

#REZ-2022-0001

BILL NO. Z-22-02-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-02 (Sec. 12 of Wayne 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 Southeast Quarter of Section 14, Township 30 North, Range 11 East,
Allen County, Indiana, more particularly described as follows, to-wit:

Lot 1 and part of Lot 2, in Lewis Addition to the City of Fort Wayne, according to
the Plat thereof, more particularly described as follows:

BEGINNING at a Chiseled "X" marking the Northeast corner of Lot 1 in said Lewis
Addition; thence South 01 degrees 30 minutes 31 seconds East, a distance of 150.00
feet along the East line of said Lot 1 to a 5/8" steel rebar with "Karst" identification
cap set at the Southeast corner of said Lot 1; thence South 89 degrees 59 minutes 22
seconds West, a distance of 101.06 feet along the South lines of Lot 1 and 2 to a
5/8" steel rebar with "Karst" identification cap set, said point being 168.34 feet
Easterly of the Southwest corner of Lot 5 in said Lewis Addition; thence North 00
degrees 00 minutes 54 seconds West, a distance of 71.28 feet; thence North 89
degrees 59 minutes 06 seconds East, a distance of 8.10 feet; thence North 00 degrees
00 minutes 54 seconds West, a distance of 78.68 feet to a 5/8" steel rebar with "Karst"
identification cap set on the North line of said Lot 2, said point being 181.05 feet East
of the Northwest corner of Lot 5 in said Lewis Addition; thence North 90 degrees
00 minutes 00 seconds East, a distance of 89.05 feet along the North lines of Lots 2
and 1 in said Lewis Addition to the Point of Beginning. Containing 0.327 acres, more
or less.

and the symbols of the City of Fort Wayne Zoning Map No. N-02 (Sec. 12 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0001
Bill Number: Z-22-02-01
Council District: 5 – Geoff Paddock

Introduction Date: February 8, 2022

Plan Commission
Public Hearing Date: February 14, 2022 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.33 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment to restrict certain uses

Location: 624 East Lewis

Reason for Request: To bring an existing gas station and convenience store into compliance with the zoning ordinance.

Applicant: Onkar Oil, LLC

Property Owner: Onkar Oil, LLC

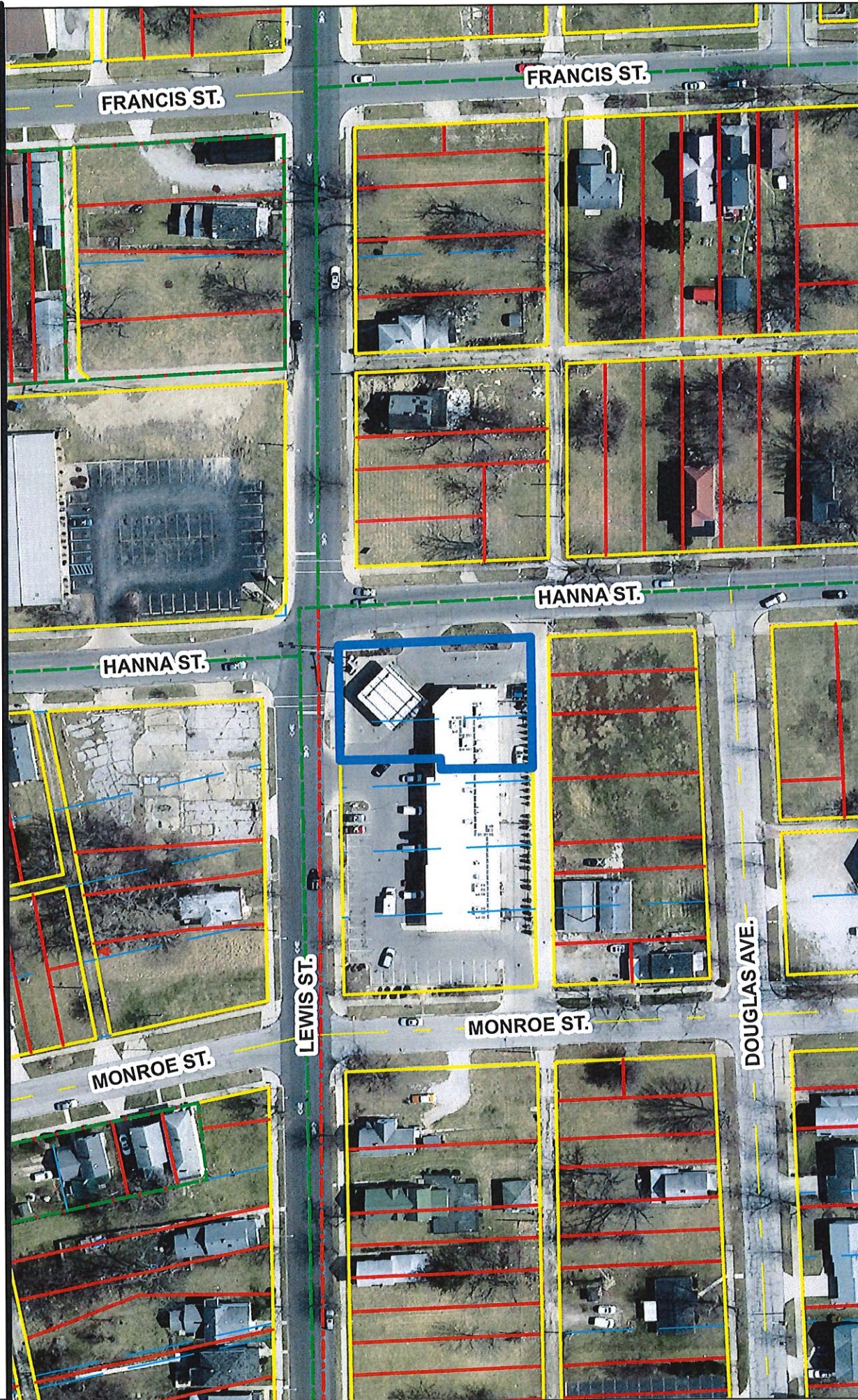
Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow the existing use as a permitted use by right. A recorded Written Commitment on the property will restrict all C3 uses except those on site currently and those permitted in the C2/Limited Commercial district.

