

#VEAS-2014-0065

BILL NO. G-14-05-10

Deed Book: 37
Page No: 23-25

GENERAL ORDINANCE NO. G- 22-14

**AN ORDINANCE for the purpose of
Vacating a portion of a platted utility easement.**

WHEREAS, a petition to vacate a portion of a platted 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 platted utility easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A 14 foot wide utility easement along the west line of the following described tract:

(A parcel of real estate identified as Tract 1 on survey prepared by ZK Tazian Associates, Inc., Survey No. 09-12-05 dated February 11, 2010):

The North 380.0 feet of the South 780.0 feet of Block 8, Engle Ridge Industrial Park, Section "B", according to the recorded plat thereof, more particularly described as:

Part of the West half of the Northeast Quarter of Section 20, Township 30 Range 12 East (Wayne Township), Allen County, Indiana more particularly described as follows, to-wit: Beginning on the West line of said Northeast Quarter at a point situated 136.6 feet South of the Southwest corner of Block 3, Engle Ridge Industrial Park, Section "A", thence South, on and along said West line, 380.0 feet; thence Easterly, by a deflection angle of 87 degrees 48 minutes left and parallel to the South line of said Block 3, a distance of 253.64 feet to the West Right-of-Way line of Clubview Drive extended South; thence Northerly by deflection angle of 92 degrees 08 minutes left, 380.0 feet; thence Westerly and parallel to the South line of said Block 3, a distance of 253.85 feet to the point of beginning, containing 2.121 acres of land.

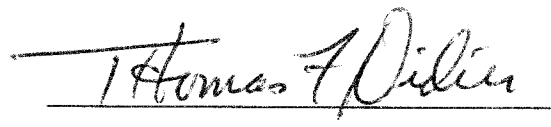
EXCEPT THEREFROM:

The North 19.5 feet of the South 780.0 feet of Block Number 8 in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, as recorded in Plat Record 37, Pages 23-25.

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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.



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-2014-0065
Bill Number: Z-14-05-10
Council District: 4-Mitch Harper

Introduction Date: May 13, 2014

Public Hearing Date: May 27, 2014

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

Synopsis of Ordinance: To vacate a portion of the 14 foot wide platted utility easement located along the west line of Section B of Engle Ridge Industrial Park.

Location: Running north-south, along the west line of Section B of Engle Ridge Industrial Park, at 4420 Clubview Drive.

Reason for Request: The existing building plans to expand to the west, over the existing platted easement.

Applicant: Harbor Investments III, LLC

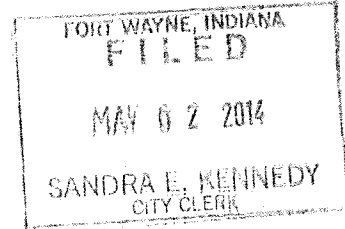
Property Owner: Harbor Investments III, LLC

Related Petitions: Eventual Site Plan Routing Review for building expansion

Effect of Passage: Vacation of the utility easement, will allow the property owner to expand the existing building. New easements will be dedicated, if necessary.

Effect of Non-Passage: Under current circumstances, staff could not approve the desired building expansion, greatly reducing the ability of Harbor Investments III, LLC to grow in this location.

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:

Engle Ridge Industrial Park, Section "B", (P.B. 37 pgs 23-25)
Blk 8. Beginning at the northeast corner of said Blk 8, thence
east S 87°37'23"E 14' thence south S 00°11'42"W a distance
of 360.5' said line being parallel with the east line of the
nw 1/4, sec. 20-30-12, thence west 14' to the said 1/4 section line, thence
north 360.50' to the point of beginning.
(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: 37 PAGE(S) NUMBER(S): 23-25 (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:

Building Expansion

(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): Harbor Investments III, LLC

Name: Joe D' Italia

Street Address: 10125 Dawson's Creek Blvd.

City: Ft. Wayne State: IN Zip: 46825 Phone: 4182-9300

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.

