

VROW-2014-0103

BILL NO. G-14-12-02

Deed Book: 5
Page No: 68-69

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 partially vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

All that part of the former Spy Run Avenue right-of-way lying Southerly of the median water mark of the St. Mary's River and North of the North right-of-way of Superior Street (66 feet wide), as situated in the City of Fort Wayne, Allen County, Indiana, by metes and bounds described as follows, to-wit:

Commence on the North right of way of Superior Street (66 feet wide) at a point situated 282.00 feet Easterly of the Southwest corner of Lot No. 1 in the Original Plat of the City of Fort Wayne, said point being on the former West right of way of Spy Run Avenue and the Southeast corner of that property conveyed to Hall's Gas House, LLC by Instrument recorded in Document Number 204016059; thence North 79 degrees 51 minutes 59 seconds East (assumed bearing and basis of bearings used in this description) along the North right of way line of Superior Street, a distance of 51.38 feet to the Southwest corner of Lot 1 in Barvas First Addition as recorded in Deed Record 539, pages 64-65; thence North 4 degrees 42 minutes 59 seconds East along the West line of said Lot 1 and the extension Northerly, as coincident with the Easterly 40 foot Right of Way of the former Spy Run Avenue, a distance of 120.69 feet to the median water mark of the St. Mary's River; thence along said median water line, North 77 degrees 04 minutes 32 seconds West, a distance of 1.59 feet; thence continuing along said median water line, North 85 degrees 07 minutes 22 seconds West, a distance of 38.43 feet to the West right of way of the former Spy Run Avenue and the Easterly line of the Hall's Gas House property; thence South 4 degrees 42 minutes 59 seconds West along the lines aforesaid, a distance of 107.60 feet; thence South 24 degrees 41 minutes 17 seconds West and continuing along the lines aforesaid, a distance of 28.30 feet to the point of beginning, containing 5,167 square feet, or 0.1186 Acres of land, 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: Vacation of Public Right-of-way
Case Number: VROW-2014-0103
Bill Number: G-14-12-02
Council District: 5 – Geoff Paddock

Introduction Date: December 9, 2014

Public Hearing Date: January 6, 2014

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

Synopsis of Ordinance: To vacate the portion of unimproved right-of-way for Spy Run Avenue located between East Superior Street and the St. Mary's River.

Location: Adjacent to 305 East Superior, and Hall's Gas House Restaurant.

Reason for Request: The applicant wishes to expand "The Deck" outdoor dining area at Hall's Gas House. If the right-of-way is vacated, there will be more room for the planned expansion.

Applicant: Hall's Gas House, LLC

Property Owner: Hall's Gas House, LLC

Related Petitions: A Development Plan will be submitted to Plan Commission for the deck expansion.

Effect of Passage: Vacation of this portion of Spy Run Avenue, as requested, will allow the new construction to expand into the existing unimproved right-of-way.

Effect of Non-Passage: This portion of Spy Run Avenue will remain platted as public right-of-way and any new construction on the property must meet the standards of the ordinance within the existing property lines.

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 SURVEY AND LEGAL DESCRIPTION
ATTACHED

(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: 5 PAGE(S) NUMBER(S): 68-69 (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 POSTURE PROPERTY FOR TRANSFER FROM THE
CITY TO THE ADJACENT PROPERTY OWNER

(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: HALL'S GAS HOUSE, LLC

Street Address: 216 HWY. 930 W

City: NEW HAVEN State: IN Zip: 46774 Phone: 260 424-2530

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.

Scott Hall
Signature

SCOTT HALL, MEMBER
Printed Name

11/24/14
Date

810 S. CALHOUN ST., SUITE 100
Address

FORT WAYNE, IN 46802
City/State/Zip

cl shall@hallgooden.com

414-1316 cell

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): Jeff Hile

Street Address: 111 W. Berry Suite 200

City: FW State: IN Zip: 46802 Phone: 424-7200

433-9841 cell

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 #: N/A

Date Filed: 11/25/14

Map #: Wayne 02 M10

Reference #: VROW-2014-D103

FW5 Groff Paddock



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(260) 422-9922
FAX (260) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARLA A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)



