

#VROW-2013-0025

BILL NO. G-13-02-27

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 Tam Street in Volney Parks Subdivision of the North Part of Lillie's Out Lot 31 to the City of Fort Wayne, Indiana, together with part of the southerly alley in Simons Subdivision of Lots 29 and 30 of Lillie's Out Lots of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the northwesterly corner of Lot 11 in said Volney Parks Subdivision, said point being on the southerly right-of-way line of the east-west portion of Tam Street; thence North 0 degrees 00 minutes 00 seconds East, a distance of 51.00 feet along the northerly extension of the westerly line of said Lot 11 to the southwesterly corner of Lot 7 in said Simons Subdivision; thence North 90 degrees 00 minutes 00 seconds East, a distance of 164.00 feet along the southerly lines of Lots 7, 6, 5 and part of 4, to a point marking the intersection of said southerly line with the southerly extension of the westerly right-of-way line of the north-south portion of Tam Street (platted as Park Street) as it currently exists; thence South 0 degrees 00 minutes 00 seconds West, a distance of 51.00 feet to a point on the northerly line of Lot 8 in said Volney Parks Subdivision, being also the southerly right-of-way line of Tam Street; thence North 90 degrees 00 minutes 00 seconds West, a distance of 164.00 feet along said southerly right-of-way line and northerly lines of Lots 8, 9, 10 and 11 of said Volney Parks Subdivision to the Point of Beginning. Containing 0.192 acre (8,364.00 square feet), 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.

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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: Vacation of Public Right-of-way
Case Number: VROW-2013-0025
Bill Number: Z-13-02-28
Council District: 6 – Glynn Hines

Introduction Date: February 26, 2013

Public Hearing Date: March 12, 2013

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

Synopsis of Ordinance: To vacate the east-west portion of Tam Street, together with part of the southerly alley not previously vacated in Simons Subdivision of Lots 29 and 30 of Lillie's Out Lots of Fort Wayne, Indiana.

Location: Adjacent to 1628 Tam Street

Reason for Request: The applicant wishes to rebuild a burned building at its previous location which violates the current zoning setback requirements.

Applicant: Larry G. Morgan

Property Owner: Larry G. Morgan

Related Petitions: No drawings or other proposals have been submitted

Effect of Passage: Vacation of Tam Street, as requested, will allow the new construction to meet the current zoning setbacks required.

Effect of Non-Passage: Tam Street will remain dedicated as public right-of-way and any new construction on the property must meet the standards of the ordinance or relief must be sought through the Board of Zoning Appeals.

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 for complete description ***

Part of Tam Street in Volney Parks Subdivision of the North Part of Lillie's Out Lot 31 to the City of Fort Wayne, Indiana, not previously vacated, together with part of the southerly alley not previously vacated in Simons Subdivision of Lots 29 & 30 of Lillie's Out Lots of Fort Wayne, Indiana.

(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: 79 PAGE(S) NUMBER(S): 9 (This information can be obtained from the Allen County Recorder's Office on the 1st Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

The portion of Tam Street being proposed for vacation is used by this applicant only.

The applicant wishes to rebuild a burned building at its previous location which violates the current zoning setback requirements. Vacation of Tam Street, as requested, will allow the new construction to meet the current zoning setbacks required.

(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:

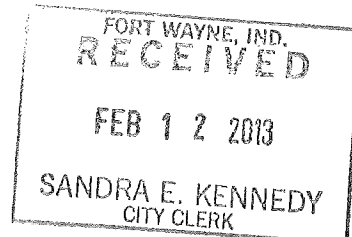
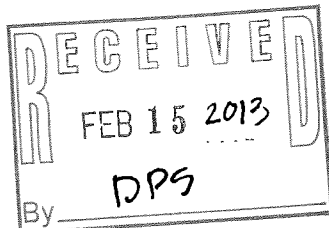
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code

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

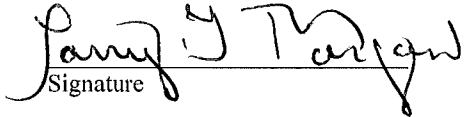
Name: LARRY G. MORGAN

Street Address: 2020 SOUTH ANTHONY BOULEVARD

City: FORT WAYNE State: IN Zip: 46803 Phone: 260/426-2020



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.


Signature

Larry Morgan
Printed Name

2-13-13
Date

2612 E. Pontiac Street
Address

Fort Wayne, IN 46803
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): _____

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 #: _____

EXHIBIT "A"

Part of Tam Street in Volney Parks Subdivision of the North Part of Lillie's Out Lot 31 to the City of Fort Wayne, Indiana, together with part of the southerly alley in Simons Subdivision of Lots 29 & 30 of Lillie's Out Lots of Fort Wayne, Indiana, more particularly described as follows:

BEGINNING at the northwesterly corner of Lot 11 in said Volney Parks Subdivision, said point being on the southerly right-of-way line of the east-west portion of Tam Street; thence North 0 degrees 00 minutes 00 seconds East, a distance of 51.00 feet along the northerly extension of the westerly line of said Lot 11 to the southwest corner of Lot 7 in said Simons Subdivision; thence North 90 degrees 00 minutes 00 seconds East, a distance of 164.00 feet along the southerly lines of Lots 7, 6, 5 and part of 4, to a point marking the intersection of said southerly line with the southerly extension of the westerly right-of-way line of the north-south portion of Tam Street (platted as Park Street) as it currently exists; thence South 0 degrees 00 minutes 00 seconds West, a distance of 51.00 feet to a point on the northerly line of Lot 8 in said Volney Parks Subdivision, being also the southerly right-of-way line of Tam Street; thence North 90 degrees 00 minutes 00 seconds West, a distance of 164.00 feet along said southerly right-of-way line and northerly lines of Lots 8, 9, 10 and 11 of said Volney Parks Subdivision to the POINT of BEGINNING.

Containing 0.192 acre [8,364.000 square feet], more or less.

Vacation Boundary Description

Part of Tam Street in Volney Parks Subdivision of the North Part of Lillie's Out Lot 31 to the City of Fort Wayne, Indiana, together with part of the southerly alley in Simons Subdivision of Lots 29 & 30 of Lillie's Out Lots of Fort Wayne, Indiana, more particularly described as follows:

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Containing 0.192 acre [8,364.000 square feet], more or less.

Subject to easements of record.

Adjoiner Information

Northerly Adjoiners:

Tax ID: 02-12-12-280-004.000-074
Hartzell Realty Corp.
323 E Berry Street
Fort Wayne, IN 46802
Site: 1624 Simons Street

Tax ID: 02-12-12-280-006.000-074
Hartzell Realty Corp.
323 E Berry Street
Fort Wayne, IN 46802
Site: 1702 Simons Street

Tax ID: 02-12-12-280-007.000-074
Fogle, Peggy (1/2) & Kinder, Nancy R. (1/2)
1806 Bayer Avenue
260-424-1418
Fort Wayne, IN 46805
Site: 1708 Simons Street

Tax ID: 02-12-12-280-008.000-074
Kinder, Nancy R.
1806 Bayer Avenue
Fort Wayne, IN 46805
260-424-1418
Site: 1714 Simons Street

