.472 acres of land, more or less.

4 and the symbols of the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 of Washington
5 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
6 Wayne, Indiana is hereby changed accordingly.

7
8 SECTION 2. If a written commitment is a condition of the Plan Commission's
9 recommendation for the adoption of the rezoning, or if a written commitment is modified and
10 approved by the Common Council as part of the zone map amendment, that written
11 commitment is hereby approved and is hereby incorporated by reference.

12
13 SECTION 3. That this Ordinance shall be in full force and effect from and after its
14 passage and approval by the Mayor.

15
16 _____
Council Member

17
18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Carol T. Helton, City Attorney
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Department of Planning Services
Rezoning Petition Application

Applicant Krumsick Associates, L.P.
Address C/o Tara Cupps, 400 N. Woodlawn #210
City Wichita State KS Zip 67208
Telephone 316.260.1197 E-mail hlk@weigand.com

Contact Person Vincent D. Heiny & James A. Federoff, Carson LLP
Address 301 W. Jefferson Blvd., Suite 200
City Fort Wayne State IN Zip 46802
Telephone 260.423.9741 E-mail heiny@carsonllp.com and jfederoff@carsonllp.com

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

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 2650 Congressional Parkway, Ft. Wayne, IN 468
Present Zoning I1 Proposed Zoning I2 Acreage to be rezoned 1.6
Proposed density 1 units per acre
Township name Washington Township section # 28
Purpose of rezoning (attach additional page if necessary) To accommodate use of property for maintenance and repair of company trucks of Parker Service, Inc., as tenant.
Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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
☐ 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.

Krumsick Associates L.P., By: Herb Krumsick, G.P.

(printed name of applicant)

(signature of applicant)

March 10, 2018

(date)

Krumsick Associates L.P., By: Herb Krumsick, G.P.

(printed name of property owner)

(signature of property owner)

March 28, 2018

(date)

(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.
4-2-18	126532	5-14-18	REZ-2018-0021

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said Section 28 at a point situated 369.26 feet South of the Northeast corner of the Southwest Quarter of said Northeast Quarter; thence South, on and along said East line, a distance of 293.25 feet to the Southeast corner of the North Half of the Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said North Half, a distance of 19.0 feet; thence North and parallel to said East line, a distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00 minutes, a distance of 19.0 feet to the point of beginning.

Also:

Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South, on and along said West line, a distance of 365.0 feet to the point of intersection of said West line with the Northwestern right-of-way line of Congressional Parkway as dedicated in Document Number 79-20351 in the Office of the Recorder of Allen County, Indiana; thence Northeasterly, by a deflection angle left of 128 degrees 41 minutes on and along said Northwestern right-of-way line, a distance of 369.67 feet; thence Northwesternly, by a deflection angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet to the point of beginning, containing 1.472 acres of land, more or less.

Surveyor's Report

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped GOU LS29500017, and set flush with the ground surface, unless otherwise noted. Monuments found are noted with an above (x.x) or below (-x.x) ground surface dimension.

The purpose of this survey is to "retrace" the boundary of real estate described in Document 88-022555 and Document 89-041594, currently titled to Margarita Associates.

THEORY OF LOCATION:
The lines and corners for this survey were established depicted on the survey drawing.

SECTION CORNER MONUMENTATION:
NW corner, SE1/4, NE1/4, Sec. 28, T 31 N, R 12 E: 5/8" rebar with "0027" cap found and held as was also held on survey by Anderson Surveying, Inc., survey nos. 12-04-145, 12-04-145-1. SW corner, SE1/4, NE1/4, Sec. 28, T 31 N, R 12 E: 1/2" rebar found (+0.1) and held

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments:
Monuments found and used as controlling monuments are depicted on the survey drawing. Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "platted" or "recorded" angular and/or distance measurements as depicted on the survey drawing. For this survey, uncertainty is 3.5' +/-.
- (B) Occupation or possession lines:
No uncertainty was created by visible occupation lines (fences, hedge rows, etc.) that were evident at the time of the survey.
- (C) Clarity or ambiguity of the record description and/or adjoiner's descriptions:
The description contained in Doc. 89-022555 describes the point of beginning as lying on the West line of the SE1/4, NE1/4 situated 369.26 feet South of the NW corner of the SE1/4, NE1/4. The description of adjoining real estate to the North of subject real estate describes the same line as being 375.68 feet in length, resulting in an uncertainty of 6.42 feet.
- (D) The Relative Positional Precision for this survey falls under the classification of a "Suburban" survey. Random errors in measurements = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

Title Commitment Information

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN THE COMMITMENT FOR TITLE INSURANCE BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. - NCS-766380-INDY, WITH AN EFFECTIVE DATE OF JANUARY 21, 2016, REVISED 2/8/2016.

