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BILL NO. Z-23-02-40

#### ZONING MAP ORDINANCE NO. Z-\_\_\_\_

## AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-62 (Sec. 31 of Perry 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 R3 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

NEW ORIGINAL COMBINATION DESCRIPTION (all of two tracts described in Documents Numbered 2014058231 & 2021085091):

Part of the Fractional Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 139-142 "A", dated February 1, 2023, and being more particularly described as follows, to-wit: Commencing at the South closing Quarter corner of said Section 31, being marked by a 1 inch diameter brass plug; thence North 89 degrees 00 minutes 53 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Fractional Southeast Quarter, being within the right-of-way of West Dupont Road, a distance of 1021.02 feet to a survey nail at the Southeast corner of a 5.482 acre base tract of real estate described in a deed to Lancia Properties, LLC, in Document Number 2021085091 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 89 degrees 00 minutes 53 seconds East, continuing on and along said South line and within said right-of-way, a distance of 339.42 feet to a survey nail at the Southeast corner of said 5.482 acre base tract, being a point on the West right-of-way line of the former Penn Central Railroad; thence North 01 degrees 37 minutes 48 seconds West, on and along said West right-of-way line, a distance of 1151.07 feet to a #5 rebar at the Northeast corner of a 3.54 acre base tract of real estate described in a deed to City of Fort Wayne, Indiana, in Document Number 2014058231 in the Office of said Recorder; thence South 89 degrees 00 minutes 53 seconds West, on and along the North line of said 3.54 acre base tract, a distance of 343.60 feet to a #5 rebar at the Northwest corner thereof; thence South 01 degrees 50 minutes 18 seconds East, on and along the West lines of said 3.54 acre base tract and said 5.482 acre base tract, a distance of 1151.13 feet to the true point of beginning, containing 9.024 acres of land, subject to legal right-of-way for West Dupont Road, and subject to all easements of record.

1	and the symbols of the City of Fort Wayne Zoning Map No. J-62 (Sec. 31 of Perry				
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	Council Member				
13	Oddicii Weitibei				
14	APPROVED AS TO FORM AND LEGALITY:				
15					
16	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-2023-0008
Bill Number: Z-23-02-40
Council District: 3 – Tom Didier

Introduction Date: February 28, 2023

Plan Commission

Public Hearing Date: March 13, 2023 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone approximately 9.02 acres from AR/Low Intensity Residential

to R3/Multiple Family Residential

Location: North side of the 2400 block of West Dupont Road

Reason for Request: To develop the parcel with a 90-unit townhome complex.

Applicant: Lancia Properties, LLC

Property Owners: Lancia Properties, LLC

Related Petitions: PDP-2023-0008 – Odyssey Townhome Development

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning

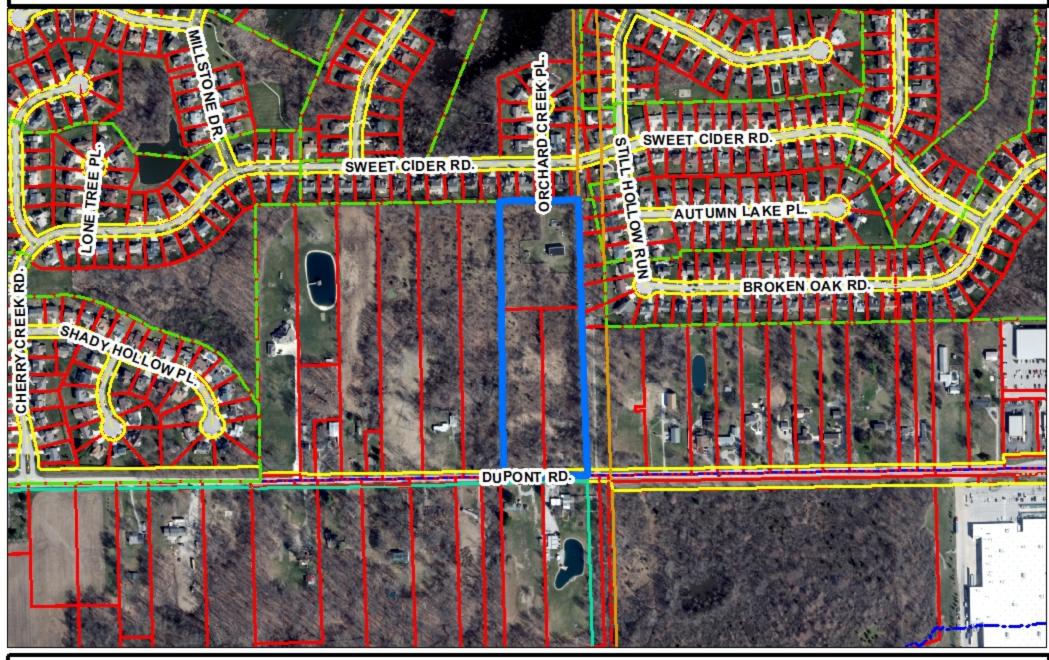
district, which will allow for the townhome complex.

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

supports single family development and low intensity agricultural uses.

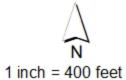






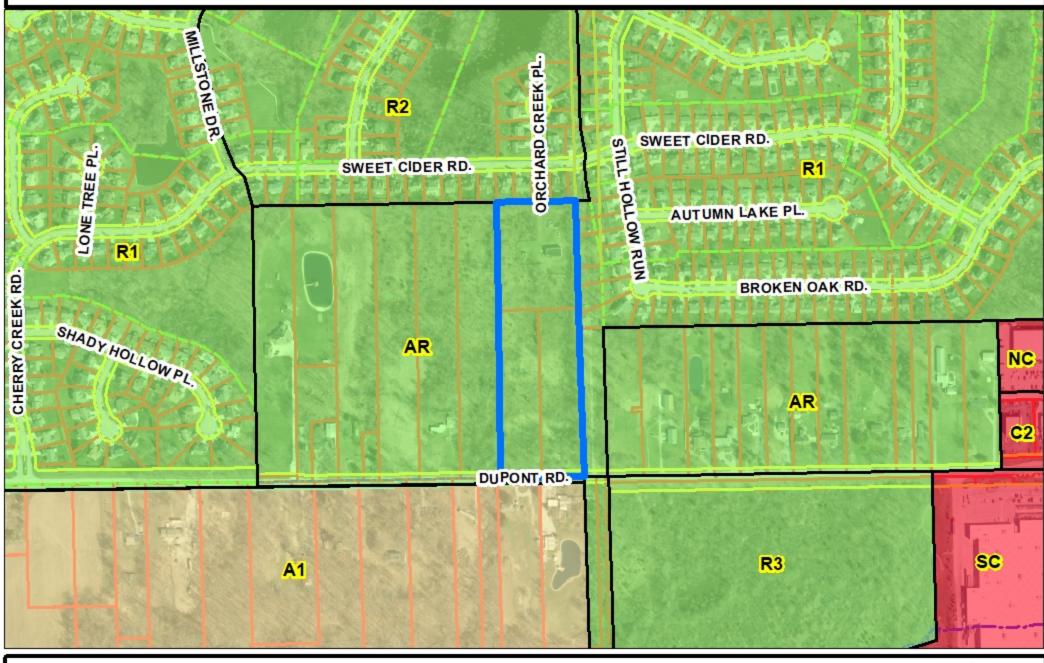
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or ornission in this map.

