

RIGHT OF WAY VACATION – PUBLIC HEARING
Department of Planning Services

VALY 2017 0001		Bill #G-17-03-01	Project Start: 14 March 2017
APPLICANT:	Juan Carlo Escobar Cetino		
REQUEST:	To vacate the unimproved alley right-of-way between Lots 34 and 35 of Zollars and Swaynes Addition.		
LOCATION:	Between 2803 and 2727 Fox Avenue. (Section 14 of Wayne Township)		
COUNCIL DISTRICT:	District 5 – Geoff Paddock		
LAND AREA:	Approximately 0.33 acres proposed to be vacated.		
PUBLIC HEARING DATE:	March 28, 2017 (to be held by City Council)		
NEXT COUNCIL ACTION:	Staff will schedule discussion when all comments are received.		

PROJECT SUMMARY

The petitioner is making this request to allow the combination of his residential lot at 2727 Fox Avenue with the vacant lot at 2803 Fox Avenue. Mr. Escobar is purchasing the vacant lot from Allen County Community Development Corporation. The alley is unimproved and ends at the north-south alley at the east end of Lots 34 and 35. The easterly extension of the original alley toward South Wayne was vacated in 1950, so this vacation petition, if approved, would not affect access to any adjacent properties. Certified legal notices have been sent to all adjacent property owners as listed below. The request has been sent to all utility agencies with possible interest in this petition for their responses.

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:
Stormwater Engineering:
Water Engineering:
WPC Engineering – Sanitary:
City Parks Department:
Fire Department:
Land Acquisition Agent:
Frontier:
Comcast Cable:
AEP:
NIPSCO:

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-2017-0001

Bill No. G-17-03-01

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:

021214108007000074
2803 Fox Avenue

Juan Carlos Escobar Centino
2610 South Wayne Avenue
Fort Wayne, IN 46807

021214108008000074
2803 Fox Avenue

Allen County Community Development Corp.
200 East Berry Suite 170
Fort Wayne, IN 46802

021214108021000074
2728 South Wayne Avenue

Laron Taylor
1420 Saunton Court
Fort Wayne, IN 46814

021214108022000074
2802 South Wayne Avenue

Miriam Morgan
2804 South Wayne Avenue
Fort Wayne, IN 46807

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southwest Area Partnership
Creighton-Home Association

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: March 11, 2017

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 28, 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: VALY-2017-0001
BILL NO: G-17-03-01
APPLICANT: Juan Carlos Escobar Cetino
REQUEST: To vacate the unimproved alley right-of-way between Lot 34 and 35 of Zollars and Swaynes Addition.
LOCATION: Between 2803 and 2727 Fox Avenue. (Section 14 of Wayne Township)
LAND AREA: Approximately 1,620 square feet 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. March 28, 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.

1 VALY-2017-0001

2 BILL NO. G-17-03-01

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.

7 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
8 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
9 Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
13 FORT WAYNE, INDIANA:

14 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of
15 Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 The 12-foot wide east-west alley located between Lot 34 and Lot 35 of Zollars and Swaynes
17 Addition to the City of Fort Wayne, recorded in Deed Book 101, page 561, within the Office of
the Recorder of Allen County.

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

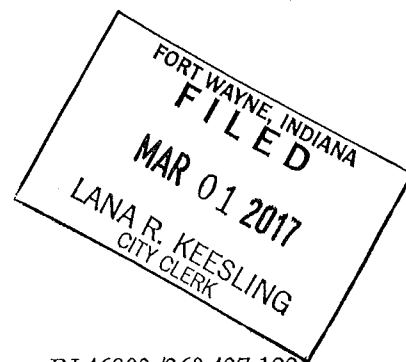
20 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
21 any and all necessary approval by the Mayor.

22
23 _____
COUNCILMEMBER

24 APPROVED AS TO FORM AND LEGALITY:

25
26 _____
Carol T. Helton, City Attorney

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:

2803 Fox Ave. Fort Wayne, IN 46807 - N 32' Lot 34
Zollgr and Swaynes Addition.

(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: 101 PAGE(S) NUMBER(S): 561 (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:

I want to make only one lot property.
with 2727 Fox Ave. Fort Wayne IN 46807

(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: Juan Carlos Escobar Cetino

Street Address: 2610 S. Wayne Ave. Fort Wayne IN 46807

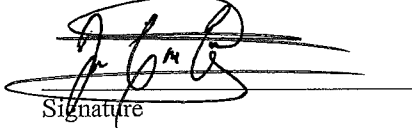
City: Fort Wayne. State: IN Zip: 46807 Phone: (260) 3879891

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

2727 Fox Ave.
Address

Juan Carlos Escobar 3-1-17
Printed Name Date
Fort Wayne IN 46807
City/State/Zip


Signature

2727 Fox Ave.
Address

Juan Carlos Escobar 3-1-17
Printed Name Date
Fort Wayne IN 46807
City/State/Zip

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

Agent's Name (Print Legibly): Juan Carlos Escobar

Street Address: 2727 Fox Ave Fort Wayne

City: _____ State: IN Zip: 46807 Phone: (260) 387-9891

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.