Effect of Non-Passage: The property will remain zoned for limited commercial uses. The gas station and convenience store may remain as a non-conforming use, but the owner may be limited on future maintenance, expansion, and financing resources because of the non-conforming status.



Rezoning Petition REZ-2022-0001 - 624 East Lewis Street



1 inch = 100 feet

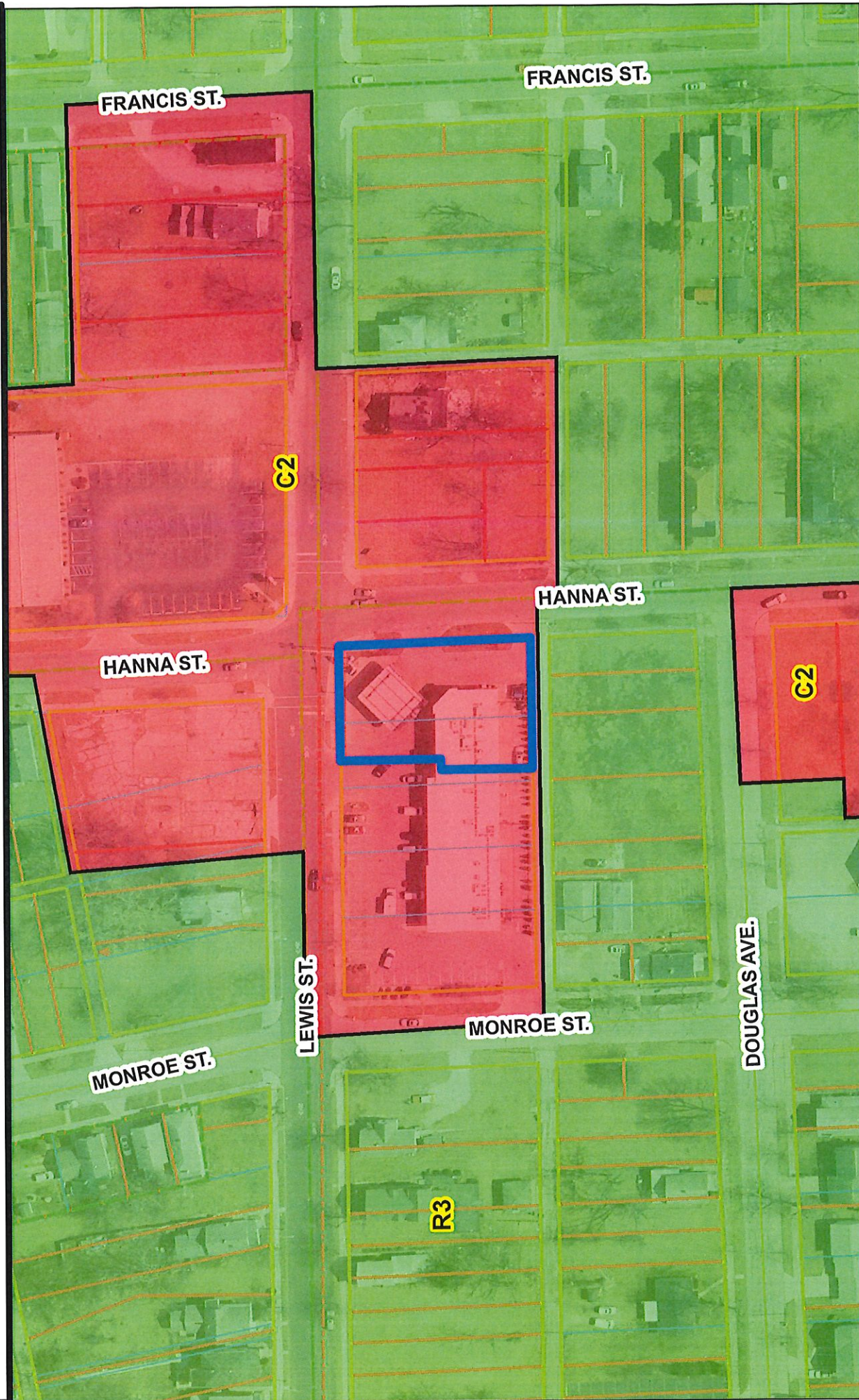


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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 1/19/2022



Rezoning Petition REZ-2022-0001 - 624 East Lewis Street



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Date: 1/19/2022



1 inch = 100 feet

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Onkar Oil, LLC
Address 624 East Lewis Street
City Fort Wayne State IN Zip 46802
Telephone 260-452-7728 E-mail _____

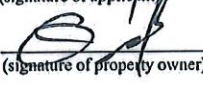
Contact Person
Contact Person Kelty Tappy Design, Inc. (Matt Kelty)
Address 116 East Berry Street, Suite 700
City Fort Wayne State IN Zip 46802
Telephone 260-426-7770 E-mail matt@keltytappy.com

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 624 East Lewis Street, Fort Wayne, IN 46802
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.33 acres
Proposed density (see attached site development schematic) units per acre
Township name Wayne Township section # 0123012
Purpose of rezoning (attach additional page if necessary) Purpose of re-zoning is to
accomplish zoning consistent with current use.
Sewer provider Fort Wayne Water provider 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.

<u>Mann Onkar</u> (printed name of applicant)	 (signature of applicant)	<u>December 29, 2021</u> (date)
<u>Mann Onkar</u> (printed name of property owner)	 (signature of property owner)	<u>December 29, 2021</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>12/20/21</u>	Receipt No. <u>139171</u>	Hearing Date <u>2/14/21</u>	Petition No. <u>REZ-2022 0001</u>
