

#REZ 2024 0028

BILL NO. Z-24-06-17

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-22 (Sec. 26 of Washington 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 I1/Limited
Industrial District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

LEGAL DESCRIPTION:

TRACT 1 - DOCUMENT NUMBER 2007052335:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN
COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS WELLS STREET (BMA
ROAD) AT A POINT SITUATED 276.06 FEET SOUTH OF THE POINT OF INTERSECTION OF SAID ROAD
CENTERLINE BY THE NORTH LINE OF THE SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 28
MINUTES 41 SECONDS EAST (ASSUMED BEARINGS) ALONG THE SAID ROAD CENTERLINE, A DISTANCE
OF 454.59 FEET TO THE NORTHEAST CORNER OF LOT "A" IN ROMY'S OUT LOTS AS SITUATED BY DEED
11 CHAINS SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 58
MINUTES 16 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT "A" AS ESTABLISHED, A DISTANCE
OF 330.07 FEET (330 FEET, DEED) TO A #4 PIN IN PIPE FOUND ON AN EAST LINE OF A 21.91 ACRE
TRACT DESCRIBED IN INSTRUMENT NUMBER 73-4746; THENCE NORTH 0 DEGREES 59 MINUTES 16
SECONDS WEST ALONG SAID EAST LINE AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A
DISTANCE OF 120.00 FEET TO A #4 PIN FOUND AT THE NORTHEAST CORNER OF SAID 21.91 ACRES;
THENCE SOUTH 88 DEGREES 56 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF SAID 21.91
ACRES AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A DISTANCE OF 389.98 FEET TO A 1 INCH
PINCHED PIPE FOUND AT THE SOUTHEAST CORNER OF A 2.70 ACRE TRACT DESCRIBED IN DEED
RECORD 598, PAGE 113; THENCE NORTH 0 DEGREES 56 MINUTES 41 SECONDS WEST ALONG THE
EAST LINE OF SAID 2.70 ACRES AS ESTABLISHED BY FOUND MONUMENTS SET BY A.K. HOFER IN 1953,
A DISTANCE OF 490.98 FEET (491.1 FEET, DEED) TO A 1 INCH PINCHED PIPE FOUND AT THE
NORTHEAST CORNER OF SAID 2.70 ACRES; THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS
EAST ALONG A LINE PARALLEL WITH AND 1.91 CHAINS SOUTH OF THE NORTH LINE OF SAID
QUARTER SECTION BY DEED, A DISTANCE OF 394.30 FEET TO A #5 REBAR SET WITH HOFER AND
DAVIS, INC. CAP AFFIXED, SAID POINT BEING THE FORMER POSITION OF A RAILROAD RAIL POST
SINCE 1953 AND SITUATED 320 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET AND THE
NORTHWEST CORNER OF A 1.10 ACRE TRACT DESCRIBED IN INSTRUMENT NUMBER 86- 21820;
THENCE SOUTH 1 DEGREE 34 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE TRACT
AFORESAID, A DISTANCE OF 150.00 FEET TO A RAILROAD RAIL POST FOUND SINCE 1953 AT THE
SOUTHWEST CORNER OF SAID 1.10 ACRES; THENCE SOUTH 89 DEGREES 57 MINUTES 20 SECONDS
EAST ALONG THE SOUTH LINE OF THE TRACT AFORESAID, A DISTANCE OF 320.00 FEET TO THE
SOUTHEAST CORNER THEREOF AS SITUATED ON THE AFORESAID CENTERLINE AND THE POINT OF
BEGINNING, CONTAINING 7.8069 ACRES OF LAND, MORE OR LESS.

TRACT 2 - DOCUMENT NUMBER 2022027243:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE NORTHEASTERLY LINE OF THE PUBLIC STREET KNOWN AS SHERMAN STREET AS ESTABLISHED ON THE NORTHEASTERLY BORDER OF FRANKE PARK, AND RECORDED IN PLAT BOOK 13, PAGE 119, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AT A POINT SITUATED 126.06 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE EAST AND PARALLEL TO THE AFORESAID LINE 380.4 FEET, MORE OR LESS, TO A POINT SITUATED 714.3 FEET WEST OF THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS THE LIMA ROAD; THENCE SOUTH A DISTANCE OF 491.1 FEET TO A POINT SITUATED 719.4 FEET WEST OF THE CENTERLINE OF SAID LIMA ROAD; THENCE WESTWARD BY A DEFLECTION RIGHT OF 90 DEGREES, A DISTANCE OF 175.3 FEET TO THE EAST LINE OF SAID SHERMAN STREET; THENCE NORTHWESTERLY ALONG THE AFORESAID STREET LINE, ON THE ARE OF A CIRCULAR CURVE LEFT, HAVING A RADIUS OF 1253.1 FEET, A DISTANCE OF 215.6 FEET, MORE OR LESS, TO A POINT OF COMPOUND CURVATURE; THENCE CONTINUING NORTHWESTWARD ALONG SAID STREET LINE, ON THE ARE OF A CIRCULAR CURVE LEFT, HAVING A RADIUS OF 598.1 FEET, A DISTANCE OF 357 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, CONTAINING 2.70 ACRES OF LAND, MORE OR LESS, IN ALLEN COUNTY, INDIANA.

and the symbols of the City of Fort Wayne Zoning Map No. L-22 (Sec. 26 of Washington 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-2024-0028
Bill Number: Z-24-06-17
Council District: 3 – Nathan Hartman

Introduction Date: June 25, 2024

Plan Commission
Public Hearing Date: July 8, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 10.583 acres from I1/Limited Industrial, R1/Single Family Residential, and RP/Planned Residential to I1/Limited Industrial

Location: 3706 Sherman Blvd and 3675 Wells Street, immediately south of existing house at 3706 Sherman Blvd (Section 26 of Washington Township)

Reason for Request: To create uniform zoning and development standards and permit expansion of existing zoo.