© 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: 2/22/2023



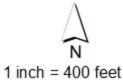


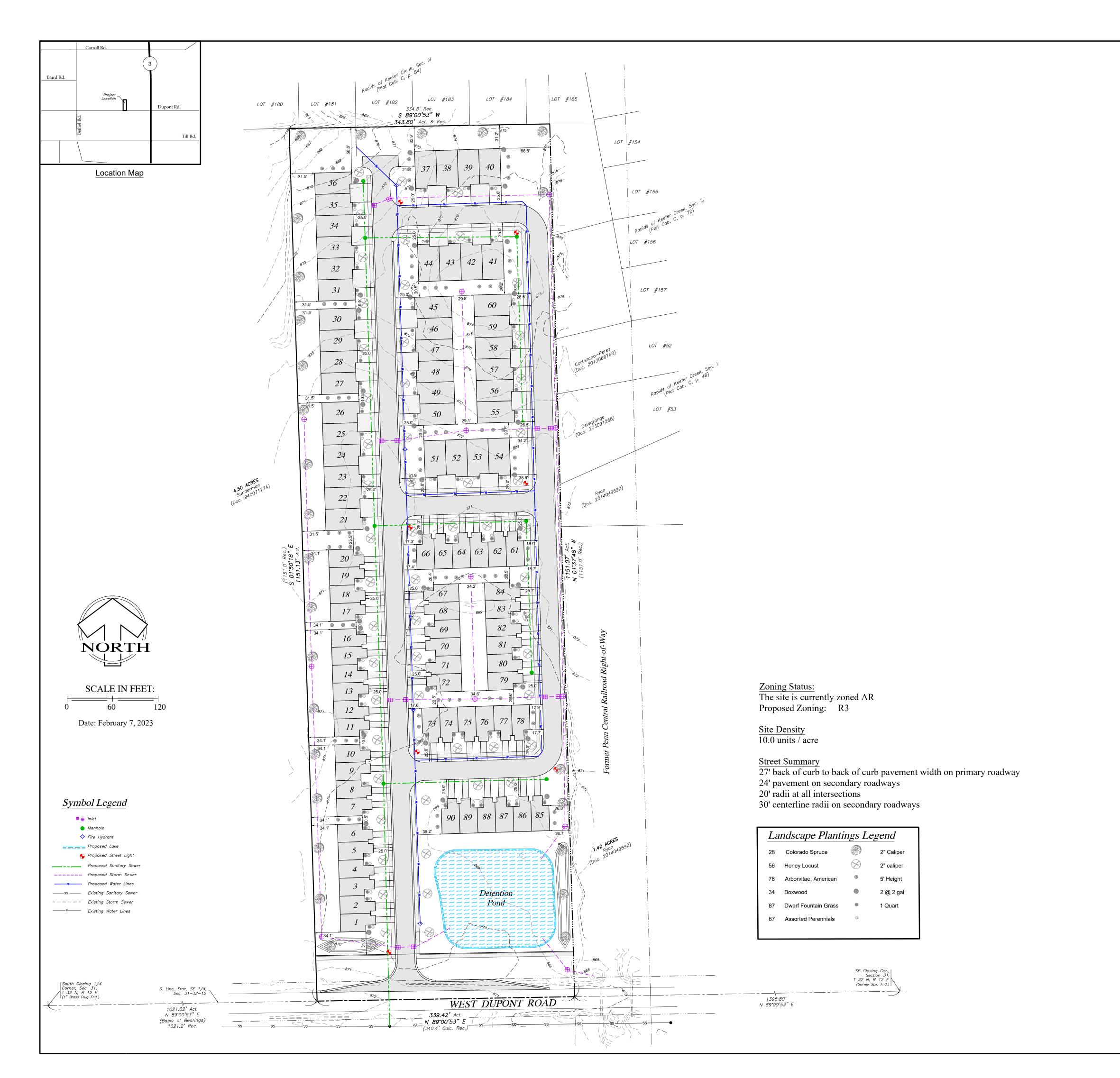




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© 2004 Board of Commissioners of the County of Allen North American Dutum 1983 State Plane Coordinate System, Indiana East Photos and Contours: Spring 2009 Date: 2/22/2023





Primary Development Plan of:

# **ODYSSEY**

Part of the Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana.

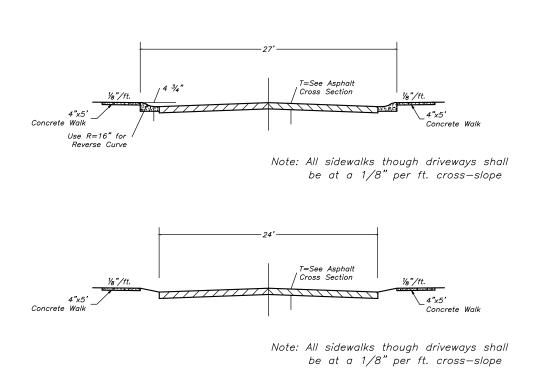
Developer: Lancia Properties, LLC 9430 Lima Road Fort Wayne, IN 46818 Tel: 260/489-4433

Surveyor: Sauer Land Surveying, Inc. 14033 Illinois Road, Suite C Fort Wayne, IN 46814 Tel: 260/469-3300

