

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2019-0001
Bill Number: G-19-06-13
Council District: 3-Tom Didier

Introduction Date: June 25, 2019
Public Hearing Date: July 9, 2019 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate utility easements within Lots 13, 14 and 15 of the Brotherhood Place plat.

Location: 6400 Brotherhood Way

Reason for Request: Brotherhood Mutual is planning an 84,700 square foot building expansion.

Applicant: Kenneth Dunn – Engineering Resources

Property Owner: Brotherhood Mutual Insurance Co.

Related Petitions: Primary Development Plan, Brotherhood Mutual Building Expansion, VPLT-2019-0003, Vacation of Platted Lots 13, 14, and 15

Effect of Passage: Vacation of these unused easements will allow Brotherhood Mutual Insurance Co. to expand on land they own, adjacent to the existing building.

Effect of Non-Passage: The easements will remain platted. They are currently unused and prohibiting further development of the property.

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VEAS-2019-0001

BILL NO. G-19-06-13

**Plat Cabinet B
Page 58**

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:

The 20 foot wide (10 feet on either side of lot line) utility easements between lots #13, #14, and #15 as shown on the Secondary Plat of Brotherhood Place as recorded and filed in Plat Cabinet B, PG. 58 of the Allen County Recorder's Office.

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

RECEIVED
CITY CLERK
JUN 11 2019

2019 JUN 11 10:42:32

I/We do hereby petition to vacate the following:

 x Easement Public Right of Way (street or alley)

More particularly described as follows:

THE PLATTED UTILITY EASEMENT BETWEEN LOTS #13, #14 AND #15 OF THE SECONDARY PLAT BROTHERHOOD PLACE AS SHOWN IN THE ATTACHED EXHIBIT.

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

Plat Cab B

DEED BOOK NUMBER: PAGE(S) NUMBER(S): 58 (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:

BROTHERHOOD MUTUAL INSURANCE SEEKS TO VACATE THE EXISTING EASEMENTS IN ORDER TO MAKE WAY FOR A PLANNED ADDITION TO THEIR BUILDING TO ACCOMIDATE THE CONTINUED GROWTH OF THEIR BUSINESS.

(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: Kenneth Dunn

Street Address: 11020 Diebold Road

City: Fort Wayne State: IN Zip: 46845 Phone: 260-451-9747

FORT WAYNE, INDIANA
FILED
JUN 06 2019
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

Michael Allison
Printed Name

6/3/2019
Date

6400 Brotherhood Way
Address

Fort Wayne, IN 46825
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): Kenn Dunn

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: 451-9747

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: 6/10/19

Map #: WASH 14
M 38

Reference #: VEAS-2019-0001

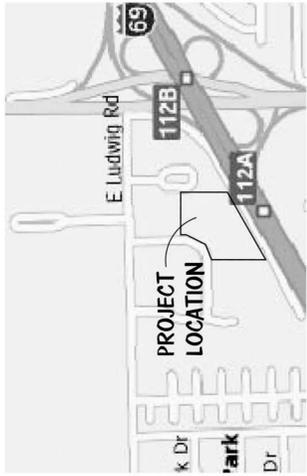
Zoning-C2



FORESIGHT...CAN MAKE A DIFFERENCE
Foresight Consulting, LLC
 3810 New Vision Drive
 Fort Wayne, Indiana 46845
 260.484.9900 phone
 260.484.9980 fax
 www.foresight-consulting.biz

Certification

Site Location Map
 NOT TO SCALE



FLOOD HAZARD STATEMENT: PARTIALLY WITHIN ZONE X (NO HATCH) AND ZONE X (HATCHED) ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL NO. 18003C 0169 & EFFECTIVE DATE AUGUST 3, 2009 AS SHOWN ABOVE. DESCRIPTIONS OF THESE AREAS ARE AS FOLLOWS:

ZONE X (NO HATCH) - AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE X (HATCHED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1.0% ANNUAL CHANCE FLOOD AREAS WITH LESS THAN 1.0% ANNUAL CHANCE FLOOD AREAS WITH LEVLES FROM 1.0% ANNUAL CHANCE FLOOD.

