

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2016-0010
Bill Number: G-17-01-02
Council District: 1 – Paul Ensley

Introduction Date: January 10, 2017

Public Hearing Date: January 24, 2017 (to be held by Council)

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

Synopsis of Ordinance: To vacate the public right-of-way for Tilden Avenue, a portion of Columbia Avenue, Eckley Avenue, and Creston Avenue within White Oak Park Addition.

Location: Between 3124 and 3500 Lake Avenue. All rights-of way to be vacated are located south of Lake Avenue and east of White Oak Drive.

Reason for Request: To expand the Catholic Cemetery.

Applicant: Diocese of Fort Wayne-South Bend, Inc.

Property Owner: Diocese of Fort Wayne-South Bend, Inc.

Related Petitions: none

Effect of Passage: Vacation of the unimproved roadways will allow the Cemetery to expand to the west.

Effect of Non-Passage: The existence of the unimproved right-of-way will inhibit the expansion of burial plots.

VROW-2016-0009

BILL NO. G-17-01-01

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:

All of the platted alley located south of Lots 1 through 8 and north of Lots 9 through 16 in White Oak Park Addition to the City of Fort Wayne, as recorded in Plat Book 7B, page 52 in the Office of the Recorder of Allen County Indiana; more particularly described as follows:

Beginning at the Southeast corner of Lot 1 in said White Oak Park Addition, thence westerly, along the South line of Lots 1 through 8 in said White Oak Park Addition a distance of 400 feet to the Southwest corner of Lot 8 in said White Oak Park Addition; thence southerly, a distance of 12 feet, to the Northwest corner of Lot 9 in said White Oak Park Addition; thence easterly along the North line of Lots 9 through 16 to the Northeast corner of Lot 16, a distance of 400 feet; thence northerly to the Southeast corner of Lot 1 of said White Oak Park Addition, a distance of 12 feet, to the point of beginning.

Along with:

All of the platted alley located south of Lots 17 through 24 and north of Lots 25 through 32 in White Oak Park Addition to the City of Fort Wayne, as recorded in Plat Book 7B, page 52 in the Office of the Recorder of Allen County Indiana; more particularly described as follows:

Beginning at the Southeast corner of Lot 17 in said White Oak Park Addition, thence westerly, along the South line of Lots 17 through 24 in said White Oak Park Addition, a distance of 400 feet to the Southwest corner of Lot 24 in said White Oak Park Addition; thence southerly, a distance of 12 feet, to the Northwest corner of Lot 25 in said White Oak Park Addition; thence easterly along the North line of Lots 25 through 32 to the Northeast corner of Lot 32, a distance of 400 feet; thence northerly to the Southeast corner of Lot 17 of said White Oak

1 Park Addition, a distance of 12 feet, to the point of beginning.

2 Along with:

3 All of the platted alley located south of Lots 33 through 41 and north of Lots 42 through 50 in
4 White Oak Park Addition to the City of Fort Wayne, as recorded in Plat Book 7B, page 52 in
the Office of the Recorder of Allen County Indiana; more particularly described as follows:

5 Beginning at the Southeast corner of Lot 33 in said White Oak Park Addition, thence westerly,
6 along the South line of Lots 33 through 41 in said White Oak Park Addition, a distance of 475
7 feet to the Southwest corner of Lot 41 in said White Oak Park Addition; thence southerly, a
8 distance of 12 feet, to the Northwest corner of Lot 42 in said White Oak Park Addition; thence
easterly along the North line of Lots 41 through 50 to the Northeast corner of Lot 50, a
distance of 475 feet; thence northerly to the Southeast corner of Lot 33 of said White Oak
Park Addition, a distance of 12 feet, to the point of beginning.

9
10 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
11 and is hereby approved in all respects.

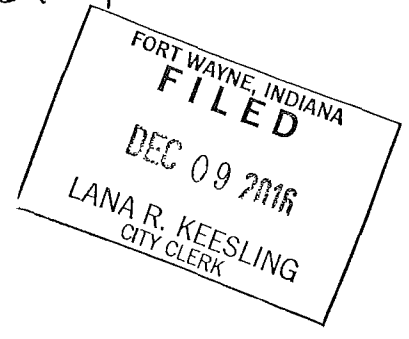
12 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
13 any and all necessary approval by the Mayor.

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15
16 _____
COUNCILMEMBER

17
18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Carol T. Helton, City Attorney
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1-10-17
-24-17



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:

1. Alley South of Lots 1-8, White Oak Park Addn
2. Alley South of Lots 17-24, White Oak Park Addn
3. Alley South of Lots 35-41, White Oak Park Addn

(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:

Surial spaces for Catholic Cemetery

(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: Diocese of Fort Wayne-South Bend, Inc.

Street Address: 915 S. Clinton St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260/426-2044

✓RAW-2016-0009

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.

Diocese of Fort Wayne-South Bend, Inc.
Catholic Cemetery

By: Charles Miller Charles Miller _____
Signature Superintendent Printed Name Date

3500 Lake Ave. Fort Wayne, IN 46805
Address 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): Norbert J. Schenkel, Jr., Esq., Schenkel Tirpak & Kowalczyk

Street Address: 520 S. Calhoun Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260/424-1333

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.

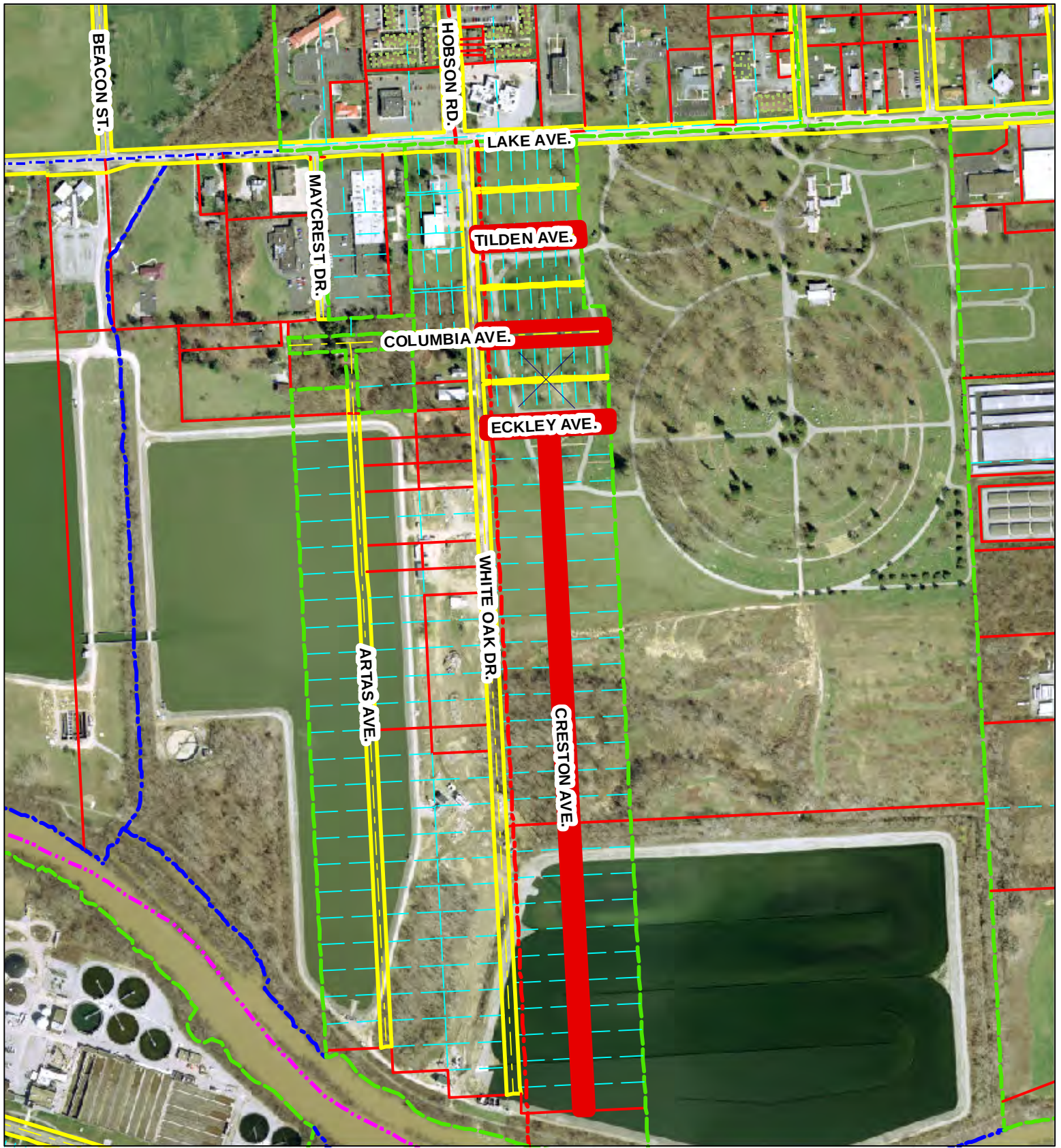
For Office Use Only:

Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: VRAW-2016-0009



Vacation Petition VROW-2016-0010



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: 1/4/2017



1 inch = 500 feet