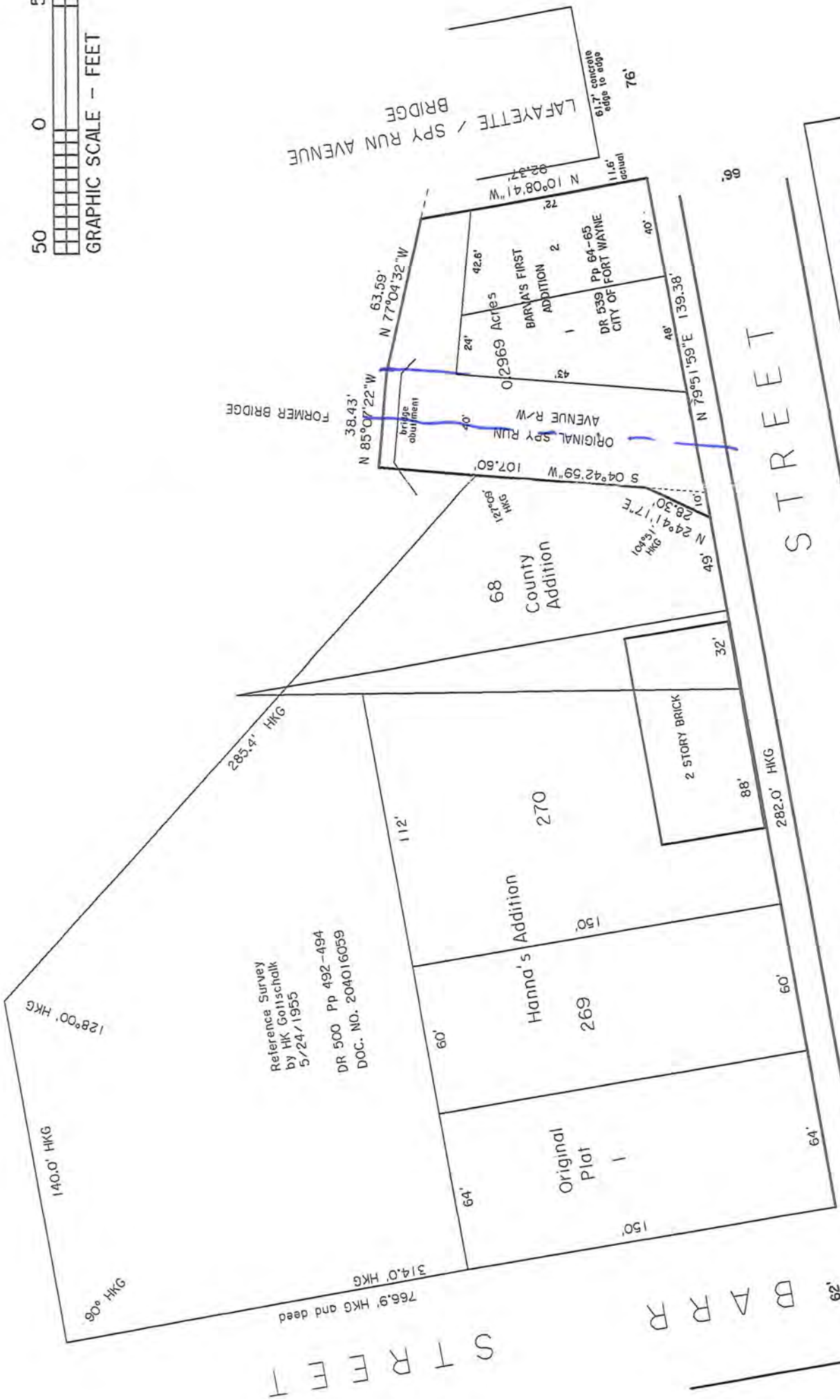
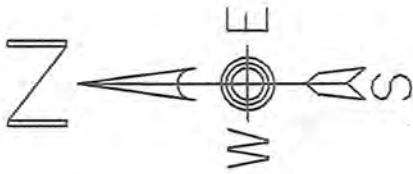
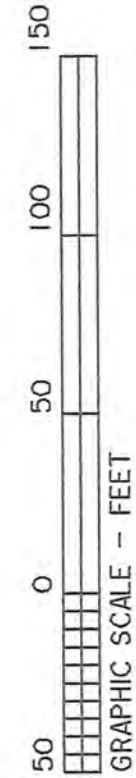
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IN WITNESS WHEREOF, I Place my hand
and seal this 29th day of July, 2014.

Michael W. Davis





BOUNDARY SURVEY
OF
LOTS 1 & 2 IN BARVAS FIRST ADDITION
AND
FORMER SPY RUN AVENUE RIGHT OF WAY



mlw
7/20/14

Reference Survey by
HK Gottschalk dated
May 24, 1955

HOFFER AND DAVIS, INC. 203 West Wayne St. Suite 316 Fort Wayne, In. 46802 (260) 422-9922	Job #	1407041	Revisions:
	Scale:	1" = 50'	
	Date:	JULY 18, 2014	



Project boundaries represented by bold colored lines are for representational purposes only.

