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RECORDED: 12/16/2013 08:46:08 AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

#VEAS-2013-0149

BILL NO. G-13-10-09

Plat Record: 22
Page No: 73

GENERAL ORDINANCE NO. G-23-13

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:

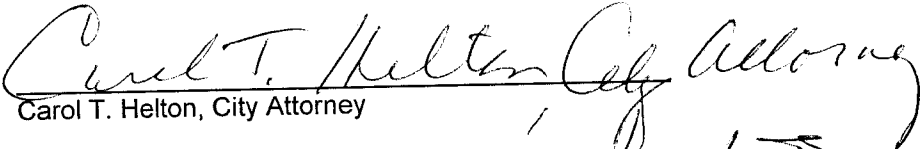

The East 7 feet of the South 85.5 feet of Lot 13 in Kehr's Addition, Section "A", a subdivision in the East Half of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana, the plat of which is recorded in Plat Book 22, page 73 in the Office of the Recorder of Allen County, Indiana

and which vacating allows the portion of dedicated utility 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.

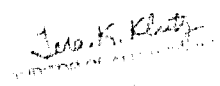

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney


ADDITIONAL FILE
ANY entered for taxation. Subject
to time, etc. shall apply transfer

DEC 13 2013



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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2013-0149
Bill Number: G-13-10-09
Council District: 3 – Tom Didier

Introduction Date: October 22, 2013

Public Hearing Date: November 12, 2013

Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the 7 foot utility easement along the east property line of Lot 13 in Kehr's Addition, Section "A".

Location: Running north-south, on the east property line of Lot 13, which is located at the intersection of Lima and Dupont Roads.

Reason for Request: The applicant intends to develop the vacant parcels with a retail mattress store.

Applicant: Zohrab K. Tazian

Property Owner: Zohrab K. and Naomi Tazian

Related Petitions: Primary Development Plan, Sleep Mattress, REZ-2013-0142

Effect of Passage: Vacation of the utility easement will allow the property owner to develop the vacant property with a retail mattress store.

Effect of Non-Passage: Under current circumstances, the applicant may not be able to develop the property with a commercial business because the easement is located in the middle of the development parcel.

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:

The East 7 feet of the South 85.5 feet of Lot 13 in Kehr's Addition, Section "A", a subdivision in the East Half of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana, the plat of which is recorded in Plat Book 22, page 73 in the Office of the Recorder of Allen County, Indiana

(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: 22 PAGE(S) NUMBER(S): 73 (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:

The easement is no longer needed to serve Lot #12 because lots 11, 12 and 13 are being vacated from the plat

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

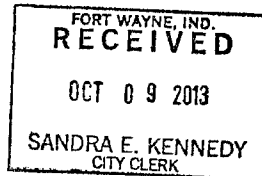
The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.
same as applicant
Applicant's name(s) if different from property owner(s):

Name: Zohrab K and Naomi Tazian

Street Address: 9609 Hera Court

City: Fort Wayne State: IN Zip: 46825 Phone: (260) 489-9143



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 For 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.

Zohrab K. Tazian
Signature
9609 Hera Court
Address

Zohrab K. Tazian
Printed Name
10/9/13
Date
Fort Wayne, IN. 46825
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: _____

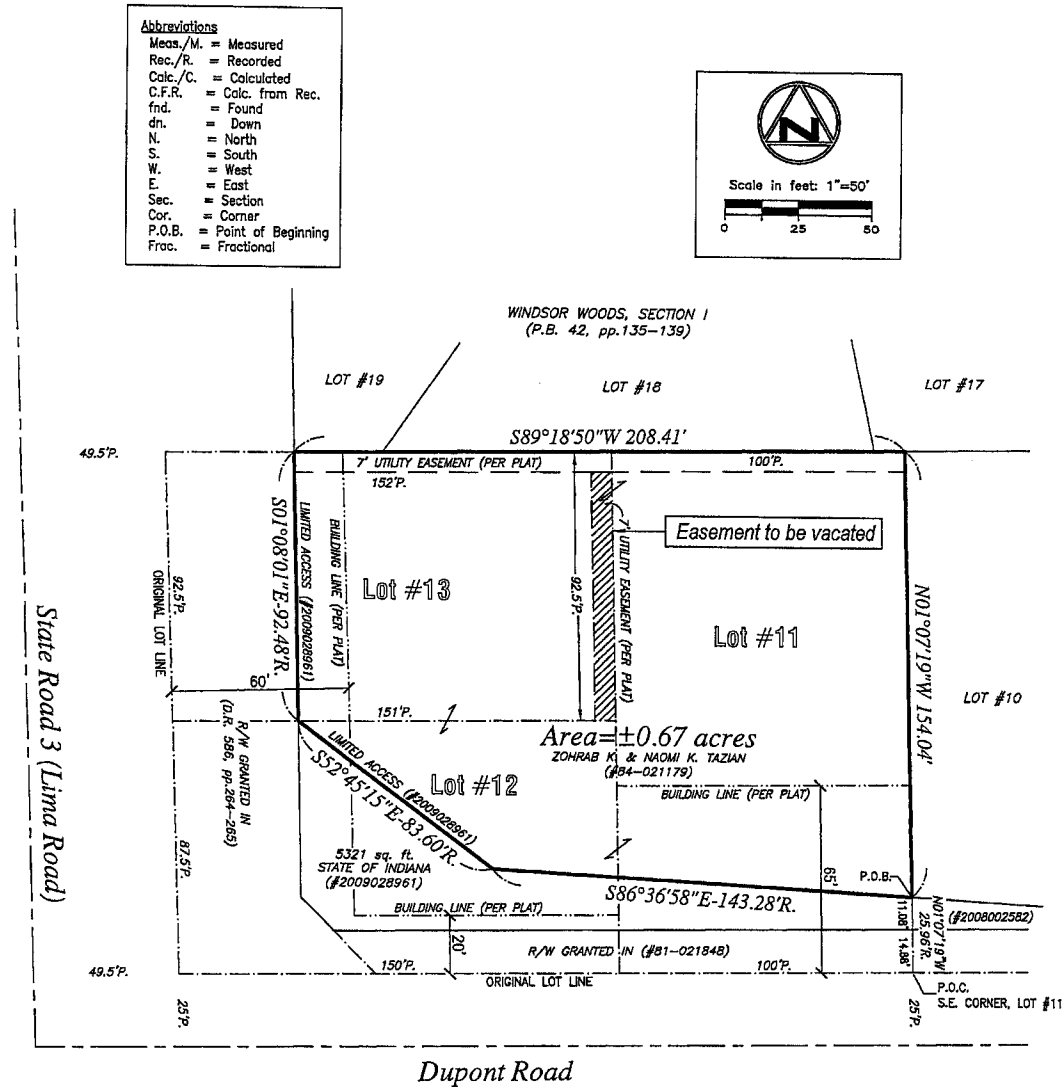
Map #: _____ Reference #: _____

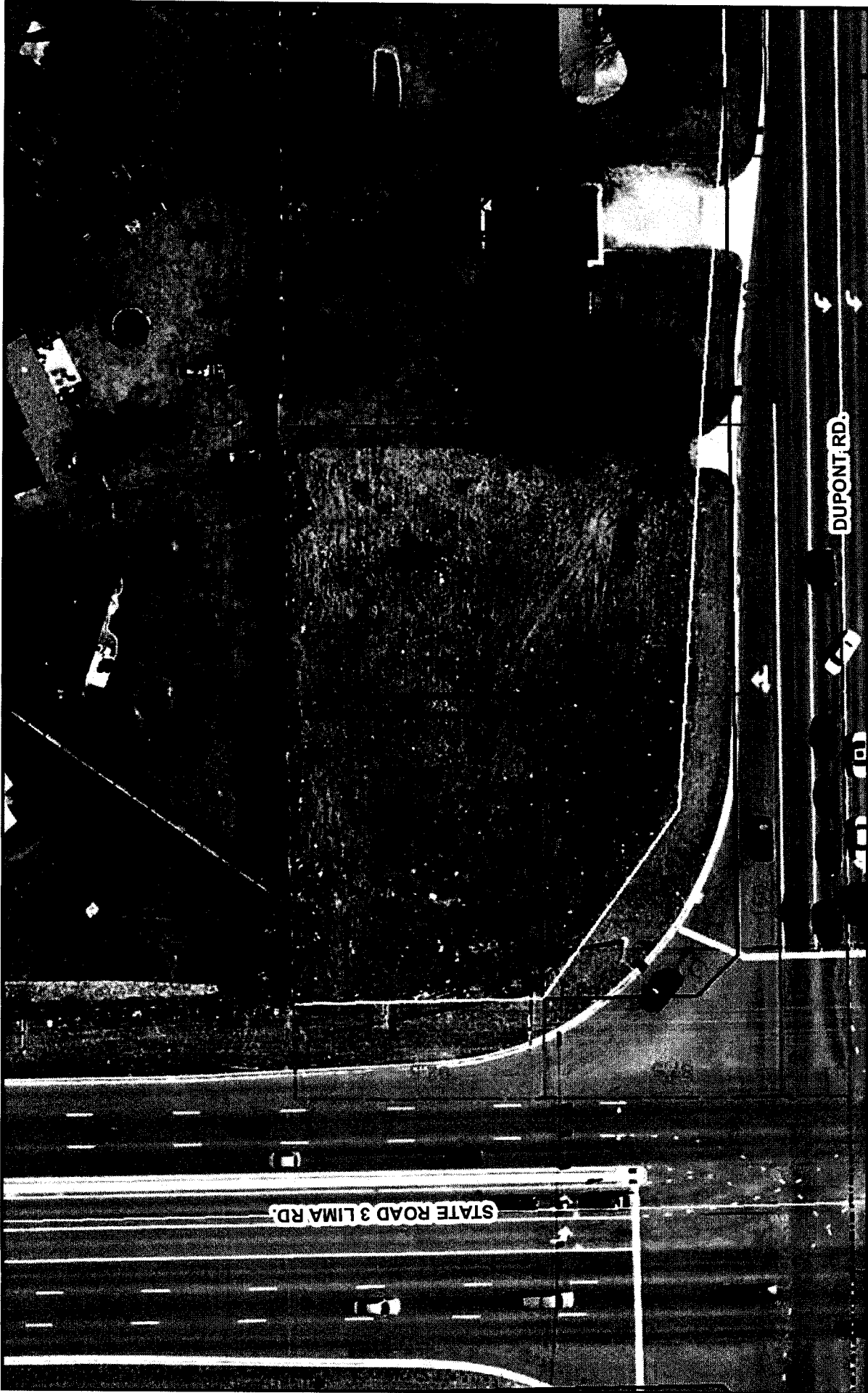
EASEMENT EXHIBIT

This document is a record of a retracement survey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet & decimals of a foot. Corners were perpetuated as indicated.

PORTION OF EASEMENT TO BE VACATED

The East 7 feet of the South 85.5 feet of Lot 13 in Kehr's Addition, Section "A", a subdivision in the East Half of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana, the plat of which is recorded in Plat Book 22, page 73 in the Office of the Recorder of Allen County, Indiana





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

Vacation Petition VEAS-2013-0149

Printed: October 14, 2013
© 2004 Board of Commissioners of the County of Allen
Map Data: 2004 State Plane Coordinate System, Indiana East
Photos: Spring 2006 / Contours: 1999



Although strict 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.

Public Hearing Date, if applicable 11-12-13

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
Committee. Read the third time in full and on motion by Councilman