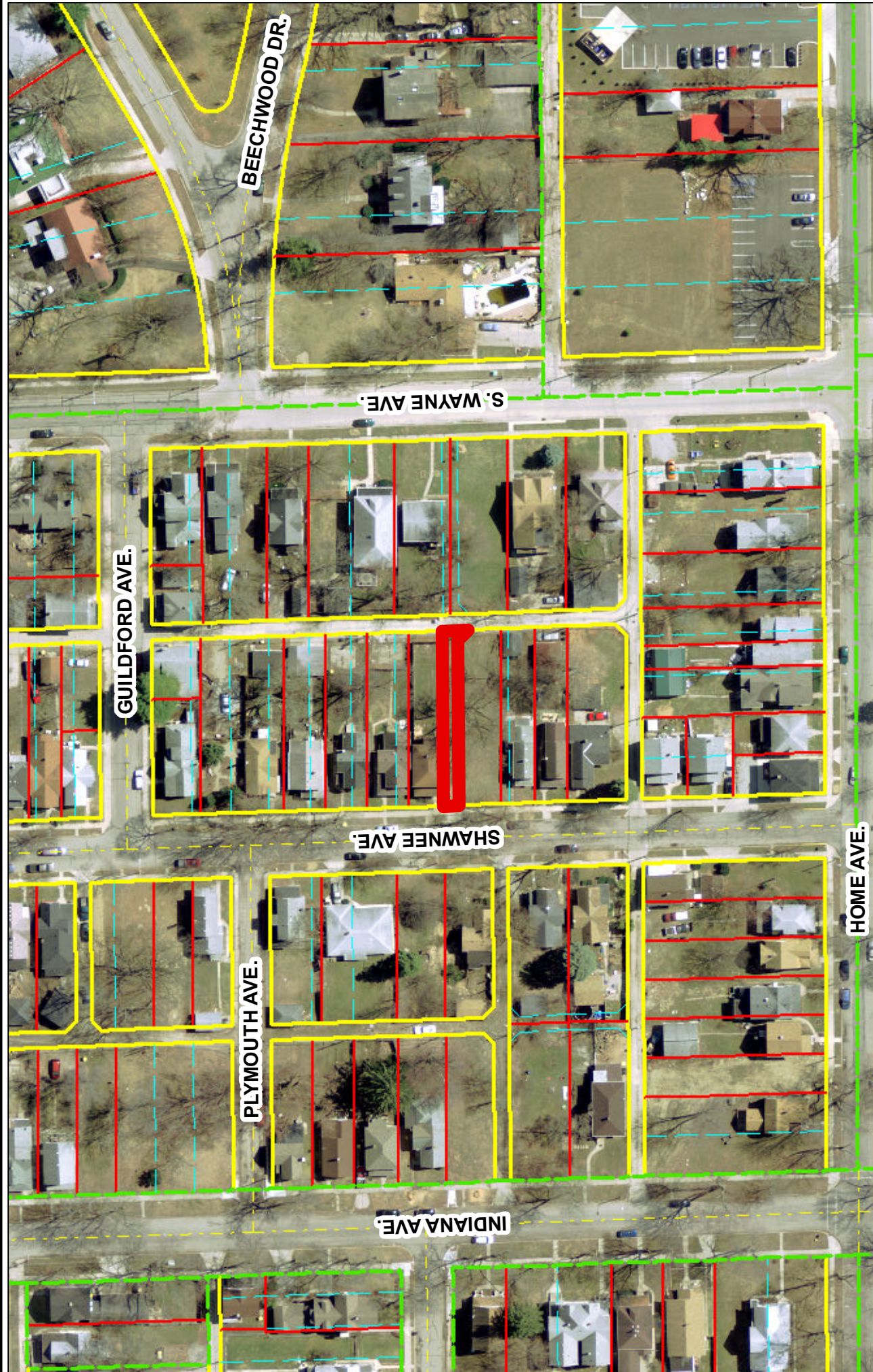
For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



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
Page 03/03/17

