

#REZ 2024 0022

BILL NO. Z-24-05-12

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-26 (Sec. 27 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 C3/General
Commercial District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 27, Township 31 North, Range 12 East of the
Second Principal Meridian, Washington Township in Allen County, Indiana, based on an
original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller
Land Surveying, Inc., Survey No. 22106704, dated December 7, 2022, and being more
particularly described as follows:

Commencing at the point of intersection of the North line of said Northwest Quarter and
Southerly extension of the centerline of Executive Boulevard; thence South 00 degrees 21
minutes 30 seconds East (Indiana Geospatial Coordinate System - Allen County bearing and
basis of bearings to follow), a distance of 105.00 feet (deed) along said Southerly extension
of the centerline of Executive Boulevard to a point on the North line of an existing tract as
described in Document Number 970004813 in the Office of the Recorder of Allen County,
Indiana, said point also being a point on the Southerly right-of-way line of West Coliseum
Boulevard and the POINT OF BEGINNING of the herein described tract; thence North 89
degrees 38 minutes 30 seconds East, a distance of 25.00 feet (deed) along said Southerly
right-of-way line to a DuraNail with a "Miller" identification ring on the West line of an
existing tract known as Parcel II described in Document Number 960062162 in the Office of
said Recorder; thence South 00 degrees 21 minutes 30 seconds East, a distance of 715.04
feet (716.00 feet deed) along said West line and the West line of an existing tract known as
Parcel III in Document Number 960062162 in the Office of said Recorder to a 5/8" steel
rebar with a "Miller Firm #0095" identification cap on the North line of the plat of Harris
Meadow, Section II as described in Plat Cabinet C, page 58 in the Office of said Recorder;
thence South 89 degrees 44 minutes 31 seconds West, a distance of 123.69 feet along said
North line, and a North line of the plat of Harris Meadow, Section I as described in Plat
Cabinet B, page 131 in the Office of said Recorder to a 5/8" steel rebar with a "Miller Firm
#0095" identification cap on an East line of said plat of Harris Meadow, Section I; thence

North 00 degrees 57 minutes 29 seconds West, a distance of 15.94 feet (plat) along said East line to a point on the North line of said plat of Harris Meadow, Section I, said point being referenced by a 1/2" steel rebar 0.14 feet West and 0.27 feet South; thence South 89 degrees 25 minutes 41 seconds West, a distance of 689.00 feet along said North line and its Westerly extension thereof to the West line of the Northeast Quarter of said Northwest Quarter; thence North 00 degrees 57 minutes 29 seconds West, a distance of 586.50 feet along said West line and within the right-of-way of Harris Road to a point; thence North 89 degrees 02 minutes 31 seconds East, a distance of 20.00 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on a Southeast line of an existing tract described in Document Number 73-06019 in the Office of said Recorder, said point also being a point on the Southeast right-of-way line of said West Coliseum Boulevard; thence North 11 degrees 08 minutes 12 seconds East, a distance of 71.59 feet (deed) along said Southeast line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence North 42 degrees 03 minutes 03 minutes 41 seconds East, a distance of 46.90 feet (49.28 feet deed) continuing along said Southeast line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the Southerly right-of-way line of said West Coliseum Boulevard; thence North 88 degrees 45 minutes 02 seconds East, a distance of 642.96 feet along said Southerly right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence North 89 degrees 38 minutes 30 seconds East, a distance of 85.20 feet along said Southerly right-of-way to the Point of Beginning. Containing 12.993 acres, more or less. Subject to the right-of-way of Harris Road, and subject to easements of record.

EXCEPTING THEREFROM:

Document Number 83-021703

Part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, a distance of 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Boulevard; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, a distance of 105.0 feet to a point on the Southerly right-of-way line of U.S. Highway #30 as it presently exists; thence South 89 degrees 31 West, on and along said Southerly right-of-way line, being a line situated 105.0 feet (measured at right angles) South of and parallel to said North line, distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to said Southerly projection of Executive Boulevard, a distance of 50.0 feet to the true point of beginning; thence continuing South 00 degrees 29 minutes East and parallel to said Southerly projection, a distance of 600.0 feet; thence South 89 degrees 31 minutes West and parallel to said North line, a distance of 365.0 feet; thence North 00 degrees 29 minutes West, and parallel to said Southerly projection, a distance if 350.0 feet; thence

1 North 89 degrees 31 minutes East and parallel to said North line, a distance of 200.0 feet;
2 thence North 00 degrees 29 minutes West and parallel to said Southerly projection, a
3 distance of 248.37 feet to a point situated 50.0 feet South of the Southerly right-of-way line
4 of said U.S. Highway #30; thence North 88 degrees 37 minutes 42 seconds East and parallel
5 to said Southerly right-of-way line, a distance of 105.21 feet; thence North 89 degrees 31
6 minutes East, continuing parallel to said Southerly right-of-way line, a distance of 59.8 feet
7 to the true point of beginning, containing 3.878 acres of land, together with an easement
8 for ingress and egress over the 50 foot-wide strip which lies between the Northerly line of
9 the above described parcel and the Southerly line of said U.S. Highway #30 and together
10 with an easement, 50 feet in width, for ingress and egress, said easement lies East of and
11 adjacent to the East line of the above described parcel and extends from the South line of
12 said parcel to the Southerly right-of-way line of said U.S. Highway #30.

13 **ALSO EXCEPTING THEREFROM:**

14 **Document Number 2016051736**

15 Part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North,
16 Range 12 East of the Second Principal Meridian of Allen County, Indiana, more particularly
17 described as follows:

18 Commencing at the Northeast corner of the said Northwest Quarter; thence South 89
19 degrees 31 minutes 00 seconds West (deed bearing and basis of bearings to follow), a
20 distance of 514.47 feet along the North line of said Northwest Quarter, being within the
21 right-of-way of Coliseum Boulevard (U.S. Highway #30) to the point of intersection of said
22 North line with the Southerly projection of the centerline of Executive Boulevard; thence
23 South 00 degrees 29 minutes 00 seconds East, a distance of 105.00 feet to the South right-
24 of-way of Coliseum as it presently exists; thence North 89 degrees 31 minutes 00 seconds
25 East, a distance of 25.00 feet along said right-of-way line; thence South 00 degrees 29
26 minutes 00 seconds East, a distance of 50.00 feet parallel with the Southerly projection of
27 said Executive Boulevard centerline; thence South 89 degrees 31 minutes 00 seconds West
28 a distance of 109.80 feet parallel with said South right-of-way line also being partially along
29 the North line of an existing tract described in Document Number 83-21703 in the Office of
30 the Recorder of Allen County, Indiana; thence South 88 degrees 37 minutes 42 seconds
West, a distance of 105.21 feet continuing along said North line to a 5/8" steel rebar set on
a West line of said existing tract, said point also being the POINT OF BEGINNING of the
herein described tract; thence South 00 degrees 29 minutes 00 seconds East, a distance of
248.37 feet along said West line to a 5/8" steel rebar set on a North line of said existing
tract in Document 83-21703; thence South 89 degrees 31 minutes 00 seconds West, a
distance of 134.00 feet along said North line to a 5/8" steel rebar set; thence North 00
degrees 29 minutes 00 seconds West, a distance of 246.29 feet parallel with the West line
of said existing tract to a 5/8" steel rebar set on the Westerly extension of the North line of
said existing tract; thence North 88 degrees 37 minutes 42 seconds East, a distance of
134.02 feet along said Westerly extension line to the Point of Beginning. Containing after
said exceptions a total of 8.354 acres.

1
2 and the symbols of the City of Fort Wayne Zoning Map No. J-26 (Sec. 27 of Washington
3 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
4 Wayne, Indiana is hereby changed accordingly.

5 SECTION 2. If a written commitment is a condition of the Plan Commission's
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and
7 approved by the Common Council as part of the zone map amendment, that written
8 commitment is hereby approved and is hereby incorporated by reference.

9 SECTION 3. That this Ordinance shall be in full force and effect from and after its
10 passage and approval by the Mayor.

11 _____
12 Council Member

13 APPROVED AS TO FORM AND LEGALITY:

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15 _____
16 Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2024-0022
Bill Number: Z-24-05-12
Council District: 3 – Nathan Hartman

Introduction Date: May 28, 2024

Plan Commission
Public Hearing Date: June 10, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 8.354 acres from C2/Limited Commercial to C3/General Commercial

Location: 2000 Blk of W Coliseum Blvd, the southeast corner of W Coliseum Blvd and Harris Road (Section 27 of Washington Township)

Reason for Request: To permit a self-storage unit with a residential facility.

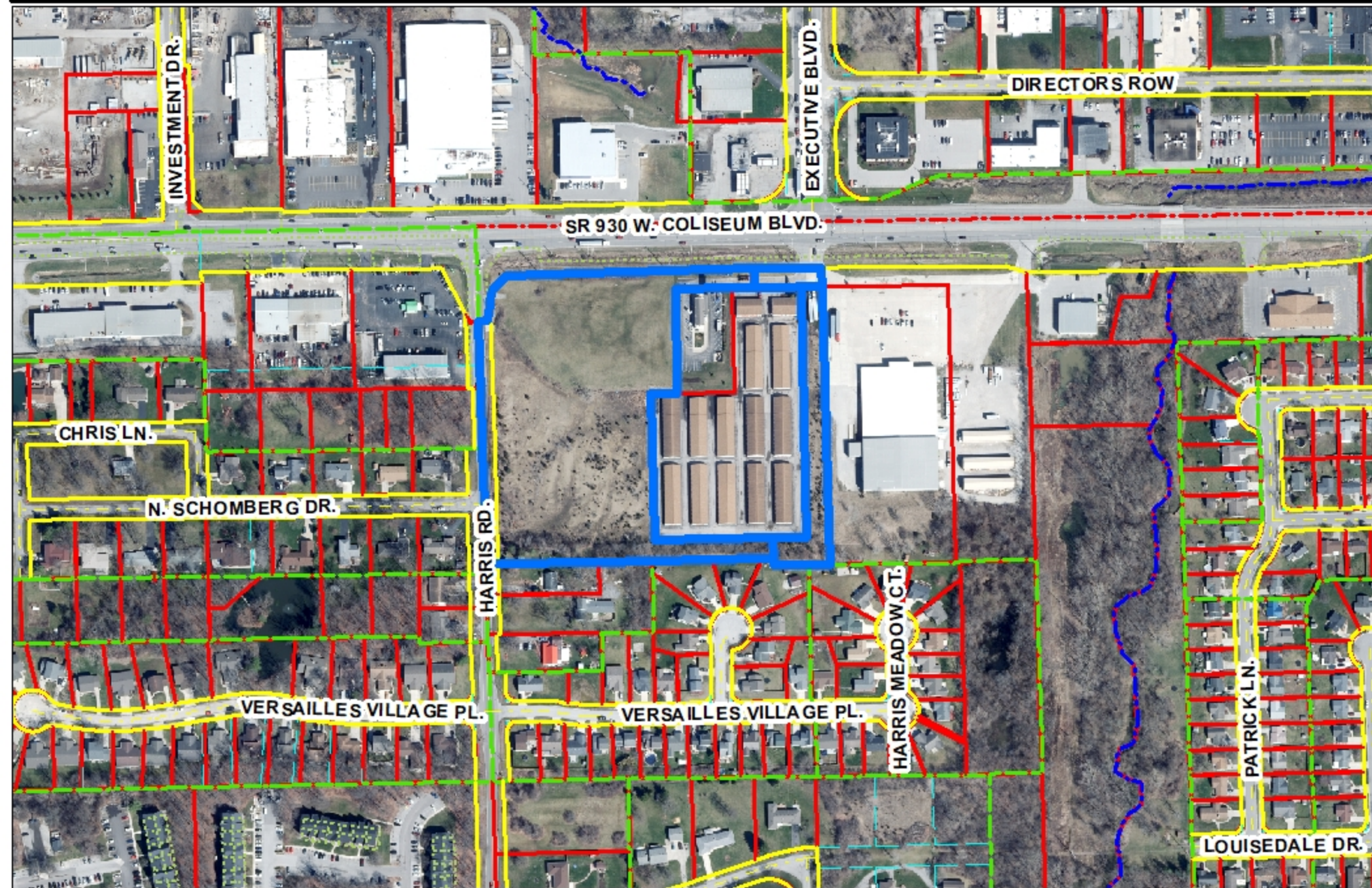
Applicant: Sandlian Family Land Reserve, LLC

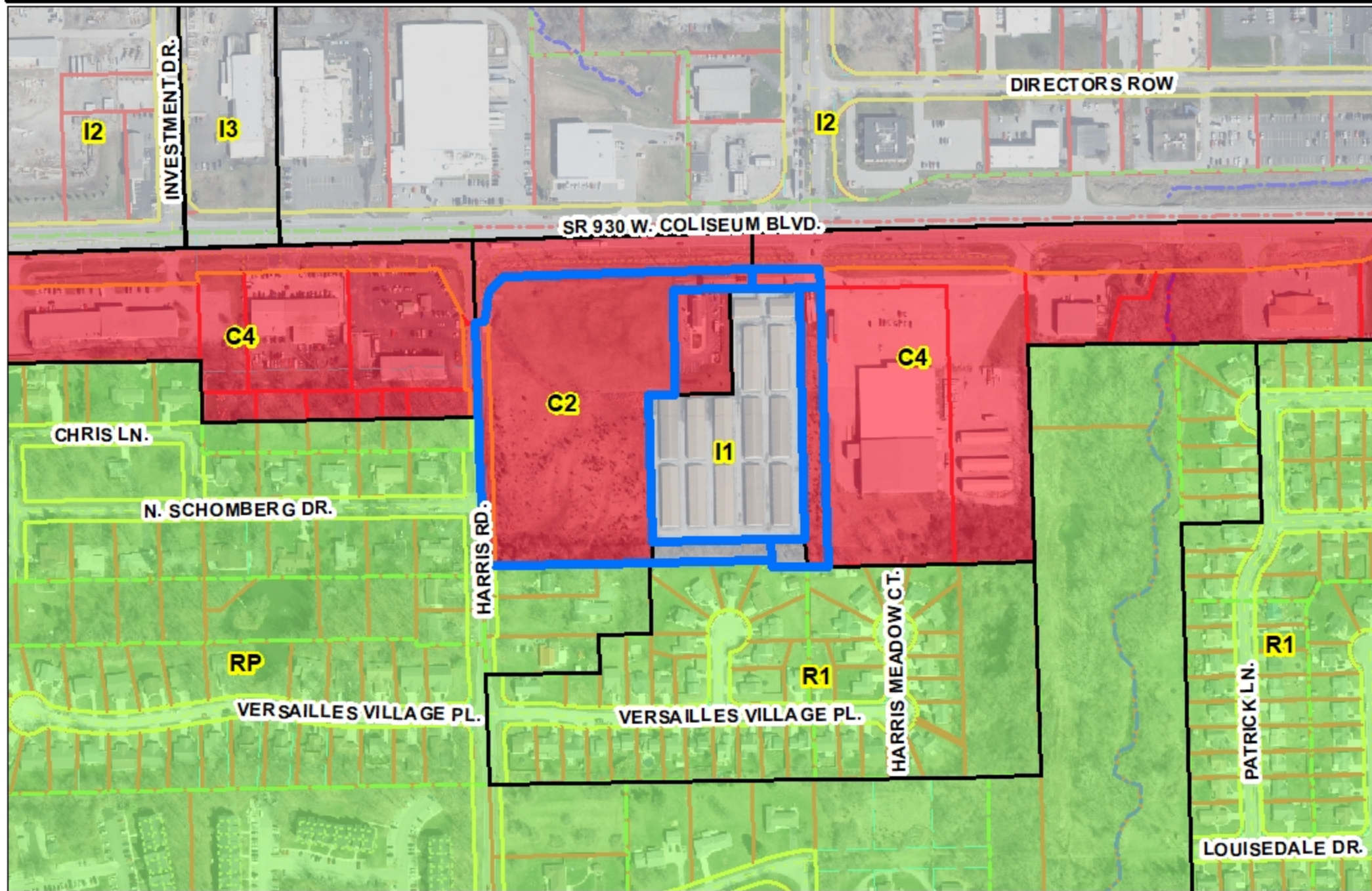
Property Owner: Kelsey Floyd B Jr & SGT Realty LLC & Hagerman Properties LP

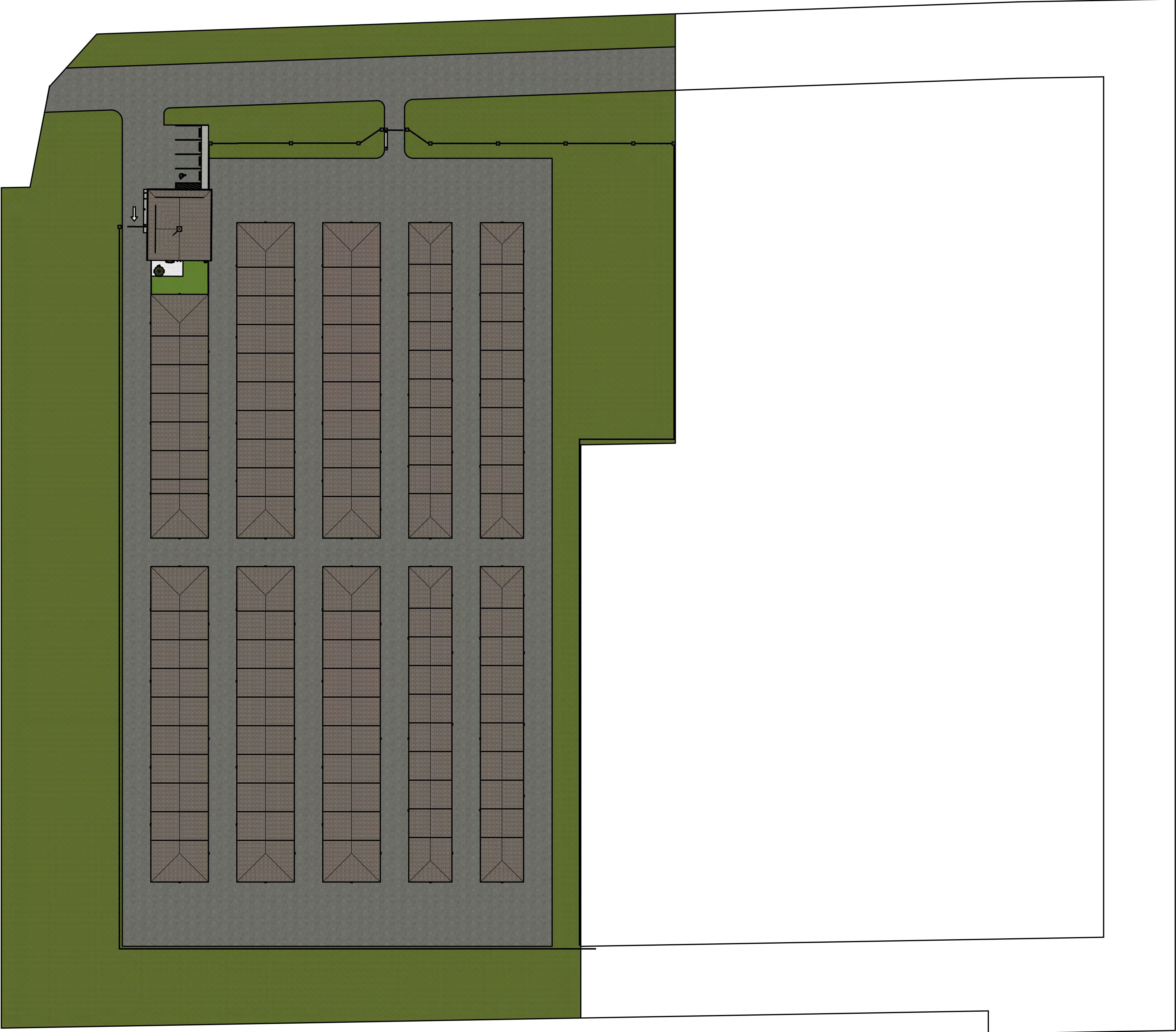
Related Petitions: Primary Development Plan – U-Stor Harris