Applicant: Fort Wayne Zoological Society, Inc.

Property Owner: Fort Wayne Zoological Society, Inc.

Related Petitions: Primary Development Plan – Fort Wayne Children's Zoo Veldt Barn Replacement

Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district, which will create uniform zoning and development standards and permit expansion of existing zoo.

Effect of Non-Passage: Property will remain zoned I1/Limited Industrial, R1/Single Family Residential, and RP/Planned Residential, which does not permit expansion of existing zoo. The site will continue with existing uses, and may be redeveloped with limited uses as there is a split zoning.



REZ-2024-0028 and PDP-2024-0036 - Fort Wayne Children's Zoo Veldt Barn Replacement

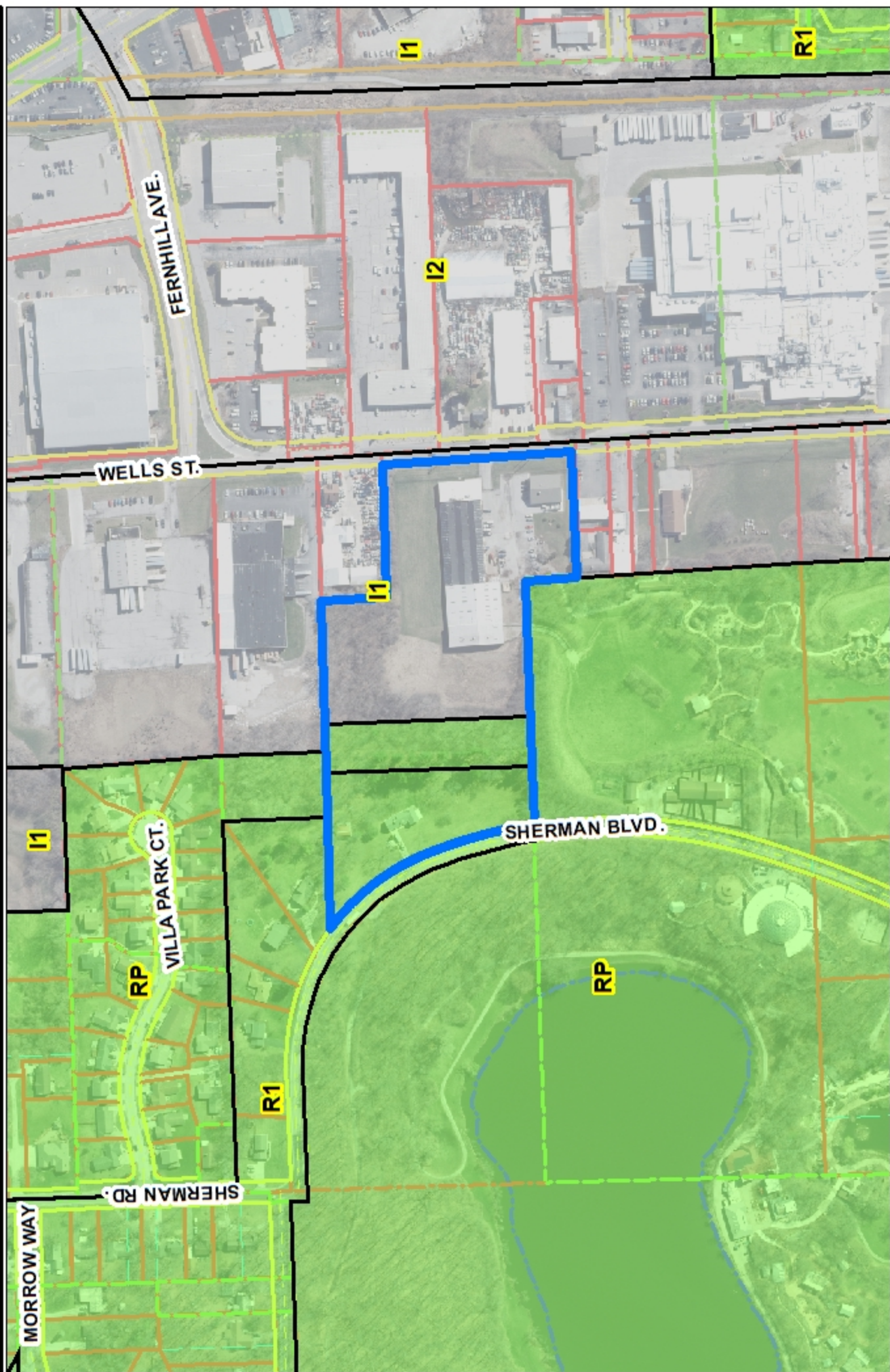


Although every accuracy standard has been followed, the City of Fort Wayne, Indiana, does not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane, Cordoba Systems, Indiana East
Photos and Contours: Spring 2009
Date: 6/17/2024



1 inch = 300 feet



Although every effort has been made to ensure the accuracy of the information contained herein, the City of Fort Wayne and its Board of Commissioners assume no liability for any errors or omissions in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/17/2024



1 inch = 300 feet

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Fort Wayne Zoological Society Inc.
Address 3411 Sherman Blvd.
City Fort Wayne State IN Zip 46808
Telephone _____ E-mail _____

Property Ownership

Property Owner Same as Applicant
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

Contact Person

Contact Person Mark H. Bains, Barrett McNagny LLP
Address 215 E. Berry Street
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9551 E-mail mhb@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 3706 Sherman Blvd. and 3675 Wells Street Township and Section Washington / 26
Present Zoning 11, R1, and RP Proposed Zoning 11 Acreage to be rezoned 10.583 Acres
Purpose of rezoning (attach additional page if necessary) To allow the construction of a new African Veldt Barn replacing the existing dilapidated barn. Once the new barn is constructed, Applicant anticipates the demolition of the existing barn which will allow for more exhibits in the African Journey exhibit.
Sewer provider City of Fort 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 (please complete attached document)