Schedule B - Part Two items

9. Easement granted to City of Fort Wayne as disclosed by Document recorded February 27, 1976 by Instrument No. 76-04323. SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SEE DRAWING.
10. Terms, conditions and provisions of Agreement dated November 11, 1975, recorded February 27, 1976, in Instrument No. 76-04325. SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL.
11. Terms, conditions and provisions of Agreement dated November 11, 1975, recorded March 2, 1976, in Instrument No. 76-04630. SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL.
13. Terms, conditions and provisions of Agreement dated July 11, 2012, recorded August 10, 2012, in Instrument No. 2012046036. SURVEYOR'S NOTE: BENEFITS SUBJECT PARCEL. SEE DRAWING.
18. Protective Covenants, Restriction, Limitations, Building Lines, Easements for Surface Water Drainage, Storm Water Sewers, Sanitary Sewers, Pipelines, Prohibitive Uses and Maintenance Assessment as set out within a certain Warranty Deed recorded March 9, 1984 as Instrument No. 84-005045. Effects Parcel 2. SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SEE DRAWING.

Statement of Encroachments

No building or structure encroachments noted.

Flood Statement

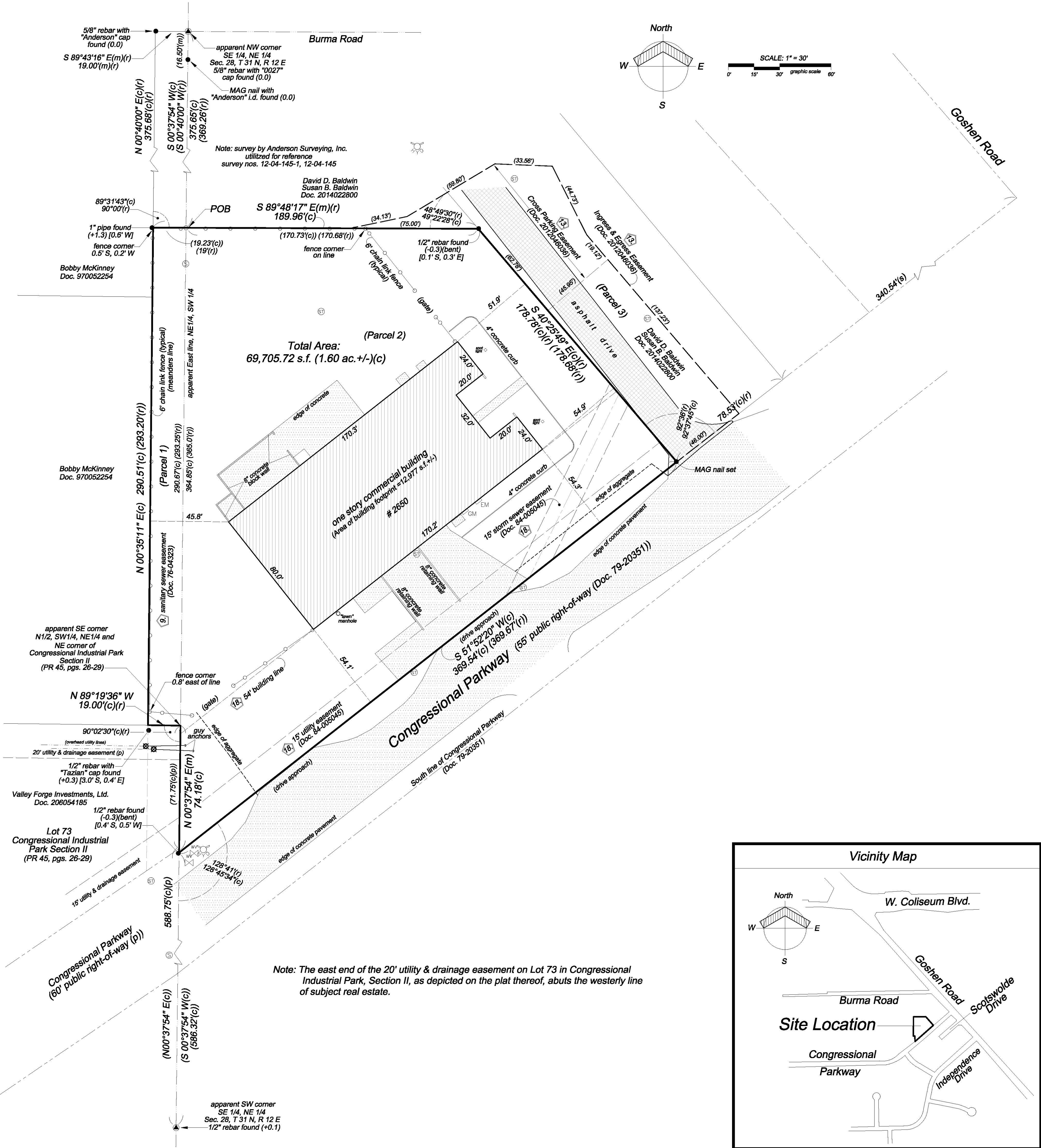
AS SCALED ON THE NFIP FIRM MAP NUMBER 18003C0281G FOR ALLEN COUNTY, INDIANA, DATED AUGUST 3, 2008, THE REAL ESTATE DEPICTED AND DESCRIBED HEREON APPEARS TO LIE IN ZONE "X" (NOT A SPECIAL FLOOD HAZARD AREA).

