

#1267

BILL NO. G-11-12-03

Deed Book: B, Page 447

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 alley in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne as recorded in Deed Book B, Page 447, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at a 3/8" rebar found monumenting the Northwest corner of Lot 126 in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne; thence North 12 degrees 16 minutes 34 seconds West (bearings in this description are based on the record bearing for the West line of Lot 126) a distance of 14.08 feet to a 1" iron rod, monumenting the Southwest corner of Lot 99 in said addition; thence North 78 degrees 02 minutes 02 seconds East, on the North line of the platted alley, as defined by found monuments, a distance of 207.67 feet to the southwest corner of the East Half of Lot 96, said point being the limits of the alley vacation described in General Ordinance #G-90-70; thence South 11 degrees 57 minutes 58 seconds East, on said limits of a distance of 14.04 feet, to the Northwest corner of the East Half of Lot 129; thence South 78 degrees 01 minutes 26 seconds West, on the South line of said alley a distance of 207.60 feet to the point of beginning. Containing 0.067 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. 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: 1267/11
Bill Number: G-11-12-03
Council District: 5

Introduction Date: December 13, 2011
Public Hearing Date: January 10, 2012
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: A request to vacate public alley right-of-way

Location: The right-of-way to be vacated the western portion of the alley south of East Washington Boulevard and east of Barr Street. The eastern portion was vacated in 1970. The remainder is located within the parking lots of the YMCA and the Lamplight senior living facility.

Reason for Request: The YMCA is planning improvements to their parking lot on Barr Street and the vacation of this alley will help facilitate those improvements. The alley currently ends at property owned by Lamplight and does not continue to Lafayette Street.

Applicant: Young Men's Christian Association of Greater Fort Wayne, Inc.
Property Owner: YMCA and LL Fort Wayne Realty, LLC

Related Petitions: Parking Lot Permit through the Right-of-Way Department

Effect of Passage: The right-of-way for the public alley will be vacated and the land will be incorporated into the parking lots for the YMCA and the Lamplight.

Effect of Non-Passage: The right-of-way will remain as platted and should remain open for public use

CITY OF FORT WAYNE

Vacation Petition

City Clerk/Room #122/CityCounty Building/One Main 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:

See Exhibit "A"

(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: n/a PAGE(S) NUMBER(S): n/a (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) Last Deeds of Record for Petitioner are enclosed herewith.

The reasons for the proposed vacation are as follows:

See Exhibit "B"

(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: See Exhibit "C"

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: See Exhibit "D"

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.

See Exhibit "D"

Signature _____

Printed Name _____

Date _____

Address _____

City/State/Zip _____

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): Thomas M. Niezer / Barrett & McNagny LLP

Street Address: 215 E. Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 423-9551

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: _____

EXHIBIT "A"

Part of the platted alley in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne as recorded in Deed Book B, Page 447, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at a 3/8" rebar found monumenting the Northwest corner of Lot 126 in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne; thence North 12 degrees 16 minutes 34 seconds West (bearings in this description are based on the record bearing for the West line of Lot 126) a distance of 14.08 feet to a 1" iron rod, monumenting the Southwest corner of Lot 99 in said addition; thence North 78 degrees 02 minutes 02 seconds East, on the North line of the platted alley, as defined by found monuments, a distance of 207.67 feet to the southwest corner of the East Half of Lot 96, said point being the limits of the alley vacation described in General Ordinance #G-90-70; thence South 11 degrees 57 minutes 58 seconds East, on said limits of a distance of 14.04 feet, to the Northwest corner of the East Half of Lot 129; thence South 78 degrees 01 minutes 26 seconds West, on the South line of said alley a distance of 207.60 feet to the point of beginning. Containing 0.067 acres, more or less.

EXHIBIT "B"

The reasons for the proposed vacation are as follows:

On March 30, 2011, Petitioner, Young Men's Christian Association of Greater Fort Wayne, Inc. ("YMCA"), acquired a .3 acre parcel of real property abutting the subject alley to the south, located at the northeast corner of Barr Street and E. Jefferson Boulevard. YMCA had previously acquired approximately .31 acres of real property located immediately across the subject alley to the north, at the southeast corner of the intersection of Barr Street and E. Washington Boulevard. The two (2) parcels now owned by YMCA (collectively, the "YMCA Real Estate") are separated by the subject alley, which extends northeast from Barr Street, approximately 200', terminating at property owned by LL Fort Wayne Realty, LLC.

The YMCA Real Estate is located directly east and directly across Barr Street from the Central Branch YMCA facility. Consistently, YMCA utilizes the YMCA Real Estate for parking to serve the Central Branch YMCA facility. Given the growth in YMCA membership, and the number of its members accessing the Central Branch YMCA facility, efficient, orderly and safe parking on the YMCA Real Estate is critical to the operation of the Central Branch YMCA.

Presently, the north half of the YMCA Real Estate is paved with asphalt and lined for approximately 72 vehicle spaces. This portion of the YMCA Real Estate is presently accessible directly from E. Washington Boulevard, and from Barr Street by way of the subject alley. A parking attendant's shed is presently situated at the center of this portion of the YMCA Real Estate.

The south half of the YMCA Real Estate is presently covered by gravel and accommodates approximately 50 vehicles. This portion of the YMCA Real Estate is accessible directly from Barr Street and E. Jefferson Boulevard. A billboard is situated near the far southern-most boundary of the YMCA Real Estate.

In connection with this vacation request, YMCA contemplates the improvement and re-design of its parking facilities located upon the YMCA Real Estate, as shown on the site plan accompanying this Petition. The site plan depicts a uniform design and improvement to the entirety of the YMCA Real Estate which will not only improve the aesthetics of the YMCA Real Estate, but will provide a safer, more navigable and convenient parking area for YMCA members visiting the Central Branch YMCA. Vacation of the subject alley is necessary to implement the design contemplated by the site plan.

The new parking area contemplated by the site plan will run the length of Barr Street between E. Washington and W. Jefferson Boulevards. It includes landscape buffering around the entirety of the YMCA Real Estate, with landscaped islands situated in the center of the parking area, and space for 107 vehicles. The site plan further contemplates placement of a new monument-style sign at the southwest corner of Barr Street and E. Jefferson Boulevard. The parking area would be lit by new, specially designed lighting which will adequately illuminate the parking area. With respect to existing improvements located upon the YMCA Real Estate,

the billboard would be retained and buffered with landscaping at street level, while the parking attendant's shed would be removed. The new parking area would include designated walkways along the east and west boundaries of the YMCA Real Estate for ingress and egress of pedestrian traffic.

The site plan contemplates vehicular access to the parking area from E. Jefferson Boulevard by way of the existing drive approach. Vehicular access to the new parking area from Barr Street would be through a new, expanded drive approach in the approximate center YMCA Real Estate's west boundary built to City of Fort Wayne specifications. Vehicular access along E. Washington Boulevard would be available through two (2) new drive approaches to be constructed as part of the improvement project. The entirety of the parking area would be an asphalt surface. There are no churches, schools or other public buildings in the immediate area that would be affected by the vacation or implementation of the site plan contemplated by YMCA.

The only adjacent property owner to the subject alley is LL Fort Wayne Realty, LLC, which owns the property upon which Lamplight Inn is operated. Granting this Petition would not make access to LL Fort Wayne Realty, LLC's property, with a common address of 300 E. Washington Boulevard, difficult or inconvenient. LL Fort Wayne Realty, LLC has been contacted, both in writing and by telephone, and to date, YMCA has received no objection to this Petition. At present, the subject alley is unpaved and a marginally passable means of reaching Barr Street. Moreover, LL Fort Wayne Realty, LLC still would have access to its property from Lafayette Street, E. Washington Boulevard and E. Jefferson Boulevard. It further appears that no one affiliated with Lamplight Inn utilizes the subject alley to access Barr Street.

A portion of the subject alley has been previously vacated. At one time, the subject alley spanned from and connected Barr Street to Lafayette Street. LL Fort Wayne Realty, LLC's predecessor in ownership of the real property located in the same block, east of the YMCA Real Estate, previously petitioned and secured vacation of the western-most 220' out of the total 430'-long subject alley. Of the remaining un-vacated subject alley, the YMCA Real Estate is contiguous and adjacent to approximately 150', while property owned by LL Fort Wayne Realty, LLC is contiguous to the remaining 60' section.

