

1 VALY-2022-0003

2 BILL NO. G-22-05-23

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
7 Plan by vacating public right-of-way.

8 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
9 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
10 Indiana; and

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
12 and approved said petition, as provided in I.C. 36-7-3-12.

13 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
14 FORT WAYNE, INDIANA:

15 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of
16 Fort Wayne, Indiana, more specifically described as follows, to-wit:

17 A PORTION OF AN EXISTING PLATTED ALLEY WITHIN ELZEY'S THIRD ADDITION AS
18 RECORDED WITHIN PLAT BOOK 11, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF
19 ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20 BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 58 WITHIN ELZEY'S THIRD
21 ADDITION AS RECORDED IN PLAT BOOK 11, PAGE 12 WITHIN THE OFFICE OF THE
22 RECORDER OF ALLEN COUNTY, INDIANA, SAID NORTHEAST CORNER BEING THE POINT OF
23 INTERSECTION OF THE WEST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY AND
24 THE SOUTH RIGHT OF WAY LINE OF WAYNEWOOD DRIVE; THENCE NORTH 88 DEGREES 50
25 MINUTES 45 SECONDS EAST (INDIANA STATE PLANE ZONE EAST COORDINATE BASIS AND
26 BASIS OF BEARINGS TO FOLLOW) ON AND ALONG THE EASTERLY EXTENSION OF THE
27 SOUTH RIGHT OF WAY LINE OF WAYNEWOOD DRIVE A DISTANCE 10.00 FEET TO THE
28 NORTHWEST CORNER OF LOT NUMBER 41 WITHIN SAID ELZEY'S THIRD ADDITION, SAID
29 NORTHWEST CORNER BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY
30 LINE OF A TEN (10) FOOT PLATTED ALLEY AND THE SOUTH RIGHT OF WAY LINE OF
WAYNEWOOD DRIVE; THENCE SOUTH 00 DEGREES 55 MINUTES 13 SECONDS EAST ON AND
ALONG THE AFOREMENTIONED EAST RIGHT OF WAY LINE, SAID WEST RIGHT OF WAY LINE
BEING COINCIDENT WITH THE WEST LINE OF SAID LOT 41 WITHIN ELZEY'S THRID ADDITION,
A DISTANCE OF 199.86 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 41 WITHIN
SAID ELZEY'S THIRD ADDITION; THENCE SOUTH 88 DEGREES 43 MINUTES 59 SECONDS
WEST ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT NUMBER 41 A
DISTANCE OF TEN (10.00) FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF A TEN
(10) FOOT PLATTED ALLEY, SAID POINT BEING THE SOUTHEAST CORNER OF LOT NUMBER
58 WITHIN SAID ELZEY'S THIRD ADDITION; THENCE NORTH 00 DEGREES 55 MINUTES 13
SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF A PLATTED TEN (10.00)
FOOT ALLEY, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE EAST LINE OF

1 SAID LOT NUMBER 58 WITHIN ELZEY'S THIRD ADDITION, A DISTANCE OF 199.88 FEET TO
2 THE POINT OF BEGINNING. CONTAINING 0.046 ACRES OF LAND MORE OR LESS AND BEING
3 SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

4 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
5 and is hereby approved in all respects.

6 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
7 any and all necessary approval by the Mayor.

8
9 _____
COUNCILMEMBER

10 APPROVED AS TO FORM AND LEGALITY:

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12 _____
13 Malak Heiny, City Attorney
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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VALY-2022-0003
Bill Number: G-22-05-23
Council District: 4 – Jason Arp

Introduction Date: May 24, 2022

Public Hearing Date: June 14, 2022 to be heard by Council

Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate the 10-foot wide alley on the east line of Lot 58 within Elzey's Third Addition.

Location: 3019 Waynewood Drive

Reason for Request: To allow for the combination of lots for expansion of an existing training facility.

