

#REZ-2024 -0038

BILL NO. Z-24-09-12

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H-38 (Sec. 16 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 I2/General
Industrial District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

LEGAL DESCRIPTION:

Lot Number 19 and Lot Number 20 in the Replat of Lot Number 19 in Lepper's Second
Suburban Addition according to the plat thereof, as recorded in Plat Cabinet H, page 132, in
the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. H-38 (Sec. 16 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-2024-0038
Bill Number: Z-24-09-12
Council District: 3 – Nathan Hartman

Introduction Date: September 24, 2024

Plan Commission
Public Hearing Date: October 14, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 2.19 acres from R1/Single Family Residential to I2/General Industrial

Location: 6516 & 6522 Huguenard Rd (Section 16 of Washington Township)

Reason for Request: To permit an automobile repair facility.

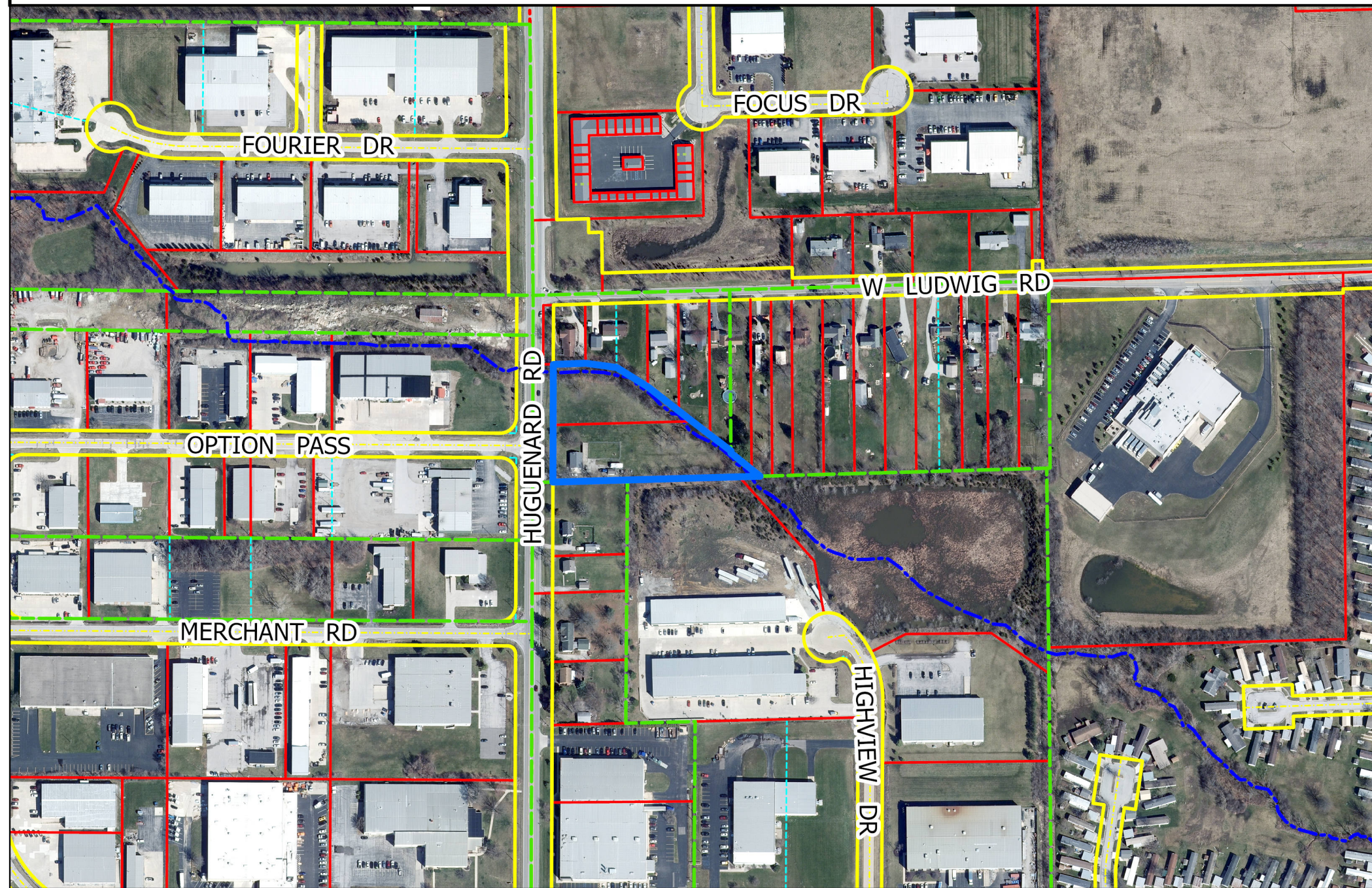
Applicant: Summit Auto Calibration – Casey Brothers

