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BILL NO. G-12-07-23

Plat Cabinet No.: C

Page No: 197

GENERAL ORDINANCE NO. G- 29-12

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

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

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

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

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

Vacation of a platted twenty foot wide utility and surface drainage easement located on Lots 255 and 256 in Cherry Hill, Section IX, a subdivision in the Northwest Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, the plat of said subdivision having been recorded at Document No. 970072895, Cabinet C, page 197, in the Office of the Recorder of Allen County, Indiana, and more particularly described as follows:

An easement lying 10 feet on both sides of the following described line: Beginning at a point 20 feet east of the Northwest Corner of said Lot 255, and continuing thence East 100 feet along the North line of said Lot 155 to the point of termination, and more particularly as shown on Exhibit A.


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

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

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

Read the first time in full and on motion by Bender, 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 Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on Tuesday, the 14th day of August, 2012, at 5:30 o'clock P. M., E.S.T.

DATED: 7-24-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>
<u>BENDER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>CRAWFORD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>HARPER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HINES</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SHOAFF</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SMITH</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 8-14-12

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. G-29-12 on the 14th day of August, 2012

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

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 2012, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of August, 2012, at the hour of 8:30 o'clock A. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR