

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0001
Bill Number: Z-20-01-31
Council District: 3-Tom Didier

Introduction Date: January 28, 2020

Plan Commission
Public Hearing Date: February 10, 2020 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 1.05 acres from C3/General Commercial to RP/Planned Residential.

Location: Southwest corner of Eleanor Avenue and Constance Avenue

Reason for Request: To allow redevelopment of the property with single family homes.

Applicant: CASS Housing, Inc.

Property Owner: CASS Housing, Inc.

Related Petitions: none

Effect of Passage: Property will be rezoned to the RP/Planned Residential district which will allow the construction of single family homes.

Effect of Non-Passage: The property will remain zoned C3/General Commercial and may develop with commercial uses. A single family home is not permitted in the C3 district.

#REZ-2020-0001

BILL NO. Z-20-01-31

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-22 (Sec. 26 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 RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Parcel I:

Lots 76, 77, and 78 of Highland Park Addition and the vacated alley lying west of and
adjoining the aforesaid Lots in Highland Park Addition and the vacated portion of Brudi
Avenue, lying south of and adjoining said Lot 78 of Highland Park Addition, Allen County,
Indiana.

Parcel II:

Part of the lands of American Cash, LLC as described in Document #2011031041 being a
portion of Lot Numbered 47 in Fairview Addition to the City of Fort Wayne, as recorded in
Plat Record 4, page 23, in the Office of the Recorder of Allen County, Indiana, this new
description was prepared by Michael C. Vodde, Indiana Professional Surveyor #20100011,
as part of Anderson Surveying, Inc., Survey #18-10-157, dated December 24, 2018, more
particularly described as follows:

Beginning at a 5/8 inch rebar with an orange identification cap stamped "Anderson FIRM
#29A" monumenting the Northeast corner of Lot Numbered 47 in said Fairview Addition;
thence South 35 degrees 36 minutes 25 seconds West (all bearings in this description are
based on WGS84 latitude and longitude by GPS observation) on the easterly line of said Lot
Numbered 47, a distance of 114.68 feet to a 5/8 inch rebar with an orange identification cap
stamped "Anderson FIRM #29A" monumenting the Southeast corner thereof; thence South
88 degrees 23 minutes 20 seconds West on the south line of Lot Numbered 47, a distance of
45.83 seconds to a 5/8 inch rebar with an orange identification cap stamped "Anderson
FIRM #29A"; thence North 01 degrees 20 minutes 56 seconds West, a distance of 91.32 feet
to a 5/8 inch rebar with an orange identification cap stamped "Anderson FIRM #29A" on the
north line of said Lot Numbered 47; thence North 88 degrees 23 minutes 20 seconds East on
said north line, a distance of 114.77 feet to the Point of Beginning, containing 0.168 acres of
land, more or less, subject to all easements, restrictions, and rights affecting the above
described parcel.

1 and the symbols of the City of Fort Wayne Zoning Map No. M-22 (Sec. 26 of Washington
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
3 Wayne, Indiana is hereby changed accordingly.
4

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

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

13 _____
Council Member

14 APPROVED AS TO FORM AND LEGALITY:
15

16 _____
17 Carol T. Helton, City Attorney
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Rezoning Petition REZ-2020-0001 (Constance Ave)