Applicant: Sheet Metal Workers Local 20

Property Owners: Sheet Metal Workers Local 20

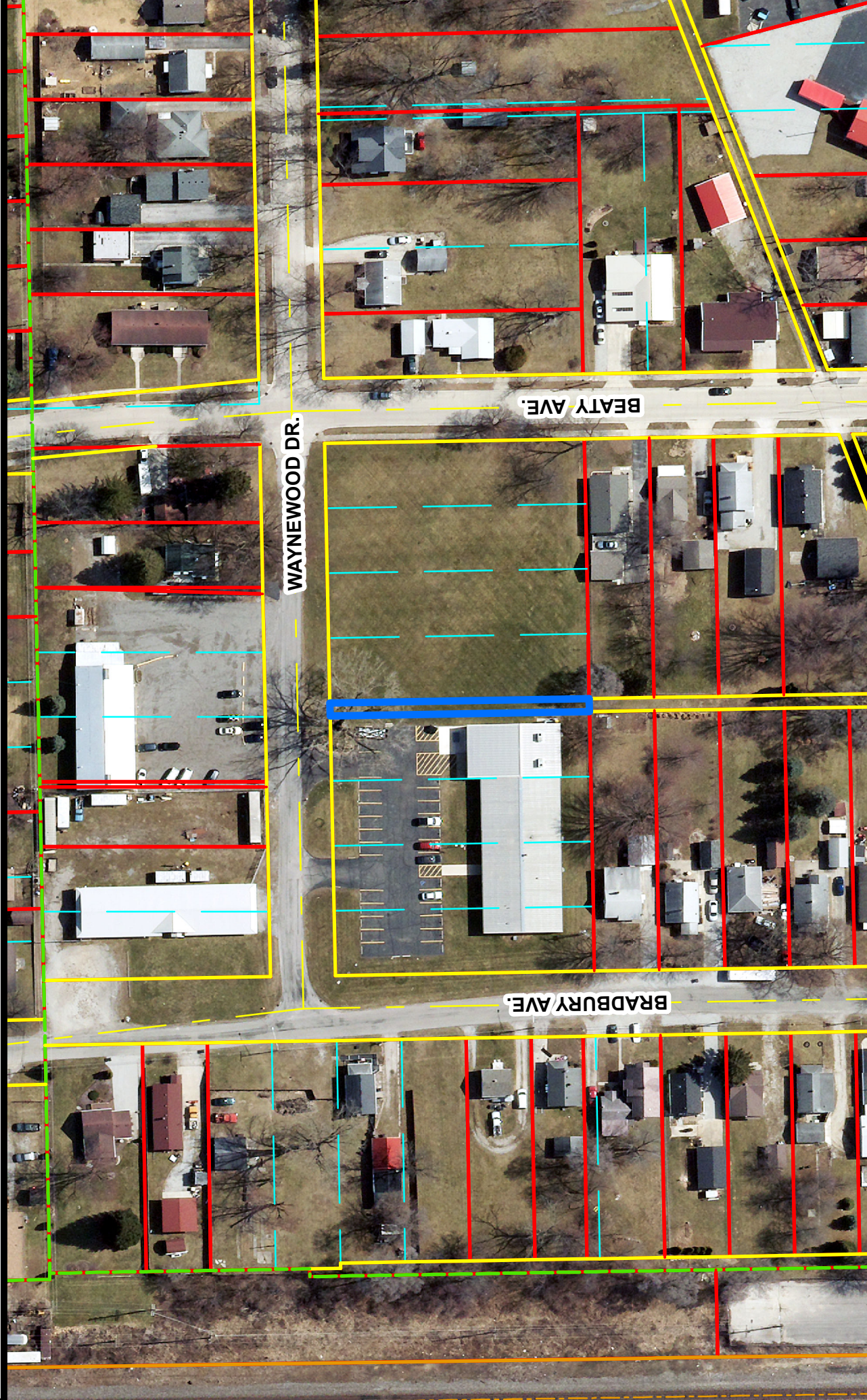
Related Petitions: REZ-2022-0023, Sheet Metal Workers Training Facility Expansion

Effect of Passage: The vacation of the unimproved alley will allow for the combination of lots and the expansion of an existing union training facility.

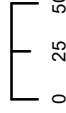
Effect of Non-Passage: The right of way will remain as platted. Any new development will need to conform to setbacks from the existing right-of-way.



Vacation of Alley VALY-2022-0003 Waynewood Drive



© 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: 5/13/2022



1 inch = 100 feet

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

_____ Easement X Public Right of Way (street or alley)

More particularly described as follows:

See attached.

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

DEED BOOK NUMBER: 11A PAGE(S) NUMBER(S): 12 (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:

The alley has never been developed or used since the plat was recorded in 1924. Attached aerial
photos show it has never been developed or used. The Petitioner owns both sides of the alley
sought to be vacated.

(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: Sheet Metal Workers Local 20

Street Address: 3019 Waynewood Dr.

City: Fort Wayne State: IN Zip: 46809 Phone: 260-312-0105

FORT WAYNE, INDIANA

FILED

MAY 03 2022

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 Fort 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.

Daryl E. Estlin Sheet Metal Workers Local 20 5/3/2022
Signature Printed Name Date
3019 Waynewood Dr. Fort Wayne, IN 46809
Address 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): Patrick R. Hess, Beckman Lawson, LLP
Street Address: 201 W. Wayne St.
City: Fort Wayne State: IN Zip: 46802 Phone: 260-422-0800

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: _____

Map #: _____ Reference #: _____

ALLEY VACATION REAL ESTATE DESCRIPTION

A PORTION OF AN EXISTING PLATTED ALLEY WITHIN ELZEY'S THIRD ADDITION AS RECORDED WITHIN PLAT BOOK 11, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 58 WITHIN ELZEY'S THIRD ADDITION AS RECORDED IN PLAT BOOK 11, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID NORTHEAST CORNER BEING THE POINT OF INTERSECTION OF THE WEST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY AND THE SOUTH RIGHT OF WAY LINE OF WAYNEWOOD DRIVE;

THENCE NORTH 88 DEGREES 50 MINUTES 45 SECONDS EAST (INDIANA STATE PLANE ZONE EAST COORDINATE BASIS AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG THE EASTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF WAYNEWOOD DRIVE A DISTANCE 10.00 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 41 WITHIN SAID ELZEY'S THIRD ADDITION, SAID NORTHWEST CORNER BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY AND THE SOUTH RIGHT OF WAY LINE OF WAYNEWOOD DRIVE;

THENCE SOUTH 00 DEGREES 55 MINUTES 13 SECONDS EAST ON AND ALONG THE AFOREMENTIONED EAST RIGHT OF WAY LINE, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE WEST LINE OF SAID LOT 41 WITHIN ELZEY'S THRID ADDITION, A DISTANCE OF 199.86 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 41 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE SOUTH 88 DEGREES 43 MINUTES 59 SECONDS WEST ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT NUMBER 41 A DISTANCE OF TEN (10.00) FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY, SAID POINT BEING THE SOUTHEAST CORNER OF LOT NUMBER 58 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE NORTH 00 DEGREES 55 MINUTES 13 SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF A PLATTED TEN (10.00) FOOT ALLEY, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE EAST LINE OF SAID LOT NUMBER 58 WITHIN ELZEY'S THIRD ADDITION, A DISTANCE OF 199.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.046 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

ADJACENT PROPERTY OWNER:

- (1) Sheet Metal Workers Local 20
3019 Waynewood Drive
Fort Wayne, IN 46809
260-312-0105

AGENT:

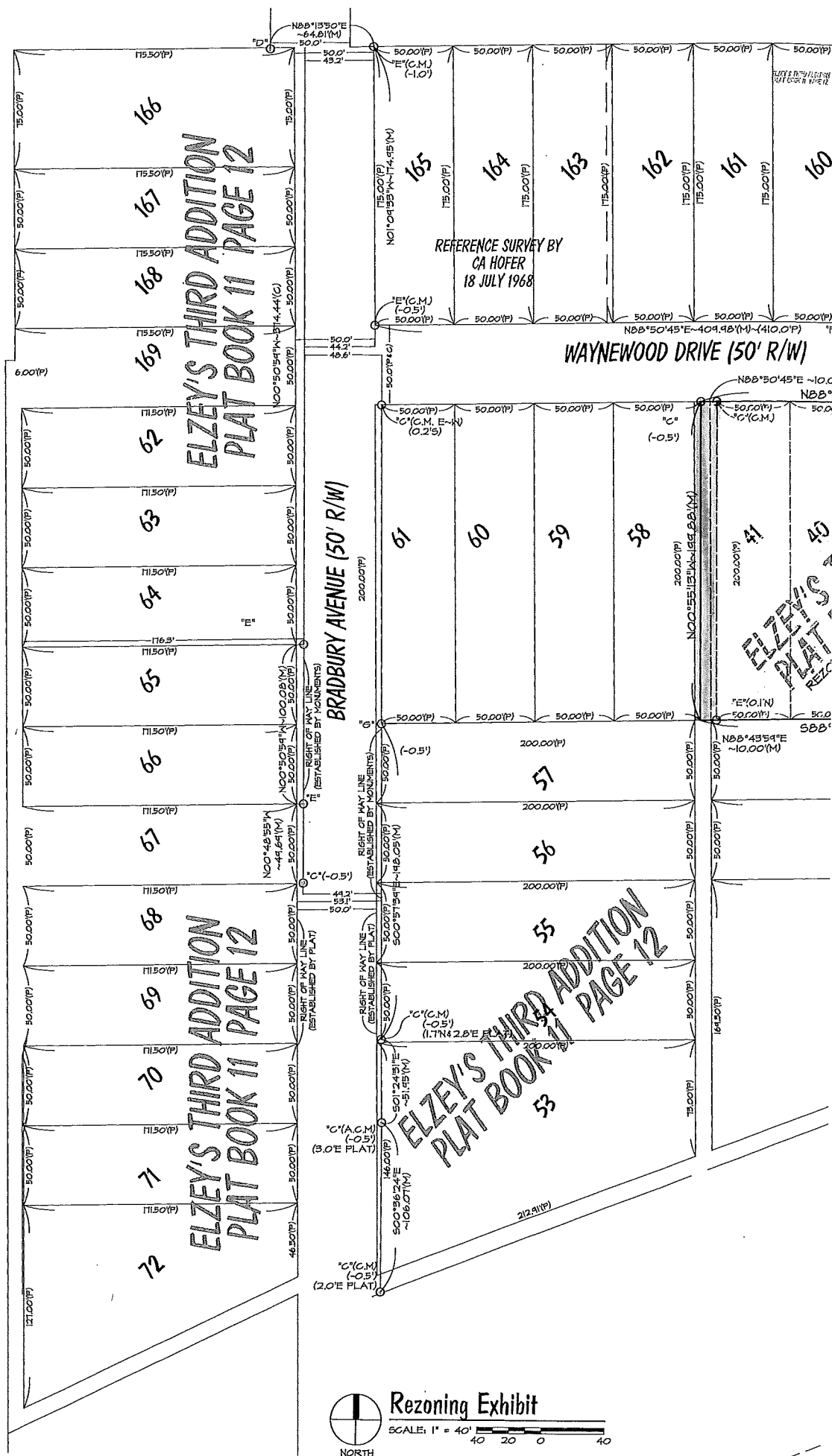
Patrick R. Hess
Beckman Lawson, LLP
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Fort Wayne, IN 46802
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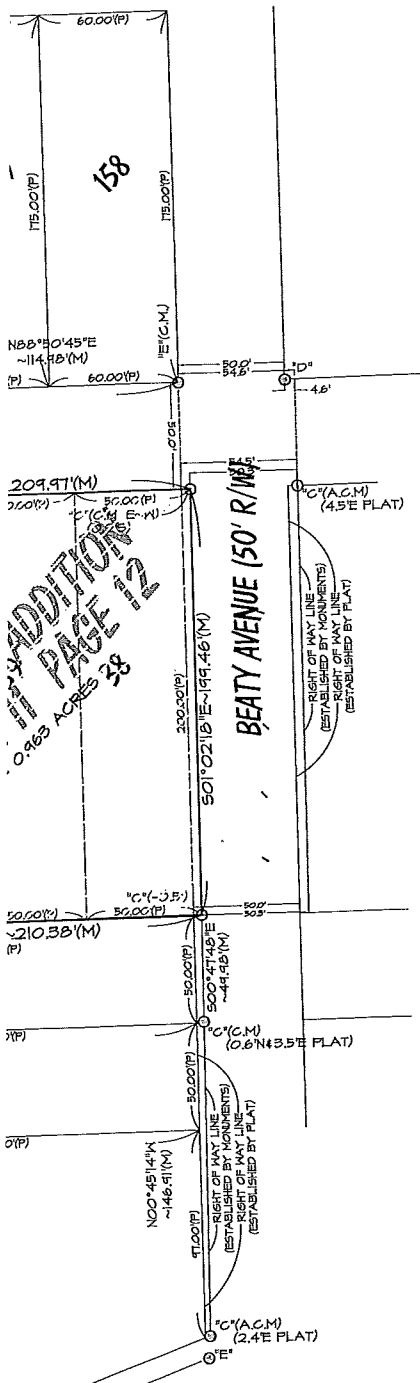
~~6 SINGLE-TRACK~~

L. E. & W. RAILROAD

~~C SINGLE TRACK~~

L. E. & W. RAILROAD



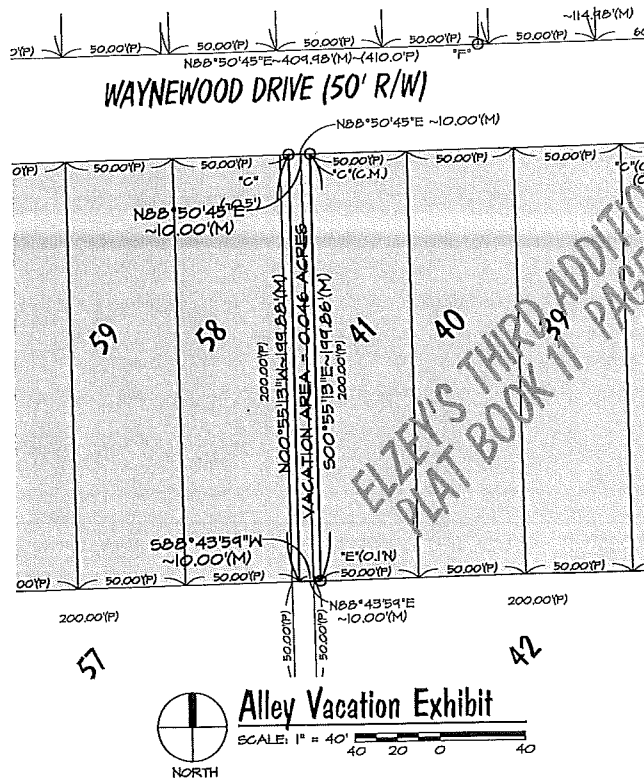


Monument Legend

- "A" - 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP SET.
- "B" - SURVEY MARKER NAIL WITH "FORESIGHT CONSULTING, LLC" IDENTIFICATION HASHER SET.
- "C" - 1/2" REBAR FOUND
- "D" - 1/4" REBAR FOUND
- "E" - 1" PIPE FOUND
- "F" - 5/8" REBAR FOUND
- "G" - 3/8" REBAR FOUND

