

#REZ-2019-0018

BILL NO. Z-19-04-14

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-58 (Sec. 3 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 a C3 (General
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Part of the North Half of the Northeast Fractional Quarter of Section 3, Township 31 North,
Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northeast Fractional Quarter, thence South 01
degrees 14 minutes 43 seconds East (bearings in this description are based on the INDOT
bearing for State Road #3), on and along the East line of said Northeast Fractional Quarter, a
distance of 1650.66 feet to the Southeast corner of the North Half of said Northeast
Fractional Quarter as established in Surveyor's Record "C", page 153; thence South 88
degrees 43 minutes 10 seconds West, on and along the South line of said North Half, a
distance of 1983.05 feet to a point situated 537.6 feet, North 88 degrees 43 minutes 10
seconds East from the Southwest corner of said North Half as established in said Surveyor's
Record "C", page 153; thence North 01 degrees 07 minutes 00 seconds West and parallel
with the West line of said Northeast Fractional Quarter, a distance of 375.0 feet; thence
South 88 degrees 43 minutes 10 seconds West and parallel with said South line, a distance of
300.00 feet; thence South 01 degrees 07 minutes 00 seconds East and parallel with said West
Line, a distance of 25.0 feet; thence South 88 degrees 43 minutes 10 seconds West and
parallel with said South line, a distance of 123.00 feet to a point situated 90.0 feet normally
distant Eastward from Line "A" as defined by IND. Proj. S-419(4); thence North 01 degrees
07 minutes 00 seconds West and parallel with said Line "A", a distance of 324.15 feet to a
point situated 90.0 feet normally distant Eastward from said Line "A" at plan station
275+00; thence North 04 degrees 35 minutes 38 seconds East, continuing along said East
right-of-way line, a distance of 67.03 feet to the true Point of Beginning; thence North 04
degrees 35 minutes 38 seconds East, continuing along said East right-of-way line, a distance
of 33.47 feet to a point situated 100.0 feet normally distant Eastward from said Line "A" at
plan station 276+00; thence North 03 degrees 58 minutes 45 seconds West, continuing along
said East right-of-way line, a distance of 100.12 feet to a point situated 95.0 feet normally
distant Eastward from said Line "A" at plan station 277+00; thence North 01 degrees 07
minutes 00 seconds West, continuing along said East right-of-way line and parallel with said
Line "A", a distance of 191.70 feet; thence North 88 degrees 53 minutes 00 seconds East, a
distance of 310.00 feet; thence South 01 degrees 07 minutes 00 seconds East and parallel

1 with said Line "A", a distance of 325.00 feet; thence South 88 degrees 53 minutes 00
2 seconds West, a distance of 308.33 feet to the true Point of Beginning, containing 2.305
3 acres of land, subject to roadway easements over the South 30 feet and East 25 feet thereof,
4 subject to a utility easement over the South 20 feet of the North 70 feet thereof, subject to a
5 utility easement over the South 40 feet thereof, subject to a utility easement over the West 15
6 feet thereof, subject to a utility easement over the East 35 feet and subject to all easements of
7 record.

8 and the symbols of the City of Fort Wayne Zoning Map No. K-58 (Sec. 3 of Washington
9 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
10 Wayne, Indiana is hereby changed accordingly.

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

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

17 _____
18 Council Member

19 APPROVED AS TO FORM AND LEGALITY:

20 
21 _____
22 Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Lima Road & Dupont, LLC
Address 1800 Magnavox Way
City Fort Wayne State IN Zip 46804
Telephone 260-436-1415 E-mail lassust@lassus.com

Contact Person
Contact Person Scott M. Federoff, Synder Morgan Federoff & Kuchmay LLP
Address 4211 Clubview Drive
City Fort Wayne State IN Zip 46804
Telephone 260-602-8000 E-mail smf@smfklaw.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 10040 Lima Road, Ft. Wayne, IN 46825
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 2.31
Proposed density 1 units per acre
Township name Washington Township section # 3
Purpose of rezoning (attach additional page if necessary) To bring an existing convenience store and gas station use into conformance with the City of Fort Wayne Zoning Ordinance.
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.

Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of applicant)

Todd J. Lassus
(signature of applicant)

3/27/19
(date)

Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of property owner)

Todd J. Lassus
(signature of property owner)

3/27/19
(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

(signature of property owner)

(date)

Received <u>4/1/19</u>	Receipt No. <u>129870</u>	Hearing Date <u>5/6/19</u>	Petition No. <u>REZ2019-0018</u>
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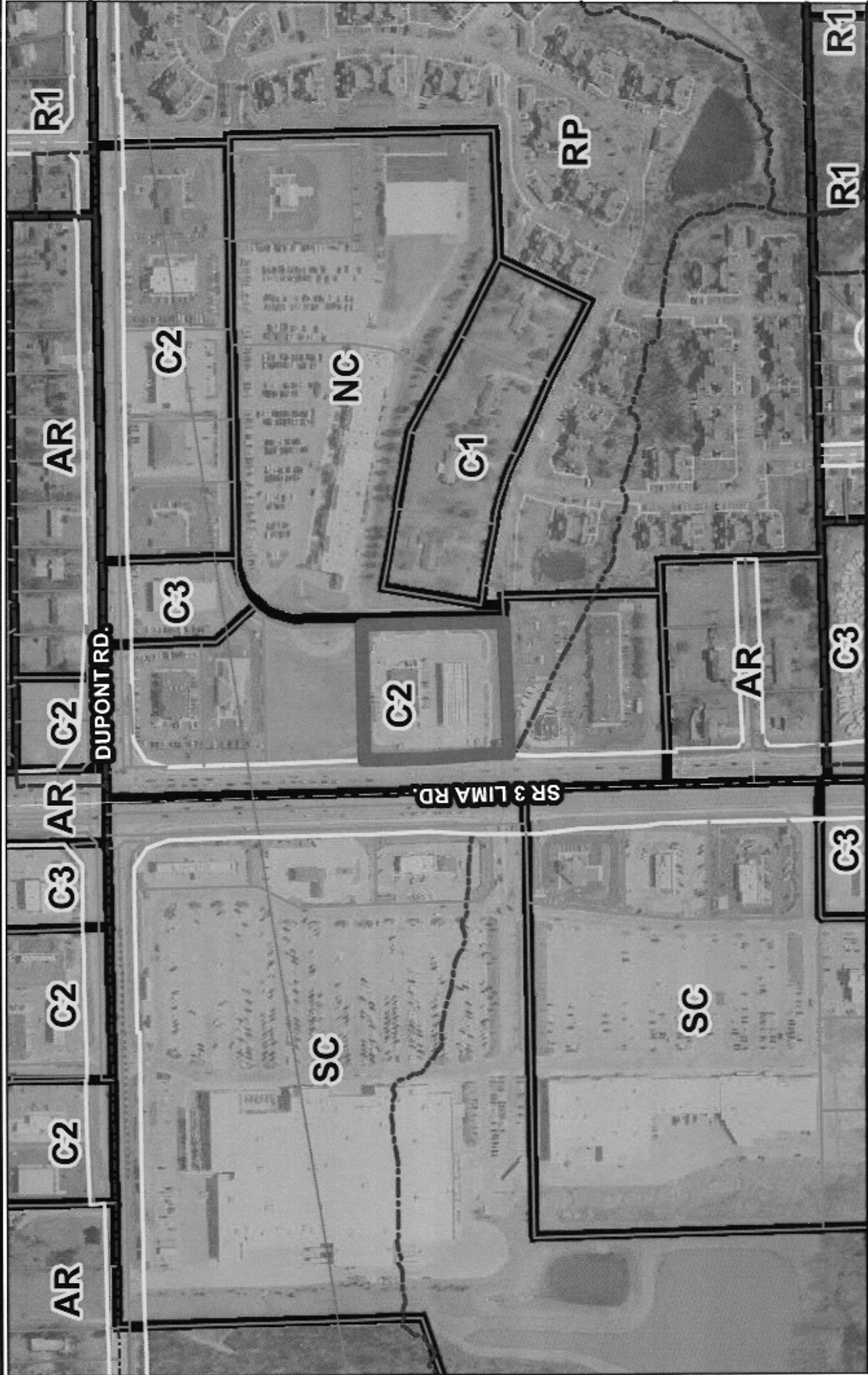
Although every reasonable effort has been made to ensure the accuracy of this map, the City of Albuquerque does not warrant or guarantee the accuracy of the information contained herein and does not accept any liability resulting from any error or omission in this map.

© 2014 Board of Commissioners of the County of Bernalillo
North American Daters, 1901
Base Plane Coordinate System, Indiana East
Thomas and Corbin, Spring 2019
Date: 4/17/2019



1 inch = 300 feet





Although street address standards have been applied to the map, the map is not a legal document. The City of Albuquerque 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.

North American Datum 1983
 State Plane Coordinate System, NAD83
 Thomas and Corcoran, Springfield, 2006
 Date: 4/19/2019

1 inch = 300 feet

0 150 300 feet

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0018
Bill Number: Z-19-04-14
Council District: 3-Tom Didier

Introduction Date: April 23, 2019

Plan Commission
Public Hearing Date: May 6, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.38 acres of property from C2-Limited Commercial to C3-General Commercial.

Location: 10040 Lima Road

Reason for Request: To rezone the property of an existing Lassus gas station and convenience store to bring the gas station use into compliance with the current zoning ordinance.

Applicant: Lima Road & Dupont, LLC

Property Owner: Lima Road & Dupont, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district, along with a Written Commitment to prohibit other C3 uses. The rezoning will allow the existing use to conform to the ordinance.

Effect of Non-Passage: The property will remain zoned C2-Limited Commercial, which does not permit new gas stations. The existing investment is non-conforming, which affects how the property can be developed or expanded in the future.

FACT SHEET

Case #REZ-2019-0018

Bill # Z-19-04-14

Project Start: 23 April 2019

APPLICANT:	Lima Road & Dupont, LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial to bring the existing gas station use in conformance with the Zoning Ordinance.
LOCATION:	The site is located at the northeast corner of Lima Road and Northbrook Boulevard. The address of the subject property is 10040 Lima Road (Section 3 of Washington Township).
LAND AREA:	Approximately 2.3 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

6 May 2019 Public Hearing

- No public comment at the hearing.
- Don Schmidt, Tom Friestroffer and Billy Davenport were absent.

13 May 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

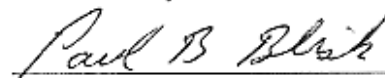
A motion was made by Rachel Tobin-Smith and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

- Billy Davenport was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
23 May 2019

Reviewed by:



Paul B. Blisk
Deputy Land Use Director

PROJECT SUMMARY

- The site is fully developed with gas pumps/canopy, convenience store, and carwash.
- The site was rezoned to C-2B (now C2/Limited Commercial) in 1998, along with approval for a Primary Development Plan for Northbrook Village.

The petitioner requests a rezoning from C2/Limited Commercial to C3/General Commercial to allow the existing use of the property to comply with the current zoning ordinance. The existing gas station, convenience store, and carwash are located at the northeast corner of Lima Road and Northbrook Boulevard, at the entrance to Northbrook Village shopping center. In 1998, when the site was rezoned, the zoning ordinance permitted the gas station use in the Community Shopping Center district, which is equivalent to C2 today. The 2014 zoning ordinance amendment removed gas stations from the C2 district.

The petitioner seeks the allowance of the existing gas station, and the ability to maintain, expand and improve as allowed for a permitted use. When Northbrook Village was proposed, the corner gas station use was reviewed, the Primary Development Plan was approved, and the rezoning request received a Do Pass recommendation from the Allen County Plan Commission. The Board of Commissioners approved the rezoning in 1998, and the Secondary Development Plan for Lassus was approved in 1999.

Along with the rezoning request, the petitioner has submitted a voluntary Written Commitment governing uses on the property. If approved, all but four C3 /General Commercial uses will be **prohibited**. Those new C3 uses proposed to be **permitted** are:

- (1) Automobile car wash
- (2) Gas station
- (3) Propane/bottled gas sales and service as an accessory to a gas station or convenience store
- (4) Truck fueling station

The Comprehensive Plan encourages development that will not adversely affect the current conditions of an area or the character of the current structures in the area. The Lassus station and convenience store is part of an intensely commercial development that received full Plan Commission and legislative review. This proposal does not include any request to change or increase the intensity of the existing use. Staff is not opposed to bringing the existing use into compliance with the ordinance, with a Written Commitment.

The comprehensive plan supports this development through the following objectives:

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

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

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

PUBLIC HEARING SUMMARY:

Presenter: Scott Federoff, representing Lassus, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

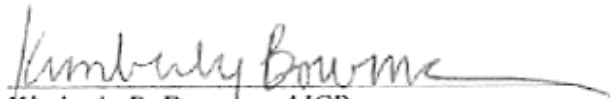
Rezoning Petition REZ-2019-0018

APPLICANT:	Lima Road & Dupont, LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial to bring the existing gas station use in conformance with the Zoning Ordinance.
LOCATION:	The site is located at the northeast corner of Lima Road and Northbrook Boulevard. The address of the subject property is 10040 Lima Road (Section 3 of Washington Township).
LAND AREA:	Approximately 2.3 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0018, with a Written Commitment, be returned to Council with a "Do Pass" recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The existing use was developed as part of a shopping center approval in 1998/1999. No changes are proposed to the development. The purpose of the rezoning is to allow an existing use to comply with the zoning ordinance.
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. Earlier review of a development plan, have resulted in a planned, quality-built shopping center. A proposed Written Commitment prohibiting all but existing C3 uses will protect surrounding property owners from new intensive or incompatible uses.
3. Approval is consistent with the preservation of property values in the area. This proposal does not increase the intensity of the existing use, and allows for the property to be maintained, expanded and/or improved, allowing for investment when desired or necessary.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

These findings approved by the Fort Wayne Plan Commission on May 13, 2019.



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

Applicant

Applicant Lima Road & Dupont, LLCAddress 1800 Magnavox WayCity Fort WayneState INZip 46804Telephone 260-436-1415E-mail lassust@lassus.com

Contact Person

Contact Person Scott M. Federoff, Synder Morgan Federoff & Kuchmay LLPAddress 4211 Clubview DriveCity Fort WayneState INZip 46804Telephone 260-602-8000E-mail smf@smfklaw.com*All staff correspondence will be sent only to the designated contact person.*

Request

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning JurisdictionAddress of the property 10040 Lima Road, Ft. Wayne, IN 46825Present Zoning C2Proposed Zoning C3Acreage to be rezoned 2.31Proposed density 1

units per acre

Township name WashingtonTownship section # 3Purpose of rezoning (attach additional page if necessary) To bring an existing convenience store and gas station use into conformance with the City of Fort Wayne Zoning Ordinance.Sewer provider City of Fort WayneWater provider City of Fort Wayne

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Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of applicant)

(signature of applicant)

3/27/19

(date)

Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of property owner)

(signature of property owner)

3/27/19

(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.
4/1/19	129870	5/6/19	REZ-2019-0018



Although not a warranty, the City of Allen, Texas, does not warrant the accuracy of this map. The City of Allen does not warrant or guarantee the accuracy of the information contained herein and makes no warranty or liability, including, but not limited to, any error or omission in this map.

© 2019 Board of Commissioners of the County of Allen, Texas

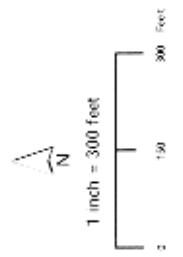
Allen, Texas
City of Allen, Texas
Planning and Community Development Department

Date: 4/10/2019



Average test accuracy standards have been set by the compilation of this report. Clearly does not warrant a 2.0 or higher. The accuracy of the information contained herein and accuracy are all the best results. None are available in this report.

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North American Edition 1983
State of New York, Copyright System, Inc. and East
Brooklyn and County of Spring 2019
Date: 4/15/2019



WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the ___ day of _____, 2019, by Lima Road & Dupont, LLC, an Indiana limited liability company ("Company").

RECITALS

A. By virtue of that certain Warranty Deed dated December 27, 2007 and recorded on February 1, 2008 as Document Number 2008005142 in the Office of the Recorder of Allen County, Indiana, Company is the owner of record in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" (the "Real Estate").

B. Company filed an application under Case Number REZ-2019-000___ (the "Rezoning Application") to change the zoning map applicable to the Real Estate from the C2 Zoning District to the C3 Zoning District.

D. Pursuant to Ind. Code § 36-7-4-1015(a)(1) and the City of Fort Wayne Zoning Ordinance (the "Ordinance"), the Fort Wayne Plan Commission (the "Plan Commission") may require an owner of real property to make a written commitment concerning the use or development of the real property as part of rezoning application (the "Approval").

E. In connection with the Rezoning Application, Company offered to make, and the Plan Commission required Company to make, a written commitment concerning the use and development of the Real Estate.

COMMITMENT

In consideration of the Approval, Company makes the following written commitments pursuant to I.C. §36-7-4-1015(a)(1):

1. **PERMITTED/PROHIBITED USES.** All uses normally permitted in the C3/General Commercial zoning district under §157.216 of the Ordinance that are not permitted uses in the C2/Limited Commercial under §157.213 of the Ordinance (all of which shall remain permitted) shall be prohibited except for the following (which shall be permitted):

- a) Automobile car wash;
- b) Gas station;
- c) Propane/bottled gas sales and service as an accessory use to a gas station or convenience store; and
- d) Truck fueling station.

2. **ENFORCEMENT RIGHTS.** The 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.

3. **EFFECTIVE DATE.** This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

4. **SUCCESSORS AND ASSIGNS.** This Commitment and the restrictions set forth above shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.

5. **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.

6. **GOVERNING LAW.** This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

7. **STATUTORY AUTHORITY.** This Commitment is made pursuant to I.C. §36-7-4-1015(a)(1).

8. **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.

9. ***MODIFICATION AND TERMINATION.*** Modification and termination of this Commitment may only be made in accordance I.C. §36-7-4-1015, as such statute may be amended from time-to-time.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

[SIGNATURE PAGE FOLLOWS.]

Lima Road & Dupont, LLC,
an Indiana limited liability company

By: LB Master Holdings, LLC,
an Indiana limited liability company,
its Sole Member

By: _____
Todd J. Lassus, Member

"Company"

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this _____ day of _____, 2019, personally appeared Todd J. Lassus, as a Member of LB Master Holdings, LLC, an Indiana limited liability company, as the Sole Member of Lima Road & Dupont, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing Written Commitment on behalf of said company.

WITNESS my hand and Notarial Seal.

My commission expires:
June 28, 2028

Scott M. Federoff, Notary Public
Resident of Allen, County, Indiana

This instrument prepared by and after recording return to: Scott M. Federoff, SNYDER MORGAN FEDEROFF & KUCHIMAY LLP, 4211 Clubview Drive, Fort Wayne, Indiana 46804.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Scott M. Federoff

Exhibit "A"
Legal Description of the Real Estate

PART OF THE NORTH HALF OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 3, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST FRACTIONAL QUARTER; THENCE SOUTH 01 DEGREES 14 MINUTES 43 SECONDS EAST (BEARINGS IN THIS DESCRIPTION ARE BASED ON THE INDOT BEARING FOR STATE ROAD #3), ON AND ALONG THE EAST LINE OF SAID NORTHEAST FRACTIONAL QUARTER, A DISTANCE OF 1650.66 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID NORTHEAST FRACTIONAL QUARTER AS ESTABLISHED IN SURVEYOR'S RECORD "C", PAGE 153; THENCE SOUTH 88 DEGREES 43 MINUTES 10 SECONDS WEST, ON AND ALONG THE SOUTH LINE OF SAID NORTH HALF, A DISTANCE OF 1983.05 FEET TO A POINT SITUATED 537.6 FEET, NORTH 88 DEGREES 43 MINUTES 10 SECONDS EAST FROM THE SOUTHWEST CORNER OF SAID NORTH HALF AS ESTABLISHED IN SAID SURVEYORS RECORD "C", PAGE 153; THENCE NORTH 01 DEGREES 07 MINUTES 00 SECONDS WEST AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST FRACTIONAL QUARTER, A DISTANCE OF 375.0 FEET; THENCE SOUTH 88 DEGREES 43 MINUTES 10 SECONDS WEST AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 300.00 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 00 SECONDS EAST AND PARALLEL WITH SAID WEST LINE, A DISTANCE OF 25.0 FEET; THENCE SOUTH 88 DEGREES 43 MINUTES 10 SECONDS WEST AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 123.00 FEET TO A POINT SITUATED 90.0 FEET NORMALLY DISTANT EASTWARD FROM LINE "A" AS DEFINED BY IND. PROJ. S- 419(4); THENCE NORTH 01 DEGREES 07 MINUTES 00 SECONDS WEST AND PARALLEL WITH SAID LINE "A", A DISTANCE OF 324.15 FEET TO A POINT SITUATED 90.0 FEET NORMALLY DISTANT EASTWARD FROM SAID LINE "A" AT PLAN STATION 275+00; THENCE NORTH 04 DEGREES 35 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 67.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 04 DEGREES 35 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 33.47 FEET TO A POINT SITUATED 100.0 FEET NORMALLY DISTANT EASTWARD FROM SAID LINE "A" AT PLAN STATION 276+00; THENCE NORTH 03 DEGREES 58 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 100.12 FEET TO A POINT SITUATED 95.0 FEET NORMALLY

DISTANT EASTWARD FROM SAID LINE "A" AT PLAN STATION 277+00; THENCE NORTH 01 DEGREES 07 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND PARALLEL WITH SAID LINE "A", A DISTANCE OF 191.70 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 00 SECONDS EAST, A DISTANCE OF 310.00 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 00 SECONDS EAST AND PARALLEL WITH SAID LINE "A", A DISTANCE OF 325.00 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 00 SECONDS WEST, A DISTANCE OF 308.33 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.305 ACRES OF LAND.