

RIGHT OF WAY VACATION – DISCUSSION FOR PASSAGE

Department of Planning Services

VALY 2016 0001	Bill #G-16-09-01	Project Start: 13 September 2016
APPLICANT:	Indiana Michigan Power	
REQUEST:	To vacate a 14-foot wide alley.	
LOCATION:	Between Lots 47-51 and Lots 52-57 of Hiron's Addition, south of East Fairfax and east of Decatur Road.	
COUNCIL DISTRICT:	District 6– Glynn Hines	
LAND AREA:	Approximately 3,260 square feet proposed to be vacated.	
PUBLIC HEARING DATE:	September 27, 2016 (to be held by City Council)	
NEXT COUNCIL ACTION:	Staff will schedule discussion when all comments are received.	

PROJECT SUMMARY

The petitioner is Indiana Michigan Power (AEP). The utility is attempting to purchase easement rights for existing transmission lines across the alley and needs clear title to accomplish this. There are three property owners adjacent to the unimproved alley and all have been notified by certified mail. City and County GIS maps show that this alley has been previously vacated, but extensive research by the applicant has turned up no evidence of an approved vacation. Staff also could not find any paperwork to confirm the vacation. The request has been sent to all utility agencies with possible interest in this petition for their responses. The necessary easements have been granted.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic Engineering:	Approved
Stormwater Engineering:	Easement needed
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Easement needed
NIPSCO:	Approved

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VALY-2016-0001

Bill No. G-16-09-01

Right-of-Way Vacation – Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

Property Owner of Record:

021224306001000074
5211 Decatur Road

Tanas B. Donev
5401 Bluffton Road
Fort Wayne, IN 46809

020725152003000074
626 East Fairfax

SSS Estate, LLC
5300 Hanna Street
Fort Wayne, IN 46806

021224306002000074
5223 Decatur Road

Summit Bank Trustee-Trust Department
1 Summit Square
Fort Wayne, IN 46802

Applicant:

AEP c/o Jessica Chrisman
110 East Wayne Street
Fort Wayne, IN 46802

Representative:

Lisa M. Biggins
110 East Wayne, 1MPC 16
Fort Wayne, IN 46802

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership
No active associations

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 Exhibit A.

(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:

Utility transmission line crosses property

(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: AEP Indiana Michigan Transmission Company, Inc

Street Address: 110 East Wayne Street

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 408-3588

FORT WAYNE, INDIANA
FILED

AUG 22 2016

LANA R. KEESLING
CITY CLERK

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.


Signature

JESSICA CHRISMAN
Printed Name

8/10/16
Date

110 E. WAYNE STREET
Address

FORT WAYNE, IN 46802
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): Lisa M. Biggins

Street Address: 110 East Wayne Street, 1m PC 16

City: Ft. Wayne State: IN Zip: 46802 Phone: 260-450-3612

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 #: N19

Reference #: VAL-2016-001

Wayne 24
6-Glynn Hines

6-16-09

STATE OF INDIANA
ALLEN COUNTY
CITY OF FORT WAYNE
SEC. 24, T30N, R12E

EXHIBIT "A"

THIS IS NOT A
BOUNDARY SURVEY.

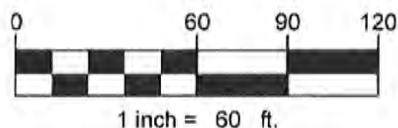
EAST FAIRFAX (50' R/W) STREET

BEGINNING AT THE NORTHEAST CORNER OF LOT 57, "HIRON'S ADDITION", BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 30 NORTH, RANGE 12 EAST, CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 69, ALLEN COUNTY RECORDS; THENCE NORTH $88^{\circ} 10' 15''$ EAST ON THE SOUTH RIGHT OF WAY LINE OF EAST FAIRFAX STREET 14.00 FEET TO THE NORTHWEST CORNER OF LOT 47 OF SAID HIRON'S ADDITION; THENCE SOUTH $33^{\circ} 46' 35''$ EAST ON THE WEST LINE OF LOTS 47 THROUGH 51 OF SAID HIRON'S ADDITION 244.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51; THENCE SOUTH $74^{\circ} 31' 37''$ WEST ON THE SOUTH LINE OF SAID HIRON'S ADDITION 12.51 FEET TO THE SOUTHEAST CORNER OF LOT 52 OF SAID HIRON'S ADDITION; THENCE NORTH $33^{\circ} 46' 35''$ WEST ON THE EAST LINE OF LOTS 52 THROUGH 57 OF SAID HIRON'S ADDITION 248.12 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM (EAST ZONE), U.S. SURVEY FEET.



VICINITY MAP
NOT TO SCALE



[Signature]
BRIAN P. LIEBERG
LS - 20800148

8/2/16
DATE

HILLCREST - PETTIT AVENUE
AEP INDIANA MICHIGAN TRANSMISSION COMPANY, INC.

INDIANA STATE PLANE COORDINATE SYSTEM
(EAST ZONE) U.S. SURVEY FEET.

LINE: TLN385:94-147

WO:

DRAWN BY: BKG

CHECKED BY:

EASEMENT: 015

MAP NO: 2006

SCALE: 1" = 60'

W&A JOB#: 150212

DATE CREATED: 05/09/2016

REVISIONS: 07/22/2016

EXHIBIT "A" PREPARED BY:
WIGHTMAN & ASSOCIATES, INC
2303 PIPESTONE ROAD
BENTON HARBOR, MI 49022
269-927-0100

STATE OF INDIANA
ALLEN COUNTY
CITY OF FORT WAYNE
SEC. 24, T30N, R12E

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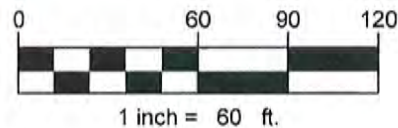
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269-927-0100



Vacation Petition VALY-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: 7/2/2016