#### **DESCRIPTION:**

Part of the Fractional Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South closing Quarter corner of said Section 31, being marked by a 1 inch diameter brass plug; thence North 89 degrees 00 minutes 53 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Fractional Southeast Quarter, being within the right-of-way of West Dupont Road, a distance of 1021.02 feet to a survey nail at the Southeast corner of a 5.482 acre base tract of real estate described in a deed to Lancia Properties, LLC, in Document Number 2021085091 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 89 degrees 00 minutes 53 seconds East, continuing on and along said South line and within said right-of-way, a distance of 339.42 feet to a survey nail at the Southeast corner of said 5.482 acre base tract, being a point on the West right-of-way line of the former Penn Central Railroad; thence North 01 degrees 37 minutes 48 seconds West, on and along said West right-of-way line, a distance of 1151.07 feet to a #5 rebar at the Northeast corner of a 3.54 acre base tract of real estate described in a deed to City of Fort Wayne, Indiana, in Document Number 2014058231 in the Office of said Recorder; thence South 89 degrees 00 minutes 53 seconds West, on and along the North line of said 3.54 acre base tract, a distance of 343.60 feet to a #5 rebar at the Northwest corner thereof; thence South 01 degrees 50 minutes 18 seconds East, on and along the West lines of said 3.54 acre base tract and said 5.482 acre base tract, a distance of 1151.13 feet to the true point of beginning, containing 9.024 acres of land, subject to legal right-of-way for West Dupont Road, and subject to all easements of record.



TYPICAL STREET CROSS-SECTIONS

PLAT OF SURVEY "A", dated February 1, 2023, and being more particularly described as follows, to-wit: LOT #184 LOT #183 LOT #180 LOT #181 #5 Rebar Fnd. Up 0.2' -(C & D Cap) S 89'00'53" W 343.60' Act. & Rec. #5 Rebar Fnd. Up 0.6' (C & D Cap) Steel Tank subject to all easements of record. 3.54 ACRE BASE TRACT City of Fort Wayne, Indiana (Doc. 2014058231) (Survey-Doc. 960002932) S 89°01'33" W (C & D Cap) AREA=9.024 acres 5.482 ACRE BASE TRACT Lancia Properties, LLC (Doc. 2021085091) Last Deeds of Record: Docs. 2014058231 & 2021085091 Last Date of Fieldwork: January 31, 2023 Flood Insurance Rate Map Numbered 18003C 0170G, effective August 3, 2009. CERTIFICATE OF SURVEY unless specifically stated hereon. Corners were perpetuated as indicated. SCALE IN FEET: #5 Rebar Fnd. @ 30.2'N, 0.5'W -SE Closing Cor., Section 31, T 32 N, R 12 E #5 Rebar Fnd. @ 25.0'N South Closing 1/4 Corner, Sec. 31, T 32 N, R 12 E (1" Brass Plug Fnd.) S. Line, Frac. SE 1/4, Sec. 31–32–12 1298.79 Paint Mark Fnd. (1" Brass Plug Fnd. On—line, 2.4'S) - ---Survey Nail Fnd. (Sauer) - [#5 Rebar Fnd. N 89°00'53" E 339.42' Act. 1021.02' Act. N <u>89°00'53"</u> E (340.4' Calc. Rec.) N 89°00'53" E (Basis of Bearings WEST DUPONT ROAD 1021.2' Rec.

#### NEW ORIGINAL COMBINATION DESCRIPTION: (all of two tracts described in Documents Numbered 2014058231 & 2021085091)

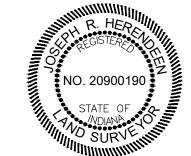
Part of the Fractional Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 139-142

Commencing at the South closing Quarter corner of said Section 31, being marked by a 1 inch diameter brass plug; thence North 89 degrees 00 minutes 53 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Fractional Southeast Quarter, being within the right-of-way of West Dupont Road, a distance of 1021.02 feet to a survey nail at the Southeast corner of a 5.482 acre base tract of real estate described in a deed to Lancia Properties, LLC, in Document Number 2021085091 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 89 degrees 00 minutes 53 seconds East, continuing on and along said South line and within said right-of-way, a distance of 339.42 feet to a survey nail at the Southeast corner of said 5.482 acre base tract, being a point on the West right-of-way line of the former Penn Central Railroad; thence North 01 degrees 37 minutes 48 seconds West, on and along said West right-of-way line, a distance of 1151.07 feet to a #5 rebar at the Northeast corner of a 3.54 acre base tract of real estate described in a deed to City of Fort Wayne, Indiana, in Document Number 2014058231 in the Office of said Recorder; thence South 89 degrees 00 minutes 53 seconds West, on and along the North line of said 3.54 acre base tract, a distance of 343.60 feet to a #5 rebar at the Northwest corner thereof; thence South 01 degrees 50 minutes 18 seconds East, on and along the West lines of said 3.54 acre base tract and said 5.482 acre base tract, a distance of 1151.13 feet to the true point of beginning, containing 9.024 acres of land, subject to legal right-of-way for West Dupont Road, and

This property appears to lie within Zone X as the description plots by scale on

This document is a record retracement survey of real estate prepared under IAC Title 865, Article 1, Rule 12 and in conformity with established practices of surveying and made in accordance with the record on file in the Office of the Recorder of Allen County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments either way across boundary lines

I, Joseph R. Herendeen, 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. I further certify the above statements to be correct to the best of my information, knowledge, and



#### SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

associated with these uncertainties.