Joseph A. D'Italia Joseph A. D'Italia 5.2.14
Signature Printed Name Date
10125 Dawson's Creek Blvd. Fort Wayne, IN 46825
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): _____

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:

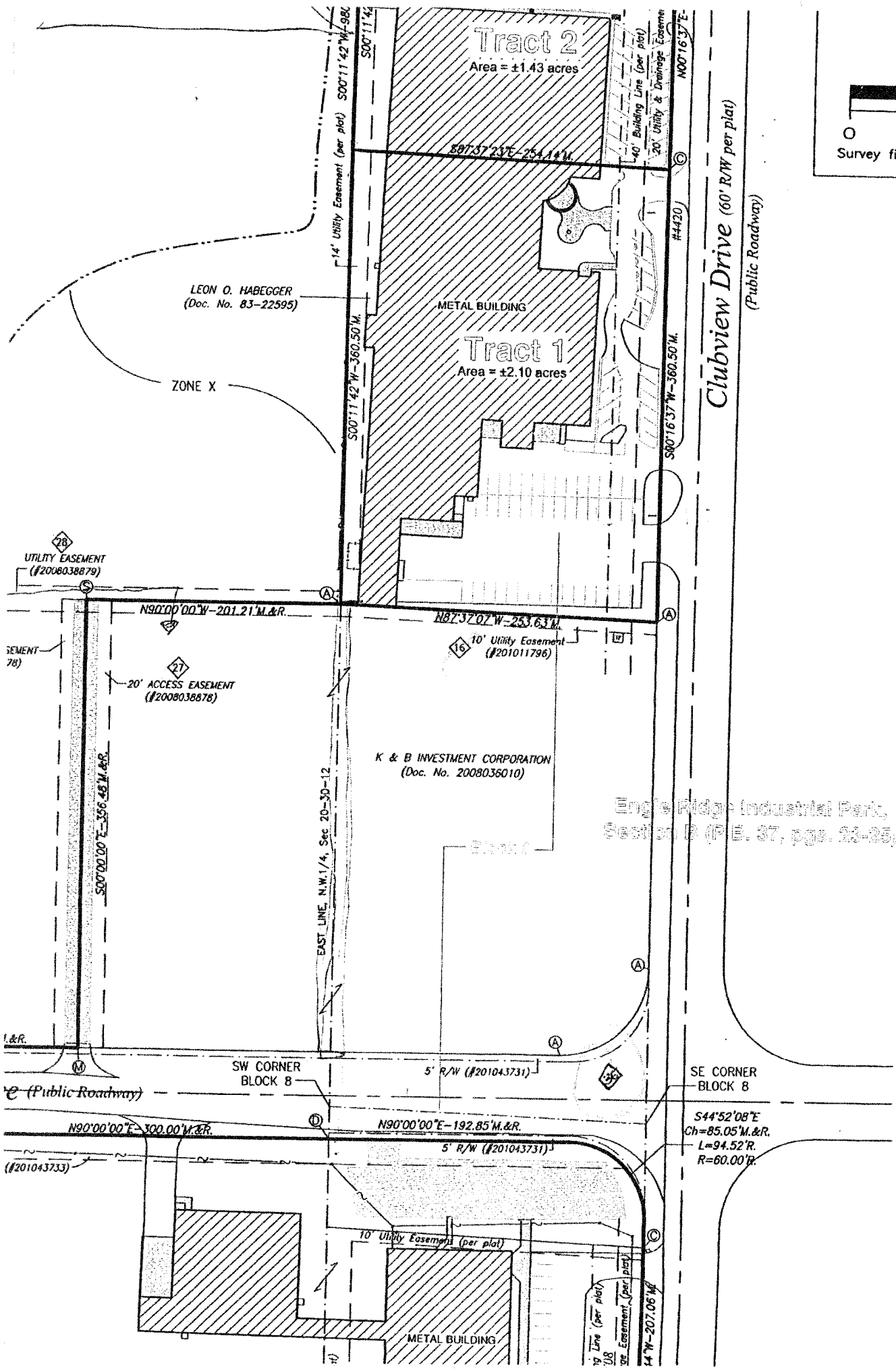
Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

