

#REZ-2023-0046

BILL NO. Z-23-09-13

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Q-22 (Sec. 30 of Saint Joseph 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 C/I
(Professional Office and Personal Services) 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 30, township 31 north, range
13 east, Allen county, Indiana, more particularly described as follows:

Commencing at the intersection of the west line of the Hobson road and the south
line of the 50 foot right-of-way dedicated for street purposes in deed record 633,
pages 572-573 and known as Rupp drive; thence south 89 degrees west (deed
bearing and is used as the basis for the bearings in this description), on and along
said south right-of-way line, a distance of 10.57 feet to the point of curvature of a
regular curve to the left having a radius of 125.0 feet; thence westerly, southwesterly
and southerly, on and along the right-of-way line of Rupp drive as defined by the arc
of said curve, an arc distance of 194.16 feet; thence south, continuing on and along
said right-of-way line, a distance of 135.0 feet; thence west, by a deflection angle
right of 89 degrees 05 minutes (recorded 90 degrees), on and along said right-of-
way line, a distance of 27.9 feet to the true point of beginning; thence north 90
degrees 00 minutes west, continuing on and along said right- of-way, a distance of
253.24 feet to the point of curvature of a regular curve to the left, having a radius of
55 feet; thence southwesterly, on and along the arc of said curve and continuing on
and along aid right-of-way line, an arc distance of 62.33 feet (recorded 62.4 feet),
being subtended by a long chord having a length of 59.05 feet and a bearing of
south 58 degrees 37 minutes 30 seconds west to the point of tangency; thence
south 25 degrees 45 minutes west, continuing on and along said right-of-way line, a
distance of 58.04 feet to the point of intersection of said Rupp drive right-of-way line
with the northeasterly right-of-way line of coliseum boulevard (formerly US #30 [F]
PROJ. 724 [5] 1953); thence south 64 degrees 33 minutes east, on and along said
northeasterly right-of-way line, a distance of 359.4 feet; thence north 01 degrees 03
minutes east (recorded parallel with the east line of said southeast quarter), a
distance of 237.5 feet to the true point of beginning, containing 1.163 acres of land.

1 TOGETHER WITH:

2 Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in
3 Allen County, Indiana, described as follows:

4 Commence on the East line of the Southeast Quarter of said Section 30, as defined
5 by the centerline of Hobson Road at a point situated 220.0 feet South of the
6 Northeast corner of said Southeast Quarter; thence continuing Southerly on the line
7 aforesaid, a distance of 385.18 feet; thence Westerly on a line perpendicular to said
8 Hobson Road centerline, a distance of 204.5 feet to the West border of said 2.25
9 acres as previously established; thence Northerly by a deflection right of 90 degrees
10 00 minutes on a line parallel to the East line of said Quarter Section, a distance of
11 121.3 feet to the Southerly right-of-way line of Rupp Drive, as dedicated by Deed
12 Record 633, pages 752-753 on March 20, 1964, and as established by existing
13 curbs; thence Easterly along the line aforesaid, by deflection right of (88 degrees 57
14 minutes, Deed) 88 degrees 52 minutes (Actual), a distance of 27.9 feet; thence
15 Northerly by a deflection left of 89 degrees 05 minutes along the East line of Rupp
16 Drive, a distance of 135.0 feet to a point of curve, thence Northerly, Northeasterly
17 and Easterly along Rupp Drive right-of-way line on a curve to the right of 125.0 foot
18 radius (Deed), an 89 degrees 00 minutes central angle, a distance of 194.16 feet as
19 by street dedication recorded, to a point of tangency; thence continuing Easterly
20 along the tangent to said curve, a distance of 50.57 feet to the point of beginning,
21 said in previous deeds to contain 1.55 acres, more or less.

22 EXCEPT the Hobson Road upon and over the East 40 feet thereof as dedicated by
23 instrument recorded as Document Number 79-25000, containing within said right-of-
24 way exception 0.354 acres, leaving a net acreage of 1.196 Acres, more or less.

25 TOGETHER WITH:

26 Part of a certain 2.25-acre tract conveyed by Mutual Security Life Insurance
27 Company to Hemlock Development Inc., as recorded in Deed Record 658-, pages
28 49-50 on August 17, 1965.

29 Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in
30 Allen County, Indiana, in particular described as follows to-wit:

Commence on the East line of the Southeast Quarter of said Section 30 as defined
by the centerline of Hobson Road, at a point situated 605.18 feet South of the
Northeast corner of said Southeast Quarter; thence Westerly on a line perpendicular
to said Hobson Road centerline, a distance of 204.5 feet to the West line of said
2.25 acres as formerly established; thence Southerly by a deflection left of 90
degrees 00 minutes on a line parallel to the East line of said Quarter Section, a
distance of 116.2 feet to a pipe found on the North right of-way line of
U.S. Highway No. 30 .F. Project 724 (5) 1953 (Coliseum Blvd.) as situated 75.0 feet
normally distant Northeasterly of the centerline of said highway; thence
Southeasterly along said right-of-way line by a deflection left of 65 degrees 36
minutes, a distance of 160.0 feet to a point of deflection In said right-of-way line at
Highway Station 266+65; thence Northeasterly by deflection left of 74 degrees 52
minutes, a distance of 68.17 feet to a point situated 15.0 feet West of the centerline
of the Hobson Road, and 140.0 feet normally distant Northeastward of the centerline
of said highway; thence Easterly by a deflection right of 50 degrees 48 minutes, a
distance of 15 feet to the centerline of said Hobson Road; thence Northerly on the

centerline of the Hobson Road, being also the East line of said Quarter Section, a distance of 130.1 feet to the point of beginning; said in previous deeds to contain 0.700 acres, more or less.

