

#REZ-2025-0004

BILL NO. Z-25-02-07

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. V30 (Sec. 22 of St. Joseph Township)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a C3/General Commercial District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Legal Description (4800 Maplecrest Road Fort Wayne, IN)

Parcel I: (Fee Simple)

A parcel of land located in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence North 00 degrees 00 minutes East (bearing basis for description) along the West line of said Southwest One-Quarter; a distance of 1297.00 feet to the point of beginning. Beginning at the above described point; thence continue North 89 degrees 36 minutes 00 seconds East along the South line of Maplewood downs, Section II as recorded in Plat Book 29, page 121, in the office of the recorder of Allen County, Indiana, a distance of 505.0 feet; thence South, a distance of 110.00 feet; thence South 29 degrees 30 minutes 00 seconds West, a distance of 122.67 feet to the North line of a parcel of land owned by SV Ventures in doc. #960025025; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 22 seconds West along the West line of said parcel, a distance of 31.88 feet; thence North 74 degrees 47 minutes 42 seconds West, a distance of 242.10 feet; thence on a curve to the left having a radius of 151.50 feet an arc length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 82 degrees 35 minutes 51 seconds West; thence South 89 degrees 36 minutes 00 seconds West, a distance of 100.72 feet to a point on the East right-of-way line of Maplecrest road as found in doc. #970017308 and doc. #970024200; thence North 00 degrees 14 minutes 58 seconds West along said right-of-way line, a distance of 23.22 feet; thence South 90 degrees 00 minutes West along the North line of right-of-way in doc. #970017308, a distance of 40.0 feet to a point on the West line of said Southwest One-Quarter; thence North 00 degrees 00 minutes East along said West line, a distance of 147.0 feet to the point of beginning, containing 2.182 acres of land, more or less.

EXCEPT THAT PART CONVEYED TO Fort Wayne City Utilities, by Limited Partnership Warranty Deed recorded June 18, 2024, as Instrument No. 2024030988, in the Office of the Recorder of Allen County, Indiana, described as follows, to-wit: Part of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, in Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 149-114 "B", dated May 14, 2024; and being more particularly described as follows, to-wit: Commencing at the Southwest corner of said Section. 22; thence North 00 degrees 07 minutes 04 seconds East (bearings in this description arc based on a deed bearing of North 00 degrees 04 minutes 32 seconds West for the East line of line West Half of said Southwest Quarter), on and along the West line of said Southwest Quarter and within the right-of-way of Maplecrest Road, a distance of 1297.09 feet; thence North 89 degrees 36 minutes 00 seconds East, on and along the South line of Maplewood Downs, Section II, as recorded in Plat Record 29, pages 121-123, in the Office of said Recorder; a distance of 314.83 feet to a #5 rebar at the true point of beginning; thence North 89 degrees 36 minutes 00 seconds East, continuing on and along said North line, a distance of 609.09 feet to a #5 rebar at the Northeast corner of a 2.010 acre base tract of real estate

described in a deed to 219 Sackman, L.P., in Document Number 2023000593 in the Office of said Recorder; thence South 36 degrees 47 minutes 30 seconds West, on and along an East line of said 2.010 acre base tract, a distance of 297.87 feet to a #5 rebar; thence South 83 degrees 31 minutes 02 seconds West, on and along a South Line of said 2.010 acre base tract, a distance of 23.50 feet to a #5 rebar; thence- South 01 degrees 06 minutes 25 seconds East on and along an last line of said 2.010 acre base tract, a distance of 53.93 feet to a #5 rebar at the most Southerly corner thereof) thence North 74 degrees 49 minutes 38 seconds West, on and along a South line of said 2.010 acre base tract and the South line of a 2.182 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593, in the Office of said Recorder; a distance of 310.00 feet to a #5 rebar at a South corner of said 2.182 acre base tract; thence South 15 degrees 10 minutes 22 seconds West, on and along an East line of said 2.182 acre base tract a distance of 31.88 feet to a #5 rebar at the most Southerly corner thereof; thence North 74 degrees 47 minutes 42 seconds West, on and along the South line of said 2.182 acre base tract, a distance of 242.10 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 151.50 feet; thence Northwesterly, continuing on and along said South line, as defined by the arc of said curve, an arc distance of 41.26 feet, being subtended by a long chord having a length of 41.13 feet and a bearing of North 82 degrees 35 minutes 51 seconds West to a survey nail; thence North 89 degrees 07 minutes 38 seconds East, a distance of 126.52 feet to a #5 rebar; thence North 43 degrees 51 minutes 45 seconds East, a distance of 69.29 feet to a #5 rebar; thence North 00 degrees 24 minutes 00 seconds West, a distance of 119.83 feet to the true point of beginning, containing 3.011 acres of land.

Parcel II: (Easement)

A non-exclusive easement for pedestrian and vehicular ingress and egress as set forth in Reciprocal Access Easement Agreement dated January 3, 2023, and recorded January 6, 2023, in Instrument Number 2023000597 in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. V30 (Sec. 22 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2025-0004
Bill Number: Z-25-02-07
Council District: 1 – Paul Ensley

Introduction Date: February 25, 2025

Plan Commission
Public Hearing Date: March 10, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 1.18 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial

Location: 4800 Maplecrest Road (Section 22 of St. Joseph Township)

Reason for Request: To permit a car wash.

Applicant: ERPO LLC (Jeff Justice)

Property Owner: 219 Sackman LP

Related Petitions: Primary Development Plan – WhiteWater Car Wash

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit a car wash.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential and C2/Limited Commercial, which does not permit a car wash. The site may continue with existing uses, and may be redeveloped with single family residential and limited commercial uses.



Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



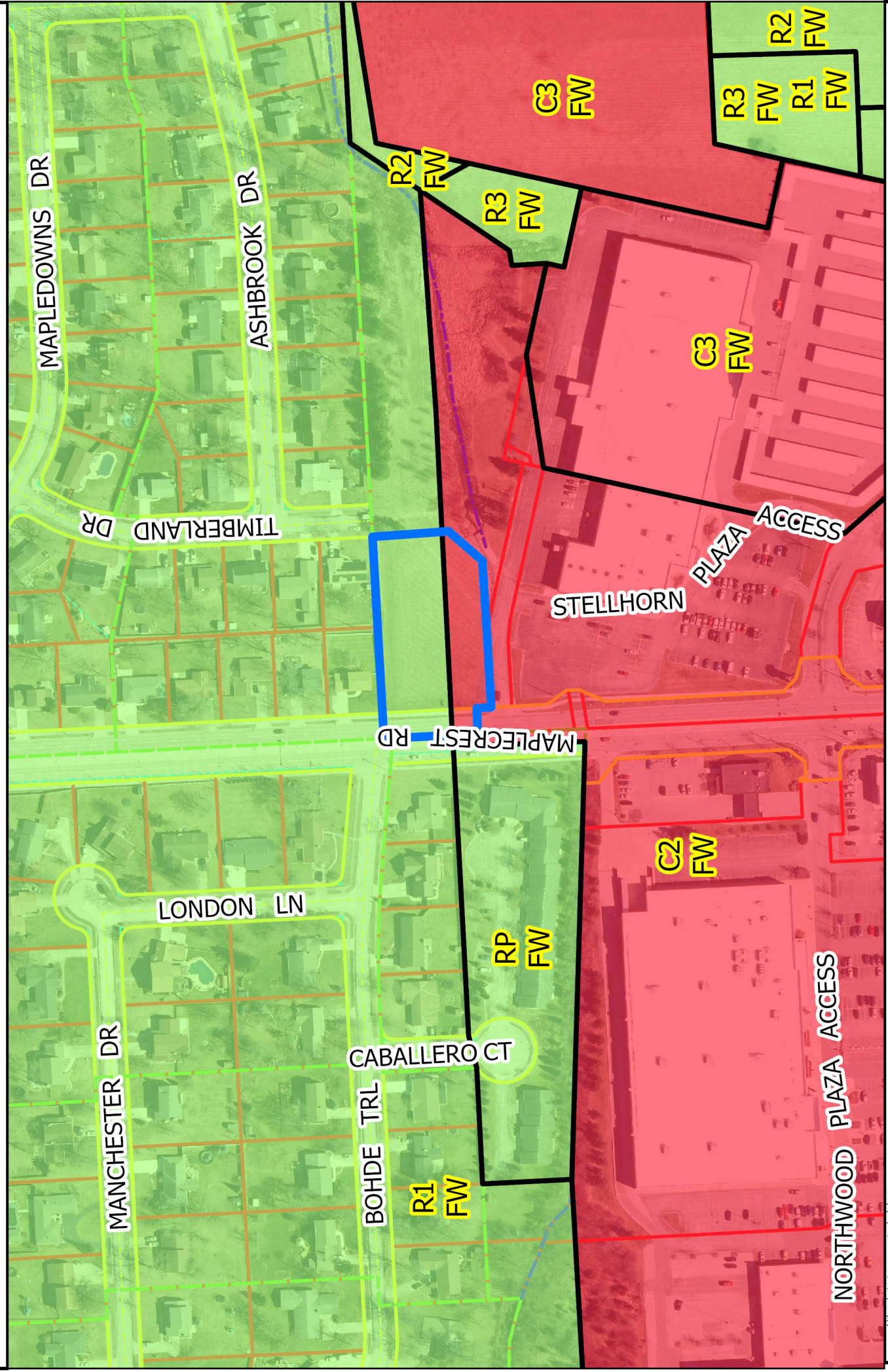
Although great accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/17/2025





Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/17/2025

Department of Planning Services Rezoning Petition Application

Applicant
Applicant EROP LLC (Jeff Justice)
Address 3130 N Kandy Lane Suite A
City Decatur State IL Zip 62526
Telephone 217-972-4296 E-mail JEFFJ@HYPERSHINECW.COM

Property Ownership
Property Owner 219 Sackman LP
Address c/o Sturges Property Group, 202 W Berry St Ste 500
City Fort Wayne State IN Zip 46802
Telephone 516-650-1759 E-mail chris@cwgdev.com

Contact Person
Contact Person Erin McMachen, Stonefield Engineering & Design
Address 555 S Old Woodward Ave Suite 12L
City Birmingham State MI Zip 48009
Telephone 248-247-1115 E-mail emcmachen@stonefieldeng.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 4800 Maplecrest Road Township and Section Sec. 22, T31N, R13E
Present Zoning C-2 & R-1 Proposed Zoning C-3 Acreage to be rezoned 1.18
Purpose of rezoning (attach additional page if necessary) Existing vacant land has been undeveloped due to the split zoning. Proposed C-3 Zone allows for an outlot development of the existing shopping center consistent with the Future Land Use Map, Proposed Car Wash is a Permitted Use within C-3.
Sewer provider City Water provider City

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

Jeff Justice
(printed name of applicant)

Jeff Justice
(signature of applicant)

1/13/2025
(date)

219 Sackman LP by chris gerhart
(printed name of property owner)

219 Sackman LP by Chris Gerhart
(signature of property owner)

1/13/2025
(date)

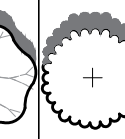
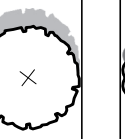
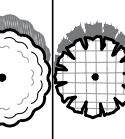
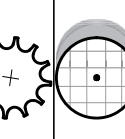
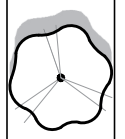
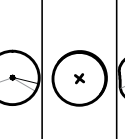
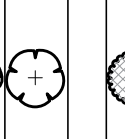
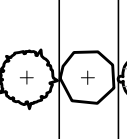
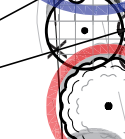
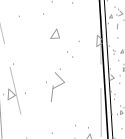
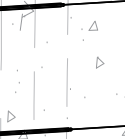


Received <u>1/27/25</u>	Receipt No. <u>146999</u>	Hearing Date <u>3-10-25</u>	Rezoning No. <u>REZ-2025-0004</u>
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Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



LANDSCAPING AND BUFFER REQUIREMENTS			
CODE SECTION	REQUIRED	PROPOSED	
§ 157.48B(D)(2)(a)	BUFFER REQUIREMENTS COMMERCIAL ADJACENT TO RESIDENTIAL B-2 REQUIRED COMMERCIAL ADJACENT TO NON-RESIDENTIAL- NONE REQUIRED	COMPLES COMPLES	
	SURFACE PARKING LANDSCAPING ADJACENT TO PUBLIC STREET- P1 REQUIRED ADJACENT TO RESIDENTIAL DISTRICT- P2 REQUIRED ADJACENT TO COMMERCIAL DISTRICT- P3 REQUIRED COMPLES	COMPLES COMPLES COMPLES	
§ 157.48B(D)(2)(b)	MINIMUM BUFFER WIDTH- 20 FT NORTH- 200 FT EAST- 250 FT COMPLES	COMPLES	
	EVERGREEN TREE FOR EVERY 20 FT OF BUILDING NOT FACING A PUBLIC STREET COMPLES 50% OF BUILDING PERIMETER SHALL BE LARGE SHRUBS SHRUBS SHALL BE IN GROUPS OF MINIMUM 5 COMPLES NORTH & EAST BUILDING PERIMETER- 161 FT (161 FT) * (0.50) = 81 FT COMPLES PARKING BUFFER P-1 STANDARDS (WEST) MINIMUM BUFFER WIDTH- 5 FT 1 SHADE TREE FOR EVERY 60 LF OF PARKING AREA COMPLES 75% OF TOTAL BUFFER LENGTH SHALL BE SMALL SHRUBS COMPLES PARKCREST ROAD- 150 FT (150 FT) * (0.75) = 113 FT COMPLES PARKING BUFFER P-2 STANDARDS (NORTH & EAST) MINIMUM BUFFER WIDTH- 10 FT 1 SHADE TREE FOR EVERY 40 LF OF PARKING AREA COMPLES 75% OF TOTAL BUFFER LENGTH SHALL BE LARGE SHRUBS COMPLES NORTH- 260 FT (260 FT) * (1 SHADE TREE / 40 LF BUFFER) = 7 TREES 195 FT EAST- 45 FT ⁽¹⁾ (45 FT ⁽¹⁾) * (1 SHADE TREE / 40 LF BUFFER) = 1 TREE 34 FT COMPLES PARKING BUFFER P-3 STANDARDS (SOUTH) MINIMUM BUFFER WIDTH- 5 FT 1 SHADE TREE FOR EVERY 60 LF OF PARKING AREA COMPLES 50% OF TOTAL BUFFER LENGTH SHALL BE SMALL SHRUBS COMPLES SHRUBS SHALL BE IN GROUPS OF MINIMUM 3 SOUTH- 42 FT ⁽¹⁾ (42 FT ⁽¹⁾) * (1 SHADE TREE / 60 LF BUFFER) = 1 TREE 21 FT COMPLES PAINTING AREAS MINIMUM PLANTING AREA PER TREE 200 SF 200 SF		
(1) LINEAR FOOTAGE CALCULATION EXCLUDES PORTION WITHIN EXISTING DRAINAGE EASEMENT ALONG SOUTHEAST CORNER OF THE SITE.			

PLANT SCHEDULE				
SYMBOL	CODE	QTY	BOTANICAL NAME	REMARKS
DECIDUOUS TREES				
	RUB	3	ACER RUBRA 'JANETOWN'	B&B NATIVE (VARIETY), SEEDLESS
	GLE	2	GLADIOLA TRICANTICLOS 'SHADBLW'	B&B NATIVE (VARIETY), SEEDLESS
	GYM	4	GYMNOCLADUS DIOICUS 'ESPRESSO'	B&B NATIVE (VARIETY), SEEDLESS
	LIQ	3	LIQUIDAMBAR STYRACIFLUA 'ROTUNDIFOLIA'	B&B NATIVE (VARIETY), SEEDLESS
EVERGREEN TREES				
	OPA	5	ILEX OPACA 'JERSEY KNIGHT'	B&B NATIVE (VARIETY), MALE CULTIVAR
	JUN	6	JUNIPERUS VIRGINIANA	B&B NATIVE
	JVI	14	JUNIPERUS VIRGINIANA 'JVI SELECT GREEN'	B&B NATIVE (VARIETY)
	THU	6	THUJA OCCIDENTALS	B&B NATIVE
ORNAMENTAL TREES				
	CER	2	CERCIS CANADENSIS	B&B NATIVE, PROFILES
SHRUBS				
	COR	8	CORNUS STOLONIFERA 'FIRE RED TWIG'	POT NATIVE (VARIETY)
	PHY	22	ORULIOLUS LITTLE DEVIL	POT NATIVE (VARIETY)
	MAP	18	VIBURNUM ACERIFOLIUM	POT NATIVE
	VIB	6	VIBURNUM DENTATUM	POT NATIVE
EVERGREEN SHRUBS				
	ILE	15	ILEX GLABRA 'COMPACTA'	B&B NATIVE (VARIETY)
	SEA	8	JUNIPERUS X FRITZERIANA 'SEA GREEN'	POT NATIVE
	KAL	21	KALMIA LATIFOLIA 'NORTON'S PRINCE'	POT NATIVE (VARIETY)
	CAN	37	TAXUS CANADENSIS	POT NATIVE

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN ON THE LANDSCAPE PLAN AND WITHIN THE PLANT LIST, THE PLAN SHALL DICTATE.

