



#VEAS-2013-0066
G-
BILL NO. 13-06-10

2013041986

RECORDED: 07/25/2013 2:25:08 PM
Deed Book: 48 JOHN MCGAULEY
Page No: 137 ALLEN COUNTY RECORDER
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 17-13

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 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 easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A portion of the lands of MoMas Investments, LLC, as described in Document Number 2008010275 and being part of Lots numbered 2, 3, and 4 within Cook Road Office and Industrial Park, Section I (Plat Book 47, page 137), Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Lot Number 3; thence North 83 degrees 41 minutes 15 seconds East along the South line of said Lot Number 3 a distance of 25.05 feet to the Point of Beginning; thence North 9 degrees 59 minutes 59 seconds West parallel and 25.00 feet normally distant from the West line of said Lot Number 3 a distance of 160.62 feet to a point; thence North 28 degrees 11 minutes 31 seconds East a distance of 33.07 feet to a point on the North line of an existing drainage easement; thence along said existing drainage easement the following 15 courses:

- North 80 degrees 00 minutes 02 seconds East 14.55 feet;
- North 45 degrees 00 minutes 00 seconds East 190.00 feet;
- North 05 degrees 00 minutes 00 seconds East 265.82 feet;
- North 47 degrees 00 minutes 00 seconds East 100.00 feet;
- North 00 degrees 00 minutes 00 seconds East 20.00 feet;
- South 49 degrees 23 minutes 44 seconds East 54.96 feet;
- South 47 degrees 00 minutes 00 seconds West 104.40 feet;
- South 05 degrees 00 minutes 00 seconds West 257.24 feet;
- South 45 degrees 00 minutes 00 seconds West 235.02 feet;
- South 09 degrees 59 minutes 59 seconds East 122.50 feet;
- North 83 degrees 41 minutes 15 seconds East 61.90 feet;
- South 45 degrees 00 minutes 00 seconds East 30.25 feet;

13 JUL 25 AM 3:29
FRANK KLUTZ
ALLEN COUNTY RECORDER
AUDITORS OFFICE

DPS Box

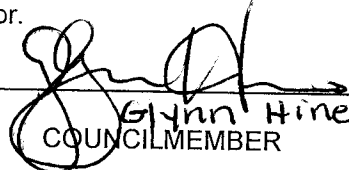
N/C

1 South 13 degrees 34 minutes 00 seconds West 50.39 feet;
2 North 45 degrees 00 minutes 00 seconds West 60.71 feet;
3 South 83 degrees 41 minutes 15 seconds West 59.27 feet

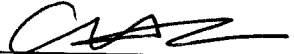
4 to the Point of Beginning, containing 0.73 acres, more or less.

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

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

9 
10 _____
11 Glynn Hines
12 COUNCILMEMBER

13 APPROVED AS TO FORM AND LEGALITY:

14 
15 _____
16 Carol T. Helton, City Attorney

17 I affirm, under the penalties for perjury, that I have
18 taken reasonable care to redact each Social Security
19 number in this document, unless required by law.

20 Michelle B. Wood
21 _____
22 (name printed, stamped or signed w/print)

23
24
25
26
27
28
29
30

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 / 260.427.1221

I/We do hereby petition to vacate the following:

Easement Public Right of Way (street or alley)

More particularly described as follows:

Portions of the Platted Drainage Easement Located on Lots 2, 3 & 4 of Cook Road Office & Industrial Park Sec I per attached survey.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 48 **PAGE(S) NUMBER(S):** 127 (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

To Vacate the Platted Drainage Easement for a Building Addition and Revise easement location to match existing improvements.

(If additional space is needed please attach separate page.)

The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: MoMas Investments LLC

Street Address: 7614 Opportunity Dr. (Lots 2, 3 & 4 of Cook Road Office & Industrial Park Sec. I)

City: Fort Wayne State: IN Zip: 46808 Phone:

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Mark P Shambaugh
Signature

Mark P Shambaugh 6-3-13
Printed Name: Date

PO Box 1287
Address

Fort Wayne In 46801
City/State/Zip

Signature

Printed Name

Date

Address

City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly):

Street Address:

City:

State:

Zip:

Phone:

NOTICE:

- Legal Description is to be the area to be vacated and must be complete and accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the cost of relocation, or of providing a replacement easement or easement's as needed.

For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:

VACATION DESCRIPTION:

A PORTION OF THE LANDS OF MOVAS INVESTMENT, LLC AS DESCRIBED IN DOCUMENT NUMBER 200800215 AND BEING A PART OF LOTS NUMBERED 2, 3 AND 4 WITHA COOK ROAD OFFICE INDUSTRIAL PARK, SECTION 17, TOWNSHIP 41 NORTH, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 3 THENCE NORTH 93° 24' 51" EAST ALONG THE SOUTH LINE OF SAID LOT NUMBER 3 A DISTANCE OF 25.05 FEET TO THE POINT OF BEGINNING THENCE NORTH 09° 59' 45" WEST PARALLEL AND 25.00 FEET TO THE NORTHEAST CORNER OF SAID LOT NUMBER 3 A DISTANCE OF 60.62 FEET TO A POINT THENCE NORTH 29° 31' EAST A DISTANCE OF 22.07 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING DRAINAGE EASEMENT THENCE ALONG SAID EXISTING DRAINAGE EASEMENT THE FOLLOWING BEING CORNERS:

- NORTH 60° 00' 00" EAST 4.85 FEET
- NORTH 45° 00' 00" EAST 180.00 FEET
- NORTH 05° 00' 00" EAST 245.83 FEET
- NORTH 47° 00' 00" EAST 20.00 FEET
- NORTH 00° 00' 00" EAST 20.00 FEET
- NORTH 47° 00' 00" EAST 20.00 FEET
- SOUTH 47° 00' 00" WEST 24.46 FEET
- SOUTH 45° 00' 00" WEST 25.00 FEET
- SOUTH 45° 00' 00" WEST 25.00 FEET
- SOUTH 05° 00' 00" WEST 25.00 FEET
- NORTH 05° 00' 00" EAST 25.00 FEET
- SOUTH 45° 00' 00" EAST 25.00 FEET
- SOUTH 45° 00' 00" WEST 50.78 FEET
- NORTH 45° 00' 00" WEST 60.62 FEET
- SOUTH 85° 41' 15" WEST 59.27 FEET

TO THE POINT OF BEGINNING CONTAINING 0.73 ACRES MORE OR LESS

Vacation Notes:

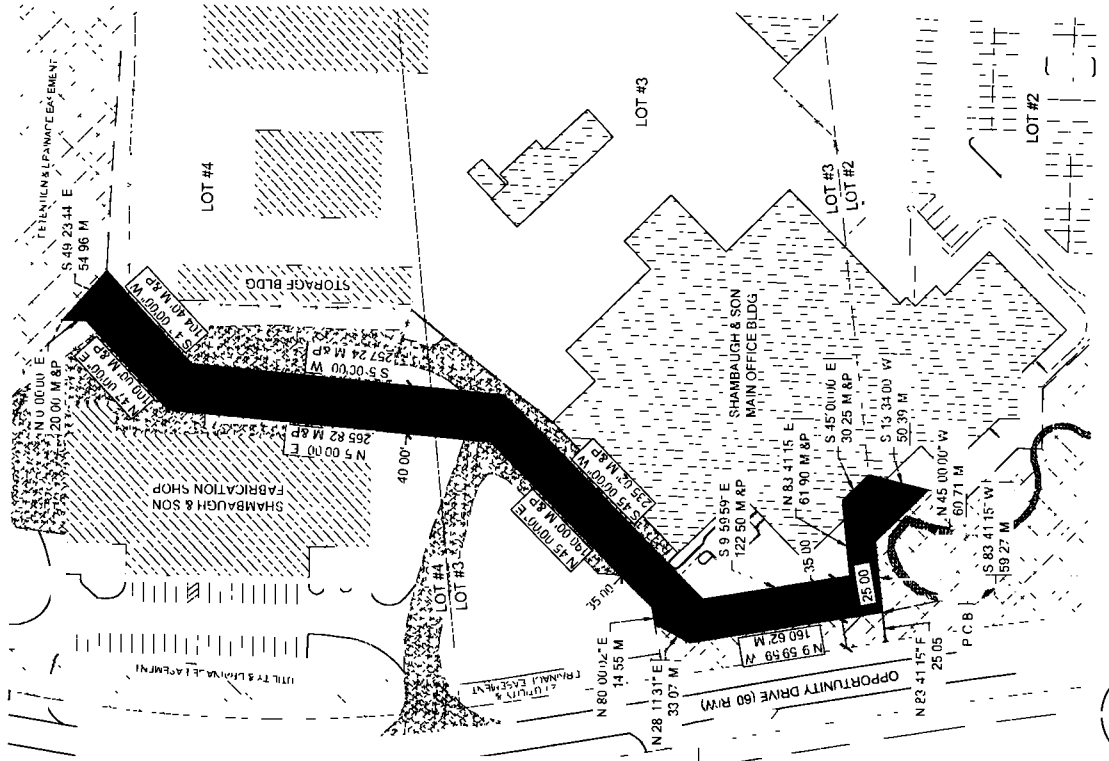
1. BEING A PART OF THE SAME PROPERTY CONVEYED TO MOVAS INVESTMENTS, LLC PER DCC #200800215 IN THE ALLEN COUNTY RECORDER'S OFFICE.
2. THE EXISTING DRAINAGE EASEMENT IS PART OF A PLANNED DRAINAGE EASEMENT AS REPRESENTED ON THE COOK ROAD OFFICE INDUSTRIAL PARK SECTION 17 TOWNSHIP 41 NORTH.
3. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A REPLACEMENT OR ORIGINAL BOUNDARY SURVEY. A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

- PROPOSED VACATION
- EXISTING DRAINAGE EASEMENT
- EXISTING DRAINAGE EASEMENT TO REMAIN PER PLAN

THE SURVEYOR CERTIFIES THAT THIS PLAN WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

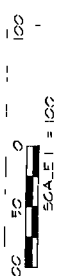
AND I AFFIRM UNDER THE PENALTY OF PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH 500 A. SECURITY NUMBER IN THE DOCUMENT UNLESS REQUIRED BY LAW.

MATTHEW C. BERTSCH, P.L.S.
 MATTHEW C. BERTSCH, P.L.S.
 REGISTERED LAND SURVEYOR NO. 202000087



Vacation Exhibit

SCALE 1" = 100'

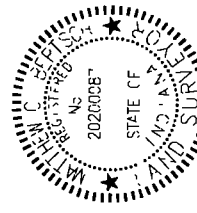


BERTSCH - FRANK & ASSOCIATES, LLC
 Land Surveying
 4630 W. Jefferson Blvd. #6
 Fort Wayne, Indiana 46804
 Telephone (260) 459-9393
 Facsimile (260) 459-9303
 I and Planning

Vacation Exhibit for:
Shambaugh & Son
#7614 Opportunity Drive
Fort Wayne, Indiana

REVISIONS	NO.	DATE	DESCRIPTION

CAD FILE: 247.dwg
 DRAWN BY: ABT
 CHECKED BY: VSB
 DATE: 6/12/2013
 PROJECT NO: 7614-00



Matthew C. Bertsch

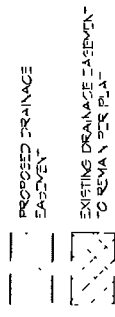
DRAINAGE EASEMENT DESCRIPTION:

A PORTION OF THE LANDS OF MONAS INVESTMENTS LLC AS DESCRIBED IN DOCUMENT NUMBER 200800015 AND BEING A PART OF LOTS 2, 3 AND 4 WITH COOK ROAD OFF OF INDUSTRIAL PARK SECTION 5E 4TH R6 3RD ALLEN COUNTY INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 3 THENCE NORTH 04°38'59" WEST ALONG THE MEET LINE OF SAID LOT NUMBER 3 A DISTANCE OF 85.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID DRAINAGE EASEMENT THENCE NORTH 80°00'00" EAST ALONG THE NORTH LINE OF SAID DRAINAGE EASEMENT A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING THENCE NORTH 08°58'57" WEST PARALLEL AND 20.00 FEET NORWALL DISTANCE FROM THE MEET LINE OF SAID LOT NUMBER 3 A DISTANCE OF 35.45 FEET TO A POINT THENCE NORTH 45°26'26" EAST 500.76 FEET THENCE NORTH 00°32'24" EAST 104.15 FEET THENCE NORTH 88°56'00" EAST 22.4 FEET TO A POINT ON AN EXISTING DRAINAGE EASEMENT THENCE SOUTH 85°00'00" EAST ALONG THE EXISTING DRAINAGE EASEMENT THENCE SOUTH 85°00'00" EAST 20.44 FEET ALONG THE WEST LINE OF INTERSECTION AND DRAINAGE EASEMENT 4.88 FEET TO A POINT THENCE EAST ALONG THE WEST LINE OF INTERSECTION AND DRAINAGE EASEMENT BEARING SOUTH 78°07'00" EAST A DISTANCE OF 15.40 FEET TO A POINT THENCE SOUTH 00°12'36" WEST A DISTANCE OF 104.82 FEET TO A POINT THENCE SOUTH 28°13'15" WEST A DISTANCE OF 22.54 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING DRAINAGE EASEMENT THENCE SOUTH 40°00'00" WEST A DISTANCE OF 25.45 FEET TO THE POINT OF BEGINNING CONTAINING 0.50 ACRES MORE OR LESS

