

1 #REZ-2026-0002

2 BILL NO. Z-26-01-20

3 ZONING MAP ORDINANCE NO. Z-_____

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. BB02 (Sec. 10 of Aboite Township)

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

7 SECTION 1. That the area described as follows is hereby designated as C1/Professional
8 Office and Personal Services Zoning District under the terms of Chapter 157 Title XV of the Code
9 of the City of Fort Wayne, Indiana:

10 **Legal Description**

11 THE WEST 186 FEET OF THE NORTH 435.5 FEET OF THE EAST HALF OF THE NORTHEAST
12 QUARTER OF SECTION 10, TOWNSHIP 30 NORTH, RANGE 11 EAST, ALLEN COUNTY INDIANA,
13 CONTAINING IN ALL 1.86 ACRES OF LAND, MORE OR LESS.

14 and the symbols of the City of Fort Wayne Zoning Map No. BB02 (Sec. 10 of Aboite Township),
15 as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is
16 hereby changed accordingly.

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

21 SECTION 3. That this Ordinance shall be in full force and effect from and after its
22 passage and approval by the Mayor.
23

24 _____
25 Council Member

26 APPROVED AS TO FORM AND LEGALITY:

27 _____
28 Malak Heiny, City Attorney
29
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2026-0002
Bill Number: Z-26-01-20
Council District: 4 – Dr. Scott Myers

Introduction Date: January 27, 2026

Plan Commission
Public Hearing Date: February 9, 2026 (not heard by Council)

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

Synopsis of Ordinance: To rezone 1.75 acres from AR/Low Intensity Residential to C1/Professional Office and Personal Services

Location: 9729 Illinois Rd (Section 10 of Aboite Township)

Reason for Request: To allow for a childcare center

Applicant: Shakeel Ahmed

Property Owner: Todd D & Rita A Andersen

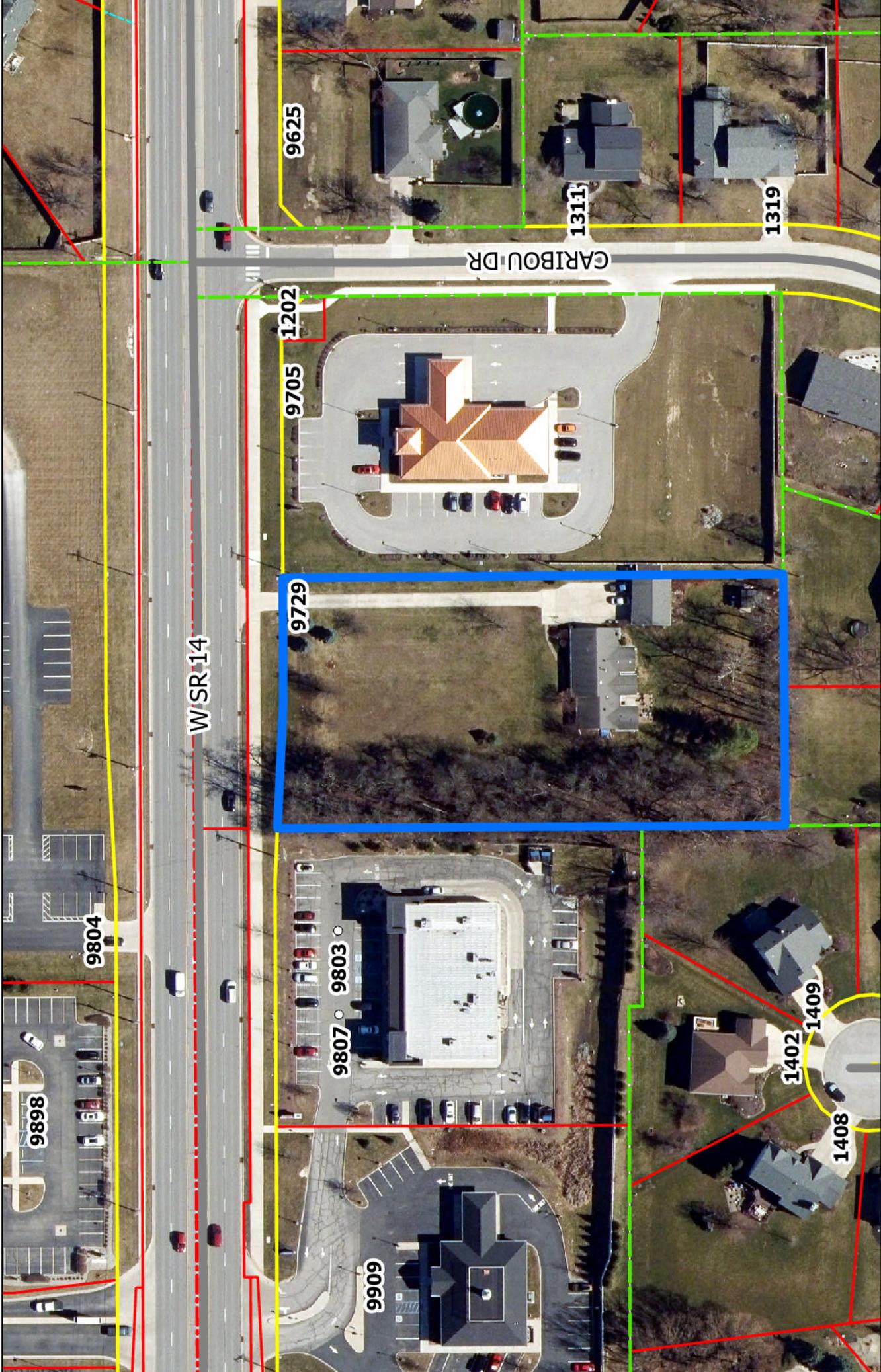
Related Petitions: Primary Development Plan PDP-2026-0002 The Goddard School

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services to allow for a childcare center.

Effect of Non-Passage: Property will remain zoned AR/Low Intensity Residential, which does not permit for a childcare center. The site may continue with existing uses, and may be redeveloped with agricultural uses, low intensity residential and other similar uses.



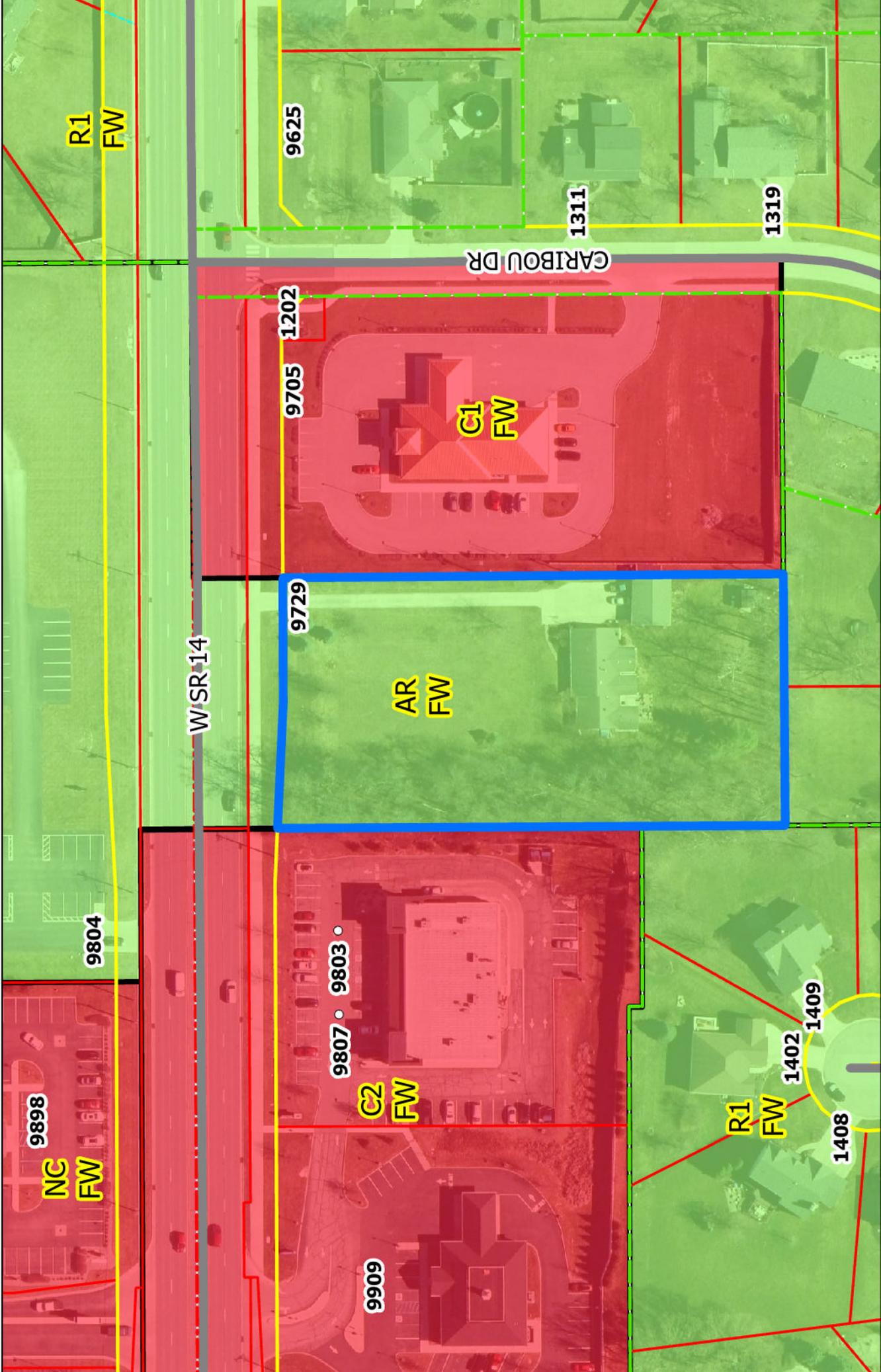
Rezoning Petition REZ-2026-0002 and Primary Development Plan PDP-2026-0002 - The Goddard School



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 Date: 1.14.2026

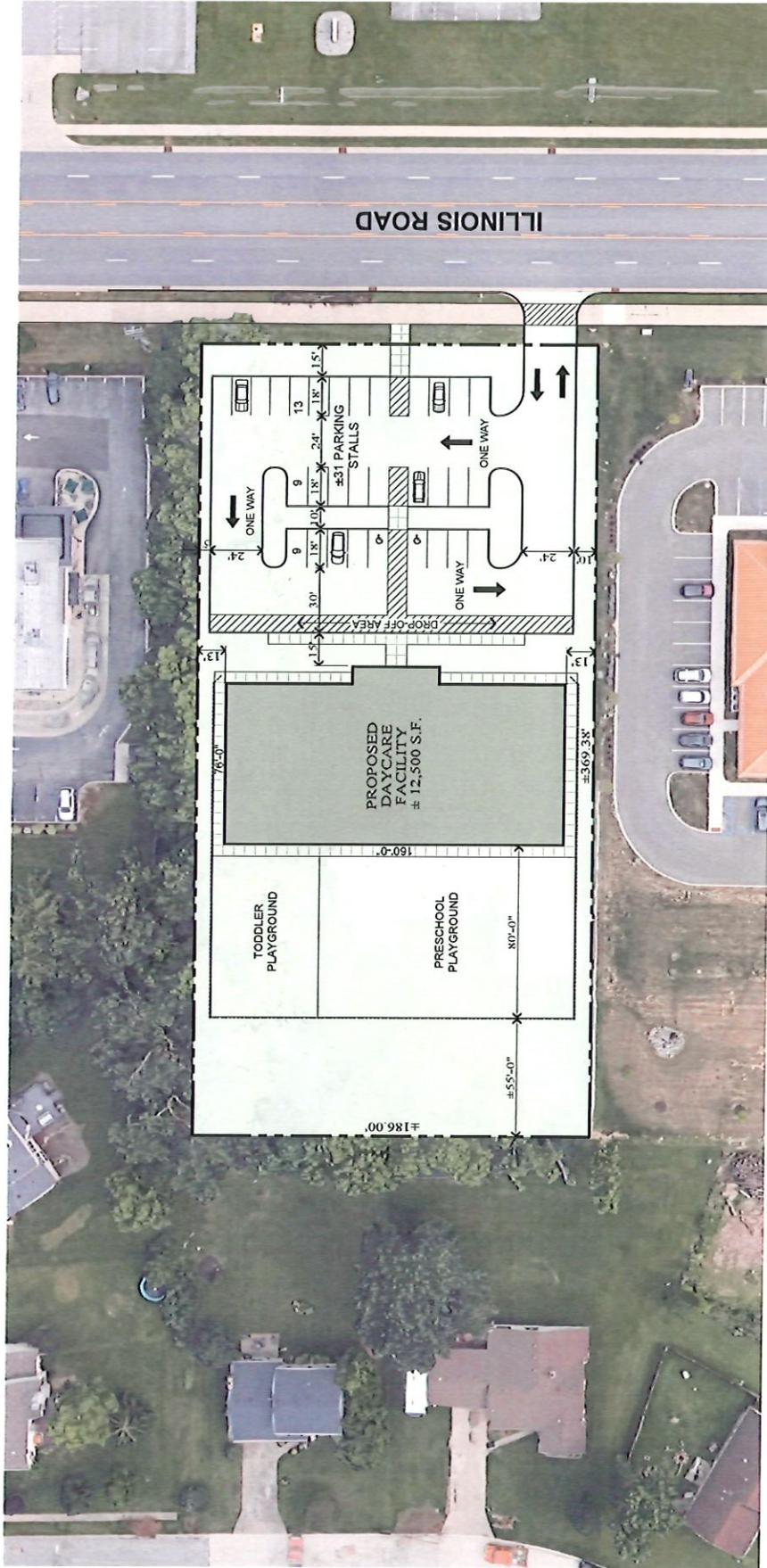


Rezoning Petition REZ-2026-0002 and Primary Development Plan PDP-2026-0002 - The Goddard School



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 Photos and Contours: Spring 2009
 Date: 1.14.2026



EXH-1
 PROJECT #: 20090
 DATE: 10/30/2005
 REVISIONS:
 SCALE: AS NOTED
 ©COPYRIGHT 2005 CHARLES E. SMITH
 ALL RIGHTS RESERVED

FRANCHISE:
**THE GODDARD SCHOOL
 OF FORT WAYNE**
 SHAKEL AHMED, MD
 8706 COLDWATER ROAD
 FORT WAYNE, IN 46804
 Cell: 260-207-4044
 shakelahmedmd1@tms.com

AERIAL SITE PLAN
 SCALE: 1" = 50'-0"
 NORTH

**PROPOSED GODDARD SCHOOL
 OF FORT WAYNE, IN**
 9729 ILLINOIS ROAD
 FORT WAYNE, IN 46804

ARCHITECT/PLANNER:
Charles E. Smith
 Architect - AIA, NCARB, AFA
 13523 W. 18th Street, Moline, IL 60448
 P: (312) 768-8079 E: ce@charlesesmith.com



Jamel Kizel
ARCHITECTS
1000 PARKWAY
LIVINGTON, NEW JERSEY 07039
TEL: 973-994-4009
FAX: 973-994-4009
www.jamelkizel.com

Architecture
Engineering
Interior Design
Implementation Services



GODDARD SCHOOL
1303 S. SOUTH 3600 WEST
REVERTON, UTAH

Project Number: GSLUT24-100
Client: G.S. LUTZ
Contractor: G.S. LUTZ
County: COB

PROPOSED ELEVATIONS

SA-1.2

Issue Date: 7/20/24



FCP-1



FCP-2



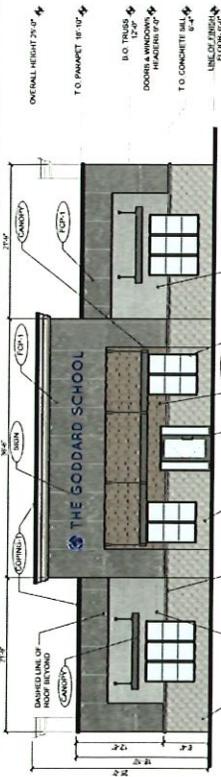
BRICK-1



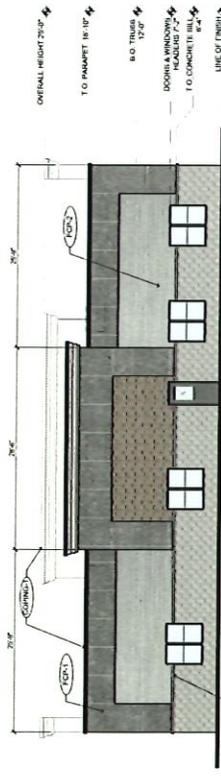
STONE-1

EXTERIOR MATERIAL SCHEDULE		
LABEL	MANUFACTURER	FINISH COLOR
SP-1	THE AN 8511.200	BLACK
WOOD-1	THE AN 8511.200	BLACK
WOOD-2	ANDRESEN	BLACK
STONE-1	YORK BUILDING PRODUCTS	MIST
BRICK-1	GLEN GERY	RED/TEAL GRAY 723
BRICK-2	CUSTOMCAST STONE	NATURAL
BRICK-3	FRANK (OR LOCAL)	CHIMNEAL
CONCRETE-1	SELLEAS PROSYS	DRINK GREY
CONCRETE-2	MMP'S	DRINK GREY
CONCRETE-3	AVC	GRANITE
CONCRETE-4	AVC	GRANITE

FINISH SCHEDULE NOTES:
1. U.S. SHALL VERIFY MANUFACTURER AND LOCATION WITH AUTHORITY HAVING JURISDICTION PRIOR TO ORDERING AND INSTALLATION.
2. U.S. SHALL ENSURE ALL EXTERIOR FINISHES ARE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.



