

1 #1280

2 BILL NO. Z-12-05-06

3 ZONING MAP ORDINANCE NO. Z- 14-12

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. K-62 (Sec. 32 of Perry Township)

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby designated a CM2
9 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
10 of the City of Fort Wayne, Indiana:

11 Part of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen
12 County, Indiana, more particularly described as follows:

13 BEGINNING at a 5/8-inch rebar [Tazian cap] set at the intersection of the Southerly right-of-
14 way line of Winnsboro Pass and the Easterly right-of-way line of Lima Road (State Road #3),
15 this being a Westerly corner of Windsor Woods, Section V, as recorded in Plat Cabinet "B",
16 page 106 in the Office of the Recorder of Allen County, Indiana; thence Easterly, along the
17 Southerly line of said Windsor Woods, Section V, North 88 degrees 53 minutes 00 seconds
18 East (plat bearing and is used as the basis for the bearings in this description), 150.02 feet
19 (150.0 feet plat) to a set 5/8-inch rebar [Tazian cap] at the point of curvature of a curve to the
20 right having a radius of 435.72 feet; thence Southeasterly, continuing along the Southerly
21 line of said Windsor Woods, Section V, along the arc of said curve, an arc distance of 91.26
22 feet, being subtended by a long chord having a length of 91.09 feet and a bearing of South
23 85 degrees 07 minutes 00 seconds East to a set 5/8-inch rebar [Tazian cap] at the point of
24 tangency; thence South 79 degrees 07 minutes 00 seconds East and tangent to said curve,
25 continuing along the Southerly line of said Windsor Woods, Section V, 48.48 feet to a set
26 5/8-inch rebar [Tazian cap] at the point of curvature of a curve to the left having a radius of
27 202.79 feet; thence Southeasterly, continuing along the Southerly line of said Windsor
28 Woods, Section V, along the arc of said curve, an arc distance of 73.91 feet, being
29 subtended by a long chord having a length of 73.51 feet and a bearing of South 89 degrees
30 33 minutes 30 seconds East to a set 5/8-inch rebar [Tazian cap] at the point of tangency;
thence North 75 degrees 19 minutes 40 seconds East and tangent to said curve, continuing
along the Southerly line of said Windsor Woods, Section V, 140.27 feet to a set 5/8-inch
rebar [Tazian cap]; thence North 88 degrees 02 minutes 45 seconds East, continuing along
the Southerly line of said Windsor Woods, Section V, 151.02 feet to a set 5/8-inch rebar
[Tazian cap] at the point of curvature of a curve to the left having a radius of 211.33 feet;
thence Northeasterly, continuing along the Southerly line of said Windsor Woods, Section V,
along the arc of said curve, an arc distance of 125.07 feet, being subtended by a long chord
having a length of 123.25 feet and a bearing of North 71 degrees 05 minutes 29 seconds
East to a set 5/8-inch rebar [Tazian cap]; thence South 42 degrees 39 minutes 26 seconds
East, continuing along the Southerly line of said Windsor Woods, Section V, 93.45 feet to a
set 5/8-inch rebar [Tazian cap] at the point of curvature of a curve to the left having a radius
of 261.16 feet; thence Southeasterly, continuing along the Southerly line of said Windsor
Woods, Section V and the Southerly line of Windsor Woods, Section IV, as recorded in Plat
Cabinet "A", page 106 in the Office of the Recorder of Allen County, Indiana, along the arc of
said curve, an arc distance of 101.84 feet, being subtended by a long chord having a length

1 of 101.19 feet and a bearing of South 53 degrees 49 minutes 40 seconds East to a set 5/8-
2 inch rebar [Tazian cap] at the point of tangency; thence South 65 degrees 00 minutes 00
3 seconds East and tangent to said curve, along the Southerly line of said Windsor Woods,
4 Section IV, 20.00 feet to a set 5/8-inch rebar [Tazian cap]; thence South 30 degrees 41
5 minutes 40 seconds West, along the Westerly line of said Windsor Woods, Section IV,
6 450.93 feet to a 5/8-inch rebar [Tazian cap] set at the Southwest corner of said Windsor
7 Woods, Section IV; thence South 11 degrees 30 minutes 00 seconds West, along the
8 Northerly line of Windsor Woods, Section III, the plat of which is recorded in Plat Book 48,
9 page 174 in the Office of the Recorder of Allen County, Indiana, 105.00 feet to a Northerly
10 corner of said Windsor Woods, Section III (referenced by a 5/8-inch rebar [Tazian cap] set
11 on the top of bank of the Rahdert #4 Drain at 28.0 feet Northeasterly of said Northerly
12 corner); thence North 84 degrees 00 minutes 00 seconds West, along the Northerly line of
13 said Windsor Woods, Section III, 639.72 feet (650.00 feet plat) to a point on the apparent
14 Easterly right-of-way line of Lima Road (State Road #3) as established by Indiana Project
15 "S" 419(4) 1959 (referenced by a 5/8-inch rebar [Tazian cap] set on the top of bank of the
16 Rahdert #4 Drain at 28.0 feet Northwesterly of said corner); thence North 01 degrees 09
17 minutes 30 seconds West, along said Easterly right-of-way line, 71.27 feet to a found
18 concrete right-of-way monument; thence North 18 degrees 22 minutes 53 seconds West,
19 along said Easterly right-of-way line, 104.69 feet to a found concrete right-of-way monument;
20 thence North 01 degrees 09 minutes 30 seconds West, along said Easterly right-of-way line,
21 323.33 feet to the Point of Beginning, containing 9.79 acres of land, more or less, subject to
22 a 14 foot wide water line easement, subject to the 75 foot statutory drainage easement for
23 the Rahdert #4 Drain, and subject to and/or together with all easements of record.

