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#VEAS-2013-0168

BILL NO. G-13-12-01

GENERAL ORDINANCE NO. G- 03-14

**AN ORDINANCE for the purpose of  
Vacating portions of dedicated utility easements.**

WHEREAS, a petition to vacate portions of a series of dedicated utility easements within the City of Fort Wayne, Indiana, (as more specifically described below) as a part of Project #0500695 (the Maplecrest Road Improvement Project), 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 portions of a series of dedicated utility easements within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Parcel 5

A part of Lot Number 79 in Lofton Woods, Section III, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat record 39, pages 47-50, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right of way line as depicted on the attached Right-of-way parcel plat, marked as Exhibit B (Attachment 1), and described as follows:

Beginning at the southeast corner of Lot 79; thence 88 degrees 26 minutes 31 seconds West 10.46 feet along the south line of said Lot 79 to point 180 on said plat; thence North 1 degree 32 minutes 19 seconds East 71.76 feet to the northeast line of said Lot 79; thence South 62 degrees 44 minutes 46 seconds East 4.48 feet along said northeast line to the northeast corner of said Lot 79; thence South 3 degrees 45 minutes 14 seconds East 69.55 feet along the east line of said Lot 79 to the point of beginning, containing 508 square feet, more or less.

Together with:

Parcel 22

A part of Lot Number 78 in Lofton Woods, Section III, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat record 39, pages 47-50, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right of way line as depicted on the attached Right of Way Parcel Plat, marked Exhibit B

1 (Attachment 2), and described as follows:

2 Beginning at the southeast corner of said Lot 78; thence North 62 degrees 44 minutes 46  
3 seconds West 4.48 feet along the southwest line of said Lot 78; thence North 1 degree 32  
4 minutes 19 seconds East 41.61 feet to point 182 on said plat, said point being on the east side  
5 of said Lot 78; thence South 3 degrees 45 minutes 14 seconds East 43.74 feet along said east  
6 line to the point of beginning, containing 84 square feet, more or less.

7 Together with:

8 Parcel 23

9 A part of Lot Number 63 in Lofton Woods, Section III, an addition to the City of Fort Wayne,  
10 Indiana, the plat of which addition is recorded in Plat record 39, pages 47-50, in the Office of  
11 the Recorder of Allen County, Indiana, and being that part of the grantors' land lying within  
12 the right of way line as depicted on the attached Right of Way parcel Plat, marked Exhibit B  
13 (Attachment 3), and described as follows:

14 Beginning at the southeast corner of said Lot, designated Point 116 on said plat; thence North  
15 6 degrees 35 minutes 59 seconds West 100.71 feet to the north line of said lot, designated  
16 Point 110 on said plat; thence North 86 degrees 48 minutes 14 seconds East 5.00 feet along  
17 said north line to the northeast corner of said lot; thence South 3 degrees 45 minutes 14  
18 seconds East 100.53 feet along the east line of said lot to the point of beginning, containing  
19 251 square feet, more or less.

20 Together with:

21 Parcel 24

22 A part of Lot Number 118 in Valley Park Forest, Section C, an addition to the City of Fort  
23 Wayne, Indiana, the plat of which addition is recorded in Plat Record 38, pages 86-88, in the  
24 Office of the Recorder of Allen County, Indiana, and being that part of the grantors' land  
25 lying within the right of way line as depicted on the attached Right of Way Parcel Plat,  
26 marked Exhibit B (Attachment 4), and described as follows:

27 Beginning at the southwest corner of said lot; thence North 3 degrees 45 minutes 14 seconds  
28 West 117.90 feet along the west line of said lot to the northwest corner of said lot; thence  
29 North 86 degrees 57 minutes 12 seconds East 5.00 feet along the north line of said lot; thence  
30 South 1 degree 19 minutes 27 seconds West 117.94 feet to the point of beginning, containing  
295 square feet, more or less.

Together with:

Parcel 25

A part of Lot Number 51 in Lofton Woods, Section II, an addition to the City of Fort Wayne,  
Indiana, the plat of which addition is recorded in Plat Record 33, pages 14-16, in the Office  
of the Recorder of Allen County, Indiana, and being that part of the grantors' land lying  
within the right of way line as depicted on the attached Right of Way Parcel Plat, marked  
Exhibit B (Attachment 5), and described as follows:

Five (5) feet by parallel lines off the entire east side of said Lot 51, containing 813 square  
feet, more or less.

Together with:

Parcel 26

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A part of Lot Number 52 in Lofton Woods, Section II, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat Record 33, pages 14-16, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantors' land lying within the right of way line as depicted on the attached Right of Way Parcel Plat, marked Exhibit B (Attachment 6), and described as follows:

Five (5) feet by parallel lines off the entire east side of said Lot 52, containing 813 square feet, more or less.

Together with:

Parcel 27

The east 5 feet of the south 7 feet of Lot Number 16 in Lofton Woods, Section I, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat Record 32, pages 58-59, in the Office of the Recorder of Allen County, Indiana.

Together with:

Parcel 11

The east 5 feet of the north 14 feet of Lot Number 15 in Lofton Woods, Section I, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat Record 32, pages 58-59, in the Office of the Recorder of Allen County, Indiana.

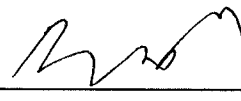
Together with:

Parcel 15

The west 5 feet of the north 14 feet of Lot Number 1 in Valley Park Forest, Section A, an addition to the City of Fort Wayne, Indiana, the plat of which addition is record in Plat Record 29, pages 32-33, and re-recorded in Plat Record 29, page 51 in the Office of the Recorder of Allen County, Indiana.

and which vacating allows the removal of any superior encumbrances on the City owned right-of-way, 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

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Vacation of Platted Easements  
Case Number: VEAS-2013-0168  
Bill Number: G-13-12-01  
Council District: 1 – Tom Smith

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Introduction Date: December 10, 2013  
Public Hearing Date: January 14, 2014  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

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Synopsis of Ordinance: To vacate portions of a series of platted utility easements along the east and west sides of Maplecrest Road, for Project #0500695, the Maplecrest Road Improvement Project.

Location: Nine (9) distinct portions of platted utility easements along the east and west sides of Maplecrest Road, located within the right-of-way on Lots 63, 78 and 79 of Lofton Woods, Section III, Lot 118 in Valley Park Forest, Section C, Lots 51 and 52 in Lofton Woods, Section II, Lots 15 and 16 in Lofton Woods, Section I, and Lot 1 in Valley Park Forest, Section A.

Reason for Request: To continue the Maplecrest Road Improvement Project (#0500695)

Applicant: City of Fort Wayne

Property Owner: City of Fort Wayne

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Related Petitions: None

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Effect of Passage: The portions of easements to be vacated are located within public right-of-way. Vacation of the utility easements will allow the road improvement project to move forward.

Effect of Non-Passage: Under current circumstances, these areas of right-of-way are encumbered by platted utility easements. The Maplecrest Road Improvement Project requires that the right-of-way be free from any superior encumbrances.

**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
 BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC EASTING	PROJECT NORTHING	PROJECT EASTING
180	"M"	110+87.12	40.46', LT.	2129970.8138	495318.0001	29970.8138	5318.0001
182	"M"	112+00.00	30', LT.	2130084.1364	495321.0438	30084.1364	5321.0438
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30004							

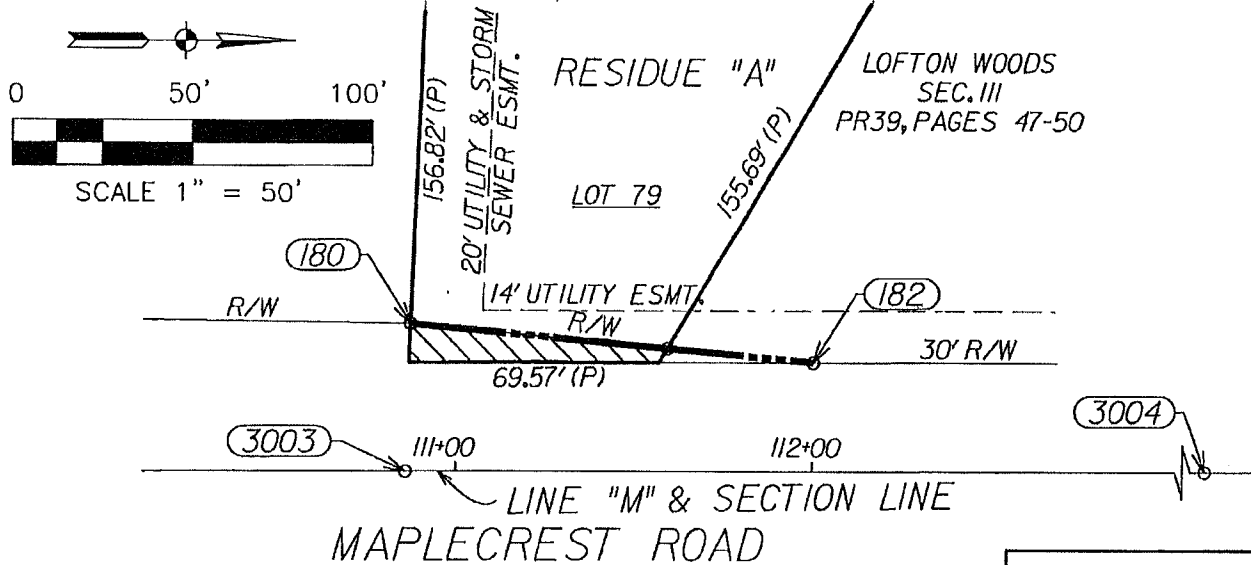
NOTES:

STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES, BEARINGS AND DISTANCES.