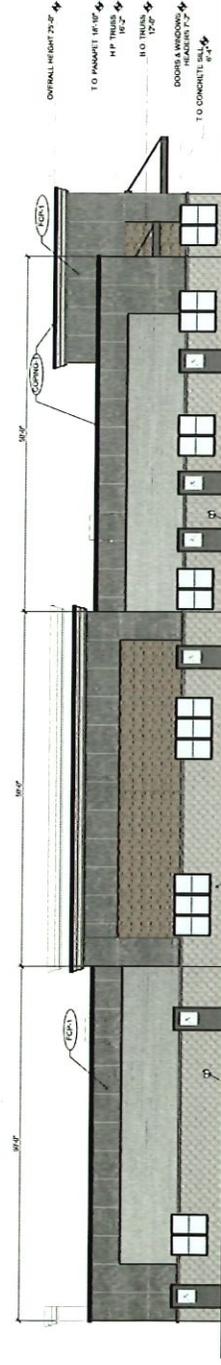
1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 EAST ELEVATION
SCALE: 1/8" = 1'-0"

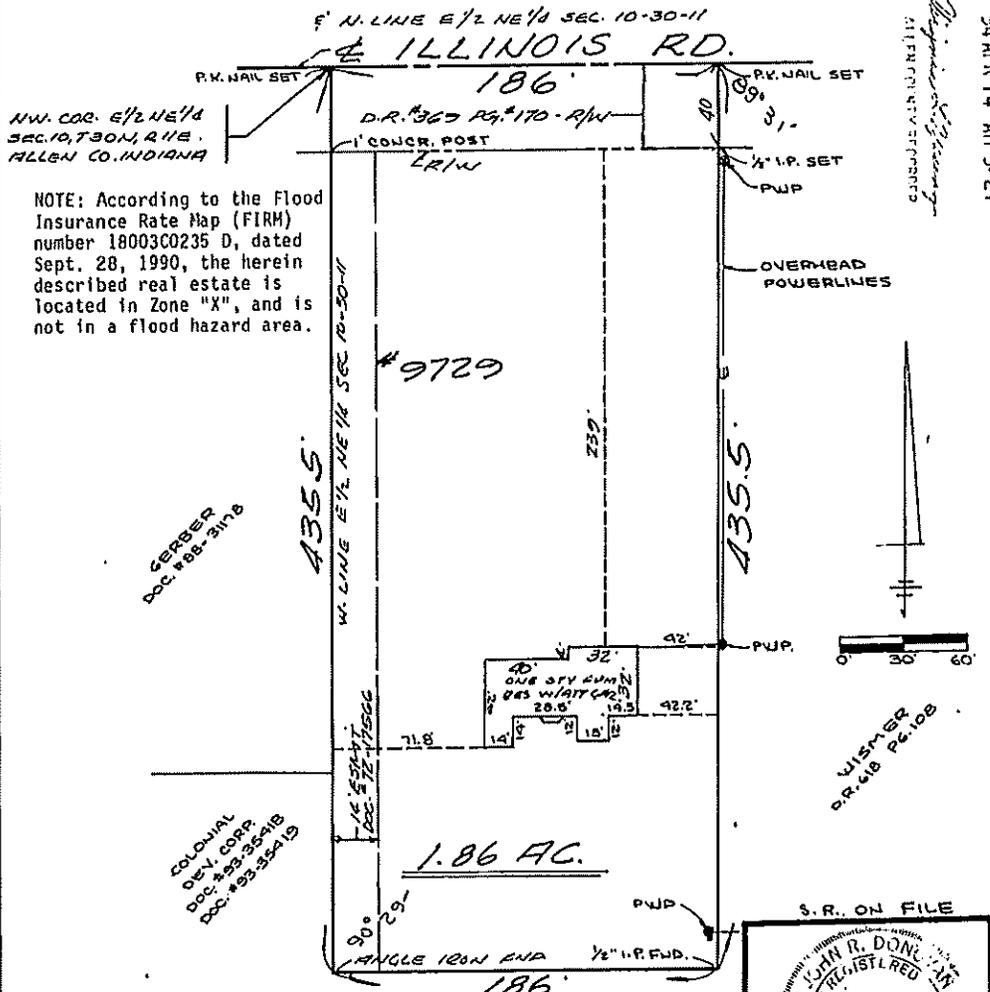
CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

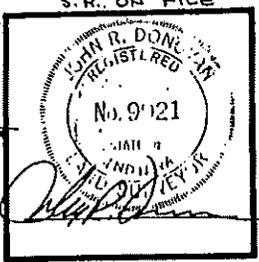
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.
The description of the real estate is as follows, to wit: The West 186.0 Feet of the North 435.5 Feet of the East 1/2 of the Northeast 1/4 of Section 10, Township 30 North, Range 11 East, Allen County, Indiana, Containing 1.86 Acres and subject to all legal rights of way and easements of record.



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0235 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

94 APR 14 AM 9:21
Allen County Recorder



RE-CERTIFIED 3-8-94
JOB FOR: ORMSBY
WHITE-ANDERSON

1"=60'
6-9-86
REV. 6-19-86
REV. 3-8-94

Department of Planning Services Rezoning Petition Application

Applicant
 Applicant Shakeel Ahmed & Sobia Shakeel
 Address 8766 Coldwater Rd
 City Fort Wayne State IN Zip 46825
 Telephone (662) 574-4245 E-mail _____

Property Ownership
 Property Owner Todd D. & Rita A. Andersen
 Address 9729 Illinois Rd
 City Fort Wayne State IN Zip 46804
 Telephone 260-437-5192 E-mail ANDERSEN@FRONTIER.COM

Contact Person
 Contact Person Shakeel Ahmed
 Address 8766 Coldwater Rd
 City Fort Wayne State IN Zip 46825
 Telephone (662) 574-4245 E-mail fortwaynein@goddardschools.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 9729 Illinois Rd, Fort Wayne, IN 46804 Township and Section Aboite Township Section 10
 Present Zoning AR Proposed Zoning C1 Acreage to be rezoned 1.75 acres
 Purpose of rezoning (attach additional page if necessary) To rezone the property from AR to C1 to allow development of Goddard School Fort Wayne II, an Early-Childhood education center serving families in southwest Fort Wayne.
 Sewer provider Fort Wayne City Utilities Water provider Fort Wayne City Utilities

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

SHAKEEL AHMED (printed name of applicant) [Signature] (signature of applicant) 1-2-26 (date)
TODD ANDERSEN (printed name of property owner) [Signature] (signature of property owner) 12/31/25 (date)
Rita Andersen



Received	Receipt No.	Hearing Date	Petition No.
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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



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;

The proposed C1 zoning supports neighborhood-based childcare and education aligned with Fort Wayne's long-term planning goals. The development helps realize the city's vision for suitable commercial and community institutional uses along key corridors.

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

West: Starbucks retail plaza. East: Midwest America Federal Credit Union. The proposed Goddard School is compatible with the existing education, Health care commercial and office uses in the Illinois Road corridor.

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

The parcel is ideally suited for a licensed early-childhood education facility due to its arterial frontage, established utilities, surrounding professional and commercial uses, and consistent traffic patterns.

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

High-quality early childhood education and childcare facilities enhance neighborhood desirability, contribute to residential stability, and support nearby property values. We believe the proposed use will have a positive impact and will increase the overall value of the surrounding area..

- (5) Responsible development and growth.

The project utilizes an already urbanized corridor, meets a critical community childcare demand, supports local employment, and aligns with the responsible growth principles adopted by the City of Fort Wayne. We plan to deliver growth consistent with our Coldwater Road campus and have demonstrated that we are proven, responsible stewards of high-quality development.

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*



FACT SHEET

Case # REZ-2026-0002 Bill # Z-26-01-20 Project Start: January 2026

PROPOSAL: Rezoning Petition REZ-2026-0002 – The Goddard School
APPLICANT: Shakeel Ahmed
LOCATION: 9729 Illinois Rd
REQUEST: Rezone from AR/ Low Intensity Residential to C1/Professional Office and Personal Services to allow for Childcare Center
LAND AREA: 1.75 acres
PRESENT ZONING: AR/ Low Intensity Residential
PROPOSED ZONING: C1/Professional Office and Personal Services
COUNCIL DISTRICT: 4 – Dr. Scott Myers

February 9, 2026 Public Hearing

- Two people spoke in support.
- Three people spoke in opposition or with concerns.
- One letter was received in opposition
- Paul Sauerteig and Karen Richards were absent.

February 16, 2026 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Ryan Neumeister and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation, with a written commitment, to Common Council for their final decision.

6-0 MOTION PASSED

- Karen Richards, Paul Sauerteig, and Rick Briley were absent.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
February 20, 2026

PROJECT SUMMARY

The applicant is requesting to rezone the parcel from AR/Low Intensity Residential and C1/Professional Office and Personal Services and to approve a primary development plan for a childcare center. The site has had a single-family residence on the property since 1973. A Primary Development Plan and Rezoning was applied for in 2022 and was withdrawn. The site is located south of West State Road 14 (Illinois Rd) just east of the intersection with Scott Road. The site is adjacent to residential zoning to the north and south, consisting of single-family residential subdivision to the south, and a church to the north. The properties to the east and west are zoned commercial and consist of a credit union to the east, and multi-tenant commercial building to the west.

The submitted development plan consists of a 12,500 square foot daycare center. A single access point is shown on the plan, directly onto Illinois Road. The applicant has been working with INDOT to establish where the access can be located on the property. The structure is located in the middle of the property with parking located on the north side showing 31 available parking spaces. Playground areas are shown on the south side of the building with a proposed 6-foot privacy fence to buffer the play area to the neighborhood. The applicant is proposing to maintain as much current landscaping as possible and replacing/adding more onto the site to meet ordinance standards. This proposed Child Care center, The Goddard School, would be the applicant's second location. Their first location currently operates off Coldwater Road.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. 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:
LUD Goal 1 – 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 4 – Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses

Generalized Future Land Use Map

- The project site is located within the Suburban Neighborhood generalized land use category.
- Adjacent properties are categorized as Suburban Neighborhood to the north, south, and east. Community Commercial is adjacent to the west.

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

- The proposed use is permitted in C1/Professional Office and Personal Service which is considered compatible with the Generalized Future Land Use category of Suburban Neighborhood.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Shakeel Ahmed (applicant) presented the request as outlined above.

Public Comments:

Dan Gabbard (444 E Main St): Supports project; great location; being good neighbors; local developers.

Julie Sturgis (7105 Baer Rd): Supports project; high quality day-care; asset to community.

Neil Warner (1629 Buckskin Dr): Not completely opposed; concerns with traffic, safety, noise, access; request written commitment for future property owners limited to only professional offices, etc.

Jason Magsamen (9619 Yearling Dr): Opposed; daycares all around area; not a "child-care desert".

Mike Stewart (9806 Roe Dr): Opposes; lives behind; 40 employees/30 parking spots; traffic; access.

Rebuttal: Shakeel Ahmed stated INDOT gave him the information regarding the access and they will do whatever is required; plain shown is a prototype and secondary development plan will have the required parking.