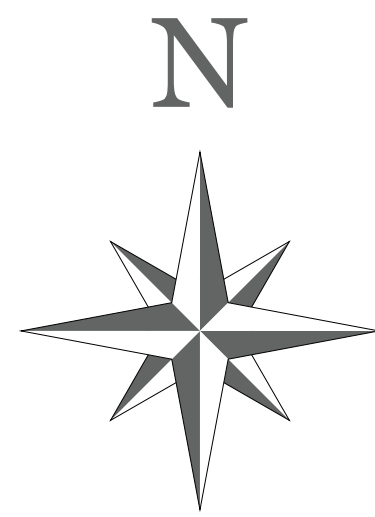
Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow for a self-storage unit with a residential facility.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial which does not permit a self-storage unit with a residential facility. The site will continue with existing uses, and may be redeveloped with areas for moderate intensity business, community, office, personal service, and limited retail uses, along with certain residential facilities uses.

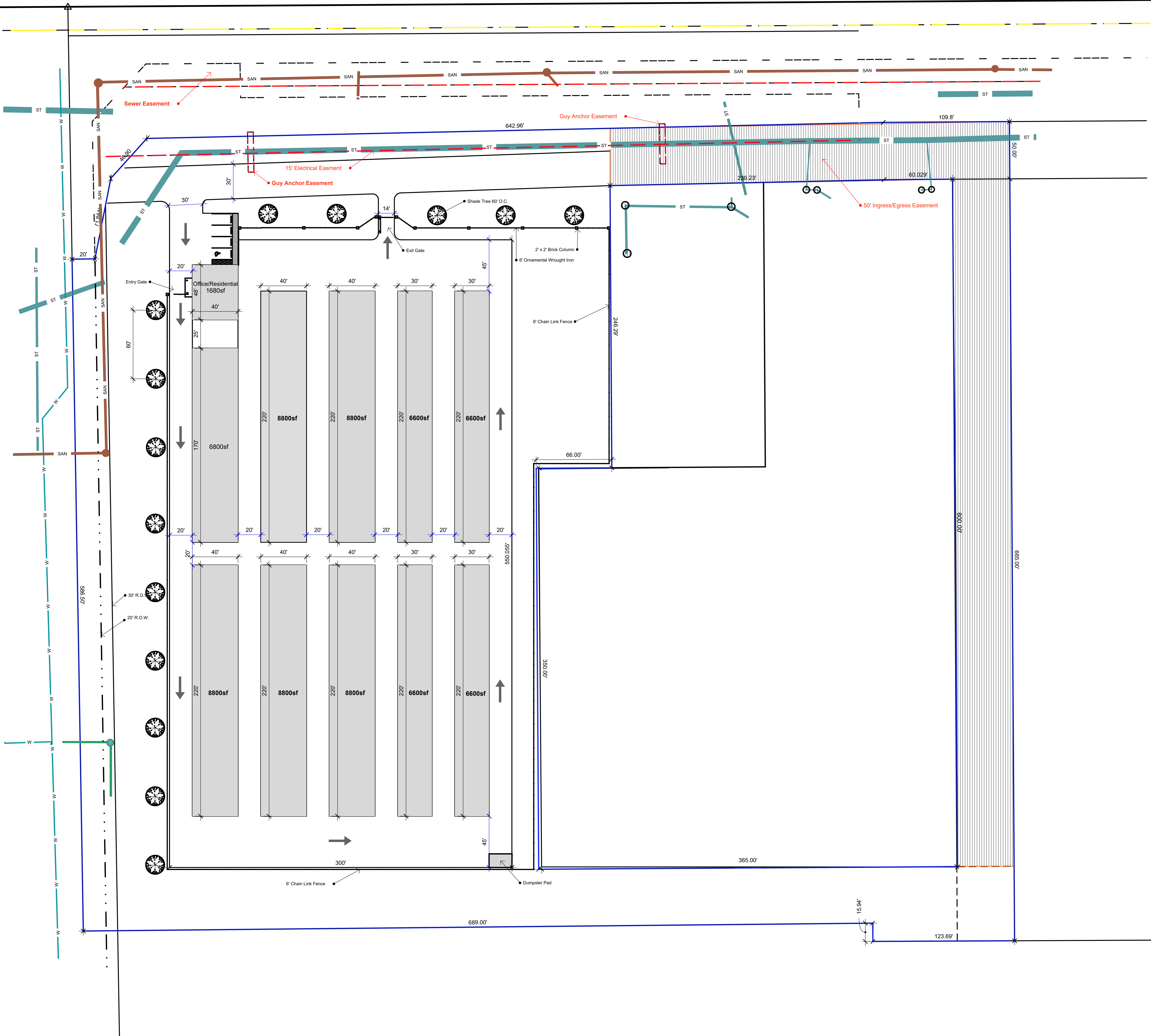




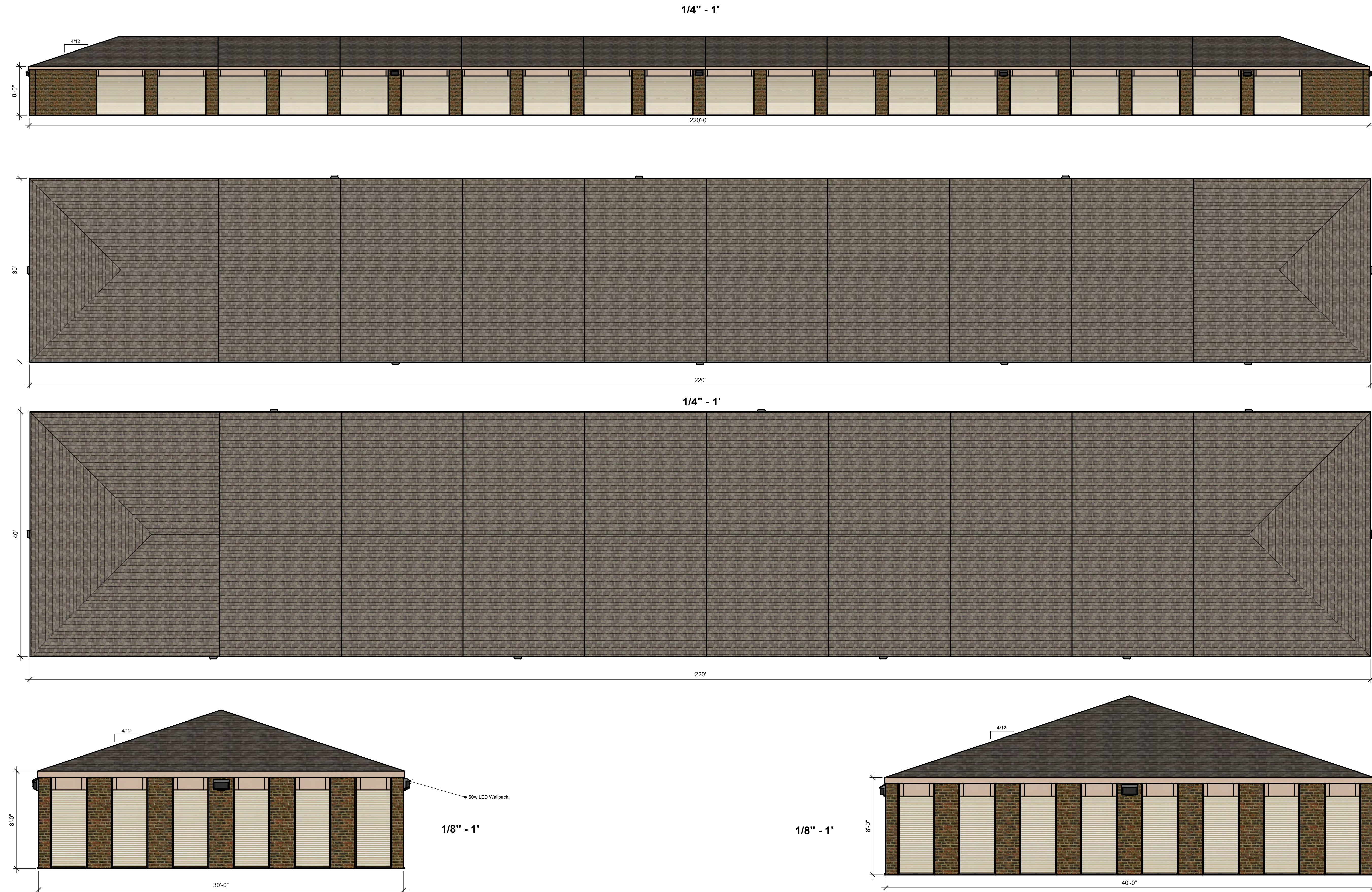




Scale 1:40









1/4" to 1'