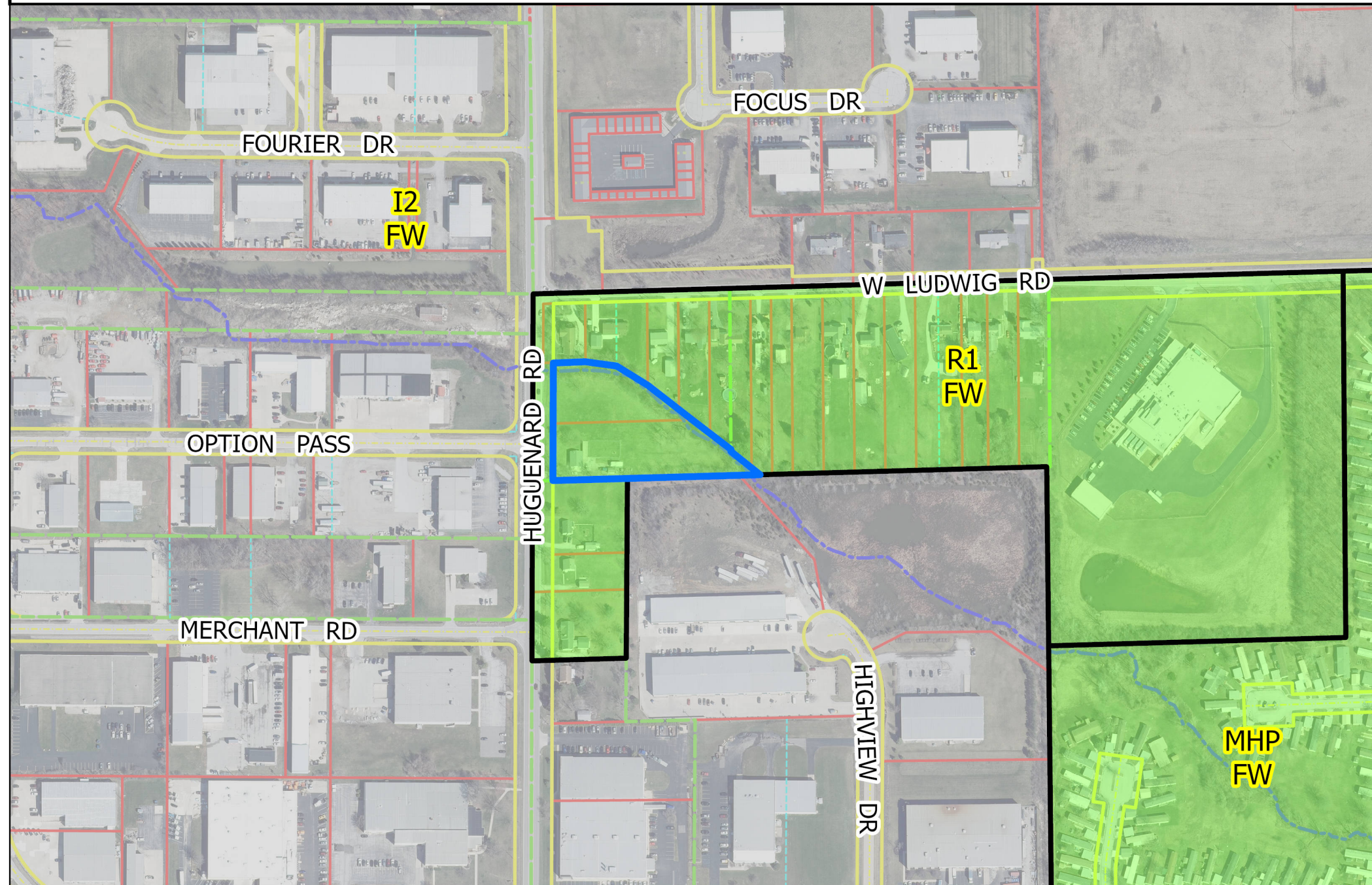
Property Owner: Gregory A & Lesa A Langston

Related Petitions: Primary Development Plan – Summit Auto Calibration

Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which would permit an automobile repair facility.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, which does not permit an automobile repair facility. The site may continue with existing uses, and may be redeveloped with single family residential uses.





