

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Alley
Case Number: VALY-2016-0002
Bill Number: G-16-09-02
Council District: 6-Glynn Hines

Introduction Date: September 13, 2016
Public Hearing Date: September 27, 2016 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the east end of the 12 foot wide east-west platted alley in Rau's Subdivision of Lillie's Out Lots.

Location: On the south side of Lot 38 of Rau's Subdivision of Lillie's Out Lots, and on the north side of the Coca-Cola Bottling Plant at 1631 East Pontiac Street.

Reason for Request: To allow the property to redevelop with single and multiple family residential structures.

Applicant: BW at Renaissance Pointe, LLC

Property Owner: City of Fort Wayne

Related Petitions: Bottle Works Lofts apartments

Effect of Passage: Vacation of the alley will allow the area to become a pedestrian connection to Lillie Street and will allow apartment entrances to the alley.

Effect of Non-Passage: Leaving the alley will affect the layout of the new apartments and will continue to allow vehicular traffic, which is undesirable for the housing development layout.

1 VALY-2016-0002

2 BILL NO. G-16-09-02

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

17 The East portion of the 12 feet wide East-West alley South of and adjacent to Lot 38 of Rau's
18 Subdivision of Lillie's Out Lots No. 38 and 40, recorded in Deed Book 68, page 466 within the
19 Office of the Recorder of Allen County, Indiana, as shown on the attached Exhibit B, more
20 particularly described as follows:

21 BEGINNING at the Southeast corner of Lot 38 of said Rau's Subdivision; thence 1 degree 56
22 minutes 21 seconds East (bearing based on the Global Navigation Satellite System via the
23 Indiana Department of Transportation's Continuous Operating Reference Stations network
24 and basis of bearings to follow), 12.00 feet to the South line of said alley and the Northeast
25 corner of Lot 42 in Lillie's Out Lots as recorded in Deed Book 52, page 368 within said
26 Recorder's Office; thence South 88 degrees 23 minutes 36 seconds West, 150.01 feet along
27 the South line of said alley and North line of said Lot 42; thence North 43 degrees 13 minutes
28 23 seconds East, 16.92 feet to the Southwest corner of Lot 38 of said Rau's Subdivision;
29 thence North 1 degree 56 minutes 50 Seconds West, 8.00 feet along the West line of Lot 38
30 of said Rau's Subdivision; thence South 46 degrees 46 minutes 37 seconds East, 11.35 feet to
the South line of Lot 38 of said Rau's Subdivision and North line of said alley; thence North 88
degrees 23 minutes 36 seconds East, 130.01 feet along said alley line and lot line to the
POINT of BEGINNING, containing 1,760.14 square feet, more or less.

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

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

3 _____
4 COUNCILMEMBER

5 APPROVED AS TO FORM AND LEGALITY:

6 _____
7 Carol T. Helton, 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:

The alley located to the north side of the former Coca Cola bottle factory, located on Lillie Street and the single family lot on the south side with the address of 2520 Lillie Street. Please see the attached legal description and deeds for these adjacent properties. Please also see the attached ALTA surveys that illustrate the alley in relationship to these parcels.

The former Coca Cola bottle factory and the single family lot are both owned by the City of Fort Wayne, IN

(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: 68 PAGE(S) NUMBER(S): 466 (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:

With the renovation of the adjacent former Coca Cola bottle factory, which will be converted into individual apartments, this portion of the alley will no longer serve vehicular traffic. The area will instead serve as a pedestrian link connecting the east side of the building at Lillie Street to the parking lot on the west side of the building.

A sidewalk will be constructed in the area and it will serve the individual apartment entrances on this side of the building.

The existing public sanitary sewer, and any other existing public utilities if any, are proposed to be put into an easement.

(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:

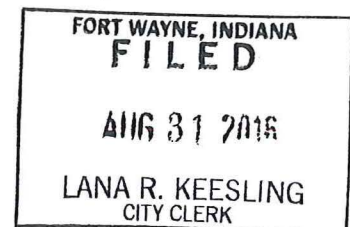
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.
City of Fort Wayne, 200 East Berry Street, Suite 320, Fort Wayne, IN 45248 - c/o Dan Brenner, 260-427-8311

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

Name: BW AT RENAISSANCE POINTE, LLC c/o Steven VandenBossch

Street Address: 9349 WaterStone Boulevard

City: Cincinnati State: OH Zip: 45249 Phone: 1-513-588-1625; Cell 513-464-2364



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.

Daniel Brenner
Signature

Dan Brenner
Printed Name

8/31/16
Date

200 E. Berry
Address

City of Fort Wayne
City/State/Zip

Fort Wayne, IN 46802

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): Steven VandenBossche

Street Address: 9349 WaterStone Boulevard

City: Cincinnati State: OH Zip: 45249 Phone: 513-464-2364; 513-588-1625

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:

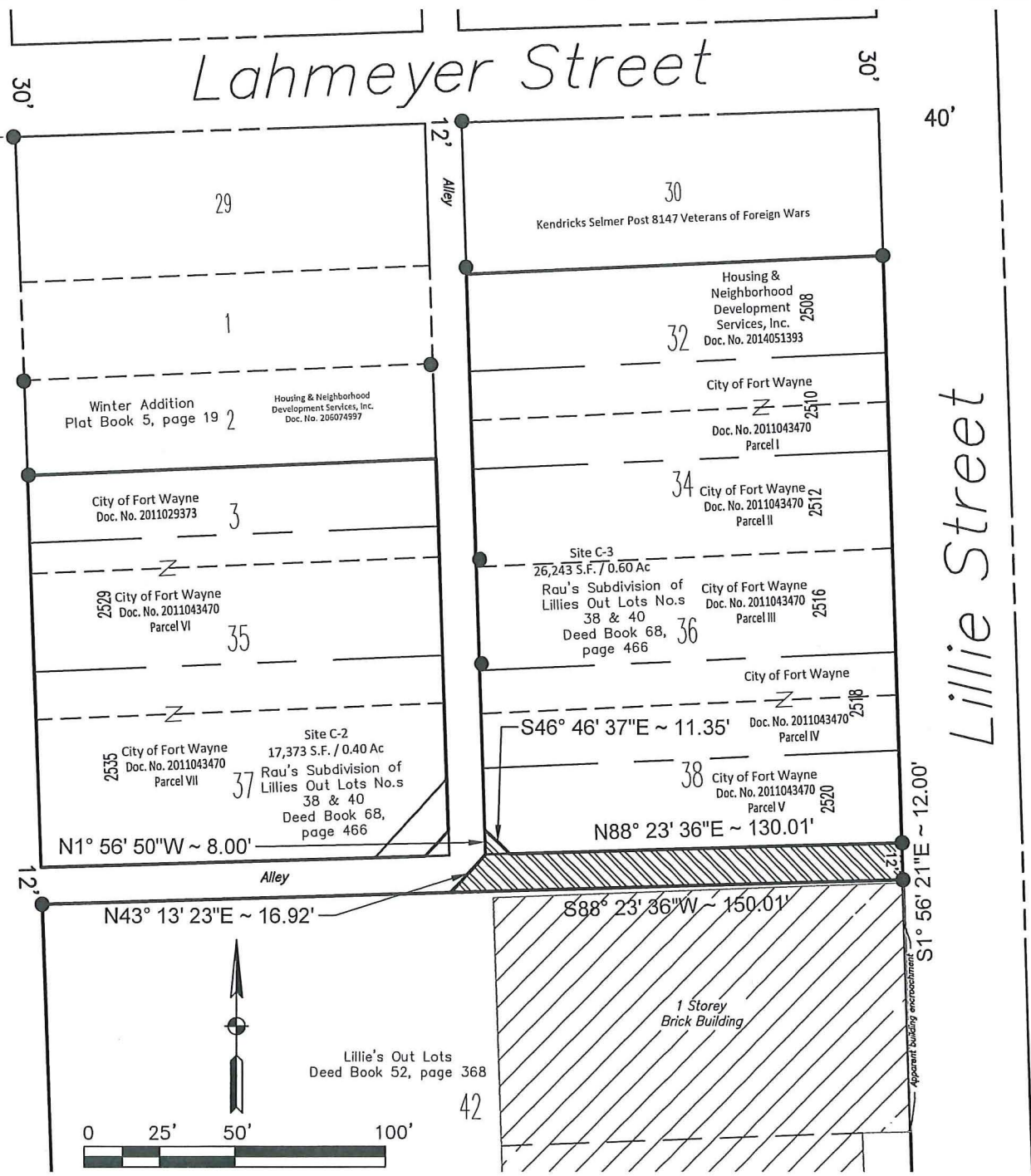
Receipt #: _____

Date Filed: 8/31/16

Map #: _____

Reference #: VALY - 2016 - 0002
G-16-09-C

GAI CAD FILE PATH: Z:\ComDev\2016\160383\00 - MV - Renaissance Point QAP\CAD\Survey\DWG\160383 BW alley vacate.dwg



DRAWING TITLE		GAI DRAWING NUMBER:		
EXHIBIT "B"		BW Alley Vacation		
PROJECT	 gai consultants	GAI FILE NUMBER:		
Bottle Works Lofts		D160383 BW alley vacate		
CLIENT		DRAWN BY:	CHECKED BY:	APPROVED BY:
		SHEET NO.:	SCALE:	ISSUE DATE:
		1 OF 1	AS SHOWN	MO/DY/201_
		© 2016 GAI Consultants		
This drawing was produced with computer aided drafting technology and is supported by electronic drawing files. Do not revise this drawing via manual drafting methods.				
ISSUING OFFICE: Fort Wayne 1502 Magnavox Way, Fort Wayne, IN 46804				
PLOTTED ON: 8/30/2016 10:21:41 AM PLOTTED BY: Randy Smith PLOT FILE: GAI.stb				