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

See attached Exhibit A

(printed name of applicant) _____ (signature of applicant) _____ (date) _____

See attached Exhibit A

(printed name of property owner) _____ (signature of property owner) _____ (date) _____



Received	Receipt No.	Hearing Date	Petition No.
6-4-24	145636	7-8-24	REZ-2024-0028
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			



Exhibit A
Signature Page

"APPLICANT & PROPERTY OWNER"

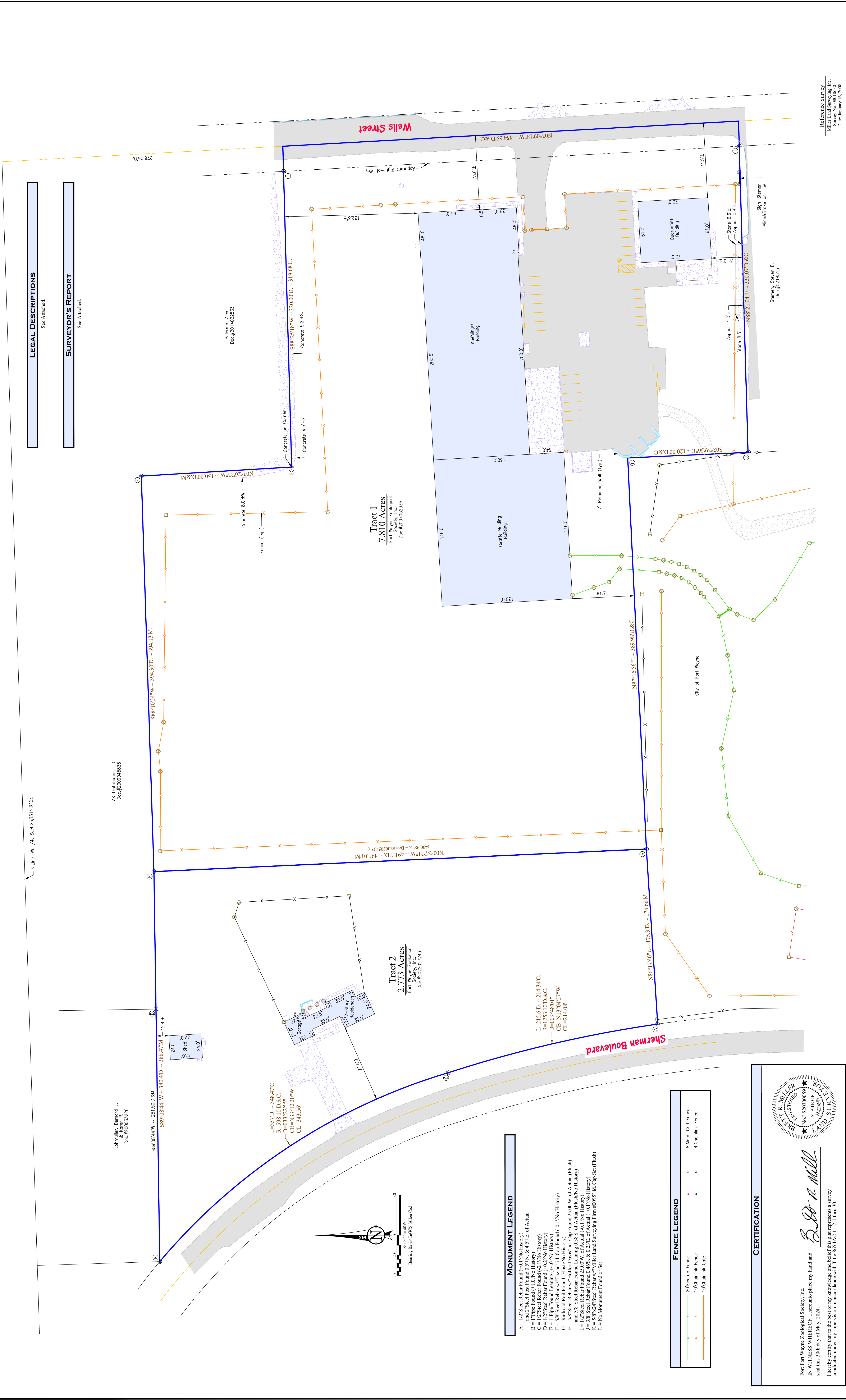
Fort Wayne Zoological Society Inc.

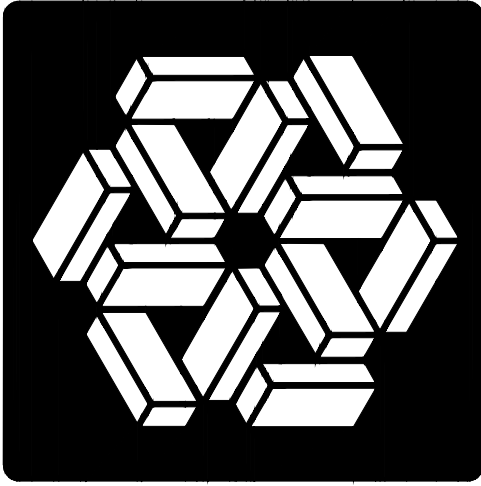
By: 

Date: 6.4.24

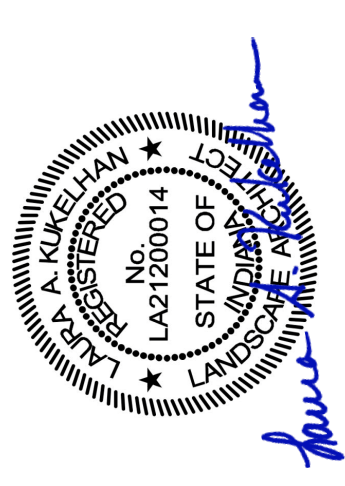
Name: Casindra N Shoot

Its: _____





MSKTD & Associates
Architecture | Engineering | Interior Design
1715 Magnavox Way
Fort Wayne, IN 46804
260.432.3337
www.msktd.com



Veldt Barn Replacement for:
Fort Wayne Children's Zoo

3675 Wells Street
Fort Wayne, Indiana 46808

PROJECT NO. **8063**
DATE **06-04-2024**
REV. _____

SET DESCRIPTION
SHEET TITLE
Primary Development Plan
SHEET NUMBER

L0-1

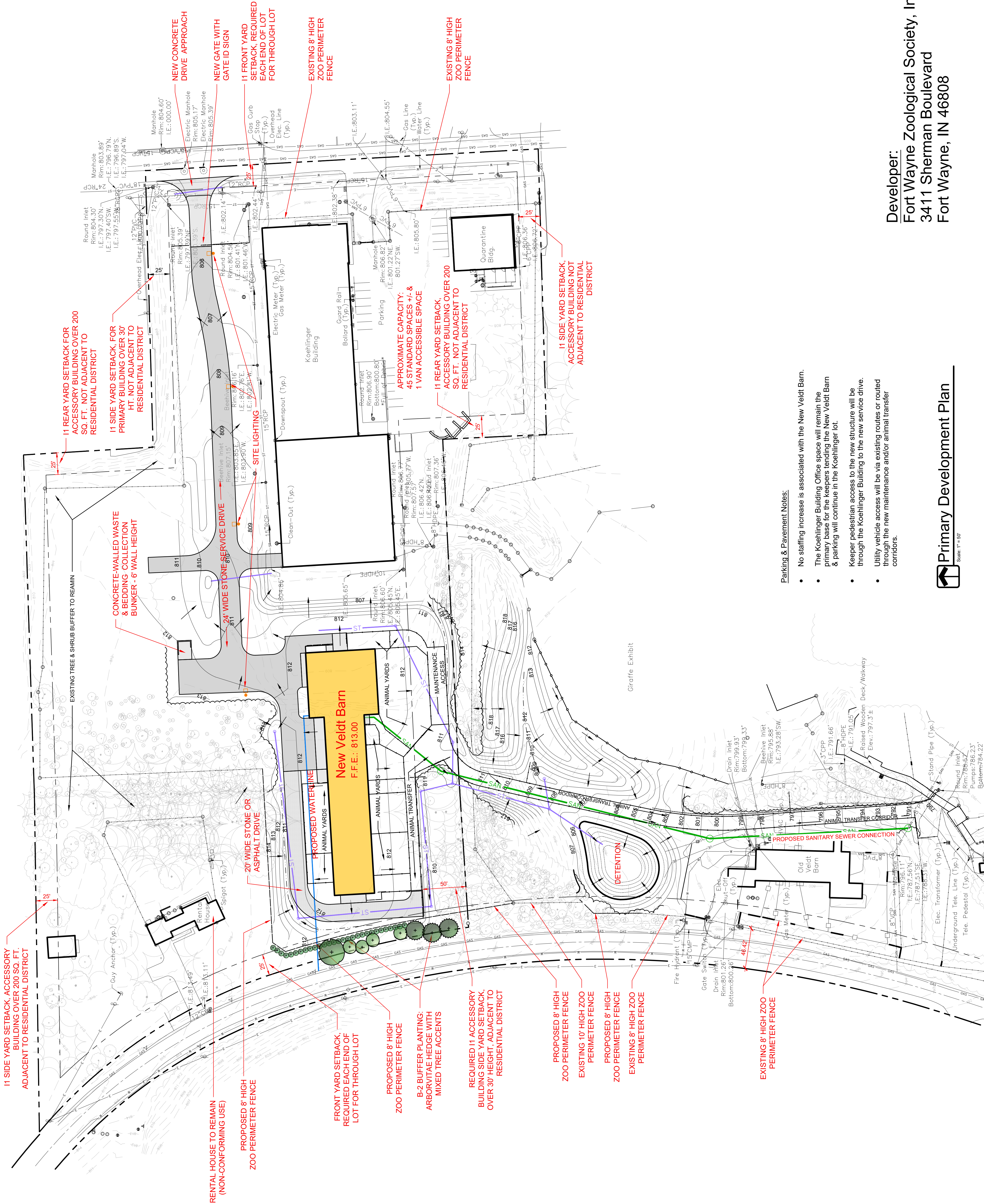
Developer:
Fort Wayne Zoological Society, Inc.
3411 Sherman Boulevard
Fort Wayne, IN 46808

Primary Development Plan

Scale: 1" = 50'

Parking & Pavement Notes:

- No staffing increase is associated with the New Veldt Barn.
- The Koehlinger Building Office space will remain the primary base for the keepers tending the New Veldt Barn & parking will continue in the Koehlinger lot.
- Keeper pedestrian access to the new structure will be through the Koehlinger Building to the new service drive.
- Utility vehicle access will be via existing routes or routed through the new maintenance and/or animal transfer corridors.