Architecture | Engineering | Interior Design

A Project for:
**Summit Auto
Calibration**
6516 & 6522 Hugenard Road
Fort Wayne, Indiana 46818

SET DESCRIPTION

SHEET NUMBER



D-Series Size 1
LED Area Luminaire








d²series

EPA:	0.69 (0.06)
Length:	32.7 (83.1)
Width:	14.2 (36.2)
Height H1:	7.8 (20.0)
Height H2:	2.7 (6.9)
Weight:	34 (15.0)




Depth (D1):	7
Depth (D2):	1
Height:	9
Width:	1
Weight: (without options)	1

LANDSCAPE LEGEND:

	EXISTING LANDSCAPE/VEGETATION
	PROPOSED TREES
	PROPOSED SHRUBS

WALL MOUNT FIXTURE

12

Primary Development Plan

 $1^{\circ}=20'$

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Legal Description
6516 and 6522 Huguenard Road

Applicant - Summit Auto Calibration
Rezoning and Primary Development Plan Applications

Lot Number 19 and Lot Number 20 in the Replat of Lot Number 19 in Lepper's Second Suburban Addition according to the plat thereof, as recorded in Plat Cabinet H, page 132, in the Office of the Recorder of Allen County, Indiana.

Department of Planning Services Rezoning Petition Application

Applicant
Applicant Summit Auto Calibration - Casey Brothers
Address 127 IN-930
City New Haven State IN Zip 46774
Telephone (260) 245-0336 E-mail info@summitautocalibration.com

Property Ownership
Property Owner Gregory A & Lesa A Langston
Address 6516 Huguenard Road
City Fort Wayne State IN Zip 46818-1314
Telephone _____ E-mail _____

Contact Person
Contact Person Kerry Schoeph - MSKTD
Address 1715 Magnavox Way
City Fort Wayne State IN Zip 46804
Telephone (260) 432-9337 E-mail kcs@msktd.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 6516 & 6522 Huguenard Rd Township and Section Washington 16
Present Zoning R1 Proposed Zoning I2 Acreage to be rezoned 2.19
Purpose of rezoning (attach additional page if necessary) To construct a new 15,000+/- sf Summit Auto Calibration facility with parking, lighting, detention & utilities. The existing house will be renovated to be attached to the new facility as office space.
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

Joseph R Brookhart

(printed name of applicant)

Gregory A. Langston

(printed name of property owner)

Signed by:

Joseph R Brookhart

(signature of applicant)

Gregory A. Langston
(signature of property owner)

9/3/2024

(date)

9/3/2024
(date)



Received	Receipt No.	Hearing Date	Petition No.
9/3/24	146276	10/14/24	REZ-2024-0038

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



1. The Comprehensive Plan;

The Applicant's proposed rezoning is consistent with the objectives of the *All in Allen Comprehensive Plan* (the "Plan"). Namely, the property is located in an Urban Infill Area according to the Future Growth and Development map incorporated into the Plan. Goal 1 of the Comprehensive Plan encourages compatible infill development and directs development to underutilized parcels already served by utilities and roadways.

2. Current conditions and the character of current structures and uses in the district;

Properties located along Huguenard Road, north of West Washington Center Road, are primarily zoned I-2. The area supports a mix of assembly, distribution, fabricating, manufacturing and processing industries. There are roughly a dozen homes located near the corner of Huguenard and Ludwig Roads, but the area is decidedly an industrial corridor with consistent, heavy traffic and signalized intersections.

3. The most desirable use for which the land in the district is adapted;

The most desirable use for the land in question is industrial. The Applicant operates an advanced automotive repair business specializing in the calibration of advanced driver assistance systems. Summit Auto Calibration is not a traditional automotive repair business, and as a result, the externalities typically associated with automotive repair businesses such as noise and unsightly outdoor storage do not apply in this instance. The existing house is in fairly poor physical condition based on exterior observation. The Applicant intends to construct a new state-of-the-art facility with high quality landscaping consistent with other businesses in the area.

4. The conservation property values throughout the jurisdiction;

The conservation of property values throughout the jurisdiction is accomplished by granting this rezoning request in as much as this is an established industrial corridor and the use proposed is consistent and complementary to existing uses. Sustaining a residential zoning classification in an area that hosts a high concentration of industrial uses is not appropriate.

5. Responsible development and growth.

An automobile repair business specializing in the calibration of advanced driver assistance systems will not seek to impose a use that is immoral or otherwise offensive to the community as a whole, to customers of other local businesses along this corridor, or to the residential homes to the north/northeast of the site. The project will, in fact, repurpose real estate that is underutilized given its present zoning classification.

FACT SHEET

Case #REZ-2024-0038

Bill # Z-24-09-12

Project Start: September 2024

PROPOSAL:	Rezoning Petition REZ-2024-0038 – Summit Auto Calibration
APPLICANT:	Summit Auto Calibration
REQUEST:	To rezone from R1/Single Family Residential to I2/General Industrial to permit an automobile repair facility.
LOCATION:	3919 West Jefferson Blvd (Section 8 of Wayne Township)
LAND AREA:	2.19 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	I2/General Industrial
COUNCIL DISTRICT:	3 – Nathan Hartman
SPONSOR:	Fort Wayne Plan Commission

October 14, 2024 Public Hearing

- No one spoke in support or with concerns.
- Scott Myers, Rick Briley, and Ryan Neumeister were absent.