Annotation Legend

- F = PLATTED DIMENSION
- D = DEED DIMENSION
- M = MEASURED DIMENSION
- S = RECORD SURVEY DIMENSION
- DR = DEED RECORD
- PR = PLATTED RECORD
- DOC = DOCUMENT
- PG = PAGE NUMBER
- RC = REFERENCE CORNER
- C.M. = CONTROLLING MONUMENT
- H = INDICATES HEIGHT OR DEPTH OF MONUMENT FOUND
- FFTF = FARM FIELD TYPE FENCE
- C.L. = CENTERLINE OF ROADWAY
- R/W = RIGHT-OF-WAY LINE
- P.B. = POINT OF BEGINNING
- P.C. = POINT OF COMMENCEMENT
- SPG = INDIANA STATE PLANE ZONE EAST COORDINATES FOR MONUMENT
- O.L. = ON LINE



Alley Vacation Exhibit



Alley Vacation Real Estate Description

A PORTION OF AN EXISTING PLATTED ALLEY WITHIN ELZEY'S THIRD ADDITION AS RECORDED WITHIN PLAT BOOK II, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 88 DEGREES 50 MINUTES 45 SECONDS EAST (INDIANA STATE PLANE ZONE EAST COORDINATE BASIS AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG THE EASTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF WAYNE WOOD DRIVE A DISTANCE 10.00 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 41 WITHIN SAID ELZEY'S THIRD ADDITION, SAID NORTHWEST CORNER BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY AND THE SOUTH RIGHT OF WAY LINE OF WAYNE WOOD DRIVE;

THENCE SOUTH 88 DEGREES 55 MINUTES 13 SECONDS EAST ON AND ALONG THE AFOREMENTIONED EAST RIGHT OF WAY LINE, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE WEST LINE OF SAID LOT 41 WITHIN ELZEY'S THIRD ADDITION, A DISTANCE OF 199.86 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 41 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE SOUTH 88 DEGREES 43 MINUTES 54 SECONDS WEST ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT NUMBER 41 A DISTANCE OF TEN (10.00) FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY, SAID POINT BEING THE SOUTHWEST CORNER OF LOT NUMBER 58 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE NORTH 00 DEGREES 55 MINUTES 13 SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF A PLATTED TEN (10.00) FOOT ALLEY, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE EAST LINE OF SAID LOT NUMBER 58 WITHIN ELZEY'S THIRD ADDITION, A DISTANCE OF 199.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.046 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

Rezoning Real Estate Description

LOTS NUMBERED 38 THROUGH 41, INCLUSIVE, ALONG WITH A PORTION OF AN EXISTING PLATTED ALLEY ALL BEING WITHIN ELZEY'S THIRD ADDITION AS RECORDED WITHIN PLAT BOOK II, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 88 DEGREES 50 MINUTES 45 SECONDS EAST (INDIANA STATE PLANE ZONE EAST COORDINATE BASIS AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF WAYNE WOOD DRIVE A DISTANCE 204.47 FEET TO THE NORTHEAST CORNER OF LOT NUMBER 58 WITHIN SAID ELZEY'S THIRD ADDITION, SAID NORTHEAST CORNER BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WAYNE WOOD DRIVE AND THE WEST RIGHT OF WAY LINE OF BEAUTY AVENUE;

THENCE SOUTH 01 DEGREES 02 MINUTES 18 SECONDS EAST ON AND ALONG THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BEAUTY AVENUE, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE EAST LINE OF SAID LOT NUMBER 58, A DISTANCE OF 199.46 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 58 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE SOUTH 88 DEGREES 43 MINUTES 54 SECONDS WEST ON THE SOUTH LINE OF LOTS NUMBER 58 THROUGH 41, INCLUSIVE, AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 210.38 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF A TEN (10) FOOT PLATTED ALLEY, SAID POINT BEING THE SOUTHWEST CORNER OF LOT NUMBER 58 WITHIN SAID ELZEY'S THIRD ADDITION;