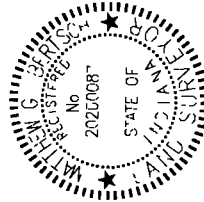
Easement Dedication Notes:

1. BEING A PART OF THE SAME PROPERTY CONVEYED TO MONAS INVESTMENTS LLC PER DOC #200800015 IN THE ALLEN COUNTY RECORDER'S OFFICE
2. THE EXISTING DRAINAGE EASEMENT IS PART OF A PLATTED DRAINAGE EASEMENT AS REPRESENTED ON THE COOK ROAD OFF OF INDUSTRIAL PARK SECTION 5E 4TH R6 3RD
3. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A REPRESENTATIVE OR ORIGINAL BOUNDARY SURVEY. A ROUTE SURVEY OR A SURVEYOR LOCAL TO RECORD.



HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

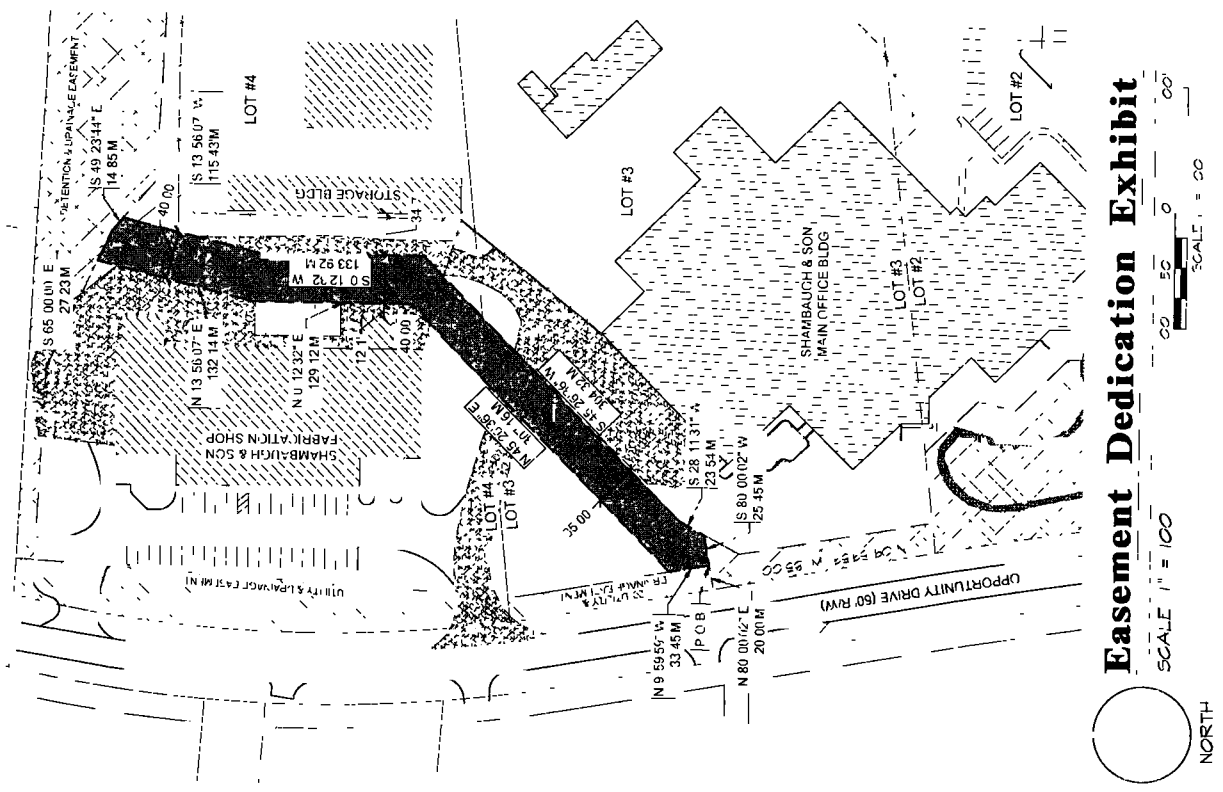
Matthew J. Bortol
 MATTHEW J. BORTOL, P.E.
 INDIANA REGISTERED LAND SURVEYOR NO. 202000295