\*SEE LOCATION CONTROL ROUTE SURVEY PLAT. INSTRUMENT NUMBER 2011043565 (AMENDED PLAT RECORDED AS INSTRUMENT NUMBER 2013003898)

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

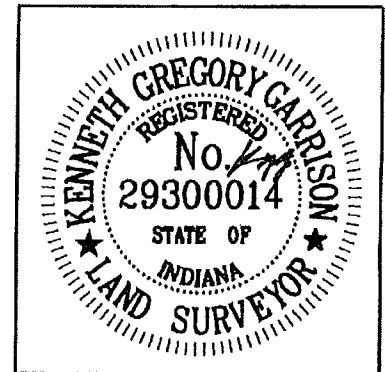
SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



SURVEYORS STATEMENT:

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY PLAT" RECORDED SEPTEMBER 27, 2011 AS INSTRUMENT NUMBER 2011043565, (AN AMENDED "LOCATION CONTROL ROUTE SURVEY PLAT" IS RECORDED AS INSTRUMENT NUMBER 2013003898) IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, INCORPORATED AND MADE PART HEREOF BY REFERENCE COMPRISE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH ADMINISTRATIVE CODE 365, 1-2 ("RULE 12").

*Kenneth Gregory Garrison* 2/12/13  
 Kenneth Gregory Garrison Date  
 Reg. Land Surveyor No. LS29300014  
 State of Indiana



PARCEL: 5  
 OWNER: CAROLINE J. DEMETROFF  
 PROJECT: 0500695  
 DES No.: 0500695  
 ROAD: MAPLECREST RD.  
 COUNTY: ALLEN  
 SECTION: 33  
 TOWNSHIP: 31-N  
 RANGE: 13-E

APPROXIMATE  
 PERMANENT  
 R-O-W TAKING

DRAWN BY: J.R. FOSTER, DATE: 9/19/2012  
 CHECKED BY: K.G. GARRISON, DATE: 9/26/2012  
 REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
 ADDED LOCAL DATUM COORDINATES.

KEY #02-08-33-477-007.000-072

INSTRUMENT NO. 2011004296 DATE: 1/31/2011

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

**RIGHT-OF-WAY PARCEL PLAT**  
 PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
 BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC EASTING	PROJECT NORTHING	PROJECT EASTING
180	"M"	110+87.12	40.46', LT.	2129970.8138	495318.0001	29970.8138	5318.0001
182	"M"	112+00.00	30', LT.	2130084.1364	495321.0438	30084.1364	5321.0438
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30004							

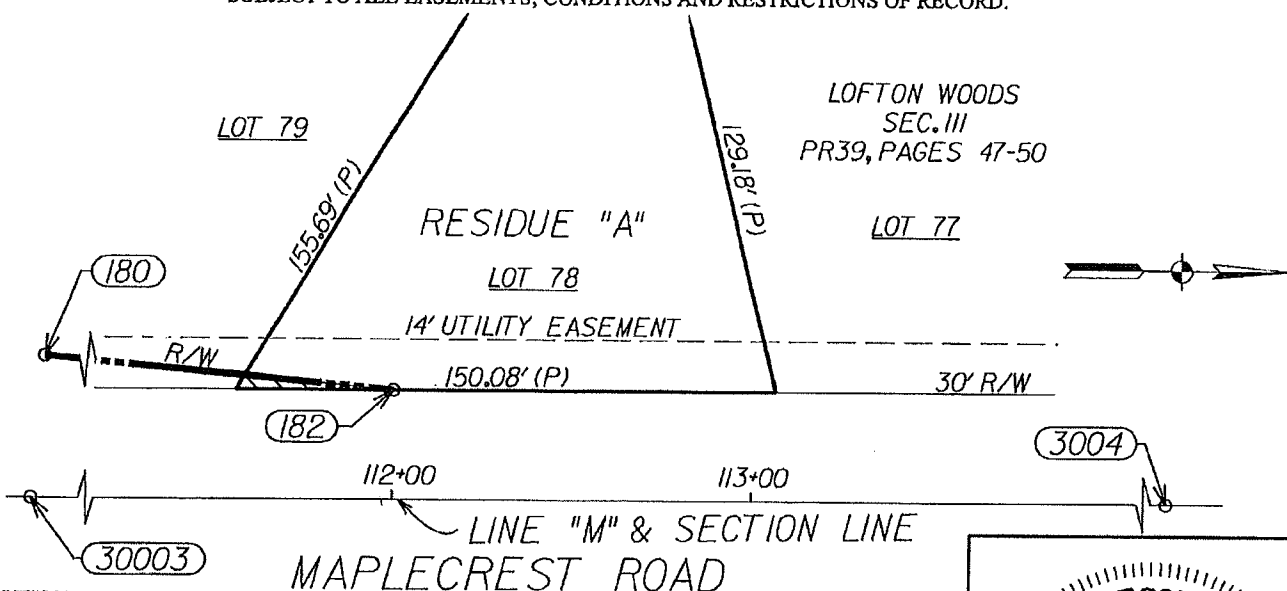
NOTES:

STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES, BEARINGS AND DISTANCES.

\*SEE LOCATION CONTROL ROUTE SURVEY PLAT. INSTRUMENT NUMBER 2011043565 (AMENDED PLAT RECORDED AS INSTRUMENT NUMBER 2013003898)

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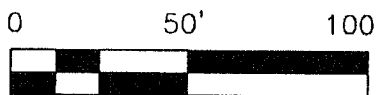
SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



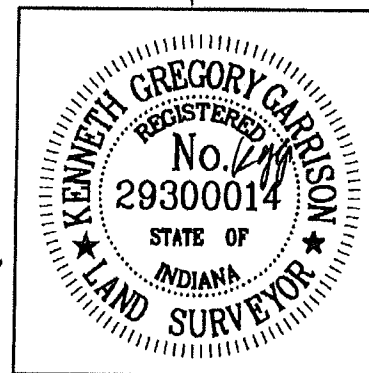
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*Kenneth Gregory Garrison* 2/12/15  
 Kenneth Gregory Garrison Date  
 Reg. Land Surveyor No. LS29300014  
 State of Indiana

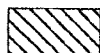


SCALE 1" = 50'



PARCEL: 22  
 OWNER: KAREN A. KARRER  
 PROJECT: 0500695  
 DES No.: 0500695  
 ROAD: MAPLECREST RD.  
 COUNTY: ALLEN  
 SECTION: 33  
 TOWNSHIP: 31-N  
 RANGE: 13-E

APPROXIMATE  
 PERMANENT  
 R-O-W TAKING



DRAWN BY: J.R. FOSTER, DATE: 9/19/2012  
 CHECKED BY: K.G. GARRISON, DATE: 9/28/2012  
 REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
 ADDED LOCAL DATUM COORDINATES.

KEY #02-08-33-432-013.000-072

INSTRUMENT NO. 990082297 DATE: 11/12/1999

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC EASTING	PROJECT NORTHING	PROJECT EASTING
110	"M"	117+27.63	35', LT	2130610.3100	495281.5112	30610.3100	5281.5112
116	"M"	116+27.05	30', LT	2130510.2710	495293.0854	30510.2710	5293.0854
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30004							

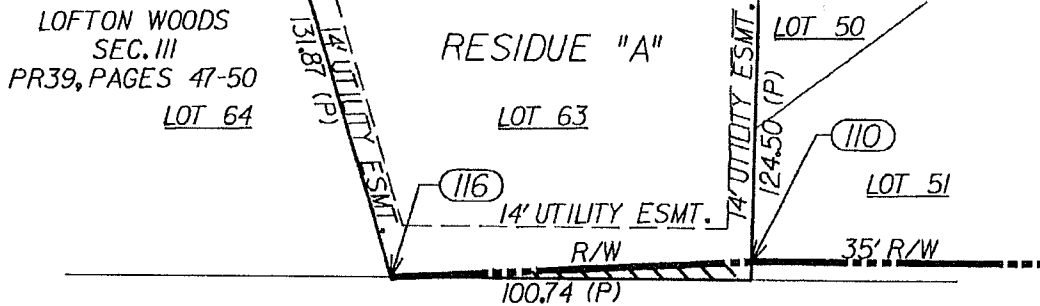
NOTES:

STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES, BEARINGS AND DISTANCES.

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SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



117+00 118+00 119+00

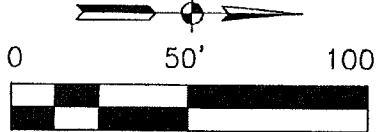
LINE "M" & SECTION LINE

MAPLECREST ROAD

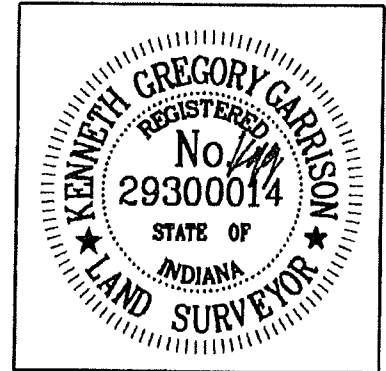
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*Kenneth Gregory Garrison* 2/12/13  
Kenneth Gregory Garrison Date  
Reg. Land Surveyor No. LS29300014  
State of Indiana

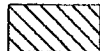


SCALE 1" = 50'



PARCEL: 23  
OWNER: DANE M. WADE & KAREN M. WADE  
PROJECT: 0500695  
DES No.: 0500695  
ROAD: MAPLECREST RD.  
COUNTY: ALLEN  
SECTION: 33  
TOWNSHIP: 31-N  
RANGE: 13-E

APPROXIMATE  
PERMANENT  
R-O-W TAKING



DRAWN BY: J.R. FOSTER, DATE: 9/1/2012  
CHECKED BY: K.G. GARRISON, DATE: 9/12/2012  
REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
ADDED LOCAL DATUM COORDINATES.

INSTRUMENT NO. 86-016626 DATE: 5/21/1986

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
 BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC EASTING	PROJECT NORTHING	PROJECT EASTING
139	"M"	117+57.63	55', RT.	2130646.1366	495369.3541	30646.1366	5369.3541
169	"M"	116+39.79	50', RT.	2130528.2259	495372.0794	30528.2259	5372.0794
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30004							

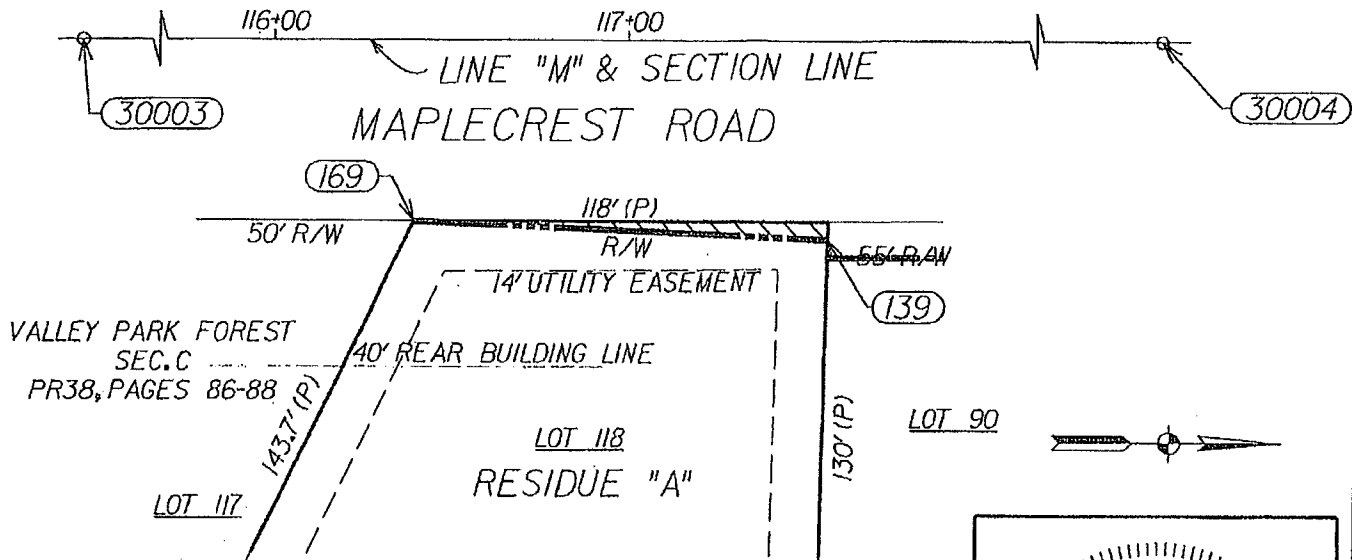
NOTES:

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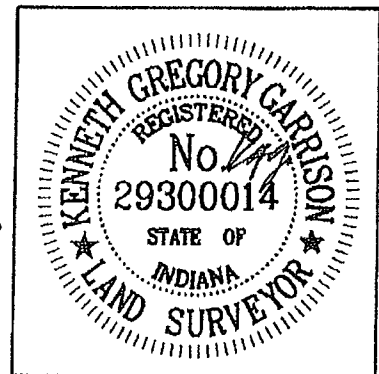
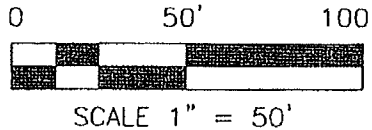
SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



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*Kenneth Gregory Garrison* 9/24/13  
 Kenneth Gregory Garrison Date  
 Registered Land Surveyor No. LS29300014  
 State of Indiana



PARCEL: 24  
 OWNER: JAMES R. AND TRICIA L. McINTYRE  
 PROJECT: 0500695  
 RES No.: 0500695  
 ROAD: MAPLECREST RD.  
 COUNTY: ALLEN  
 SECTION: 34  
 TOWNSHIP: 31-N  
 RANGE: 13-E

APPROXIMATE  
 PERMANENT  
 R-O-W TAKING

DRAWN BY: J.R. FOSTER, DATE: 9/24/2012  
 CHECKED BY: K.G. GARRISON, DATE: 9/24/2012  
 REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
 ADDED LOCAL DATUM COORDINATES.

