

1 VALY-2015-0019

2 BILL NO. G-15-04-13

3 Plat Book: 2A

Page No: 40

4 GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

17 The 14 foot wide alley lying South of Lots 1 through 6 of Block 18 of Ewing's Addition to Fort
18 Wayne, as recorded in Plat Book 2A, page 40, and North of Lots 7 through 12 in Block 18 of
19 Ewing's Addition to Fort Wayne, as recorded in Plat Book 2A, page 40, according to the plats
20 thereof in the Office of the Recorder of Allen County, Indiana.

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

23 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
24 any and all necessary approval by the Mayor.

25 _____
COUNCILMEMBER

26 APPROVED AS TO FORM AND LEGALITY:

27 _____
28 Carol T. Helton, City Attorney
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2015-0019
Bill Number: G-15-04-13
Council District: 5-Geoff Paddock

Introduction Date: April 28, 2015

Public Hearing Date: May 12, 2015

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

Synopsis of Ordinance: To vacate the east-west, 14 foot wide alley located between lots 1 through 6 and 7 through 12 of Ewing's Addition to the City of Fort Wayne.

Location: Between West Main Street and West Berry Street, extending from Fairfield Avenue to Ewing Street, on the block north of the downtown Saint Francis campus.

Reason for Request: Approval of the alley vacation will allow improvements to the existing parking lot and possible future redevelopment of the parcels acquired by St. Francis University.

Applicant: University of St. Francis

Property Owner: University of St. Francis

Related Petitions: none

Effect of Passage: Vacation of the alley will allow more flexibility of site improvements and allow for future redevelopment.

Effect of Non-Passage: The alley will remain as platted and redevelopment capabilities of the project site may be limited. The site may still be used as a parking lot.

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:

That certian alley situated south of Lots 1 through 6 and north of Lots 7 through 12 in Block 18 in Ewing's Addition
to the City of Fort Wayne, Allen County, Indiana and bounded to the east by Ewing Street and to the west by
Fairfield Avenue.

(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: B2A PAGE(S) NUMBER(S): 40 (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:

The Applicant owns all of the real estate adjacent to the alley, which is currently used as a parking lot. The Applicant is requesting
to vacate the alley in order to facilitate better access to and from and more efficient use of its parking facilities.

(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: University of Saint Francis of Fort Wayne, Indiana, Inc.

Street Address: 2701 Spring Street

City: Fort Wayne State: IN Zip: 46802 Phone: 399-7700 ext 6508

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.

Richard Bienz
Signature
2701 Spring Street
Address

Richard Bienz
Printed Name
4/10/2015
Date
Fort Wayne, Indiana 46802
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 #: Wayne 02 L-06

Reference #: G-15-04-13

Valy-2015-0019

7/3/1840
Ewing's Add
BDD p 79.



Vacation Petition VALY-2015-0019

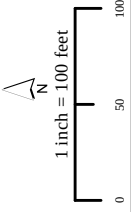


Project boundaries represented by bold colored lines are for representational purposes only.

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.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 4/23/2015



G-15-A-13

Joshua C. Neal
Direct (260) 423-8935
jcn@barrettlaw.com

April 13, 2015

Via Hand Delivery

Sandra A. Kennedy, City Clerk
City of Fort Wayne
One Main Street, Room 122
Fort Wayne, Indiana 46802

Re: Vacation Petition

Dear Ms. Kennedy:

This law firm serves as counsel to the University of Saint Francis of Fort Wayne, Indiana, Inc. ("USF"). Recently USF acquired the real estate and improvements comprising the former Scottish Rite Auditorium, including the parking lot immediately north of the Scottish Rite. As part of USF's redevelopment of the Scottish Rite, it is endeavoring to improve traffic and parking in its adjacent parking lot, which is currently dissected by an existing public alley.

The land comprising the parking lot and alley is an integral part of the redevelopment and improvement of USF's downtown campus. As such, I am enclosing herewith for filing with the City of Fort Wayne Common Council the following documents:

1. A Vacation Petition executed by USF, as property owner.
2. A check in the amount of Three Hundred and No/100 Dollars (\$300.00) made payable to the City of Fort Wayne to cover the filing fee for the requested vacation.
3. One (1) survey, drawn to scale, prepared by Apex Consulting & Surveying, Inc. ("Apex") and showing the location of the subject right of way.

In anticipation of making the enclosed filing, we have met with Jim Deathe from the City's Transportation Engineering Department to discuss the proposed right of way vacation. It is our understanding that the subject right of way is neither used nor needed by the City of Fort Wayne for roadway purposes. We have also had preliminary discussions with Craig Berndt from City Utilities and Karen Palmer from AEP concerning easements for the existing utility improvements.

As required by IND. CODE § 36-7-3-12, I would note that USF owns the lands that abut the subject right of way to the north and south. The lands to the east and west of the alley are public right of way comprising Fairfield and Ewing Streets. As such, the instant petition will not impact any other property owner. Given

Sandra A. Kennedy, City Clerk
April 13, 2015
Page 2

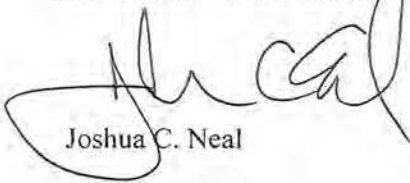
the location of the subject right of way entirely within USF's parking lot, the vacation will not hinder the growth or development of the surrounding neighborhood, nor will it hinder access to any adjacent street or neighborhood.

Ms. Kennedy, it is our client's preference to have this matter scheduled in front of the Common Council for a hearing and possible discussion at the earliest possible opportunity. In that regard, please contact me to discuss what additional matters or items of information you may require in order to proceed forward with the application. For your convenience, please note below that I have also included a copy of this letter, together with the filing materials, to Ms. Michelle Wood in the City Planning Department, whom I understand will prepare the initial ordinance for introduction to the Common Council.

Thank you in advance for your assistance in this matter.

Very truly yours,

BARRETT & McNAGNY LLP

A handwritten signature in black ink, appearing to read "J. Neal", is written over the printed name "Joshua C. Neal".

Joshua C. Neal

JCN:ahc:1369506

enclosures

cc: Mr. Rich Bienz (letter only)
Ms. Michelle Wood (with enclosures)