

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2017-0002
Bill Number: G-17-03-18
Council District: 5 – Geoff Paddock

Introduction Date: March 28, 2017

Public Hearing Date: April 11, 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 east-west, 14 foot wide alley located between lots 1 through 6 and 7 through 12 of Ewing's Addition to the City of Fort Wayne.

Location: Between West Main Street and West Berry Street, extending from Fairfield Avenue to Ewing Street, on the block north of the downtown Saint Francis campus.

Reason for Request: Approval of the alley vacation will allow improvements to the existing parking lot and allow better access to and from the St. Francis University downtown properties.

Applicant: University of St. Francis

Property Owner: University of St. Francis

Related Petitions: none

Effect of Passage: Vacation of the alley will allow more flexibility of site improvements and allow for better access.

Effect of Non-Passage: The alley will remain as platted and redevelopment capabilities of the project site may be limited. The site may still be used as a parking lot.

1 VALY-2017-0002

2 BILL NO. G-17-03-18

3 Plat Book: 2A

3 Page No: 40

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.**

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

16 Beginning at the Northwest corner of Lot numbered 7 of Block 18 in Ewing Addition to the
17 City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 2, page 40 in the
18 Office of the Recorder of Allen County, Indiana; thence North 3 degrees 53 minutes 53
19 seconds West, 14.00 feet to the Southwest corner of Lot numbered 6 in said Ewing Addition;
20 thence North 86 degrees 07 minutes 12 seconds East along the South line of Lots 1 through
21 6, a distance of 305.22 feet to the Southwest corner of a tract of land conveyed to the City of
22 Fort Wayne in document numbered 2014021718; thence South 9 degrees 40 minutes 39
seconds East, 14.07 feet to the North line of Lot numbered 12 in said addition also being the
Northwest corner of a tract of land owned by the City of Fort Wayne as recorded in document
numbered 2014026777 in the Office of the Recorder of Allen County; thence South 86
degrees 07 minutes 12 seconds West along the North line of Lots 7 through 12 in said Ewing
Addition, 306.64 feet to the Point of Beginning, containing 4282.6 square feet more or less.

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

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

27 _____
COUNCILMEMBER

1 APPROVED AS TO FORM AND LEGALITY:

2
3 Carol T. Helton, City Attorney
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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:

That certain alley situated south of Lots 1 through 6 and north of Lots 7 through 12 in Block 18 in Ewing's Addition
to the City of Fort Wayne, Allen County, Indiana and bounded to the east by Ewing Street and to the west by
Fairfield Avenue.

(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: B2A PAGE(S) NUMBER(S): 40 (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:

The Applicant owns all of the real estate adjacent to the alley, which is currently used as a parking lot. The Applicant is requesting
to vacate the alley in order to facilitate better access to and from and more efficient use of its parking facilities.

(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:**

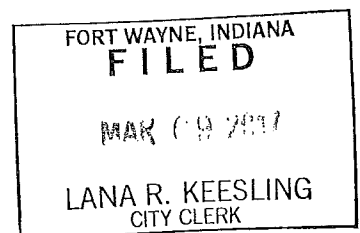
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: University of Saint Francis of Fort Wayne, Indiana, Inc.

Street Address: 2701 Spring Street

City: Fort Wayne State: IN Zip: 46802 Phone: 399-7700 ext 6508



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.

Signature

2701 Spring Street

Address

Joshua C. Neal, attorney

Printed Name

Fort Wayne, Indiana 46802

City/State/Zip

March 3, 2017

Date

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): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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 #: see clerk

Date Filed: 3/9/17

Map #: L-06

Reference #: VALY-2017-0002



BarrettMcNagny
ATTORNEYS AT LAW

Joshua C. Neal
Direct (260) 423-8935
jcn@barrettlaw.com

March 8, 2017

Via Hand Delivery

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, IN 46802

Re: University of Saint Francis // Vacation Petition

Dear Michelle:

By way of follow up to our recent correspondence, I am enclosing herewith for filing with the City of Fort Wayne Common Council the following documents:

1. A Vacation Petition, which I have executed as the attorney for USF;
2. A check in the amount of Three Hundred and No/100 Dollars (\$300.00) made payable to the City of Fort Wayne to cover the filing fee for the requested vacation; and
3. One (1) survey, drawn to scale, prepared by Apex Consulting & Surveying, Inc. ("Apex") and showing the location of the subject right of way.

As we have previously discussed, we have secured all of the necessary easements from the utility providers that are maintaining improvements within the alley, copies of which have been provided to you. Moreover, and as you will recall, USF owns the lands that abut the subject right of way to the north and south. The lands to the east and west of the alley are public right of way comprising Fairfield and Ewing Streets. As such, the instant petition will not impact any other property owner. Given the location of the subject right of way entirely within USF's parking lot, the vacation will not hinder the growth or development of the surrounding neighborhood, nor will it hinder access to any adjacent street or neighborhood.



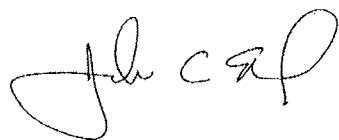
Michelle Wood
March 8, 2017
Page 2

It is my understanding that the vacation petition will be before the City Council on March 14th for introduction and will be scheduled for a public hearing on March 28th. If there is anything you need from me before then, please let me know.