BERTSCH - FRANK & ASSOCIATES, LLC
 Land Surveying and Planning
 4630 W. Jefferson Blvd., #6
 Fort Wayne, Indiana 46804
 Telephone (260) 459-9393
 Facsimile (260) 459-9303

Easement Exhibit for:
Shambaugh & Son
#7614 Opportunity Drive
Fort Wayne, Indiana

MARK	DATE	DESCRIPTION
SAD	12/15/2011	
DRAWN BY	ARF	
CHECKED BY	VCB	
DATE	6/2/2015	
PLATTED NO.	1756002	



Easement Dedication Exhibit



This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Vacation Petition VEAS-2013-0066

Printed June 17, 2013
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Although street locations and roads have been employed in the compilation of this map, Allen County does not warrant or enter into the accuracy of the information contained herein and disclaims any and all liabilities resulting from any error or omission in this map.



DEPARTMENT OF PLANNING SERVICES

PLANNING SERVICES
200 EAST BERRY STREET
FORT WAYNE, INDIANA 46802

PHONE: 317.434.2200
FAX: 317.434.2201
WWW: WWW.COUNTYIN.gov

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: June 24, 2013

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 9, 2013 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: Vacation VEAS-2013-0066
BILL NO: G-13-06-10
APPLICANT: MoMas Investments, LLC/Mark Shambaugh
REQUEST: To vacate a portion of the platted utility and drainage easement on Lots 2, 3, and 4 in Cook Road Office and Industrial park at 7614 Opportunity Drive (Section 11 of Washington Township)
LAND AREA: Approximately 0.73 acres proposed to be vacated and relocated
SEWER PROVIDER: City of Fort Wayne
WATER PROVIDER: City of Fort Wayne

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request. You may either present information to the Council at the public hearing itself, or send information to the staff prior to the public hearing, as indicated below.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. July 9, 2013. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

Public Hearing Date, if applicable

7-9-13

Read the first time in full and on motion by Councilman Russell Jehl
Read the second time by title and referred to the Regulations
Committee. Read the third time in full and on motion by Councilman
Jehl, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED:

7-9-13

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. 3-17-13 on the 9th day of
July, 2013

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

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day
of July, 2013, at the hour of 9:30 o'clock A.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of July
2013, at the hour of 11:30 o'clock

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-13-06-10

REPORT OF COMMITTEE ON REGULATIONS

JULY 9, 2013

**RUSSELL JEHL - CHAIR
GLYNN HINES - CO-CHAIR
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON **REGULATIONS TO WHOM** WAS REFERRED AN ORDINANCE for the purpose of Vacating a portion of a dedicated utility easement. Platted Drainage Easement is located on Lots 2, 3, & 4 of Cook Road Office and Industrial Park Sec. 1. **REGULATIONS COMMITTEE** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures and initials, including names like Russell Jehl, Glynn Hines, and others.]

SANDRA E. KENNEDY
CITY CLERK

NOTICE OF PUBLIC HEARINGS
FOR THE CITY OF FORT WAYNE COMMON COUNCIL

BILL NO G-13-06-10

The Common Council of the City of Fort Wayne, Indiana will hold a public hearing Tuesday July 9, 2013 at 5:30 p.m. The Council will hold the hearing in Room 035 of the Citizens Square Building at 200 East Berry Street. Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: Vacation VEAS-2013-0066

BILL NO: G-13-06-10

APPLICANT: MoMas Investments, LLC/Mark Shambaugh

REQUEST: To vacate a portion of the platted utility and drainage easement on Lots 2, 3, and 4 in Cook Road Office and Industrial park at 7614 Opportunity Drive (Section 11 of Washington Township)

LAND AREA: Approximately 0.73 acres proposed to be vacated and re-located

SEWER PROVIDER City of Fort Wayne

WATER PROVIDER City of Fort Wayne

If you own property that is adjacent to the above request. This public hearing is your chance to offer input regarding the request. You may either present information to the Council at the public hearing, or send information to the staff prior to the public hearing. Include your name and mailing address on all correspondence.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review, have 11 copies of your written comments to the Department of Planning Services before 12:00 p.m. July 9, 2013. You may also email comments to michelle.wood@allencounty.us.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, RESCINDED AND CONFIRMED.