

VROW-2015-0024

BILL NO. G-15-05-15

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:

The fifty foot wide right-of-way of Second Street (platted as Bowser Street) between the right-of-way of Marion Street and the right-of-way of Orchard Street (platted as Cass Street), as recorded in the plat of Bowserville Addition to the City of Fort Wayne, in Deed Book W, Page 391, of the Office of the Recorder of Allen County, Indiana.

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

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### Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way  
Case Number: VROW-2015-0024  
Bill Number: G-15-05-15  
Council District: 5 – Geoff Paddock

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Introduction Date: May 26, 2015

Public Hearing Date: June 9, 2015

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

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Synopsis of Ordinance: To vacate the portion of the Second Street right-of-way from Marion Street to Orchard Street.

Location: The 500 block of Second Street, south of the Bloomingdale Elementary School.

Reason for Request: The applicant states that the vacation of Second Street will allow a safe pedestrian passage for students from the school to a new playground to be built on the south side of Second Street.

Applicant: Fort Wayne Community Schools-Darren Hess, Director of Facilities

Property Owner: Fort Wayne Community Schools

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Related Petitions: VALY-2015-0025, adjacent alley vacation

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Effect of Passage: Vacation of this portion of Second Street, as requested, will allow unimpeded pedestrian traffic from the Bloomingdale School to property to the south. There will be no direct access from the west portion of Second Street to Wells Street, and the east portion of Second Street will terminate at Marion Street.

Effect of Non-Passage: This portion of Second Street will remain platted as public right-of-way.

# 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:

Second Street (150 R.O.W) between Marion Street  
and Orchard Street. See attached plot plan

(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:** \_\_\_\_\_ **PAGE(S) NUMBER(S):** \_\_\_\_\_ (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

FWCS has acquired all but two parcels in the block south of  
Orchard and have since demolished the homes and have begun grading  
and seeding the area to create a soft play turf playground. This  
requested vacation would allow our students safe passage to the new  
playground.

(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: Fort Wayne Community Schools

Street Address: 1200 S. Clinton

City: FW State: IN Zip: 46802 Phone: 260-467-2075

\* We own both sides of Second street between Orchard  
and Marion so there are no adjacent Owners other than  
FWCS.

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.

Darren P Hess  
Signature

1200 S. Clinton St  
Address

Darren P Hess, Director of Facilities 5/5/15

Printed Name Fort Wayne Community School 5 Date

Fort Wayne IN 46802  
City/State/Zip

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

If additional space is needed for signatures please attach a separate page.

DARREN P. HESS, DIRECTOR OF FACILITIES  
Agent's Name (Print Legibly): FORT WAYNE COMMUNITY SCHOOLS

Street Address: 1200 S. Clinton St

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 467-2075

**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.

*understand  
DPH*

**For Office Use Only:**

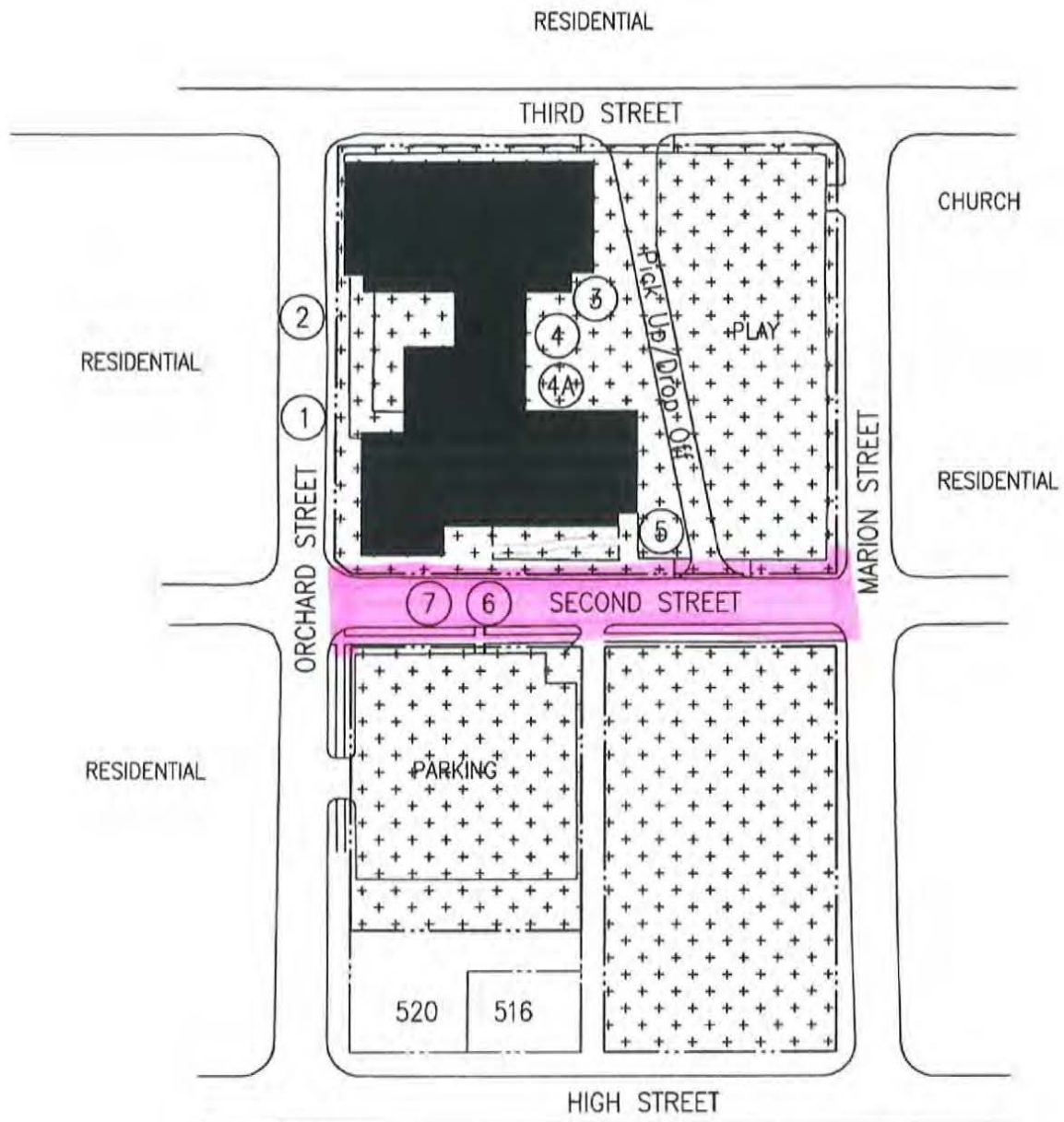
Receipt #: N/A

Date Filed: May 19, 2015 - DPS

Map #: \_\_\_\_\_

Reference #: VROW - 2015 - 0024





FORT WAYNE COMMUNITY SCHOOLS  
FORT WAYNE, INDIANA      OCTOBER 2014



BLOOMINGDALE SCHOOL  
1300 ORCHARD STREET

SITE PLAN      0   25   50   100 FT



# Vacation Petition VROW-2015-0024



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.

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North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009

Date: 5/19/2015