Legal Descriptions

Tract 1 - Document Number 2007052335:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS WELLS STREET (BMA ROAD) AT A POINT SITUATED 276.06 FEET SOUTH OF THE POINT OF INTERSECTION OF SAID ROAD CENTERLINE BY THE NORTH LINE OF THE SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 28 MINUTES 41 SECONDS EAST (ASSUMED BEARINGS) ALONG THE SAID ROAD CENTERLINE, A DISTANCE OF 454.59 FEET TO THE NORTHEAST CORNER OF LOT "A" IN ROMY'S OUT LOTS AS SITUATED BY DEED 11 CHAINS SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT "A" AS ESTABLISHED, A DISTANCE OF 330.07 FEET (330 FEET, DEED) TO A #4 PIN IN PIPE FOUND ON AN EAST LINE OF A 21.91 ACRE TRACT DESCRIBED IN INSTRUMENT NUMBER 73-4746; THENCE NORTH 0 DEGREES 59 MINUTES 16 SECONDS WEST ALONG SAID EAST LINE AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A DISTANCE OF 120.00 FEET TO A #4 PIN FOUND AT THE NORTHEAST CORNER OF SAID 21.91 ACRES; THENCE SOUTH 88 DEGREES 56 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF SAID 21.91 ACRES AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A DISTANCE OF 389.98 FEET TO A 1 INCH PINCHED PIPE FOUND AT THE SOUTHEAST CORNER OF A 2.70 ACRE TRACT DESCRIBED IN DEED RECORD 598, PAGE 113; THENCE NORTH 0 DEGREES 56 MINUTES 41 SECONDS WEST ALONG THE EAST LINE OF SAID 2.70 ACRES AS ESTABLISHED BY FOUND MONUMENTS SET BY A.K. HOFER IN 1953, A DISTANCE OF 490.98 FEET (491.1 FEET, DEED) TO A 1 INCH PINCHED PIPE FOUND AT THE NORTHEAST CORNER OF SAID 2.70 ACRES; THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG A LINE PARALLEL WITH AND 1.91 CHAINS SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION BY DEED, A DISTANCE OF 394.30 FEET TO A #5 REBAR SET WITH HOFER AND DAVIS, INC. CAP AFFIXED, SAID POINT BEING THE FORMER POSITION OF A RAILROAD RAIL POST SINCE 1953 AND SITUATED 320 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET AND THE NORTHWEST CORNER OF A 1.10 ACRE TRACT DESCRIBED IN INSTRUMENT NUMBER 86- 21820; THENCE SOUTH 1 DEGREE 34 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE TRACT AFORESAID, A DISTANCE OF 150.00 FEET TO A RAILROAD RAIL POST FOUND SINCE 1953 AT THE SOUTHWEST CORNER OF SAID 1.10 ACRES; THENCE SOUTH 89 DEGREES 57 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF THE TRACT AFORESAID, A DISTANCE OF 320.00 FEET TO THE SOUTHEAST CORNER THEREOF AS SITUATED ON THE AFORESAID CENTERLINE AND THE POINT OF BEGINNING, CONTAINING 7.8069 ACRES OF LAND, MORE OR LESS.

Tract 2 - Document Number 2022027243:

Part of the Southwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing on the Northeasterly line of the public street known as Sherman Street as established on the Northeasterly border of Franke Park, and recorded in Plat Book 13, page 119, in the Office of the Recorder of said county, at a point situated 126.06 feet South of the North line of said quarter section; thence East and parallel to the aforesaid line 380.4 feet, more or less, to a point situated 714.3 feet West of the centerline of the public highway known as the Lima Road; thence South a distance of 491.1 feet to a point situated 719.4 feet West of the centerline of said Lima Road; thence Westward by a deflection right of 90 degrees, a distance of 175.3 feet to the East line of said Sherman Street; thence Northwesterly along the aforesaid street line, on the arc of a circular curve left, having



Miller Land Surveying, Inc.

Precision and Professionalism is
Where We Draw the Line.

Brett R. Miller, PS, President
Robert J. Marucci, PS

Page 3 of 5

a radius of 1253.1 feet, a distance of 215.6 feet, more or less, to a point of compound curvature; thence continuing Northwestward along said street line, on the arc of a circular curve left, having a radius of 598.1 feet, a distance of 357 feet, more or less, to the Place of Beginning, containing 2.70 acres of land, more or less, in Allen County, Indiana.

Survey Job #15113349

Date: May 30, 2024

For: Fort Wayne Zoological Society, Inc.

Miller Land Surveying, Inc.

Surveyor's Report
Washington Twp. Sect.26,T31N,R12E
Allen County, Indiana

PURPOSE OF SURVEY:

The purpose of this survey was to retrace the survey parcels described in Document Number 2007052335 and Document Number 202202743 in the Office of the Recorder of Allen County, Indiana.

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the above theory of location was based up the following opinions and observations a result of uncertainties in lines and corners because of the following:

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

The monuments found are shown on the survey and listed on the survey under monument legend.

B) OCCUPATION OR POSSESSION LINES

- * There is an asphalt drive along the South boundary line that encroaches 1.0' +/- at its maximum distance
- * There is concrete along the Northeasterly boundary lines that encroaches 4.5' +/- South and 8.0' +/- at the Maximum distance

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

There were no ambiguities found within the descriptions used for the survey. Documents used include:

- 1) Document Number 2007052335
- 2) Document Number 2022027243
- 3) Document Number 2009045838
- 4) Document Number 200033226
- 5) Document Number 0218513
- 6) Miller Land Surveying, Inc., Survey Number 08010630, January 16, 2008

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

Based on the use of the property (commercial property, industrial property, condominiums, townhouses, apartments, multiunit developments-- single family residential subdivision lots--real estate lying in rural areas) the acceptable relative positional accuracy is rural survey 0.26 feet (79 millimeters) plus 200 ppm.

THEORY OF LOCATION:

Tract 1: The East line (454.59 feet) was established as being 25 feet East of the monuments found and labeled "H" and "I". The South line (330.07 feet) was established by deed distances and verified by monuments "J" and "I". The West (120.00 feet) and South (389.98 feet) lines were established by deed distances and found monuments "B" and "J". The West (494.01 feet) and North (394.13 feet) lines were established by deed called for monuments ("B", "E" and "F"). The North line (394.13 feet) was established by monuments "G" and "H".

Tract 2:

The East line (491.01 feet) was established by deed called for monuments "B" and "E". The South line (174.68 feet) was established by found monuments labeled "B" and "A". The North line (388.47 feet) was established by found monument "E" and the adjoining deed distance of 251.50 feet measured Westerly from found monument "D"



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Brett R. Miller, PS, President
Robert J. Marucci, PS

Page 5 of 5

to establish the Northwest corner of the subject parcel. The Westerly lines (214.34 feet and 348.47 feet) were established by deed radii and based on found monuments "A", "C" and the above mentioned Northwest corner of the subject parcel.

This survey is valid only with original signature and seal, full payment of invoice, and complete with all pages of survey. The information shown on the survey documents is intended for this transaction only as dated on said survey documents. Any reuse without written verification and adaptation by the land surveyor for the specific purpose intended will be at the users' sole risk and without liability or legal exposure to the land surveyor.

Since the last date of field work of this survey, conditions beyond the knowledge or control of Miller Land Surveying, Inc. may have altered the validity and circumstances shown or noted hereon.

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, Brett R. Miller.

The commitment for title insurance was not provided at the time of this report, nor did the surveyor perform a title search. An abstract or title search may reveal additional information affecting the property.

Survey Job #15113349

Date: May 30, 2024

For: Fort Wayne Zoological Society, Inc.

Miller Land Surveying, Inc.

LandAmerica
Lawyers Title

750700968 jh 1
02-07-26-326-003-000-073
02-07-26-326-002-000-073
02-07-26-301-005-000-073
02-07-26-301-004-000-073

Mail tax bills to:

3411 Sherman Boulevard
Fort Wayne, IN 46808

Wash

TRUSTEE'S DEED



* 2 0 0 7 0 5 2 3 3 5 5 *

2007052335

RECORDED ON
09/17/2007 11:16:17AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

REC FEE: 24.00
TRANS # 8322

THIS INDENTURE WITNESSETH, That LAKE CITY BANK, as Successor Trustee of the Lynn A. Koehlinger Credit Trust ("Grantor") of Allen County in the State of Indiana, CONVEYS TO Fort Wayne Zoological Society Inc. ("Grantee") of Allen County, in the State of Indiana, in consideration of Ten and no/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, Indiana, in the State of Indiana:

See attached Exhibit "A" for legal description of real estate being conveyed herein.

Subject to all covenants, easements, restrictions, assessments, limitations, reservations, and conditions and rights-of-way of record.

DEED RECITAL

Grantor herein, as Successor Trustee, affirms that said Successor Trustee has the continuing, unlimited and unrestricted power and authority in its discretion to sell, convey, lease, and mortgage as Successor Trustee, the real estate herein conveyed and to thereby convey and/or encumber the fee simple title thereto, and with no lesser powers than if it were the beneficial and fee simple owner thereof, and any conveyances, mortgage, and/or other contracts whatsoever affecting said real estate executed by the said Successor Trustee under this Deed, as well as the terms and conditions of any such sales, conveyances, mortgages or other instruments are hereby authorized by the Trust and no purchasers, mortgagees, or other persons dealing with the Successor Trustee shall be required or obligated to look to the application of any purchase money or mortgage proceeds, or otherwise to the purposes of this trust, and that the trust has not been revoked, and is still in full force and effect.

This Deed is executed by virtue of and pursuant to the authority vested in said Successor Trustee in and by said Trust Agreement.

FILED

SEP 14 2007

SALES DISCLOSURE
FORM

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

SEP 14 2007

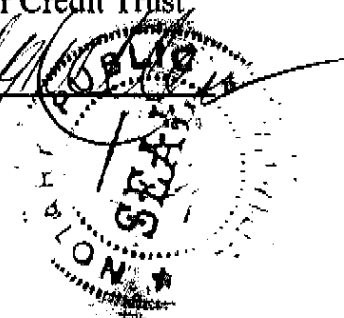
38080
Elizabeth A. Glover
AUDITOR OF ALLEN COUNTY

24

Dated this 13th day of September, 2007.

LAKE CITY BANK, as Successor Trustee
of the Lynn A. Koehlinger Credit Trust

By: [Signature]
Lawrence O. Moller



STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 13th day of September, 2007, personally appeared Lawrence O. Moeller, Vice President and Senior Trust Officer of Lake City Bank, as Successor Trustee of the Lynn A. Koehlinger Credit Trust, who acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
10-12-07

Signature: [Signature]
Printed: RONALD KENT GEHRING, Notary Public
Resident of Allen County, Indiana

*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.*
Ronald K. Gehring

This instrument prepared by Ronald K. Gehring, Attorney at Law, 202 W. Berry Street, Ste. 321, Fort Wayne, Indiana 46802. Phone: (260) 422-6912. Attorney No. 7088-02

EXHIBIT "A"

PARCEL I:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS THE LIMA ROAD A/K/A WELLS STREET AT A POINT SITUATED 276.06 FEET SOUTH OF THE POINT OF THE INTERSECTION ON SAID ROAD CENTERLINE BY THE NORTH LINE OF SAID QUARTER SECTION; THENCE RUNNING SOUTH ALONG THE SAID ROAD CENTERLINE, A DISTANCE OF 129.6 FEET; THENCE WEST, A DISTANCE OF 425 FEET TO A POINT SITUATED 406.26 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTH ON A LINE PARALLEL TO THE CENTERLINE OF SAID WELLS STREET, A DISTANCE OF 200 FEET TO A POINT SITUATED 425 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET; THENCE WEST, A DISTANCE OF 319.4 FEET TO A POINT SITUATED 617.16 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 491.1 FEET TO A POINT SITUATED 126.06 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION AND 714.3 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 394.3 FEET TO A POINT SITUATED 320 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET; THENCE SOUTH AND PARALLEL TO THE CENTERLINE OF SAID WELLS STREET 150 FEET; THENCE EAST, A DISTANCE OF 320 FEET TO THE PLACE OF BEGINNING, CONTAINING 4.93 ACRES OF LAND.

EXCEPT:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS LIMA ROAD A/K/A WELLS STREET AT A POINT SITUATED 405.66 FEET SOUTH OF THE POINT OF THE INTERSECTION OF SAID ROAD CENTERLINE BY THE NORTH LINE OF SAID QUARTER SECTION; THENCE WEST, A DISTANCE OF 425 FEET TO A POINT SITUATED 406.26 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION FOR THE POINT OF BEGINNING; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 319.4 FEET; THENCE SOUTH 200 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION 319.4 FEET; THENCE NORTH 200 FEET TO THE PLACE OF BEGINNING.

