

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2017-0004
Bill Number: G-17-04-20
Council District: 6 – Glynn Hines

Introduction Date: April 25, 2017

Public Hearing Date: May 9, 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, 6 foot wide alley located north of Lots 1 through 8 in Townley Place Addition.

Location: North of 2001, 2025, 2125, and 2151 East Rudisill Boulevard.

Reason for Request: The City of Fort Wayne is submitting this request as the alley is unimproved.

Applicant: City of Fort Wayne Transportation Department

Property Owner: City of Fort Wayne

Related Petitions: none

Effect of Passage: Vacation of the alley will allow more flexibility of site improvements.

Effect of Non-Passage: The alley will remain as platted and unimproved.

1 VALY-2017-0004

2 BILL NO. G-17-04-20

3 Plat Book: 12A

Page No: 34B

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.**

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

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

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

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

17 All the part of a 6 feet alley lying north of Lots 1-8 in Townley Place Addition, recorded in Plat
18 Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana and also being a part of
19 the Southwest fractional Quarter of Section 18, Township 30 North, Range 13 East, Allen County,
20 Indiana, and more particularly described as follows:

21 BEGINNING at a five-eighths inch diameter steel pin with CITY OF FORT WAYNE
22 identification cap set at the northeast corner of Lot 8 in said Townley Place Addition; thence
23 South 87 degrees 34 minutes 54 seconds West (bearings based upon the Indiana State Plane
24 Coordinate System, East Zone) along the north line of said Lots 1-8 and being the south line of
25 said 6 feet alley, a distance of 340.52 feet to a five-eighths inch diameter steel pin with CITY OF
26 FORT WAYNE identification cap set at the northwest corner of Lot 1 in said Townley Place
27 Addition and being the point on the east right-of-way line of Central Drive; thence North 02
28 degrees 26 minutes 19 seconds West along said east right-of-way line, a distance of 6.00 feet to a
29 one-half inch diameter steel pin found at the southwest corner of Lot 38 in The South Walton
30 Avenue Acre Addition recorded in Plat Book 3, Page 55 in the Office of the Recorder of Allen
County, Indiana; thence North 87 degrees 34 minutes 54 seconds East along the south line of said
Lot 38 and being the north line of said 6 feet alley, a distance of 340.52 feet to a five-eighths inch
diameter steel pin with CITY OF FORT WAYNE identification cap set at west right-of-way line
of Plaza Drive; thence south 02 degrees 39 minutes 23 seconds East along said west right-of-way
line, a distance of 6.00 feet to the point of beginning, containing 0.047 acres (2,043 square feet)
more or less.

