

1 #VEAS-2014-0051

2 BILL NO. G-14-04-07 (AS AMENDED)

3 Plat Cabinet: E

4 Page No: 105

5 GENERAL ORDINANCE NO. G- 11-14

6 AN ORDINANCE for the purpose of
7 Vacating a portion of a platted utility and surface drainage easement.

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

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public
12 hearing 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 platted utility and
16 surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as
17 follows, to-wit:

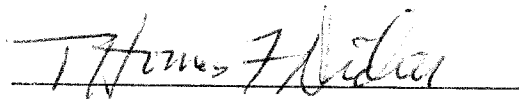
18 A portion of a 20 foot wide utility and surface drainage easement, situated at the rear of Lot
19 #172, Wyndemere, Section V, as recorded in Plat Cabinet E, page 105, in particular
20 described as follows:

21 To arrive at the point of beginning, commence at a point on the East line of said Lot #172,
22 Wyndemere Section V, coincident with the intersection of the said East line of Lot #172 and
23 the North line of the platted 20 foot wide utility and surface drainage easement; thence
24 westerly, along said easement line, a distance of 12.0 feet to the point of beginning; thence,
25 by a deflection left of 90 degrees, a distance of 3.0 feet; thence, by a deflection right of 45
26 degrees, a distance of 5.66 feet; thence, by a deflection right of 45 degrees, a distance of
27 48.0 feet; thence, by a deflection right of 45 degrees, a distance of 5.66 feet; thence by a
28 deflection right of 45 degrees, a distance of 3.0 feet, to the said North easement line; thence
29 easterly, by a deflection right of 90 degrees, a distance of 56.0 feet to the point of beginning,
30 containing 376 square feet.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
and is hereby approved in all respects.

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

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2014-0051
Bill Number: G-14-04-07
Council District: 2-Russell Jehl

Introduction Date: April 8, 2014

Public Hearing Date: April 22, 2014

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

Synopsis of Ordinance: To vacate a portion of the 20 foot wide platted utility and surface drainage easement located on the southern end of Lot 172 in Wyndemere subdivision.

Location: Running east-west, at the southern end of Lot 172 in Wyndemere subdivision at 4114 Wyndemere Pass.

Reason for Request: Homeowners would like to build a deck and swimming pool which would encroach into a portion of the easement.

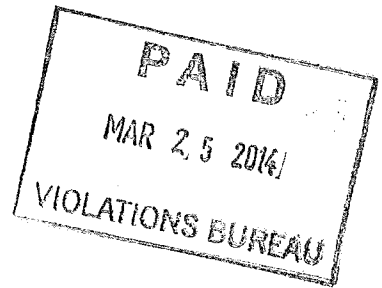
Applicant: Linda Pearson

Property Owner: James and Linda Pearson

Related Petitions: none

Effect of Passage: Vacation of a portion of the utility easement will allow the property owner to install the desired improvement.

Effect of Non-Passage: Under current circumstances, staff could not approve the desired improvements.



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 SHEET

(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: _____ PAGE(S) NUMBER(S): _____ (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:

SWIMMING POOL AND ADJACENT DECK CONSTRUCTION

(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: LINDA PEARSON (JAMES M. & LINDA M. PEARSON)

Street Address: 4114 WYNDEMERE PASS

City: FORT WAYNE State: IN Zip: 46835 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 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.

x Linda Pearson LINDA M. PEARSON 3-25-14
Signature Printed Name Date
4114 WYNDEMERE FT. WAYNE, IN
Address 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): GREG BUCKEL

Street Address: 12212 BENDING OAKS CT.

City: _____ State: _____ Zip: 46845 Phone: 260-409-0245

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: 3/25/14

Map #: _____ Reference #: VEAS-2014-0051

02-08-20-252-002.000-072
wyndemere - Sec. V Lot 172

St. Job 20
RP R34
FW2
Russelhof

WYNDEMERE PASS 50'

1" = 20 FT.