THENCE NORTH 00 DEGREES 55 MINUTES 13 SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF A PLATTED TEN (10.00) FOOT ALLEY, SAID WEST RIGHT OF WAY LINE BEING COINCIDENT WITH THE EAST LINE OF SAID LOT NUMBER 58 WITHIN ELZEY'S THIRD ADDITION, A DISTANCE OF 199.88 FEET TO THE POINT OF BEGINNING.

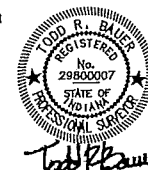
CONTAINING 0.463 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

Professional Surveyor's Certification

THE UNDERSIGNED LAND SURVEYOR, REGISTERED UNDER THE LAWS OF THE STATE OF INDIANA, CERTIFIES THAT HE HAS PREPARED THIS REZONING AND ALLEY VACATION EXHIBIT OF THE AREAS REPRESENTED AND DESCRIBED HEREON. THIS EXHIBIT IS NOT INTENDED TO BE AN ORIGINAL BOUNDARY SURVEY OR A BOUNDARY REINTEGRATION SURVEY. HOWEVER, THIS EXHIBIT IS BASED UPON A BOUNDARY REINTEGRATION SURVEY COMPLETED BY FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 223326 DATED MARCH 16TH, 2022 AND CERTIFIED BY TODD R. BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 24600007.

COMMISSION NUMBER: 223326
DESIGN COLLABORATIVE/SHEET METAL UNION
CLIENT: FEBRUARY 28TH - MARCH 2ND, 2022
DATES OF FIELD WORK: MARCH 2ND, 2022
FIELD WORK COMPLETED:

IN WITNESS WHEREOF, I HEREBY PLACE MY HAND AND SEAL THIS 3RD DAY OF MAY, 2022.



ForeSight Consulting, LLC

Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #61
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.45ite.biz



EXPERIENCE. INNOVATION. RESULTS.

THE PLAT OF SURVEY, INCLUDING BUT NOT LIMITED TO PLAT BOOK II, PAGE 12 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, IS HEREBY REPRODUCED AS AN ORIGINAL CREATIVE WORK PRODUCT PREPARED BY FORESIGHT CONSULTING, LLC AND IS PROTECTED UNDER THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA. THE ORIGINAL CREATIVE WORK PRODUCT IS THE SOLE PROPERTY OF FORESIGHT CONSULTING, LLC. NEITHER THE PLAT NOR ANY PART THEREOF IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN PERMISSION OF FORESIGHT CONSULTING, LLC.

ADDITIONALLY, THE SURVEYOR CERTIFICATE AND REASONINGS CONTAINED HEREIN ARE THE PROPERTY OF FORESIGHT CONSULTING, LLC AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN PERMISSION OF FORESIGHT CONSULTING, LLC.

A LIMITED REVOCABLE LICENSE FOR USE ONLY IN THE PREPARED AND DESCRIBED PROJECT IS GRANTED TO THE CLIENT. ANY SUBSEQUENT CHANGES AND ERRATA TO THE PLAT OR REASONINGS SHALL BE THE PROPERTY OF FORESIGHT CONSULTING, LLC. THE CLIENT SHALL BE RESPONSIBLE FOR THE DATE OF SURVEY DOCUMENTS.

Performed for:

Rezoning and Alley Vacation Exhibit for:
Sheet Metal Local 20 Union Hall
Lots 38-41 & 58-61 Elzey's Third Addition
3019 Wayne Wood Drive, Fort Wayne, Indiana 46819

Drawing Revisions

Commission Number

223326

Date

May 3rd, 2022

Title

Sheet Number

S1.11
SHEET 1 OF 1