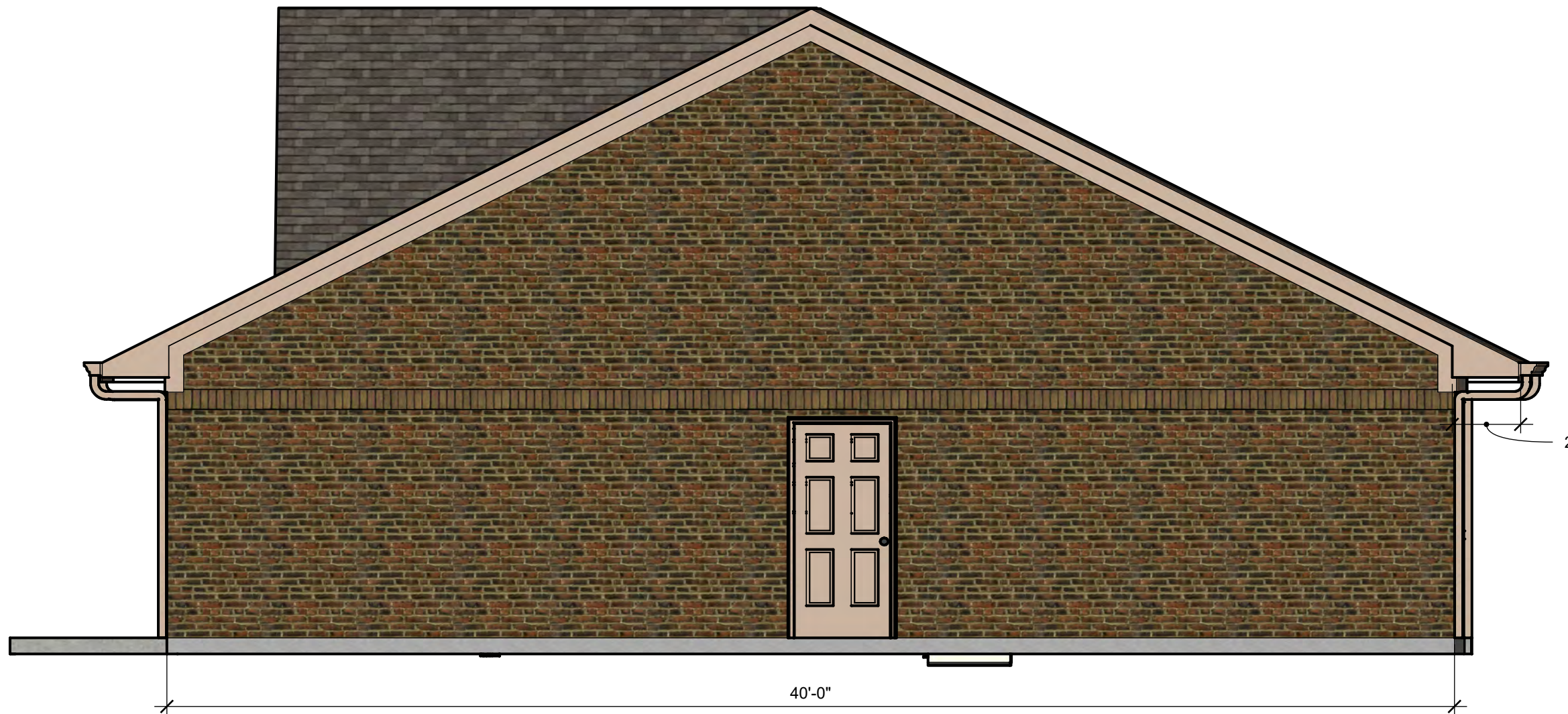
1/4" to 1'



1/4" to 1'



3/8" to 1'



1/4" to 1'



U-STOR Harris

10913 E. 126th Street
Fishers, IN 46038

ISSUE
4-15-2024
RE-ISSUE
4-24-2024

PROJECT NO.
3
PROJECT
Fort Wayne Harris

DRAWN BY
Colby B Sandlian II

a

05

Tax Key No. _____

CORPORATE DEED

1970004813 Page 1

See Exhibit "A" attached.

RECORDED
01/29/1997 15:13:17
RECORDER
VIRGINIA L. YOUNG
ALLEN COUNTY, IN

Doc. No. 970004813
Receipt No. 1796

DCFD	3.00
DEED	8.00
SCSF	1.00
Total	12.00

Grantor certifies that there is no corporate gross income tax due as a result of this transaction.

JULY ENTERED FOR TAXATION:

JAN 29 1997

[Signature]
 SPECIAL AGENT IN CHARGE

The undersigned person(s) executing this deed represent(s) and certify (certifies) on behalf of the Grantor, that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws 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 situate; 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.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 27th day of January, 19 97 Sturges Griffin Trent & Company, Inc.

By _____

(PRINTED NAME AND OFFICE)

By Richard B. Sturges, Jr.

Richard B. Sturges, Jr., President
(PRINTED NAME AND OFFICE)

STATE OF INDIANA
COUNTY OF ALLEN

Before me, a Notary Public in and for said County and State, personally appeared Richard B. Sturges, Jr.,

~~XXXX~~ _____ the President

AND xxxxxx of Sturges Griffin Trent & Company, Inc.,
who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn,
stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 27th day of January, 1997

My Commission Expires: 4-30-99 Signature Kelly J. Cannon

Resident of Allen County Printed Kelly J. Cannon Notary Public

This instrument prepared by Philip L. Carson Attorney at Law

Mail to: SGT
202 W. Berry St., Ste. 610
Ex FT WAYNE IN 46802

EXHIBIT "A"

Part of the East 576.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Blvd.; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, 105.0 feet to a point on the Southerly right-of-way line of U. S. Highway #30 as it presently exists, said point being the true point of beginning; thence North 89 degrees 31 minutes East, on and along said Southerly right-of-way line, being a line 105.0 feet (measured at right angles) South of and parallel to said North line, a distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to and 25.0 feet (measured at right angles) East of the Southerly projection of the centerline of Executive Blvd.; 50.0 feet; thence South 89 degrees 31 minutes West, a distance of 160.55 feet; thence North 00 degrees 29 minutes West and parallel to and 135.55 feet (measured at right angles) West of the Southerly projection of said centerline of Executive Blvd., 50.0 feet to said Southerly right-of-way line; thence North 89 degrees 31 minutes East, on and along said Southerly right-of-way line 135.55 feet to the true point of beginning.

And Also

The South 260.5 feet of the North 285.5 feet of the West 689.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East.

Also

The South 260.5 feet of the North 546.0 feet of the East 689.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East.

Also

The North 260.5 feet of the South 781.5 feet of the West 689.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, all in Allen County, Indiana.

EXCEPT THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Blvd.; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, 105.0 feet to a point on the Southerly right-of-way line of U. S. Highway #30 as it presently exists; thence South 89 degrees 31 minutes West, on and along said Southerly right-of-way line, being a line situated 105.0 feet (measured at right angles) South of and parallel to said North line, a distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to said Southerly projection of Executive Blvd., a distance of 50.0 feet to the true point of beginning; thence continuing South 00 degrees 29 minutes East and parallel to said Southerly projection, a distance of 600.00 feet; thence South 89 degrees 31 minutes West and parallel to said North line, a distance of 365.0 feet; thence North 00 degrees 29 minutes West, and parallel to said Southerly projection a distance of 350.0 feet; thence North 89 degrees 31 minutes East and parallel to said North line, a distance of 200.0 feet; thence North 00 degrees 29 minutes West and parallel to said Southerly projection, a distance of 248.37 feet to a point situated 50.0 feet South of the Southerly right-of-way line of said U. S. Highway #30; thence North 88 degrees 37 minutes 42 seconds East and parallel to said Southerly right-of-way line, 105.21 feet; thence North 89 degrees 31 minutes East continuing parallel to said Southerly right-of-way line 59.8 feet to the true point of beginning.

Also excepting that part sold to State of Indiana by deed dated November 6, 1972 and recorded March 14, 1973 as Document No. 73-6019.

STURGES TITLE
 CO., INC. 71

960037763 Page 1

QUITCLAIM DEED

Mail tax bills to:
 Sturges Griffin Trent & Company, Inc.
 Suite 610 Metro Building
 202 West Berry Street
 Fort Wayne, Indiana 46802

RECORDED
 07/10/1996 11:25:01
 RECORDER
 VIRGINIA L. YOUNG
 ALLEN COUNTY, IN

Doc. No. 960037763
 Receipt No. 11979
 Date 07/10/1996 11:24:50

DCFD	3.00
DEED	8.00
SCSF	1.00
Total	12.00

THIS INDENTURE WITNESSETH, that

WILLIAM GENE MOSER, Personal Representative of the Estate
 of William Moser, Deceased,

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which
 are hereby acknowledged, QUITCLAIMS the real estate in Allen
 County, Indiana described on Exhibit A hereto attached to:

STURGES GRIFFIN TRENT & COMPANY, INC., an Indiana
 corporation, an undivided one-third (1/3) interest;

KAREN L. JENKINS and JENNIFER E. TRENT, as Co-Trustees of
 the Revocable Trust of Floyd B. Kelsey, an undivided one-
 third (1/3) interest;

THEODORE F. HAGERMAN, an undivided one-sixth (1/6)
 interest; and

NORWEST BANK INDIANA, N.A., Successor in Interest to
 Lincoln National Bank and Trust Company of Fort Wayne,
 Indiana, as Trustee under Land Trust with William O.
 Hagerman dated October 11, 1982, an undivided one-sixth
 (1/6) interest.

Dated this 16 day of April, 1996.

