

1 **#VROW-2013-0027**

2 **BILL NO. G-13-03-06**

3 **GENERAL ORDINANCE NO. G-_____**

4 **AN ORDINANCE amending the Thoroughfare**
5 **Plan of the City Comprehensive ("Master")**
6 **Plan by vacating public right-of-way.**

7 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
8 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
9 Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
13 FORT WAYNE, INDIANA:

14 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of
15 Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 Part of West Louisedale Drive in West Trixholme Addition to the City of Fort Wayne, Indiana, as
17 recorded in Plat Book 21, Page 23, in the Office of the Recorder of Allen County, Indiana, more
18 particularly described as follows:

19 Beginning at the southwest corner of Lot 4 in said West Trixholme Addition, said point being on
20 the northerly right-of-way line of the east portion of West Louisedale Drive; thence easterly along
21 the south line of Lots 4, 5 and 6 in said West Trixholme Addition, a distance of 415 feet, to the
22 southeast corner of Lot 6 in said West Trixholme Addition; thence southerly along the east
23 terminus of the right-of-way of said West Louisedale Drive, a distance of 50 feet, to the northeast
24 corner of Lot 7 in said West Trixholme Addition; thence westerly along the north line of Lots 7,
25 and 8 and 9 in said West Trixholme Addition, a distance of 415 feet, to the northwest corner of
26 Lot 9 in said West Trixholme Addition; thence northerly, a distance of 50 feet, to the Point of
27 Beginning, containing approximately 20,750 square feet, more or less.

28 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
29 and is hereby approved in all respects.

30 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: Vacation of Public Right-of-way
Case Number: VROW-2013-0027
Bill Number: Z-13-3-06
Council District: 3 – Tom Didier

Introduction Date: March 12, 2013

Public Hearing Date: March 26, 2013

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

Synopsis of Ordinance: To vacate the east 415 feet of West Louisedale Drive.

Location: In the West Trixholme Addition, adjacent to Lots 4 through 9, east of Parkside Drive.

Reason for Request: The right-of-way is unimproved and there are no homes located on the frontage. The applicant has purchased all the land adjacent to the right-of-way and wishes to develop one single-family residence with access to Parkside Drive.

Applicant: Marlin Yoder

Property Owner: Marlin Yoder

Related Petitions: none

Effect of Passage: Vacation of the unimproved West Louisedale Drive, along with vacation of the platted building lines for Lots 4 through 9, will allow the 4+ acre property to be developed by a single property owner as a single family residence.

Effect of Non-Passage: Under current circumstances, only Lot 9 can be developed, because it is the only lot with access to a built public street. The remaining lots will likely never develop unless the public street is completed.

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



Public Right of Way (street or alley)

More particularly described as follows:

Undeveloped Street Between Undeveloped Lots
45, 6, 7 & 39 of West Trixholme Addition
415' Long x 50' wide part of West Louisedale Drive
East of Parkside Drive

(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: 21 PAGE(S) NUMBER(S): 23 (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:

Vacate Undeveloped Street Right of Way to
build a single family residence for applicant
on property with a private driveway
coming off Parkside Drive

(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:

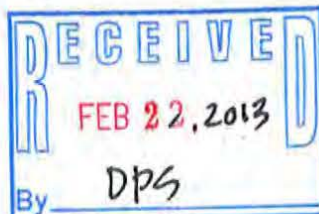
Applicant owns all adjacent property.
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s): recent land purchase 2/20/13

Name: Marlin Yoder

Street Address: 9652N 300E

City: Roanoke State: IN Zip: 46783 Phone: 437-2295



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.

Marlin E. Yoder
Signature

9652 N. 300 E

Address

Marlin Yoder
Printed Name

2/21/13
Date

Boonoke, IN 46783
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): Mona Berghoff

Street Address: 1012 Delaware Ave

City: FT Wayne State: IN Zip: 46805 Phone: 424-6129

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 #: _____



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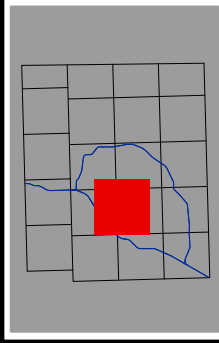
MAP NO.

NW 1/4 SEC. 27
 TOWNSHIP 31 N, RANGE 12 E
 WASHINGTON TWP, ALLEN CO.
 MAP SCALE : 1" = 200'

CITY OF FORT W.
 WATER UTILI
 CITY COUNTY BUILDING
 ONE EAST MAIN STREET
 FORT WAYNE, IN 46802



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



Printed: March 7, 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.



Vacation Petition VROW-2013-0027