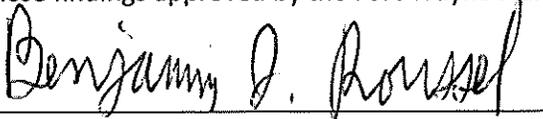
FORT WAYNE PLAN COMMISSION Findings of Fact • February 2026

PROPOSAL:	Rezoning Petition REZ-2026-0002 -The Goddard School
APPLICANT:	Shakeel Ahmed
LOCATION:	9729 Illinois Rd
REQUEST:	Rezone from AR to C1 to allow for Childcare Center
LAND AREA:	1.75 acres
PRESENT ZONING:	AR/ Low Intensity Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2026-0002 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.
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 applicant intends to use the lot for a child care center, and add enhanced landscaping and fencings to buffer the adjacent neighborhood.
3. Approval is consistent with the preservation of property values in the area. The uniform zoning should allow more consistent development, now and in the future.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by public utilities and no additional burden on infrastructure is planned.
5. An approved Written Commitment will be executed and provided to staff prior to Council action on the rezoning.

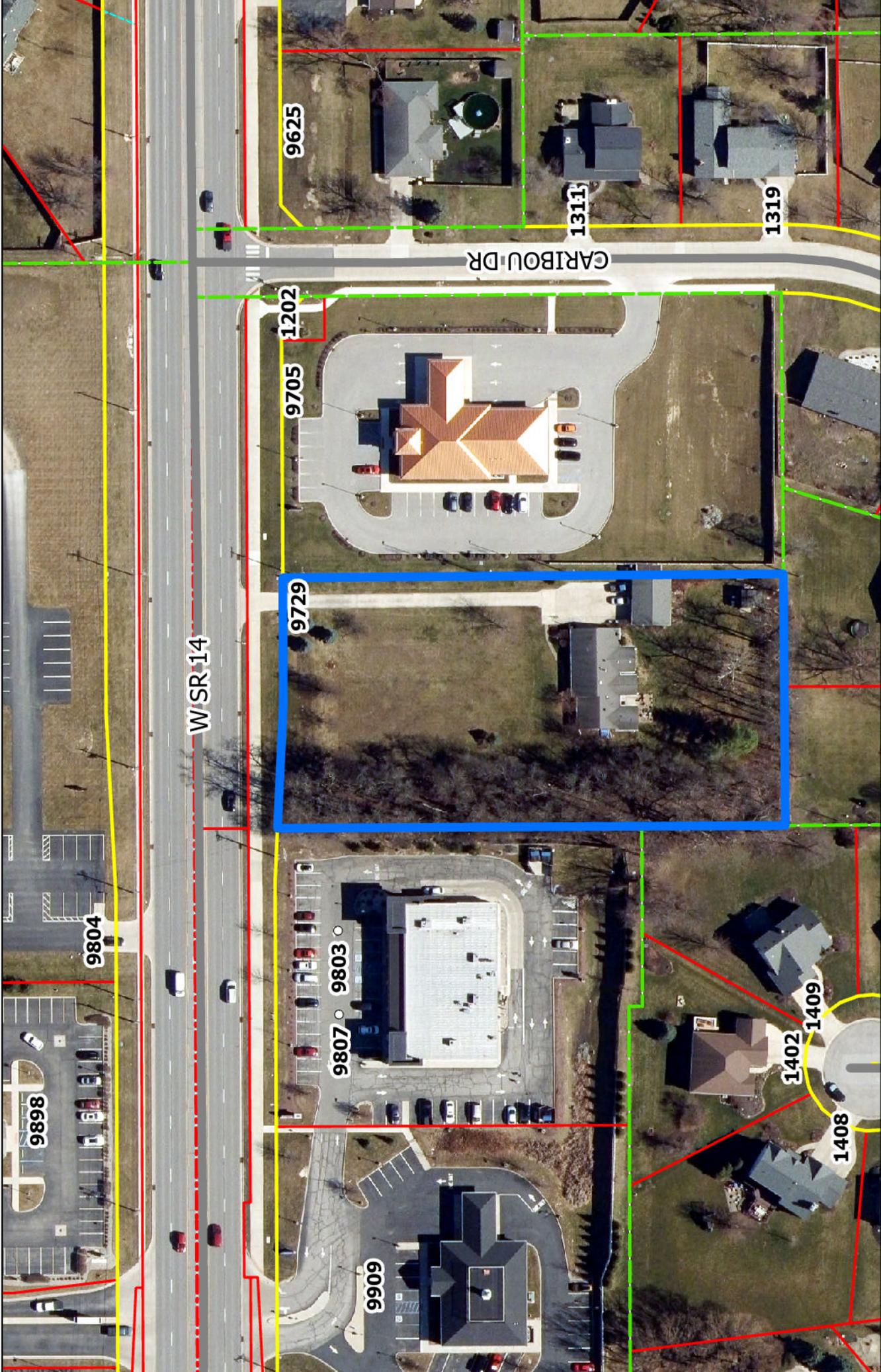
These findings approved by the Fort Wayne Plan Commission on February 16, 2026.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



Rezoning Petition REZ-2026-0002 and Primary Development Plan PDP-2026-0002 - The Goddard School