Thank you in advance for your assistance in this matter.

Very truly yours,

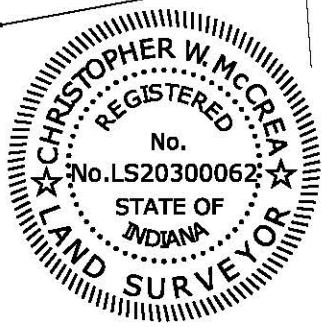
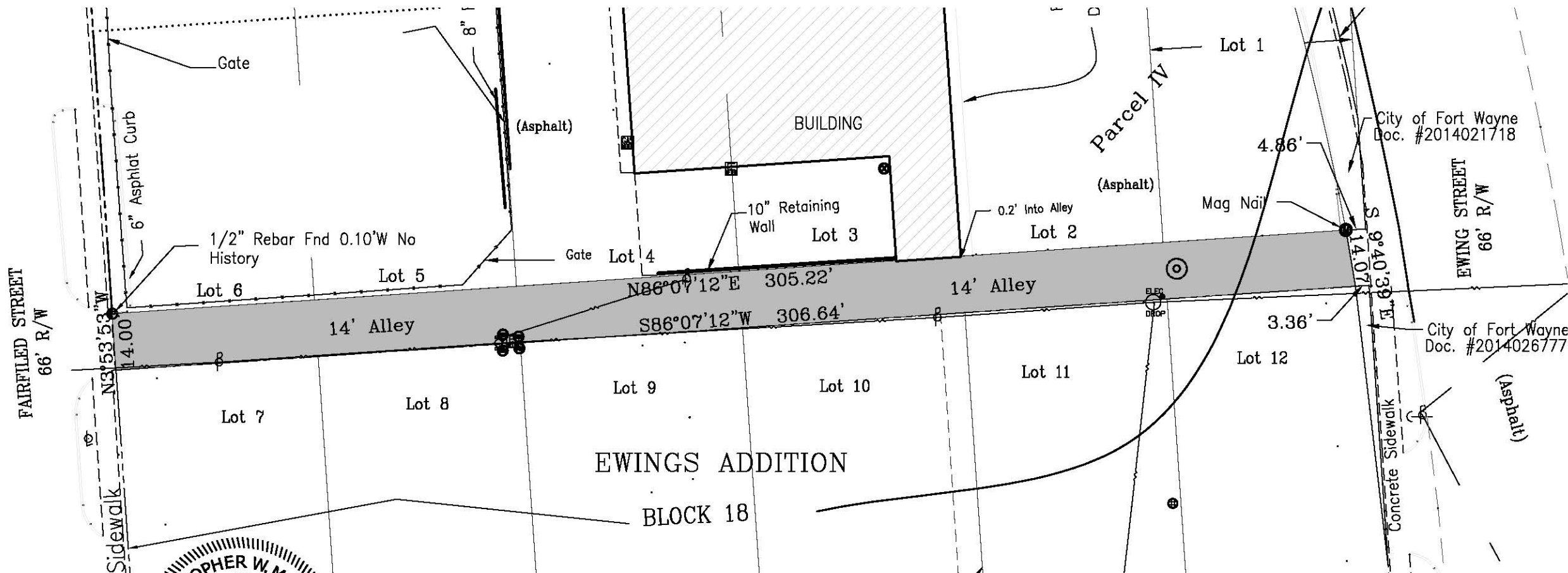
BARRETT McNAGNY LLP

A handwritten signature in black ink, appearing to read "J C Neal", with a large, stylized initial "J" and "C".

Joshua C. Neal

JCN:msj:1775433
Enclosures

VACATION OF 14' ALLEY PLAT



ALLEY DESCRIPTION

Beginning at the Northwest corner of Lot numbered 7 of Block 18 in Ewing Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 2, page 40 in the Office of the Recorder of Allen County, Indiana; thence North 3° 53' 53" West, 14.00 feet to the Southwest corner of Lot numbered 6 in said Ewing Addition; thence North 86° 07' 12" East along the south line of lots 1 through 6, a distance of 305.22 feet to the Southwest corner of a tract of land conveyed to the City of Fort Wayne in document numbered 2014021718; thence South 9° 40' 39" East, 14.07 feet to the North line of Lot numbered 12 in said Addition also being Northwest corner of a tract of land owned by the City of Fort Wayne as recorded in document numbered 2014026777 in the Office of the Recorder of Allen County; thence South 86° 07' 12" West along the north line of lots 7 through 12 in said Ewing Addition, 306.64 feet to the Point of Beginning, containing 4282.6 square feet more or less.

Christopher W. McCrea 6/3/15

Prepared By: JOHN KIMPEL & ASSOCIATES, INC. 1019 MARINERS DRIVE-SUITE B WARSAW, INDIANA 46582 JOB # JK-15141 Christopher W. McCrea LS 20300062

University of Saint Francis of Fort Wayne, Indiana, Inc.



Vacation Petition VALY-2015-0019



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: 4/23/2015

