

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2017-0003
Bill Number: G-17-05-19
Council District: 6 – Glynn Hines

Introduction Date: May 9, 2017

Public Hearing Date: May 23, 2017 (to be held by Council)

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

Synopsis of Ordinance: To vacate all of the right-of way for Billington Place in Deed Record 436, pages 582-585.

Location: Located north of Werling Drive, south of McKinnie Avenue, east of Plaza Drive and west of Queen Street, in Anthony Wayne Village

Reason for Request: To allow for the construction of 44 apartment units, daycare, and community center.

Applicant: BWI Development

Property Owner: City of Fort Wayne

Related Petitions: Posterity Scholar House Development

Effect of Passage: Vacation of the roadways will allow the site to be redeveloped with housing and community facilities. New roads public roads will be dedicated with the development.

Effect of Non-Passage: The development as planned cannot be constructed. The existing right-of-way will conflict with the proposed apartment buildings.

1 **VROW-2017-0003**

2 **BILL NO. G-17-05-19**

3 **GENERAL ORDINANCE NO. G-_____**

4 **AN ORDINANCE amending the Thoroughfare**
5 **Plan of the City Comprehensive ("Master")**
6 **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 All of the right-of-way of Billington Place, as recorded in Deed Record 436, pages 582-585, in
the Office of the Recorder of Allen County Indiana.

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

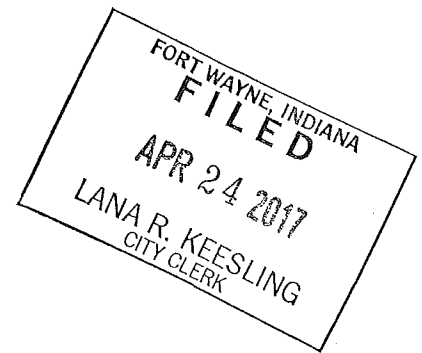
19 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
20 any and all necessary approval by the Mayor.

21
22
23 _____
24 COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26
27 _____
Carol T. Helton, City Attorney
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:

Billington Place

(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: 436 PAGE(S) NUMBER(S): 582-585 (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:

Proposed development

(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.

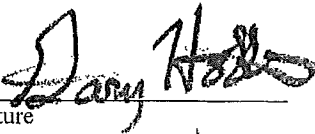
Applicant's name(s) if different from property owner(s):

Name: Gary Hobbs, BWI Development

Street Address: 5902 E 34th Street

City: Indianapolis State: IN Zip: 46218 Phone: 317-377-1790

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

Gary Hobbs
Printed Name

4-6-17
Date

5902 E. 34th St
Address

Indianapolis, IN, 46218
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): _____

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 #: _____

Date Filed: _____

Map #: _____

Reference #: VROW-2017-0003





BW DEVELOPMENT
5902 E. 34TH STREET
INDIANAPOLIS, INDIANA 46218

AMERICAN
STRUCTUREPOINT
INC.

7220 Shadeland Station | Indianapolis, Indiana 46256
TEL 317.547.5510 | FAX 317.543.9276
www.structurepoint.com

POSTERITY SCHOLAR
HOUSE - PHASE 1

McKINNIE AVENUE
FORT WAYNE, INDIANA



CERTIFIED BY

ISSUANCE INDEX

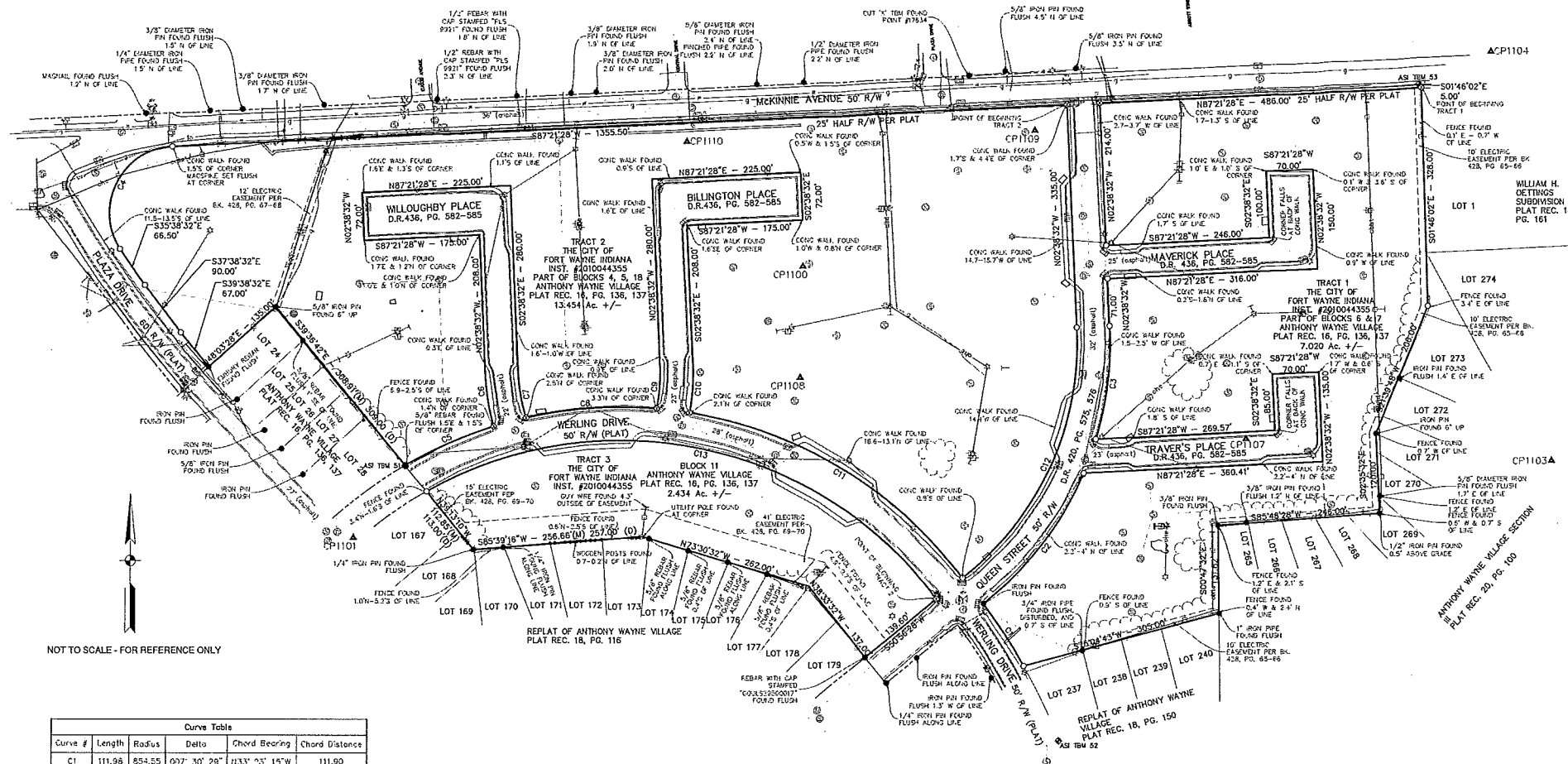
DATE:
10/04/2016
PROJECT PHASE:
SECONDARY DEVELOPMENT PLANS

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

Project Number 2016.00987

BOUNDARY
INFORMATION

1 OF 4



NOT TO SCALE - FOR REFERENCE ONLY

Curve Table				
Curve #	Length	Radius	Delta	Chord Bearing
C1	111.98	854.55	097° 30' 29"	N33° 25' 15"W
C2	250.40	492.50	029° 07' 52"	N37° 41' 42"E
C3	172.18	451.75	020° 03' 43"	N06° 48' 33"E
C4	209.79	100.00	120° 12' 13"	S27° 15' 21"W
C5	146.34	650.00	012° 53' 57"	S68° 23' 00"W
C6	80.82	330.00	014° 01' 54"	S09° 30' 29"E
C7	70.07	280.00	014° 20' 15"	S09° 48' 38"E
C8	198.83	650.00	017° 31' 34"	S86° 00' 24"W
C9	65.26	280.00	013° 21' 14"	N04° 02' 04"E
C10	73.65	330.00	012° 47' 16"	N03° 45' 06"E
C11	494.44	650.00	043° 35' 02"	N59° 01' 18"W
C12	430.06	442.50	055° 41' 07"	N24° 34' 21"E
C13	861.00	800.00	082° 13' 11"	N78° 11' 14"W

UTILITY CONTACT LIST
2016.00987-ALLEN
McKinnie Avenue
2016.0711

ELECTRIC
American Electric Power
110 E. Wayne Street
Fort Wayne, IN 46802
(219) 425-0140

CABLE TV
Comcast
21 Virginia Avenue, Suite 250
Indianapolis, IN 46204
(317) 286-0027

WATER, TRASH, SEWER
City of Fort Wayne
200 East High Street, Room 136
Fort Wayne, IN 46802
(219) 425-0664

TELEPHONE
Frontier
115 E. Row Street
Theodore, IN 46781
(765) 446-7641

GLASS & ELECTRIC
HIPSICO
1347 McKinzie Avenue
Wahkiakum, WA 98592
(206) 708-1134

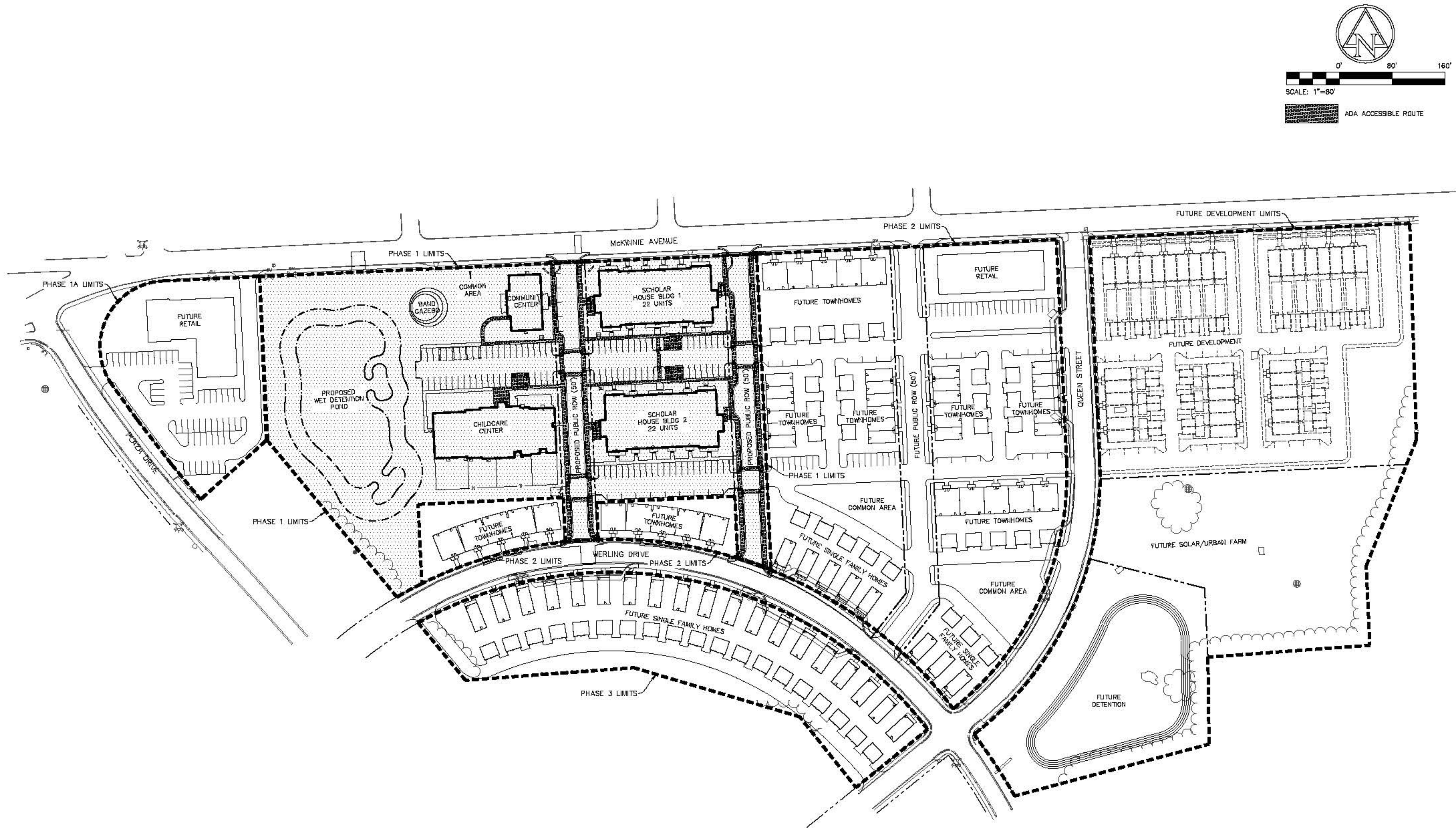
CP1102

Control Table

Point Number	Local Northing	Local Easting	Elevation	SPC Northing	SPC Easting	Description
50	12438	80769	805.37	2112438	480769	THM
51	11931	81479	809.96	2111931	481479	THM
52	11918	82488	812.39	2111918	482488	THM
53	12309	83011	812.56	2112309	483011	THM
112	12181	95599	779.507	2112181	495598	THM
1100	1231.00	82079.40	812.65	211231.00	482079.40	5/8" Rebar Set Flush with Structurepoint Cap
1101	11823.34	81401.50	808.67	2111823.35	481401.52	Magnat Set Flush with Structurepoint Washer
1102	11412.07	82494.07	810.70	2111412.10	482494.08	Magnat Set Flush with Structurepoint Washer
1103	11937.48	82411.90	806.84	2111937.49	482411.86	5/8" Rebar Set Flush with Structurepoint Cap
1104	12355.04	81251.14	810.82	2112355.03	481251.10	5/8" Rebar Set Flush with Structurepoint Cap
1105	12441.52	80832.40	803.69	2112441.51	480832.45	5/8" Rebar Set Flush with Structurepoint Cap
1106	12263.42	81423.86	808.15	2112263.42	481423.89	5/8" Rebar Set Flush with Structurepoint Cap
1107	11970.92	82750.97	812.43	2111970.93	482750.94	5/8" Rebar Set Flush with Structurepoint Cap
1108	12063.99	82075.89	812.20	2112064.00	482075.89	5/8" Rebar Set Flush with Structurepoint Cap
1109	12434.49	82313.19	812.44	2112434.48	482313.17	5/8" Rebar Set Flush with Structurepoint Cap
