

1 #1220

2 BILL NO. G-10-09-09

3 Plat Book: 11

4 Page No: 79

5 GENERAL ORDINANCE NO. G- 5-11

6 **AN ORDINANCE for the purpose of
7 vacating a portion of a dedicated utility easement.**

8 WHEREAS, a petition to vacate a portion of a dedicated utility easement within the City of
9 Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the
10 City of Fort Wayne, Indiana; and;

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
12 and approved said petition, as provided in I.C. 36-7-3-12.

13 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
14 FORT WAYNE, INDIANA:

15 SECTION 1. That the petition filed herein to vacate a portion of a dedicated utility and surface
16 drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-
17 wit:

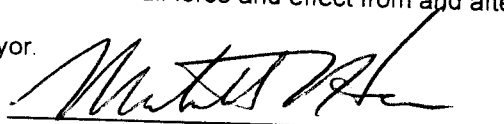
18 A four foot wide easement lying South and East of the following described line:

19 Part of Lots 128, 129, 130, 131, and 132 in Southview Addition to the City of Fort Wayne, Indiana as
20 recorded in Plat Book 11, page 79, more particularly described as follows:

21 Commencing at the Northwest corner of Lot 128 in Southview Addition to the City of Fort Wayne,
22 Indiana, according to the recorded plat thereof; thence East along the North line of Lot 128 a distance
23 of 4.0 feet to the point of beginning; thence East along the North line of Lot 128 a distance of 36.0 feet
24 to the Northeast corner of Lot 128 and Northwest corner of Lot 129; thence South along the East line
25 of Lot 128 and the West line of Lots 129, 130, 131, and 132 a distance of 128.5 to the point of
26 termination, said point being on the North right-of-way line of Paulding Road.

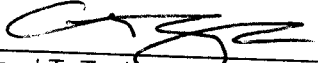
27 and which vacating allows the portion of dedicated utility and surface drainage easement to revert to
28 the use of the adjacent property owners, is hereby approved.

29 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
30 any and all necessary approval by the Mayor.

31 
32 COUNCILMEMBER

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APPROVED AS TO FORM AND LEGALITY:



Carol T. Taylor, City Attorney

Read the first time in full and on motion by Harpur and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday, the 28th day of September, 2011, at 5:30 o'clock P. M., E.S.T.

DATED: 9-14-10

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ PASSED _____ and duly adopted, placed on its passage. by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 1-11-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. B-5-11 on the 11th day of January, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 2011, at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of January, 2011, at the hour of 8:00 o'clock A. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR