

#1293

BILL NO. G-12-08-04

Deed Book: 1A, Page: 2-A

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:

Part of the platted alleys of Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in Deed Book 1A, page 2A, in the Office of the Recorder of Allen County, Indiana.

Beginning at the Northwest corner of Lot 22 in said Ninde's Addition to South Wayne; thence southerly along the west line of Lots 22, 23, 24, 25, 26, and 27 of said Ninde's Addition to South Wayne, a distance of 280 feet to the Southwest corner of Lot 27 of said Ninde's Addition to South Wayne; thence westerly to the Southeast corner of Lot 49 in Ninde's Addition to South Wayne, as recorded in Deed Book 1A, Page 14, in the Office of the Recorder of Allen County, Indiana, a distance of 10 feet; thence northerly along the east line of said Lot 49 to the Northeast corner of Lot 71 in Ninde's Addition to South Wayne, as recorded in Deed Book 2B, Page 53A, in the Office of the Recorder of Indiana; thence easterly along the south right-of-way line of Kinnaird Avenue, a distance of 10 feet to the Point of Beginning.

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.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Public Alley Right-of-Way Vacation
Case Number: 1293/12
Bill Number: G-12-08-04
Council District: 5-Geoff Paddock

Introduction Date: August 14, 2012
Public Hearing Date: August 28, 2012
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a portion of public alley right-of-way.

Location: The right-of-way to be vacated is the north-south alley between Kinnaird Avenue and Packard Avenue, located 150 feet west of Fairfield Avenue.

Request: As a condition of the loan for the existing retail center and gas station, the title must be clear, which requires vacation of the alley.

Applicant: Balbir, Amrik and Tajinder, LLC

Property Owner: Balbir, Amrik and Tajinder, LLC

Related Petitions: none

Effect of Passage: The alley will be vacated and the lender will be satisfied with the title. An easement may be granted over the ground to maintain some amount of public access.

Effect of Non-Passage: The alley will remain as platted. According the lender, the loan will be in default.

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 X Public Right of Way (street or alley)

More particularly described as follows:

SEE ATTACHED ALLEY VACATION EXHIBIT 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.)

Doc # 2010002433

DEED BOOK NUMBER: _____ PAGE(S) NUMBER(S): _____ (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:

LOAN CLOSING WITH THE U.S. SMALL BUSINESS ADMINISTRATION
REQUIRES CLEAR TITLE - ALLEY TO BE VACATED.

(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:

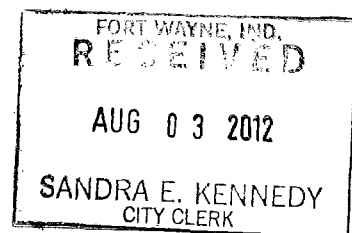
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

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



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.

BALBIR, AMRIK & TAJINDER, LLC

Balbir Singh
Signature

BALBIR SINGH
Printed Name

8/1/12
Date

3230 FAIRFIELD AVE.
Address

FORT WAYNE, IN 46807
City/State/Zip

260-413-6270

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 #: _____

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

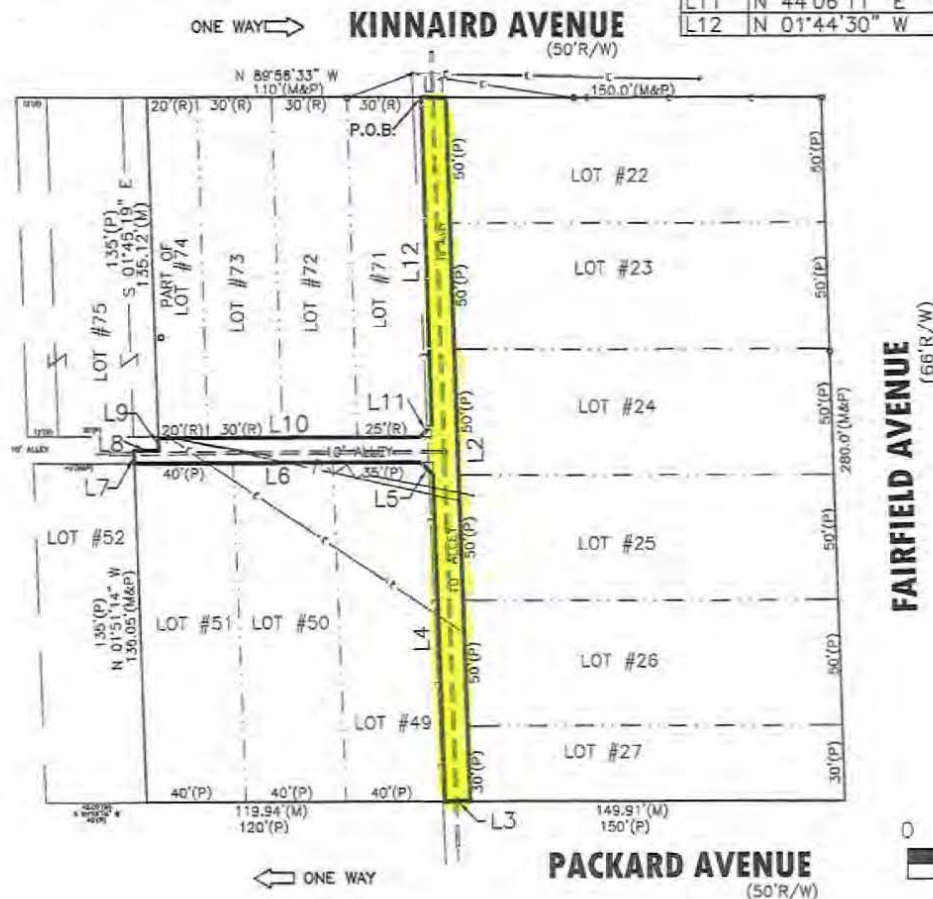
1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

LINE	BEARING	DISTANCE
L1	S 89°29'20" E	10.01'
L2	S 01°46'47" E	279.78'
L3	S 89°33'21" W	9.91'
L4	N 01°52'29" W	130.08'
L5	N 46°15'19" W	7.15'
L6	S 89°56'52" W	114.9'
L7	N 01°51'14" W	5.0'
L8	N 89°56'52" E	9.98'
L9	N 01°45'19" W	5.0'
L10	N 89°56'52" E	104.96'
L11	N 44°06'11" E	6.97'
L12	N 01°44'30" W	129.91'

ALLEY VACATION EXHIBIT

Part of the platted alleys of Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in the Office of the Recorder of Allen County, Indiana.

Beginning at a 5/8" rebar found with Firm #0027 identification cap, monumenting the Northeast corner of Lot Numbered 71 in said Ninde's Addition; thence South 89 degrees 29 minutes 20 seconds East (bearings in this description are based on the West line of Fairfield Avenue bearing North 01 degrees 45 minutes 19 seconds West), on the South right-of-way of Kinnaird Avenue, as defined by found monuments, a distance of 10.01 feet, to a mag nail, at the Northwest corner of Lot Numbered 22 in said Addition; thence South 01 degrees 46 minutes 47 seconds East, on the West lines of Lots Numbered 22 through 27 in said Addition, as defined by found monuments, a distance of 279.78 feet, to a chisled "X", on the North right-of-way of Packard Avenue; thence South 89 degrees 33 minutes 21 seconds West, on said North right-of-way a distance of 9.91 feet, to a mag nail, at the Southeast corner of Lot Numbered 49; thence North 01 degrees 52 minutes 29 seconds West, on the East Line of said Lot 49 a distance of 130.08 feet, to a corner of Lot Numbered 49 in said addition; thence North 46 degrees 15 minutes 19 seconds West, on the Northeastly line of said Lot Numbered 49 a distance of a distance of 7.15 feet, to a corner of said Lot Numbered 49; thence South 89 degrees 56 minutes 52 seconds West, on the North lines of Lots 49 through 51 a distance of 114.90 feet, to a 3/8" rebar monumenting the Northwest corner of Lot Numbered 51 in said Addition; thence North 01 degrees 51 minutes 14 seconds West, on the West line of Lot Numbered 51 extended, a distance of 5.00 feet, to the centerline of an alley; thence North 89 degrees 56 minutes 52 seconds East, on the centerline of said alley a distance of 9.98 feet, to the East line extended of a parcel conveyed to Wiley in Document # 83-016267, as defined by found monuments; thence North 01 degrees 45 minutes 19 seconds West a distance of 5.00 feet, to a 1/2" rebar found at the Southeast corner of said Wiley parcel; thence North 89 degrees 56 minutes 52 seconds East, on the South lines of Lots 71 through 74 in said Addition, as defined by found monuments a distance of 104.96 feet, to a corner of said Lot Numbered 71; thence North 44 degrees 06 minutes 11 seconds East, on the Southeastly line of said Lot 71 a distance of 6.97 feet, to a corner of Lot 71; thence North 01 degrees 44 minutes 30 seconds West, on the East line of said Lot 71 a distance of 129.91 feet, to the point of beginning. Containing 0.091 acres, more or less.



JOB DESCRIPTION:

3230 FAIRFIELD
PROPOSED ALLEY VACATION

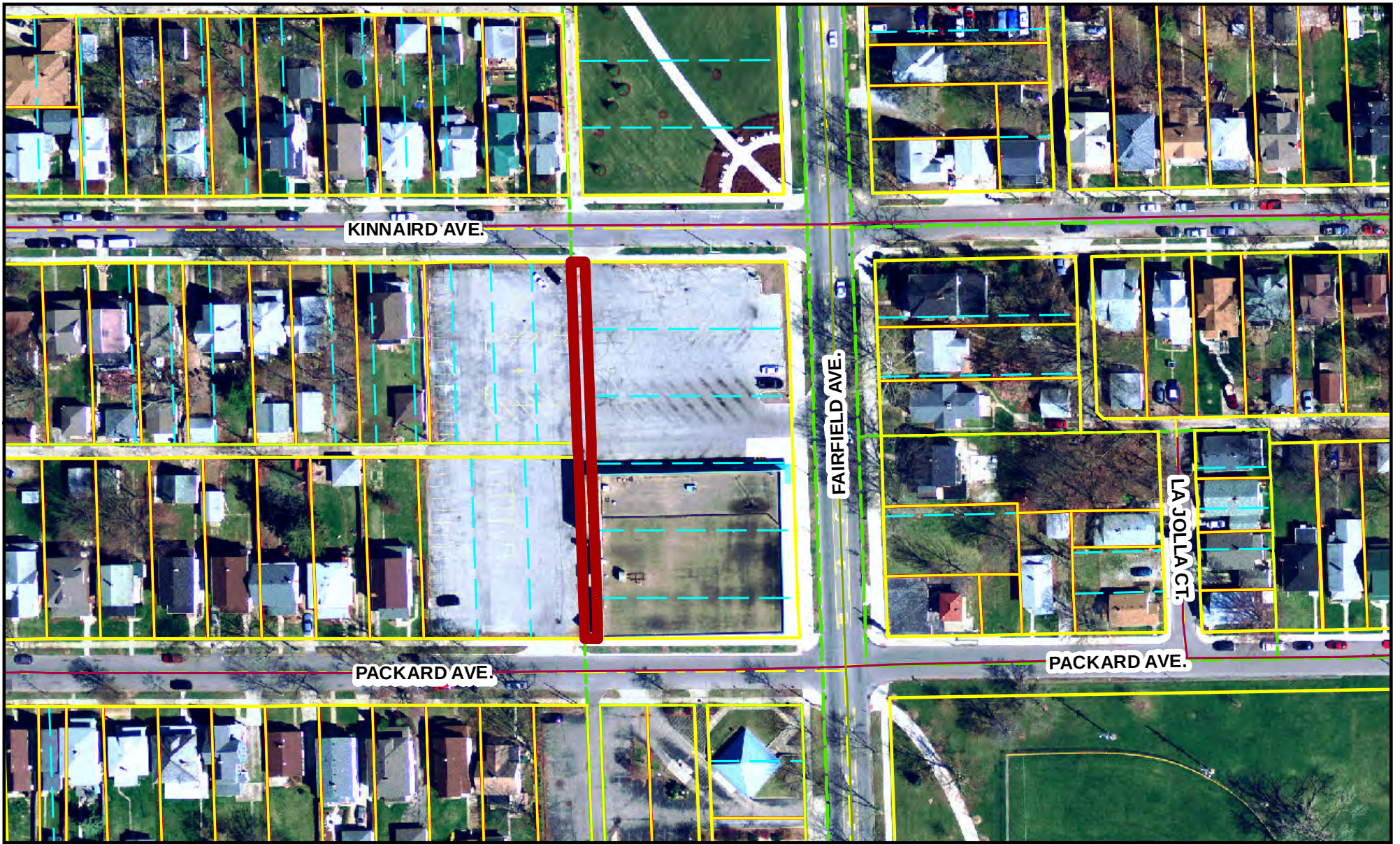
PT. NINDE'S ADDITION TO SOUTH WAYNE
FORT WAYNE, ALLEN CO., IN

DATE: MARCH 14, 2012



Michael C. Vode

DESCRIPTION NUMBER: 09-09-140 ALLEY



This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Vacation Petition 1293/12

Printed: August 9, 2012

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983

State Plane Coordinate System, Indiana East
Photos: Spring 2006 / Contours: 1999

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.



0 100 Feet

Scale: 1"= 100'