William Gene Moser - Personal Rep.
 WILLIAM GENE MOSER
 William Gene Moser, Personal
 Representative of the Estate
 of William Moser, Deceased

DULY ENTERED FOR TAXATION

STATE OF INDIANA)
) SS:
 COUNTY OF WELLS)

JUL 10 1996

Before me, the undersigned, a Notary Public in and for said
 county and state, this 16 day of April, 1996, personally
 appeared William Gene Moser, Personal Representative of the Estate
 of William Moser, Deceased, and acknowledged the execution of the
 foregoing Deed. In witness whereof, I have hereunto subscribed my
 name and affixed my official seal.

Philip L. Carson
 Signature of Notary Public

Philip L. Carson
 Printed Name of Notary Public

I am a resident of WELLS County, Indiana.
 My commission expires: 4-18-97

96 5827
 AUDITORS NUMBER

This instrument prepared by Philip L. Carson (3140-02), Attorney-
 at-Law, 1400 One Summit Square, Fort Wayne, Indiana.

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Exhibit A - Legal Description

Part of the East 573.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 00 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Blvd.; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, 105.0 feet to a point on the Southerly right-of-way line of U. S. Highway #30 as it presently exists, said point being the true point of beginning; thence North 89 degrees 31 minutes East, on and along said Southerly right-of-way line, being a line 163.0 feet (measured at right angles) South of and parallel to said North line, a distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to and 25.0 feet (measured at right angles) East of the Southerly projection of the centerline of Executive Blvd., 50.0 feet; thence South 89 degrees 31 minutes West, a distance of 160.55 feet; thence North 00 degrees 29 minutes West and parallel to and 135.55 feet (measured at right angles) West of the Southerly projection of said centerline of Executive Blvd., 50.0 feet to said Southerly right-of-way line; thence North 89 degrees 31 minutes East, on and along said Southerly right-of-way line 135.55 feet to the true point of beginning.

Part of the East 576.5 feet of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Blvd.; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, 155.0 feet, said point being the true point of beginning; thence North 89 degrees 31 minutes East, on and along said Southerly right-of-way line, being a line 155.0 feet (measured at right angles) South of and parallel to said North line, a distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to and 25.0 feet (measured at right angles) East of the Southerly projection of the centerline of Executive Blvd., 650.0 feet; thence South 89 degrees 31 minutes West, a distance of 140.0 feet; thence North 00 degrees 29 minutes West and parallel to and 115.0 feet (measured at right angles) West of the Southerly projection of said centerline of Executive Blvd., 50.0 feet; thence North 89 degrees 31 minutes East 90.0 feet to a point 25.0 feet West of the Southerly projection of the centerline of Executive Blvd., thence North 00 degrees 29 minutes West and parallel to and 25.0 feet (measured at right angles) West of the Southerly projection of said centerline of Executive Blvd., 600.0 feet; thence North 89 degrees 31 minutes East, on and along a line 50.0 feet South and parallel to said Southerly right-of-way line 25.0 feet to the true point of beginning.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Sandlian Family Land Reserve, LLC
Address 10913 E. 126th Street
City Fishers State IN Zip 46038
Telephone _____ E-mail _____

Property Ownership
Property Owner SGT Realty LLC (See Attachment #1 for Additional Property Owners)
Address c/o Sturges Property Group, 202 W. Berry Street, Suite 500
City Fort Wayne State IN Zip 46802
Telephone _____ E-mail _____

Contact Person
Contact Person Robert C. Kruger
Address 200 E. Main Street, Suite 1000
City Fort Wayne State IN Zip 46802
Telephone (260) 426-1300 E-mail rkruger@burtblee.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 W. Coliseum Blvd., FW 46808 Township and Section Washington/0027
Present Zoning C2 Proposed Zoning BTI Acreage to be rezoned 8.354
Purpose of rezoning (attach additional page if necessary) to allow for the construction of a 528 unit storage facility with a 2 bedroom live/work office building
Sewer provider Fort Wayne Water provider 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

Sandlian Family Land Reserve, LLC BY: [Signature] 5/3/24
(printed name of applicant) (signature of applicant) (Lance Sandlian, Manager) (date)

SEE ATTACHMENT # 2 FOR PROPERTY OWNERS

(printed name of property owner)

(signature of property owner)

(date)



Received	Receipt No.	Hearing Date	Petition No.
5.7.24	145389	6.10.24	REZ. 2024 0322

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



ATTACHMENT #2

DEPARTMENT OF PLANNING SERVICES REZONING PETITION APPLICATION

Applicant: Sandlian Family Land Reserve, LLC

Additional Property Owners:

I/We understand and agree upon execution and submission of this application, that I/we own the interests 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 Planning 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:

(printed name of applicant)

(signature of applicant)

(date)

Sturges Griffin Trent & Company, Inc. By:

(printed name of property owner)

(signature of property owner)

(date)

5/7/24

(printed name of applicant)

(signature of applicant)

(date)

Karen L. Jenkins, Co-Trustee

(printed name of property owner)

(signature of property owner)

(date)

(printed name of applicant)

(signature of applicant)

(date)

Jennifer E. Trent, Co-Trustee

(printed name of property owner)

(signature of property owner)

(date)

(printed name of applicant)

(signature of applicant)

(date)

Theodore F. Hagerman

(printed name of property owner)

(signature of property owner)

(date)

(printed name of applicant)

(signature of applicant)

(date)

Norwest Bank Indiana, Inc.

(printed name of property owner)

By:

(signature of property owner)

(date)

Appl
City Fishers State IN Zip 46038
Telephone _____ Fax _____ E-mail _____

Property
Ownership
Property SGT Realty LLC. (See Attachment #1 for Additional Property Owners
Owner Address c/o Sturges Property Group, 202 W. Berry Street, Suite 500
City Fort Wayne State IN Zip 46802
Telephone _____ Fax _____ E-mail _____

Contact
Person
Contact Person Robert C. Kruger
Address 200 E. Main Street, Suite 1000
City Fort Wayne State IN Zip 46802
Telephone 260-426-1300 E-mail rkruger@burtblee.com

All staff correspondence will be sent only to the designated contact person.

Arch./Eng.
Or Surveyor
Arch./Eng./Surveyor _____ Indiana Registration # _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

Request
☐ Allen County Planning Jurisdiction ☐ City of Fort Wayne Planning Jurisdiction
Requesting approval of a: ☐ primary ☐ amended primary ☐ secondary ☐ amended secondary
☐ residential development plan ☒ commercial development plan ☐ industrial development plan
☐ plat ☐ minor plat Development Address _____
Size of development 8.364 528 units See plan. (GFA)square
lots Present Zoning C2 feet Total acreage of site 8.364
Township name Washington Township section # 0027
Sewer provider Fort Wayne Water provider Fort Wayne
Proposed Streets: ☐ Public and county/city maintained ☒ Private and privately maintained

Filing
Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application.
For applicable filing fees and site plan/plat number of copies please contact staff.*
☐ Application signed by property owner(s)
☐ Applicable filing fees (check payable to the Allen County Treasurer)
☐ Civil and landscape plans submitted electronically or by flash drive (individual PDF documents)
☐ Boundary Survey and Legal Description
☐ Waiver request application (if applicable)
☐ Proposed restrictive covenants (if applicable)

I/We understand and agree, upon execution and submission of 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;

Sandlian Family Land Reserve, LLC

(printed name of applicant)

SGT Realty LLC

(printed name of property owner)

(signature of applicant)

Benny Sturges

(signature of property owner)

(date)

5/7/24

(date)

REZONING QUESTIONNAIRE – West Coliseum Storage Facility

1. **Approval of the rezoning request will be in substantial compliance with the All in Allen Comprehensive Plan and should not establish an undesirable precedent in the area.**

The site is located in a Priority Investment Area and will, in alignment with the goals in such an area, utilize a vacant lot which has access to utilities and access roads.

2. **Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.**

The site will be directly adjacent to another storage facility to the east. Additionally, it will face a heavily travelled roadway to the north. The location is already zoned C2 and could be used for a much higher-traffic businesses, such as a drive-through restaurant and a multiple family complex. The storage facility use will have much lower traffic counts and have minimal noise impact.

3. **Approval is consistent with the preservation of property values in the area.**

There is already existing storage to the east of the site. Also, the storage facility use will have low traffic counts and have minimal noise impact.

4. **Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.**

The development plan review and approval will ensure thoughtful design which accommodates surrounding uses.

FACT SHEET

Case #REZ-2024-0022

Bill # Z-24-05-12

Project Start: May 2024

PROPOSAL:	Rezoning Petition REZ-2024-0022 – U-Stor Harris
APPLICANT:	Sandlian Family Land Reserve, LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial for a self-storage development with live/work unit.
LOCATION:	2015 W Coliseum Blvd, southeast corner of its intersection with Harris Road (Section 27 of Washington Township)
LAND AREA:	8.354 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	3 – Nathan Hartman
SPONSOR:	Fort Wayne Plan Commission

June 10, 2024 Public Hearing

- One person spoke with concerns.
- Patrick Zaharako and Scott Myers were absent.

June 17, 2024 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Ryan Neumeister and seconded by Rick Briley to return the ordinance with a Do Pass recommendation, with a Written Commitment, to Common Council for their final decision.

9-0 MOTION PASSED

- All members were present.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
June 18, 2024

PROJECT SUMMARY

The site has been either undeveloped or used agriculturally since 1937 aerial imagery. The petitioner is requesting to rezone this parcel from C2/Limited Commercial to C3/General Commercial to permit a self-storage facility on the site. This stretch of West Coliseum Boulevard has more intensive uses, like auto sales and repair, industrial equipment, warehousing, and additional similar uses. A non-conforming self-storage facility is adjacent to the east. Approval of the rezoning petition will allow expansion of a common use along this corridor; however, considering nearby residences, the applicant agreed to undertake a written commitment that will limit gas station, automotive sales and repair, and other uses that are not conventionally next to single family residences.