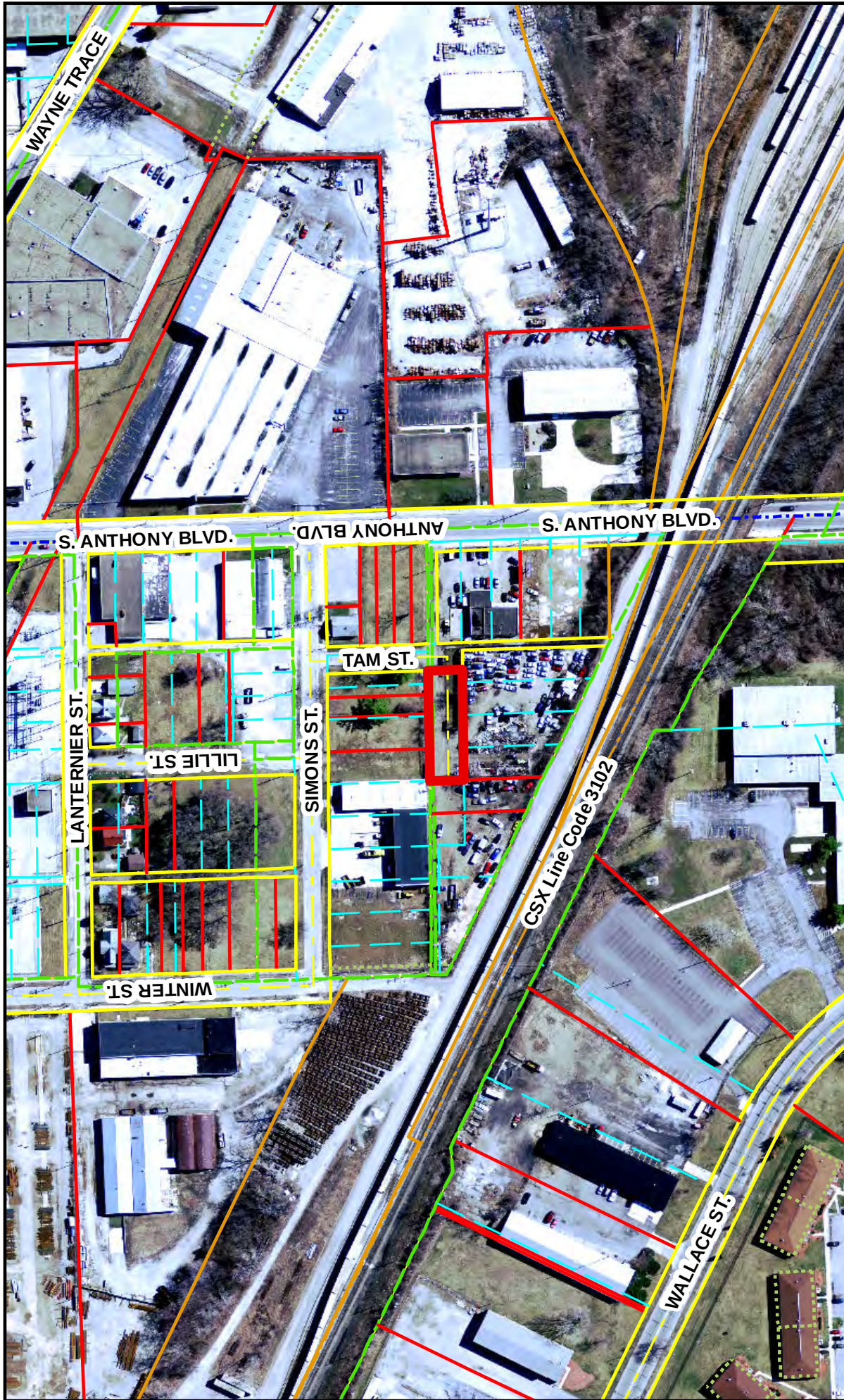
Tax ID: 02-12-12-281-006.000-074
Kinder, Nancy R.
1806 Bayer Avenue
Fort Wayne, IN 46805
260-424-1418
Site: 1918 South Anthony Boulevard

Easterly Adjoiner:

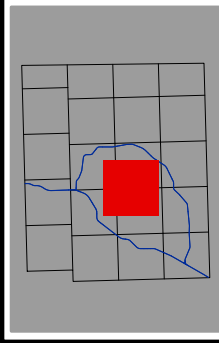
Tax ID: 02-12-12-426-005.000-074
Johnson, Dennis
924 Buchanan Street
Fort Wayne, IN 46803
Site: 2036 South Anthony Boulevard

Southerly Adjoiner:

Railroad R/W State Assessed
Tax ID: 02-12-12-503-002.000-074
Arrowood-Southern Company c/o Triple Crown
2720 Dupont Road
Commerce Court
Fort Wayne, IN 46825
260-416-3600
Site: Winter St. to South Anthony Bl.



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



Printed: February 15, 2013
 © 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.



0 200 Feet
 Scale: 1"= 200'

Vacation Petition VROW-2013-0025



To see all the details that are visible on the screen, use the "Print" link next to the map.



