

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

VEAS-2018-0001
BILL NO. G-18-02-22

2018022962
RECORDED: 05/11/2018 1:14:47 PM
ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN
Deed Book 644
Pages 233

GENERAL ORDINANCE NO. G- 7-18

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:

A partial vacation of the easement conveyed to the City of Fort Wayne in Deed Book 644, Page 233, being the South 15.0 feet of Lot 33 in Trixholme Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at a 1 inch square bolt found monumenting the Southeast corner of Lot Number 33 in Trixholme Addition; thence South 89 degrees 36 minutes 39 seconds West (all bearings in this description are based on WGS-84 longitude and latitude by GPS observation), on the South line of Lot 33, a distance of 180.0 feet, to the Southwest Corner of said Lot 33; thence North 01 degrees 17 minutes 52 seconds West, on the West line of said Lot 33, a distance of 15.0 feet; thence North 89 degrees 36 minutes 39 seconds East, a distance of 179.92 feet, to a point on the West line of said Lot 33; thence South 01 degrees 35 minutes 00 seconds East, on said West line, a distance of 15.0 feet, to the Point of Beginning. Containing 0.062 acres, more or less.

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

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.




MAY 11 2018

[Signature]
AUDITOR OF ALLEN COUNTY

N/C

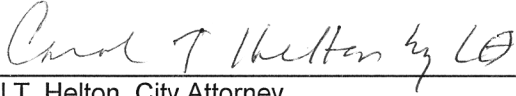
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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:

X Easement _____ Public Right of Way (street or alley)

More particularly described as follows:

THE SOUTH 15' OF LOT 33 OF TRIXHOLME ADDITION.

OLD ALLEY/UTILITY EASEMENT WHICH IS NO LONGER IN USE, AND RELOCATE NIPSCO GAS LINE TO A NEW EASEMENT 65' SOUTH TO ACCOMMODATE STORE REDEVELOPMENT.

(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: 644 PAGE(S) NUMBER(S): 233 (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:

SEE ABOVE.

(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:

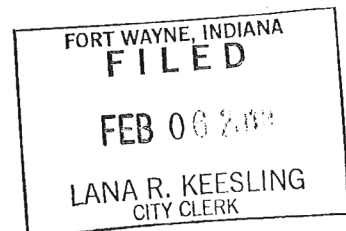
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: COLISEUM & SHERMAN LLC

Street Address: 1800 MAGNAVOX WAY

City: FT. WAYNE State: IN Zip: 46804 Phone: 260-436-1415



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.

[Signature]
Signature
GREG LASTOS
Printed Name
2/5/18
Date
1800 MAGNAVOX WAY
Address
FT WAYNE, IN 46804
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): SAM SCHEUCKEL

Street Address: SAME

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

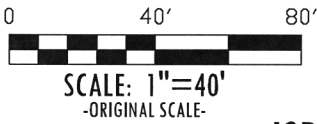
NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: 157725 \$200.00 Date Filed: 2/6/18

Map #: K-26 Wash 27 Reference #: VEAS-2018-0001



DEC 29, 2017

ANDERSON SURVEYING, INC.

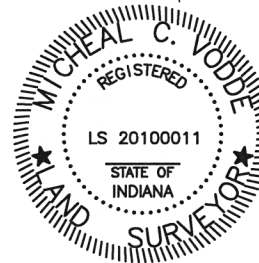
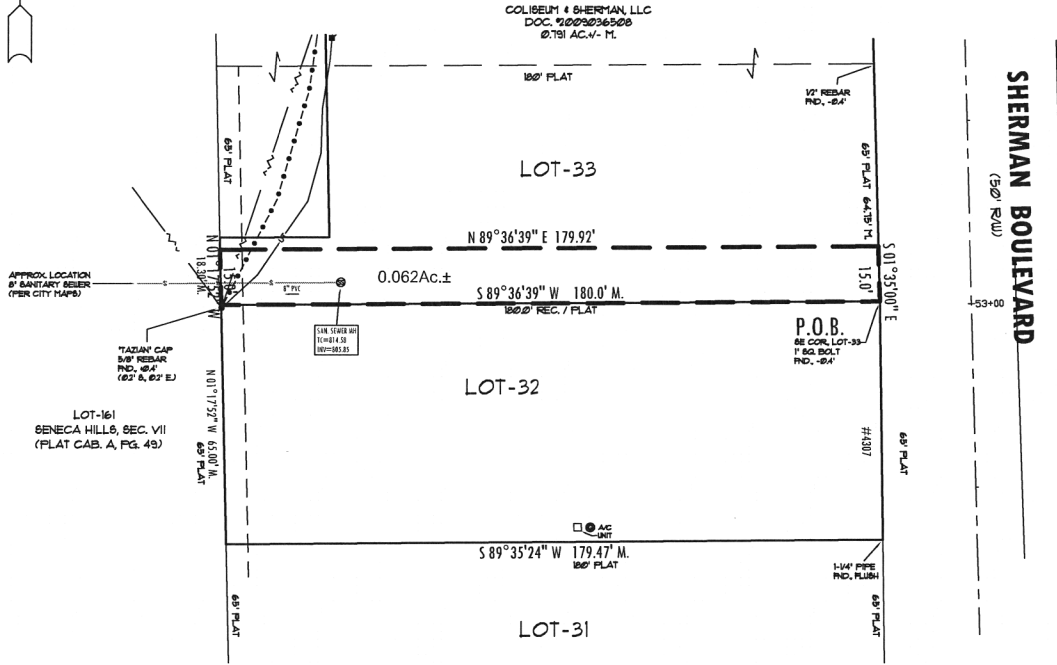
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

JOB DESCRIPTION:

**LASSUS SHERMAN STREET
PT. LOTS 32 AND 33 TRIXHOLME ADDITION
ALLEN CO., IN**



Michael C. Vodka

DESCRIPTION NUMBER: 09-03-118 VACATION

REV. 2/21/18

EASEMENT VACATION EXHIBIT "A"

A partial vacation of the easement conveyed to the City of Fort Wayne in Deed Book 644, Page 233, being the South 15.0 feet of Lot 33 in Trixholme Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

beginning at a 1" square bolt found monumenting the Southeast corner of Lot Number 33 in Trixholme Addition; thence South 89 degrees 36 minutes 39 seconds West (all bearings in this description are based on WGS-84 longitude and latitude by GPS observation), on the South line of Lot 33, a distance of 180.0 feet, to the Southwest Corner of said Lot 33; thence North 01 degrees 17 minutes 52 seconds West, on the West line of said Lot 33, a distance of 15.0 feet; thence North 89 degrees 36 minutes 39 seconds East, a distance of 179.92 feet, to a point on the West line of said Lot 33; thence South 01 degrees 35 minutes 00 seconds East, on said West line, a distance of 15.0 feet, to the point of beginning. Containing 0.062 acres, more or less.

EASEMENT VACATION – PUBLIC HEARING
Department of Planning Services

VEAS 2018 0001	Bill #G-18-02-22	Project Start: 27 February 2018
APPLICANT:	Coliseum and Sherman, LLC	
REQUEST:	To vacate a 15-foot wide easement on Lot 33 in Trixholme Addition.	
LOCATION:	South of 901 W. Coliseum Boulevard (Section 27 of Washington Township)	
COUNCIL DISTRICT:	District 3 – Tom Didier	
LAND AREA:	Approximately 0.062 acres proposed to be vacated.	
PUBLIC HEARING DATE:	March 13, 2018 (to be held by City Council)	
NEXT COUNCIL ACTION:	If all agencies have responded, staff is recommending approval following the public hearing.	

PROJECT SUMMARY

The petitioner is making this request to allow for reconstruction of the Lassus convenience store at the southwest corner of West Coliseum Boulevard and Sherman Boulevard. The development plan includes an expansion of the site, which would encroach into the easement. Review is requested from all utility agencies before seeking approval from Council.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic Engineering:	Approved
Stormwater Engineering:	Need partial easement
Water Engineering:	Need partial easement
WPC Engineering – Sanitary:	Need partial easement
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Need partial easement
Comcast Cable:	Approved
AEP:	Need partial easement
NIPSCO:	Approved

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public’s access to a church, school, or other public building or place.

- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VEAS-2018-0001

Bill No. G-18-02-22

Easement Vacation – Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

Property Owner of Record:

020727226030000073
4307 Sherman

Coliseum and Sherman, LLC
1800 Magnavox Way
Fort Wayne, IN 46804

020727226007000073
921 West Coliseum

Trustee of Mary Cross Tippman Charitable Trust
9009 Coldwater Road
Fort Wayne, IN 46825

020820251004000072
4302 Kentland

Donald Lee Whitaker
4302 Kentland Avenue
Fort Wayne, IN 46808

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Northwest Area Partnership

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: February 23, 2018

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 13, 2018 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VEAS-2018-0001
BILL NO: G-18-02-22
APPLICANT: Coliseum and Sherman, LLC
REQUEST: To vacate a 15-foot wide easement on Lot 33 of Trixholme Addition.
LOCATION: South of 901 W. Coliseum. (Section 27 of Washington Township)
LAND AREA: approximately 0.062 acres to be vacated

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

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 our office before 12:00 p.m. March 13, 2018. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

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 SOUTH 15' OF LOT 33 OF TRIXHOLME ADDITION.

OLD ALLEY/UTILITY EASEMENT WHICH IS NO LONGER IN USE, AND RELOCATE NIPSCO GAS LINE TO A NEW EASEMENT 65' SOUTH TO ACCOMMODATE STORE REDEVELOPMENT.

(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: 644 PAGE(S) NUMBER(S): 233 (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:

SEE ABOVE.

(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:

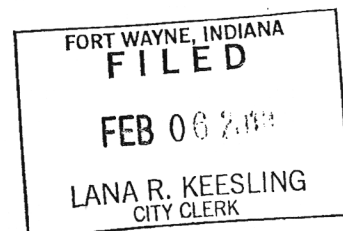
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: COLISEUM & SHERMAN LLC

Street Address: 1800 MAGNAVOX WAY

City: FT. WAYNE State: IN Zip: 46804 Phone: 260-436-1415



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.

[Handwritten Signature]
Signature

GREG LASSUS
Printed Name

2/5/18
Date

1800 MAGNAVOK WAY
Address

FT WAYNE, IN 46804
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): SAM SCHEUKEL

Street Address: SAME

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

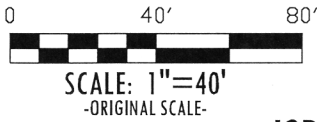
NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: 157725 \$200.00 Date Filed: 2/6/18

Map #: K-26 Wash 27 Reference #: VEAS-2018-0001



DEC 29, 2017

ANDERSON SURVEYING, INC.

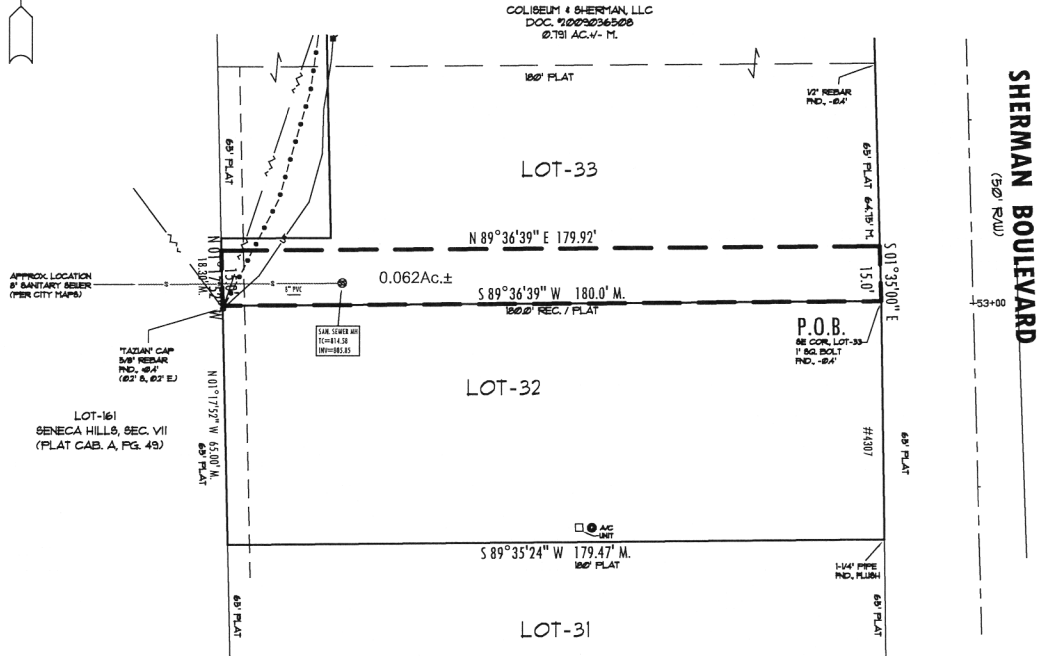
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