Scale: 1=10



Survey fieldwork completed:



LEON O. HABEGGER
(Doc. No. 83-22595)

Tract 1
Area = ±2.10 acres

Tract 2
Area = ±1.43 acres

METAL BUILDING

METAL BUILDING

K & B INVESTMENT CORPORATION
(Doc. No. 2008036010)

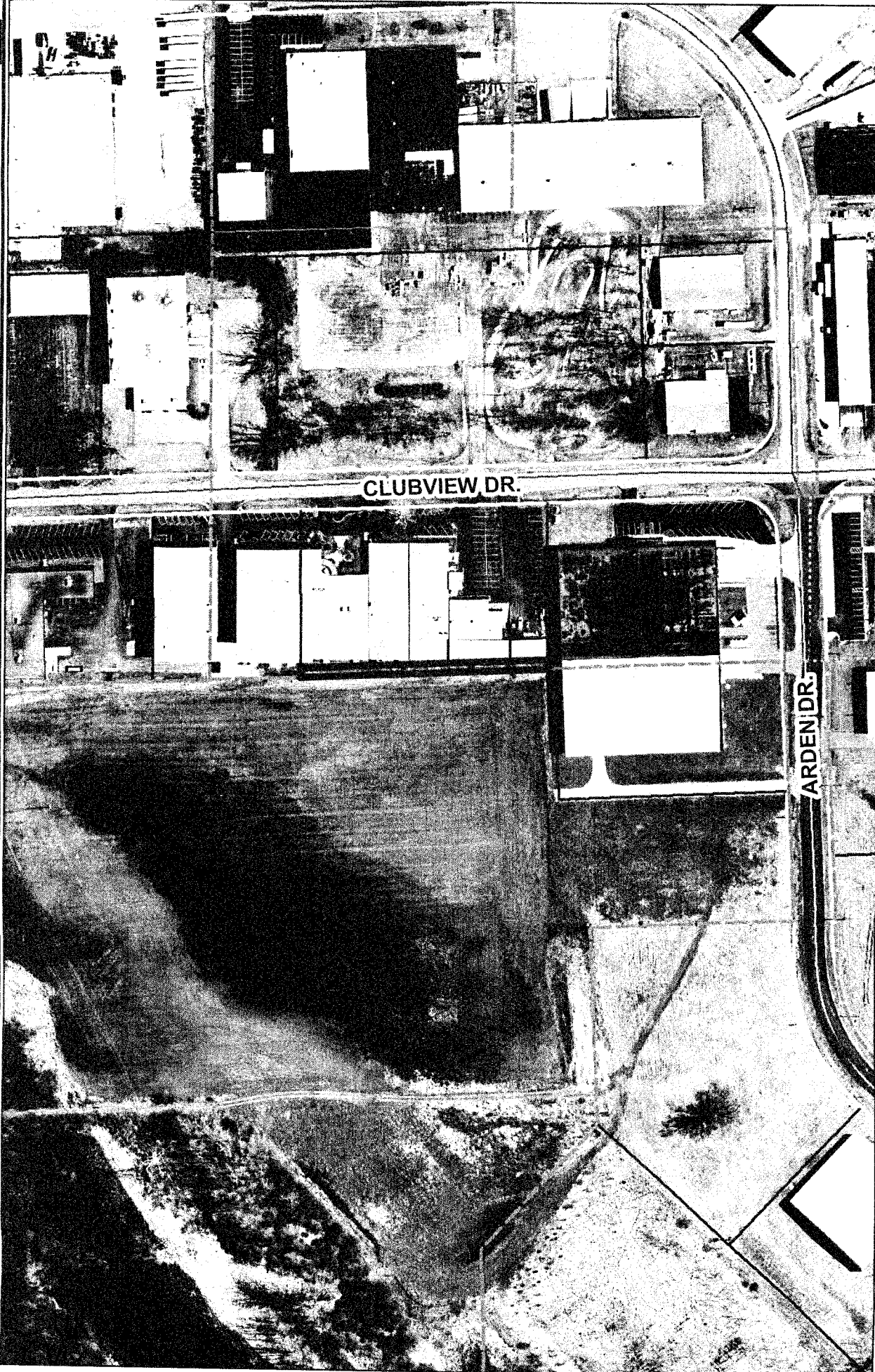
Single Ridge Industrial Park,
Section B (P.E. 37, pgs. 23-25)

SW CORNER
BLOCK 8

SE CORNER
BLOCK 8

S44°52'08\"E
Ch=85.05'M.&R.
L=94.52'R.
R=60.00'R.