October 21, 2024 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig 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
October 26, 2024

PROJECT SUMMARY

The petitioner is requesting a rezoning of lots 19 and 20 of Leppers 2nd Suburban Addition from R1/Single Family Residential to I2/General Industrial and an approval for an automotive development. The original plat, which was platted in 1952, consisted of lots 13 through 19, but was amended in 2021 when lot 19 was split, creating an additional lot (lot 20). Lots 19 and 20 of Leppers 2nd Suburban Addition, formally known as 6516 and 6522 Huguenard Road respectively, is located east of its intersection with Option Pass. The properties to the north and east are zoned R1/Single Family Residential and are also part of Leppers 2nd Suburban Addition. Zoning to the south is R1/Single Family Residential with a single metes and bounds parcel, and also I2/General Industrial with an established industrial park. The majority of the area surrounding this parcel is zoned industrial and has developed with planned industrial parks. The site plan includes a proposed 15,000 square foot industrial building and the renovation of an existing house to be used for office space. The access off Huguenard Road leads to parking along the front of the building. A drive is connected on the north end, which circles around giving entrance into the building. There is additional parking along the south side of the building. A gravel lot is shown at the rear of the building, and is surrounded by a six-foot solid fence. A natural drain borders the properties along the north and east. Detention is on the southeast corner of the site. An alternate landscaping plan is requested along the natural drain. Sidewalks are proposed along Huguenard to fulfill NIRCC's request. The subject properties are located in Airport Overlay District SMD_Area 3; however, they will not require approval of a Special Use from the Board of Zoning Appeals for this requested use.

The applicant has submitted two waivers with this petition: The first waiver is requesting to reduce the number of required parking spaces, and the second is to allow gravel parking. The plan appears to meet all other development standards. The Plan Commission will determine the validity of waiver requests by considering the following three criteria:

- (a) The waiver or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the Comprehensive Plan;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties; and
- (c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Municipal infill areas benefit from existing infrastructure and adjacency to other community amenities. These second-tier infill areas are a focus for reinvestment and for filling in gaps within established neighborhoods. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
LUD1. Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 7. Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

Generalized Future Land Use Map

- The project site is located within the Production Center generalized land use category.
- Adjacent properties are also categorized as Production Center.

Overall Land Use Related Action Steps

- There are no specific Land Use Policies supportive of this request.

Compatibility Matrix

- This proposed use is permitted in I2/General Industrial which is considered potentially compatible with Production Center.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Jordan Huttenlocker, representing the applicant, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

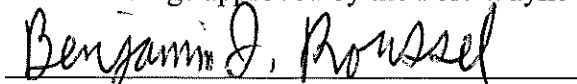
Rezoning Petition REZ-2024-0038 – Summit Auto Calibration

APPLICANT:	Summit Auto Calibration – Casey Brothers
REQUEST:	To rezone property from R1/Single Family Residential to I2/General Industrial and to approve a primary development plan for an automotive development with waiver requests to reduce required parking and increase allowable gravel.
LOCATION:	6516 and 6522 Huguenard Road, east of its intersection with Option Pass (Section 16 of Washington Township)
LAND AREA:	2.19 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	I2/General Industrial