Commonly known as: 3601 Hobson Road, Fort Wayne, IN 46815

and the symbols of the City of Fort Wayne Zoning Map No. Q-22 (Sec. 30 of Saint Joseph 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:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0046
Bill Number: Z-23-09-13
Council District: 2-Russ Jehl

Introduction Date: September 12, 2023

Plan Commission
Public Hearing Date: September 11, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone parcels from R3/Multiple Family Residential to C1/Professional Office and Personal Services.

Location: 3601 Hobson Road, 3702 Rupp Road, and 3111 E Coliseum Blvd

Reason for Request: To permit existing professional office uses.

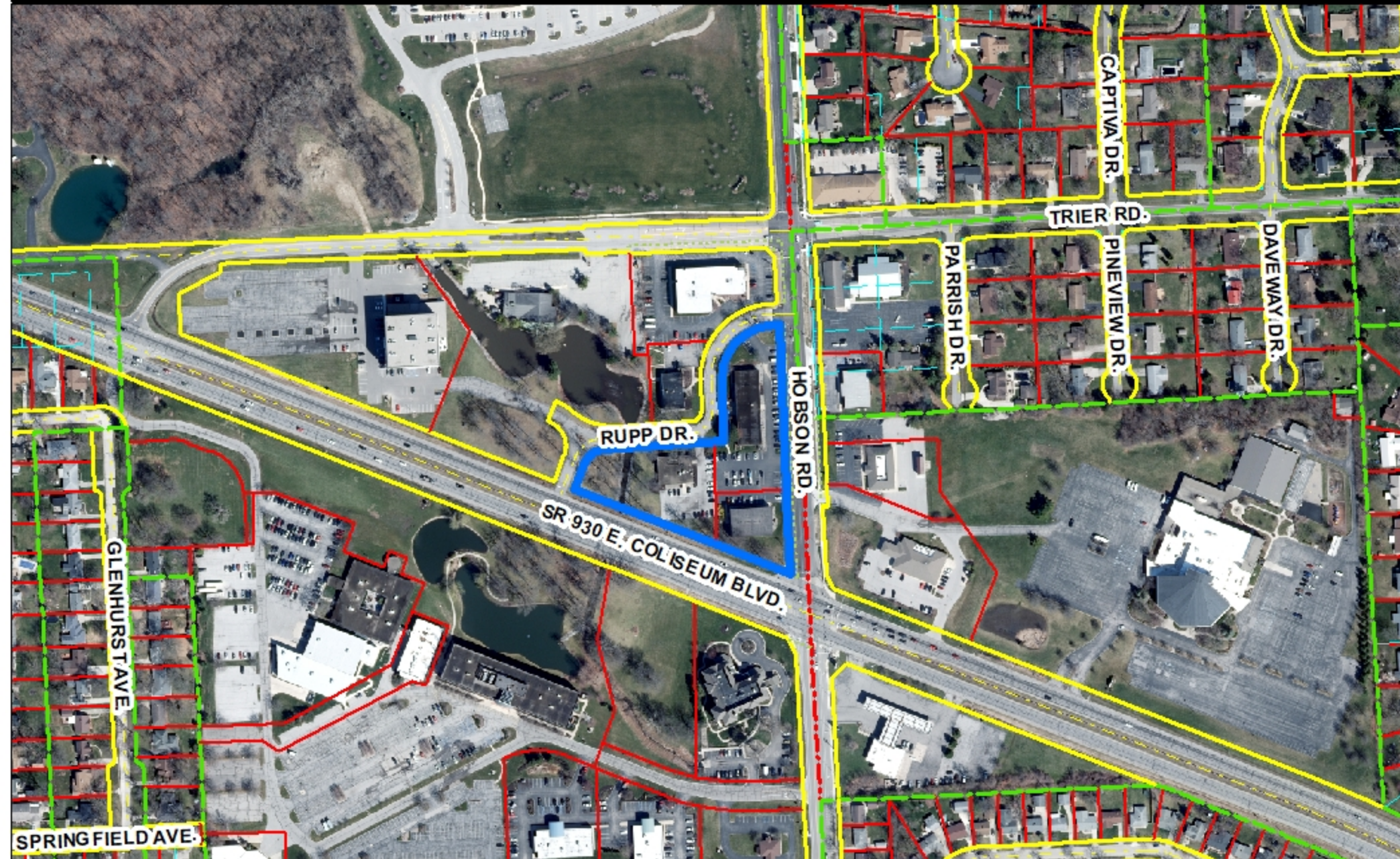
Applicant: Suresh Vegesana

Property Owner: S & L Enterprises

Related Petitions: None

Effect of Passage: Property will be rezoned to C1/Professional Office and Personal Services zoning district, which permits existing professional office uses.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential, which supports high density multiple family, single and two-family development.