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E LEWIS



2012045584

RECORDED: 08/09/2012 09:10:18 AM

JOHN MCGAULEY
ALLEN COUNTY RECORDER

FORT WAYNE, IN

Tax Key No. 02-12-12-103-008.000-074

CORPORATE DEED

1 of 3

This indenture witnesseth that C & E REALTY INVESTMENT, LLC, an Indiana limited liability company, by its duly authorized officer ("Grantor"),

CONVEYS AND WARRANTS TO ONKAR OIL, LLC, an Indiana limited liability company ("Grantee"),

In consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County in the State of Indiana:

Lot 1 and part of Lot 2, in Lewis Addition to the City of Fort Wayne, according to the Plat thereof, more particularly described as follows:

BEGINNING at a Chiseled "X" marking the Northeast corner of Lot 1 in said Lewis Addition; thence South 01 degrees 30 minutes 31 seconds East, a distance of 150.00 feet along the East line of said Lot 1 to a 5/8" steel rebar with "Karst" identification cap set at the Southeast corner of said Lot 1; thence South 89 degrees 59 minutes 22 seconds West, a distance of 101.06 feet along the South lines of Lot 1 and 2 to a 5/8" steel rebar with "Karst" identification cap set, said point being 168.34 feet Easterly of the Southwest corner of Lot 5 in said Lewis Addition; thence North 00 degrees 00 minutes 54 seconds West, a distance of 71.28 feet; thence North 89 degrees 59 minutes 06 seconds East, a distance of 8.10 feet; thence North 00 degrees 00 minutes 54 seconds West, a distance of 78.68 feet to a 5/8" steel rebar with "Karst" identification cap set on the North line of said Lot 2, said point being 181.05 feet East of the Northwest corner of Lot 5 in said Lewis Addition; thence North 90 degrees 00 minutes 00 seconds East, a distance of 89.05 feet along the North lines of Lots 2 and 1 in said Lewis Addition to the Point of Beginning. Containing 0.327 acres, more or less.

SUBJECT TO all taxes and assessments.

SUBJECT TO agreements, easements and restrictions of record.

This conveyance is made by Grantor to Grantee in completion and satisfaction of that certain Contract for Conditional Sale of Real Estate and Amendment thereto dated November 3, 2008, between Grantor and Grantee. Grantor's warranty herein shall be limited to acts or omissions of Grantor only.

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

116269
AUG 16 2012

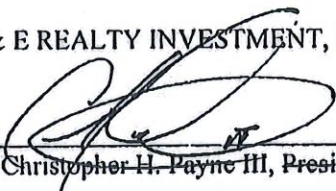
Jera K. Kluty
AUDITOR OF ALLEN COUNTY

16

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 to execute and deliver this deed; that the Grantor is a limited liability company 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 Aug, 2012.

C & E REALTY INVESTMENT, LLC

By: 

Christopher H. Payne III, President member

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 3 day of Aug, 2012, personally appeared Christopher H. Payne III, ^{member} President of C & E Realty Investment, LLC, and acknowledged the execution of the foregoing deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

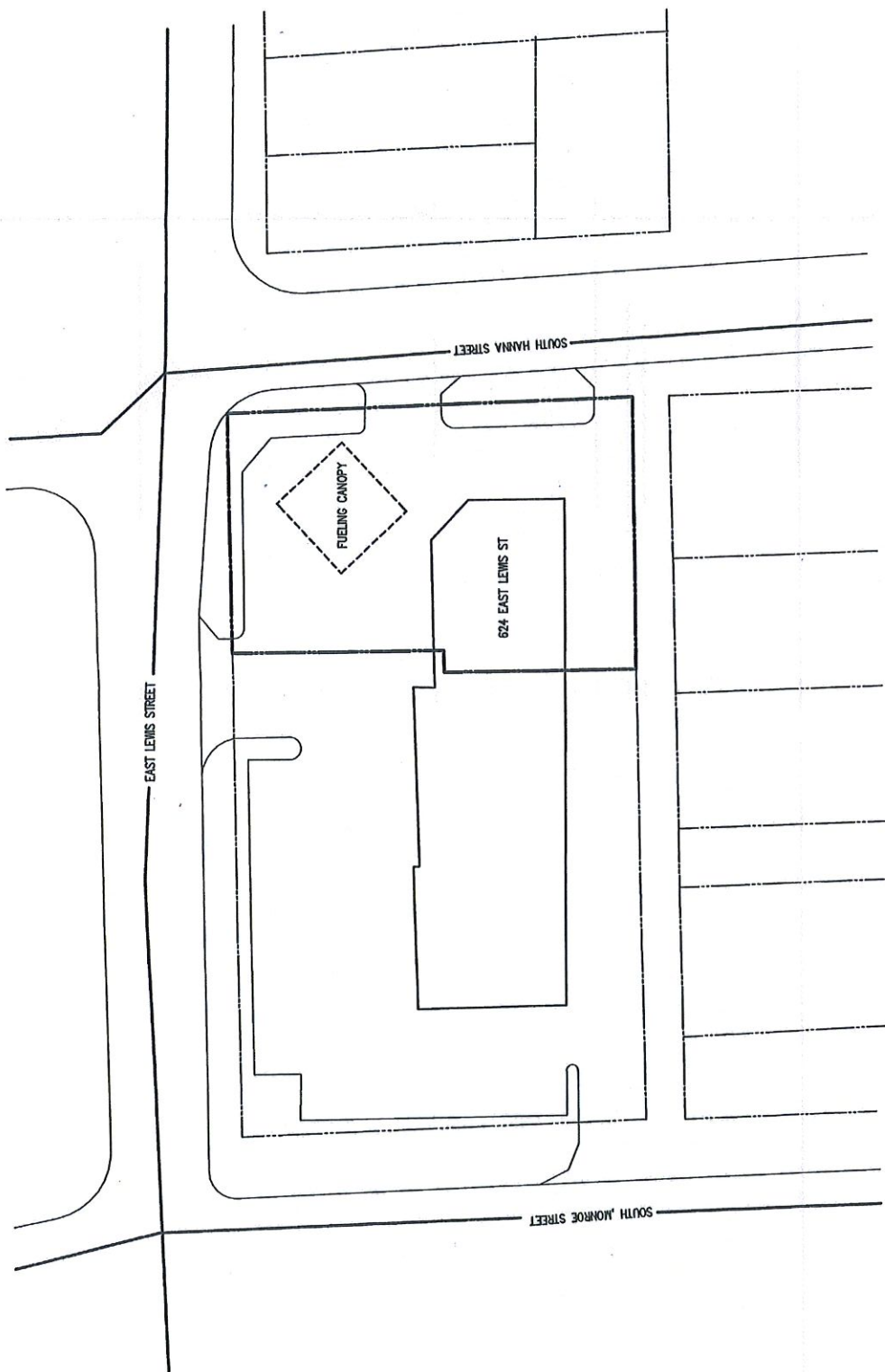
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.
My Commission Expires: 10-10-15

Cassandra L. Hout, Notary Public
A resident of Allen County

This instrument prepared by Michael T. Deam, Attorney at Law

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. Michael T. Deam

Grantee Mailing Address: 624 E Lewis St. Fort Wayne, IN 46802 Mail Tax Bills To: Same

SITE PLAN

FLAN NORTH

FACT SHEET

Case #REZ-2022-0001		Bill # Z-22-02-01	Project Start: January 2022
APPLICANT:	Onkar Oil, 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 southwest corner of the intersection of South Hanna Street and East Lewis Street. The address of the subject property is 624 East Lewis Street (Section 12 of Wayne Township).		
LAND AREA:	Approximately .33 acres		
PRESENT ZONING:	C2/Limited Commercial		
PROPOSED ZONING:	C3/General Commercial		
COUNCIL DISTRICT:	5- Geoff Paddock		
SPONSOR:	City of Fort Wayne Plan Commission		

February 14, 2022 Public Hearing

- No one spoke in opposition.
- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

February 21, 2021 Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

A motion was made by Judi Wire and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation with a Written Commitment to Common Council for their final decision.

5-0 MOTION PASSED

- Paul Sauerteig, Justin Shurley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
March 8, 2022

PROJECT SUMMARY

SITE HISTORY:

- The structure and gas station canopy were constructed around 2009 as a part of an overall strip mall development.
- Until 2014, gas stations were permitted in the CM2 zoning district, which translates to today's C2/Limited Commercial zoning district.
- A zoning ordinance amendment limited gas stations to a special use in the C2/Limited Commercial zoning district. The amendment became effective on April 7, 2014.
- City Council proposed and approved a zoning ordinance amendment to remove gas stations as a special use in the C2 district, which became effective on April 22, 2019.

STAFF DISCUSSION:

The applicant, Onkar Oil, LLC, is seeking to rezone this gas station site from C2/Limited Commercial to C3/General Commercial. The parcel is situated at the southwest corner of East Hanna and East Lewis Streets. The site is an individual parcel, but the building that hosts the convenience store spans several parcels. This rezone will encompass about a third of the right side of the overall strip mall and the gas station canopy. The area was redeveloped in the late-2000's and consists of a Cap n' Cork, a barber shop, and two other tenant spaces. The American Legion Post 148 is diagonal from the gas station. Recent investment in the area includes the rezone and expansion of Miss Virginia's Food Pantry in 2020. This pantry is about half a block from the site in question.

Given the freshness of the initiative to reduce the number of zoning districts where a gas station is permitted, staff would only recommend approval if a voluntary written commitment is submitted. Until the Zoning Ordinance Amendment in 2014, a gas station was a permitted use in the C2 zoning district. Today, gas stations in the C2 district that existed prior to 2014 became nonconforming. The petitioner seeks the allowance of the existing gas station, and the ability to maintain, expand and improve as allowed for a permitted use. Along with the rezoning request, the petitioner has agreed to submit a voluntary Written Commitment governing uses on the property. If approved, all but four C3 /General Commercial uses would be prohibited, as recommended by staff. 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. 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 the written commitment.

