

RIGHT OF WAY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2017 0001		Bill #G-17-01-26	Project Start: 24 Jan 2017
APPLICANT:	Prairie Farms Dairy, Inc.		
REQUEST:	To vacate a portion of the right-of way for Figel Avenue and Norfolk Avenue within Figel's Addition.		
LOCATION:	North of 3332 Norfolk Avenue and East of 3328 Figel Avenue, all south of Prairie Farms Dairy at 3400 Lima Road. (Section 26 of Washington Township)		
COUNCIL DISTRICT:	District 3 – Tom Didier		
LAND AREA:	Approximately 0.29 acres proposed to be vacated.		
PUBLIC HEARING DATE:	February 14, 2017 (to be held by City Council)		
NEXT COUNCIL ACTION:	Staff will schedule discussion when all comments are received.		

PROJECT SUMMARY

The petitioner is Prairie Farms, located at 3400 Lima Road. The dairy processing plant has purchased additional ground on the south side of Norfolk Avenue for a building expansion. The plans include an encroachment into the right-of-way of Figel Avenue. Last year Prairie Farms vacated the western portion of Norfolk Avenue to allow the building to be built over that area of right-of-way. This petition requests to vacate the remaining eastern portion of Norfolk Avenue (approximately 230 feet), and Figel Avenue from Norfolk to the southern edge of Lot 15 in Figels's Addition (approximately 90 feet). Approval of this request will eliminate public access from four adjacent parcels. When the property is deeded back to the adjacent property owners, two of the parcels (Palermo and Shull) will gain 25 feet of the vacated right-of-way, the other two (Myers Properties and Feichter) will be adjacent to private land owned by others. Feichter owns the mobile home park (Sunshine Communities) and does not currently use Norfolk Avenue as an access point, but they state they would still like to see emergency access to Norfolk and Figel. Myers Properties appears to use this access regularly. However, the building plans show a proposed ingress/egress easement from the eastern end of Norfolk, to Figel Avenue, to Lima Road that could provide legal access to all four adjacent properties. The two properties owners adjacent to the proposed easement (Palermo and Shull), will need to sign any access documents to achieve the easement as proposed. The applicant should confirm what steps have been taken to further this proposal, and documents should be in place before approval of the vacation. Staff has spoken to Shull, Bowser, and the representative for Myers, and has made email contact with Palermo. All property owners along Norfolk and Figel have been contacted through certified mail.

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 with easement to provide access for adjacent property owners.
Stormwater Engineering:	Approved

Water Engineering:	Need easement and/or relocation and new easement.
WPC Engineering – Sanitary:	Need easement and/or relocation and new easement.
City Parks Department:	Approved
Fire Department:	Awaiting comment
Land Acquisition Agent:	Approved with easement to provide access for adjacent property owners.
Frontier:	Need easement for aerial lines
Comcast Cable:	Need easement for aerial lines
AEP:	Need easement until lines are relocated
NIPSCO:	Need easement to choose to relocate mains

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.

VROW-2017-0001

Bill No. G-17-01-26

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:

020726476001000073
316 Norfolk Avenue
020726476002000073
318 Norfolk Avenue

Prairie Farms Dairy, Inc.
PO Box 10419
Fort Wayne, IN 46852

020726428001000073
3332 Figel Avenue

Nick Palermo and Diane Blake Palermo
2203 Sunnymede Drive
Fort Wayne, IN 46803

020726428002000073
3328 Figel Avenue

Sue Ellen Shull
1715 Papermill Crossing
Fort Wayne, IN 46825

020726428003000073

Steven and Mary Ann Weeks

3324 Figel Avenue
020726428004000073
3320 Figel Avenue
020726428005000073

3318 Figel Avenue
Fort Wayne, IN 46805

020726476004000073
3325 Figel Avenue
020726476005000073
317 Edgewood Avenue
020726428015000073
331 Edgewood Avenue

Bowser Hollo LLC
318 Edgewood Avenue
Fort Wayne, IN 46805

020726428008000073
409 Edgewood Avenue

Terrance R. Feichter
681 E 1000 N
Roanoke, IN 46783

020746427016001073
3427 N. Clinton Street

Myers Properties, LLC
5950 S 455 E
Wolcottville, IN 46795

Representative:

Justin Hoffman
T-E Incorporated
8620 Bluffton Road
Fort Wayne, IN 46809

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Northwest Area Partnership

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: January 26, 2017

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday February 14, 2017 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VROW-2017-0001
BILL NO: G-17-01-26
APPLICANT: Prairie Farms Dairy, Inc.
REQUEST: To vacate a portion of the right-of way for Figel Avenue and Norfolk Avenue within Figel's Addition.
LOCATION: North of 3332 Norfolk Avenue and East of 3328 Figel Avenue, all south of Prairie Farms Dairy at 3400 Lima Road.
(Section 26 of Washington Township)
LAND AREA: Approximately 0.29 acres proposed to be vacated.