Address: 2408 West Dupont Road, Fort Wayne, IN 46818

This survey is intended to retrace the record boundaries of two tracts of real estate described in the following deeds found in the Office of the Recorder of Allen County, Indiana:

1. A Corporate Deed from Utility Center, Inc., d/b/a Aqua Indiana, Inc., to City of Fort Wayne, Indiana, dated December 3, 2014, and recorded in Document Number 2014058231. (Parcel XVI in said deed)

2. A Warranty Deed from Herlinda A. Garcia-Ramirez, Rodrigo A. Garcia, Paul Michael Garcia, Jaime A. Garcia and Noel E. Garcia to Lancia Properties, LLC, dated November 15, 2021, and recorded in Document Number 2021085091.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions,

and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights

REFERENCES: Copies of the following documents were reviewed in completion of this survey:

-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.

-Allen County Surveyor's Section Corner Records.

-A survey of a 3.54 acre base tract by Coil & Dickmeyer, Inc., Document Number 960002932.

-A survey of a 5.482 acre base tract by Sauer Land Surveying, Inc., Document Number 2022012359. -A survey of the East adjoining tracts by Russell Engineering Associates, Inc., Document Number 990036673.

-A survey of a subjoining tract by Sauer Land Surveying, Inc., Document Number 2021058430. -The plat of Rapids of Keefer Creek, Section I, Plat Cabinet C, page 46.

-The plat of Rapids of Keefer Creek, Section III, Plat Cabinet C, page 72 -The plat of Rapids of Keefer Creek, Section IV, Plat Cabinet C, page 84.

#### (A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

-The South closing Quarter corner of Section 31......County highway brass plug found. -The Southeast closing corner of Section 31.....Survey spike found as shown in the above-referenced surveys. The South line of the Fractional Southeast Quarter of Section 31 was established between the above-referenced monuments that nearly conform with record geometry. A more recently established South line appears to lie a maximum of 2.4 feet South of said South line. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 2.4 feet in the North-South direction and 8.8 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 8.8 feet in any direction.

#### (B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. A wood fence from a North adjoining tract extends and lies from 0.3 feet to 0.6 feet South of the North line of subject tract, as shown on the Plat of Survey. Uncertainties based upon existing occupation and/or possession lines vary from the lines established in this survey by a maximum of 0.6 feet in the North-South direction.

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

#### (D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

#### (E) ESTABLISHMENT OF LINES AND CORNERS:

1. The South line of subject tract was established on and along the South line of the Fractional Southeast Quarter.

2. The East line of subject tract was established parallel with and 100 feet normally distant Westward from a line of monuments establishing the East line of the 1.42 acre Ryan tract, conforming with a #5 rebar at the Northeast corner of the 5.482 acre base

3. The West line of subject tract was established on and along a line of found monuments, partially conforming with record distances.

4. The North line of subject tract was established on and along the monumented South line of the Rapids of Keefer Creek, Section IV.

### (F) NOTES:

- 1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
- 2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for
- 3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
- 4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
- 5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when

6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this

- documentation of such matters has been furnished by the client.
- survey as if fully set out. 7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real
- estate transaction to determine compliance with zoning regulations. 8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or
- prescriptive rights.
- 9. Subsurface and environmental conditions were not examined or considered as a part of this survey. 10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area
- shown on the survey is the exact acreage owned by the client. 11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding.
- Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
- 12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
- 13. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This
- survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all
- 14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

IAC 865 Survey & Surveyor's Report

Part of the Fractional Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana

Revisions:	For: Lancia Properties, LLC &	
	City of Fort Wayne, Indiana	
	Ву:	Drawn By: JRH
	Sauer Land Surveying, Inc.	Checked By: KNI
	14033 ILLINOIS ROAD, SUITE C	Scale:
	FORT WAYNE, IN 46814 TEL: 260/469-3300 / FAX: 260/469-3301	1" = 60'
	TEL. 200/ 403-3300 / FAX. 200/ 403-330 T	Job No.
	Date: February 1, 2023	139-142 "A"