An additional benefit of rezoning to a C3 zoning district is that this zoning district has greater setbacks for development adjacent to residential zoning districts. For instance, the rear yard setback for a building adjacent to a residential district in a C3 district is 40', while the same setback in a C2 district is 25'. If a gas station were to expand in the future, the applicant will either need to adhere to the larger setback or file a petition with either the Plan Commission or Board of Zoning Appeals.

PUBLIC HEARING SUMMARY:

Presenter: Matt Kelty presented the proposal as outlined above.

Public Comments:

No one spoke in opposition

Post-Hearing: The applicants met with Plan Commission Staff and drafted a revised Written Commitment. A truck fueling station was removed from the permitted uses.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

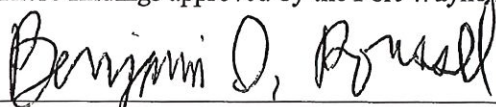
Rezoning Petition REZ-2022-0001

APPLICANT: Onkar Oil, 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 southwest corner of the intersection of South Hanna Street and East Lewis Street. The address of the subject property is 624 East Lewis Street (Section 12 of Wayne Township).
LAND AREA: Approximately .33 acres
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2022-0001, 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 corner South Hanna and East Lewis Streets is characteristically neighborhood-scale commercial with residential uses beyond the intersection. 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. The use on the property is existing and is not proposed to change. 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. Further investment when desired or necessary will fall within the constraints of the General Commercial (C3) zoning district.
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 February 21, 2022.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Onkar Oil, LLC
Address 624 East Lewis Street
City Fort Wayne State IN Zip 46802
Telephone 260-452-7728 E-mail _____

Contact Person
Contact Person Kelty Tappy Design, Inc. (Matt Kelty)
Address 116 East Berry Street, Suite 700
City Fort Wayne State IN Zip 46802
Telephone 260-426-7770 E-mail matt@keltytappy.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 624 East Lewis Street, Fort Wayne, IN 46802
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.33 acres
Proposed density (see attached site development schematic) units per acre
Township name Wayne Township section # 0123012
Purpose of rezoning (attach additional page if necessary) Purpose of re-zoning is to accomplish zoning consistent with current use.

Sewer provider Fort Wayne Water provider 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.

Mann Onkar [Signature] December 29, 2021
(printed name of applicant) (signature of applicant) (date)

Mann Onkar [Signature] December 29, 2021
(printed name of property owner) (signature of property owner) (date)

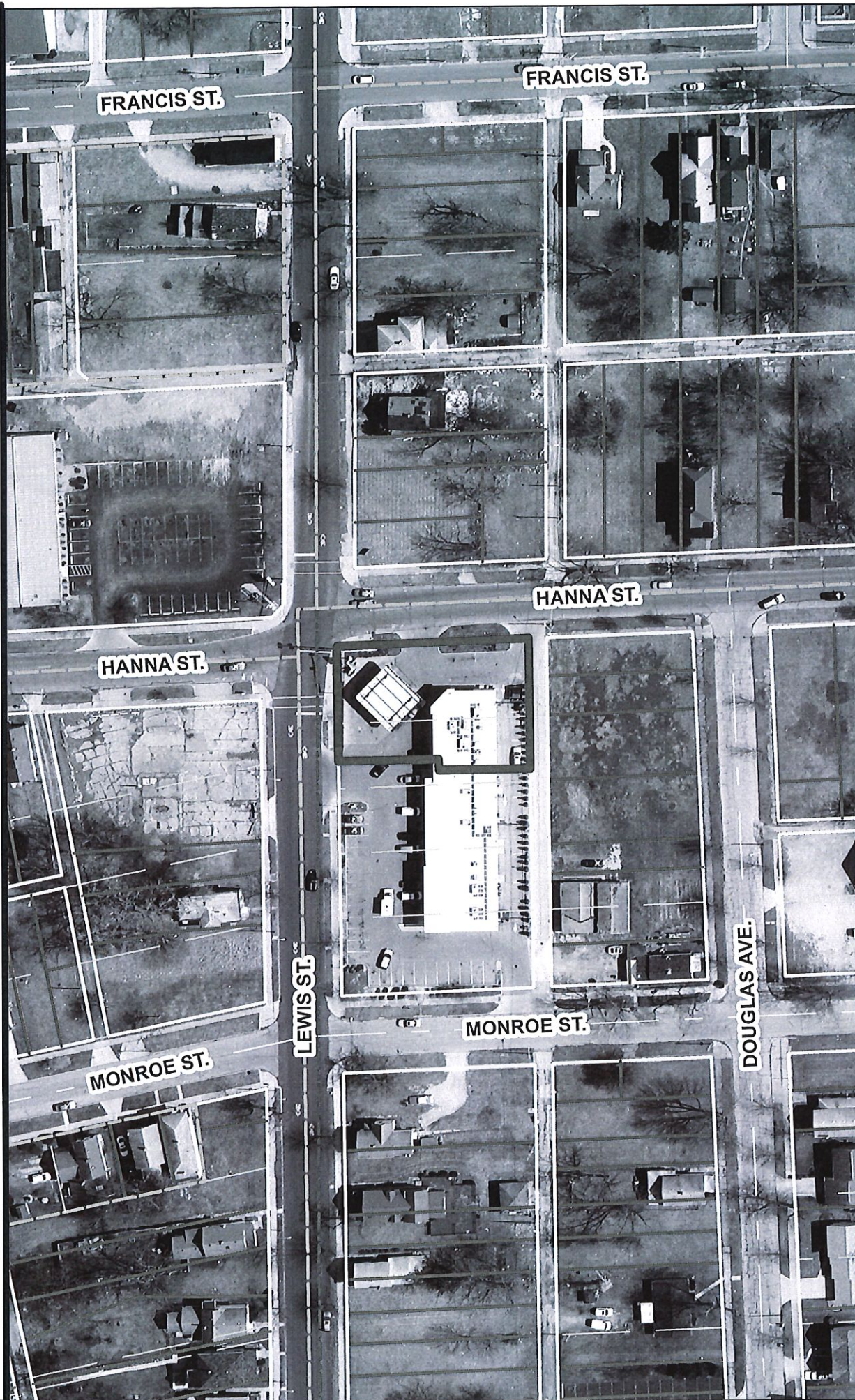
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>12/30/21</u>	<u>139171</u>	<u>2/14/21</u>	<u>REZ-2021 0001</u>