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. February 14, 2017. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

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 _____ Public Right of Way (street or alley)

More particularly described as follows:

Part of Norfolk Avenue and part of Figel Avenue in 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: 10 PAGE(S) NUMBER(S): 13 (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:

New building addition

(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:

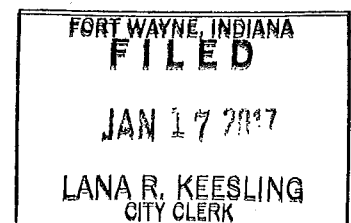
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Prairie Farms Dairy, Inc. c/o Chuck McQuaig

Street Address: PO Box 10419

City: Fort Wayne State: IN Zip: 46852 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.



Signature

Chuck McQuaig

Printed Name

1-13-17

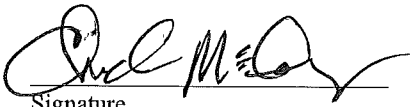
Date

3400 Lima Road

Address

Fort Wayne, IN 46805

City/State/Zip



Signature

Chuck McQuaig

Printed Name

1-13-17

Date

Address

City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): T-E Incorporated c/o Justin Hoffman

Street Address: 8620 Bluffton Road

City: Fort Wayne State: IN Zip: 46809 Phone: 260-489-5541

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: 1/17/17

Map #: Wash 26
M-22

Reference #: VROW-2017-0001



DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS:

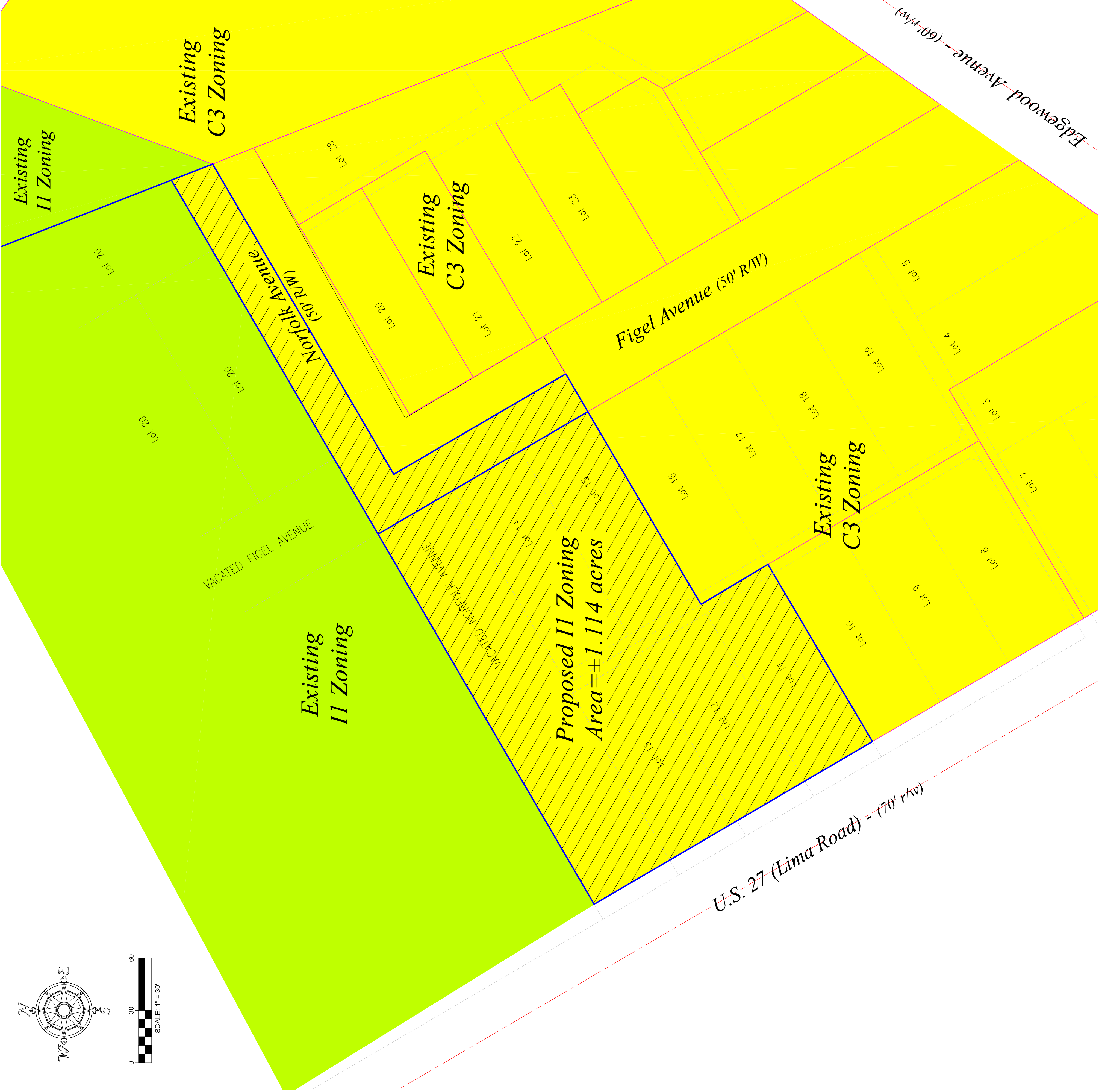
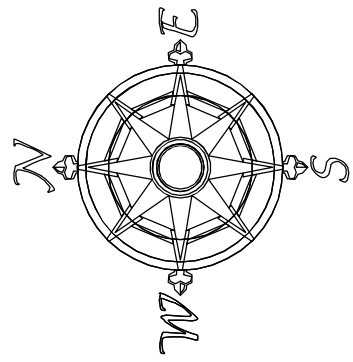
NORFOLK AVENUE:

All that part of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

FIGEL AVENUE:

All that part of Figel Avenue that lies between the South right-of-way line of Norfolk Avenue and the Easterly projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Vacated R/W: ± 0.366 acres



- EXISTING ZONE I1
- EXISTING ZONE C3
- PROPOSED ZONE I1
- PROPOSED RW VACATION

DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS:

NORFOLK AVENUE:
All that part of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

FIGEL AVENUE:
All that part of Figel Avenue that lies between the South right-of-way line of Norfolk Avenue and the Eastern projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Vacated R/W: ±40.366 acres

DECIPTION OF PROPOSED ZONE II PROPERTY:

Lot Numbers 11, 12 and 13 together with the West 1/2 of the vacated alley adjoining said lots, in Figel's Addition to the City of Fort Wayne, Indiana, except that portion of said lot conveyed to the State of Indiana for highway purposes.

Also, Lot Numbers 14 and 15 together with the East 1/2 of the vacated alley adjoining said lots, in Figel's Addition to the City of Fort Wayne, Indiana.

Also, that part of Norfolk Avenue vacated and described in Document Number 2016056281.

Also, the North 1/2 of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

Also, the West 1/2 of Figel Avenue that lies between the North right-of-way line of Norfolk Avenue and the Eastern projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Zone II: ±1.102 acres

Prairie Farms Building Addition

Right-of-Way Vacation & Rezoning Exhibit
Prairie Farms Dairy, Inc.
3400 Lima Road, Fort Wayne, IN 46805
Zumbryn Construction Company, Inc.
3110 Edwards Street
Fort Wayne, IN 46802

Date	No.	Revision	By:



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T-E INCORPORATED
8620 Bluffton Road
Fort Wayne, IN 46809
Phone (260) 489-5541
Fax (260) 489-3174
Email: TE@t-e-inc.com



Surveying • Engineering • Asphalt • Utilities • Site Development

**RIGHT-OF-WAY VACATION
& REZONING EXHIBIT**

Sheet No.:
C1.0

Scale:
as shown

Job No.:
16187

Checked By:
JWH

Drawn By:
JWH

Date:
12/28/2016

Prairie Farms Dairy

Site Engineer:
T-E Incorporated
c/o Justin Hoffman, P.E., P.S.
8620 Bluffton Road
Fort Wayne, IN 46809
(260) 489-5541

NORFOLK AVENUE:
All that part of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

FIGEL AVENUE:
All that part of Figel Avenue that lies between the South right-of-way line of Norfolk Avenue and the Easterly projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Vacated R/W: ± 0.371 acres*

Lot Numbers 11, 12 and 13 together with the West 1/2 of the vacated alley adjoining said lots, in Fiegel's Addition to the City of Fort Wayne, Indiana, except that portion of said lots conveyed to the State of Indiana for highway purposes.

Also, Lot Numbers 14 and 15 together with the East 1/2 of the vacated alley;

Also, Lot Numbers 14 and 15 together with the East 1/2 of the vacated alley adjoining said lots, in Figel's Addition to the City of Fort Wayne, Indiana.

Also, that part of Norfolk Avenue vacated and described in Document Number 2016056281.

