

1 VROW-2015-0027

2 BILL NO. G-15-05-18

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

16 The fifty foot wide right-of-way of Busche Drive, between Lots 19 and 20 of Cambridge Oaks,
17 Section I, as recorded in Document No. 710010488 in the Office of the Recorder of Allen County,
18 Indiana.

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

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

23 _____
24 COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 _____
27 Carol T. Helton, City Attorney
28
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: VROW-2015-0027
Bill Number: G-15-05-18
Council District: 1 – Tom Smith

Introduction Date: May 26, 2015

Public Hearing Date: June 9, 2015

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

Synopsis of Ordinance: To vacate all of the right-of-way of Busche Drive between Lots 19 and 20 in Cambridge Oaks, Section I subdivision.

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

Reason for Request: Busche Drive within Cambridge Oaks, Section I ends at a developed property with multi-family housing. The western property owner wishes to have the right-of-way vacated in order to install a fence closer to the property line.

Applicant: Andrew Powell and Brittney Wilson

Property Owner: Andrew Powell and Brittney Wilson, and Sarah McAbee

Related Petitions: none

Effect of Passage: Vacation of Busche Drive, between Lots 19 and 20 in Cambridge Oaks, Section I, will allow property owners on either side of the right-of-way to extend their yards and install improvements closer to the drive.

Effect of Non-Passage: Busche Drive will remain platted as public right-of-way, and all current setback requirements will apply.

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:

Bughe 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: _____ PAGE(S) NUMBER(S): _____ (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 build a fence on our lot we have to be in 20ft
from property line because of the laws + the fact
its considered on a street. We want all our property
fenced, 20ft is a lot to leave out

(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: Andrew Powell + Brittney Wilson

Street Address: 7131 Chartercrest Drive

City: Ft. Wayne State: IN Zip: 46815 Phone: 260-246-2748

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.

Birnie
Signature

Brittney Wilson
Printed Name

4-29-15
Date

7131 Chartercrest Drive
Address

Ft Wayne IN 46815
City/State/Zip

Andrew Powell
Signature

ANDREW POWELL
Printed Name

4-29-15
Date

7131 Chartercrest Dr
Address

Ft. Wayne, IN 46815
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 #: _____