Partial Firm Panel 18003C 0169 G
Map Effective Date of August 3, 2009



6400 Brotherhood Way, Fort Wayne, Indiana
Brotherhood Mutual
 Insurance Company

Drawing Revisions

Commission Number
 111092
Date
 November 18th, 2011
Title
 Retracement
 Boundary Survey
Sheet Number
 C0.1

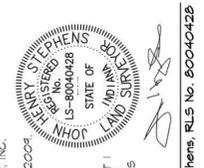
GENERAL NOTES:

1. THE LOCATION AND DIMENSIONS OF ALL BUILDING STRUCTURES ON THE FACE OF THIS SURVEY (IF APPLICABLE) ARE NOT INTENDED FOR STRUCTURAL DESIGN.
2. UTILITIES DEPICTED ON THE KITHIN PLAT OF SURVEY WERE LOCATED FROM ABOVE-GROUND PHYSICAL EVIDENCE AND APPROPRIATE UTILITY LOCATION SERVICE WAS REQUESTED FOR THIS SURVEY. HOWEVER ONLY ABOVE GROUND MARKINGS WERE LOCATED.
3. DISPENSING UNDERGROUND UTILITIES MAY RESULT IN SUBSTANTIAL PENALTIES AND DAMAGES FOR DISPENSING UNDERGROUND UTILITIES. THE PRESENCE OF UTILITIES BY CALLING 1-800-392-3514. ADDITIONAL SEARCH TO CHECK FOR THE PRESENCE OF UTILITIES BY CALLING 1-800-392-3514. ADDITIONAL ADDITIONAL RESPONSIBILITY TO CONTACT EACH OF THESE UTILITY PROVIDERS, AND IT IS YOUR RESPONSIBILITY TO OBTAIN ANY NECESSARY PERMISSIONS FROM THESE UTILITY PROVIDERS.
4. THE PROFESSIONAL SERVICES PROVIDED DO NOT INCLUDE AND SHOULD NOT BE CONSTRUED TO BE AN OPINION OF THE TITLE. A RECORD DOCUMENT SEARCH PERFORMED AS PART OF THE SURVEYING SERVICES DOES NOT SUBSTITUTE FOR A TITLE SEARCH AND A TITLE SEARCH BY A TITLE INSURANCE COMPANY IS REQUIRED. THE RECORD DOCUMENT SEARCH PERFORMED FOR THIS SURVEY FOR THE SUBJECT TRACT AND THE ADJOINING TRACTS WERE OBTAINED FROM THE OFFICE OF THE HANCOCK COUNTY, INDIANA RECORDS. THE RECORD DOCUMENTS DEPICT THE CURRENT RECORD OWNERSHIP AS REQUIRED BY THE RECORDS. THE RECORD DOCUMENTS DEPICTED ON THIS SURVEY DO NOT INCLUDE THE RECORDS DESCRIBED IN THIS HISTORICAL MUNICIPAL RECORDS PRESENTED AN OPINION ON YOUR TITLE MUST BE OBTAINED FROM AN EXPERIENCED REAL ESTATE ATTORNEY.
5. THE IDENTIFICATION AND DELINEATION OF METLANDS WERE NOT A PART OF THE BOUNDARY SERVICES PROVIDED. THE IDENTIFICATION AND DELINEATION OF METLANDS WERE OBTAINED FROM THE OFFICE OF THE HANCOCK COUNTY, INDIANA RECORDS. THE RECORD DOCUMENTS DEPICT THE CURRENT RECORD OWNERSHIP AS REQUIRED BY THE RECORDS. THE RECORD DOCUMENTS DEPICTED ON THIS SURVEY DO NOT INCLUDE THE RECORDS DESCRIBED IN THESE HISTORICAL MUNICIPAL RECORDS PRESENTED AN OPINION ON YOUR TITLE MUST BE OBTAINED FROM AN EXPERIENCED REAL ESTATE ATTORNEY.
6. ROAD NOTHS DEPICTED THIS SURVEY DO NOT INCLUDE THE TIEBOIS AND THE CONSUMING RESEARCH NECESSARY TO DETERMINE IF THE PUBLIC ROAD (NOTHS) BOUNDING YOUR PROPERTY IS/ARE DESCRIBED IN THESE HISTORICAL MUNICIPAL RECORDS.
7. MONUMENTS NOT NOTED AS BEING DISTURBED WERE FOUND IN APPARENTLY UNDISTURBED (GOOD) CONDITION.
8. THERE IS A REGULATED DRAIN KITHIN THE OF THE SUBJECT PARCELS AS NOTED ON THE KITHIN PLAT.

