



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-2018-0004

BILL NO. G-18-06-01

2018041229

RECORDED: 08/15/2018 2:44:51 PM

Deed Book 10B

ANITA MATHER

Page 78A

ALLEN COUNTY RECORDER

FORT WAYNE, IN

GENERAL ORDINANCE NO. G-15-18

**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:

Part of Lot Number 2, Lot Number 3, Lot Number 7, and Lot Number 8 in Rudisill Heights Addition to the City of Fort Wayne, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of Lot Number 3 in Rudisill Heights Addition to the City of Fort Wayne, Indiana; thence North 01 degrees 53 minutes 03 seconds West (GS bearing and basis for this description) along the East line of Lot Number 3 a distance of 4.51 feet; thence South 60 degrees 31 minutes 23 seconds West parallel to the Southeasterly line of Lot Number 2 and 3, also parallel to the Northwesterly line of Lot Number 7 and 8 a distance of 166.1 feet; thence South 29 degrees 28 minutes 37 seconds East a distance of 8.0 feet; thence North 60 degrees 31 minutes 23 seconds East parallel to the Southeasterly line of Lot Number 2 and 3, also parallel to the Northwesterly line of Lot Number 7 and 8 a distance of 155.1 feet; thence North 36 degrees 20 minutes 57 seconds East a distance of 9.77 feet to the point of beginning, containing 1284.72 square feet.

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.

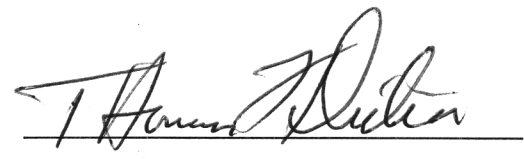
AUG 15 2018

*[Signature]*  
AUDITOR OF ALLEN COUNTY

③NIC

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:

Easement       Public Right of Way (street or alley)

More particularly described as follows:

See attached legal description and survey

(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: 10B PAGE(S) NUMBER(S): 78A (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:  
Vacate easement due to abandoned sewer.

(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.

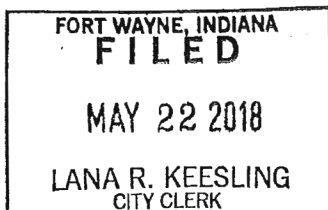
Applicant's name(s) if different from property owner(s):

Name: Azar Incorporated


Street Address: 3400 E Coliseum Blvd, Suite 100

City: Fort Wayne State: IN Zip: 46805 Phone: 260-424-1972

intro 6/12/18  
P.H. 6/26/18  
VEAS-2018-000  
G-18-06-04



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.

                      Azar Incorporated                      05/16/2018  
Signature                      Yogesh S. Parikh                      Date  
Printed Name President

3400 E Coliseum Blvd, Suite 100                      Fort Wayne, IN 46805  
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 #: \_\_\_\_\_

# EASEMENT PLAT VACATION

## DONOVAN ENGINEERING, INC.

GREGORY L. ROBERTS PLS S0548 IN

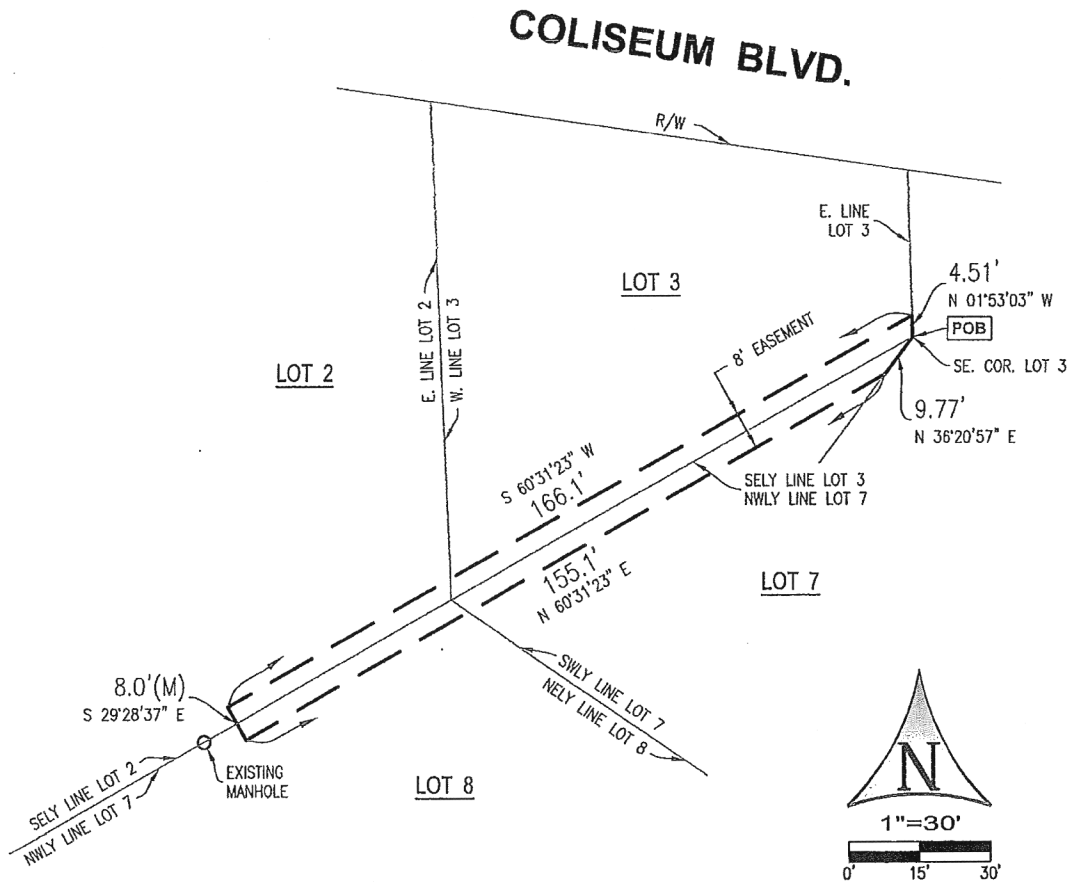
3521 LAKE AVENUE, SUITE 2  
 FORT WAYNE, INDIANA 46805  
 260.424.7418  
 www.donovan-eng.com

KENNETH W. HARRIS PLS 29500021 IN

MICHAEL W. HARRIS PLS 21100018 IN

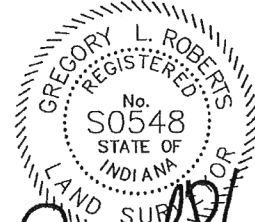
Part of Lot Number 2, Lot Number 3, Lot Number 7, and Lot Number 8 in Rudisill Heights Addition to the City of Fort Wayne, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of Lot Number 3 in Rudisill Heights Addition to the City of Fort Wayne, Indiana; thence North 01 degrees 53 minutes 03 seconds West (GPS bearing and basis for this description) along the East line of Lot Number 3 a distance of 4.51 feet; thence South 60 degrees 31 minutes 23 seconds West parallel to the Southeasterly line of Lot Number 2 and 3, also parallel to the Northwesternly line of Lot Number 7 and 8 a distance of 166.1 feet; thence South 29 degrees 28 minutes 37 seconds East a distance of 8.0 feet; thence North 60 degrees 31 minutes 23 seconds East parallel to the Southeasterly line of Lot Number 2 and 3, also parallel to the Northwesternly line of Lot Number 7 and 8 a distance of 155.1 feet; thence North 36 degrees 20 minutes 57 seconds East a distance of 9.77 feet to the point of beginning, containing 1284.72 square feet.



LAutoCAD/Lot Surveys/2, 3, 7 & 8 Rudisill Heights,  
 8' Easement, Coliseum Blvd.dwg, 5/8/2018 10:37:10 AM

Date: 5-7-18



*Gregory L. Roberts*  
 SHEET 1 OF 1

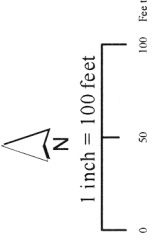


Vacation Petition VEAS-2018-0004



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, Indiana  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 5/31/2018

**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-2018-0004  
Bill Number: G-18-06-01  
Council District: 3-Tom Didier

---

Introduction Date: June 12, 2018  
Public Hearing Date: June 26, 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 8-foot wide easement on Lots 2, 3, 7, and 8 in Rudisill Heights Addition.

Location: 720 East Coliseum

Reason for Request: To vacate an easement for an abandoned sewer line.

Applicant: Azar Incorporated

Property Owner: Azar Incorporated

---

Related Petitions: None

---

Effect of Passage: Vacation of the utility easement will help clear the title for the existing building, which is built over the abandoned line. Sanitary sewer service has been relocated.

Effect of Non-Passage: Under current circumstances, there is a commercial building located over the easement, which could cause title issues for the property owner. There is no need for the easement, as the sewer line has been relocated.

