

PUBLIC HEARING FOR VACATION
Department of Planning Services

Case #1208	Bill #G-10-05-08	Project Start: 25 May 2010
APPLICANT:	Mark Douglass and Robert & Carol Bosserrman	
REQUEST:	To vacate the unimproved north 160 feet of Woodway Drive within Royal Oak Park Addition, Section B.	
LOCATION:	Between 5325 and 5411 Lynhurst Drive. (Section 21 of St. Joe Township)	
COUNCIL DISTRICT:	District 1	
LAND AREA:	Approximately 0.186 acres proposed to be vacated.	
SURROUNDINGS:	North: Residential zoning (open field)	
	South: Residential zoning (single-family homes)	
	East: Residential zoning (single-family home owned by petitioner)	
	West: Residential zoning (single-family home owned by petitioner)	
RELATED PETITIONS:	None	

PROJECT SUMMARY

There are two petitioners for this proposal: Mark Douglass, owner of 5325 Lynhurst Drive and Robert & Carol Bosserman, owners of 5411 Lynhurst Drive. The right-of-way for Woodway Drive extends north from Lynhurst Drive between the two residential properties. This right-of-way has never been improved and is currently lawn. The petitioners currently maintain the land and wish to have it vacated to add to their personal properties. Woodway Drive, as well as Eicher Drive, was extended to the north property line of the subdivision to potential serve additional development on the large parcel to the north. This land has since been purchased by St. Joseph United Methodist Church and will not be developed for residential purposes.

A public hearing was held in June 2010 and representatives from the church came to the hearing to let Council know that there was a plan to develop the large property north of the right-of-way. They planned to meet with the petitioners to discuss how this right-of-way vacation could benefit all adjacent parties. At that time, it was not clear if right-of-way would be needed for utilities to serve the church property. Following the Council hearing, the Board of Zoning Appeals approved a Special Use to use the church land as athletic fields and gathering space for church events. A primary development plan was also approved by the Plan Commission for review of the master plan. The current site plan shows mounding and landscaping along the property line shared with the Lynhurst homes. Over the past year the church and the petitioners have been meeting, as plans were being finalized, to make sure all utilities needs were addressed and to create a pedestrian walkway from Lynhurst Drive to the south property line of the church property. This required the preparation of separate legal descriptions and quit-claim deeds to split the right-of-way into the appropriate parcels to accommodate both land adjacent land owners and the walkway, which will be owned by the church. The church's engineer and attorney prepared these documents for the petitioners and they have been reviewed by City agencies.

From a utility perspective, an easement is needed for a sanitary sewer along the north side of the right-of-way. These documents have been prepared and approved as well. Traffic Engineering is supportive of the vacation now that the development plans to the north have been solidified. They

have approved the construction specifications for the sidewalk as well. Staff is supportive of this request. All utility concerns have been addressed and the end result will be additional yard area for the adjacent homeowners and a dedicated pedestrian pathway to connect the large subdivision to the south to the future recreation opportunities to the north.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Public Right-of-Way Vacation
Case Number: 1208/10
Bill Number: G-10-05-08
Council District: 1

Introduction Date: May 25, 2010

Public Hearing Date: June 8, 2010

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

Synopsis of Ordinance: A request to vacate the north 160 feet of Woodway Drive.

Location: The right-of-way to be vacated is located between 5325 and 5411 Lynhurst Drive within Royal Oak Park Addition, Section B.

Reason for Request: The right-of-way has never been improved and the adjacent property owners wish to add this area to their personal properties.

Applicants: Robert and Carol Bosserman and Mark Douglass

Related Petitions: none

Effect of Passage: This portion of Woodway Drive was never constructed and the adjacent property owners have been maintaining the ground. Vacation of the right-of-way will cause the property ownership to revert back to the adjacent property owners.

Effect of Non-Passage: The right-of-way will remain as platted and under City of Fort Wayne control.

#1208

BILL NO. G-10-05-08

Deed Book: 23

Page No: 20

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.**

WHEREAS, a petition to vacate public right-of-way 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 public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

The fifty-foot wide right-of-way of Woodway Drive, located between Lots 189 and 190 of Royal Oak Park Addition, Section B, as recorded in Deed Book 23, page 20 in the Office of the Recorder, Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 189 of Royal Oak Park Addition, Section B, as recorded in Deed Book 23, page 20 in the Office of the Recorder, Allen County, Indiana; thence northerly, a distance of approximately 161 feet, to the Northeast corner of Lot 189 of said addition; thence easterly, a distance of 50 feet, to the Northwest corner of Lot 190 of said addition; thence southerly, a distance of approximately 162 feet, to the Southwest corner of Lot 190 in said addition; thence westerly, a distance of fifty feet, to the Point of Beginning, containing 0.186 acres, more or less.