PARCEL II:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF THE LIMA ROAD, SAID POINT BEING 11.00 CHAINS SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE WEST, 330 FEET; THENCE NORTH, 120.12 FEET; THENCE EAST, 330 FEET; THENCE SOUTH, 120.12 FEET TO THE PLACE OF BEGINNING, CONTAINING .91 ACRES.

PARCEL III:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS THE LIMA ROAD A/K/A WELLS STREET, AT A POINT SITUATED 405.66 FEET SOUTH OF THE POINT OF THE INTERSECTION OF SAID ROAD CENTERLINE BY THE NORTH LINE OF SAID QUARTER SECTION; THENCE RUNNING SOUTH ALONG THE SAID ROAD CENTERLINE, A DISTANCE OF 200 FEET; THENCE WEST, A DISTANCE OF 425 FEET TO A POINT SITUATED 606.26 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH ON A LINE PARALLEL TO THE CENTERLINE OF SAID WELLS STREET, A DISTANCE OF 200 FEET; THENCE EAST, 425 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.95 ACRES OF LAND.

PARCEL IV:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS LIMA ROAD A/K/A WELLS STREET AT A POINT SITUATED 405.66 FEET SOUTH OF THE POINT OF THE INTERSECTION OF SAID ROAD CENTERLINE BY THE NORTH LINE OF SAID QUARTER SECTION; THENCE WEST, A DISTANCE OF 425 FEET TO A POINT SITUATED 406.26 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION FOR THE POINT OF BEGINNING; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 319.4 FEET; THENCE SOUTH 200 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION, 319.4 FEET; THENCE NORTH 200 FEET TO THE PLACE OF BEGINNING.

ALSO DESCRIBED ON A SURVEY COMPLETED BY MICHAEL WILLIAM DAVIS OF HOFER AND DAVIS, INC., LAND SURVEYORS, DATED SEPTEMBER 22, 2003, TO-WIT:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING ON THE CENTERLINE OF THE PUBLIC HIGHWAY KNOWN AS WELLS STREET (LIMA ROAD) AT A POINT SITUATED 276.06 FEET SOUTH OF THE POINT OF INTERSECTION OF SAID ROAD CENTERLINE BY THE NORTH LINE OF THE SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 28 MINUTES 41 SECONDS EAST (ASSUMED BEARINGS) ALONG THE SAID ROAD CENTERLINE, A DISTANCE OF 454.59 FEET TO THE NORTHEAST CORNER OF LOT "A" IN ROMY'S OUT LOTS AS SITUATED BY DEED 11 CHAINS SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS WEST ALONG

THE NORTH LINE OF SAID LOT "A" AS ESTABLISHED, A DISTANCE OF 330.07 FEET (330 FEET, DEED) TO A #4 PIN IN PIPE FOUND ON AN EAST LINE OF A 21.91 ACRE TRACT DESCRIBED IN INSTRUMENT NUMBER 73-4746; THENCE NORTH 0 DEGREES 59 MINUTES 16 SECONDS WEST ALONG SAID EAST LINE AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A DISTANCE OF 120.00 FEET TO A #4 PIN FOUND AT THE NORTHEAST CORNER OF SAID 21.91 ACRES; THENCE SOUTH 88 DEGREES 56 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF SAID 21.91 ACRES AS ESTABLISHED BY FOUND ORIGINAL MONUMENTS, A DISTANCE OF 389.98 FEET TO A 1 INCH PINCHED PIPE FOUND AT THE SOUTHEAST CORNER OF A 2.70 ACRE TRACT DESCRIBED IN DEED RECORD 598, PAGE 113; THENCE NORTH 0 DEGREES 56 MINUTES 41 SECONDS WEST ALONG THE EAST LINE OF SAID 2.70 ACRES AS ESTABLISHED BY FOUND MONUMENTS SET BY A.K.HOFER IN 1953, A DISTANCE OF 490.98 FEET (491.1 FEET, DEED) TO A 1 INCH PINCHED PIPE FOUND AT THE NORTHEAST CORNER OF SAID 2.70 ACRES; THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG A LINE PARALLEL WITH AND 1.91 CHAINS SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION BY DEED, A DISTANCE OF 394.30 FEET TO A #5 REBAR SET WITH HOFER AND DAVIS, INC. CAP AFFIXED, SAID POINT BEING THE FORMER POSITION OF A RAILROAD RAIL POST SINCE 1953 AND SITUATED 320 FEET WEST OF THE CENTERLINE OF SAID WELLS STREET AND THE NORTHWEST CORNER OF A 1.10 ACRE TRACT DESCRIBED IN INSTRUMENT NUMBER 86-21820; THENCE SOUTH 1 DEGREE 34 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE TRACT AFORESAID, A DISTANCE OF 150.00 FEET TO A RAILROAD RAIL POST FOUND SINCE 1953 AT THE SOUTHWEST CORNER OF SAID 1.10 ACRES; THENCE SOUTH 89 DEGREES 57 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF THE TRACT AFORESAID, A DISTANCE OF 320.00 FEET TO THE SOUTHEAST CORNER THEREOF AS SITUATED ON THE AFORESAID CENTERLINE AND THE POINT OF BEGINNING, CONTAINING 7.8069 ACRES OF LAND, MORE OR LESS.