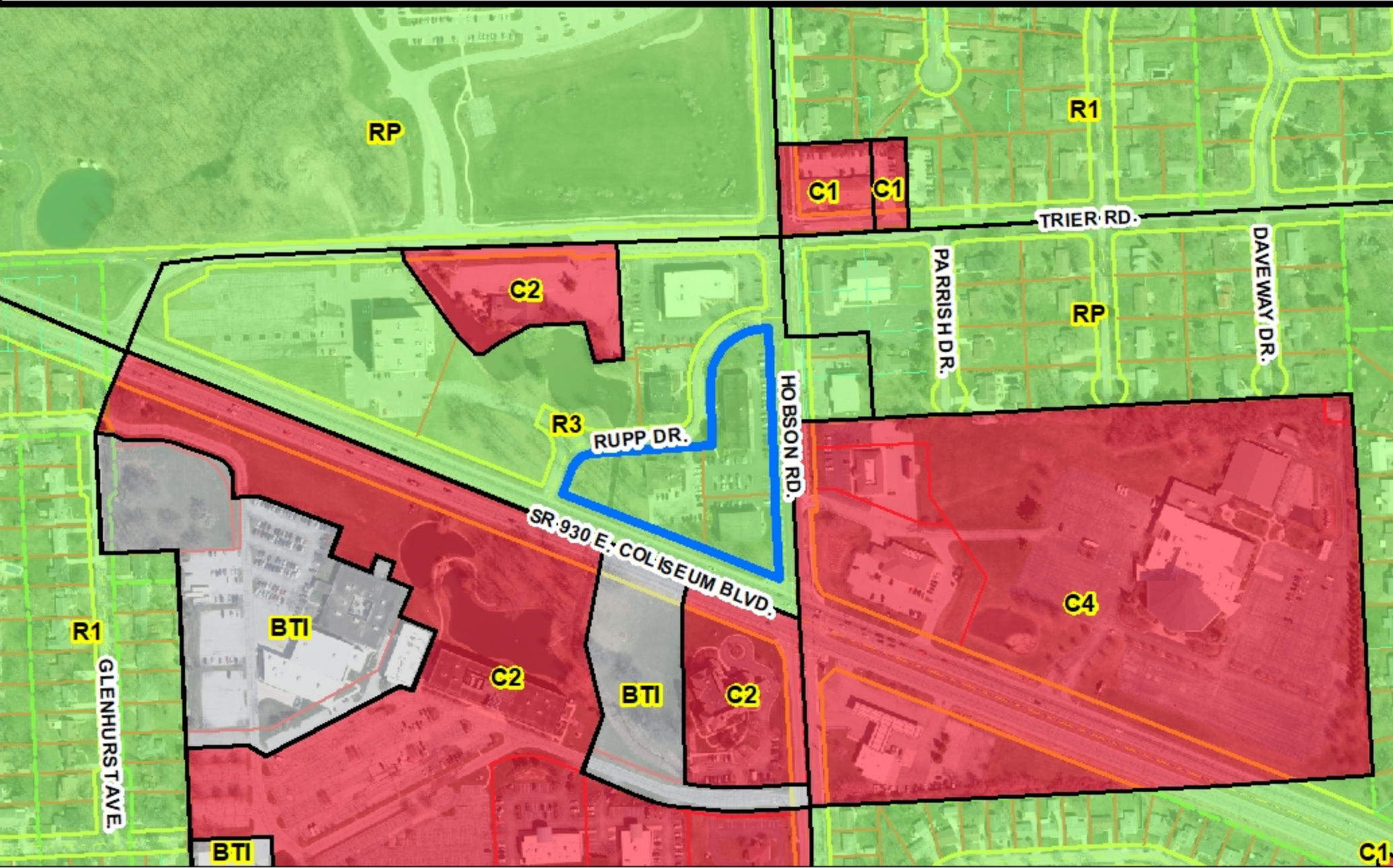
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 8/17/2023

0 125 250 Feet

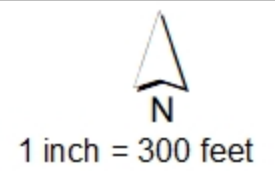
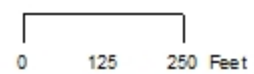


1 inch = 300 feet



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: 8/17/2023



Department of Planning Services

Rezoning Petition Application

Applicant
 Applicant Suresh Vegesana
 Address 8513 Springberry Drive
 City Fort Wayne State Indiana Zip 46818
 Telephone 270.243.0098 E-mail vskverma@gmail.com

Property Ownership
 Property Owner S&L Enterprises II, LLC
 Address 2115 Forest Glade
 City Fort Wayne State Indiana Zip 46845
 Telephone _____ E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Esq.
 Address 215 East Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone 260.423.8935 E-mail jcn@barrettllaw.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 3601 Hobson Road Township and Section St. Joseph, Section 30
 Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned .65 acres
 Purpose of rezoning (attach additional page if necessary) To bring the property's zoning in line with its historical use for professional office and personal service type uses.
 Sewer provider City of Ft. Wayne Water provider City of Fort Wayne

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
☐ Filing fee \$1000.00
☐ Surveys showing area to be rezoned
☐ Legal Description of parcel to be rezoned
☐ Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Suresh Vegesana Suresh Vegesana 2023-08-01
 (printed name of applicant) (signature of applicant) (date)
Tracy L Wright James E Wright 8/1/2023
 (printed name of property owner) (signature of property owner) (date)
 (BC44BC51FF9242B... BE54A72D176B498...



Received	Receipt No.	Hearing Date	Petition No.
8.1.23	143780	09.11.23	2023-0045

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



Signature Certificate

Reference number: RCVD8-YX3QP-NQ75Z-JMCEK

Signer

Timestamp

Signature

Suresh Vegesana

Email: vskverma@gmail.com

Sent:

01 Aug 2023 15:46:34 UTC

Viewed:

01 Aug 2023 16:02:56 UTC

Signed:

01 Aug 2023 16:10:23 UTC

Suresh Vegesana

Recipient Verification:

✓Email verified

01 Aug 2023 16:02:56 UTC

IP address: 166.196.110.24

Document completed by all parties on:

01 Aug 2023 16:10:23 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.



Department of Planning Services Rezoning Petition Application

Applicant
 Applicant The LaVern & Josephine Miller Family Limited Partnership
 Address PO Box 150
 City Goshen State IN Zip 46527
 Telephone _____ E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Barrett McNagny, LLP
 Address 215 E. Berry Street
 City Fort Wayne State IN Zip 46802
 Telephone (260) 423-9551 E-mail jcn@barrettllaw.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 3702 Rupp Rd
 Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned 1.42 acres
 Proposed density _____ units per acre
 Township name St. Joseph Township Township section # 30
 Purpose of rezoning (attach additional page if necessary) To bring the property's zoning in line with its historical use for professional office and personal service type uses.
 Sewer provider City of Fort Wayne Water provider City of 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 Rezonings 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 persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