400' R

26.44'

91.74'

4114

15' UTILITY EASMT

LOT 172
WYNDEMERE SECT. V
PLAT CAB. E. p. 105

20 FT. U. & S.D. EASMT.

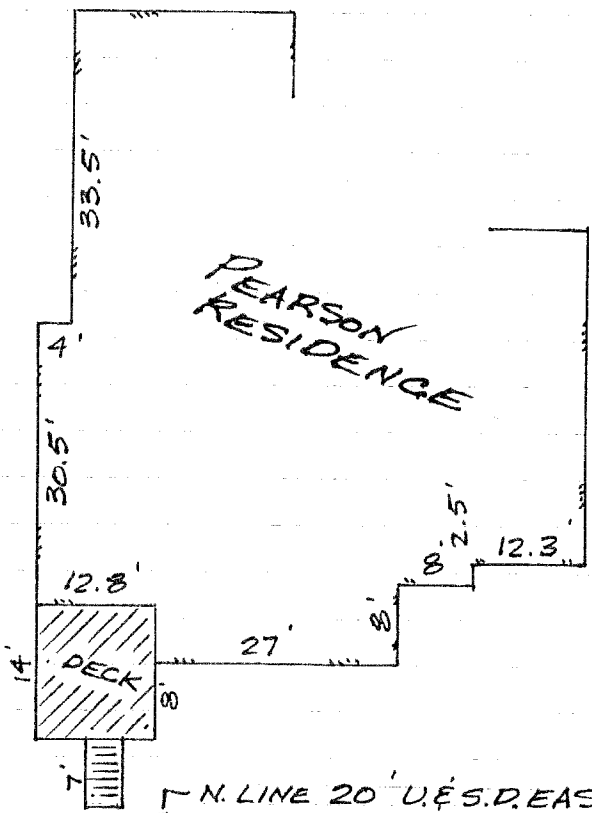
LOT LINE

151.11' N 11°00' W

150.24' N 11°00' W

LOT LINE

PEARSON
RESIDENCE



N. LINE 20' U. & S.D. EASMT

108.2

108.2

GTE & CABLE
PEDESTALS

IRON
PIN

VERTIZON
VAULT & PED.

S 75° 37' 47" W 118.2'

LOT LINE

COMMON AREA 'A'

1" M TRANS
3' X 3'

Legal Description of Easement Area To Be Vacated

A portion of a 20 foot wide utility and surface drainage easement, situated at the rear of Lot # 172, Wyndemere, Section 'V' as recorded in Plat Cabinet 'E' page 105, in particular described as follows:

Commence at a point on the east line of said Lot # 172, 9.0 feet North 11 Degrees W of the southeast corner of said lot;

thence westerly 108.2 feet, more or less, to a point situated 11.0 feet north and 10.0 feet east of the southwest corner of Lot # 172;

thence Northerly along the east line of a 20 foot wide U.& S.D. easement, 9.0 feet to the north line of the existing easement;

thence easterly along the said easement line, a distance of 108.2 feet more or less to the east line of Lot # 172;

thence southerly along said east line, 11.0 feet to the point of beginning, containing approximately 1082 square feet

Adjacent Property Owners

Lot No. 173: David and Colette Slyby
4104 Wyndemere Pass
Fort Wayne, IN 46835
Phone: 260- 486-7839

Lot No. 171: Peri and Lynne Burgess
4124 Wyndemere Pass
Fort Wayne, IN. 46835
Phone : 817- 447-1161

Common Area: Wyndemere Community Assn.
PO Box 15701
Fort Wayne, IN 46885-5701
C/O Mr. Doug Bishop
Phone: 445 - 2784

Also: I & M Representative
Brent Schwartz
Customer Design Tech.
Fort Wayne District
Phone: 260-408-1832
260-437 6745 cell

Vacation Petition VEAS-2014-0051



Project boundaries represented by bold colored lines are for representational purposes only.

© 2014 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours, Spring 2009

Date: 4/2/2014

Although data 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 the liability and all liability, resulting from any error or omission in this map.

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Didier
Read the second time by title and referred to the Regulations Committee
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	_____	_____	_____	<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: 5-13-14 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-11-14 on the 13th day of
May, 2014

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

Martin A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day
of May, 2014, at the hour of 4:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of MAY
2014, at the hour of 2:00 o'clock P.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-14-04-07(AS AMENDED)

REPORT OF COMMITTEE ON REGULATIONS

MAY 13, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE for the purpose of Vacating a portion of a platted utility and surface drainage easement. The location of the property runs east-west, at the southern end of Lot 172 in Wyndemere subdivision at 4114 Wyndemere Pass.. **COMMITTEE ON REGULATIONS 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

<i>Tom Didier</i>	_____	_____	_____
<i>Mitch Harper</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____
<i>John Smith</i>	_____	_____	_____

**SANDRA E. KENNEDY
CITY CLERK**