Access is provided by a cross-access lane continuing from the east, as well as a curb cut on Harris Road. The plan also meets the threshold requirement for 5-foot pedestrian walks along the public frontages, and both frontages are identified as “pedestrian facility needs”. The applicant is working with the Allen County Surveyors Office, as a regulated drain runs across the north side of the development site. Fencing is provided for security. The applicant verified that all required setbacks will be met. A 25-foot wide evergreen landscape buffer, as well as a solid fence, will be provided to screen the adjacent homes. One unique feature in this proposal is a residential unit behind the administrative offices.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment Area.

Overall Land Use Policies

- **LUD Policy 4** Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses. A written commitment will reduce the number of permitted uses, making the zoning district more amenable for nearby residents.

Generalized Future Land Use Map

- The project site is located within the Community Commercial which is intended to have higher intensity business, service, or retail than neighborhood commercial.
- Properties to the north and east are designated “Production Center” which has a more regional focus.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Compatibility Matrix

- A C3 rezoning petition is considered “compatible” to the Community Commercial land use designation in the comprehensive plan. Additionally, a written commitment is proposed to further engender compatibility to the residentially zoned properties to the west and south.

Other Applicable Plans: none

PUBLIC HEARING SUMMARY:

Presenter: Rob Kruger, representing the developer, presented the request as outlined above.

Public Comments:

Linda Collins-Briley (2127 N Schomburg Dr): Not opposed, but concerned with access and visibility on Harris Road; prefers wood fencing on west, vs chain link.

Closing Comments: Rob Krueger: Fence to be 6-foot and wooden; applicant will work with Transportation Department regarding Harris Road concerns.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

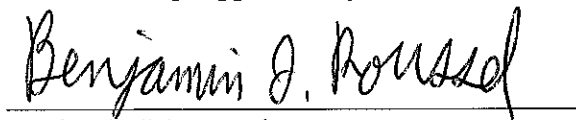
Rezoning Petition REZ-2024-0022 – U-STOR Harris

APPLICANT:	Sandlian Family Land Reserve, LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial
LOCATION:	2015 W Coliseum Blvd, southeast corner of its intersection with Harris Road (Section 27 of Washington Township)
LAND AREA:	8.354 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial

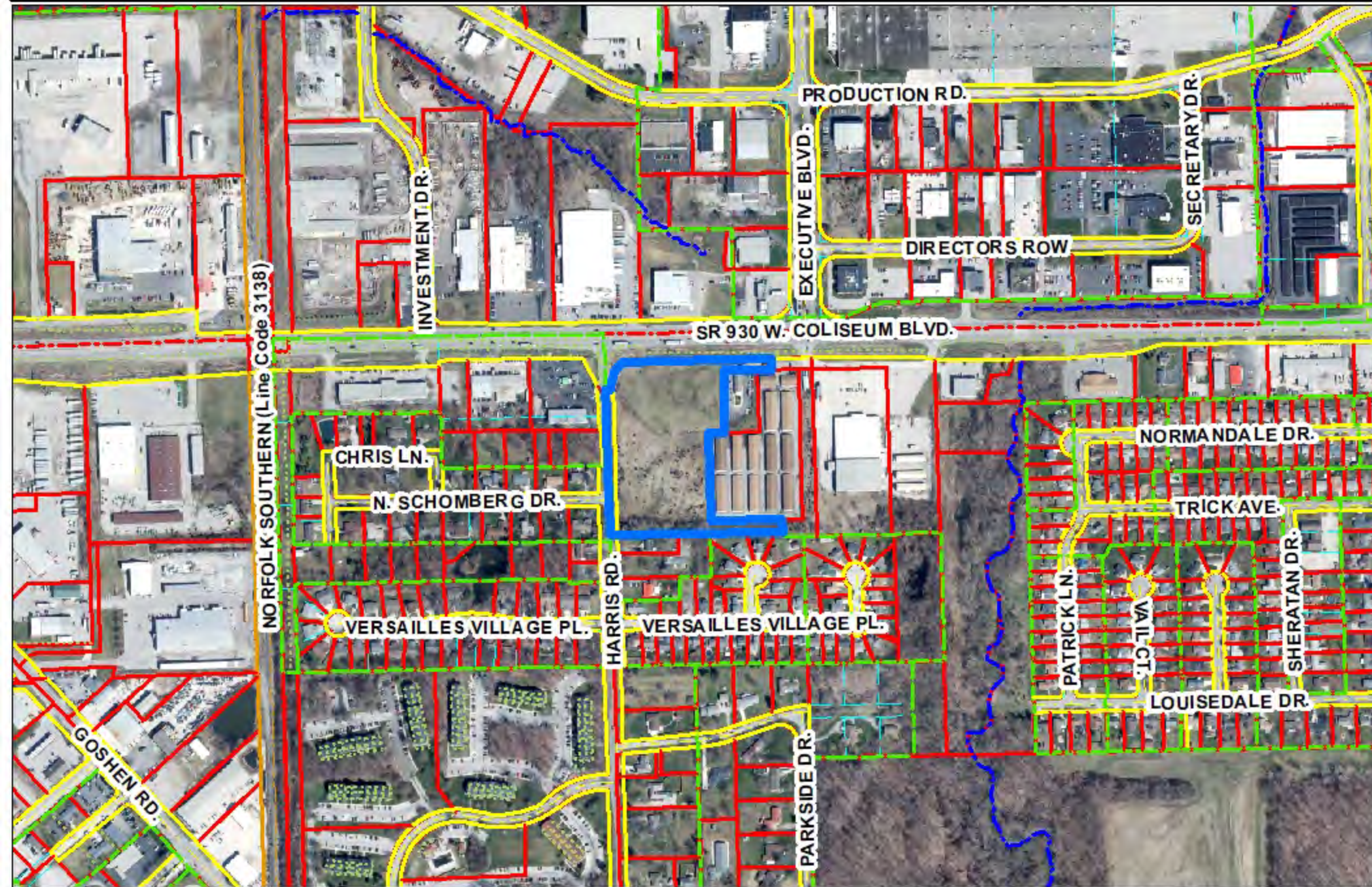
The Plan Commission recommends that Rezoning Petition REZ-2024-0022 be returned to Council, with a “Do Pass” with a written commitment recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. The site is identified as a priority investment area in the City of Fort Wayne Comprehensive Plan. With a written commitment, the site can provide better transition from the more intensive uses of West Coliseum and the residential districts of Harris Road.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The proposed rezoning petition will bring existing use of self-storage westward. Advances in the zoning ordinance will require expansion to be compatible with greater setbacks, landscaping, etc.
3. Approval is consistent with the preservation of property values in the area. The desired use has less traffic counts than other uses in the C3 district. A written commitment will help maintain less intensive uses since the area is closer to residential districts. Access for the associated development is closer to West Coliseum.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The site is located within the West Coliseum circumference, providing an infill opportunity where this could otherwise be greenfield development in the county.
5. The rezoning is consistent with the mandate for responsible growth and development. The plans will be reviewed by agencies to ensure that impact on the development is mitigated and restricted to the development site.

These findings approved by the Fort Wayne Plan Commission on June 17, 2024.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

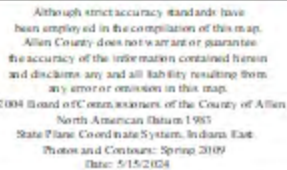


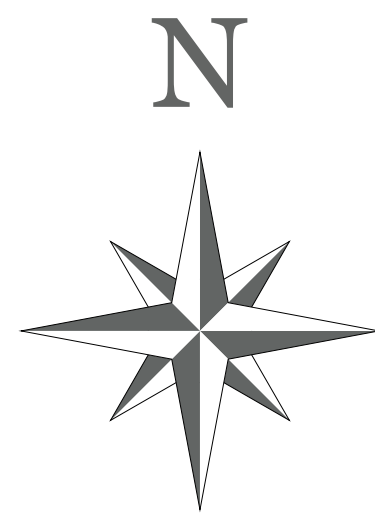
Although reasonable standards have been applied in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Projection and Contour: Spring 2009
Date: 5/15/2024

