1 #REZ-2022-0041 2 BILL NO. Z-22-07-23 3 ZONING MAP ORDINANCE NO. Z-4 5 6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE. INDIANA: 8 9 10 of the Code of the City of Fort Wayne, Indiana: 11 LEGAL DESCRIPTION - from Document #206048453 12 Part of the Southwest ¼ of the Southwest ¼ of Section 27, Township 30 North, 13 14 to-wit: 15 16 17 18 West 8.98 chains of the Southwest 1/4 of the Southwest 1/4 of said section 27, a distance of 773.5 feet to a point on the North R/W line of the Upper Huntington 19 20 21 feet to the point of beginning, containing 1.99 acres of land, more or less. 22 Together with: A part of the West 8.98 chains of the Southwest 1/4 of the Southwest 1/4 of Section 27, 23 Township 30 North, Range 11 East, Allen County, Indiana, lying North of the Upper Huntington Road, being described as follows: 24 25 Commencing at a point on the East line of the West 8.98 chains of the Southwest 1/4 of the Southwest 1/4 of said Section 27, said point being situated 592.68 feet East of 26 and 514.5 feet South of the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said section; thence West parallel to the North line of the Southwest 1/4 of the 27 Southwest 1/4 of said section a distance of 146.0 feet; thence South parallel to the East line of the West 8.98 chains a distance of 298.0 feet to a point on the North R/W line 28 29 30

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC-27 (Sec. 27 of Aboite Township) SECTION 1. That the area described as follows is hereby designated a BTI (Business, Technology and Industrial Park) District under the terms of Chapter 157 Title XV Range 11 East, Allen County, Indiana being more particularly described as follows, Commencing at a point on the North line of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 30 North, Range 11 East, said point being situated 610.1 feet West of the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence continuing West along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 27, a distance of 114.0 feet; thence South along the East line of the Road as presently established; thence Northeasterly along the North R/W line of said road a distance of 118.3 feet; thence North parallel to the East line of the West 8.98 chains of the Southwest 1/4 of the Southwest 1/4 of said section 27, a distance of 744.5

of the Upper Huntington Road; thence Northeasterly along the North R/W line of said road a distance of 151.0 feet to a point of intersection with the East line of the West 8.98 chains; thence North along the preceding line a distance of 259.0 feet to the point of beginning, containing 0.93 of an acre of land more or less.

## LEGAL DESCRIPTION - from Document #2010034035

The South 220.5 feet of the North 367.5 feet of the West 8.98 chains (592.68 feet) of the Southwest Quarter of the Southwest Quarter of Section 27, Township 30 North. Range 11 East, Allen County, Indiana.

Excepting therefrom that portion of the above described real estate conveyed to the County of Allen by Warranty Deed recorded as Document Number 86-20640, more particularly described as follows:

A part of the Southwest Quarter of Section 27, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the said Southwest Quarter of Section 27; thence South 01 degrees 16 minutes 00 seconds East (all bearings in this description are based on the West line of the said Southwest Quarter having an assumed bearing of North 01 degree 16 minutes 00 seconds West) on and along the West line of the said Southwest Quarter of Section 27, a distance of 1,467.40 feet to the point of beginning; thence North 89 degrees 56 minutes 00 seconds East distance of 35.01 feet; thence South 01 degree 16 minutes 00 seconds East a distance of 220.50 feet; thence South 89 degrees 56 minutes 00 seconds West a distance of 35.01 feet to the West line of the said Southwest Quarter of Section 27; thence North 01 degree 16 minutes 00 seconds West on and along the West line of the said Southwest Quarter of Section 27, a distance of 220.50 feet to the point of beginning, and containing 0.18 acre more or less of which 0.13 acre more or less is presently being used as public right-of-way.

and the symbols of the City of Fort Wayne Zoning Map No. CC-27 (Sec. 27 of Aboite 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.

1	SECTION 3. That this Ordinance shall be in full force and effect from and after its
2	passage and approval by the Mayor.
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4	Council Member
5	APPROVED AS TO FORM AND LEGALITY:
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7	Malak Heiny, City Attorney
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# City of Fort Wayne Common Council **DIGEST SHEET**

#### **Department of Planning Services**

Title of Ordinance: Zoning Map Amendment

Case Number: REZ-2022-0041
Bill Number: Z-22-07-23
Council District: 4-Jason Arp

Introduction Date: July 26, 2022

Plan Commission

Public Hearing Date: August 8, 2022 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone approximately 5.74 acres from AR/Low Intensity Residential

to BTI/Business, Technology and Industrial Park.

Location: 10728 W US 24 and 7021 Homestead Road

Reason for Request: To allow for the construction of seven mini storage units.

Applicant: 8018 LLC

Property Owner: Mark Beckstedt

Related Petitions: Primary Development Plan, Southwest Storage

Effect of Passage: Property will be rezoned to the BTI/Business, Technology and Industrial

Park district, which will allow for mini storage, as well as other permitted

low intensity industrial development.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential, which

would not permit any commercial or industrial uses, but would allow the continuation of single family homes and low-intensity agricultural uses.

### Department of Planning Services Rezoning Petition Application

	Applicant 8018 LLC				
Applicant	Address 315 LANE 650B SN	IOW LAKE			
	City FREMONT Telephone 260-413-7079	State INDIANA	Zin 46737		
	Telephone 260-413-7079	E-mail 1469ab@g	mall.com		
enters conference in					
	Contact Person MICHAEL J. H	OFFMAN, ESQ. (#33	860-02) of BEERS MALLERS, LLP		
Contact Person	Address 110 WEST BERRY	STREET, SUITE 11	00		
	City FORT WAYNE	_ State INDIANA	Zip 46802		
	Address 110 WEST BERRY City FORT WAYNE Telephone 260-426-9706	B-mail_mjhoffman@	Dbeersmallers.com		
			he designated contact person.		
Chicken Property					
	Allen County Planning Juris	sdiction Lity of Fo	rt Wayne Planning Jurisdiction		
	Address of the property	TITES , FOR TANNE, IN 48804 6	Acreage to be rezoned 5.74  units per acre		
	Present Zoning AR Propo	sed Zoning BII	Acreage to be rezoned 5.74		
nest	Proposed density / STURAGE	BUILDINGS	units per acre		
Request	Township name ABOTTE		_ Township section #27		
legal	Purpose of rezoning (attach addit	tional page if necessary)	TO PROVIDE APPROPRIATE		
	ZONING FOR A STORAGE	UNIT DEVELOPMI	ENT.		
	N.I.A				
	Sewer provider N/A	Water	provider N/A		
	Applications will not be asserted in the	T. C.H Ott			
ats	Please refer to checklist for applicable	ss the Jouowing Juing requi e filing fees and plan/survey	rements are submitted with this application submittal requirements.		
Filing Requirements	☐ Applicable filing fee				
Filing Infreme	<ul> <li>Applicable number of survey</li> </ul>	ys showing area to be re:	zoned (plans must be folded)		
Reg	<ul><li>Legal Description of parcel to</li><li>Rezoning Questionnaire (original)</li></ul>	o be rezoned			
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, ugico	to pay Allen County the cost of notifying the	to required interested persons a	the rate of \$0.85 per notice and a public notice fee o		
-	by: MARK H. BECKSTEDT, its Member		-80-2		
	me of applicant)	(signature of applicant)	(date)		
9018 LLC	by: MARK H, BECKSTEDT, its Member		1-3021		
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MARK H, BECKSTEDT					
printed na	nne of property owner)	(signature of property owner	(dato)		
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printed na	me of property owner)	#) (date)			
Rec	poived Receipt No.	Hearing Date	Petition No.		
7-5	-22 140 for	8-11-22	REZ-7027-0041		
	t (UV - )	1			