Rezoning Petition REZ-2022-0001 - 624 East Lewis Street



1 inch = 100 feet



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Rezoning Petition REZ-2022-0001 - 624 East Lewis Street

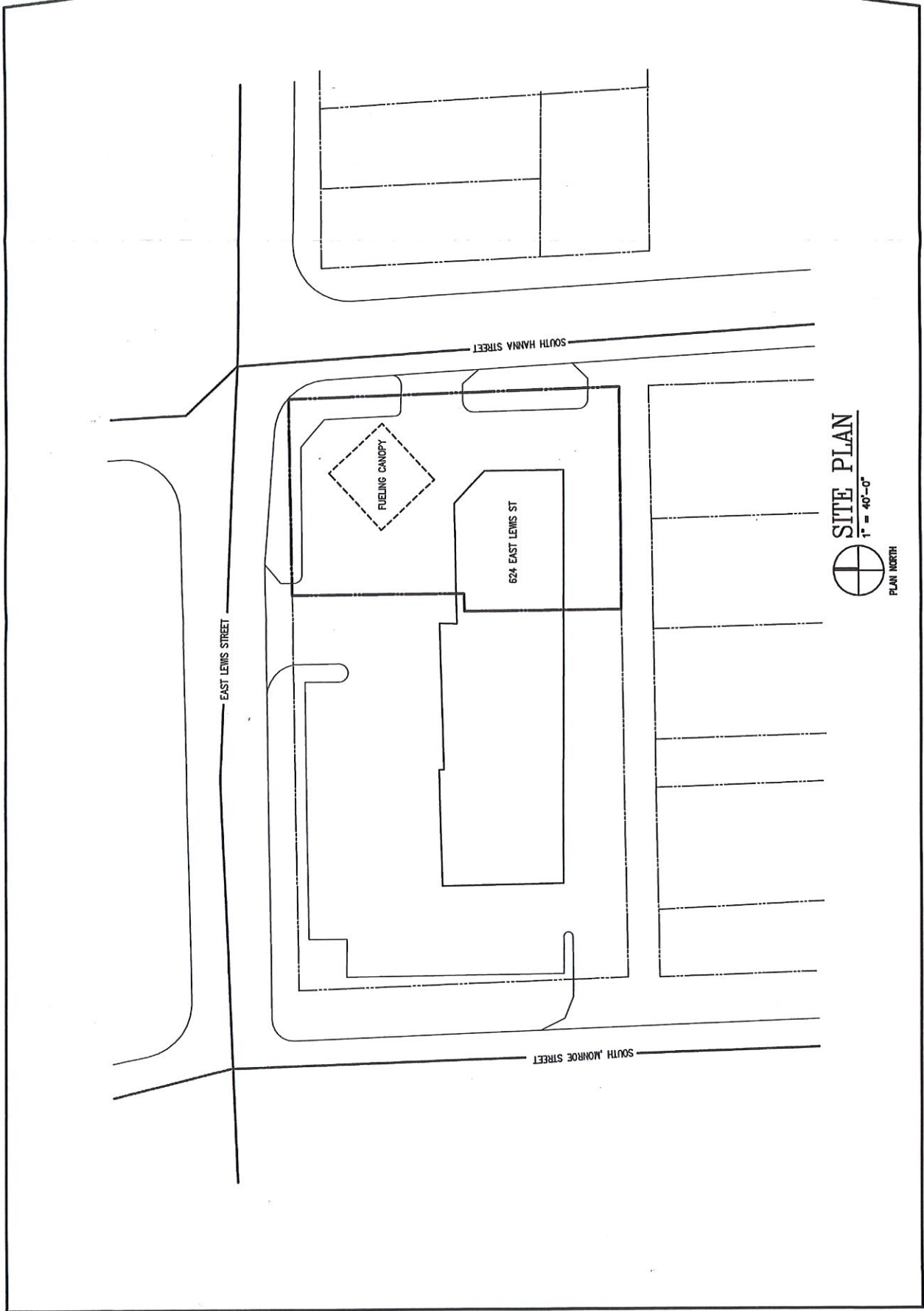


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WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the 21st day of February, 2022, by the Fort Wayne Plan Commission ("Plan Commission").

RECITALS

A. By virtue of that certain Deed of Personal Representative dated **(date)** and recorded on **(date)** as Document Number **(document number)** 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. Onkar Oil, LLC ("Company") filed an application under Case Number REZ-2022-0001 (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 Plan Commission is imposing this 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, the Plan Commission imposed a written commitment concerning the use and development of the Real Estate.

COMMITMENT

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

1. **PERMITTED USES.** All uses in the C2/Limited Commercial zoning district §157.217 of the Ordinance are permitted, as well as the following uses (which shall be permitted):

- a) Gas station;
- b) Propane/bottled gas sales and service as an accessory use to a gas 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. **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.

8. **STATUTORY AUTHORITY.** This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

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.

[SIGNATURE PAGE FOLLOWS.]

City of Fort Wayne Plan Commission

By: _____
Benjamin J. Roussel, Secretary to the Plan Commission

