

1 **VEAS-2023-0001**

2 **BILL NO. G-23-04-19**

3 **GENERAL ORDINANCE NO. G-_____**

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

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

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

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

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

16 Granted roadway easement of 15 feet, more or less, in width situated in the South one-half of
17 the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County,
18 Indiana, in particular described as follows, to-wit:

19 Commence on the East 60 foot right-of-way line of State Road No. 1 as established for Baer
20 Field Expressway PROJECT "U" 377 (10) at a point situated 357.6 feet South of the North
21 line of the South one-half of the Southwest Quarter of said Section 34 and furthermore
22 situated 187.2 feet Southerly of an existing Highway Monument; thence Easterly on a line
23 parallel to the line aforesaid, a distance of 350.0 feet; thence Northerly by a deflection left of
24 90 degrees 07 minutes, a distance of 15.0 feet; thence Westerly by a deflection left of 89
25 degrees 53 minutes, a distance of 350.0 feet to the East right-of-way line of State Road No. 1;
26 thence Southerly along the line aforesaid a distance of 15.0 feet to the Point of Beginning.
27 Containing 0.121 acres, more or less.

28 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
29 and is hereby approved in all respects.
30

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

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Roadway Easement Vacation
Case Number: VEAS-2023-0001
Bill Number: G-23-04-19
Council District: 4-Jason Arp

Introduction Date: April 25, 2023

Public Hearing Date: May 9, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate an unused recorded roadway easement

Location: Bisecting the parcel at the northeast corner of the intersection of Bluffton Road and Airport Expressway.

Reason for Request: Applicant owns property on both sides of the easement and intends to develop the property

Applicant: Engineering Resources, Inc.

Property Owner: Black Gold Ventures Indiana, LLC

Related Petitions: Site Plan Routing for gas station

Effect of Passage: The vacation of the easement will remove encumbrances on the property, allowing it to be developed.

Effect of Non-Passage: The easement will remain as dedicated. Development of the property may be hindered.

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 ☐ Public Right of Way (street or alley)

More particularly described as follows:

15' Roadway Easement. See legal description 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: * PAGE(S) NUMBER(S): * (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) *Doc. 760028674

The reasons for the proposed vacation are as follows:

Easement is unused on a vacant parcel of land.

This parcel is being developed into a gas station.

(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: Engineering Resources, Inc. (attn: Dan Brincefield)

Street Address: 4175 New Vision Drive

City: Fort Wayne State: IN Zip: 46845 Phone: 260-451-9741

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.

Trout Moser
Signature

TROUT MOSER
Printed Name

3/8/23
Date

2829 E SR124
Address

BLUFFTON, IN. 46714
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): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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.