1110	12418.21	81903.83	810.80	2112418.21	481903.83	5/8" Rebar Set Flush with Structurepoint Cap
17634	12517	82330	811.37	2112517	482330	CUT "X" THM Found

I affirm, under penalties for perjury, that I have taken reasonable care to obtain and verify the accuracy of the data used in this document, unless required by law. JACOB T. HOFFMAN

PLOT DATE: 10/20/2016 8:35 AM
PLOT SCALE: 1"=80'
DRAWING FILE: P:\2016\00987\0_Drawing\Civil\Construction Documents\0018_00987_CE_C200_CSP.dwg
EDIT DATE: 10/10/2016
EDITED BY: HWINDHORST



- GENERAL NOTES:**
- CONTRACTOR SHALL PROTECT AND NOT DESTROY THE PROPERTY CORNER MONUMENTS DURING CONSTRUCTION.
 - CONTRACTOR TO VERIFY LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO COMMENCING ANY CONSTRUCTION. CONTACT ENGINEER IF VARIATION EXISTS.
 - SEE SHEET C002 GENERAL NOTES FOR MORE INFORMATION.

!! CAUTION !!

THE LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON ABOVE GROUND EVIDENCE (including, but not limited to, manholes, inlets, valves, and marks made upon the ground by others) AND ARE SPECULATIVE IN NATURE. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBSERVED. THE EXACT LOCATIONS OF SAID EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.

CALL TOLL FREE
"811" OR 1-800-382-5544
— INDIANA UNDERGROUND —



BW DEVELOPMENT
5902 E. 34TH STREET
INDIANAPOLIS, INDIANA 46218



7260 Shadeland Station | Indianapolis, Indiana 46256
TEL 317.547.5580 | FAX 317.543.0270
www.structurepoint.com

POSTERITY SCHOLAR HOUSE - PHASE 1

**McKINNIE AVENUE
FORT WAYNE, INDIANA**

**APPROVAL PENDING
NOT FOR CONSTRUCTION**

CERTIFIED BY

ISSUANCE INDEX

DATE:
10/04/2016
PROJECT PHASE:
SECONDARY DEVELOPMENT PLANS

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2016.00987

OVERALL SITE PLAN

C200