LANDSCAPE MAINTENANCE SCHEDULE												
MAINTENANCE TASK	WINTER			SPRING			SUMMER			FALL		
	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
SITE INSPECTION				X			X	X	X	X		
DEBRIS & WEED CONTROL				X	X		X	X	X	X		
IRRIGATION MAINTENANCE				X			X		X	X		
MOVING OF TURF				X	X		X	X	X	X		
PRUNING				X	X		X	X	X	X		
FERTILIZER & AMENDMENTS				X	X		X	X	X	X		
INSECT & DISEASE CONTROL				X	X		X	X	X	X		
PLANTING RENOVATION				X			X	X	X	X		
LIGHTING MAINTENANCE												
PAVED SURFACE MAINTENANCE				X								

SYMBOL

PROPOSED B-2 TREES

PROPOSED P-1 TREES

PROPOSED P-2 TREES

PROPOSED P-3 TREES

PROPOSED RIVER ROCK

PROPOSED STEEL EDGING

PROPOSED SNOW STORAGE

DESCRIPTION



RIVER ROCK TO BE UTILIZED
IN ALL PLANTING BEDS.

STEEL METAL EDGING TO BE
UTILIZED AROUND ALL
PLANTING BEDS AND
AREAS CONTAINING
DECORATIVE STONE.



Know what's below
Call before you dig.

IRRIGATION NOTE:

IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT ARCHITECT FOR REVIEW. CONTRACTOR SHALL PROVIDE A DESIGN FOR DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE PRIOR TO CONSTRUCTION. CONTRACTOR SHALL PROVIDE A DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

LANDSCAPING NOTES

- THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND UNDISTURBED AREAS TO THAT EXISTING CONDITIONS, UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITHIN THE PLAN SET TO THAT EXISTING CONDITIONS.
- THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH A MINIMUM 3 INCH LAYER OF MULCH.
- THE MINIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION AREAS SHALL BE 2% (2 INCH PER FOOT) TO PREVENT EROSION. SLOPE UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN ACCORDANCE WITH THE CITY OF FORT WAYNE LANDSCAPING CODE. THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE. ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL PROVIDE CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING AREAS.
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND UNDISTURBED AREAS TO THAT EXISTING CONDITIONS, UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITHIN THE PLAN SET TO THAT EXISTING CONDITIONS.
- THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH A MINIMUM 3 INCH LAYER OF MULCH.
- THE MINIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION AREAS SHALL BE 2% (2 INCH PER FOOT) TO PREVENT EROSION. SLOPE UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN ACCORDANCE WITH THE CITY OF FORT WAYNE LANDSCAPING CODE. THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE. ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL PROVIDE CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING AREAS.



1" = 20'

GRAPHIC SCALE IN FEET

LANDSCAPING PLAN

DRAWING:

C-2

SCALE: 1" = 20'
PROJECT ID: DET-240355
TITLE:

STONEFIELD
engineering & design

REGISTERED PROFESSIONAL ENGINEER
MICHAEL COOK, No. PE11400346
STATE OF INDIANA
LICENSED PROFESSIONAL ENGINEER

EROP LLC
PROPOSED CARWASH
SITE DEVELOPMENT PLANS
PARCEL ID: 02-08-22-351-001-002-072
4800 MAPLECREST ROAD
CITY OF FORT WAYNE
ALLEN COUNTY, INDIANA



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555 S. Old Woodward Avenue, Suite 12L, Birmingham, MI 48009

REZONING PETITION SUBMISSION

ALTA / NSPS LAND TITLE SURVEY
A PART OF THE SOUTHWEST QUARTER OF
SECTION 22, T31N, R13E
ALLEN COUNTY, INDIANA.

DESCRIPTION

A portion of a land parcel in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence North 00 degrees 00 minutes East (bearing) for a distance along the line of said section of 120.00 feet to the Northwest corner of said section; thence South 89 degrees 36 minutes West along the above described point; thence continue North 89 degrees 36 minutes West for a distance of 120.00 feet to the South line of Maplewood road, section 22 as recorded in Plat Book 25, page 121, in the office of the recorder of Allen County, Indiana, a distance of 590.5 feet; thence continue North 89 degrees 36 minutes West along the line of said section for a distance of 122.67 feet to the North line of a parcel of land owned by 50 Venturers in doc. #P600250; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 38 seconds West along the line of said parcel for a distance of 242.0 feet to the Northwest corner of a parcel of land owned by 50 Venturers in doc. North 74 degrees 49 minutes 38 seconds West, a distance of 147.0 feet to the point of beginning, containing the left having a radius of 151.50 feet, an arc length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 73 degrees 33 minutes 51 seconds West; thence South 89 degrees 36 minutes West along the line of said section for a distance of 120.00 feet to the Northwest corner of said land in doc. #P700240 3308 and doc. #P700240 3308; thence North 00 degrees 00 minutes West along said North line, a distance of 23.22 feet; thence South 90 degrees 00 minutes West along said North line of right-of-way of 147.0 feet to the point of beginning, containing the left having a radius of 147.0 feet to the point of beginning, containing 2.182 acres of land, more or less.