Rather than leave this 60' section of the existing subject alley, contiguous to LL Fort Wayne Realty, LLC's property, landlocked, City of Fort Wayne Department of Planning Staff has recommended that YMCA submit this Petition for the vacation of the entirety of the approximately 210' presently existing subject alley. YMCA will attempt to work with LL Fort Wayne Realty, LLC, collectively, to secure any necessary utility easements related to vacation of the subject alley. Other than YMCA and LL Fort Wayne Realty, LLC, no other property owners are impacted by this request.

Now owning real estate to the north and south of the alley, and with a focus on improving the safety, navigability and aesthetics of Central Branch YMCA parking, YMCA believes that the circumstances of this case justify vacation of the subject alley. Vacation of the subject alley will not only pave the way for enhanced member services at the Central Branch YMCA, but will facilitate a marked aesthetic improvement in a major, well-traveled corridor of Downtown Fort

Wayne. The site plan contemplated by this vacation request will facilitate orderly growth and development on the subject YMCA property, and will improve the public's access to the Central Branch YMCA without any negative impact on the ability of the neighboring property owner or the public at-large to navigate in and around the immediate area.

EXHIBIT "C"

Neighboring/Adjacent Property Owner

LL FORT WAYNE REALTY, LLC
Attn: Mr. Bobby Petras
Lamplight Communities
599 Fairview Heights
Toronto, OH 43964
800-565-8363

EXHIBIT "D"

Applicant/Property Owner

YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER FORT WAYNE, INC.
347 W Berry Street, Suite 500
Fort Wayne, Indiana 46802

A handwritten signature in black ink, appearing to read "Martin L. Pastura", written over a horizontal line.

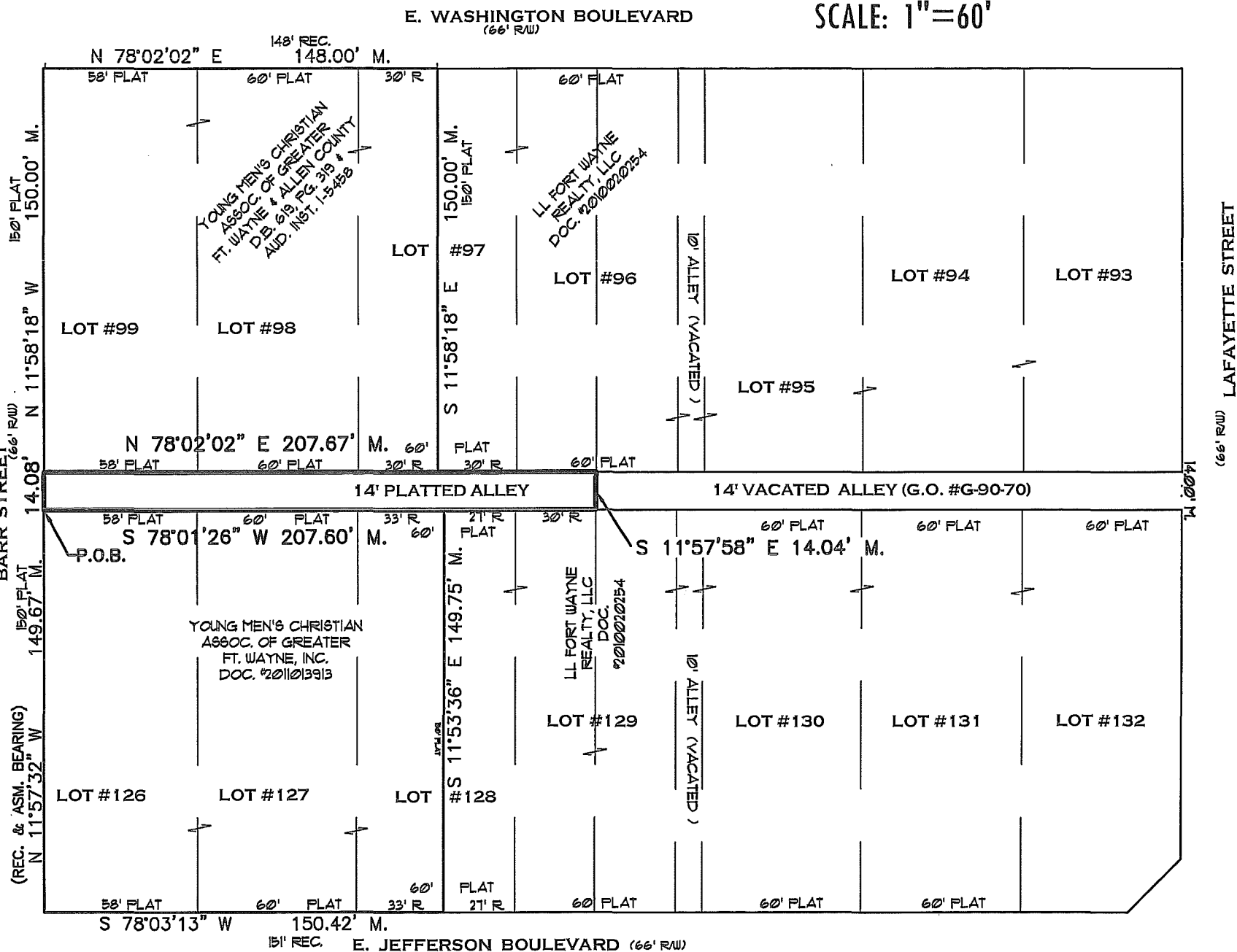
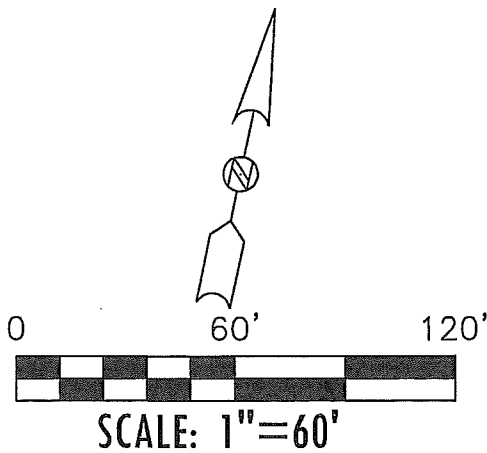
Martin L. Pastura, President & CEO

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



ALLEY VACATION EXHIBIT

Part of the platted alley in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne as recorded in Deed book B, Page 447, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

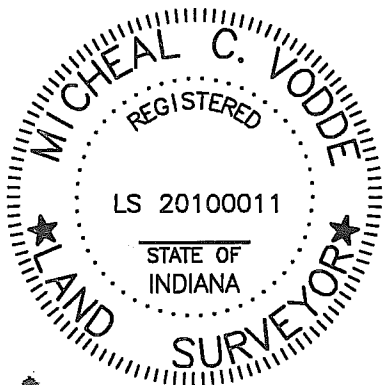
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JOB DESCRIPTION:

DOWNTOWN YMCA
PROPOSED ALLEY VACATION

PT. S. HANNA'S 1ST ADDITION
FORT WAYNE, ALLEN CO., IN

DATE: DECEMBER 06, 2011



Michael C. Vodde

DESCRIPTION NUMBER: 11-10-125 ESMT.



LandPlan Group
Landscape Architects
Planners

108 West Columbia Street
Fort Wayne, Indiana 46802
Phone: 260.422.2522
Fax: 260.422.1832
www.landplangroup.com

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE THE PROPERTY OF THE LANDPLAN GROUP, LLC AND WERE CREATED AND DEVELOPED FOR THIS SPECIFIC PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY ENTITY FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE LANDPLAN GROUP, LLC. THE OWNER SHALL BE PERMITTED TO RETAIN COPIES FOR INFORMATION AND REFERENCES IN CONNECTION WITH THIS PROJECT. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.

