

VROW-2015-0047

BILL NO. G-15-09-16

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:

Part of Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorders Office of Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 13 in Figel's Addition as recorded in Plat Record 10, page 13 in the Recorder Office of Allen County, Indiana; thence Northeasterly along the Northwesterly line of Lot 13 and 14 and the Southeasterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to the Northeast corner of Lot 14; thence Northwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Southwesterly right of way line of Figel Avenue a distance of 50.0 feet to the intersection of the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) and the Southwesterly right of way line of Figel Avenue; thence Southwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to a point on the original Northeasterly right of way line of Northrop Avenue (North Clinton Street, recorded) said point being 25.0 feet Northeast of the centerline of said Northrop Avenue; thence Southeasterly with a deflection angle to the left of 90 degrees 00 minutes along the said right of way line a distance of 50.0 feet to the point of beginning, containing 0.294 acres.

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

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2015-0047
Bill Number: G-15-09-16
Council District: 3 – Tom Didier

Introduction Date: September 22, 2015

Public Hearing Date: October 13, 2015

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

Synopsis of Ordinance: To vacate a portion of the right-of-way of Norfolk Avenue.

Location: Along the north side of Lots 13 and 14 in Figels Addition, between Lima Road and Figel Avenue.

Reason for Request: Prairie Farms Dairy, 3400 Lima Road, owns property on both sides of Norfolk Drive near Lima Road. An expansion is planned and vacation of this right-of-way will help facilitate those plans.

Applicant: Prairie Farms

Property Owner: Prairie Farms c/o Chuck McQuaig

Related Petitions: future expansion

Effect of Passage: Vacation of Norfolk Avenue will aid in expansion possibilities for Prairie Farms Dairy. The eastern portion will remain and continue to serve adjacent properties.

Effect of Non-Passage: Norfolk Avenue right-of-way will remain and any expansion efforts by Prairie Farms will need to meet all ordinance requirements regarding setbacks from 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:

Vacation of Norfolk Ave. between S.R. 3 and Figel Ave.

(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:

Expansion of Existing Praire Farms Dairy Facilities located at 3400 Lima road.

(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:

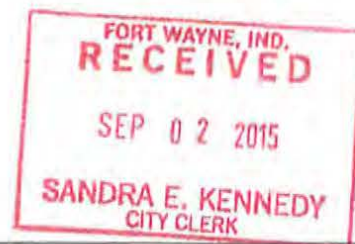
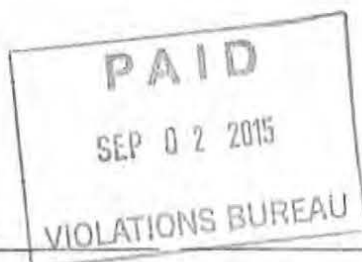
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Praire Farms

Street Address: 3400 Lima Road, P.O. Box 10419

City: Fort Wayne State: IN Zip: 46805 Phone: 260-483-6436



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.

Chuck McQuaig
Signature

Chuck McQuaig
Printed Name

Date

3400 Lima Road, P.O. Box 10419
Address

Fort Wayne / IN / 46805
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): Chuck McQuaig

Street Address: 3400 Lima Road, P.O. Box 10419

City: Fort Wayne State: IN Zip: 46805 Phone: 260-483-6436

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 #: _____

STREET VACATION

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Records Office of Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 13 in Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorder Office of Allen County, Indiana; thence Northeasterly along the Northwestern line of Lot 13 and 14 and the Southeasterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to the Northeast corner of Lot 14; thence Northwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Southwesterly right of way line of Figel Avenue a distance of 50.0 feet to the intersection of the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) and the Southwesterly right of way line of Figel Avenue; thence Southwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to a point on the original Northeasterly right of way line of Northrop Avenue (North Clinton Street, recorded) said point being 25.0 feet Northeast of the centerline of said Northrop Avenue; thence Southeasterly with a deflection angle to the left of 90 degrees 00 minutes along the said right of way line a distance of 50.0 feet to the point of beginning, containing 0.294 acres.



The map is a detailed plat map of a section of the City of St. Louis, Missouri. It shows a grid of streets and lots. The streets shown include Chambeau Place, Chambeau Road, Norfolk Avenue, Figel Avenue, Edgewood Avenue, Irvington Avenue, Eastbrook Avenue, Hanna Avenue, and N. Clinton Avenue. The map also shows several blocks, including Block A, Block 1, Block 3, and Block 13. The map is marked with numerous lot numbers and street names, and includes a 'Vacated Road' label. The map is oriented with North at the top.



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

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

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.

Date: 9/4/2015



1 inch = 200 feet

0 100 200 Feet