Bearing Basis

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING (DEED) ON THE WEST LINE OF REAL ESTATE ADJOINING SUBJECT PARCEL TO THE NORTH.

Legend

S.F.	SQUARE FEET	(s)	INFO. FROM PREVIOUS SURVEY
(C)	CONCRETE SURFACE	CLF	CHAIN LINK FENCE
(N)	NO PARKING AREA	WPF	WOOD PANEL FENCE
(H)	HANDICAP PARKING SPACE	PWF	POST & WIRE FENCE
PS	PARKING SPACE(S)	PPF	PLASTIC PRIVACY FENCE
TF	TRANSFORMER	DI	DRAINAGE INLET
AC	AIR CONDITIONER	GV	GAS VALVE
WM	WATER METER	WV	WATER VALVE
EM	ELECTRIC METER	(S)	STORM MANHOLE/CATCH BASIN
GM	GAS METER	(S)	SANITARY MANHOLE
TR	TELEPHONE RISER	(U)	UTILITY POLE
CO	CLEAN OUT	GA	GUY ANCHOR
L	CENTRAL ANGLE	LP	LIGHT POLE
LA	ARC LENGTH	(F)	FIRE HYDRANT
R	RADIUS	(S)	SIGN
CB	CHORD BEARING	(B)	BOLLARD
C	CHORD LENGTH	(O)	OVERHEAD UTILITY LINE
(M)	MEASURED	(IC)	IRRIGATION CONTROL LID
(R)	RECORDED	(MW)	MONITORING WELL
(C)	CALCULATED	(A)	ASPHALT SURFACE
(P)	PLATTED		



Description

(copied from title commitment)

Parcel 1- FEE

Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said Section 28 at a point situated 369.26 feet South of the Northeast corner of the Southwest Quarter of said Northeast Quarter; thence South, on and along said East line, a distance of 293.25 feet to the Southeast corner of the North Half of the Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said North Half, a distance of 19.0 feet; thence North and parallel to said East line, a distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00 minutes, a distance of 19.0 feet to the point of beginning.

Parcel 2- FEE

Also:

Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South, on and along said West line, a distance of 365.0 feet to the point of intersection of said West line with the Northwesterly right-of-way line of Congressional Parkway as dedicated in Document Number 79-20351 in the Office of the Recorder of Allen County, Indiana; thence Northeastly, by a deflection angle left of 128 degrees 41 minutes on and along said Northwesterly right-of-way line, a distance of 369.67 feet; thence Northwesterly, by a deflection angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet to the point of beginning, containing 1.472 acres of land, more or less.

Parcel 3- Easement

Parking, Driveway, Ingress and Egress and Easement Agreement as created by a certain Agreement by and between Margarita Associates, an Ohio general partnership and Black Gold Ventures Indiana, LLC, recorded August 10, 2012 as Instrument No. 2012046036.

General Notes

- THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES AT TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE DEPICTED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.
- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2011 ALTA/ACSM SURVEY REQUIREMENTS.
- THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO CONGRESSIONAL PARKWAY, A DEDICATED PUBLIC STREET.
- THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON SUBJECT PROPERTY.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS UNLESS OTHERWISE DEPICTED AND/OR DESCRIBED HEREON.
- ZONING INFORMATION NOT PROVIDED TO THE SURVEYOR BY THE TITLE INSURER.
- BUILDING AREAS SHOWN HEREON ARE FOR THE FOOTPRINT OF THE BUILDING ONLY.
- NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A STATE OF INDIANA REGISTERED LAND SURVEYOR. ADDITIONS TO OR DELETION FROM THIS SURVEY DRAWING IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE HEREON SIGNED REGISTERED LAND SURVEYOR.
- NO ATTEMPT WAS MADE TO DETERMINE WETLANDS OR OTHER ENVIRONMENTAL ISSUES, UNLESS OTHERWISE NOTED.