CERTIFICATION:

PRELIMINARY
NOT FOR CONSTRUCTION

Parking Lot Improvement Plan

Central Branch YMCA

Fort Wayne, Indiana

REVISIONS: DATE:

SHEET TITLE:

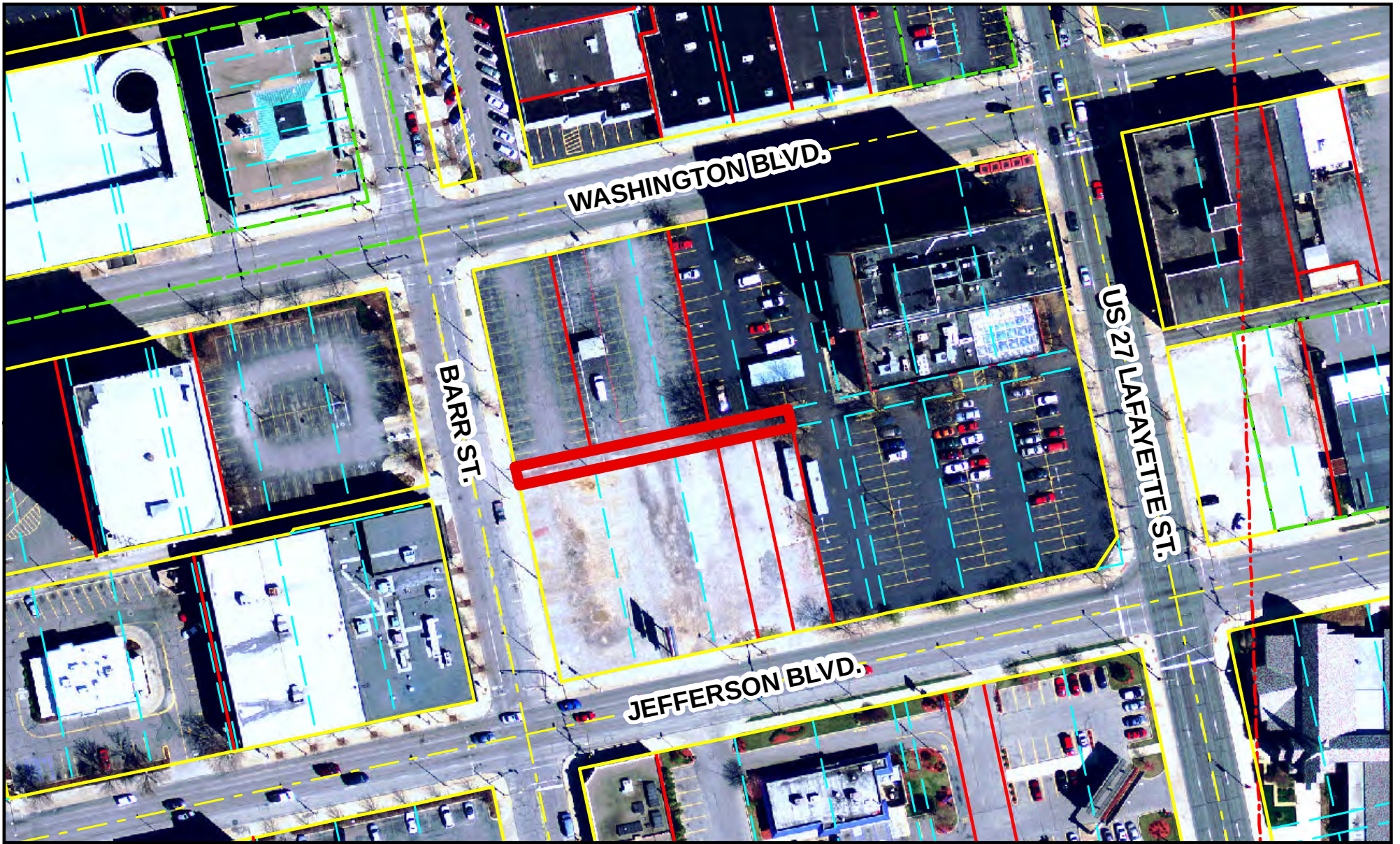
Master Plan

DATE: 12-1-11

PROJECT: 11-32 DRAWN BY: GAB

SCALE: 1"=20' NORTH:

SHEET: **MP1**



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

Vacation Petition 1267/11

Printed: December 5, 2011

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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'