The LaVern & Josephine Miller Family Limited Partnership by Tim Miller
 (printed name of applicant)

Tim Miller
 (signature of applicant)

8/16/2023
 (date)

The LaVern & Josephine Miller Family Limited Partnership by Tim Miller
 (printed name of property owner)

Tim Miller
 (signature of property owner)

8/16/2023
 (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.
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Department of Planning Services Rezoning Petition Application

Applicant
 Applicant Tippmann & Dumas, LLC
 Address 9009 Coldwater Rd.
 City Fort Wayne State IN Zip 46825
 Telephone _____ E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Barrett McNagny, LLP
 Address 215 E. Berry Street
 City Fort Wayne State IN Zip 46802
 Telephone (260) 423-9551 E-mail jcn@barrettllaw.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 3111 E. Coliseum Blvd.
 Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned 1.161 acres
 Proposed density _____ units per acre
 Township name St. Joseph Township Township section # 30
 Purpose of rezoning (attach additional page if necessary) To bring the property's zoning in line with its historical use for professional office and personal service type uses.
 Sewer provider City of Fort Wayne Water provider City of 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.

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☐ 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 Rezonings Only

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Tippmann & Dumas, LLC by Dave Dumas
 (printed name of applicant)

Dave Dumas
 (signature of applicant)

8/17/2023
 (date)

Tippmann & Dumas, LLC by Dave Dumas
 (printed name of property owner)

Dave Dumas
 (signature of property owner)

8/17/2023
 (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.
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When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

(1) The Comprehensive Plan;

The instant proposal is consistent with the Comprehensive Plan in the following particulars:

- The Comprehensive Plan states that “[u]nchecked growth, or sprawl, stresses existing infrastructure, requires expensive service extensions, increases maintenance costs, encroaches on valuable agricultural areas, and disturbs the rural character that helps define the County. In this case, the Applicant is proposing to utilize an existing structure, thereby avoiding unchecked growth and sprawl into more rural areas of the County.
- It satisfies the mandate for new growth and development to occur in areas described as “Complete Neighborhoods”, where infrastructure needed for development is already in place. As depicted in the Plan’s Complete Neighborhood Index, the subject real estate is situated in an area that is rich in amenities, with transit routes, places of work, and various medical and cultural facilities in close proximity.
- The subject real estate is situated in an area that the Comprehensive Plan identifies as an Urban Infill Area, meaning that it benefits from existing infrastructure and adjacency to other community amenities.
- The instant proposal satisfies the Plan’s mandate that “[n]onresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.” In this case, Parkwood Place is located to the northeast and Kirkwood Park is located in close proximity to the southwest of the subject real estate. The proposed rezoning to a C-1 zoning designation brings the subject real estate’s zoning into alignment with its historical uses, while doing so in a manner that is respectful of the neighborhoods in close proximity.
- The Generalized Future Land Use maps included within the Comprehensive Plan identify the subject real estate as being located in an area slated for business and office park uses, which according to the Comprehensive Plan includes “a mix of professional office and personal service uses; medical, technology, and research facilities...” The existing professional office and personal service uses are very much compatible with the business and office park designation found in the Comprehensive Plan.

(2) The most desirable use for which the land in the district is adapted:

- The most desirable use of land within the district continues to be professional office and personal service uses. If approved, the Applicant intends to expand his existing dental practice to the subject real estate. In addition, the Applicant is not requesting to

change the nature of the existing uses; instead, the Applicant is proposing to bring the zoning into alignment with the historic uses of the property for professional office and personal service uses, which date back to the late 1970s or early 1980s.

(3) The conservation of property values throughout the jurisdiction:

- The instant proposal will not have any adverse impact on property values in the area, as any impact from professional office and personal service uses was realized when the existing building improvements were constructed in the late 1970s. In addition, the Applicant is not proposing any significant renovation to the exterior of the building, thereby preserving the exterior appearance that the neighbors have become familiar with over the past 40 years.

(4) Responsible growth and development:

- The instant proposal is consistent with the mandate for responsible growth and development in that (a) all utility and roadway infrastructure is already present at or near the subject real estate; (b) the proposal is consistent with the Comprehensive Plan's mandate for urban infill development; and (c) the proposal seeks to bring the longstanding professional office use into alignment with the property's zoning.