KEY #02-08-34-305-014.000-072

INSTRUMENT NO. 2007044769 DATE: 8/8/2007

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
 BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC EASTING	PROJECT NORTHING	PROJECT EASTING
110	"M"	117+27.63	35', LT	2130610.3100	495281.5112	30610.3100	5281.5112
115	"M"	121+56.11	35', LT	2131037.8720	495253.4592	31037.8720	5253.4592
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30018							

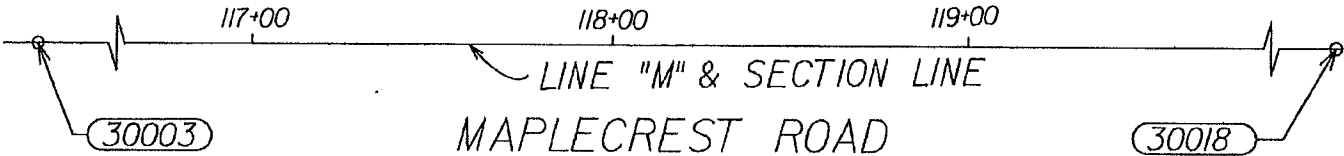
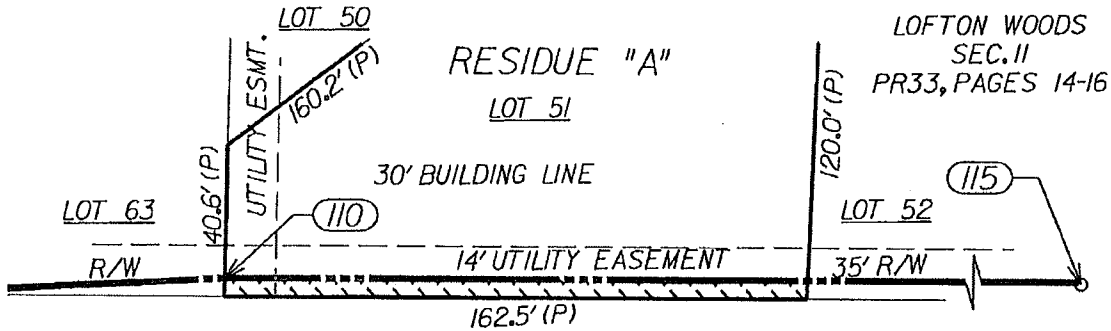
NOTES:

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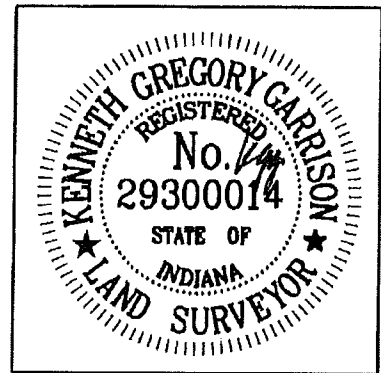
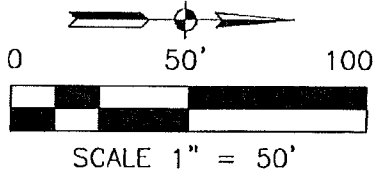
SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



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*Kenneth Gregory Garrison* 2/12/13  
 Kenneth Gregory Garrison Date  
 Reg. Land Surveyor No. LS29300014  
 State of Indiana



PARCEL: 25  
 OWNER: STEVEN JEROME & TAMERA KAY FAUROTE  
 PROJECT: 0500695  
 DES No.: 0500695  
 ROAD: MAPLECREST RD.  
 COUNTY: ALLEN  
 SECTION: 33  
 TOWNSHIP: 31-N  
 RANGE: 13-E

APPROXIMATE  
 PERMANENT  
 R-O-W TAKING

DRAWN BY: J.R. FOSTER, DATE: 9/11/2012  
 CHECKED BY: K.G. GARRISON, DATE: 9/12/2012  
 REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
 ADDED LOCAL DATUM COORDINATES.

INSTRUMENT NO. 200041036 DATE: 7/6/2000

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 PREPARED FOR THE INDIANA DEPARTMENT OF TRANSPORTATION  
 BY BURGESS & NIPLE INC.

POINT	CENTERLINE	STATION	OFFSET	ISPC NORTHING	ISPC BASTING	PROJECT NORTHING	PROJECT EASTING
110	"M"	117+27.63	35', LT	2130610.31	495281.5112	30610.31	5281.5112
115	"M"	121+56.11	35', LT	2131037.872	495253.4592	31037.872	5253.4592
30003	SEE LOCATION CONTROL ROUTE SURVEY PLAT						
30018							