Property 3675 Wells St., Fort Wayne, IN
Address:

2022027243

RECORDED: 05/18/2022 10:52:29 AM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

**Washington
Zoo-Devries**

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT MATTHEW D. DEVRIES and SAMANTHA R. DEVRIES, husband and wife, each over the age of eighteen (18) years, of Allen County in the State of Indiana, CONVEY AND WARRANT TO FORT WAYNE ZOOLOGICAL SOCIETY, INC., an Indiana Nonprofit Corporation, doing business in Allen County in the State of Indiana, for and in consideration of Two Dollars (\$2.00) and other good and valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to-wit:

Part of the Southwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the Northeasterly line of the public street known as Sherman Street as established on the Northeasterly border of Franke Park, and recorded in Plat Book 13, page 119, in the Office of the Recorder of said county, at a point situated 126.06 feet South of the North line of said quarter section; thence East and parallel to the aforesaid line 380.4 feet, more or less, to a point situated 714.3 feet West of the centerline of the public highway known as the Lima Road; thence South a distance of 491.1 feet to a point situated 719.4 feet West of the centerline of said Lima Road; thence Westward by a deflection right of 90 degrees, a distance of 175.3 feet to the East line of said Sherman Street; thence Northwestward along the aforesaid street line, on the arc of a circular curve left, having a radius of 1253.1 feet, a distance of 215.6 feet, more or less, to a point of compound curvature; thence continuing Northwestward along said street line, on the arc of a circular curve left, having a radius of 598.1 feet, a distance of 357 feet, more or less, to the Place of Beginning, containing 2.70 acres of land, more or less, in Allen County, Indiana.

Commonly known as 3706 Sherman Boulevard, Fort Wayne, Indiana, 46808; Tax Pin: 02-07-26-301-003.000-073.

SUBJECT to all real estate taxes due and payable.

**DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER**

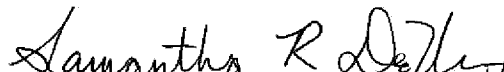
May 18 2022 CP

**NICHOLAS D. JORDAN
ALLEN COUNTY AUDITOR**

SUBJECT to all conditions, easements, restrictions and limitations of record, as well as all applicable zoning ordinances.

DATED this 16th day of May, 2022.


MATTHEW D. DEVRIES


SAMANTHA R. DEVRIES

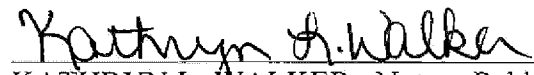
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)



KATHRYN L. WALKER, Notary Public
A resident of Allen County, Indiana
My Commission Expires September 14, 2025

Before me the undersigned Notary Public in and for said County and State, this 16th day of May, 2022, personally appeared MATTHEW D. DEVRIES and SAMANTHA R. DEVRIES, husband and wife, each over the age of eighteen (18) years, and acknowledged execution of the above and foregoing Deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
September 14, 2025
Resident of Allen County, Indiana.


KATHRYN L. WALKER, Notary Public

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. A. DALE BLOOM

This instrument prepared by A. Dale Bloom, Attorney at Law, 200 East Main Street, Suite 1000, Fort Wayne, Indiana, 46802, Telephone: (260) 426-1300.

ATG21592

The mailing address to which tax statements should be mailed under IC 6-1.1-22-8.1, and Grantee's mailing address is: 3411 Sherman Boulevard, Fort Wayne, Indiana, 46808.

Exhibit B
Rezoning Petition Application
Rezoning Questionnaire

1. The Comprehensive Plan.

The Comprehensive Plan identifies various goals for Economic Development within Allen County. One goal is to invest in Fort Wayne and outlying communities to improve the quality of place. One category of investment is to identify and enhance key community, sports, and tourism assets (Economic Development Item 2.2), with the category specifically highlighting the Fort Wayne Children's Zoo as one of the assets in the community that "define local community identity and support arts, culture, and entertainment." Additionally, the Parks & Environment section of the Comprehensive Plan highlights the need to prioritize the maintenance and improvement of existing parks, including the Zoo, which is specifically mentioned.

An approval of the rezoning petition will allow the Fort Wayne Children's Zoo to improve itself. The requested rezoning is necessary to allow for the replacement of the dated African Veldt Barn with the new African Veldt Barn. By constructing the new African Veldt Barn on the land subject to the rezoning request, after the demolition of the old barn, the Zoo will be able to add additional public facing exhibits in the African Veldt area. This sort of improvement and advancement of the Zoo is exactly what the Comprehensive Plan desires.

2. Current Conditions and Character of Current Structures and Uses in the District.

Consistent with the goals of the Comprehensive Plan, the Fort Wayne Children's Zoo continues to grow and improve. This growth is only possible with some expansion of the Zoo's footprint. Anticipating the same, the Zoo has purchased the two properties subject to this rezoning application, the Wells Property in 2007 and the Sherman property in 2022. Through careful planning, including, significant natural screening and an access point coming off of the busier Wells Street, the Zoo's growth is being done in a nature that will be current with the current conditions of the area, without any increase in traffic on Sherman, protecting the residential development north of the zoo, while minimal, if any increase in traffic along Sherman, as no immediate increase in employment is anticipated to result from the construction of the new African Veldt Barn.

3. The Most Desirable Use for which the Land in the District is Adapted.

Again, consistent with the vision established in the Comprehensive Plan, enhancing and improving key community and tourism assets like the Zoo is a positive for Fort Wayne, Allen County, and beyond. This sort of improvement of place, especially when done responsibly, with a site plan that removes any downside to the surrounding area, is the most desirable use of the land.

4. The Conservation of Property Values Throughout the Jurisdiction.

A thriving Zoo will result in an increase in the surrounding property values, not just the conservation of them. And given the buffers contemplated in the site plan as well as the access to the new African Veldt Barn coming from Wells Street, with no real increase in traffic and a related decrease in traffic on Franke Park Drive, as employees will be entering the Zoo off of Wells Street, great care is being taken by the Fort Wayne Children's Zoo to minimize any adverse impact on property values throughout the jurisdiction.

5. Responsible Development and Growth.

Again, consistent with the vision established in the Comprehensive Plan, enhancing and improving key community and tourism assets like the Zoo is a positive for Fort Wayne, Allen County, and beyond. The work of MSKTD on the site plan and the care to minimize any adverse impact on the surrounding area evidence how the Zoo can grow while being responsible with its development and growth.