(legal description continued) LEGAL DESCRIPTION - from Document #206048453 Together with: NW Cor, SW 1/4,-A part of the West 8.98 chains of the Southwest ¼ of the Southwest ¼ of Section 27. Township Part of the Southwest ¼ of the Southwest ¼ of Section 27, Township 30 North, Range 11 East, Allen Sec. 27-30-11 30 North, Range 11 East, Allen County, Indiana, Iying North of the Upper Huntington Road, being County, Indiana being more particularly described as follows, to-wit: P.K. nail fnd. (-0.1) described as follows: Commencing at a point on the North line of the Southwest ¼ of the Southwest ¼ of Section 27, Township Commencing at a point on the East line of the West 8.98 chains of the Southwest 1/4 of the 30 North, Range 11 East, said point being situated 610.1 feet West of the Northeast corner of the Southwest ¼ of said Section 27, said point being situated 592.68 feet East of and 514.5 feet Southwest ¼ of the Southwest ¼ of said Section 27; thence continuing West along the North line of the South of the Northwest corner of the Southwest ¼ of the Southwest ¼ of said section; thence Southwest ¼ of the Southwest ¼ of said Section 27, a distance of 114.0 feet; thence South along the West parallel to the North line of the Southwest ¼ of the Southwest ¼ of said section a distance East line of the West 8.98 chains of the Southwest ¼ of the Southwest ¼ of said section 27, a distance of 146.0 feet; thence South parallel to the East line of the West 8.98 chains a distance of 298.0 of 773.5 feet to a point on the North R/W line of the Upper Huntington Road as presently established; feet to a point on the North R/W line of the Upper Huntington Road; thence Northeasterly along thence Northeasterly along the North R/W line of said road a distance of 118.3 feet; thence North parallel the North R/W line of said road a distance of 151.0 feet to a point of intersection with the East to the East line of the West 8.98 chains of the Southwest ¼ of the Southwest ¼ of said section 27. a line of the West 8.98 chains; thence North along the preceding line a distance of 259.0 feet to distance of 744.5 feet to the point of beginning, containing 1.99 acres of land, more or less. the point of beginning, containing 0.93 of an acre of land more or less. Lot 101 NW Cor. SW 1/4, SW 1/4, Lot 102 Lot 80 NE Cor. SW 1/4. SW 1/4 Lot 79 Sec. 27-30-11 Forest Ridge Estates, Sec. "E" Forest Ridge Estates, Sec. "D" Sec. 27-30-11 P.B. 42, pg. 34 P.B. 32, pg. 112 14' Utility Easement . North line, SW 1/4, SW 1/4, 1" pipe fnd. (+1.0) — 14' Utility Easement < Sec. 27-30-11 1/2" rebar fnd. (0.0) North line, SW 1/4, SW 1/4, Sec. 27-30-11 -120.0'(p) ~[39.9'E] 122.5'(r) 2.6 ch(r) 171.6'(r&m) 6.65 ch(r) 438.9'(r) N 89°11'13" N 89°11'13" E 592.45'(c) 592.68'(r) 114.10'(m) 5/8" rebar inside 610.10'(r)(c) ∑5/8" rebar fnd. (0.0) <sup>1</sup>√1/2" rebar fnd. (-0.1) 3/4" pipe fnd. (0.0) | "D & A 0026" cap [ 35.6' E ] 114.0'(r) [0.25'S] 1-1/2" pipe fnd (-0.1) Doc. # 2013028153 SCALE:1" = 80' 5/8" rebar fnd. (0.0) 1/2" flat bar fnd. (-0.3)~ r"D & A 0026" сар [ 35.6' Е ] N 89°08'10" F 555.27'(m) 35.01 8018, LLC Warner Thomson Doc. # 2010034035 Doc. # 204092276 Doc. # 2022003502 2 Story 2.82 Ac. (c) 197.7' 2.80 Ac. (m) 00°33'17" line, SW LEGEND (m) MEASURED 10' I & M Elec. Co. & (r) RECORDED Gen. Tel. Easement D.R. 315, pg. 181-182 551.82'(r)(m) S 89°07'37" W (c) CALCULATED (p) PLATTED 1/2" rebar fnd. (0.0)-1.99 Ac. (r) `1/2" rebar fnd. (-0.1) "FIRM 0402" cap [ 36.7' E ] Homestead Office Park Condominiums Homestead Office Park, LLC Owner's Association, Inc. Doc. # 2020028111 OAD Doc. # 2015028062 1.863 Ac. 1/2" pipe fnd. (0.0) Œ 5/8" rebar fnd. (0.0) Angle iron post (+1.0)illegible cap [ 35.8' E ] 550.96' (r) AD N 89°16'44" 440.25'(r) 1 1/4" pipe fnd. (0.0) 146.00'(r)(m) ЩÌ Beckstedt ST Doc. # 206048453 HOMI Homestead Office Park Condominiums Total area: Doc. # 2015028063 -Angle iron post (+1.0) **2.92 Ac.** (m) [ 134.9' N ] 15' to 20' Utility Esmt. to Homestead Office Park, LLC — (Doc.#207003967) R/W Mon remains esidence 20' AEP Dist. Esmt (Doc.. #207002640) 126.77' (r)(m) 5/8" rebar fnd 675 ch(r) 176.5'(r) 176.5'(r) Huntington Road
North RW line of Upper Huntington Road 444.3'(r) 2.675 ch(r) 176.5'(r) \_ 0.93 Ac.(r) 5/8" rebar fnd ∑ 5/8" rebar fnd. (0.0) (-0.1')[ 40.8' E ] 20' x 31.11' Esmt. to Aqua Indiana, Inc. (Doc.#207006020) Miller US HWY # 24 - STATE ROAD # 37 Doc. # 2022006119 1.91 Ac. 1" pipe fnd. SURVEYOR'S CERTIFICATION This survey was performed by, or under the responsible direction of the undersigned registered conc. R W marker fnd. Field work for this survey was performed on February 1, 2022. **BOUNDARY RETRACEMENT SURVEY** DATED THIS 12th DAY OF MAY, 2022. Part of the SW 1/4, SW 1/4 in Sec. 27, T 30 N, R 11 E Allen County, IN Property Address: 7021 Homestead Road, Fort Wayne, IN 46804 SW Cor, SW 1/4,

Sec. 27-30-11 RR spike fnd. (-0.2) - LEGAL DESCRIPTION - from Document #2010034035

The South 220.5 feet of the North 367.5 feet of the West 30 North, Range 11 East, Allen County, Indiana, more 8.98 chains (592.68 feet) of the Southwest Quarter of the particularly described as follows: Southwest Quarter of Section 27, Township 30 North. Range 11 East, Allen County, Indiana.

