

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2017-0001
Bill Number: G-17-01-26
Council District: 3 – Tom Didier

Introduction Date: January 24, 2017

Public Hearing Date: February 14, 2017 (to be held by Council)

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

Synopsis of Ordinance: 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.

Reason for Request: To expand the dairy operations.

Applicant: Prairie Farms Dairy, Inc.

Property Owner: Prairie Farms Dairy, Inc.

Related Petitions: Primary Development Plan, Prairie Farms Dairy, Rezoning REZ-2017-0004

Effect of Passage: Vacation of the roadways will allow the dairy to encroach into the area that was right-of-way and expand their operations.

Effect of Non-Passage: The ability to expand the operations to the south will be hindered.

VROW-2017-0001

BILL NO. G-17-01-26

GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

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, as recorded in Plat Book 10A, Page 13, in the Office of the Recorder of Allen County 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, as recorded in Plat Book 10A, Page 13, in the Office of the Recorder of Allen County Indiana.

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

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

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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:

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:

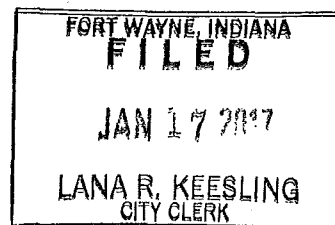
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

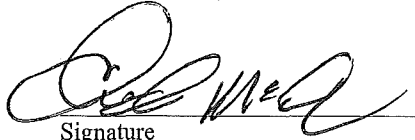
Name: Prairie Farms Dairy, Inc. c/o Chuck McQuaig

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

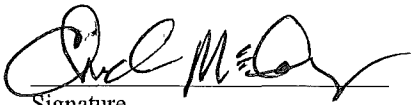
Date

3400 Lima Road

Fort Wayne, IN 46805

Address

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 #: _____

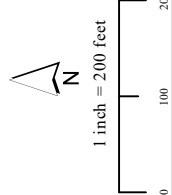
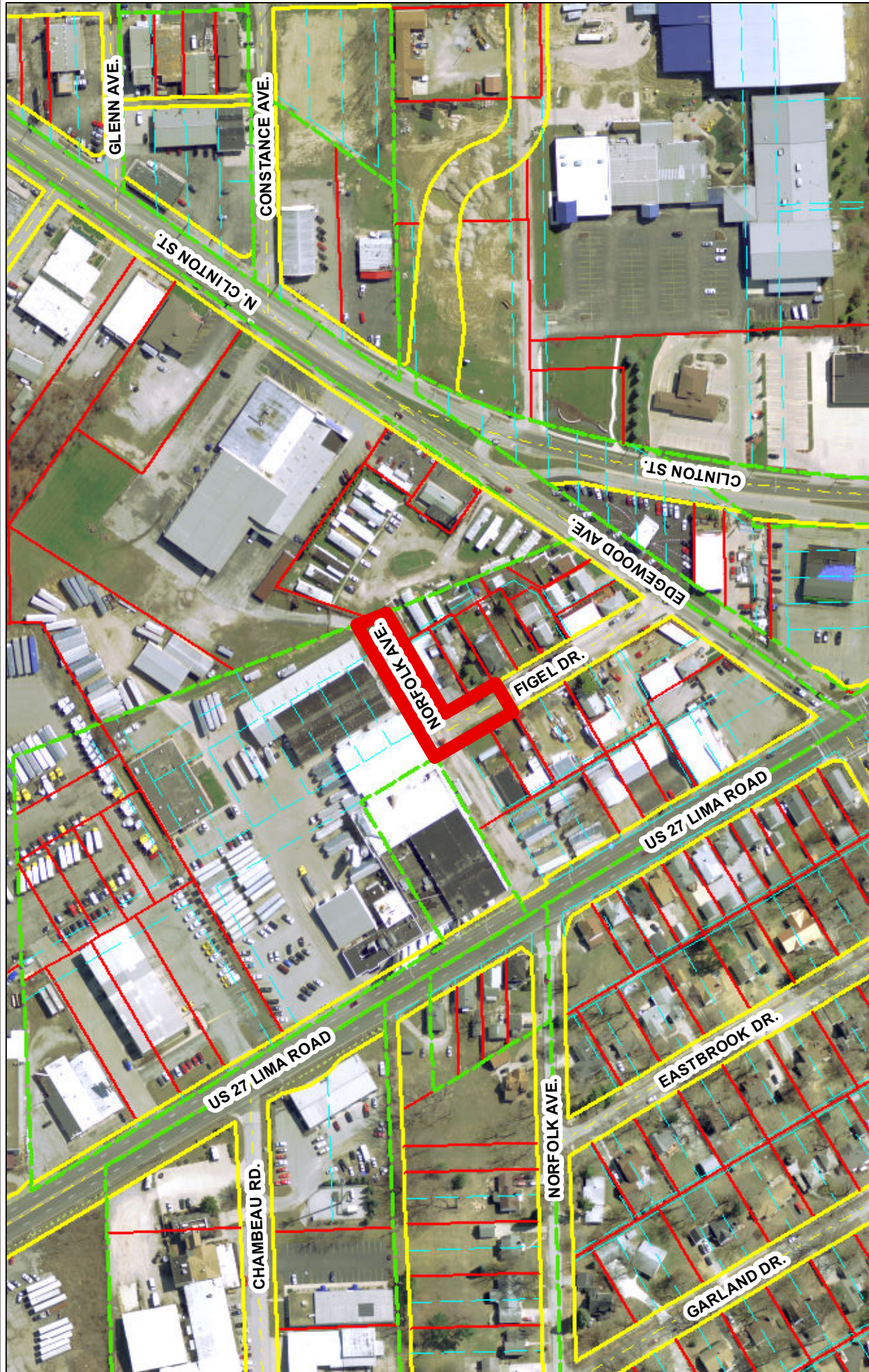
Date Filed: 1/17/17