Surveyor's Certificate

TO: MARGARITA ASSOCIATES, AN INDIANA GENERAL PARTNERSHIP;
KRUMSICK ASSOCIATES, L.P., A KANSAS LIMITED PARTNERSHIP;
FIRST AMERICAN TITLE INSURANCE COMPANY; SECURITY 1st TITLE;
BOKF; NA dba Bank of Oklahoma

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11(a), 13, 14, 16, 17, AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 12/22/15.

DATE: 02/10/2016

REGISTERED SURVEYOR: TIMOTHY C. GOULOFF, LS
REGISTERED LAND SURVEYOR NO.: 29500017



REVISION	DATE	COMMENT	REVISION	DATE	COMMENT

ALTA / ACSM Land Title Survey

Property Address:

2650 Congressional Parkway, Fort Wayne, IN 46808



GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.

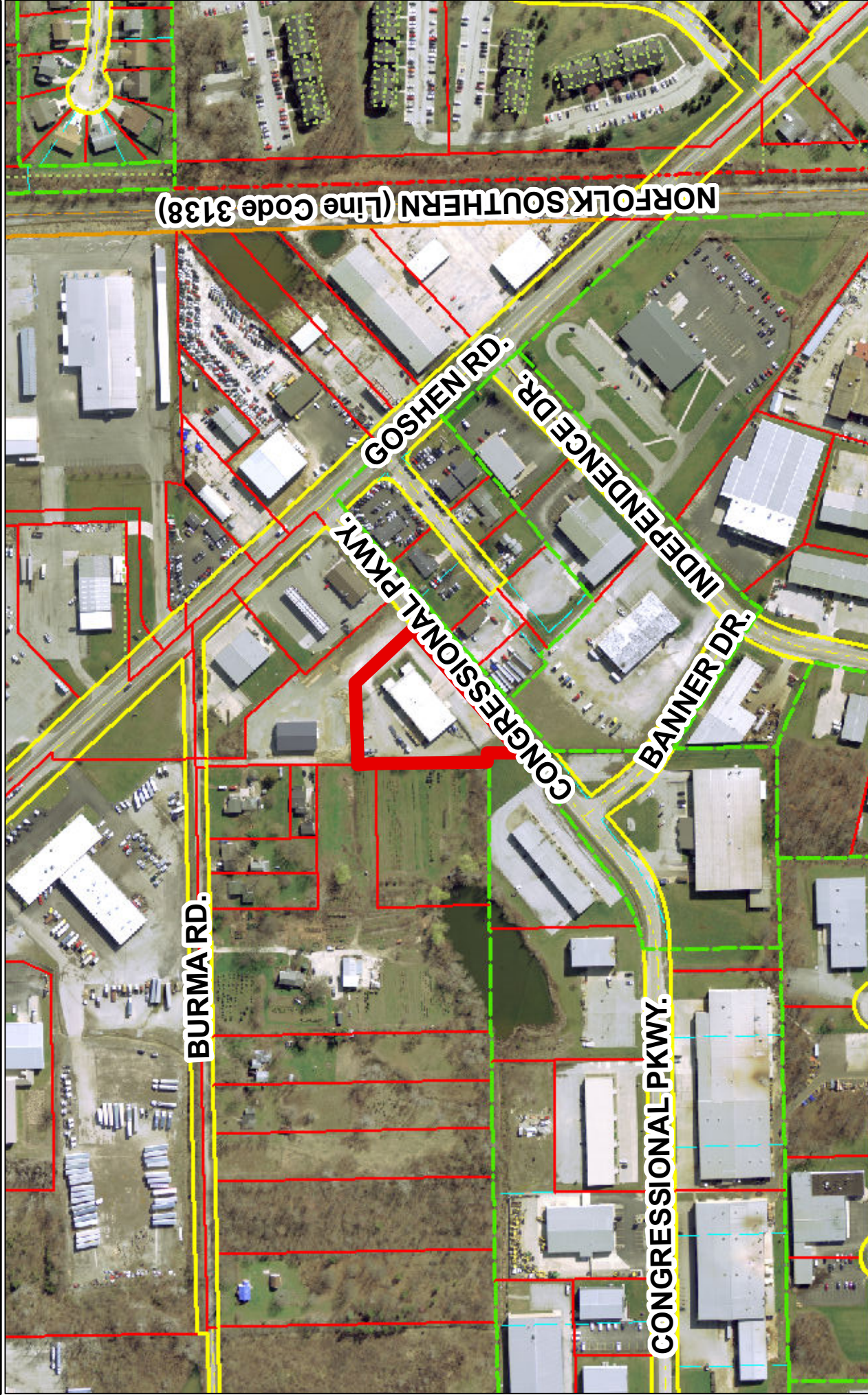
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Job No.: 20150413