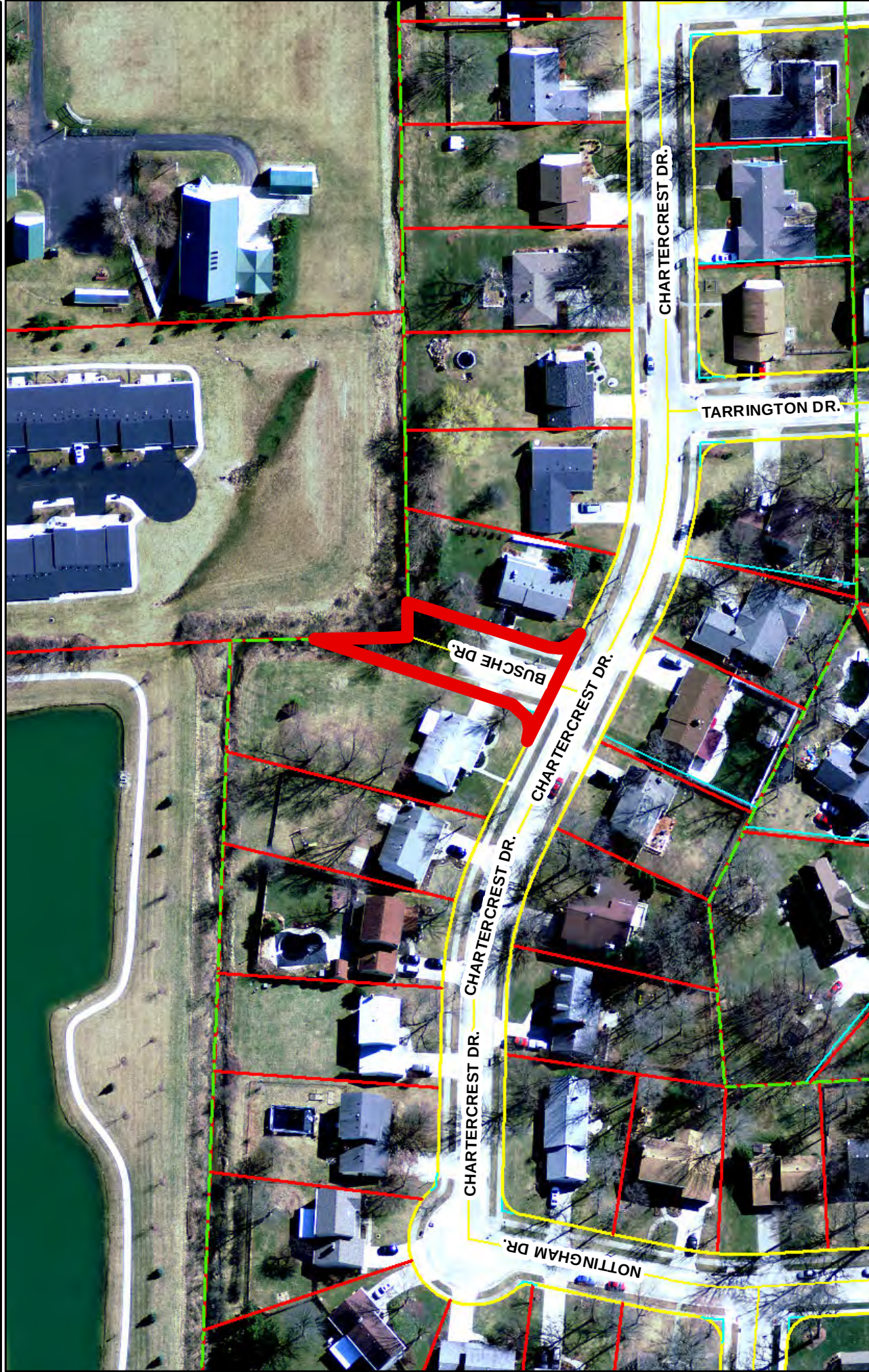
Date Filed: _____

Map #: _____

Reference #: VRow - 2015 - 0027

Sarah McAbee
7211 Chartercrest Dr.
Ft. Wayne IN 46815

Sarah McAbee 4-29-15
Sarah McAbee



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

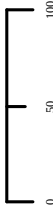
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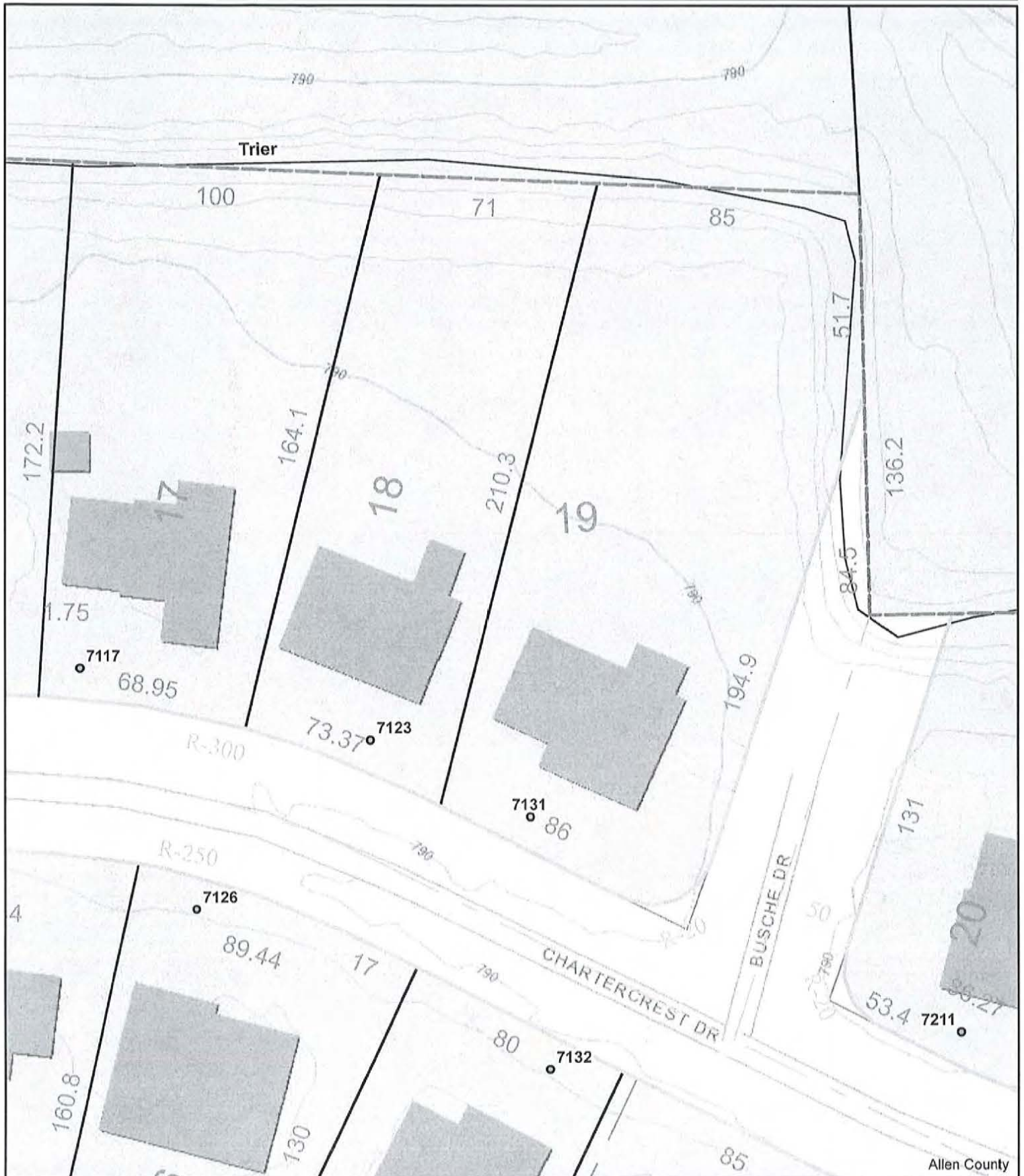
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 5/20/2015



1 inch = 100 feet





Allen County

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1" = 42'

Date: 4/28/2015