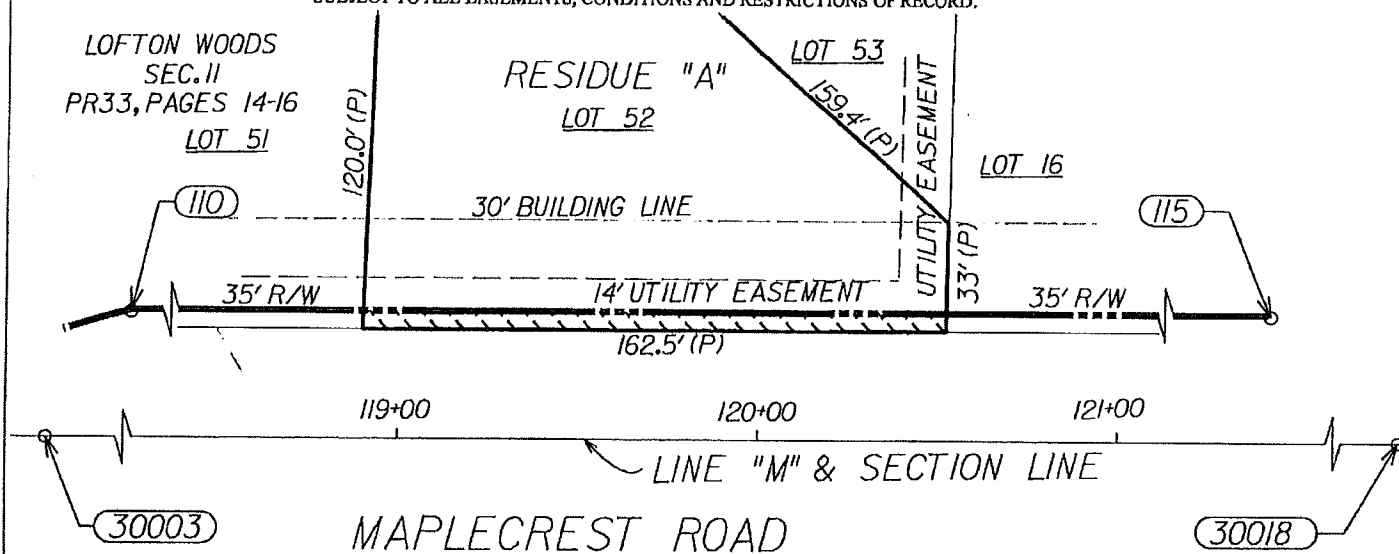
NOTES:

STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES, BEARINGS AND DISTANCES.

\*SEE LOCATION CONTROL ROUTE SURVEY PLAT. INSTRUMENT NUMBER 2011043565 (AMENDED PLAT RECORDED AS INSTRUMENT NUMBER 2013003898)

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

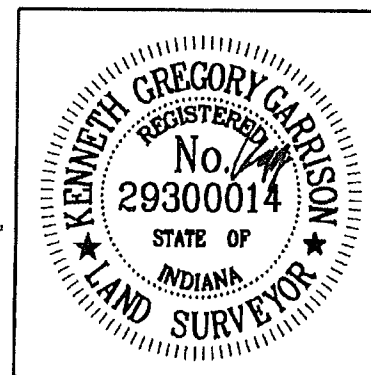
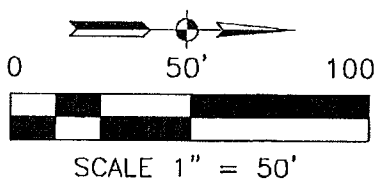
SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.



SURVEYORS STATEMENT:

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY PLAT" RECORDED SEPTEMBER 27, 2011 AS INSTRUMENT NUMBER 2011043565, (AN AMENDED "LOCATION CONTROL ROUTE SURVEY PLAT" IS RECORDED AS INSTRUMENT NUMBER 2013003898) IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, INCORPORATED AND MADE PART HEREOF BY REFERENCE COMPRISE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH ADMINISTRATIVE CODE 865, 1-2 ("RULE 12").

*Kenneth Gregory Garrison* 2/12/13  
 Kenneth Gregory Garrison Date  
 Reg. Land Surveyor No. LS29300014  
 State of Indiana



PARCEL: 26  
 OWNER: JONATHAN D. MARTIN & CHRISTINA M. MARTIN  
 PROJECT: 0500695  
 DES No.: 0500695  
 ROAD: MAPLECREST RD.  
 COUNTY: ALLEN  
 SECTION: 33  
 TOWNSHIP: 31-N  
 RANGE: 13-E

APPROXIMATE  
 PERMANENT  
 R-O-W TAKING



DRAWN BY: J.R. FOSTER, DATE: 9/11/2012  
 CHECKED BY: K.G. GARRISON, DATE: 9/11/2012  
 REVISED BY: T.A. DARNALL, DATE: 2/11/2013,  
 ADDED LOCAL DATUM COORDINATES.