Excepting therefrom that portion of the above described real estate conveyed to the County of Allen by Warranty Deed recorded as Document Number 86-20640, more particularly described as follows:

(legal description continued)

A part of the Southwest Quarter of Section 27, Township

Commencing at the Northwest corner of the said Southwest Quarter of Section 27; thence South 01 degrees 16 minutes 00 seconds East (all bearings in this description are based on the West line of the said Southwest Quarter having an assumed bearing of North 01 degree 16 minutes 00 seconds West) on and along the West line of the said Southwest Quarter of Section 27, a distance of 1,467.40 feet to the point of beginning; thence North 89 degrees 56 minutes 00 seconds East distance of 35.01 feet; thence South 01 degree 16 minutes 00 seconds East a distance of 220.50 feet; thence South 89 degrees 56 minutes 00 seconds West a distance of 35.01 feet to the West line of the said Southwest Quarter of Section 27; thence North 01 degree 16 minutes 00 seconds West on and along the West line of the said Southwest Quarter of Section 27, a distance of 220.50 feet to the point of beginning, and containing 0.18 acre more or less of which 0.13 acre more or less is presently being used as public right-of-way.

SURVEYOR'S REPORT

GOULOFF-JORDAN SURVEYING AND DESIGN, INC.

FOR THE EXCLUSIVE USE OF: 8018 LLC & Beckstedt

DATE: May, 12, 2022 JOB NO: 20210380

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29, and all amendments thereto, of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8-inch round by 24-inch long steel rebars with yellow plastic caps stamped "GOU LS 29500017" and are set flush with the ground surface unless otherwise noted. Found monument types and their depths are shown on the survey drawing.

Title report was not provided at time of survey. A title search could reveal easements or rights of way not shown on the survey drawing.

The subject survey is a retracement of a 1.99-acre and a 0.93-acre parcel described in Document #206048453. Combined with a parcel described in Document #2010034035, all as found in the Office of the Recorder of Allen County, Indiana.

#### THEORY OF LOCATION:

The bearings for the subject survey are based on Indian East State Plane Coordinate System (NAD'83)(2011.

The existing survey monuments found (and previously accepted by others) along the perimeter of the subject parcels were held as the best available evidence of the parcel lines. The following explanations of variances from recorded description are as follows.

A ½"rebar found at the NE corner of the subject parcel measured 609.88 feet (rather than the recorded 610.1 feet) West of a 1"pipe held as the NE corner of the SW ¼ of the SW ¼ of subject Section 27-30-11. A 5/8" rebar inside of a pipe found at the NW corner of the subject parcel measured 114.1 (rather than 114.0 feet recorded) to the NE corner of the subject parcel.

The West line of the 1.99 acre parcel is described as being along the East line of the West 8.98 chains (592.68 feet) of the SW ¼ of the SW ¼ of said Section 27, which would reflect being parallel with and 592.68 feet East of the West line of said SW ¼, however, the accepted monuments do not reflect that. Based on existing survey monumentation found along the East line of the subject 1.99-acre parcel, said East line does not reflect being parallel with established West line of said 1,99-acre parcel.

The South line of the subject 1.99—acre and 0.93—acre parcel was established along the Northerly right-of-way line of U.S. 24 as established by existing right-of-way markers found along said Northerly line.

Holding the existing survey monumentation found along the perimeter of the parcel described in Document #2010034035, the North and South lines do not reflect being parallel with the North line of the SW ¼ of the SW ¼ of said Section 11.

The uncertainty in the lines and corners found or established by this survey are as follows:

#### (A) Availability and condition of reference monuments:

Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" angular or distance measurements, uncertainty in said reference monuments is 0.25 feet North-South and 6.25 feet East-West.

No.29500017

STATE OF MOIANA

There is an existing wire fence line running on and along the North line of the subject 1.99-acre parcel, also being the North line of the SW ¼ of the SW ¼ of subject Section 11. No uncertainty was created by visible occupation lines (fences, hedge rows, etc.) that were evident at the time of

(C) Clarity or ambiguity of the record description and or adjoiner's descriptions: See above Theory of Location

(D) The Relative Positional Precision of this survey falls under the classification of a "Rural" survey. Random errors in measurement = 0.26 feet (79 millimeters) plus 200 parts per million as specified in Section 7 of said Rule 12.

land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

Timothy C. Gouloff, R.L.S. 29500017



DA June 30		PROJECT NUMBER 20210380
Scale:	1" = 80'	DRAWING NUMBER 20210380 BNDRY
drawn <b>MJC</b>	снк'D <b>TCG</b>	Sheet: 1 of 1



















