

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2016-0001
Bill Number: G-16-03-13
Council District: 3 – Tom Didier

Introduction Date: March 22, 2016

Public Hearing Date: April 12, 2016

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

Synopsis of Ordinance: To vacate a portion of the old Till Road right-of-way at the intersection of the relocated Till Road.

Location: Between 708 and 750 Till Road.

Reason for Request: There is planned redevelopment for the property surrounding this right-of-way.

Applicant: Tom H. Steele

Property Owner: Tom H. Steele

Related Petitions: none currently

Effect of Passage: Vacation of the old Till Road right-of-way will help facilitate the redevelopment of the acreage at the corner of Till Road and Coldwater Road.

Effect of Non-Passage: This portion of old Till Road right-of-way has been abandoned and reduces the amount of land to be redeveloped. It also affects setbacks and other standards for future development.

VROW-2016-0001

BILL NO. G-16-03-13

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

Part of the Southwest Quarter of Section 1, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northwest corner of the Southwest Quarter of said Section 1, thence North 89 degrees 42 minutes 27 seconds East (deed bearing and basis for all bearings in this description), on and along the historical centerline of East Till Road, a distance of 822.57 feet; thence North 89 degrees 40 minutes 52 seconds East, a distance of 291.98 feet to the Northwest corner of the 2.27 acre base tract of real estate described in a deed to Tom H. Steele in Document Number 204041413 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 53 minutes 11 seconds East, on and along the West line of said 2.27 acre tract, a distance of 50.12 feet to a chiseled cross at the Southwest corner of a 0.07 acre tract of real estate described in a deed to the City of Fort Wayne in Document Number 205076890 in the Office of said Recorder; thence North 89 degrees 06 minutes 49 seconds East, on and along the South line of said 0.07 acre tract, a distance of 162.64 feet to a #5 rebar at the Southeast corner thereof, this being the true point of beginning; thence North 85 degrees 13 minutes 17 seconds East, a distance of 66.85 feet to a #5 rebar at a Southwest corner of a 0.2 acre tract of real estate described in a deed to the City of Fort Wayne in Document Number 205076890 in the Office of said Recorder; thence South 09 degrees 33 minutes 21 seconds West, a distance of 71.34 feet to a #5 rebar; thence South 89 degrees 06 minutes 57 seconds West, a distance of 39.99 feet to a #5 rebar at a North corner of said 2.27 acre base tract; thence North 12 degrees 45 minutes 14 seconds West, a distance of 67.05 feet to the true point of beginning, containing 0.083 acres of land, subject to all easements of record.

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

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

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7 _____
8 COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

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12 Carol T. Taylor, City Attorney
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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:

Legal description is attached as Exhibit "A" and a survey of the property is attached as Exhibit "B"

(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)

Last deeds of record include Doc #202062495, 204041413, 205076890 and 2015006433.

The reasons for the proposed vacation are as follows:

The proposed vacation is necessary for the redevelopment of the real estate located at the southeast corner of the intersection of the southwest corner of Coldwater Road and Till Road as an office complex.

(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:
see attached Exhibit "C"

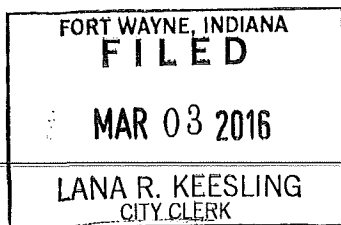
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

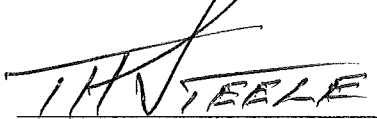
Name: Tom H. Steele

Street Address: 4926 Chaucer Road

City: Fort Wayne State: IN Zip: 46835 Phone: _____



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

4926 Chaucer Road

Address

Tom H. Steele

Printed Name

Fort Wayne, IN 46835

City/State/Zip

3/3/16

Date

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): Thomas M. Niezer / Barrett McNagny LLP

Street Address: 215 East Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260-423-9551

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:

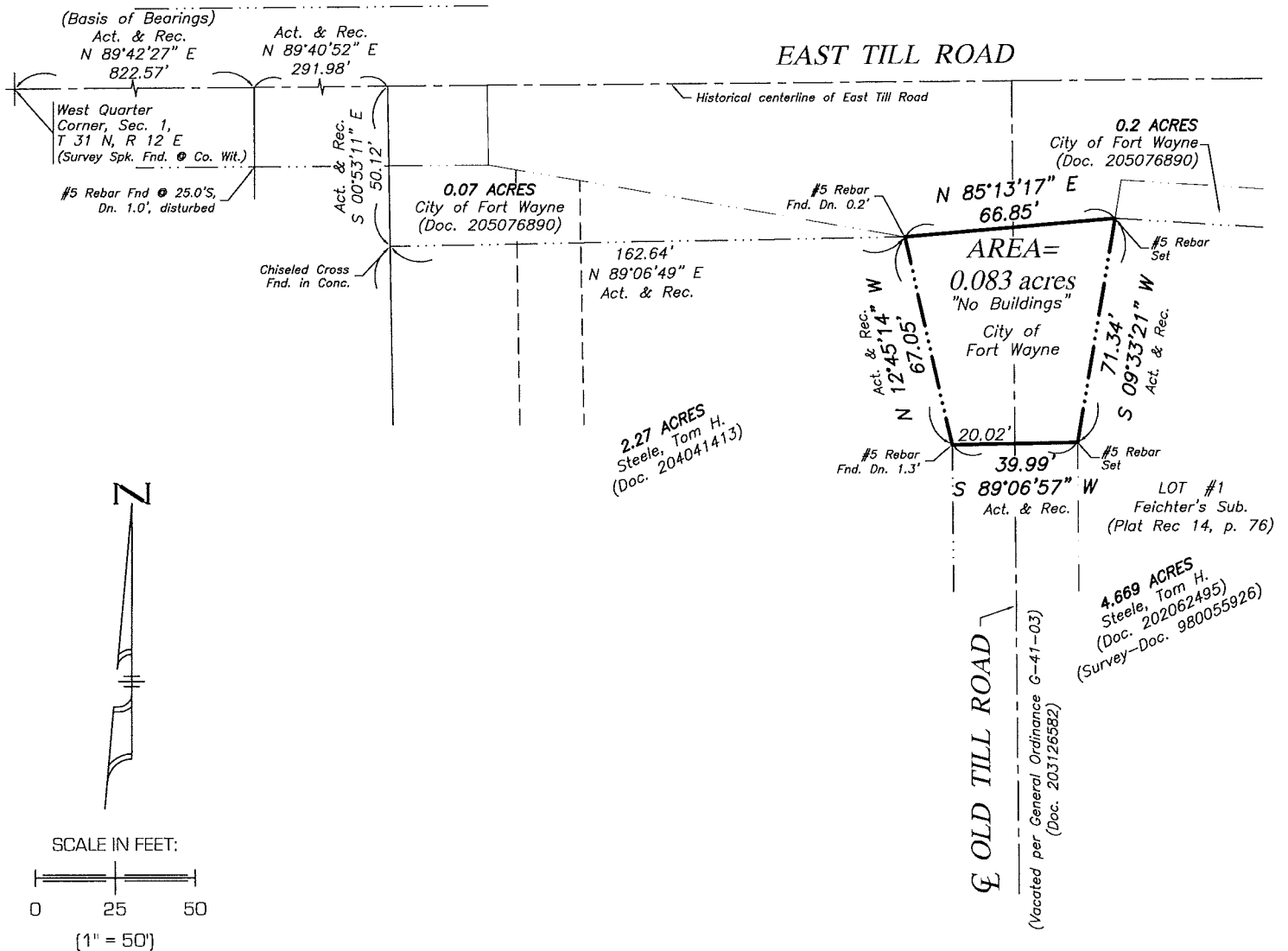
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

EXHIBIT "B"



Sauer Land Surveying, Inc.

14033 Illinois Road, Suite C Tel: 260/469-3300
Fort Wayne, IN 46814 Fax: 469-3301

Exhibit "C"
Vacation Petition

Property Owner Name	Property Address	Owner Mailing Address
Board of Commissioners	E Till Road	200 E. Berry Street, Suite 410 Fort Wayne, Indiana 46802
Fort Wayne City of Property Management	Coldwater Road	200 E. Berry Street, Suite 470 Fort Wayne, Indiana 46802
Tom H. Steele	757 E Till Road	4926 Chaucer Road Fort Wayne, Indiana 46835
Mike Thomas Associates Inc.	Coldwater Road	1020 East Dupont Road Fort Wayne, Indiana 46825

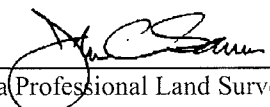
EXHIBIT "A"

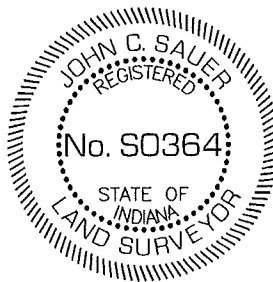
NEW ORIGINAL DESCRIPTION:

Part of the Southwest Quarter of Section 1, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northwest corner of the Southwest Quarter of said Section 1; thence North 89 degrees 42 minutes 27 seconds East (deed bearing and basis for all bearings in this description), on and along the historical centerline of East Till Road, a distance of 822.57 feet; thence North 89 degrees 40 minutes 52 seconds East, a distance of 291.98 feet to the Northwest corner of the 2.27 acre base tract of real estate described in a deed to Tom H. Steele in Document Number 204041413 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 53 minutes 11 seconds East, on and along the West line of said 2.27 acre tract, a distance of 50.12 feet to a chiseled cross at the Southwest corner of a 0.07 acre tract of real estate described in a deed to the City of Fort Wayne in Document Number 205076890 in the Office of said Recorder; thence North 89 degrees 06 minutes 49 seconds East, on and along the South line of said 0.07 acre tract, a distance of 162.64 feet to a #5 rebar at the Southeast corner thereof, this being the true point of beginning; thence North 85 degrees 13 minutes 17 seconds East, a distance of 66.85 feet to a #5 rebar at a Southwest corner of a 0.2 acre tract of real estate described in a deed to the City of Fort Wayne in Document Number 205076890 in the Office of said Recorder; thence South 09 degrees 33 minutes 21 seconds West, a distance of 71.34 to a #5 rebar; thence South 89 degrees 06 minutes 57 seconds West, a distance of 39.99 feet to a #5 rebar at a North corner of said 2.27 acre base tract; thence North 12 degrees 45 minutes 14 seconds West, a distance of 67.05 feet to the true point of beginning, containing 0.083 acres of land, subject to all easements of record.