[illegible]

CERTIFICATION

To EROP LLC and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 16, and 17 of Table A thereof. The field work for this survey was performed on October 21, 2024.

The data was gathered using standard radial surveying techniques with an Electronic total station and data collector and/or using Global Positioning (GPS).

Date of Plat or Map: November 7, 2024

By: 
Marty J. James
Professional Land Surveyor No. LS220
State of Indiana

The property described and shown hereon is the same property described in First American Title Insurance Company Title Commitment No. 24-15950 dated July 22, 2024.

CONTROL POINTS:

HORIZONTAL DATUM: Reference Frame NAD 83(2011) Epoch 2010.0000, Indiana State Plane
Coordinates East Zone, U.S. Survey Feet.
VERTICAL DATUM: NAVD88 (Computed using Geoid 12A), U.S. Survey Feet.

CONTROL POINTS			DESCRIPTION
INT #	NORTHING	EASTING	S/E 5/8 CAP FLUSH
1	2140549.47	494920.23	SMAC/WASHER
2	2140480.06	495165.27	SMAC/WASHER
3	2140523.64	494902.33	SMAC/WASHER
6	2140751.36	494785.64	5/8" REBAR
17	2140787.78	495058.47	5/8" REBAR W/ SHOWER CAP

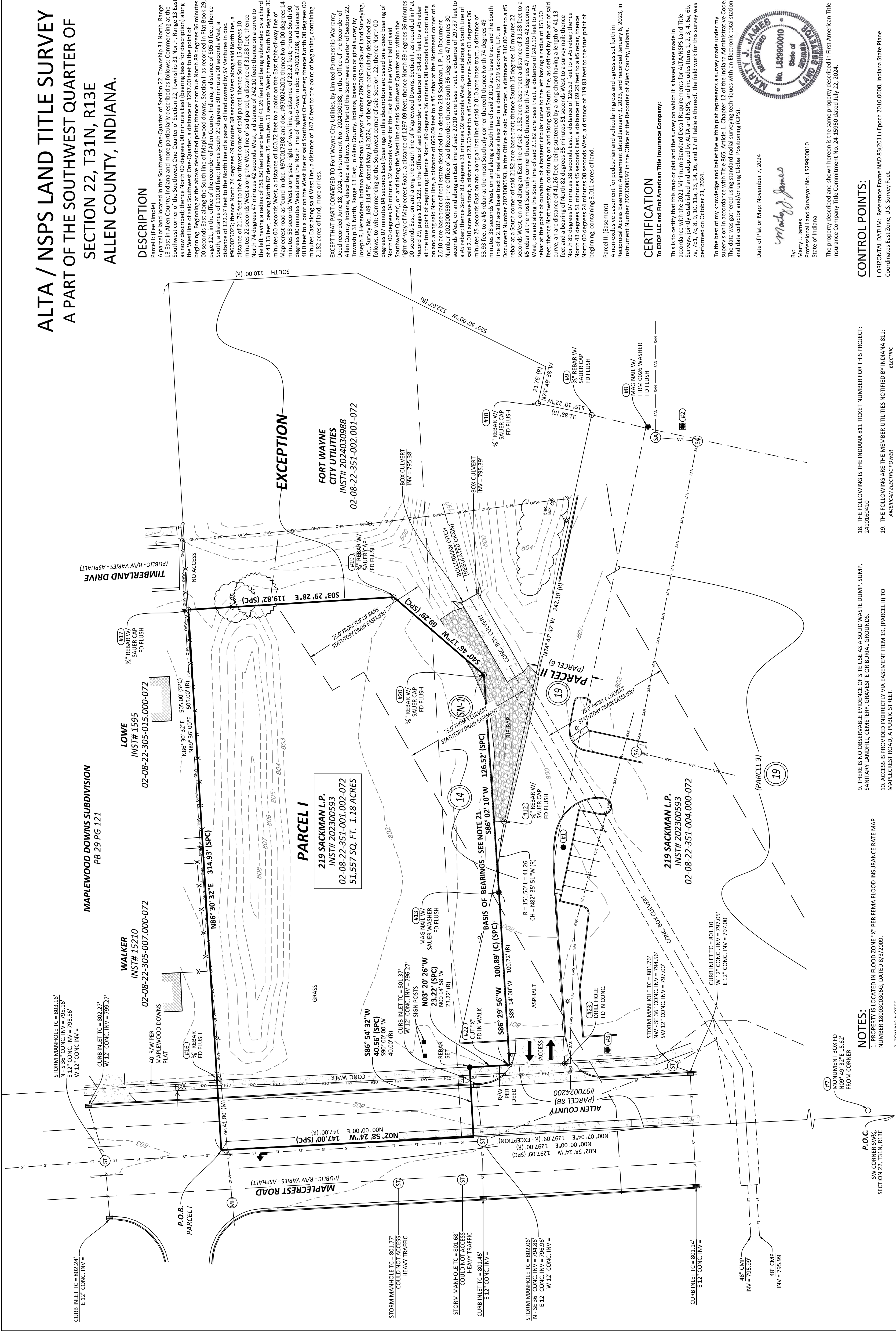
STATEMENT OF ENCROACHMENTS:

SN-1 PER THE ALLEN COUNTY SURVEYOR, THE LEGAL DRAIN EASEMENT IS 75 FEET EACH SIDE OF THE CENTERLINE OF THE CULVERT AND TOP OF BANK. THE PHYSICAL LOCATION SHOULD BE COORDINATED BETWEEN THE DESIGN TEAM AND THE COUNTY SURVEYOR'S OFFICE.