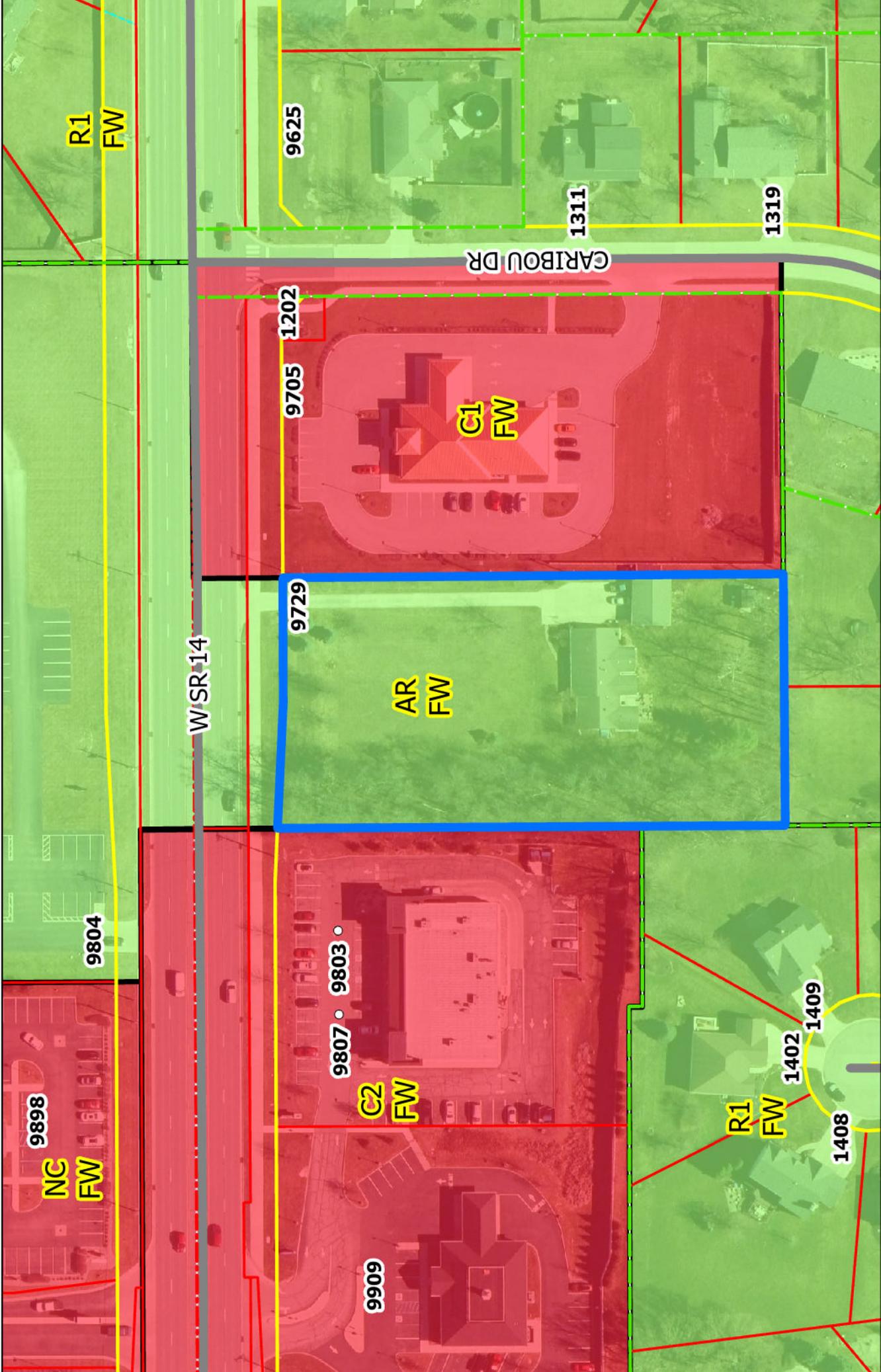


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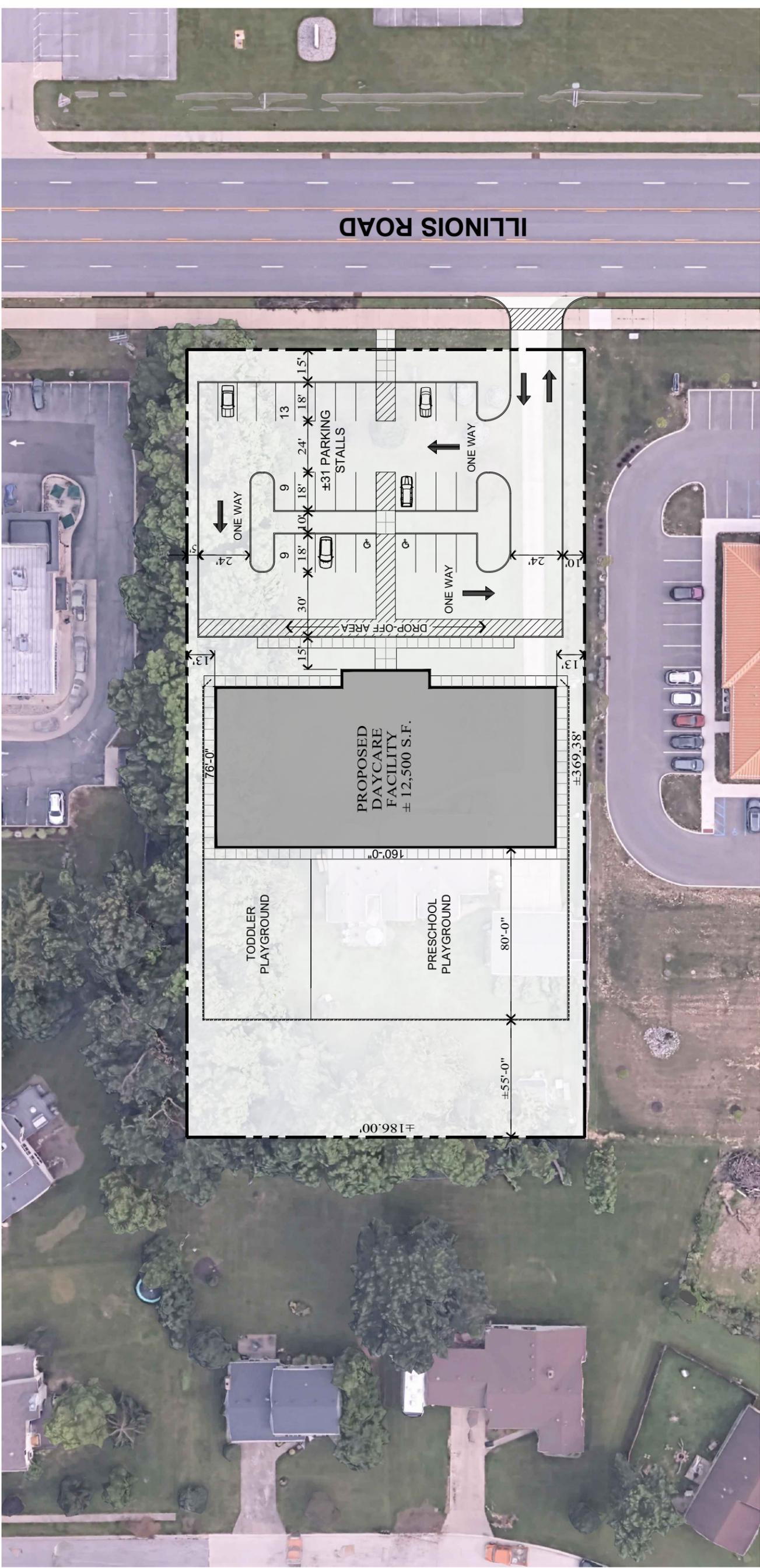