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: 1/22/2020

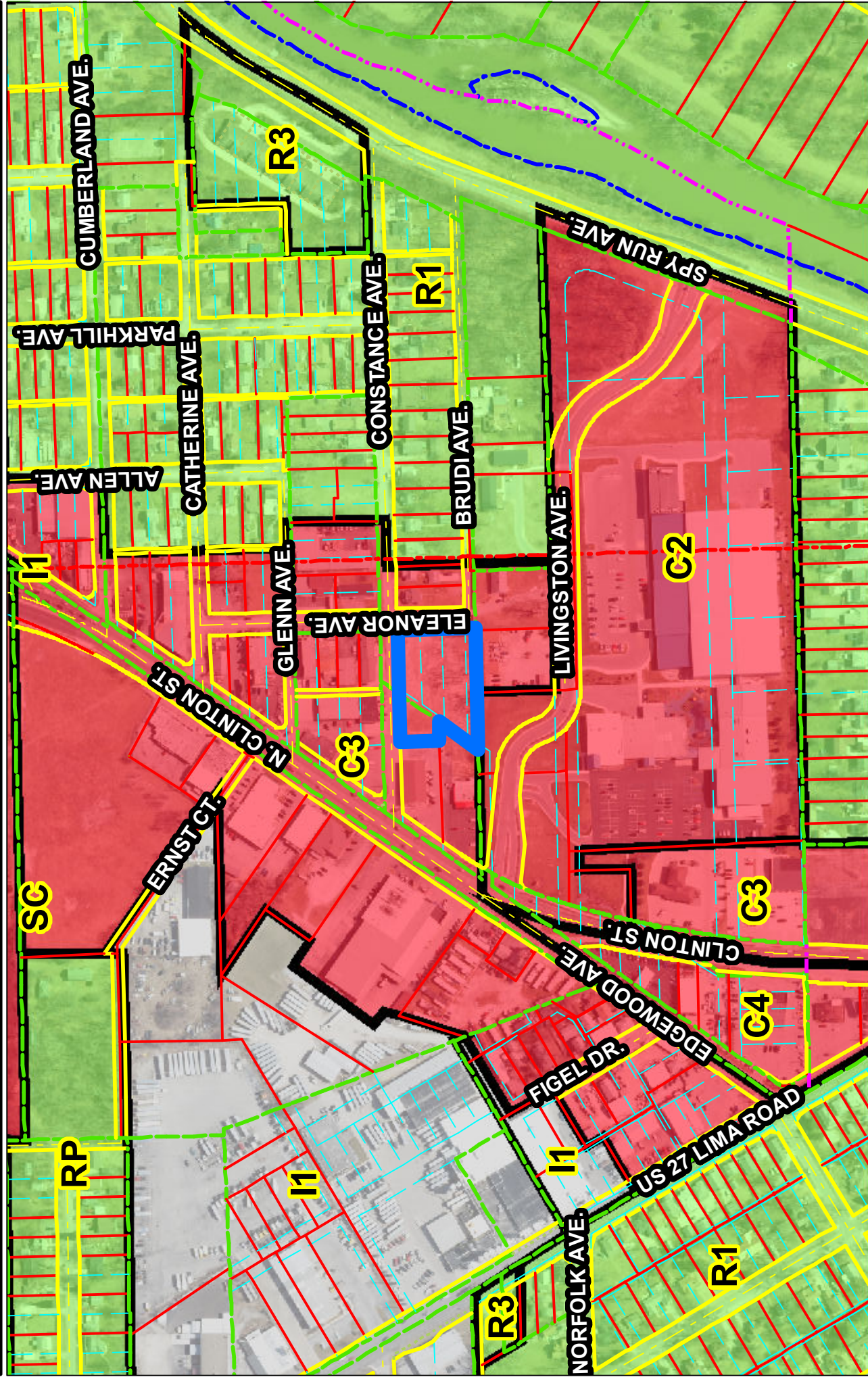


1 inch = 300 feet





Rezoning Petition REZ-2020-0001 (Constance Ave)

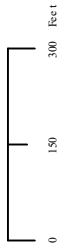


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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 1/22/2020



1 inch = 300 feet



**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant CASS Housing, Inc.
Address 111 W. Berry St. Suite 211
City Fort Wayne State IN Zip 46802
Telephone 260-376-2262 E-mail david@casshousing.org

Contact Person
Contact Person David Buuck
Address 111 W. Berry St. Suite 211
City Fort Wayne State IN Zip 46802
Telephone 260-376-2262 E-mail david@casshousing.org

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 Constance Ave & Eleanor Ave (02-07-26-434-001.001-073, 02-07-26-434-003.000-073)
Present Zoning C3 Proposed Zoning RP Acreage to be rezoned 1.05
Proposed density 3 units per acre
Township name Washington Township section # _____
Purpose of rezoning (attach additional page if necessary) Purpose is to build single family homes on lots.
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 Rezonings 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.

David Buuck
(printed name of applicant)

[Signature]
(signature of applicant)

1/6/2020
(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

(signature of property owner)

(date)

Received <u>1-7-20</u>	Receipt No. <u>133043</u>	Hearing Date <u>2-10-2020</u>	Petition No. <u>REZ-2020-0001</u>
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Mail tax bills to: 111 W. Berry St
Ft Wayne IN 46802

Tax Key No.: 02-07-26-434-
003:000-073

CORPORATE DEED

Washington - 9153929

This indenture witnesseth that HOLDING LIMITED PARTNERSHIP of Allen County in the State of Indiana, Conveys and warrants to CASS HOUSING, INC., of Allen County in the State of Indiana, for and in consideration of Ten dollars (\$10.00) and other good and valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

Lot 76, 77, 78, Highland Park Addition and the vacated alley lying west of and adjoining the aforesaid Lots in Highland Park Addition and the vacated portion of Brudi Avenue, lying south of and adjoining said Lot 78 of Highland Park Addition, Allen County, Indiana.

Subject to all liens, easements, restriction and limitations of record and visible easements not of record.

RECITAL: The undersigned person executing this deed represents and certifies on behalf of the Grantor that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution or its Bylaws to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate, that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

Dated this 3 day of July, 2018.

2018033724

RECORDED: 07/09/2018 10:34:36 AM

HOLDING LIMITED PARTNERSHIP

ANITA MATHER

ALLEN COUNTY RECORDER
FORT WAYNE, IN

By: Dr. Randy Shideler GP

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 3 day of July, 2018, personally appeared Dr. Randy Shideler and acknowledged the execution of the foregoing Corporate Deed, for and on behalf of HOLDING LIMITED PARTNERSHIP.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

HALEY HONTZ JUST, Notary Public

Notary Public

Allen County, State of Indiana Resident of

County.

My Commission Expires March 13, 2022

This Instrument Prepared By: Parker L. Moss, Attorney at Law, PARKER L. MOSS, P.C., P.O. Box 10839, Fort Wayne, IN 46854-0839, Attorney No. 10349-02

WHEN RECORDED, MAIL TO: 111 W. Berry St. Ft Wayne IN 46802

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.

AUDITOR'S OFFICE

Parker L. Moss, P.C.

Duly entered for taxation. Subject
to final acceptance for transfer.

Jul 09 2018

Nicholas D Jordan

AUDITOR OF ALLEN COUNTY

METROPOLITAN TITLE OF INDIANA, LLC
7555 WEST JEFFERSON BLVD.
FORT WAYNE, IN 46804

122085

Small parcel

NEW ORIGINAL DESCRIPTION OF REAL ESTATE – PARCEL #1

Part of the lands of American Cash, LLC, as described in Document #2011031041 being a portion of Lot Numbered 47 in Fairview Addition to the City of Fort Wayne, as recorded in Plat Record 4, page 23, in the Office of the Recorded of Allen County, Indiana, this new description was prepared by Micheal C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc., Survey #18-10-157, dated December 24, 2018, more particularly described as follows:

Beginning at a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting the northeast corner of Lot Numbered 47 in said Fairview Addition; thence South 35 degrees 36 minutes 25 seconds West (all bearings in this description are based on WGS84 latitude and longitude by GPS observation) on the easterly line of said Lot Numbered 47, a distance of 114.68 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting the southeast corner thereof; thence South 88 degrees 23 minutes 20 seconds West on the south line of Lot Numbered 47, a distance of 45.83 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 01 degrees 20 minutes 56 seconds West, a distance of 91.32 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" on the north line of said Lot Numbered 47; thence North 88 degrees 23 minutes 20 seconds East on said north line, a distance of 114.77 feet to the Point of Beginning, **containing 0.168 acres of land, more or less**, subject to all easements, restrictions, and rights affecting the above described parcel.

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for an **"Urban" Survey** (0.07 feet plus 50 parts per million) as defined in I.A.C. 865.

The purpose of this document was to perform an Original Survey of a portion of the lands of American Cash, LLC, as described in Document #2011031041 being part of Lot Numbered 47. The ancient plat of Fairview Addition was prepared in 1905 and does not state the type, size, or material of the monuments set during platting and also contains limited geometry. As a result, the found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners. The orientation of the new parcel was determined by instruction of the client. Reference a prior retracement of the east adjoining Cass Housing parcel by this firm dated December 03, 2018, Survey Number 18-10-157.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this Plat of Survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As shown on the Plat of Survey due to existing monumentation. All found monumentation is of unknown origin unless noted otherwise. Bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. See above discussion relative limited platted geometry. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: None noted.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18003C0282G, effective August 3, 2009. The accuracy of this statement is subject to map scale uncertainty. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

This is certified as a **"Urban" Survey** in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

Fieldwork completed on the 24th day of December, 2018

Certified this 24th day of December, 2018

Prepared exclusively for: American Cash, LLC / Cass Housing, Inc.

Survey Number: 18-10-157-1

1301 SHEET 1 OF 1

Fort Wayne, IN 46805

ORIGINAL SURVEY

[illegible][illegible]

Original Survey
The lands of American Cash, LLC,
Constance Avenue, Fort Wayne, IN 46805
Part of Lot #47 Fairview Addition
Washington Township, Allen County, IN

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana License No. 14407
1324 Henry Avenue
Fort Wayne, IN 46805
Phone: (260) 451-1224
Fax: (260) 452-5555
www.andersonsurveying.com
Toll Free: (888) 443-1724
Phone: (260) 482-5555
Fax: (260) 691-9125
Columbiana City, IN 45725
1947 E. Smith Road