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this _____ day of _____, 2022, personally appeared Benjamin J. Roussel, as Secretary to the Plan Commission, and acknowledged the execution of the foregoing Written Commitment on behalf of the Plan Commission.

WITNESS my hand and Notarial Seal.

My commission expires:
July 21, 2028

Amanda Woenker, Notary Public
Resident of Allen, County, Indiana

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. Nathan W. Schall

Exhibit "A"
Legal Description of the Real Estate

Lot I and part of Lot 2, in Lewis Addition to the City of Fort Wayne, according to the Plat thereof, more particularly described as follows:

BEGINNING at a Chiseled "X" marking the Northeast corner of Lot I in said Lewis Addition; thence South 01 degrees 30 minutes 31 seconds East, a distance of 150.00 feet along the East line of said Lot I to a 5/8" steel rebar with "Karst" identification cap set at the Southeast corner of said Lot I; thence South 89 degrees 59 minutes 22 seconds West, a distance of 101.06 feet along the South lines of Lot 1 and 2 to a 5/8" steel rebar with "Karst" identification cap set, said point being 168.34 feet Easterly of the Southwest corner of Lot 5 in said Lewis Addition; thence North 00 degrees 00 minutes 54 seconds West, a distance of 71.28 feet; thence North 89 degrees 59 minutes 06 seconds East, a distance of 8.10 feet; thence North 00 degrees 00 minutes 54 seconds West, a distance of 78.68 feet to a 5/8" steel rebar with "Karst" identification cap set on the North line of said Lot 2, said point being 181.05 feet East of the Northwest corner of Lot 5 in said Lewis Addition; thence North 90 degrees 00 minutes 00 seconds East, a distance of 89.05 feet along the North lines of Lots 2 and 1 in said Lewis Addition to the Point of Beginning. Containing 0.327 acres, more or less.

SUBJECT TO all taxes and assessments.

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