EXHIBIT "A"

BOUNDARY DESCRIPTION

12' Alley Vacation

The East portion of the 12 feet wide East – West alley South of and adjacent to Lot 38 of Rau's Subdivision of Lillie's Out Lots No. 38 & 40, recorded in Deed Book 68, page 466 within the Office of the Recorder of Allen county, Indiana, as shown on the attached Exhibit B, more particularly described as follows:

BEGINNING at the Southeast corner of Lot 38 of said Rau's Subdivision; thence 1 degree 56 minutes 21 seconds East (bearing based on the Global Navigation Satellite System via the Indiana Department of Transportation's Continuous Operating Reference Stations network and basis of bearings to follow), 12.00 feet to the South line of said alley and the Northeast corner of Lot 42 in Lillie's Out Lots as recorded in Deed Book 52, page 368 within said Recorder's Office; thence South 88 degrees 23 minutes 36 seconds West, 150.01 feet along the South line of said alley and North line of said Lot 42; thence north 43 degrees 13 minutes 23 seconds East, 16.92 feet to the Southwest corner of Lot 38 of said Rau's Subdivision; thence North 1 degrees 56 minutes 50 seconds West, 8.00 feet along the West line of Lot 38 of said Rau's Subdivision; thence South 46 degrees 46 minutes 37 seconds East, 11.35 feet to the South line of Lot 38 of said Rau's Subdivision and North line of said alley; thence North 88 degrees 23 minutes 36 seconds East, 130.01 feet along said alley line and lot line to the POINT OF BEGINNING, containing 1,760.14 square feet, more or less.

This description was prepared for the City of Fort Wayne by David L. Mendenhall, Indiana Registered Land Surveyor #29900019, on the 26th day of August, 2016.

David L. Mendenhall



Vacation Petition VALY-2016-0002



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: 9/1/2016