OFFICE OF **HOFER AND DAVIS, INC.**

**CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA**

A. K. HOFER P.E. No. 72
(1968) L. S. No. 10504

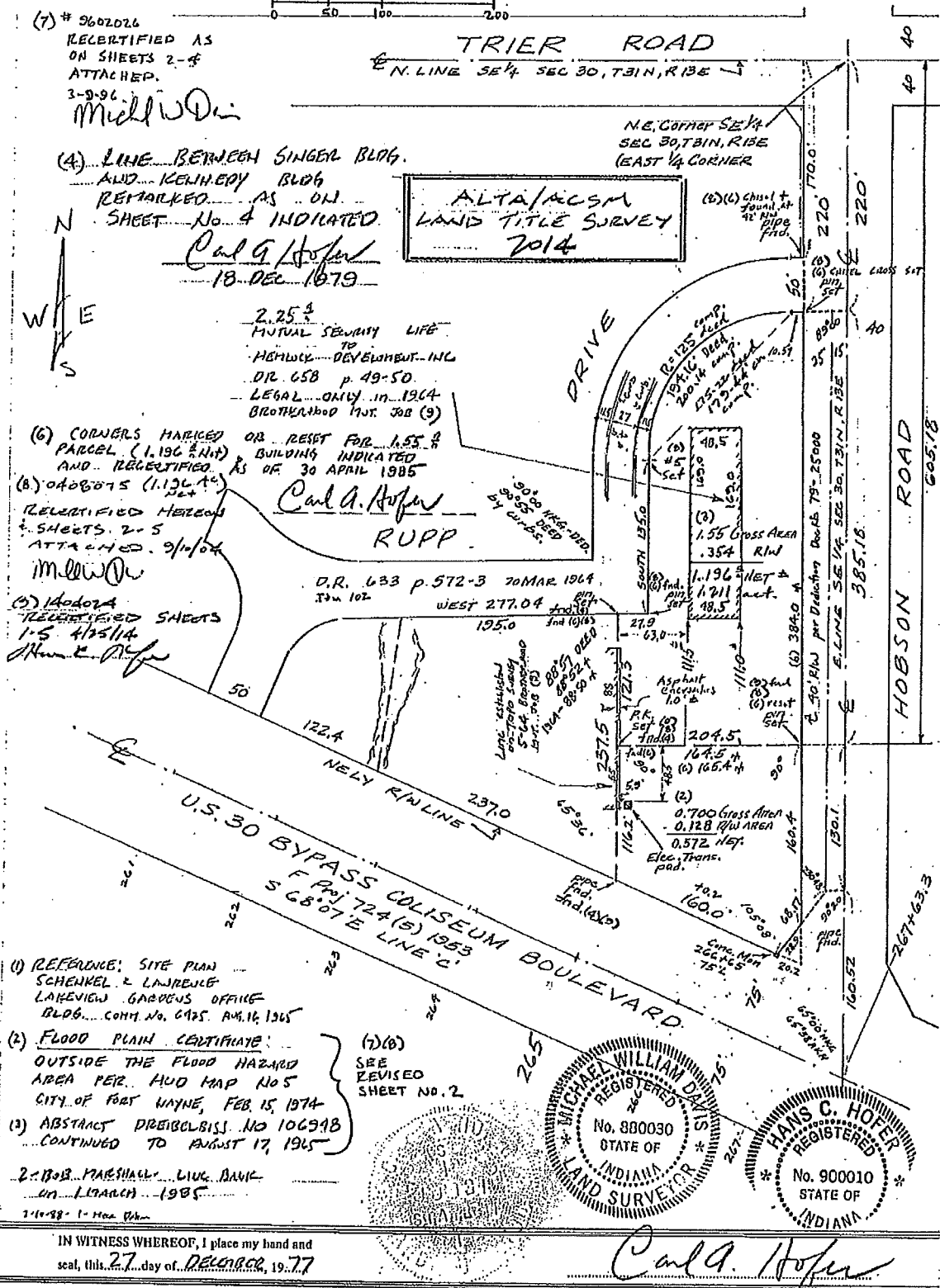
CARL A. HOFER P.E. No. 7122
L.S. No. 10031

WILLIAM S. DAVIS L. S. No. S-0053
L.S. No. 18114 Michigan

This document is the record of a recovery of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

Scale 100

DESCRIPTION OF PROPERTY Lot No. SEE ATTACHED SHEETS No 2 AND No 3



CERTIFICATE OF SURVEY

1/4 Sec. SE SEC. 30 TWP. 31 RG. 13



HOFER AND DAVIS, INC.
LAND SURVEYORS
 203 W. WAYNE ST. #316
 FORT WAYNE, IN 46802
 (219) 422-9922
 FAX (219) 424-2157

MICHAEL W. DAVIS	L.S. No. 880030	
HANS C. HOFER	L.S. No. 900010	
WILLIAM S. DAVIS (RET.)	L.S. No. 8-0053	L.S. No. 18114 (MICHIGAN)
CARL A. HOFER (RET.)	L.S. No. 10031	P.E. No. 7122
A. K. HOFER (1988)	L.S. No. 10504	P.E. No. 72

This document is the record of a resurvey of land and real estate situated in Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of the Recorder of said County and State. Furthermore, this resurvey was executed wholly under the direction of the undersigned in accordance with the standards as set forth in the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 as adopted by the State Board of Registration for Land Surveyors on August 16, 1991. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No.

Part of a certain 2.25 Acre Tract conveyed by Mutual Security Life Insurance Company to Hemlock Development Inc. as recorded in Deed Record 658, pages 49-50 on August 17, 1965.

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in Allen County, Indiana, in particular described as follows, to-wit:

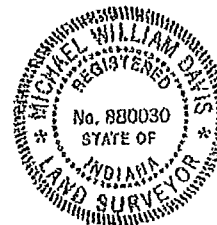
Commence on the East line of the Southeast Quarter of said Section 30 as defined by the centerline of Hobson Road, at a point situated 605.18 feet south of the Northeast corner of said Southeast Quarter; thence Westerly on a line perpendicular to said Hobson road centerline, a distance of 204.5 feet to the West line of said 2.25 Acres as formerly established; thence Southerly by a deflection left of 90 degrees 00 minutes on a line parallel to the East line of said Quarter Section, a distance of 116.2 feet to a pipe found on the North right-of-way line of U. S. Highway No. 30 "F" Project 724 (5) 1953 (Coliseum Blvd.) as situated 75.0 feet normally distant Northeasterly of the centerline of said highway; thence Southeasterly along said right-of-way line by a deflection left of 65 degrees 36 minutes, a distance of 160.0 feet to a point of deflection in said right-of-way line at Highway Station 266+65; thence Northeasterly by a deflection left of 74 degrees 52 minutes, a distance of 68.17 feet to a point situated 15.0 feet West of the centerline of the Hobson Road, and 140.0 feet normally distant Northeastward of the centerline of said highway; thence Easterly by a deflection right of 50 degrees 48 minutes, a distance of 15 feet to the centerline of said Hobson Road; thence Northerly on the centerline of the Hobson Road, being also the East line of said Quarter Section, a distance of 130.1 feet to the point of beginning: containing 0.700 Acres.

Subject to the Hobson Road upon and over the East 40 feet thereof, as required by the Fort Wayne City Plan Commission; containing within said right-of-way 0.128 Acres, leaving a net acreage of 0.572 Acres.

Subject to and together with a parking and ingress and egress easement upon and over the paved areas of the subject 0.700 Acre parcel and the 1.55 Acre North adjoiner as defined by Mutual Easement Agreement recorded in Document Number 87- 32663.

EXCEPT 12/13 002 79 32663

(9) 205th 1424024
 RECERTIFIED HEREON &
 SHEETS 1-5 ATTACHED
 AS OF APRIL 25, 2014.
Hans C. Hofer



OWNER/CLIENT SCHEDULED SURVEY/HARD COPY
 JOB NO. 9402026
 FIELD WORK ON: 3/1, 4/96
 FILE NO. MUT. SEC. 88.

0
 SCALE 1 inch = foot

FLOOD PLAIN CERTIFICATE

THIS PARCEL LIES IN ZONE "X", PER FIRM MAP
 PANEL 28 D ALLEN CO., IN. EFFECTIVE 8-22-00.
 1995
 (SUBJECT TO MAP SCALE UNCERTAINTY)
 OUTSIDE 500 YEAR FLOOD PLAIN

IN WITNESS WHEREOF, I place my hand and seal
 this 9TH day of MARCH 1996

Michael Davis

of Reference
 (5) SEE REVISED SHEET 5
SURVEYOR'S REPORT

Pursuant to the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 regarding uncertainties as to the location of the property corners and boundary lines found or set by the preceding survey, and by discrepancies and/or ambiguities in the reference monuments, title documents, and evidence of occupation and possession, we hereby submit the following opinions and observations:

1. The theoretical uncertainty of the corners established by this survey due to random errors in measuring the perimeter of said tract falls within the criterion of a Class "B" Survey (0.25 feet) as defined by the aforesaid Indiana Administrative Code.

2. UNCERTAINTY IN THE REFERENCE MONUMENTS:

East corners: 0.75 feet East/West

3. UNCERTAINTY DUE TO POSSIBLE TITLE AMBIGUITIES:

None apparent. No title commitment has been reviewed for this report.

4. UNCERTAINTIES IN LINES OF OCCUPATION AND/OR POSSESSION:

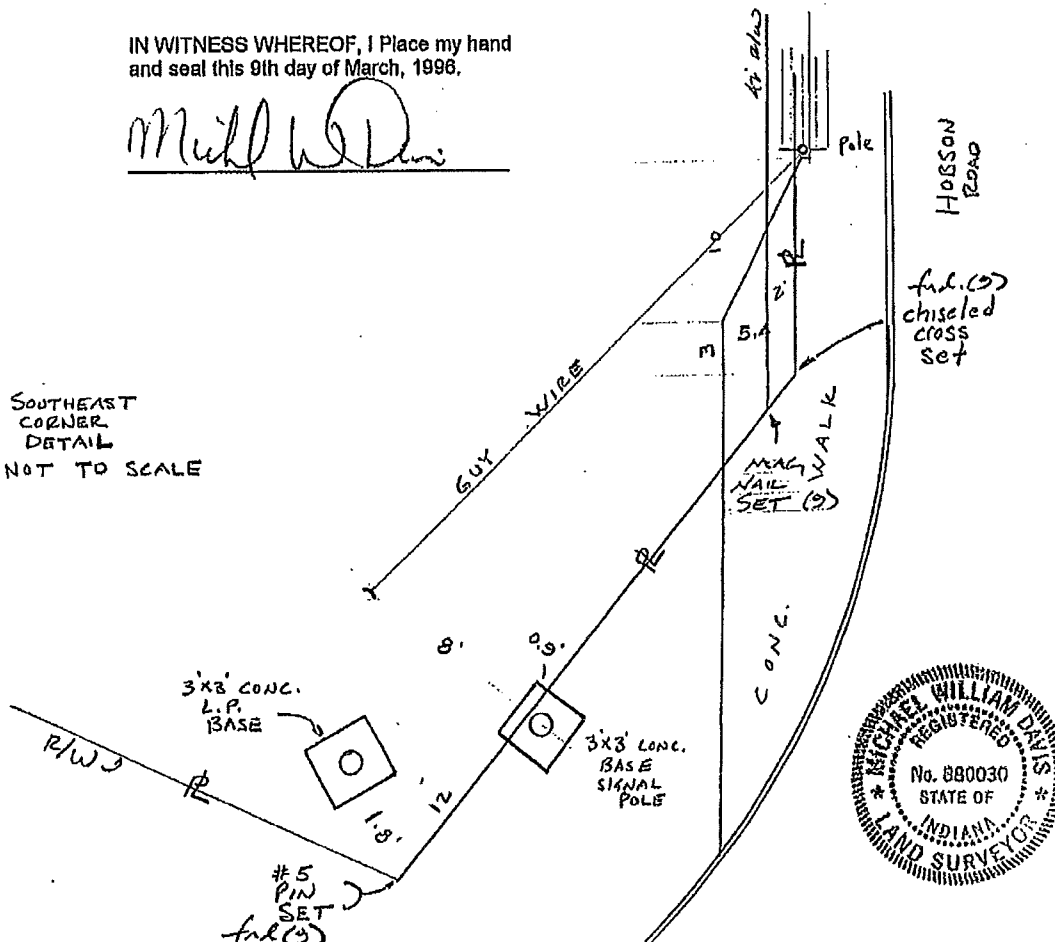
Overhead power lines affixed to crossarms on poles within the right of way of the Hobson Road, as well as a riser to a pole encroaches onto subject property along the West right of way of said Hobson Road by approximately 2 feet. Also, a concrete sidewalk, light pole and signal pole encroach as shown in detail below.

NOTES: This is a recertification of a survey performed by this office on December 27, 1977. In addition, this office has also surveyed both the Northerly adjoiner and the Westerly adjoiner. The corners established for this survey are all in accordance with prior surveys, with the exception of the Westerly right of way line of the Hobson Road, which appears to have shifted 0.75 feet to the East since reconstruction of the roadway from the 1977 position.

IN WITNESS WHEREOF, I Place my hand
 and seal this 9th day of March, 1996.

Michael W. Davis

SOUTHEAST
 CORNER
 DETAIL
 NOT TO SCALE



SURVEYOR REPORT

Pursuant to the Indiana Administrative Code Title 865 Article 1.1, Chapter 12 regarding uncertainties as to the location of the property corners and boundary lines found or set by the preceding survey, and by discrepancies and/or ambiguities in the reference monuments, title documents, and evidence of occupation and possession, we hereby submit the following opinions and observations.

1. The theoretical uncertainty of the corners established by this survey due to random errors in measuring the perimeter of said tract falls within the criterion of a Urban Survey as defined by the aforesaid Indiana Administrative Code.

2. UNCERTAINTY IN THE REFERENCE MONUMENTS:

All corners were found in accordance with prior surveys by this office in 1977 and 1996.

As reported in 1996, the Westerly 40 foot right of way of the Hobson Road appears to have been shifted 0.75 feet East since reconstruction of the roadway from the 1977 position. An additional 2 feet of right of way (42 foot right of way) was taken by Document No. 79-32169 and monumented this survey.

3. UNCERTAINTY DUE TO POSSIBLE TITLE AMBIGUITIES:

Title Commitment reviewed for this report was prepared by FIRST AMERICAN TITLE INSURANCE COMPANY as Commitment No.: 4035-55802 and issued by Metropolitan Title of Indiana, LLC on April 15, 2014 at 8:00 AM and printed April 16, 2014.

Legal Description for the Subject Tract in the commitment is as found in Document No. 970054190.

In regard to Schedule B - Section II:

Item(11): Easement for electric as shown on Sheet 4 of 5.

Item (12): Mutual Easement Agreement as noted on Sheet 4 of 5.

Item (13): Mutual Easement Agreement as noted on Sheet 4 of 5.

Item (14): 42 foot right of way as shown on Sheets 3 and 4 of 5.

4. UNCERTAINTIES IN LINES OF OCCUPATION AND/OR POSSESSION:

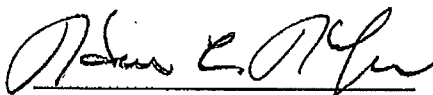
North line through a parking lot with no visible line of possession. West line approximate a parking lot as shown on the Westerly adjoiner, asphalt encroaches approximately 1 foot as shown since 1977. Southerly lines as shown on Sheet 3. East line by the Hobson Road.

NOTES: The Subject Tract is one part of an overall development by BROTHERHOOD MUTUAL LIFE INSURANCE COMPANY that this office has been involved with since 1984. This is a recertification to ALTA/ACSM requirements of the 1977 survey by Carl A. Hofer and the 1996 survey by Michael W. Davis.

To: Mammoth Enterprises, Inc.; Stephen F. Stephens; First American Title Insurance Company; Metropolitan Title of Indiana, LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8 and 9 of Table A thereof. The field work was completed on April 24, 2014.

Date: April 25, 2014



Flood Plain Certificate: This parcel lies in Zone "X" per Firm Map Panel 305, Allen County, Indiana effective August 3, 2009

Job# (9) 1404024

Field Work: April 21 and 23 2014

Owner: Mammoth Enterprises



2014024165

RECORDED: 06/02/2014 3:52:45 PM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

Tax Key No.: _____

Mail tax bills to: *Harvest Dr.*

12114 Golden
Fort Wayne, IN 46815

CORPORATE WARRANTY DEED

This indenture witnesseth that Mammoth Enterprises, Inc., an Indiana Corporation, by *Mark Kaufman* its *Vice President*, being over the age of eighteen (18) years

of Allen County in the State of Indiana

Conveys and warrants to S & L Enterprises II, L.L.C.

of Allen County in the State of Indiana

for and in consideration of One Dollar (\$1.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following described Real Estate in Allen County in the State of Indiana, to wit:

Part of a certain 2.25 acre tract conveyed by Mutual Security Life Insurance Company to Hemlock Development Inc., as recorded in Deed Record 658-, pages 49-50 on August 17, 1965. 02-08-30-427-003.000-072

St Joe 90407

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in Allen County, Indiana, in particular described as follows to-wit:

Commence on the East line of the Southeast Quarter of said Section 30 as defined by the centerline of Hobson Road, at a point situated 605.18 feet South of the Northeast corner of said Southeast Quarter; thence Westerly on a line perpendicular to said Hobson Road centerline, a distance of 204.5 feet to the West line of said 2.25 acres as formerly established; thence Southerly by a deflection left of 90 degrees 00 minutes on a line parallel to the East line of said Quarter Section, a distance of 116.2 feet to a pipe found on the North right-of-way line of U.S. Highway No. 30 .F. Project 724 (5) 1953 (Coliseum Blvd.) as situated 75.0 feet normally distant Northeasterly of the centerline of said highway; thence Southeasterly along said right-of-way line by a deflection left of 65 degrees 36 minutes, a distance of 160.0 feet to a point of deflection in said right-of-way line at Highway Station 266+65; thence Northeasterly by deflection left of 74 degrees 52 minutes, a distance of 68.17 feet to a point situated 15.0 feet West of the centerline of the Hobson Road, and 140.0 feet normally distant Northeastward of the centerline of said highway; thence Easterly by a deflection right of 50 degrees 48 minutes, a distance of 15 feet to the centerline of said Hobson Road; thence Northerly on the centerline of the Hobson Road, being also the East line of said Quarter Section, a distance of 130.1 feet to the point of beginning; said in previous deeds to contain 0.700 acres, more or less.