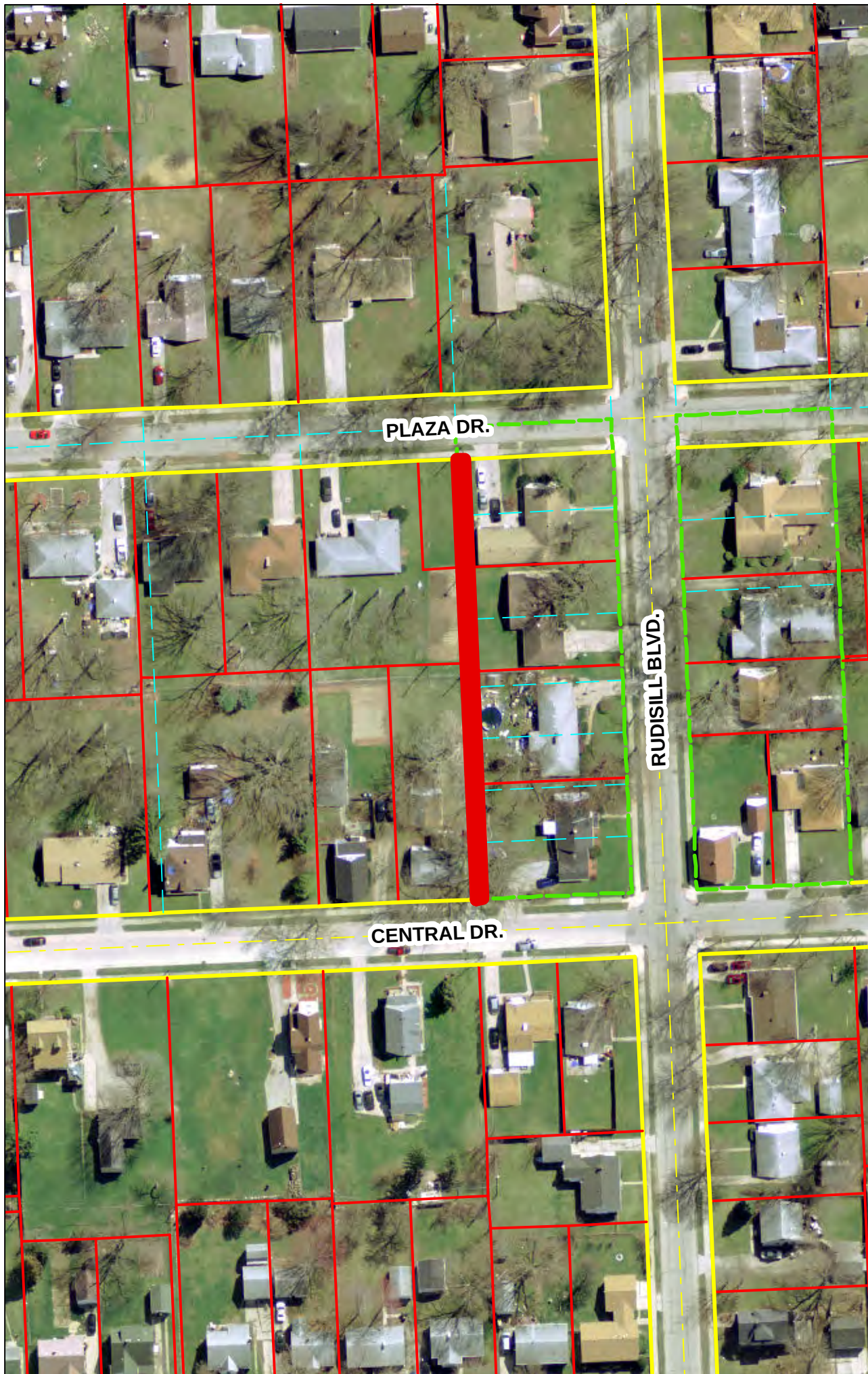
1 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
2 and is hereby approved in all respects.

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

5 _____
COUNCILMEMBER

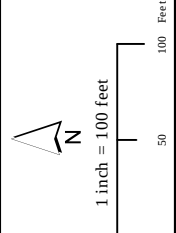
6 APPROVED AS TO FORM AND LEGALITY:
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8 _____
9 Carol T. Helton, City Attorney
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Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or 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: 4/24/2017



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:

All of the 6' wide alley lying north of Lots 1-8 in Townley Place Addition, recorded
in Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana.

(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:

Alleyway was never developed and has been maintained by adjacent
property owners. Property owners would use additional land area for
private use. City would have no use for this land and is petitioning on
behalf of the affected property owners.

Mr. Wyatt Cox is additional applicant for petition process. 2125 E. Rudisill
(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:

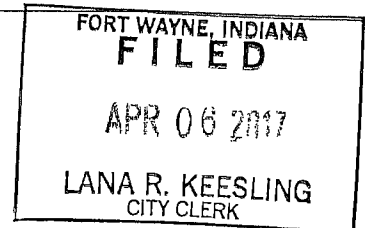
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne, Traffic Engineering Department

Street Address: 200 E Berry St, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172



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	Wyatt Cox	Date
2125 E. Rudisill Blvd	Fort Wayne, IN 46806	
Address	City/State/Zip	

See additional Signature Pages for neighboring properties

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): Kyle Winling 

Street Address: 200 E Berry St. Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #:

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.