METAL BUILDING



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

Public Hearing Date, if applicable _____

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>9</u>	_____	_____	_____
BENDER	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	✓	_____	_____	_____
HARPER	✓	_____	_____	_____
HINES	✓	_____	_____	_____
JEHL	✓	_____	_____	_____
PADDOCK	✓	_____	_____	_____
SHOAFF	✓	_____	_____	_____
SMITH	✓	_____	_____	_____

DATED:

6-24-14

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. 9-22-14 on the 24th day of
June, 2014

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

Martin A. Bender
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day
of June, 2014, at the hour of 2 o'clock PM . E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of June
2014, at the hour of 3 o'clock PM . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

The Journal Gazette

Account # 1060008 - 1124763

Allen County, Indiana

FW Common Council

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

73

COMPUTATION OF CHARGES

73 lines, 1 column(s) wide equals

73 equivalent lines at \$ 0.413 cents per line

\$ 30.15

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

-

Charge for extra proofs of publication
(\$1.00 for each proof in excess of two)

-

TOTAL AMOUNT OF CLAIM

\$ 30.15

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

5/17/2014

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

T. Brown-Smith
Legal Clerk

Date: May 17, 2014

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

BILL NO. G-14-05-10

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, MAY 27, 2014 AT 5:30 P.M. THE HEARING WILL BE HELD IN ROOM 030 OF THE CITIZENS SQUARE BUILDING, 200 EAST BERRY STREET, ON THE GARDEN LEVEL (BASEMENT) OF THE BUILDING. THE AGENDA FOR THE HEARING INCLUDES THE FOLLOWING REQUEST.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING. 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 PLANNING SERVICES, STE 150, 200 E. BERRY STREET, BEFORE 12:00 P.M. MAY 26, 2014. YOU MAY ALSO EMAIL COMMENTS TO michelle.wood@allencounty.us.

PROPOSAL: Vacation VEAS-2014-0065

BILL NO: G-14-05-10

APPLICANT: Harbor Investments III, LLC

REQUEST: To vacate a portion of the 14-foot wide platted utility and surface drainage easement located along the west line of Section B of Engle Ridge Industrial Park, at 4420 Clubview Drive. (Section 20 of St. Wayne Township)

LAND AREA: Approximately 800 square feet proposed to be vacated.

SEWER PROVIDER: City of Fort Wayne

WATER PROVIDER: City of Fort

CORRESPONDENCE MAY ALSO BE HAND DELIVERED TO STAFF OR THE COUNCIL AT THE HEARING. PLEASE INCLUDE YOUR NAME AND ADDRESS ON ALL CORRESPONDENCE.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE PUBLIC INFORMATION OFFICE AT (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

5--17 1124763 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1124763
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SANDRA E. KENNEDY
CITY CLERK

5--17

1124763 hspaxlp

BILL NO. G-14-05-10

REPORT OF COMMITTEE ON REGULATIONS

JUNE 24, 2014

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

AN ORDINANCE for the purpose of Vacating a portion of a platted utility easement. The location runs north-south, along the west line of Section B of Engle Ridge Industrial Park, at 4420 Clubview Drive. **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>
<i>T. Thomas</i>			
<i>M.H.</i>			
<i>F. Smith</i>			
<i>Jim W. Crawford</i>			
<i>Martin A. Bond</i>			
<i>Scott</i>			
<i>Steve Smith</i>			
<i>Jeff Riddle</i>			
<i>Tom</i>			

**SANDRA E. KENNEDY
CITY CLERK**