Commonly known as: 3601 Hobson Road, Fort Wayne, IN 46815

Subject to conditions, restrictions, and easements, if any, visible or of record. Subject to all due and unpaid real property taxes and assessments, and all subsequent taxes and assessments.

DEED RECITES: There is no Indiana Gross Income Tax owing as a result of this transfer.

The undersigned person(s) executing this deed represents and certifies on behalf of the Grantor, that the undersigned are members and authorized representatives of the Grantor and have been fully empowered by proper resolution of the Grantor, to execute and deliver this deed; that the Grantor is a Corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situated; 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 *29th* day of May, 2014.

Mammoth Enterprises, Inc.

By: _____

its

Mark Kaufman VP

AUDITOR'S OFFICE

Duly entered for taxation. Subject to final acceptance for transfer.

Jun 02 2014

TERA K. KLUTZ

AUDITOR OF ALLEN COUNTY

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 29th day of May, 2014, personally appeared: Mammoth Enterprises, Inc., by Mark Routman, its Vice-President, being over the age of eighteen (18) years, who each acknowledged the execution of the foregoing deed as his free and voluntary act. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Margaret A. Sklenar, Notary Public

Konrad M.L. Urberg

Konrad M.L. Urberg

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.

This instrument prepared by Konrad M.L. Urberg, Attorney No. 20414-02, 803 S. Calhoun Street, Suite 100, Fort Wayne, IN 46802



TIPPMANN & DUMAS, LLC
Parcel No. 02-08-30-427-001.000-072
3111 Coliseum Blvd.
LDR: Document No. 2019000936

PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE HOBSON ROAD AND THE SOUTH LINE OF THE 50 FOOT RIGHT-OF-WAY DEDICATED FOR STREET PURPOSES IN DEED RECORD 633, PAGES 572-573 AND KNOWN AS RUPP DRIVE; THENCE SOUTH 89 DEGREES WEST (DEED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION), ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 10.57 FEET TO THE POINT OF CURVATURE OF A REGULAR CURVE TO THE LEFT HAVING A RADIUS OF 125.0 FEET; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY, ON AND ALONG THE RIGHT-OF-WAY LINE OF RUPP DRIVE AS DEFINED BY THE ARC OF SAID CURVE, AN ARC DISTANCE OF 194.16 FEET; THENCE SOUTH, CONTINUING ON AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 135.0 FEET; THENCE WEST, BY A DEFLECTION ANGLE RIGHT OF 89 DEGREES 05 MINUTES (RECORDED 90 DEGREES), ON AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 27.9 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES WEST, CONTINUING ON AND ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 253.24 FEET TO THE POINT OF CURVATURE OF A REGULAR CURVE TO THE LEFT, HAVING A RADIUS OF 55 FEET; THENCE SOUTHWESTERLY, ON AND ALONG THE ARC OF SAID CURVE AND CONTINUING ON AND ALONG SAID RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 62.33 FEET (RECORDED 62.4 FEET), BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 59.05 FEET AND A BEARING OF SOUTH 58 DEGREES 37 MINUTES 30 SECONDS WEST TO THE POINT OF TANGENCY; THENCE SOUTH 25 DEGREES 45 MINUTES WEST, CONTINUING ON AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 58.04 FEET TO THE POINT OF INTERSECTION OF SAID RUPP DRIVE RIGHT-OF-WAY LINE WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COLISEUM BOULEVARD (FORMERLY US #30 [F] PROJ. 724 [5] 1953); THENCE SOUTH 64 DEGREES 33 MINUTES EAST, ON AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 359.4 FEET; THENCE NORTH 01 DEGREES 03 MINUTES EAST (RECORDED PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER), A DISTANCE OF 237.5 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1.163 ACRES OF LAND.

LAVERN & JOSEPHINE MILLER FAMILY LIMITED PARTNERSHIP
Parcel No. 02-08-30-427-002.000-072
3702 Rupp Drive
LDR: Document No. 2017015581

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows:

Commence on the East line of the Southeast Quarter of said Section 30, as defined by the centerline of Hobson Road at a point situated 220.0 feet South of the Northeast corner of said Southeast Quarter; thence continuing Southerly on the line aforesaid, a distance of 385.18 feet; thence Westerly on a line perpendicular to said Hobson Road centerline, a distance of 204.5 feet to the West border of said 2.25 acres as previously established; thence Northerly by a deflection right of 90 degrees 00 minutes on a line parallel to the East line of said Quarter Section, a distance of 121.3 feet to the Southerly right-of-way line of Rupp Drive, as dedicated by Deed Record 633, pages 752-753 on March 20, 1964, and as established by existing curbs; thence Easterly along the line aforesaid, by deflection right of (88 degrees 57 minutes, Deed) 88 degrees 52 minutes (Actual), a distance of 27.9 feet; thence Northerly by a deflection left of 89 degrees 05 minutes along the East line of Rupp Drive, a distance of 135.0 feet to a point of curve, thence Northerly, Northeasterly and Easterly along Rupp Drive right-of-way line on a curve to the right of 125.0 foot radius (Deed), an 89 degrees 00 minutes central angle, a distance of 194.16 feet as by street dedication recorded, to a point of tangency; thence continuing Easterly along the tangent to said curve, a distance of 50.57 feet to the point of beginning, said in previous deeds to contain 1.55 acres, more or less.

EXCEPT the Hobson Road upon and over the East 40 feet thereof as dedicated by instrument recorded as Document Number 79-25000, containing within said right-of-way exception 0.354 acres, leaving a net acreage of 1.196 Acres, more or less.