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#VEAS-2016-0001

BILL NO. G-16-05-24

Deed Book: 18
Page No: 97

GENERAL ORDINANCE NO. G- 5-16

**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 15 foot wide platted easement located on Lots 1 through 6 of Covington Acres Addition, as recorded in Plat Book 18, page 97, in the Office of the Recorder of Allen County, Indiana, containing 0.331 acres, more or less.

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

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 15 foot wide platted easement located on Lots 1 through 6 of Covington Acres Addition, as recorded in Plat Book 18, page 97, in the Office of the Recorder of Allen County, Indiana, containing 0.331 acres more or less.

SEE SURVEY AS EXHIBIT "A".

(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: 18 PAGE(S) NUMBER(S): 97898 (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:

Petitioner is seeking to develop an apartment project in subject parcels in which the easement lies.

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.
SEE ATTACHED EXHIBIT "B".

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

Name: _____

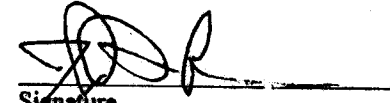
Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

For June 14 public hearing

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.



Signature

Walnut Hills Development, LLC

5/9/16
Date

522 Pinegrove Lane
Address

Fort Wayne, IN 46807
City/State/Zip


Signature

James Calkins, President

5/9/16
Date

Address _____ City/State/Zip _____

If additional space is needed for signatures, please attach a separate page.

Agent's name (Print Legibly): Casey B. Cox

Street Address: 110 W. Berry Street, Suite 1100

City: Fort Wayne State: Indiana Zip: 46802 Phone: (260) 426-9706

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 #: 9-16-05-24
VEAS-2016-0001

Adjacent Property Owner(s):

Name(s): City of Fort Wayne
Attn: City Clerk

Street Address: 1910 Getz Road
c/o Property Management
200 E. Berry Street, Suite 470

City/State/Zip Code: Fort Wayne, IN 46802

Phone Number: (260) 427-1221

Name(s): Professional Federal Credit Union

Street Address: 6105 Constitution Drive

City/State/Zip Code: Fort Wayne, IN 46804

Phone Number: (260) 373-1624

23S0966



G-16-05-24

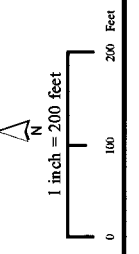


Project boundaries represented by bold colored lines are for representational purposes only.

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 2009

Date: 5/18/2016



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

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2016-0001
Bill Number: G-16-05-24
Council District: 4-Jason Arp

Introduction Date: May 24, 2016

Public Hearing Date: June 14, 2016

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

Synopsis of Ordinance: To vacate a portion of the 15 foot wide platted utility easement in Covington Acres Addition.

Location: On Lots 1 through 6 of Covington Acres Addition; south of Constitution Drive and west of Getz Road.

Reason for Request: To develop the area with an apartment complex.

Applicant: Walnut Hills Development, LLC

Property Owner: Walnut Hills Development, LLC

Related Petitions: Approved Primary for Walnut Hills Apartments

Effect of Passage: Vacation of the utility easement will allow the property to be developed for apartments.

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

The Journal Gazette

Account # 1060008 - 1242467

FW Common Council

Allen County, Indiana

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 **48**

COMPUTATION OF CHARGES

48 lines, 1 column(s) wide equals _____

48 equivalent lines at \$ 0.436 cents per line \$ 20.93

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

Charge for extra proofs of publication (\$2.00 for each proof in excess of two) -

TOTAL AMOUNT OF CLAIM \$ 20.93

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:

5/27/2016 - - -

- - -

- - -

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

Donna M. Brotherton

Donna M. Brotherton
Legal Clerk

Date: May 27, 2016

NOTICE OF PUBLIC HEARING

FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-16-05-24

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON June 14, 2016, AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

THE 15-FOOT WIDE PLATTED EASEMENT LOCATED ON LOTS 1-6 OF COVINGTON ACRES ADDITION (Section 7 of Wayne)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JUNE 14, 2016.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK
1242467 hspaxlp

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CITY CLERK
1242467 hspaxlp

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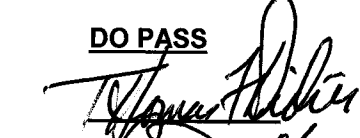

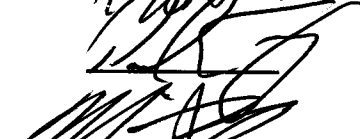
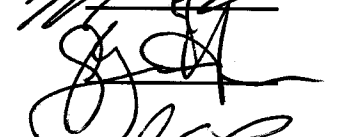
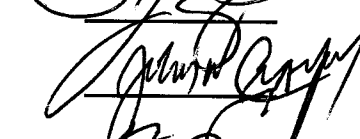
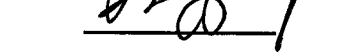
REPORT OF COMMITTEE ON REGULATIONS

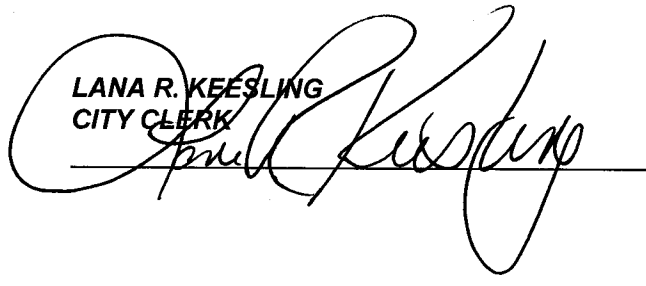
JUNE 14, 2016

*Tom Didier, Chair
Tom Freistroffer, Co-Chair
All Council Members*

AN ORDINANCE for the purpose of Vacating a platted utility easement

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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**


Public Hearing Date, if applicable June 14, 2016 N/A.

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>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: June 14, 2016



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
General No. G-16-05-24 on the 14th day of June , 2016

ATTEST:



LANA R. KEESLING
CITY CLERK




PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st
of June 2016, at the hour of 2:30 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 22nd day of June
2016, at the hour of 10:00 O'clock AM . E.S.T.



THOMAS C. HENRY, MAYOR