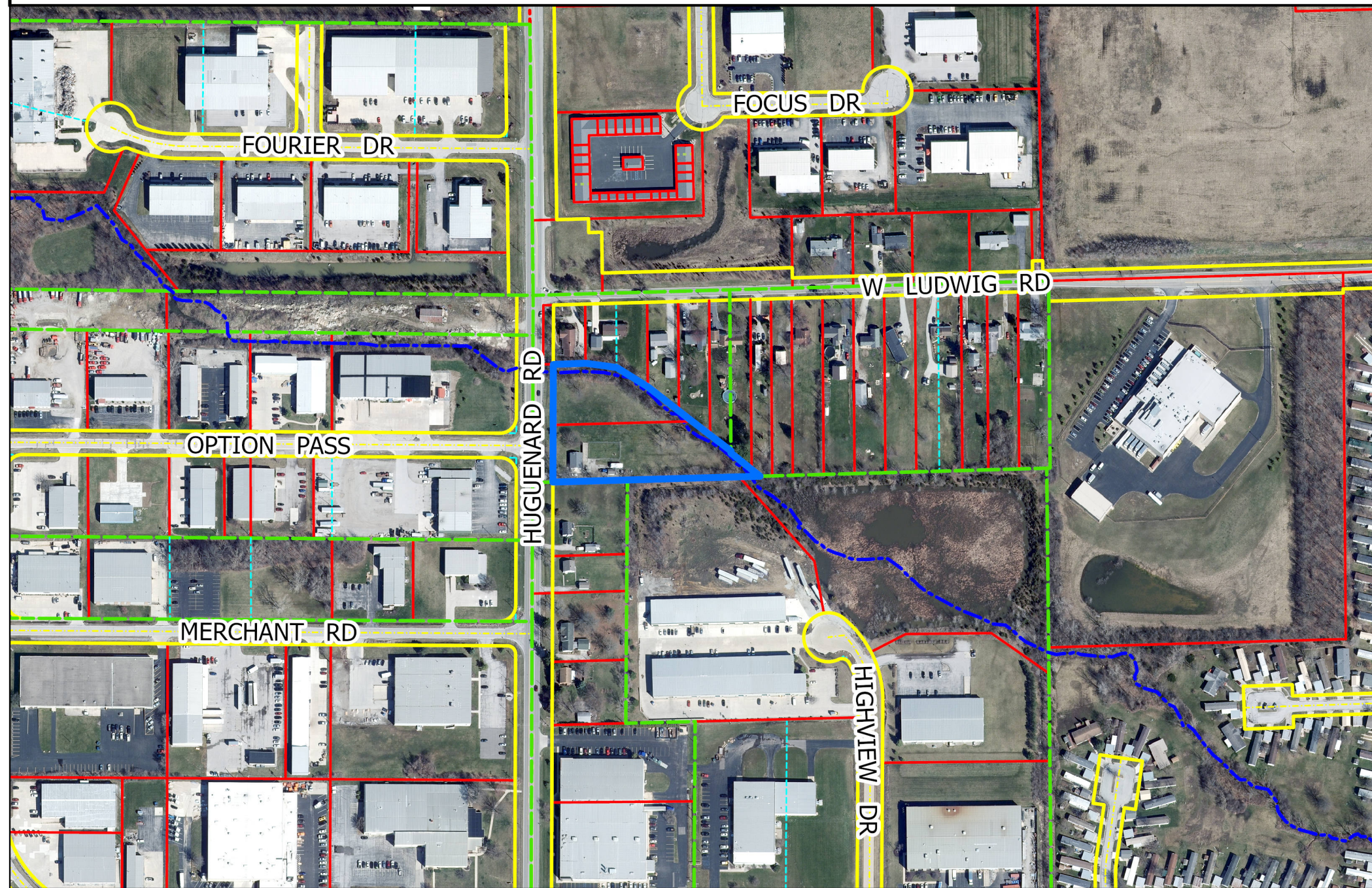
The Plan Commission recommends that Rezoning Petition REZ-2024-0038 be returned to Council, with a “Do Pass” recommendation, with a Written Commitment, after considering the following:

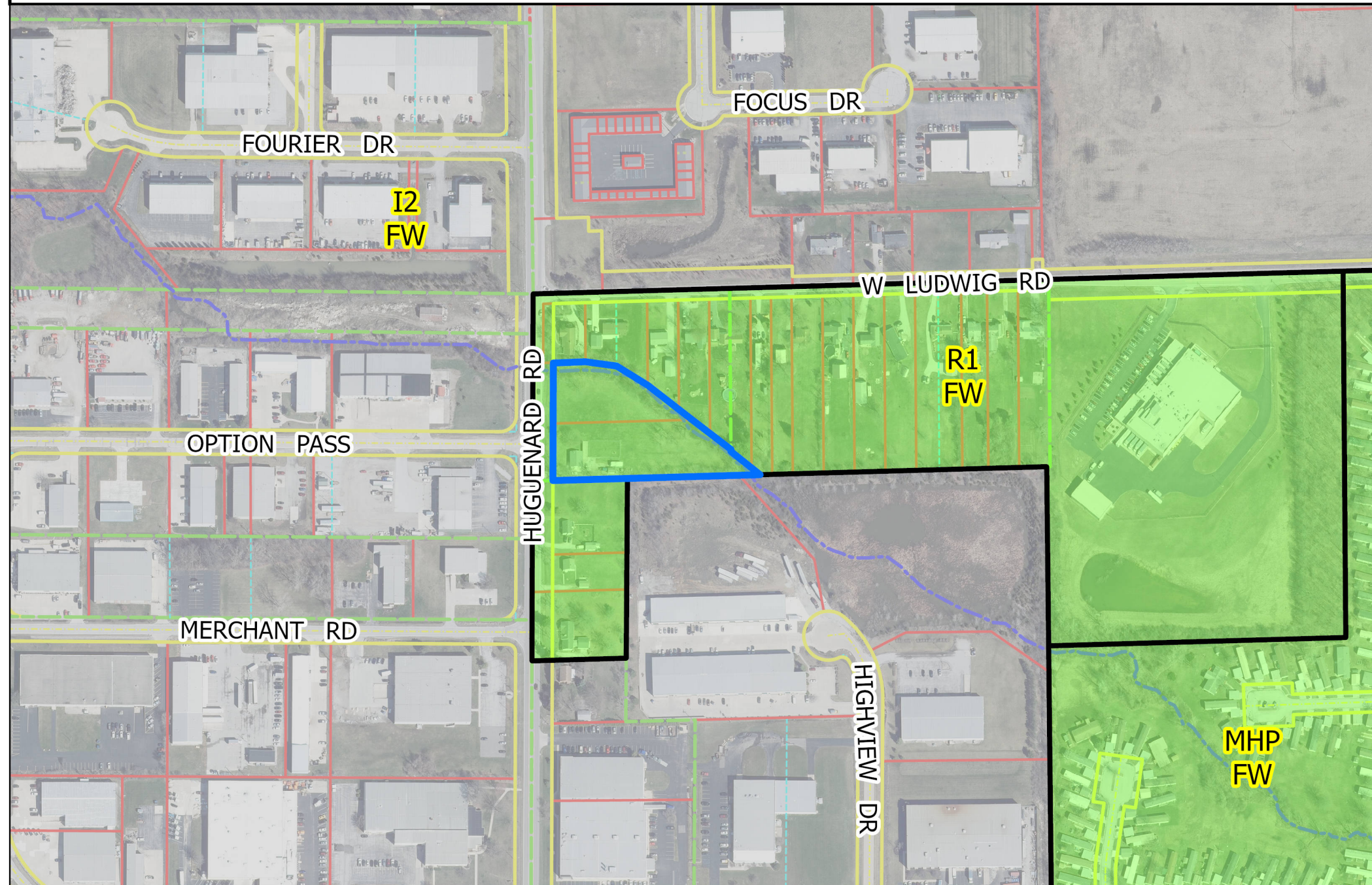
1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. An automotive development is not permitted in residential districts, necessitating this rezoning proposal. The site is located within the Urban Infill area and the I2/General Industrial zoning will provide the opportunity to redevelop the site while providing additional service options along Huguenard 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 rezoning is consistent with existing industrial zoning in the immediate area. The site is located within the Production Center generalized land use category. The existing structure will be remodeled and complement the proposed development.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and is adjacent to other industrial properties to the south and west. The proposal would construct an automobile repair facility in an area that is currently underutilized.
4. The rezoning is consistent with the mandate for responsible growth and development based on existing uses in the area. The comprehensive plan identifies this site as an infill growth opportunity and utilities are already provided to the site.

These findings approved by the Fort Wayne Plan Commission on October 21, 2024.

