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#VEAS-2015-0056

BILL NO. G-15-10-09

Deed Book: 11

Page No: 84

GENERAL ORDINANCE NO. G- 16-15

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

WHEREAS, a petition to vacate 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:

The West 6 feet of Lots 23, 24, 25, and 26 and also including the West 6 feet of the South 34 feet of Lot 27, all in Delta Heights Addition, as recorded in Plat Book 11, Page 84 in the Office of the Recorder of Allen County, Indiana.

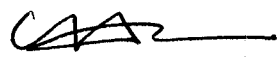
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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-2015-0056
Bill Number: Z-15-10-09
Council District: 1-Tom Smith

Introduction Date: October 27, 2015
Public Hearing Date: November 10, 2014
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

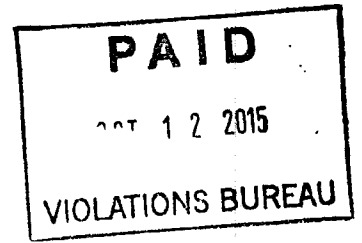
Synopsis of Ordinance: To vacate the 6-foot wide platted easement on Lots 23, 24, 25, 26 and a portion of Lot 27 in Delta Heights Addition.
Location: Running north-south, along the west line of 23, 24, 26, 26 and a portion of Lot 27 in Delta Heights Addition, at 1905 North Coliseum Boulevard.
Reason for Request: To develop the commercial outlot in front of the existing Lowes Store on North Coliseum Boulevard.
Applicant: GAB Financial Bank
Property Owner: The Estate of Beverly Bowman

Related Petitions: Eventual Site Plan Routing Review for retail business

Effect of Passage: Vacation of the utility easement, will allow the property to be developed as a commercial outlot.

Effect of Non-Passage: Under current circumstances, it would be difficult to develop the commercial zoned property because the easement runs through the middle of the property, greatly reducing the developable ground.

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:

There is an existing 6 foot easement for sewer, gass, & pole lines per the plat, for the Delta Heights Addition.

Please see attached ALTA Survey and plat documents for reference. The ALTA Survey contains the legal description of the property.

(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:

The proposed building location is located on the existing easement.

(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:

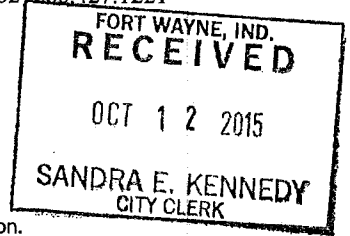
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: iAB Financial Bank, as Guardian of Beverly Bowman

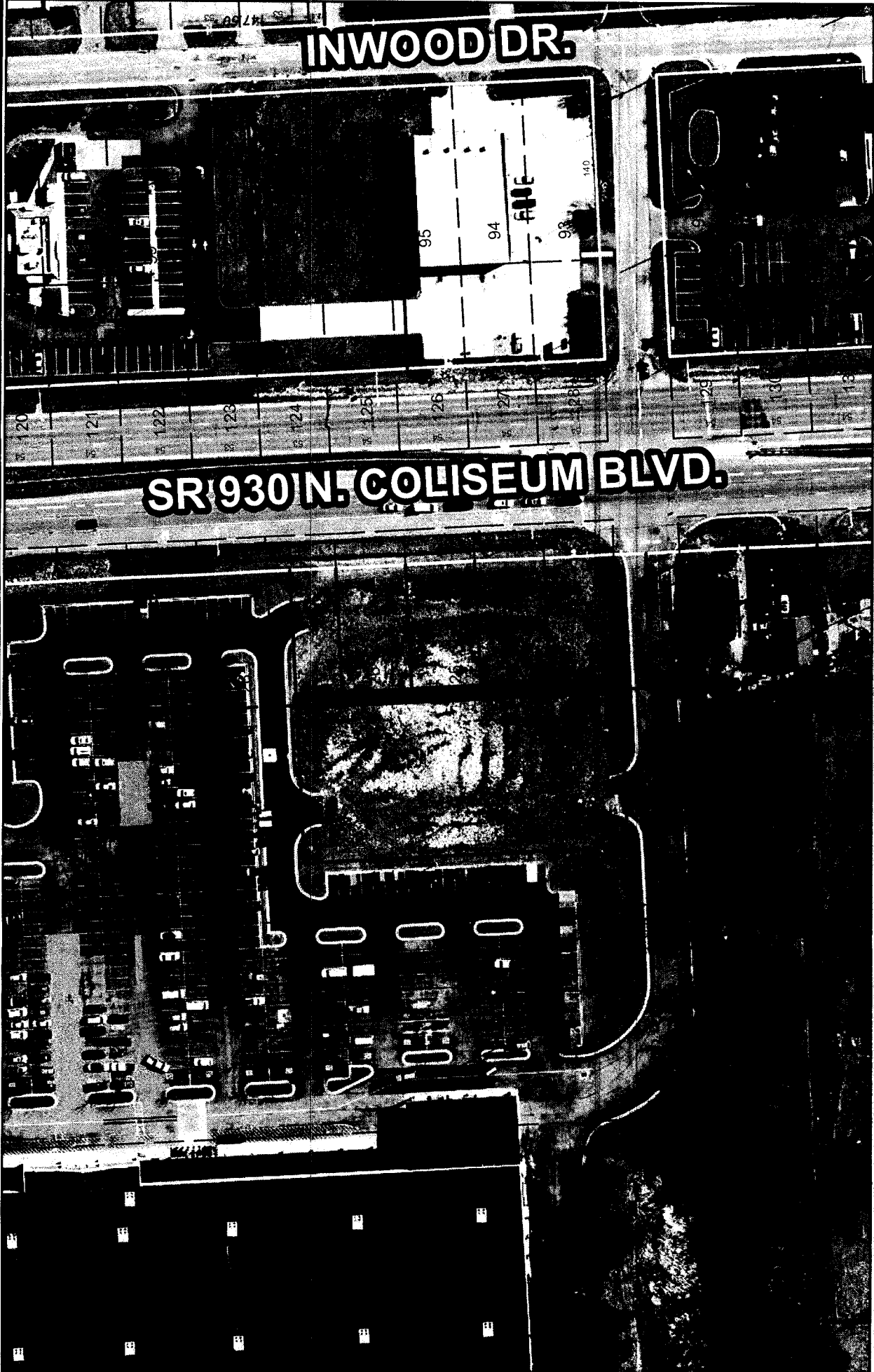
Street Address: 9031 Stellhorn Crossing Parkway

City: Fort Wayne State: IN Zip: 46815 Phone: (260) 469-6296



Legal Description

The West 6' of Lots 23, 24, 25 and 26 and also including the West 6' of the South 34' of Lot 27 all in Delta Heights Addition, as recorded in Plat Book 11, Page 84, in the Office of the Recorder, Allen County, Indiana.



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

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 10/13/2015

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.



1 inch = 100 feet



Public Hearing Date, if applicable _____

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u>1</u>	<u>1</u>
BENDER	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
PADDOCK	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SHOAFF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 11-10-15 Michelle D. Chambers
MICHELLE D. CHAMBERS, 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-16-15 on the 10th day of
November, 2015

ATTEST: Michelle D. Chambers
MICHELLE D. CHAMBERS,
CITY CLERK
John N. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of November, 2015, at the hour of 11:00 o'clock AM. E.S.T.

Michelle D. Chambers
MICHELLE D. CHAMBERS, CITY CLERK

Approved and signed by me this 16th day of November
2015, at the hour of 11:00 O'clock AM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-15-10-09

REPORT OF COMMITTEE ON REGULATIONS

November 10, 2015

GLYNN HINES - CHAIR
MITCH HARPER - CO-CHAIR
ALL COUNCIL MEMBERS

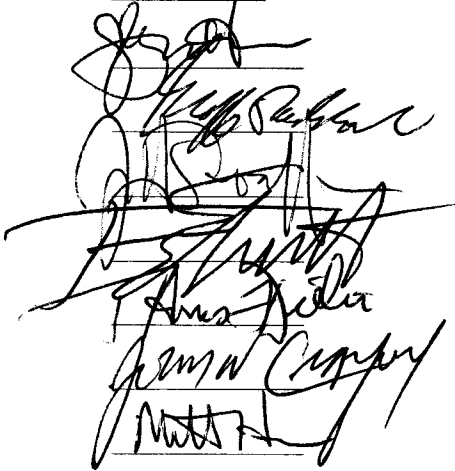
AN ORDINANCE for the purpose of Vacating a platted utility easement. The location runs north-south, along the west line of 23, 24, 25, 26, and a portion of Lot 27 in Delta Heights Addition. **COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE** under Consideration and beg leave to report back to the Common Council that said ordinance

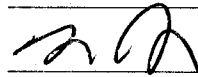
DO PASS

DO NOT PASS

ABSTAIN

NO REC

A cluster of handwritten signatures in black ink, including names like 'Kyle Palmer', 'James Miller', and 'James W. C...'. The signatures are written over the horizontal lines of the 'DO PASS' column.

A single handwritten signature in black ink, possibly 'M.D.', written over the horizontal line of the 'ABSTAIN' column.

MICHELLE D. CHAMBERS
CITY CLERK