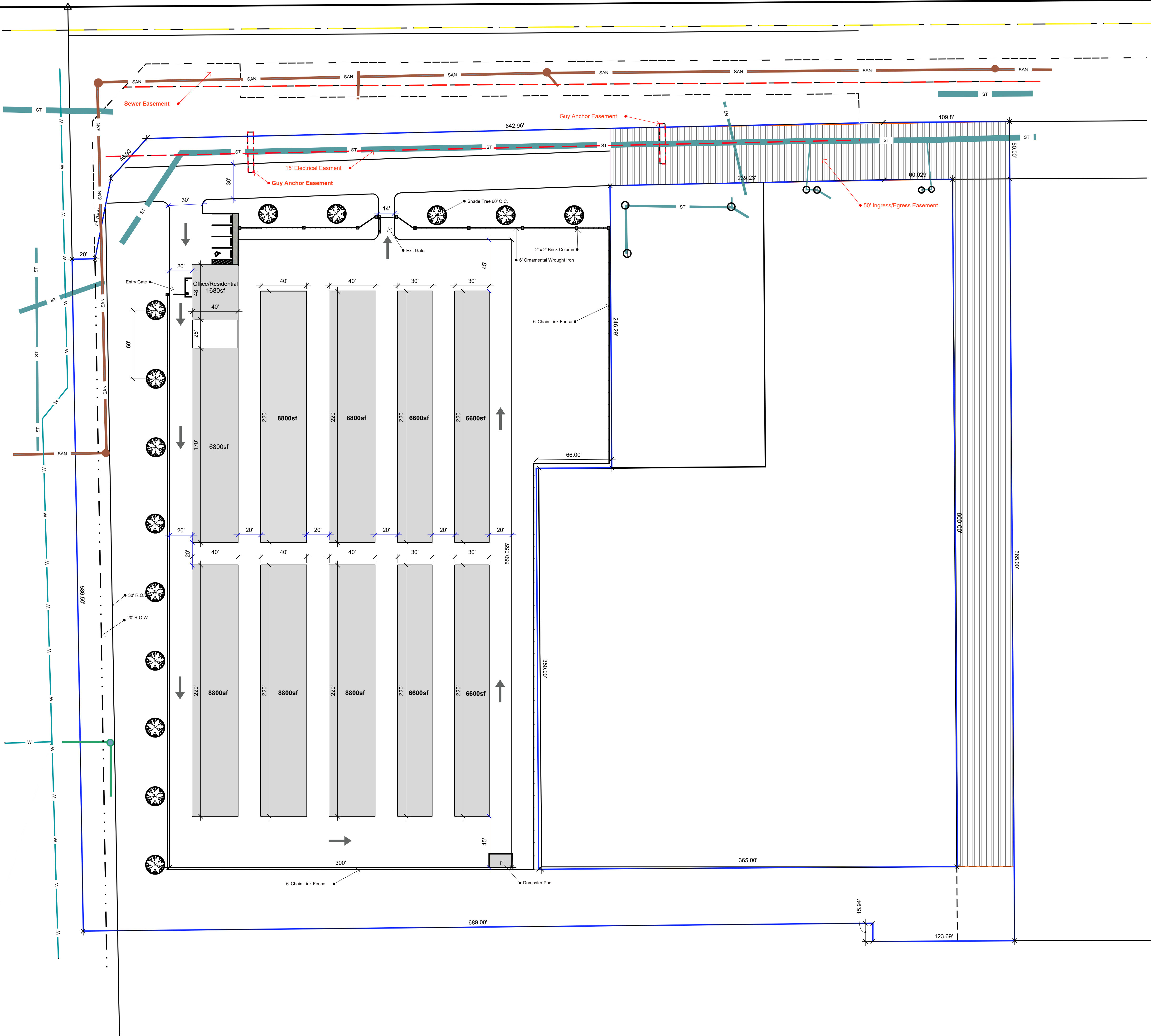


1 inch = 500 feet





Scale 1:40







1/4" to 1'



1/4" to 1'



1/4" to 1'



3/8" to 1'



1/4" to 1'



U-STOR Harris

10913 E. 126th Street
Fishers, IN 46038

ISSUE
4-15-2024
RE-ISSUE
4-24-2024

PROJECT NO.
3
PROJECT
Fort Wayne Harris

DRAWN BY
Colby B Sandlian II

a

05

LEGAL DESCRIPTION

Part of the Northwest Quarter of Section 27, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, based on an original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land Surveying, Inc., Survey No. 22106704, dated December 7, 2022, and being more particularly described as follows:

Commencing at the point of intersection of the North line of said Northwest Quarter and Southerly extension of the centerline of Executive Boulevard; thence South 00 degrees 21 minutes 30 seconds East (Indiana Geospatial Coordinate System - Allen County bearing and basis of bearings to follow), a distance of 105.00 feet (deed) along said Southerly extension of the centerline of Executive Boulevard to a point on the North line of an existing tract as described in Document Number 970004813 in the Office of the Recorder of Allen County, Indiana, said point also being a point on the Southerly right-of-way line of West Coliseum Boulevard and the POINT OF BEGINNING of the herein described tract; thence North 89 degrees 38 minutes 30 seconds East, a distance of 25.00 feet (deed) along said Southerly right-of-way line to a DuraNail with a "Miller" identification ring on the West line of an existing tract known as Parcel II described in Document Number 960062162 in the Office of said Recorder; thence South 00 degrees 21 minutes 30 seconds East, a distance of 715.04 feet (716.00 feet deed) along said West line and the West line of an existing tract known as Parcel III in Document Number 960062162 in the Office of said Recorder to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the North line of the plat of Harris Meadow, Section II as described in Plat Cabinet C, page 58 in the Office of said Recorder; thence South 89 degrees 44 minutes 31 seconds West, a distance of 123.69 feet along said North line, and a North line of the plat of Harris Meadow, Section I as described in Plat Cabinet B, page 131 in the Office of said Recorder to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on an East line of said plat of Harris Meadow, Section I; thence North 00 degrees 57 minutes 29 seconds West, a distance of 15.94 feet (plat) along said East line to a point on the North line of said plat of Harris Meadow, Section I, said point being referenced by a 1/2" steel rebar 0.14 feet West and 0.27 feet South; thence South 89 degrees 25 minutes 41 seconds West, a distance of 689.00 feet along said North line and its Westerly extension thereof to the West line of the Northeast Quarter of said Northwest Quarter; thence North 00 degrees 57 minutes 29 seconds West, a distance of 586.50 feet along said West line and within the right-of-way of Harris Road to a point; thence North 89 degrees 02 minutes 31 seconds East, a distance of 20.00 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on a Southeast line of an existing tract described in Document Number 73-06019 in the Office of said Recorder, said point also being a point on the Southeast right-of-way line of said West Coliseum Boulevard; thence North 11 degrees 08 minutes 12 seconds East, a distance of 71.59 feet (deed) along said Southeast line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence North 42 degrees 03 minutes 03 minutes 41 seconds East, a distance of 46.90 feet (49.28 feet deed) continuing along said Southeast line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the Southerly right-of-way line of said West Coliseum Boulevard; thence North 88 degrees 45 minutes 02 seconds East, a distance of 642.96 feet along said Southerly right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence North 89 degrees 38 minutes 30 seconds East, a distance

of 85.20 feet along said Southerly right-of-way to the Point of Beginning. Containing 12.993 acres, more or less. Subject to the right-of-way of Harris Road, and subject to easements of record.

EXCEPTING THEREFROM:

Document Number 83-021703

Part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, a distance of 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Boulevard; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, a distance of 105.0 feet to a point on the Southerly

right-of-way line of U.S. Highway #30 as it presently exists; thence South 89 degrees 31 West, on and along said Southerly right-of-way line, being a line situated 105.0 feet (measured at right angles) South of and parallel to said North line, distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to said Southerly projection of Executive Boulevard, a distance of 50.0 feet to the true point of beginning; thence continuing South 00 degrees 29 minutes East and parallel to said Southerly projection, a distance of 600.0 feet; thence South 89 degrees 31 minutes West and parallel to said North line, a distance of 365.0 feet; thence North 00 degrees 29 minutes West, and parallel to said Southerly projection, a distance of 350.0 feet; thence North 89 degrees 31 minutes East and parallel to said North line, a distance of 200.0 feet; thence North 00 degrees 29 minutes West and parallel to said Southerly projection, a distance of 248.37 feet to a point situated 50.0 feet South of the Southerly right-of-way line of said U.S. Highway #30; thence North 88 degrees 37 minutes 42 seconds East and parallel to said Southerly right-of-way line, a distance of 105.21 feet; thence North 89 degrees 31 minutes East, continuing parallel to said Southerly right-of-way line, a distance of 59.8 feet to the true point of beginning, containing 3.878 acres of land, together with an easement for ingress and egress over the 50 foot-wide strip which lies between the Northerly line of the above described parcel and the Southerly line of said U.S. Highway #30 and together with an easement, 50 feet in width, for ingress and egress, said easement lies East of and adjacent to the East line of the above described parcel and extends from the South line of said parcel to the Southerly right-of-way line of said U.S. Highway #30.

ALSO EXCEPTING THEREFROM:

Document Number 2016051736

Part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East of the Second Principal Meridian of Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the said Northwest Quarter; thence South 89 degrees 31 minutes 00 seconds West (deed bearing and basis of bearings to follow), a distance of 514.47 feet along

the North line of said Northwest Quarter, being within the right-of-way of Coliseum Boulevard (U.S. Highway #30) to the point of intersection of said North line with the Southerly projection of the centerline of Executive Boulevard; thence South 00 degrees 29 minutes 00 seconds East, a distance of 105.00 feet to the South right-of-way of Coliseum as it presently exists; thence North 89 degrees 31 minutes 00 seconds East, a distance of 25.00 feet along said right-of-way line; thence South 00 degrees 29 minutes 00 seconds East, a distance of 50.00 feet parallel with the Southerly projection of said Executive Boulevard centerline; thence South 89 degrees 31 minutes 00 seconds West a distance of 109.80 feet parallel with said South right-of-way line also being partially along the North line of an existing tract described in Document Number 83-21703 in the Office of the Recorder of Allen County, Indiana; thence South 88 degrees 37 minutes 42 seconds West, a distance of 105.21 feet continuing along said North line to a 5/8" steel rebar set on a West line of said existing tract, said point also being the POINT OF BEGINNING of the herein described tract; thence South 00 degrees 29 minutes 00 seconds East, a distance of 248.37 feet along said West line to a 5/8" steel rebar set on a North line of said existing tract in Document 83-21703; thence South 89 degrees 31 minutes 00 seconds West, a distance of 134.00 feet along said North line to a 5/8" steel rebar set; thence North 00 degrees 29 minutes 00 seconds West, a distance of 246.29 feet parallel with the West line of said existing tract to a 5/8" steel rebar set on the Westerly extension of the North line of said existing tract; thence North 88 degrees 37 minutes 42 seconds East, a distance of 134.02 feet along said Westerly extension line to the Point of Beginning. Containing after said exceptions a total of 8.354 acres.