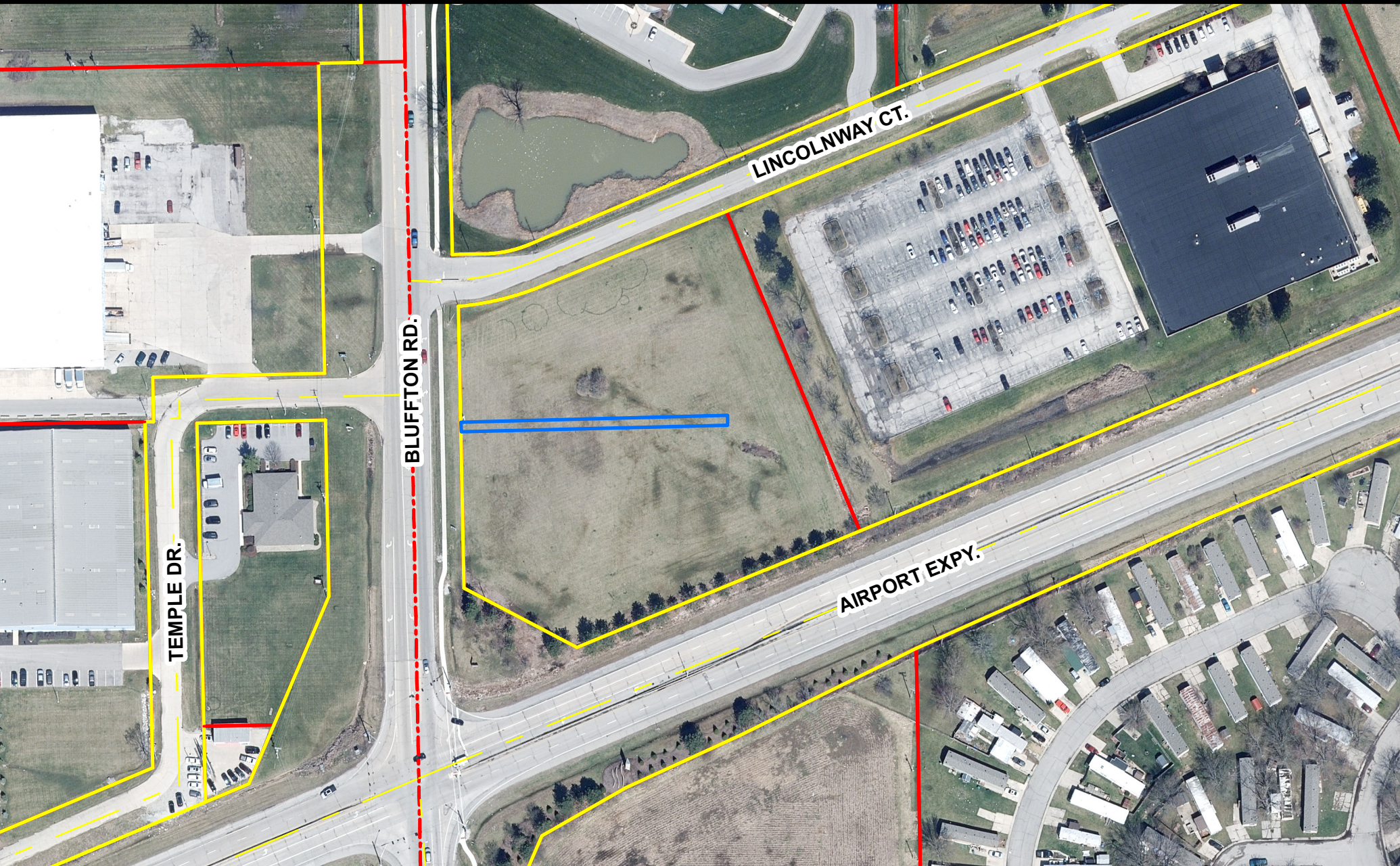
For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



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: 4/20/2023

0 50 100 Feet



1 inch = 150 feet

FIRST LAND TITLE COMPANY
731 COURT STREET
FORT WAYNE, INDIANA 46802

76- 28674

MAIL TAX DUPLICATES TO:

Lucky Steer Restaurants, Inc.
7720 Bluffton Rd.
Fort Wayne, Ind. 46809

Instrument J. 9931

Paid by

Grantor

DULY ENTERED FOR TAXATION

NOV 15 1976

WARRANTY DEED

Joan D. Uebelacker
AUDITOR OF ALLEN COUNTY

This indenture witnesseseth that HAGERMAN CONSTRUCTION CORPORATION,

an Indiana corporation by Theo. F. Hagerman, its President, and
Wm. O. Hagerman, its Secretary, its officers duly authorized to
execute this deed, of Allen County in the State of Indiana, conveys
and warrants to LUCKY STEER RESTAURANTS, INC., an Indiana corporation,
of Allen County in the State of Indiana, for and in consideration
of \$10.00 and other good and valuable considerations, the receipt
whereof is hereby acknowledged, the following Real Estate in Allen
County in the State of Indiana, to wit:

Part of the South one-half of the Southwest Quarter of Sec-
tion 34, Township 30 North, Range 12 East, Allen County,
Indiana, in particular described as follows to-wit:

Commencing on the East 60 ft. right-of-way line of State
Road No. 1 as established for the BAER FIELD EXPRESSWAY
Project "U", 377 (10) at a point situated 357.6 feet South of
the North line of the South one-half of the Southwest Quarter
of said Section 34 and furthermore situated 187.2 feet Southerly
of an existing Highway Monument; thence Easterly on a line par-
allel to the line aforesaid, a distance of 350.0 feet; thence
Southerly by a deflection right of 89 degrees 53 minutes, a
distance of 183.9 feet to a point on the Northerly right-of-
way of said BAER FIELD EXPRESSWAY; thence Southwesterly along
said right-of-way line by a deflection right of 71 degrees
34 minutes, a distance of 5.5 feet to a point at Plan Station
168+00 as situated 75.0 feet normally distant Northwestward of
said Highway centerline; thence continuing Southwesterly
along said right-of-way line by a deflection left of 2 degrees
52 minutes, a distance of 232.7 feet to Plan Station 165+65
as situated 75.0 feet normally distant Northwestward of said
Highway centerline; thence continuing Northwestward along said
right-of-way line by a deflection right of 51 degrees 23 minutes
a distance of 147.5 feet to the Easterly right-of-way line of
State Road No. 1 at Plan Station 1023+35 and situated 60.0 feet
radially distant Eastward of said Highway centerline; thence
Northerly along said right-of-way line, introrsely concentric
to the 0 degrees 30 minutes centerline circular curve to the
right a distance of 127.5 feet to a point of tangent at Plan
Station 1024+63.2 feet; thence continuing Northerly along
said right-of-way tangent, a distance of 72.5 feet to the
point of beginning; containing 1.85 acres, more or less.

Subject to a roadway easement 15 feet, more or less, in width
situated in the South one-half of the Southwest Quarter of
Section 34, Township 30 North, Range 12 East, in Allen County,
Indiana, in particular described as follows, to wit:

Commence on the East 60 ft. right-of-way line of State Road
No. 1 as established for Baer Field Expressway PROJECT "U"

1976 NOV 15 AM 11:08

ALLEN COUNTY RECORDER

[Signature]

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377 (10) at a point situated 357.6 feet South of the North line of the South one-half of the Southwest Quarter of said Section 34 and furthermore situated 187.2 feet Southerly of an existing Highway Monument; thence Easterly on a line parallel to the line aforesaid, a distance of 350.0 feet; thence Southerly by a deflection right of 89 degrees 53 minutes, a distance of 15.0 feet; thence Westerly by a deflection right of 90 degrees 07 minutes, a distance of 350.0 feet to the East right-of-way line of said State Road No. 1; thence Northerly along the line aforesaid, a distance of 15.0 feet to the point of beginning; containing 0.121 acres, more or less.

Grantor grants a roadway easement of 15 feet, more or less, in width situated in the South one-half of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows to-wit:

Commence on the East 60 ft. right-of-way line of State Road No. 1 as established for Baer Field Expressway PROJECT "U" 377 (10) at a point situated 357.6 feet South of the North line of the South one-half of the Southwest Quarter of said Section 34 and furthermore situated 187.2 feet Southerly of an existing Highway Monument; thence Easterly on a line parallel to the line aforesaid, a distance of 350.0 feet; thence Northerly by a deflection left of 90 degrees 07 minutes, a distance of 15.0 feet; thence Westerly by a deflection left of 89 degrees 53 minutes, a distance of 350.0 feet to the East right-of-way line of State Road No. 1; thence Southerly along the line aforesaid a distance of 15.0 feet to the point of beginning. Containing 0.121 acres, more or less.

This conveyance is subject to the current real estate taxes and all subsequent taxes; also subject to existing highways, easements, rights of way, assessments, and restrictions of record.

The undersigned persons executing this deed on behalf of grantor represent and certify that they are the duly elected officers of grantor and have been fully empowered, by proper resolution of the Board of Directors of grantor, to execute and deliver this deed; that grantor has full corporate capacity to convey the real estate hereby conveyed, and that all necessary action for the making of such conveyance has been taken and done.

Dated this 10th day of November, 1976.

HAGERMAN CONSTRUCTION CORPORATION

By Theo. F. Hagerman
THEO. F. HAGERMAN, President

By Wm. O. Hagerman
WM. O. HAGERMAN, Secretary

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- 3 -

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 10th day of November, 1976, personally appeared THEO. F. HAGERMAN and WM. O. HAGERMAN, President and Secretary, respectively, of Hagerman Construction Corporation, its officers duly authorized to execute this deed, and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires
11-18-78

William L. Kerr
WILLIAM L. KERR Notary Public

Prepared by
MICHAEL H. KAST
305 Lincoln Tower
Fort Wayne, Indiana

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