**BILL NO. G-18-06-01**

**REPORT OF COMMITTEE ON REGULATIONS**

**June 26, 2018**

***Thomas Didier Chair***

***Paul Ensley Co-Chair***

***All Council Members***

An Ordinance for the purpose of Vacating a platted utility easement.

*To vacate a portion of the 8-foot wide easement on Lots 2, 3, 7 and 8 in Rudisill Heights Addition, 720 East Coliseum*

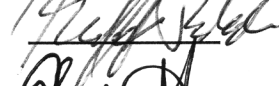


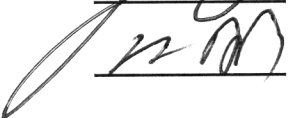
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

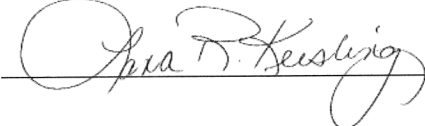
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: June 26, 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"/>

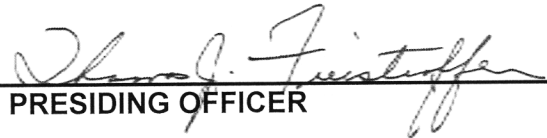
DATED: June 26, 2018

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK


Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 General Ordinance No. G-18-06-01 on the 26th day of June, 2018

ATTEST:

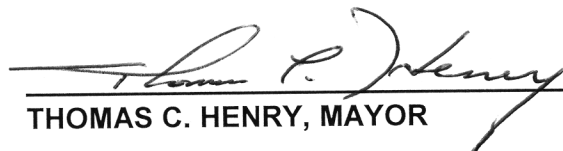
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th  
 of June 2018, at the hour of 10:33 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28<sup>TH</sup> day of June  
 2018, at the hour of 2:00 O'clock pm. E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

# The Journal Gazette

Account # 1063561 - 1329935

Allen County, Indiana

**FW City Clerk's Office**

ATTACH COPY OF ADVERTISEMENT HERE

## PUBLISHER'S CLAIM

### 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	_____
<b>Total number of lines in notice</b>	<b>53</b>

### COMPUTATION OF CHARGES

<u>53</u> lines, <u>1</u> column(s) wide equals	
<u>53</u> equivalent lines at \$ <u>0.460</u> cents per line	\$ 24.38
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)	-
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$ 24.38</b>

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.  
Number of Insertions . . . . 1

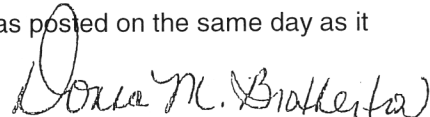
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

6/15/2018

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  
Legal Clerk

Date: June 15, 2018

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-18-06-01**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JUNE 26, 2018, 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:

LOCATION: A portion of the 8-foot wide easement on Lots 2, 3, 7 and 8 in Rudisill Heights Addition, 720 East Coliseum

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JUNE 26, 2018.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

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

6--15 1329935 hspaxlp

# The Journal Gazette

Account # 1063561 - 1329935

Allen County, Indiana

FW City Clerk's Office

ATTACH COPY OF ADVERTISEMENT HERE

## PUBLISHER'S CLAIM

### 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 **53**

### COMPUTATION OF CHARGES

53 lines, 1 column(s) wide equals \_\_\_\_\_

53 equivalent lines at \$ 0.460 cents per line \$ **24.38**

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 \$ 24.38**

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.  
Number of Insertions . . . . 1

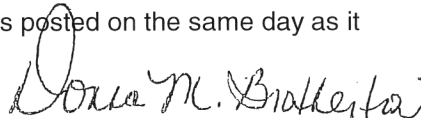
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

6/15/2018

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  
Legal Clerk

Date: June 15, 2018

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-18-06-01**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JUNE 26, 2018, 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:

LOCATION: A portion of the 8-foot wide easement on Lots 2, 3, 7 and 8 in Rudisill Heights Addition, 720 East Coliseum

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JUNE 26, 2018.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

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

6--15 1329935 hspaxlp

---

08/15/2018 2:44:51 PM  
CITY OF FT WAYNE CLERKS OFFICE  
0.00  
JENNIFER G  
TRANSACTION # 4331823

2018041229	ORDINANCE	0.00
2018041230	ORDINANCE	0.00

RECORDING FEES: 0.00  
TOTAL: 0.00  
CASH: 0.00

THANK YOU

ANITA MATHER  
RECORDER  
ALLEN COUNTY, IN