24 **EXCEPTING THEREFROM:**

25 Part of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen
26 County, Indiana, more particularly described as follows:

27 COMMENCING at the intersection of the Southerly right-of-way line of Winnsboro Pass and
28 the Easterly right-of-way line of Lima Road (State Road #3), this being a Westerly corner of
29 Windsor Woods, Section V, as recorded in Plat Cabinet "B", page 106 in the Office of the
30 Recorder of Allen County, Indiana; thence Easterly, along the Southerly line of said Windsor
Woods, Section V, North 88 degrees 53 minutes 00 seconds East (plat bearing and is used
as the basis for the bearings in this description), 150.02 feet (150.0 feet plat) to the point of
curvature of a curve to the right having a radius of 435.72 feet; thence Southeasterly,
continuing along the Southerly line of said Windsor Woods, Section V, along the arc of said
curve, an arc distance of 91.26 feet, being subtended by a long chord having a length of
91.09 feet and a bearing of South 85 degrees 07 minutes 00 seconds East to the point of
tangency; thence South 79 degrees 07 minutes 00 seconds East and tangent to said curve,
continuing along the Southerly line of said Windsor Woods, Section V, 48.48 feet to the point
of curvature of a curve to the left having a radius of 202.79 feet; thence Southeasterly,
continuing along the Southerly line of said Windsor Woods, Section V, along the arc of said
curve, an arc distance of 73.91 feet, being subtended by a long chord having a length of
73.51 feet and a bearing of South 89 degrees 33 minutes 30 seconds East to the point of
tangency; thence North 75 degrees 19 minutes 40 seconds East and tangent to said curve,
continuing along the Southerly line of said Windsor Woods, Section V, 121.03 feet to the
POINT OF BEGINNING; thence continuing North 75 degrees 19 minutes 40 seconds East,
along the Southerly line of said Windsor Woods, Section V, 19.24 feet; thence North 88
degrees 02 minutes 45 seconds East, continuing along the Southerly line of said Windsor
Woods, Section V, 151.02 feet to the point of curvature of a curve to the left having a radius
of 211.33 feet; thence Northeasterly, continuing along the Southerly line of said Windsor
Woods, Section V, along the arc of said curve, an arc distance of 125.07 feet, being
subtended by a long chord having a length of 123.25 feet and a bearing of North 71 degrees
05 minutes 29 seconds East; thence South 42 degrees 39 minutes 26 seconds East,
continuing along the Southerly line of said Windsor Woods, Section V, 93.45 feet to the point

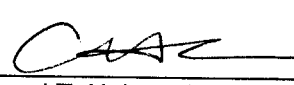
1 of curvature of a curve to the left having a radius of 261.16 feet; thence Southeasterly,
2 continuing along the Southerly line of said Windsor Woods, Section V and the Southerly line
3 of Windsor Woods, Section IV, as recorded in Plat Cabinet "A", page 106 in the Office of the
4 Recorder of Allen County, Indiana, along the arc of said curve, an arc distance of 101.84
5 feet, being subtended by a long chord having a length of 101.19 feet and a bearing of South
6 53 degrees 49 minutes 40 seconds East to the point of tangency; thence South 65 degrees
7 00 minutes 00 seconds East and tangent to said curve, along the Southerly line of said
8 Windsor Woods, Section IV, 20.00 feet; thence South 30 degrees 41 minutes 40 seconds
9 West, along the Westerly line of said Windsor Woods, Section IV, 450.93 feet to the
10 Southwest corner of said Windsor Woods, Section IV; thence South 11 degrees 30 minutes
11 00 seconds West, along the Northerly line of Windsor Woods, Section III, the plat of which is
12 recorded in Plat Book 48, page 174 in the Office of the Recorder of Allen County, Indiana,
13 105.00 feet to a Northerly corner of said Windsor Woods, Section III; thence North 84
14 degrees 00 minutes 00 seconds West, along the Northerly line of said Windsor Woods,
15 Section III, 73.22 feet; thence North 01 degrees 09 minutes 30 seconds West, leaving said
16 Northerly line, 277.78 feet; thence South 88 degrees 02 minutes 45 seconds West, 97.05
17 feet; thence North 04 seconds 24 minutes 18 seconds West, 296.31 feet to the Point of
18 Beginning, containing 3.46 acres of land, more or less. After said exception leaving 6.33
19 acres to be zoned CM2.

11 and the symbols of the City of Fort Wayne Zoning Map No. K-62 (Sec. 32 of Perry
12 Township), as established by Section 157.201(B) of Title XV of the Code of the City of Fort
13 Wayne, Indiana is hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect from and after its
15 passage and approval by the Mayor.

16 
17 _____
18 Council Member

18 APPROVED AS TO FORM AND LEGALITY:

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20 _____
21 Carol T. Helton, City Attorney

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Read the first time in full and on motion by Crawford and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on _____, the _____ day of _____, 2012, at _____ o'clock _____ M.E.S.T.

DATED: 5-8-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ PASSED _____ LOST _____ and duly adopted, placed on its passage. by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>	_____	<u>1</u>
<u>BENDER</u>	_____	_____	_____	<u>✓</u>
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	_____	<u>✓</u>	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	_____	<u>✓</u>	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 6-12-12

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. 2-14-12 on the 12th day of June, 2012

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

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 2012, at the hour of 1:30 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of June, 2012, at the hour of 3:00 o'clock P. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR