

#1294

BILL NO. G-12-08-08

Plat Book: 8B, Pages: 76-77

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 right-of-way of the platted Westchester Drive in its entirety, in St. Joe Gardens Addition, as recorded in Plat Book 8B, Pages 76 and 77, in the Office of the Recorder of Allen County, Indiana; originally platted as Lexington Avenue in George L. Ashley Homestead, as recorded in Plat Book 8B, Page 84, in the Office of the Recorder of Allen County, 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.

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: 1294/12
Bill Number: G-12-08-08
Council District: 2-Russell Jehl

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 remaining right of way of Westchester Drive (also known as Lexington Ave.), in its entirety.

Location: Beginning on the north side of Upper St. Joe Road, between 3085 and 3111 Upper St. Joe Road and extending approximately 830 feet to the northeast.

Request: Adjacent homeowners state that the unimproved right-of-way has been used as a dumping site and an area for general vandalism. They would like to fence the area.

Applicant: Barb McKinnon

Property Owner(s): Barb McKinnon, Joan Johnson, Michael Johnson, Barbara Meyer, Judith Baxter

Related Petitions: none

Effect of Passage: The right-of-way will be vacated and will be split between the adjacent property owners.

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

CITY OF FORT WAYNE

Vacation Petition

BARB MCKINNON 485-7884

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:

WEST CHESTER DRIVE
P.B. 8-84 THE ORIGINAL PLAT AS
LEXINGTON

(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: _____ 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:

PLEASE SEE ATTACHE PAGE

(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:

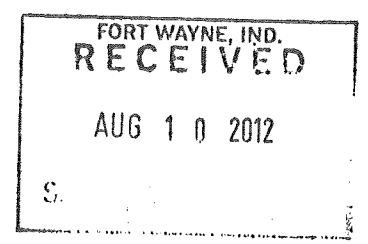
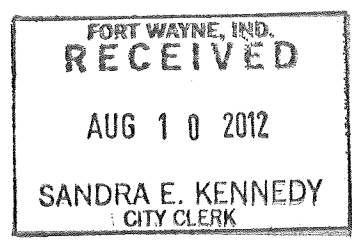
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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 Fort 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.

Baerbell L. McKinnon
Signature

BAERBELL L. MCKINNON
Printed Name

8-7-12
Date

6104 E SHORE DR
Address

FORT WAYNE IN 46835
City/State/Zip

Joan V Johnson
Signature

JOAN JOHNSON
Printed Name

8-8-12
Date

Michael T Johnson
Address

MICHAEL T. JOHNSON
City/State/Zip

8-8-12
Date

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 #: _____

Barbara K Meyer

Signature

BARBARA K. MEYER 8-8-12

Printed name

Date

6020 East Shore Drive

Address

Fort Wayne IN. 46835

City/State/Zip

Judith E. Baxter

Signature

Judith Baxter 8-8-12

Printed name

Date

6008 East Shore Dr

Address

Fort Wayne, IN 46835

City/State/Zip

Signature

Printed name

Date

Address

City/State/Zip

[illegible]

If vacated area is fenced it will stop:

The use of this space as a dumping site for barrels old equipment and trash.

To prevent neighborhood children from starting fires in the back end of the properties because they know that no one will see them.

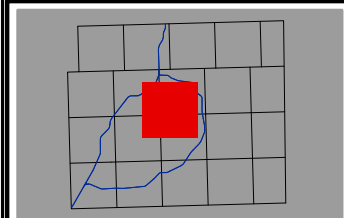
To prevent access of people and motor bikes from cutting through our private properties.

To prevent the use of the vacated area as a dog waste area.

Some of us would not be able to pay for fencing if we had to pay for the removal mature trees at the back of our properties. Those tree now dampen a lot of the noise from the shopping center and area streets.



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



Vacation Petition 1294/12

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.