PROJECT NO. 11775

PROJECT NO.

PROJECT NO. 11775



LEGEND:

- [illegible]

NOTES:

1. PROPERTY IS LOCATED IN FLOOD ZONE "X" PER FEMA FLOOD INSURANCE RATE MAP NUMBER 18003C03966, DATED 9/3/2009.
2. ZONING NOTES:
 - ZONING CLASSIFICATION: PROPERTY IS ZONED LIMITED COMMERCIAL (C2) AND SINGLE FAMILY RESIDENTIAL (R1)
 - BUILDING SETBACKS:
 - FROM = 115' FROM STREET CENTERLINE(R1), 25'(C2)
 - FROM PRIVATE SEWER/S PUBLIC SEWER(R1), 25' (ADJ. TO RESIDENTIAL) 10' (OTHERWISE)(C2)
 - REAR = 50' (R1), 25' (ADJ. TO RESIDENTIAL) 10' (OTHERWISE)(C2)
 - HEIGHT RESTRICTIONS: MAXIMUM BUILDING HEIGHT = 40' (R1 & C2)
 - OFF-STREET PARKING REQUIREMENTS (METAL): 1 SPACE PER 400 SQ.FT.
3. NO ZONING REPORT WAS PROVIDED BY THE CLIENT AND SHOULD BE VERIFIED.
4. THE ZONING INFORMATION ABOVE WAS PROCURED FROM THE CITY OF FORT WAYNE, INDIANA ZONING ORDINANCE DATED 2/23/2024 (AS INTERPRETED BY THE SURVEYOR).
5. PARKING: THERE ARE NO MARKED PARKING SPACES ON SITE.
6. FIELD WORK PERFORMED ON OCTOBER 21, 2024.
7. UTILITIES SHOWN HEREON ARE PER OBSERVED ABOVE GROUND EVIDENCE AND FROM UTILITY MARKINGS PLACED ON THE GROUND BY INDIANA811 MEMBER UTILITIES (SEE TITLE BLOCK). MEMBER UTILITIES DO NOT LOCATE PRIVATE LINES OR FACILITIES (SEE TITLE BLOCK). ALL UTILITIES SHOWN HEREON ARE IDENTIFIED AS OVERHEAD. THE PURPOSE OF THE TITLE OVERHEAD UTILITIES ARE IDENTIFIED AS OVERHEAD WITHOUT SPECIAL INVESTIGATION AS TO THE TYPE OR NATURE. STORM AND SANITARY INVERT ELEVATIONS, PIPE SIZES, AND MATERIALS ARE ALL APPROXIMATE BASED ON ENTERED TO ACCURATELY MEASURE PIPE SIZES AND TO VERIFY PIPE TYPE AND MATERIAL. STRUCTURE GRADES AND COVERS SHOWN SHOULD NOT BE ASSUMED TO BE THE CENTER OF GRADE. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY.
8. THERE IS NO OBSERVABLE EVIDENCE OF PRESENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
9. THERE IS NO OBSERVABLE EVIDENCE OF PRESENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
10. ACCESS IS PROVIDED INDIRECTLY VIA EASEMENT ITEM 19, (PARCEL II) TO MAPLECREST ROAD, A PUBLIC STREET.
11. THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY.
12. THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY SHOWN HEREON AND THE BOUNDARY LINES AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
13. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/- 0.1 FOOT.
14. THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THE MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
15. EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSISTS OF TWO OR MORE PARCELS, THERE ARE NO GAPS OR GORES BETWEEN SAID PARCELS.
16. CONTOURS REPRESENT 1-FOOT INTERVALS.
17. UTILITIES SHOWN HEREON ARE PER OBSERVED ABOVE GROUND EVIDENCE AND FROM UTILITY MARKINGS PLACED ON THE GROUND BY INDIANA811 MEMBER UTILITIES (SEE TITLE BLOCK). MEMBER UTILITIES DO NOT LOCATE PRIVATE LINES OR FACILITIES (SEE TITLE BLOCK). ALL UTILITIES SHOWN HEREON ARE IDENTIFIED AS OVERHEAD. THE PURPOSE OF THE TITLE OVERHEAD UTILITIES ARE IDENTIFIED AS OVERHEAD WITHOUT SPECIAL INVESTIGATION AS TO THE TYPE OR NATURE. STORM AND SANITARY INVERT ELEVATIONS, PIPE SIZES, AND MATERIALS ARE ALL APPROXIMATE BASED ON ENTERED TO ACCURATELY MEASURE PIPE SIZES AND TO VERIFY PIPE TYPE AND MATERIAL. STRUCTURE GRADES AND COVERS SHOWN SHOULD NOT BE ASSUMED TO BE THE CENTER OF GRADE. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY. THERE ARE NO UTILITY LOCATIONS INCLUDING LOCATIONS AND SIZES NOTED ON THE SURVEY.

18. THE FOLLOWING IS THE INDIANA 811 TICKET NUMBER FOR THIS PROJECT:
2410160410

- | | | |
|-----|--|--|
| 19. | THE FOLLOWING ARE THE MEMBER UTILITIES NOTIFIED BY INDIANA 811:

AMERICAN ELECTRIC POWER
(FOR WATER)
FORT WAYNE CITY OF

IN FIBER NETWORK, OR INTELLIGENT FIBER NETWORK
ZWO BANDWIDTH
FRONTIER
MUSCO GAS (FORT WAYNE) | <p>Electric
Fiber OPTIC SEWER
STREETLIGHTS, TRAFFIC LIGHTS,
FIBER OPTIC
FIBER OPTIC
TELEPHONE
GAS</p> |
| 20. | THE UTILITIES SHOWN ON THIS SUEWY represent Quality Level B standard of care. The American Society of Civil Engineers (ASCE) has developed an important standard of care guideline, Standard Guideline for the Collection and Deposition of Existing Subsurface Utility Data, CIVILASCE 38-02. | <p>Standard of care
Standard Guideline for the Collection and Deposition of Existing Subsurface Utility Data, CIVILASCE 38-02.</p> |
| 21. | QUALITY LEVEL B information derived from existing records or on-site inspections. Quality Level C information derived from field observations and/or measurements. Quality Level D information derived from field observations and/or measurements. Quality Level E information obtained through the application of appropriate surface surveying techniques to determine the existence and approximate horizontal position of subsurface utilities. | <p>Quality Level B
Quality Level C
Quality Level D
Quality Level E</p> |
| 22. | QUALITY LEVEL A- Precise horizontal and vertical location of utilities obtained by the actual exposure and subsequent measurement of subsurface utilities, usually at a specific point. To order a copy of ASCE Standard 38-02, please go to the ASCE bookstore: http://www.pubs.asce.org/ or call 1-800-546-7273. | <p>Actual exposure and subsequent measurement of subsurface utilities, usually at a specific point.
To order a copy of ASCE Standard 38-02, please go to the ASCE bookstore:
http://www.pubs.asce.org/ or call 1-800-546-7273.</p> |
| 23. | THE BASIS OF BEARINGS WAS HELD BETWEEN MONUMENT #20 (REBAR W/ SAUER CAST AND MONUMENT #42 (CUT "X" IN WALW) USING RECORD ANGLES AND ROTATED TO STATE PLANE COORDINATES. THERE IS 0.2 FEET OF UNCERTAINTY IN ALL CORNERS. | <p>Basis of bearings was held between monument #20 (rebar w/ sauer cast and monument #42 (cut "x" in walw) using record angles and rotated to state plane coordinates. There is 0.2 feet of uncertainty in all corners.</p> |

21. THE BASIS OF BEARINGS WAS HELD BETWEEN MONUMENT #20 (REBAR W/ SAUER CAP) AND MONUMENT #22 (CUT "X" IN WALK) USING RECORD ANGLES AND ROTATED

TO STATE PLANE COORDINATES. THERE IS 0.2 FEET OF UNCERTAINTY IN ALL CORNERS.

SPC STATE PLANE COORDINATE BEARING

Department of Planning Services Rezoning Questionnaire

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

- (1) The Comprehensive Plan;

Per the "All In Allen" Fort Wayne-Allen County Comprehensive Plan March 2023, Generalized Future Land Use Map, the site is designated as "Community Commercial". Primary Land Uses include High-Intensity Business, Service, Retail. A car wash development meets the intent of this Future Land Use Designation.

- (2) Current conditions and the character of current structures and uses in the district;

Existing site is vacant land, an out lot of an existing shopping center also designated as "Community Commercial" in the Future Land Use Map. The proposed rezone would allow for a cohesive commercial development.

- (3) The most desirable use for which the land in the district is adapted;

Proposed Car Wash.

- (4) The conservation of property values throughout the jurisdiction;

The proposed development is located on Maplecrest Road, a 4-lane divided highway servicing many commercial developments. There are two (2) single family homes bordering the development to the North. Currently there is some existing fencing on the residential properties. Under the proposed development, multiple methods of screening will be provided including a 6 FT vinyl fence, berm, greenbelt buffer and dense landscaping. The car wash will abide by all lighting and noise requirements to ensure no detriment to neighboring parcels.

- (5) Responsible development and growth.

WhiteWater Car Wash utilizes eco-friendly detergents and cleaning products. The car wash is equipped with a 3-tank reclamation system, treating waste water per state standards prior to discharging to the public system. The development will provide local employment and tax revenue to the City.

COMPLETE FILING TO INCLUDE:

- ☒ Filing Fee
- ☒ Complete application signed by property owner*
- ☒ Legal description (in Word document format)*
- ☒ Boundary/Utility Survey*
- ☒ Rezoning Criteria *
- ☒ Written Commitment (if applicable)*

**All documents may be digital*



PROPOSED
WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this ____ day of January, 2025 by EROP LLC, an Illinois limited liability company (the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.22 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 R1 and C2 to C3, bearing number REZ-2025-____ (the "Petition"), which Petition has 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. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:

- 1) Adult care center
- 2) Adult care home
- 3) Assisted living facility
- 4) Auction service
- 5) Boarding/lodging house
- 6) Campus housing
- 7) Catalog showroom
- 8) Child care home (class I or II)
- 9) Dating service
- 10) Day care
- 11) Educational institution
- 12) Fraternity house
- 13) Group residential facility (small)
- 14) Homeless/emergency shelter
- 15) Hospital
- 16) Multiple family complex
- 17) Multiple family dwelling
- 18) Nursing home
- 19) Radio station
- 20) Residential facility for homeless individuals
- 21) Retirement facility
- 22) School
- 23) Security service
- 24) Social service agency
- 25) Sorority house
- 26) Television station
- 27) Townhouse complex

- 28) Wind energy conversion system (micro) as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 29) Flea Market
- 30) Gas Station
- 31) Go-Kart Facility
- 32) Golf course – miniature
- 33) Motor Vehicle auction
- 34) Pawn Shop
- 35) Residential dwelling unit
- 36) Riding Stable
- 37) Shooting range
- 38) Tobacco Store
- 39) Towing Service
- 40) Zipline
- 41) Zoo
- 42) Commercial Communication Tower but permitted as incidental to another permitted use
- 43) Home business
- 44) Manufactured home
- 45) Ground mounted solar panel arrays as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 46) Tree Service
- 47) Wind towers as free standing sole use of the property but permitted if incidental to another commercial use
- 48) Manufactured homes
- 49) Utility facility – private – if this is sole use of the property but permitted if incidental to another commercial use

50) Wind Conversion system – if this is sole use of the property but permitted if incidental to another commercial use

2. Permitted Uses. Any use otherwise permitted in a C-3 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. Other Commitments: Declarant agrees that the landscaping, earthen berm, and fence on the earthen berm that is along the northern border of the premises shall remain, be maintained, and replaced if plants die in perpetuity.
4. 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.
5. 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 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.

6. 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.
7. 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.
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. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
10. 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"

EROP LLC

By: _____

Printed Name: Jeff Justice

Title: Assistant 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 _____, 2025, personally appeared _____
_____ 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: Name and address_____.

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. Jeff Justice

When Recorded, mail to: EROP LLC, 3130 N Kandy Lane, Ste A, Decatur, IL 62526

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

Parcel I: (Fee Simple)

A parcel of land located in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence North 00 degrees 00 minutes East (bearing basis for description) along the West line of said Southwest One-Quarter, a distance of 1297.00 feet to the point of beginning. beginning at the above described point; thence continue North 89 degrees 36 minutes 00 seconds East along the South line of Maplewood downs, Section II as recorded in Plat Book 29, page 121, in the office of the recorder of Allen County, Indiana, a distance of 505.0 feet; thence South, a distance of 110.00 feet; thence South 29 degrees 30 minutes 00 seconds West, a distance of 122.67 feet to the North line of a parcel of land owned by SV Ventures in doc. #960025025; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 22 seconds West along the West line of said parcel, a distance of 31.88 feet; thence North 74 degrees 47 minutes 42 seconds West, a distance of 242.10 feet; thence on a curve to the left having a radius of 151.50 feet an arc length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 82 degrees 35 minutes 51 seconds West; thence South 89 degrees 36 minutes 00 seconds West, a distance of 100.72 feet to a point on the East right-of-way line of Maplecrest road as found in doc. #970017308 and doc. #970024200; thence North 00 degrees 14 minutes 58 seconds West along said right-of-way line, a distance of 23.22 feet; thence South 90 degrees 00 minutes West along the North line of right-of-way in doc. #970017308, a distance of 40.0 feet to a point on the West line of said Southwest One-Quarter; thence North 00 degrees 00 minutes East along said West line, a distance of 147.0 feet to the point of beginning, containing 2.182 acres of land, more or less.

EXCEPT THAT PART CONVEYED TO Fort Wayne City Utilities, by Limited Partnership Warranty Deed recorded June 18, 2024, as Instrument No. 2024030988, in the Office of the Recorder of Allen County, Indiana, described as follows, to-wit: Part of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, in Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 149-114 "B", dated May 14, 2024; and being more particularly described as follows, to-wit: Commencing at the Southwest corner of said Section. 22; thence North 00 degrees 07 minutes 04 seconds East (bearings in this description arc based on a deed bearing of North 00 degrees 04

minutes 32 seconds West for the East line of line West Half of said Southwest Quarter), on and along the West line of said Southwest Quarter and within the right-of-way of Maplecrest Road, a distance of 1297.09 feet; thence North 89 degrees 36 minutes 00 seconds East, on and along the South line of Maplewood Downs, Section II, as recorded in Plat Record 29, pages 121-123, in the Office of said Recorder, a distance of 314.83 feet to a #5 rebar at the true point of beginning; thence North 89 degrees 36 minutes 00 seconds East, continuing on and along said North line, a distance of 609.09 feet to a #5 rebar at the Northeast corner of a 2.010 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593 in the Office of said Recorder; thence South 36 degrees 47 minutes 30 seconds West, on and along an East line of said 2.010 acre base tract, a distance of 297.87 feet to a #5 rebar; thence South 83 degrees 31 minutes 02 seconds West, on and along a South Line of said 2.010 acre base tract, a distance of 23.50 feet to a #5 rebar; thence- South 01 degrees 06 minutes 25 seconds East on and along an last line of said 2.010 acre base tract, a distance of 53.93 feet to a #5 rebar at the most Southerly corner thereof) thence North 74 degrees 49 minutes 38 seconds West, on and along a South line of said 2.010 acre base tract and the South line of a 2.182 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593, in the Office of said Recorder, a distance of 310.00 feet to a #5 rebar at a South corner of said 2182 acre base tract; thence South 15 degrees 10 minutes 22 seconds West, on and along an East line of said 2.182 acre base tract a distance of 31.88 feet to a #5 rebar at the most Southerly corner thereof; thence North 74 degrees 47 minutes 42 seconds West, on and along the South line of said 2.182 acre base tract, a distance of 242.10 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 151.50 feet; thence Northwesterly, continuing on and along said South line, as defined by the arc of said curve, an arc distance of 41.26 feet, being subtended by a long chord having a length of 41.13 feet and a bearing of North 82 degrees 35 minutes 51 seconds West to a survey nail; thence North 89 degrees 07 minutes 38 seconds East, a distance of 126.52 feet to a #5 rebar; thence North 43 degrees 51 minutes 45 seconds East, a distance of 69.29 feet to a #5 rebar, thence North 00 degrees 24 minutes 00 seconds West, a distance of 119.83 feet to the true point of beginning, containing 3.011 acres of land.

Parcel II: (Easement)

A non-exclusive easement for pedestrian and vehicular ingress and egress as set forth in Reciprocal Access Easement Agreement dated January 3, 2023, and recorded January 6, 2023, in Instrument Number 2023000597 in the Office of the Recorder of Allen County, Indiana.