Jehl, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 12-10-13 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. G-23-13 on the 10th day of
December, 2013

ATTEST: Sandra E. Kennedy T. Thomas F. Didier
SANDRA E. KENNEDY, PRESIDING OFFICER
CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day
of December, 2013, at the hour of 10:00 o'clock Am. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of December
2013, at the hour of 2:00 o'clock Pm E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-13-10-09

REPORT OF COMMITTEE ON REGULATIONS

DECEMBER 3, 2013

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

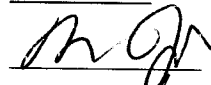

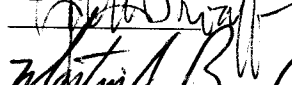
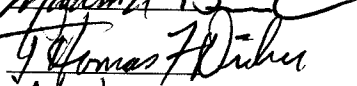

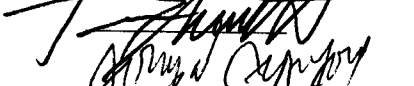
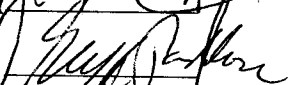

AN ORDINANCE for the purpose of Vacating a portion of a dedicated utility easement. The location runs north-south, on the east property line of Lot 13, which is located at the intersection of Lima and Dupont Roads. **COMMITTEE ON REGULATION HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY
CITY CLERK