

1 VALY-2015-0057

2 BILL NO. G-15-10-20

Plat Book: 8B

Page No: 65

3
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 Part of the west 10 feet of Lot numbered Nine (9) Fred Eckart Packing Company Addition to
18 the City of Fort Wayne as recorded in Plat Book 8B Page 65; in the Office of the Recorder of
19 Allen County, Indiana, more particularly described as follows:

20 Beginning the northwest corner of Lot numbered Nine (9) Fred Eckart Packing Company
21 Addition to the City of Fort Wayne as recorded in Plat Book 8B Page 65; thence South 01
22 degrees 50 minutes 15 seconds East (recorded bearing and is the basis of bearings for this
23 description), on the West line of said Lot numbered Nine, a distance of 79.08 feet, to the
24 southwest corner of said Lot 9; thence South 43 degrees 28 minutes 59 seconds East, on the
25 south line of said Lot, a distance of 14.92 feet; thence North 01 degrees 50 minutes 15
26 seconds West a distance of 90.11 feet, to a point on the north line of said Lot; thence South
27 88 degrees 51 minutes 04 seconds West, on said north line, a distance of 9.91 feet, to the
28 point of beginning. Containing 0.019 acres more or less.

29 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
30 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: VALY-2015-0057
Bill Number: G-15-10-20
Council District: 5-Geoff Paddock

Introduction Date: October 27, 2015

Public Hearing Date: November 9, 2015

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

Synopsis of Ordinance: To vacate the north-south alley adjacent to Lot 9 in Fred Eckart Packing Company Addition.

Location: South of the 1900 block of West Main Street and just west of the structure at 1825 West Main Street.

Reason for Request: Approval of the alley vacation will allow the property owner to create outdoor dining space for a future restaurant establishment.

Applicant: Andrew Smith, Affine Holdings Corporation

Property Owner: Dan Campbell, Jack May, Andrew Smith, Affine Holdings Corporation

Related Petitions: none

Effect of Passage: The alley will be vacated and the property owner may use a portion for development.

Effect of Non-Passage: The alley will remain as platted and development setbacks will be measured from the alley.

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 Attached "Vacation Exhibit"

(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: 8B PAGE(S) NUMBER(S): 65 (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 owners of the adjacent property would utilize this property as a portion of their outdoor dining patio for their new restaurant. This alley is used for flood wall maintenance and the outdoor dining patio would not restrict this maintenance. Also, it puts additional property into the taxable base.

(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:

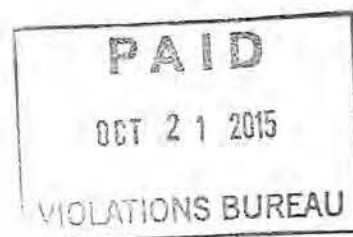
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: Dan Campbell, Jack May, Andrew Smith - Affine Holdings Corporation

Street Address: 3630 Indiana Avenue

City: Fort Wayne State: IN Zip: 46807 Phone: (574) 286-8977

VAL-205
-0057

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.


Signature

Andrew Smith
Printed Name

10/21/2015
Date

3630 Indiana Avenue
Address

Fort Wayne, IN 46807
City/State/Zip

Signature

Printed Name

10/21/2015
Date

3630 Indiana Avenue
Address

Fort Wayne, IN 46807
City/State/Zip

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

Agent's Name (Print Legibly): D. Jeff Tappy (Kelty Tappy Design, Inc.)

Street Address: 116 E. Berry Street, Suite 700

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 426-7770

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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:

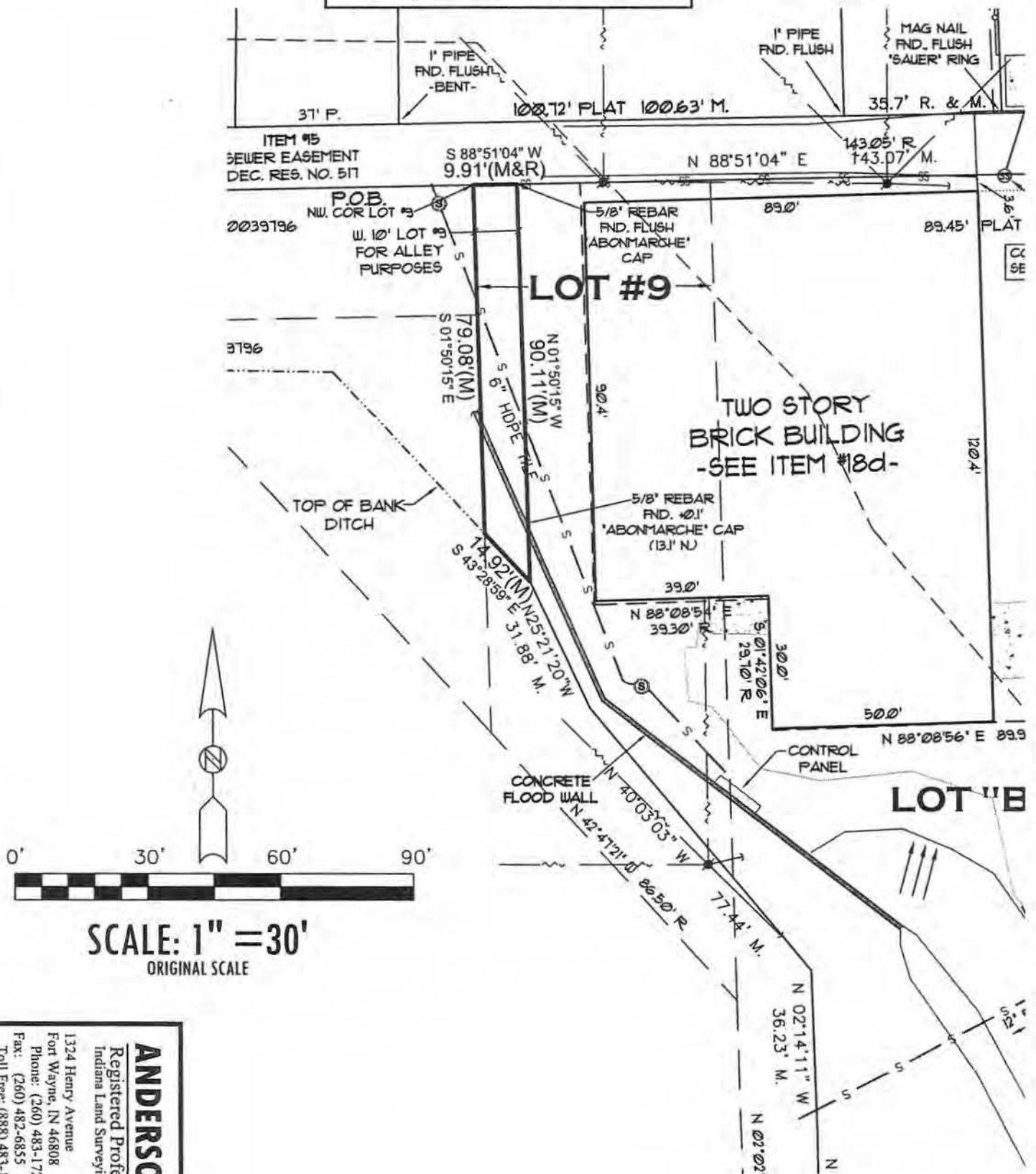
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

VACATION EXHIBIT



SCALE: 1" = 30'
ORIGINAL SCALE

ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855



WWW.ANDERSONSURVEYING.COM

PROPOSED ALLEY VACATION

Part of the west 10 feet of Lot numbered Nine (9) Fred Eckart Packing Company Addition to the City of Fort Wayne as recorded in Plat Book 8B, page 65, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

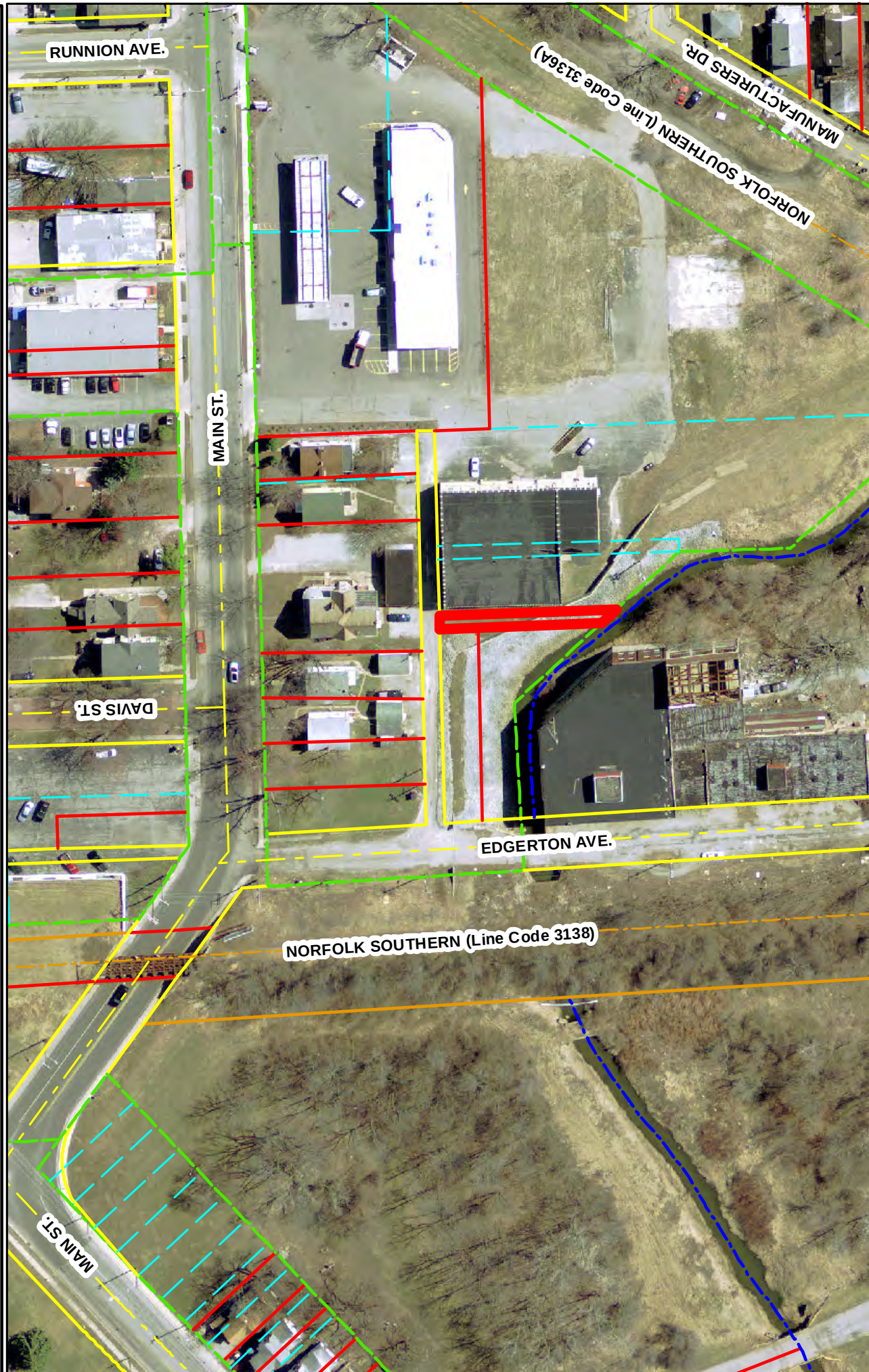
Beginning the northwest corner of Lot numbered Nine (9) Fred Eckart Packing Company Addition to the City of Fort Wayne as recorded in Plat Book 8B, page 65; thence South 01 degrees 50 minutes 15 seconds East (recorded bearing and is the basis of bearings for this description), on the West line of said Lot numbered Nine, a distance of 79.08 feet, to the southwest corner of said Lot 9; thence South 43 degrees 28 minutes 59 seconds East, on the south line of said Lot, a distance of 14.92 feet; thence North 01 degrees 50 minutes 15 seconds West a distance of 90.11 feet, to a point on the north line of said Lot; thence South 88 degrees 51 minutes 04 seconds West, on said north line, a distance of 9.91 feet, to the point of beginning. Containing 0.019 acres, more or less.



Michael C. Vodde



Vacation Petition VALY-2015-0057



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: 10/22/2015

