

#1295

BILL NO. G-12-08-09

Deed Book: 650, Pages: 396-397

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:

A strip of land, 60 feet in uniform width, running from the West end of Belle Vista Boulevard, as it now exists, Westerly to the Lake Erie and Western Railroad, more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 21, Township 30 North, Range 12 East, thence Westerly on the South line of the Southeast quarter of Section 21, Township 30 North, Range 12 East, a distance of 1293.80 feet to a point on the East line of the Lake Erie and Western Railroad, thence Northerly on the East line of said Railroad a distance of 60 feet to a point; thence Easterly on a line parallel to and 60 feet North of the South line of said Southeast quarter of Section 21, a distance 334.6 feet to the Southwest corner of lot numbered 1 in Fox's Suburban Addition; thence Easterly along the South line of said lot numbered 1 a distance of 264 feet to the centerline of Mason Drive; thence continuing Easterly on a line parallel to and 60 feet North of the South line of said Southeast quarter of Section 21, a distance of 755 feet to a point on the Westerly line of Allendale Place Addition; thence Southeasterly along the Westerly line of Allendale Place Addition a distance of 72.4 feet to a point on the South line of said Southeast quarter of Section 21; thence Westerly on the South line of said Southeast quarter of Section 21, a distance of 52.8 feet to the point of beginning. The above described real property being part or all of that property, recorded in Deed Record 407, pages 577 to 579 and Deed Record 373, page 214, in the Office of the Recorder of Allen County, State of Indiana.

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.

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

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 Right-of-Way Vacation
Case Number: 1295/12
Bill Number: G-12-08-09
Council District: 4-Mitch Harper

Introduction Date: August 28, 2012
Public Hearing Date: September 11, 2012
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the unimproved, western end of the right-of-way extension of Belle Vista Boulevard.

Location: Beginning at the western end of the improved Belle Vista Boulevard, in Allendale Place Addition, between Lots 61 and 62 of Allendale Place Addition, and extending approximately 1300 feet to the west, terminating along the eastern right-of-way line of the Lake Erie and Western Railroad.

Request: Applicant owns some adjacent ground and is purchasing additional land adjacent to the right-of-way.

Applicant: Patrick D. and Janice M. Hipskind

Property Owner(s): Patrick D. and Janice M. Hipskind

Related Petitions: none

Effect of Passage: The right-of-way will be vacated and may be used for personal purposes.

Effect of Non-Passage: The right-of-way will remain as dedicated. Access to the right-of-way may not be blocked.

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:

60' Public Right way For extension
of Belle Uta Blvd See IMAP marked
in yellow

(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: 650 PAGE(S) NUMBER(S): 396-7 (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:

TO ALLOW ACCESS FROM PROPERTY I AM IN
PROCESS OF PURCHASING MARKED ON MAP IN PINK
TO PROPERTY ALREADY OWNED MARKED IN GREEN

(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:

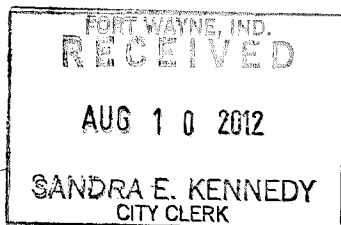
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: PATRICK D AND JANICE M HIPSKIND

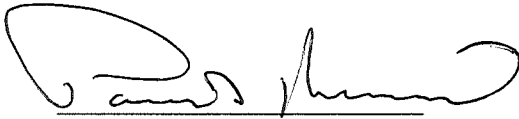
Street Address: 5502 MASON DR

City: FT WAYNE State: IN Zip: 46809 Phone: 260 747 1340



PAT H. PSKIND @ Comcast.net

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

PATRICK D HIPSKIND 8-10-12
Printed Name Date

5502 MASON DR
Address

FT WAYNE IN 46809
City/State/Zip


Signature

Janice Hipkind 8-10-12
Printed Name Date

5502 Mason Dr.
Address

Fort Wayne, IN 46809
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): N/A

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 #: 1295/12

ADJACENT Property owners

5710 MASON DR FT WAYNE 46809

~~OWNER~~ MEGAN NES (UANSOMEREN)
260 747 8439

5709 MASON DR FT WAYNE 46809

OWNER ROBERTA Lee
260 747 4421

ELMHURST LITTLE League

1746

STREET DEDICATION

Book 650 Page 396-7

The undersigned, being the owners of the following described real estate, do hereby dedicate the same to the City of Fort Wayne, Indiana, for street and public highway purposes, the same to be an extension to the west of Belle Vista Boulevard from its present termination point at the west boundary line of Allendale Place Addition. Said land to be dedicated is described as follows:

A strip of land, 60 feet in uniform width, running from the West end of Belle Vista Boulevard, as it now exists, Westerly to the Lake Erie and Western Railroad, more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 21, Township 30 North, Range 12 East, thence Westerly on the South line of the Southeast quarter of Section 21, Township 30 North, Range 12 East, a distance of 1,293.8 feet to a point on the East line of the Lake Erie and Western Railroad, thence Northerly on the East line of said Railroad a distance of 60 feet to a point; thence Easterly on a line parallel to and 60 feet North of the South line of said Southeast quarter of Section 21, a distance of 334.6 feet to the Southwest corner of lot numbered 1 in Fox's Suburban Addition; thence Easterly along the South line of said lot numbered 1 a distance of 264 feet to the centerline of Mason Drive; thence continuing Easterly on a line parallel to and 60 feet North of the South line of said Southeast quarter of Section 21, a distance of 755 feet to a point on the Westerly line of Allendale Place Addition; thence Southeasterly along the Westerly line of Allendale Place Addition a distance of 72.4 feet to a point on the South line of said Southeast quarter of Section 21; thence Westerly on the South line of said Southeast quarter of Section 21, a distance of 52.8 feet to the point of beginning. The above described real property being part or all of that property, recorded in Deed Record 407, pages 577 to 579 and Deed Record 373, page 214, in the Office of the Recorder of Allen County, State of Indiana.

ONLY OFFERED FOR TAXATION

MARCH - 1965

MARCH - 1965

OFFICE OF THE RECORDER OF ALLEN COUNTY

IN WITNESS WHEREOF, the said owners do hereunto set
their hands and seals this 1st day of March, 1965.

William P. May
William P. May

Isabelle T. May
Isabelle T. May

MAY CONCRETE PRODUCTS, INC.
By William P. May
William P. May, as its President

By David Peters
David Peters, as its Secretary

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for said
County and State, this 1st day of March, 1965, personally appeared
William P. May and Isabelle T. May, and May Concrete Products, Inc.,
by William P. May, as its President, and David Peters, as its Secretary,
and acknowledged the execution of the foregoing Street Dedication.

IN WITNESS WHEREOF, I have hereunto subscribed my name
and affixed my official seal.

Ann Kruekeberg Shiner
(Ann Kruekeberg Shiner) Notary Public

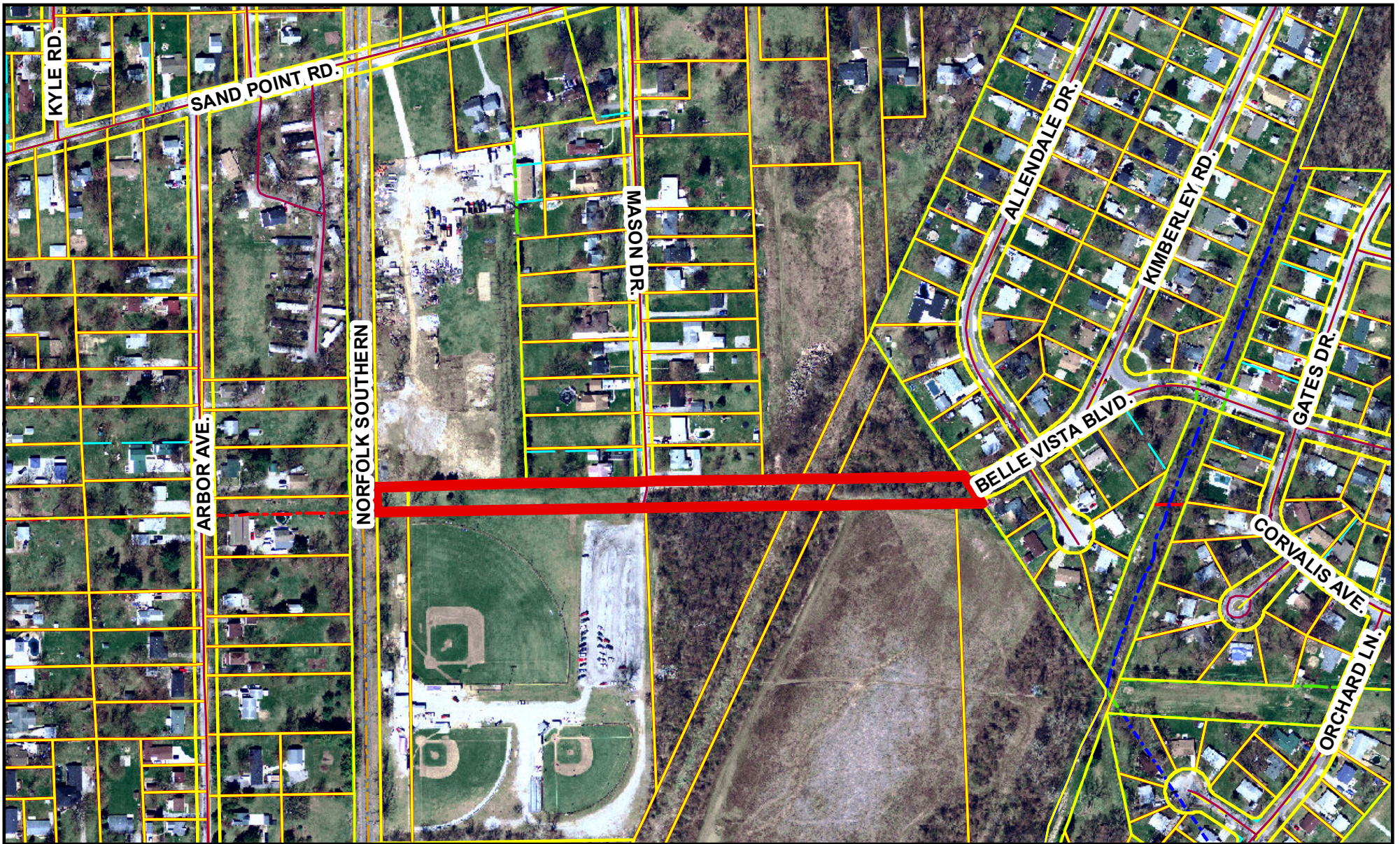
My Commission Expires:
September 15, 1965

This instrument prepared by David Peters, Attorney at Law,
Member of Allen County Indiana Bar Association.

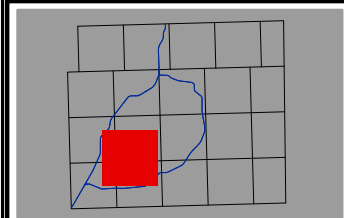
DULY ENTERED FOR TAXATION

9408 MAR 9 - 1965

Walter H. Summers
AUDITOR OF ALLEN COUNTY



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



Vacation Petition 1295/12

Printed: August 14, 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.