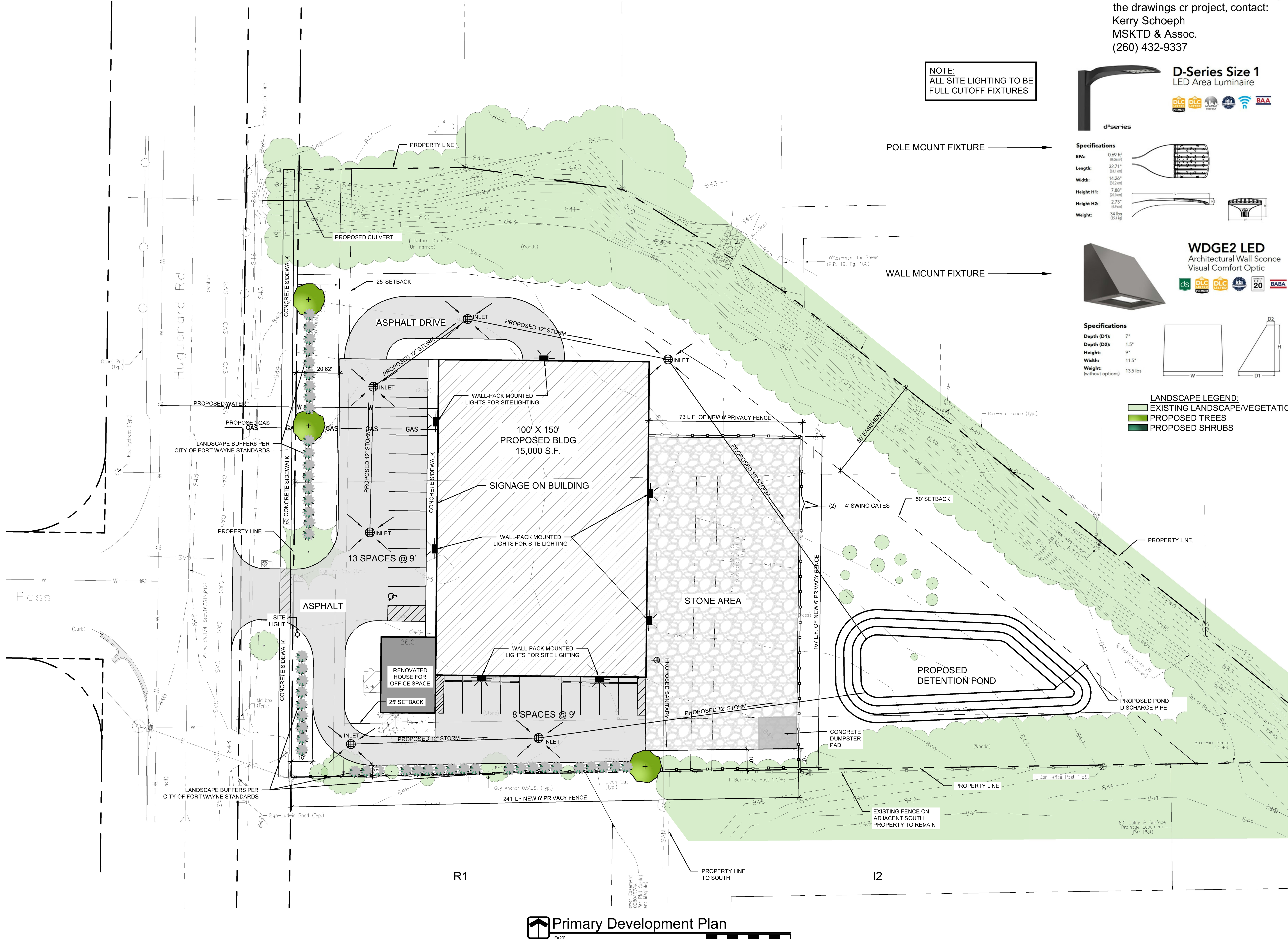


Benjamin J. Roussel
Executive Director
Secretary to the Commission





9/25/2024 3:16:11 PM



NOTE:
ALL SITE LIGHTING TO BE
FULL CUTOFF FIXTURES

D-Series Size 1
LED Area Luminaire

Specifications

EPA:	0.69 ft ² (0.06 m ²)
Length:	32.71" (83.1 cm)
Width:	14.26" (36.2 cm)
Height H1:	7.88" (20.0 cm)
Height H2:	2.73" (6.9 cm)
Weight:	34 lbs (15.4 kg)

WDGE2 LED
Architectural Wall Sconce
Visual Comfort Optic

Specifications

Depth (D1):	7"
Depth (D2):	1.5"
Height:	9"
Width:	11.5"
Weight:	13.5 lbs (without options)

LANDSCAPE LEGEND:

- EXISTING LANDSCAPE/VEGETATION
- PROPOSED TREES
- PROPOSED SHRUBS

For technical questions concerning the drawings or project, contact:
Kerry Schoeph
MSKTD & Assoc.
(260) 432-9337

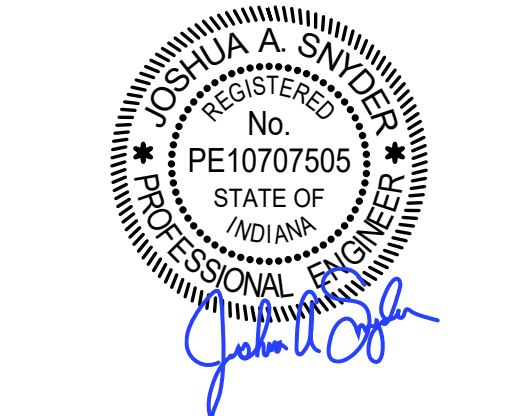
MSKTD & Associates

Architecture | Engineering | Interior Design

1715 Magnavox Way Fort Wayne, IN 46804 260.432.9337

830 North Meridian Indianapolis, IN 46204 317.917.1190

www.msktd.com



Developers:
Casey Brothers: 260-417-0161
Joe Brookhart: 260-410-4079
127 IN-930
New Haven, IN 46774

A Project for:
Summit Auto Calibration
6516 & 6522 Huguenard Road
Fort Wayne, Indiana 46818

PROJECT NO.	DATE
8128	09-03-2024
REV.	DATE
1. PER PLANNING	09-09-2024
2. PER PLANNING	09-25-2024

SET DESCRIPTION

SHEET TITLE
Primary Development Plan

SHEET NUMBER
C401

Tax Parcels:
02-07-16-302-001.002-073
02-07-16-302-001.000-073

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (this “Commitment”), is made effective as of ____ day of _____, 2024, by _____ (“Declarant”) and Summit Auto Calibration (“Applicant”).