Drawn by: TMJ

Checked by: TCG

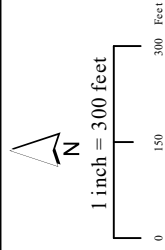
Sheet: 1 of 1

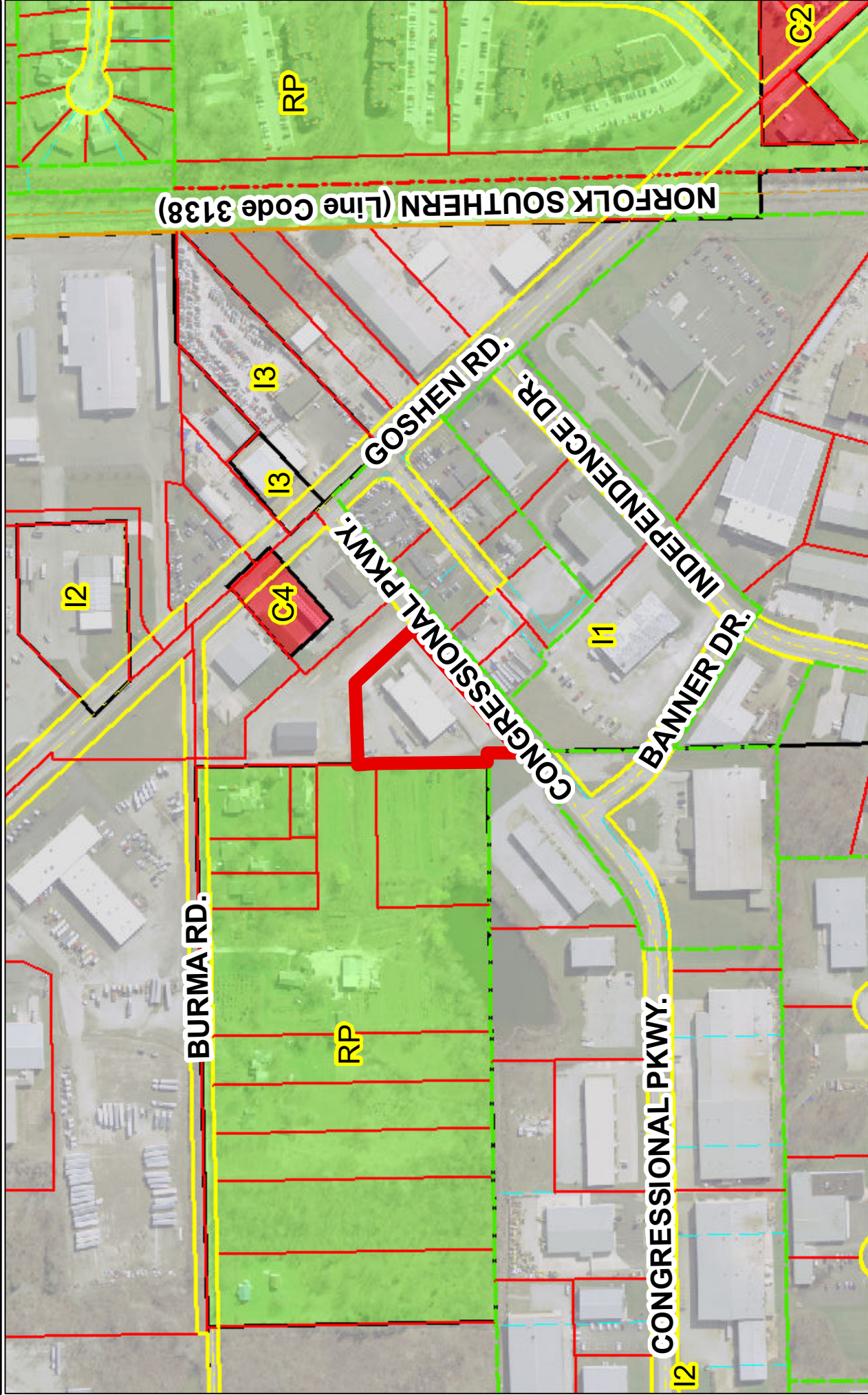


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 4/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





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1 inch = 300 feet
0 150 300 Feet