Also, the North 1/2 of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

Also, the West 1/2 of Figel Avenue that lies between the North right-of-way line of Norfolk Avenue and the Easterly projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Zone II: ± 1.114 acres*

* Note: A certified IAC Title 865 Rule 12 boundary survey has not been performed, therefore the actual area of Proposed Zone II is subject to change.



Symbols & Lines Legend	
	POWER POLE
	CONTROL MANHOLE
	DESIGNATED PARKING LIGHT POLE
	— GUY ANCHOR
	ELECTRIC TRANSFORMER
	ELECTRIC POLE
	LANDSCAPE LIGHT
	FIRE HYDRANT
	WATER METER
	WATER VALVE
	GAS VALVE
	TELEPHONE PEDESTAL
	TELEPHONE VAULT
	AIR CONDITIONING UNIT
	MAIL BOX
	PAPER BOX
	FLAG POLE
	CONTROL POINT
	BENCHMARK
	EVERGREEN SHRUB
	DECIDUOUS SHRUB
	EVERGREEN TREE
	DECIDUOUS TREE
	EXISTING ELEVATION
	ASPHALT AREA
	CONCRETE AREA
	STONE AREA
	ELECTRIC LINE
	EXISTING CONTOUR
	WIRE FENCE
	TREE LINE
	OVERHEAD LINE
	STORM SEWER
	SANITARY SEWER
	FORCE MAIN
Existing Lines WATER LINE — W STORM LINE — S SANITARY LINE — SS GAS LINE — G FIBER OPTIC LINE — FO	
Proposed Lines WATER LINE — W TELEPHONE LINE — T SANITARY SEWER — SS GAS LINE — G ELECTRIC LINE — E	

Primary Development Plan
Private Farms Dairy, Inc.
3400 Lima Road, Fort Wayne, IN 46805
Zumburn Construction Company, Inc.
3110 Edwards Street
Fort Wayne, IN 46802

Drawn By: JWH

Job No.: 16187

Sheet No.:

Cl.1

T-E INCORPORATED

8620 Bluffton Road
Fort Wayne, IN 46809
Phone (260) 489-5541
Fax (260) 489-3174
Email: TE@t-einc.com

Surveying * Engineering * Asphalt * Utilities * Site Development

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February 1, 2017

Michelle Wood, RLA
Senior Land Use Planner
Suite 150, Citizens Square
200 East Berry Street
Fort Wayne, Indiana 46802

Re: Proposal VROW-2017-0001
Bill No G-17-01-26
Applicant: Prairie Farms Dairy, Inc.

Per recent correspondence from your office, I am writing to present my concerns and/or confusion over the proposal of Prairie Farms Dairy, Inc. to vacate a portion of Figel Avenue.

While I have no opposition to the project, I do not want to lose access to my property. From my examination of the maps I have received, it appears the project ends at approximately the end of my driveway and would not allow access, depending on what structure is built to frame the dairy's project. It looks like the same issue applies to the property to the north of mine.

Since I have not talked to the dairy, I am not sure of what the end result will be.

I appreciate whatever consideration you can give me to answer my questions.

Thank you.



Sue Shull
1715 Papermill Crossing
Fort Wayne, Indiana 46825
483-8750

February 8, 2017

Department of Planning Services
Suite 150 Citizens Square
200 East Berry
Fort Wayne, IN 46802

Attn: Christian J. Beebe, Associate Land Use Planner
Reference: Proposal to Rezoning Petition #REZ-2017-0004//VROW-2017-0001
Bill No. G-17-01-26

I'd like to call attention to the hazard in closing off the most important emergency access to Sunshine Community – located on 409 Edgewood Ave Fort Wayne, IN 46805 (020726428008000073), which is Norfolk Avenue. In this community live 14 families, most of which are senior citizens, of which many have potential for immediate emergency care. The front entrance to the property from Edgewood Avenue is too narrow for the entrance of emergency vehicles (in particular fire trucks) in case of emergency. In addition, in removing or replacing mobile homes from the property we always have the preference of utilizing the Norfolk Ave entrance because of its width. At the Norfolk Avenue entrance there is also a community gate. Also, it would be an inconvenience for residents that frequently commute and use the Norfolk Avenue path as a shortcut to laundry mats, shopping centers, and convenience stores on and near Lima Road, if it is being closed.

Lastly, for these reasons, I do not accept the proposal of the rezoning petition# REZ-2017-0004 / VROW-2017-0001 for the safety and wellbeing of the residents of my community property. My residents are even more opposed to this change than I am.

Attentively,

Jonathan Hernandez
Sunshine Community
Cellphone: (260) 416-7427