INSTRUMENT NO. 2010063291 DATE: 12/16/2010

DIMENSIONS SHOWN ARE TAKEN FROM THE RECORD DOCUMENTS LISTED ABOVE

Parcel 27

The east 5 feet of the south 7 feet of Lot Number 16 in Lofton Woods, Section I, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat Record 32, pages 58-59, in the Office of the Recorder of Allen County, Indiana.

Parcel 11

The east 5 feet of the north 14 feet of Lot Number 15 in Lofton Woods, Section I, an addition to the City of Fort Wayne, Indiana, the plat of which addition is recorded in Plat Record 32, pages 58-59, in the Office of the Recorder of Allen County, Indiana.

Parcel 15

The west 5 feet of the north 14 feet of Lot Number 1 in Valley Park Forest, Section A, an addition to the City of Fort Wayne, Indiana, the plat of which addition is record in Plat Record 29, pages 32-33, and re-recorded in Plat Record 29, page 51 in the Office of the Recorder of Allen County, Indiana.



# VACATION PETITION VEAS-2013-0168



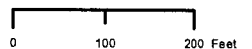
*This map is for representation purposes only - Boundaries identified by bold colored lines represent the general location of the proposal*

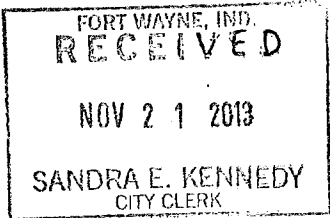
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2012  
Date: 12/4/2013



1 inch = 200 feet





# 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:

See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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: See attached PAGE(S) NUMBER(S): \_\_\_\_\_ (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

The Maplecrest Rd Improvement Project between Lake Avenue and State Boulevard.  
\_\_\_\_\_  
\_\_\_\_\_

(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: City of Fort Wayne  
Street Address: 200 E. Berry St. Ste. 200  
City: Fort Wayne State: IN Zip: 46802 Phone: 427-1172

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.

Constance Burnett  
Signature

Constance Burnett  
Printed Name

11/21/13  
Date

200 E. Barry Ste 200  
Address

Fort Wayne, IN 46802  
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): Shan Gunawardena, City Engineer

Street Address: Same

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 #: N/A

Date Filed: 11/21/13

Map #: \_\_\_\_\_

Reference #: VEAS-2013-0168  
G-13-12-01

Public Hearing Date, if applicable January 17, 2014  
 Read the first time in full and on motion by Councilman Didier  
 Read the second time by title and referred to the Regulations  
 Committee. Read the third time in full and on motion by Councilman  
Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	<input checked="" type="checkbox"/>	_____	_____	_____
CRAWFORD	<input checked="" type="checkbox"/>	_____	_____	_____
DIDIER	<input checked="" type="checkbox"/>	_____	_____	_____
HARPER	<input checked="" type="checkbox"/>	_____	_____	_____
HINES	<input checked="" type="checkbox"/>	_____	_____	_____
JEHL	_____	_____	_____	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	_____	_____	_____
SHOAFF	<input checked="" type="checkbox"/>	_____	_____	_____
SMITH	<input checked="" type="checkbox"/>	_____	_____	_____

DATED: 2-4-14 Sandra 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. 6-03-14 on the 4th day of  
February, 2014

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

Marvin A. Bender  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day  
 of February, 2014, at the hour of 3:00 o'clock PM. E.S.T.

Sandra E. Kennedy  
 SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6<sup>th</sup> day of FEBRUARY  
 2014, at the hour of 10:00 o'clock AM. E.S.T.

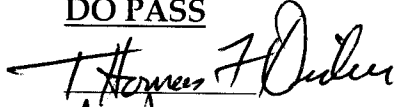

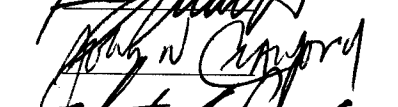
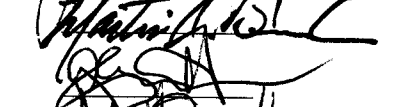

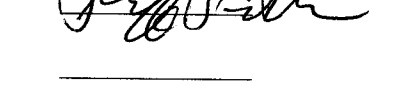
Thomas C. Henry  
 THOMAS C. HENRY, MAYOR

**REPORT OF COMMITTEE ON REGULATIONS**

**FEBRUARY 4, 2014**

*TOM DIDIER - CHAIR  
MITCH HARPER - CO-CHAIR  
ALL COUNCIL MEMBERS*

**AN ORDINANCE** for the purpose of Vacating portions of dedicated utility easements. The location of the property to be vacated is Nine (9) distinct portions of platted utility easements along the east and west sides of Maplecrest Road, located within the right-of-way on Lots 63, 78, and 79 of Lofton Woods, Section III, Lot 118 in Valley Park Forest, Section C, Lots 51 and 52 in Lofton Woods Section I, and Lot 1 in Valley Park Forest, Section A. **COMMITTEE ON REGULATIONS HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**SANDRA E. KENNEDY  
CITY CLERK**