JOB DESCRIPTION:

**LASSUS SHERMAN STREET
PT. LOTS 32 AND 33 TRIXHOLME ADDITION
ALLEN CO., IN**



Michael C. Vobde

DESCRIPTION NUMBER: 09-03-118 VACATION
REV. 2/21/18

EASEMENT VACATION EXHIBIT "A"

A partial vacation of the easement conveyed to the City of Fort Wayne in Deed Book 644, Page 233, being the South 15.0 feet of Lot 33 in Trixholme Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

beginning at a 1" square bolt found monumenting the Southeast corner of Lot Number 33 in Trixholme Addition; thence South 89 degrees 36 minutes 39 seconds West (all bearings in this description are based on WGS-84 longitude and latitude by GPS observation), on the South line of Lot 33, a distance of 180.0 feet, to the Southwest Corner of said Lot 33; thence North 01 degrees 17 minutes 52 seconds West, on the West line of said Lot 33, a distance of 15.0 feet; thence North 89 degrees 36 minutes 39 seconds East, a distance of 179.92 feet, to a point on the West line of said Lot 33; thence South 01 degrees 35 minutes 00 seconds East, on said West line, a distance of 15.0 feet, to the point of beginning. Containing 0.062 acres, more or less.



Vacation Petition VEAS-2018-0001



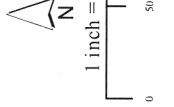
SR 930 W. COLISEUM BLVD.

SR 930 W. COLISEUM BLVD.

SHERMAN BLVD.

Although street 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: 2/19/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



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

Department of Planning Services

Title of Ordinance: Vacation of Platted Easement
Case Number: VEAS-2018-0001
Bill Number: G-18-02-22
Council District: 3-Tom Didier

Introduction Date: February 27, 2018
Public Hearing Date: March 13, 2018 (to be held by Council)
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 easement on Lot 33 in Trixholme Addition.

Location: South of 901 Coliseum Boulevard
Reason for Request: To assist in the redevelopment of the Coliseum and Sherman Lassus store.
Applicant: Coliseum and Sherman LLC
Property Owner: Coliseum and Sherman LLC

Related Petitions: Amended Primary Development Plan, Lassus convenience store rebuild.

Effect of Passage: Vacation of the utility easement will allow the property to be redeveloped for a new Lassus convenience store with safer access and underground stormwater detention.

Effect of Non-Passage: Under current circumstances, the desired site plan would need to be modified and not all of the planned improvements could be constructed. City Council approved the rezoning for this additional ground for the purpose of the rebuild in 2017.

BILL NO. G-18-02-22

REPORT OF COMMITTEE ON REGULATIONS

April 10, 2018

Thomas Didier Chair

Paul Ensley Co-Chair

All Council Members

An Ordinance for the purpose of vacating a platted utility easement

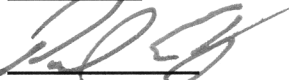



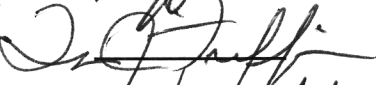

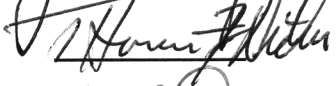
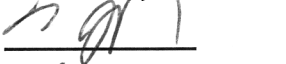

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

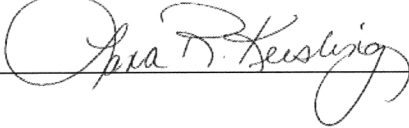
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: March 13, 2018

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: April 10, 2018




 LANA R. KEESLING, CITY CLERK

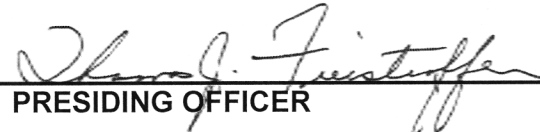
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-18-02-22 on the 10th day of April, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

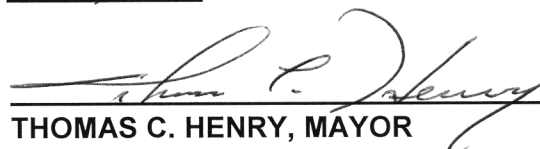
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of April 2018, at the hour of 9:05 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13th day of APRIL

2017, at the hour of 9:00 O'clock AM. E.S.T.



 THOMAS C. HENRY, MAYOR