I, John C. Sauer, certify the above statements to be correct to the best of my information, knowledge, and belief.

 Date: 02/22/2016
Indiana Professional Land Surveyor

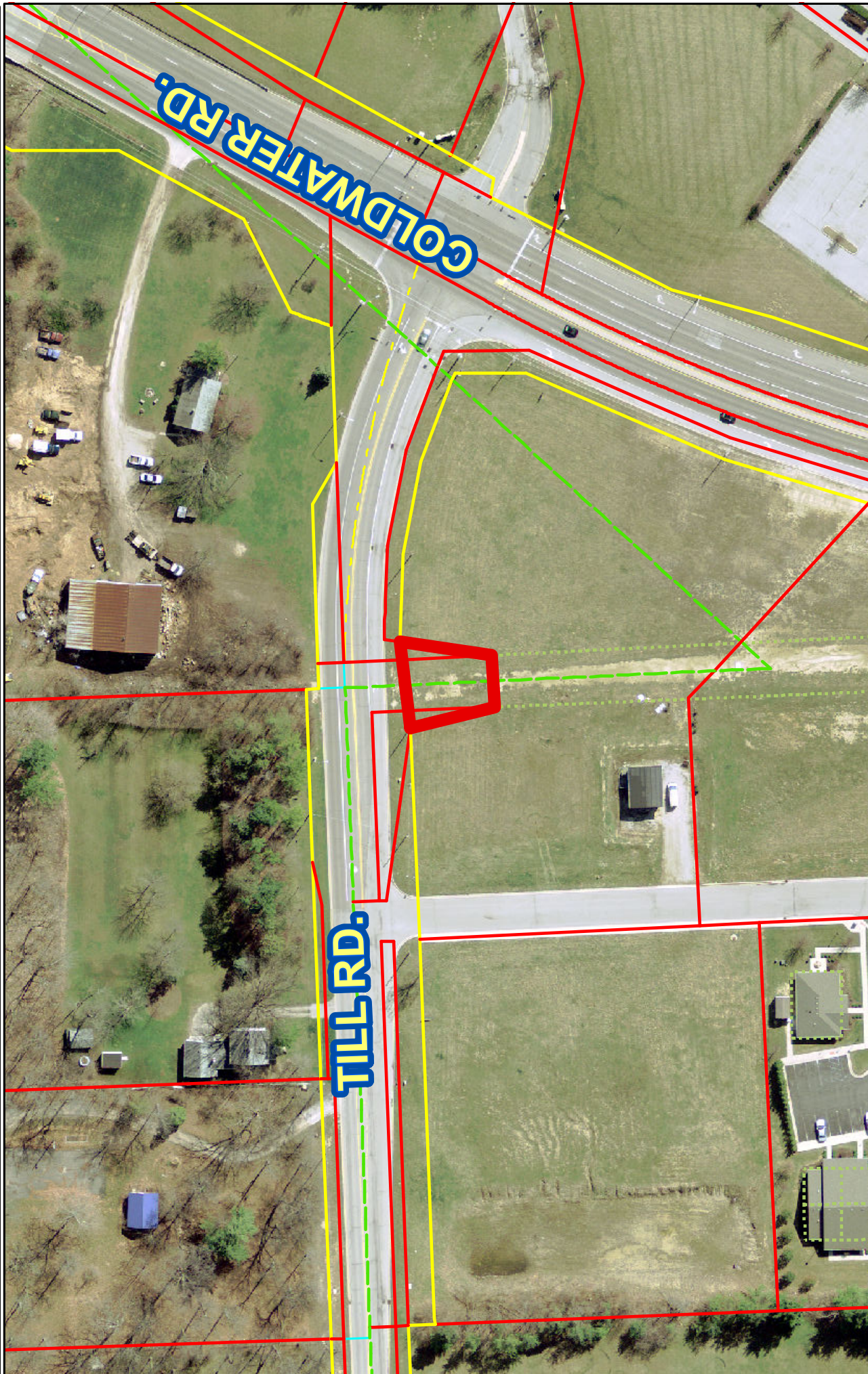


Sauer Land Surveying, Inc.

14033 Illinois Road, Suite C Tel: 260/469-3300
Fort Wayne, IN 46814 Fax: 469-3301



Vacation Petition VROW-2016-0001



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: 3/15/2016