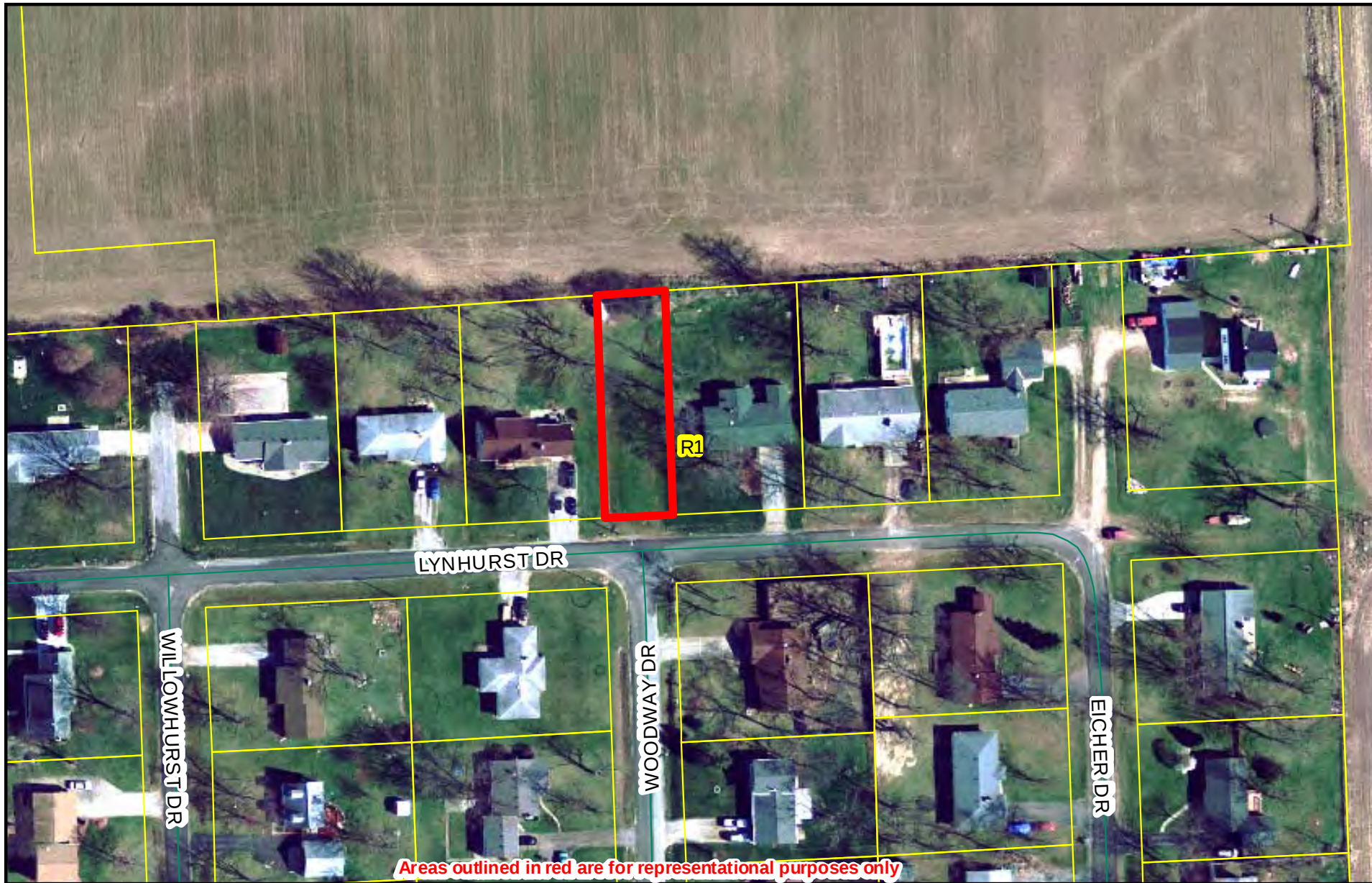
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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. Taylor, City Attorney



Vacation Petition 1208/10

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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2003 / Contours: 1999

1 inch = 100 ft

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