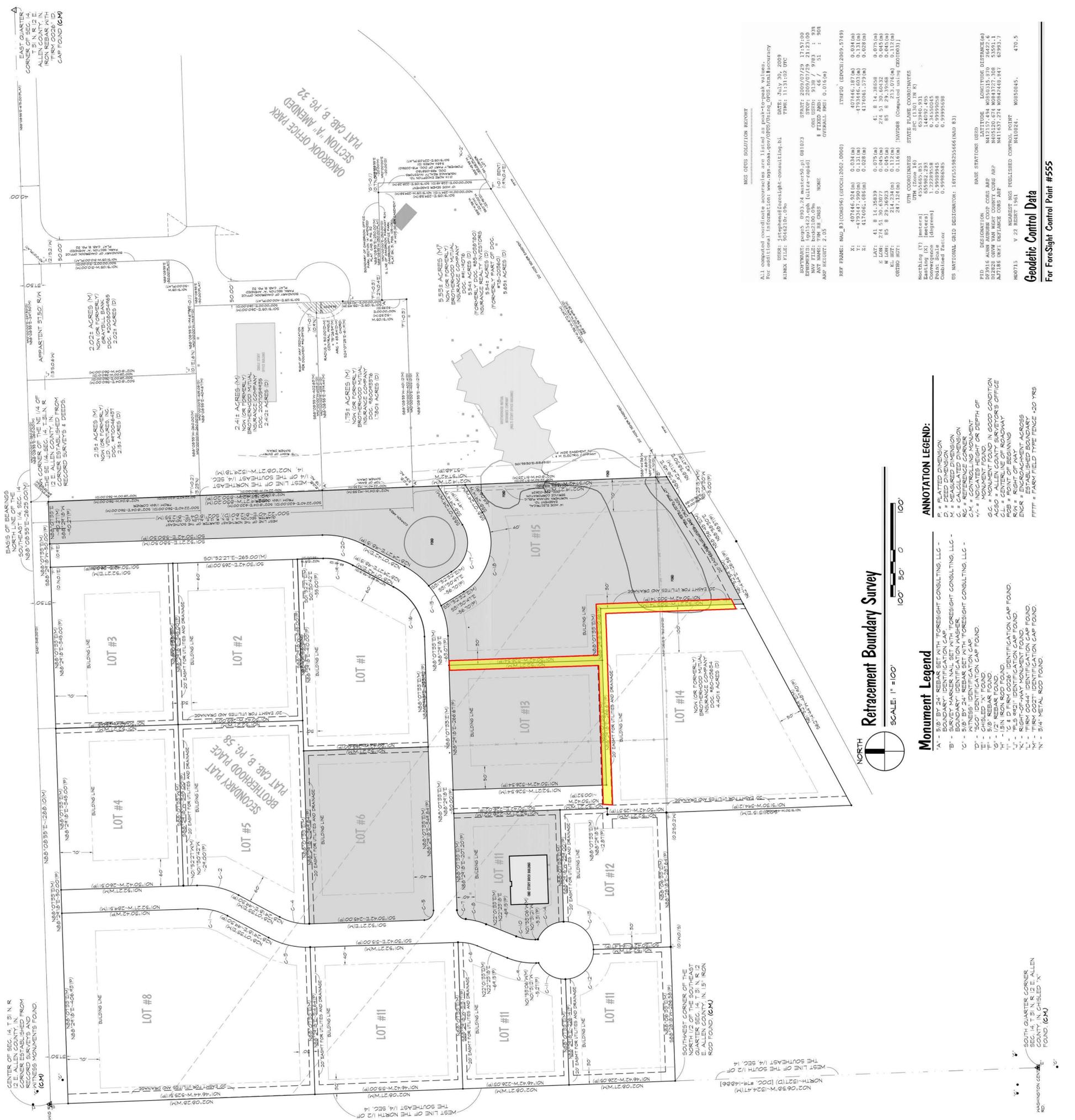
LAND SURVEYOR CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS EXHIBIT REPRESENTS A SURVEY CONDUCTED UNDER MY SUPERVISION IN ACCORDANCE WITH TITLE 36, ARTICLE 1, R 12, SECTION 1-1-1 OF THE INDIANA CODE, CONSISTING OF SHEETS 001, 002, AND 003.