Rezoning Petition REZ-2026-0002 and Primary Development Plan PDP-2026-0002 - The Goddard School



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AERIAL SITE PLAN
SCALE: 1" = 50'-0"
NORTH

EXH-1

PROJECT #: 25060
DATE: 10/30/2025
REVISIONS:
SCALE: AS NOTED
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FRANCHISE:
**THE GODDARD SCHOOL
OF FORT WAYNE**
SHAKEEL AHMED, MD
8766 COLDWATER ROAD
FORT WAYNE, IN 46825
Cell: 260-207-4044
shakeelahmedmd1@me.com

**PROPOSED GODDARD SCHOOL
FORT WAYNE, IN**

9729 ILLINOIS ROAD
FORT WAYNE, IN 46804

ARCHITECT/PLANNER:
Charles E. Smith
Architect - ALA, NCARB, AIA
13543 W. 185th Street, Mokena, IL 60448
P: (815) 980-0670 E: cesmitharchitect@gmail.com

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ___ day of February, 2026, by Todd D. Andersen and Rita A. Andersen, husband and wife (collectively, the “Declarant”) and Learning Grounds LLC, an Indiana limited liability company (“Applicant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.623 acres of real estate commonly known as and located at 9729 Illinois Road, Fort Wayne, Allen County, Indiana, 46804, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate”); and

WHEREAS, Applicant submitted a rezoning petition and Primary Development Plan petition with respect to the Real Estate to rezone the Real Estate from AR/Low Intensity Residential zoning district to a C1/Professional Office and Personal Services zoning district, bearing numbers REZ-2026-0002 and PDP-2026-0002 (the “Petition”), which Petition has been approved by the City of Fort Wayne Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

WHEREAS, Declarant and Applicant have 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 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 the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Use Limitations. Subject to the terms and conditions herein contained, the following specific uses, which are otherwise allowed in a C1/Professional Office and Personal Service zoning district, shall be prohibited upon the Real Estate:
 - 1) Adult care center
 - 2) Assisted living facility

- 3) Bed and breakfast
- 4) Boarding house
- 5) Campus housing
- 6) Correctional services facility
- 7) Dormitory
- 8) Driving instruction
- 9) Fraternity house
- 10) Group residential facility (large)
- 11) Group residential facility (small)
- 12) Homeless shelter
- 13) Hospital
- 14) Model Unit
- 15) Nursing Home
- 16) Planetarium
- 17) Public transportation facility
- 18) Radio station
- 19) Residential facility for homeless individuals
- 20) Retirement facility
- 21) Sorority house
- 22) Television station
- 23) Wind energy conversion system (micro)
- 24) Zoo

2. Permitted Uses. Any use otherwise permitted in a C1/Professional Office and Personal Service zoning district pursuant to the Zoning Ordinance (“Ordinance”) which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.
3. Other Commitments: Declarant and Applicant agree to a landscape plan that meets the intent of the Ordinance that will be submitted and reviewed by the staff of the Department of Planning Services with the site plan routing, as generally proposed, including a six (6)-foot privacy fence along the south and southwest property lines of the Real Estate in areas adjacent to the residential zoning district with evergreen shrubs lining the exterior side of the fencing.
4. Permits. No permits shall be issued under the 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 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 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 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. Authority to Sign. The persons signing this Commitment in a representative capacity on behalf of Applicant warrant and represent that: (a) each 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.

9. 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 2014040994.
10. 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.
11. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
12. 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”

Todd D. Andersen

Rita A. Andersen

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2026, personally appeared Todd D. Andersen and Rita A. Andersen, husband and wife, 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: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

The West 186 feet of the North 435.5 feet of the East Half of the Northeast Quarter of Section 10, Township 30 North, Range 11 East, Allen County Indiana, containing in all 1.86 acres of land, more or less.

Excepting therefrom that portion of the above described real estate conveyed to the State of Indiana by Warranty Deed recorded May 24, 2007 as Document Number 207029295, more particularly described as follows:

A part of the East Half of the Northeast Quarter of Section 10, Township 30 North, Range 11 East, Allen County, Indiana, and being that part of the grantors land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows:

Beginning at a point on the west line of said half-quarter section South 0 degrees 53 minutes 02 seconds West 40.00 feet (12.192 meters) from the northwest corner of said half-quarter section, which point of beginning is on the south boundary of S.R. 14 (also known as Illinois Road); thence South 89 degrees 01 minute 02 seconds East 186.00 feet (56.693 meters) along the boundary of said S.R. 14 to the east line of the West 186 feet of said half-quarter section; thence South 0 degrees 53 minutes 02 seconds West 26.12 feet (7.961 meters) along said east line; thence North 88 degrees 59 minutes 00 seconds West 94.44 feet (28.785 meters) to point "1795" designated on said parcel plat; thence North 86 degrees 07 minutes 15 seconds West 91.69 feet (27.947 meters) to the west line of said half-quarter section; thence North 0 degrees 53 minutes 02 seconds East 21.43 feet (6.532 meters) along said west line to the point of beginning and containing 0.107 acres (0.0433 hectares), more or less.