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ____ day of June, 2024 by Sandlian Family Land Reserve, LLC, an Indiana limited liability company (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 8.354 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate”); and

WHEREAS, Declarant submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from C2/Limited Commercial zoning district to a C3/General Commercial zoning district, bearing number REZ-2024-0022 and Primary Development Plan PDP 2024-0030 (collectively, the “Application”) which have been approved by the City of Fort Wayne Plan Commission (the “Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon approval of the Petition by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. **Prohibited Uses.** **Except for the Permitted Uses specifically allowed in Paragraph 2 below, and** subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:

- 1) C3 Limited Commercial Specific Permitted Uses listed in Section 157.216 (B) of the Fort Wayne Zoning Ordinance

- 2) All C3 General Commercial Special Uses listed in Section 157.216 (C) of the Fort Wayne Zoning ordinance.

2. Permitted Uses. **The following uses shall be permitted on the Real Estate:**

- 1) Any use permitted in a C2/Limited Commercial zoning district; and
- 2) **The following specific uses permitted in a C3/General Commercial zoning district: Warehouse/storage facility, equipment rental (limited), air conditioning sales and service, and home improvement store.**

3. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

4. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may only be modified or terminated by the Declarant or its successors proving to the Plan Commission that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination.

5. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.

6. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance,

or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.

7. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Declarant warrants and represents that: (a) the person has the actual authority and power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.
8. Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number 202400712.
9. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
11. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

“DECLARANT”

SANDLIAN FAMILY LAND RESERVE, LLC

By: _____
Lance Sandlian, Manager

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this _____ day of June, 2024, personally appeared Lance Sandlian, Manager of Sandlian Family Land Reserve, LLC, and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by: Robert C. Kruger, Esq., BURT, BLEE, DIXON, SUTTON & BLOOM, LLP, 200 E. Main St., Ste. 1000, Fort Wayne, IN 46802; (260) 426-1300

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. Robert C. Kruger

Return to: _____

EXHIBIT “A”

LEGAL DESCRIPTION OF REAL ESTATE

Part of the Northwest Quarter of Section 27, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, based on an original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land Surveying, Inc., Survey No. 22106704, dated December 7, 2022, and being more particularly described as follows:

Commencing at the point of intersection of the North line of said Northwest Quarter and Southerly extension of the centerline of Executive Boulevard; thence South 00 degrees 21 minutes 30 seconds East (Indiana Geospatial Coordinate System - Allen County bearing and basis of bearings to follow), a distance of 105.00 feet (deed) along said Southerly extension of the centerline of Executive Boulevard to a point on the North line of an existing tract as described in Document Number 970004813 in the Office of the Recorder of Allen County, Indiana, said point also being a point on the Southerly right-of-way line of West Coliseum Boulevard and the POINT OF BEGINNING of the herein described tract; thence North 89 degrees 38 minutes 30 seconds East, a distance of 25.00 feet (deed) along said Southerly right-of-way line to a DuraNail with a “Miller” identification ring on the West line of an existing tract known as Parcel II described in Document Number 960062162 in the Office of said Recorder; thence South 00 degrees 21 minutes 30 seconds East, a distance of 715.04 feet (716.00 feet deed) along said West line and the West line of an existing tract known as Parcel III in Document Number 960062162 in the Office of said Recorder to a 5/8” steel rebar with a “Miller Firm #0095” identification cap on the North line of the plat of Harris Meadow, Section II as described in Plat Cabinet C, page 58 in the Office of said Recorder; thence South 89 degrees 44 minutes 31 seconds West, a distance of 123.69 feet along said North line, and a North line of the plat of Harris Meadow, Section I as described in Plat Cabinet B, page 131 in the Office of said Recorder to a 5/8” steel rebar with a “Miller Firm #0095” identification cap on an East line of said plat of Harris Meadow, Section I; thence North 00 degrees 57 minutes 29 seconds West, a distance of 15.94 feet (plat) along said East line to a point on the North line of said plat of Harris Meadow, Section I, said point being referenced by a 1/2” steel rebar 0.14 feet West and 0.27 feet South; thence South 89 degrees 25 minutes 41 seconds West, a distance of 689.00 feet along said North line and its Westerly extension thereof to the West line of the Northeast Quarter of said Northwest Quarter; thence North 00 degrees 57 minutes 29 seconds West, a distance of 586.50 feet along said West line and within the right-of-way of Harris Road to a point; thence North 89 degrees 02 minutes 31 seconds East, a distance of 20.00 feet to a 5/8” steel rebar with a “Miller Firm #0095” identification cap on a Southeast line of an existing tract described in Document Number 73-06019 in the Office of said Recorder, said point also being a point on the Southeast right-of-way line of said West Coliseum Boulevard; thence North 11 degrees 08 minutes 12 seconds East, a distance of 71.59 feet (deed) along said Southeast line to a 5/8” steel rebar with a “Miller Firm #0095” identification cap; thence North 42 degrees 03 minutes 03 minutes 41 seconds East, a distance of 46.90 feet (49.28 feet deed) continuing along said Southeast line to a 5/8” steel rebar with a “Miller Firm #0095” identification cap on the Southerly right-of-way line of said West Coliseum Boulevard; thence North 88 degrees 45 minutes 02 seconds East, a distance of 642.96 feet along said Southerly right-of-way line to a 5/8” steel rebar with a “Miller Firm #0095” identification cap; thence North 89 degrees 38 minutes 30 seconds

East, a distance of 85.20 feet along said Southerly right-of-way to the Point of Beginning. Containing 12.993 acres, more or less. Subject to the right-of-way of Harris Road, and subject to easements of record.

EXCEPTING THEREFROM:

Document Number 83-021703

Part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of said Northwest Quarter; thence South 89 degrees 31 minutes West (Indiana State Highway Commission bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, a distance of 514.47 feet to the point of intersection of said North line with the Southerly projection of the centerline of Executive Boulevard; thence South 00 degrees 29 minutes East, on and along the Southerly projection of said centerline, a distance of 105.0 feet to a point on the Southerly right-of-way line of U.S. Highway #30 as it presently exists; thence South 89 degrees 31 West, on and along said Southerly right-of-way line, being a line situated 105.0 feet (measured at right angles) South of and parallel to said North line, distance of 25.0 feet; thence South 00 degrees 29 minutes East and parallel to said Southerly projection of Executive Boulevard, a distance of 50.0 feet to the true point of beginning; thence continuing South 00 degrees 29 minutes East and parallel to said Southerly projection, a distance of 600.0 feet; thence South 89 degrees 31 minutes West and parallel to said North line, a distance of 365.0 feet; thence North 00 degrees 29 minutes West, and parallel to said Southerly projection, a distance of 350.0 feet; thence North 89 degrees 31 minutes East and parallel to said North line, a distance of 200.0 feet; thence North 00 degrees 29 minutes West and parallel to said Southerly projection, a distance of 248.37 feet to a point situated 50.0 feet South of the Southerly right-of-way line of said U.S. Highway #30; thence North 88 degrees 37 minutes 42 seconds East and parallel to said Southerly right-of-way line, a distance of 105.21 feet; thence North 89 degrees 31 minutes East, continuing parallel to said Southerly right-of-way line, a distance of 59.8 feet to the true point of beginning, containing 3.878 acres of land, together with an easement for ingress and egress over the 50 foot-wide strip which lies between the Northerly line of the above described parcel and the Southerly line of said U.S. Highway #30 and together with an easement, 50 feet in width, for ingress and egress, said easement lies East of and adjacent to the East line of the above described parcel and extends from the South line of said parcel to the Southerly right-of-way line of said U.S. Highway #30.

ALSO EXCEPTING THEREFROM:

Document Number 2016051736

Part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East of the Second Principal Meridian of Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the said Northwest Quarter; thence South 89 degrees 31 minutes 00 seconds West (deed bearing and basis of bearings to follow), a distance of 514.47 feet along the North line of said Northwest Quarter, being within the right-of-way of Coliseum

Boulevard (U.S. Highway #30) to the point of intersection of said North line with the Southerly projection of the centerline of Executive Boulevard; thence South 00 degrees 29 minutes 00 seconds East, a distance of 105.00 feet to the South right-of-way of Coliseum as it presently exists; thence North 89 degrees 31 minutes 00 seconds East, a distance of 25.00 feet along said right-of-way line; thence South 00 degrees 29 minutes 00 seconds East, a distance of 50.00 feet parallel with the Southerly projection of said Executive Boulevard centerline; thence South 89 degrees 31 minutes 00 seconds West a distance of 109.80 feet parallel with said South right-of-way line also being partially along the North line of an existing tract described in Document Number 83-21703 in the Office of the Recorder of Allen County, Indiana; thence South 88 degrees 37 minutes 42 seconds West, a distance of 105.21 feet continuing along said North line to a 5/8" steel rebar set on a West line of said existing tract, said point also being the POINT OF BEGINNING of the herein described tract; thence South 00 degrees 29 minutes 00 seconds East, a distance of 248.37 feet along said West line to a 5/8" steel rebar set on a North line of said existing tract in Document 83-21703; thence South 89 degrees 31 minutes 00 seconds West, a distance of 134.00 feet along said North line to a 5/8" steel rebar set; thence North 00 degrees 29 minutes 00 seconds West, a distance of 246.29 feet parallel with the West line of said existing tract to a 5/8" steel rebar set on the Westerly extension of the North line of said existing tract; thence North 88 degrees 37 minutes 42 seconds East, a distance of 134.02 feet along said Westerly extension line to the Point of Beginning.

Containing after said exceptions a total of 8.354 acres.