RECITALS

WHEREAS, Declarant is the owner, by virtue of that certain Warranty Deed dated October 7, 1988, and recorded on January 19, 1989, as Document Number 89-002162, which was re-platted and recorded on July 29, 2021, as Document Number 2021050941 in the Office of the Recorder of Allen County, Indiana of approximately 2.19 acres of real estate located in Allen County, Indiana, which is legally described in **Exhibit A** attached hereto (“Real Estate”);

WHEREAS, Applicant submitted a Rezoning Petition Application to rezone the Real Estate from R1/Single Family Residential zoning districts to an I2/General Industrial zoning district bearing number REZ-2024-0038 (the “Petition”), which the Petition has been approved by the Fort Wayne Plan Commission (the “Plan Commission”) and Fort Wayne Common Council (the “City Council”);

WHEREAS, Declarant and Applicant have submitted this Commitment, voluntarily, pursuant to the Ordinance and I.C. 36-7-4-1015 for the purpose of limiting certain permitted uses arising from the development of 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 Office of the Recorder of Allen County, Indiana upon said approval of City Council.

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

COMMITMENTS

1. **PROHIBITED USES.** Subject to the terms and conditions herein contained, the following uses listed in the Ordinance for an I2 District shall be prohibited upon the Real Estate:

- a. Adoption service
- b. Adult care center

- c. Air freight service
- d. Animal hospital
- e. Animal kennel
- f. Animal slaughter house (indoor)
- g. Aquaculture
- h. Aquaponics
- i. Arcade
- j. Arena
- k. Assisted living facility
- l. Athletic field
- m. Auction hall
- n. Automobile auction
- o. Bar
- p. Betting or other gambling facility
- q. Bio-medical/orthopedic equipment
- r. Bioscience development, research, or testing
- s. Blood bank
- t. Blood or plasma donor facility
- u. Boarding house
- v. Boat dry dock facility
- w. Bottling facility
- x. Brewery
- y. Brewery (micro)
- z. Campus housing (off-site)
- aa. Ceramic product fabrication
- bb. Child care home (class I or II)
- cc. Compounding of:
 - Chemicals
 - Cleaning supplies
 - Cosmetics
 - Pharmaceuticals
- dd. Correctional services facility
- ee. Dialysis center
- ff. Diaper service facility
- gg. Dinner theater
- hh. Distillery
- ii. Distillery (micro)
- jj. Dormitory
- kk. Fraternity house
- ll. Funeral home
- mm. Furrier
- nn. Homeless shelter
- oo. Hospital

pp.	Hotel
qq.	Junk yard (indoor)
rr.	Laboratory
ss.	Laboratory (testing)
tt.	Meat/fish market
uu.	Motel
vv.	Nursing home
ww.	Propane sales
xx.	Public transportation facility
yy.	Recycling processing facility
zz.	Refractory
aaa.	Refurbishing facility
bbb.	Restaurant, including drive-through
ccc.	Retirement facility
ddd.	Riding stable
eee.	Sheet metal fabrication
fff.	Sheet metal processing
ggg.	Sorority house
hhh.	Stadium/racetrack
iii.	Truck fueling station
jjj.	Truck stop
kkk.	Zoo

(collectively, the “Restricted Uses”).

2. **PERMITTED USES.** Any use otherwise permitted in an I2/General Industrial zoning district pursuant to the Ordinance, which is not expressly prohibited pursuant to Section 1 above, shall be a permitted use upon the Real Estate.

3. **BINDING EFFECT, MODIFICATIONS, AND TERMINATION.** This Commitment shall run with the Real Estate, and shall be binding upon 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 be modified or terminated by the Plan Commission making findings of fact 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. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically

terminate if: (i) the zoning district or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.

4. **RECORDING.** Declarant or Applicant shall, at Declarant's or Applicant's own expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Allen County Zoning Administrator (the "Zoning Administrator").

5. **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.

6. **PERMITS.** No permits shall be issued under the Fort Wayne 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 and a recorded. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment

7. **GOVERNING LAW.** This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

8. **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.

9. **EFFECTIVE DATE.** This Commitment shall be effective upon the date on which this commitment is recorded in the Office of the Recorder of Allen County, Indiana.

10. **STATUTORY AUTHORITY.** This Commitment is made pursuant to IC §36-7-4-1015.

[Remainder of Page Intentionally Left Blank; Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

DECLARANT

By: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2024, personally appeared _____, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My commission expires:

_____, Notary Public
(Printed Name)
Resident of _____ County, Indiana

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

APPLICANT

By: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2024, personally appeared _____, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My commission expires:

_____, Notary Public
(Printed Name)
Resident of _____ County, Indiana

This instrument prepared by, and after recording return to: Jordan S. Huttenlocker, Rothberg Logan & Warsco LLP, 505 E. Washington Blvd., Fort Wayne, IN 46802.

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. /s/ Jordan S. Huttenlocker

EXHIBIT A

Legal Description of Real Estate

Lot Number 19 and Lot Number 20 in the Replat of Lot Number 19 in Lepper's Second Suburban Addition according to the plat thereof, as recorded in Plat Cabinet H, page 132, in the Office of the Recorder of Allen County, Indiana.