<u>Wyatt R. Cox</u> Signature	<u>WYATT R. COX</u> Printed Name	<u>9/22/16</u> Date
<u>2151 E. RUDISILL BLVD</u> Address	<u>FORT WAYNE, IN 46906</u> City/State/Zip	

_____ Signature	_____ Printed Name	_____ Date
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_____ Address	_____ City/State/Zip
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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 ad 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: _____
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Map #: _____	Reference #: _____
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ADJACENT PROPERTY OWNERS

NAME Willie J. Lee
ADDRESS 3816 Plaza Dr.
CITY/STATE/ZIP CODE Fort Wayne, In. 46806
PHONE (260) 744-2641

NAME CORNE TURNER
ADDRESS 2125 E Ludwell
CITY/STATE/ZIP CODE 46806
PHONE 260-456-385



CITY OF FORT WAYNE

TOM HENRY, MAYOR

Agreeable to the petition filed by the City of Fort Wayne, on behalf of the affected property owners of:

Townley Place Addition, Plat Book 21, Page 34, Lots 1-8.

I give my consent to file on my behalf for the vacation of public right of way adjacent to my property at:

Lots 3&4 of Townley Place Addition

2025 E. Rudisill Blvd
Fort Wayne, IN 46806

James E. Teachey
Cheryl A. Teachey
Printed Name

James E. Teachey
Cheryl A. Teachey
Signature



SAFE CITY • QUALITY JOBS • B.E.S.T.

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An Equal Opportunity Employer



CITY OF FORT WAYNE

TOM HENRY, MAYOR

Agreeable to the petition filed by the City of Fort Wayne, on behalf of the affected property owners of:

Townley Place Addition, Plat Book 21, Page 34, Lots 1-8.

I give my consent to file on my behalf for the vacation of public right of way adjacent to my property at:

Lots 1&2 of Townley Place Addition

2001 E. Rudisill Blvd
Fort Wayne, IN 46806

Annie M. Shelton
Printed Name

Annie M. Shelton
Signature



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CITY OF FORT WAYNE

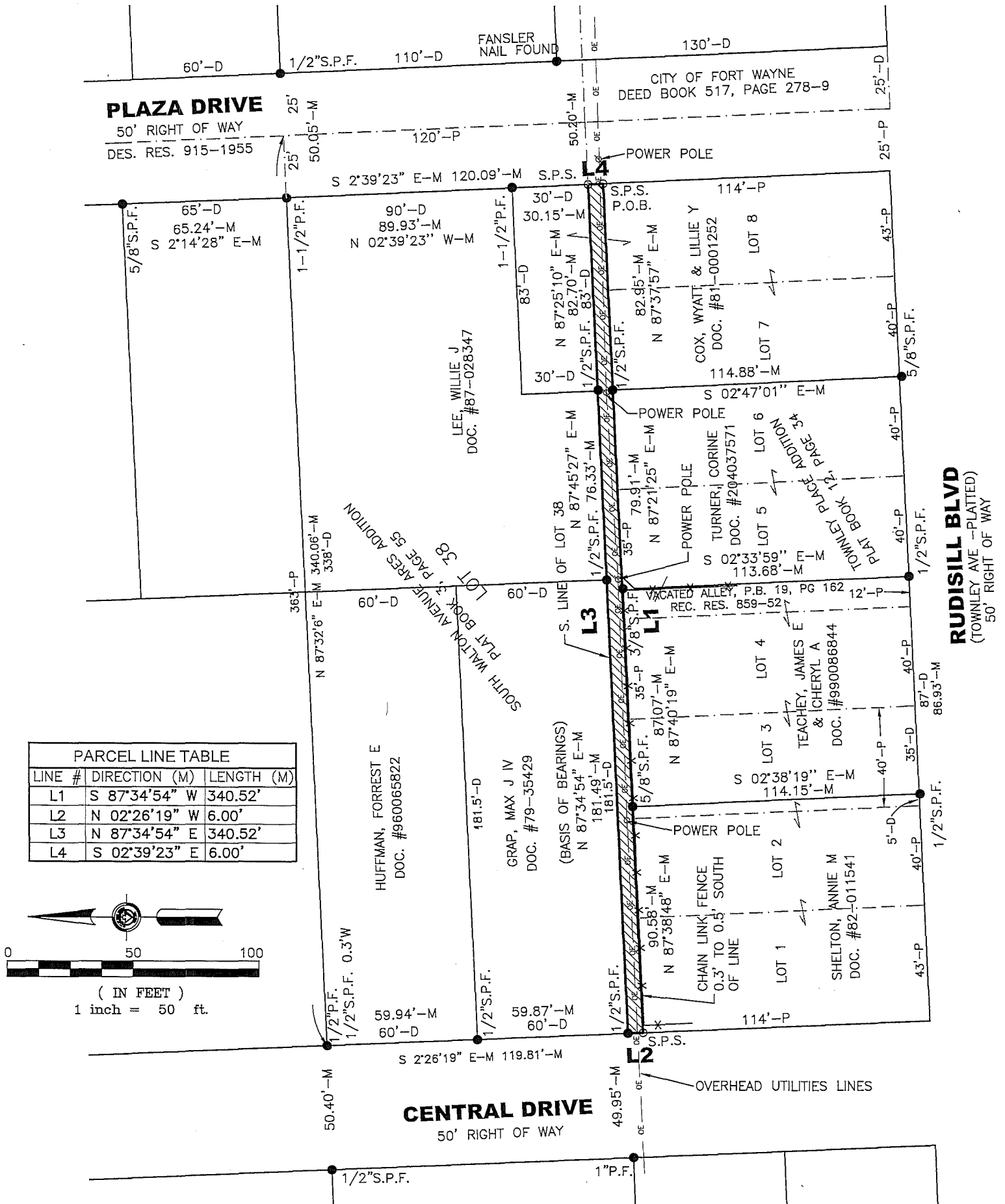
TOM HENRY, MAYOR

TRANSPORTATION ENGINEERING SERVICES

SURVEY PLAT

THIS DOCUMENT IS A REPRESENTATION OF A RETRACEMENT OR ORIGINAL SURVEY OF LAND IN ADAMS TOWNSHIP
ALLEN COUNTY, INDIANA, MADE IN ACCORDANCE WITH THE RECORDS ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

SEE ATTACHED SHEET 2 FOR DESCRIPTION AND SURVOR'S REPORT



NEW PARCEL DESCRIPTION

All the part of a 6 feet alley lying north of Lots 1-8 in Townley Place Addition, recorded in Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana and also being a part of the Southwest fractional Quarter of Section 18, Township 30 North, Range 13 East, Allen County, Indiana, and more particularly described as follows:

BEGINNING at a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the northeast corner of Lot 8 in said Townley Place Addition; thence South 87 degrees 34 minutes 54 seconds West (bearings based upon the Indiana State Plane Coordinate System, East Zone) along the north line of said Lots 1-8 and being the south line of said 6 feet alley, a distance of 340.52 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the northwest corner of Lot 1 in said Townley Place Addition and being the point on the east right-of-way line of Central Drive; thence North 02 degrees 26 minutes 19 seconds West along said east right-of-way line, a distance of 6.00 feet to a one-half inch diameter steel pin found at the southwest corner of Lot 38 in The South Walton Avenue Acre Addition recorded in Plat Book 3, Page 55 in the Office of the Recorder of Allen County, Indiana; thence North 87 degrees 34 minutes 54 seconds East along the south line of said Lot 38 and being the north line of said 6 feet alley, a distance of 340.52 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at west right-of-way line of Plaza Drive; thence south 02 degrees 39 minutes 23 seconds East along said west right-of-way line, a distance of 6.00 feet to the point of beginning, containing 0.047 acres (2,043 square feet) more or less.