COMMISSION NUMBER: 111092
 CLIENT: BROTHERHOOD MUTUAL INSURANCE COMPANY, DESIGN COLLABORATIVE, INC.
 DATES OF FIELD WORK: AUGUST 5TH, 4TH, 5TH, 2009
 FIELD WORK COMPLETED: AUGUST 5TH, 2009
 IN WITNESS WHEREOF, I HERETOBY PLACE MY HAND AND SEAL THIS 30TH DAY OF SEPTEMBER, 2009
 I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH PAGE OF THIS SURVEY WITH A NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



John Henry Stephens
 RLS No. 80040428



Retracement Boundary Survey
 SCALE: 1" = 100'

Monument Legend

- A - 1/8" BY 24" REBAR SET WITH FORESIGHT CONSULTING, LLC - BOUNDARY IDENTIFICATION CAP
- B - SURVEY MARKER NAIL SET WITH FORESIGHT CONSULTING, LLC - BOUNDARY IDENTIFICATION CAP
- C - 5/8" BY 24" REBAR SET WITH FORESIGHT CONSULTING, LLC - WITNESS IDENTIFICATION CAP
- D - 5/8" BY 24" REBAR SET WITH FORESIGHT CONSULTING, LLC - WITNESS IDENTIFICATION CAP FOUND
- E - 5/8" BY 24" REBAR FOUND
- F - 1/2" REBAR FOUND
- G - 1/2" REBAR FOUND
- H - 1/2" REBAR FOUND
- I - 1/2" REBAR FOUND
- J - 1/2" REBAR FOUND
- K - RIGHT-OF-WAY MONUMENT FOUND
- L - RIGHT-OF-WAY MONUMENT FOUND
- M - 3/4" METAL ROD FOUND
- N - 3/4" METAL ROD FOUND

ANNOTATION LEGEND:

- A - MEASURED DIMENSION
- B - MEASURED DIMENSION
- C - CALCULATED DIMENSION
- D - CONTROLLING MONUMENT
- E - INDICATES HEIGHT OR DEPTH OF MONUMENT FOUND IN GOOD CONDITION
- F - CENTERLINE OF ROADWAY
- G - RIGHT-OF-WAY MONUMENT FOUND
- H - ENCROACHMENT ACROSS ROADWAY
- I - 3/4" METAL ROD FOUND
- J - 3/4" METAL ROD FOUND

Geodetic Control Data
 For Foresight Control Point #555

POINT	DESCRIPTION	UTM ZONE	EASTING (E)	NORTHING (N)	HEIGHT (M)
555	REBAR	18Q	471061.686	417061.686	0.028
556	REBAR	18Q	471061.686	417061.686	0.028
557	REBAR	18Q	471061.686	417061.686	0.028
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