Map #:

Wash 26
M-22

Reference #:

VR0W-2017-0001



DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS:

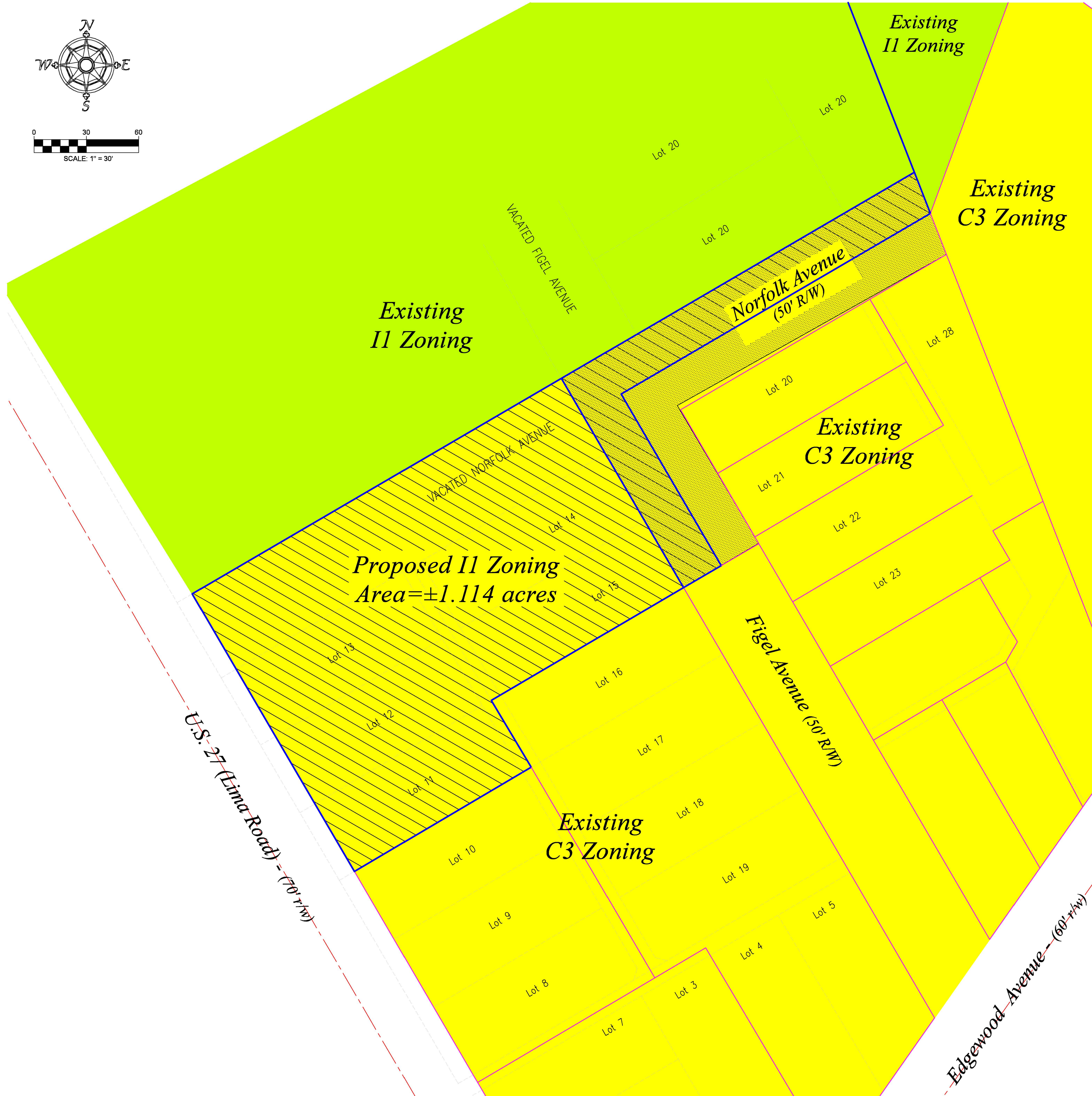
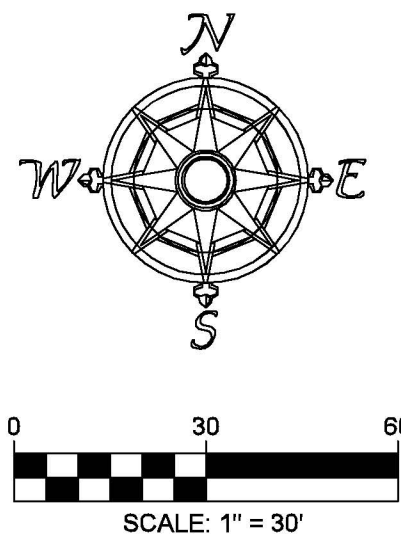
NORFOLK AVENUE:

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



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

DECRPTION OF PROPOSED ZONE I1 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 lots conveyed to the State of Indiana for highway purposes.

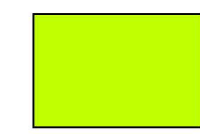
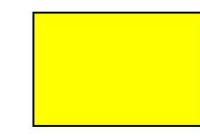
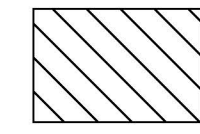
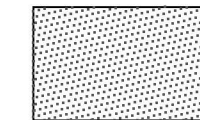
Also, Lot Numbers 14 and 15 together with the East 1/2 of the vacated alley adjoining said lots, in Figel's Addition to the City of Fort Wayne, Indiana.

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 I1: ±1.102 acres

-  EXISTING ZONE I1
-  EXISTING ZONE C3
-  PROPOSED ZONE I1
-  PROPOSED R/W VACATION

RIGHT-OF-WAY VACATION
& REZONING EXHIBIT

T-E INCORPORATED

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

The concepts, designs, plans and details as shown on this document are the property of T-E INCORPORATED and shall not be created, developed, and presented for use on this specific project without the written permission of T-E INCORPORATED.



Prairie Farms Building Addition

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

Date: 12/28/2016

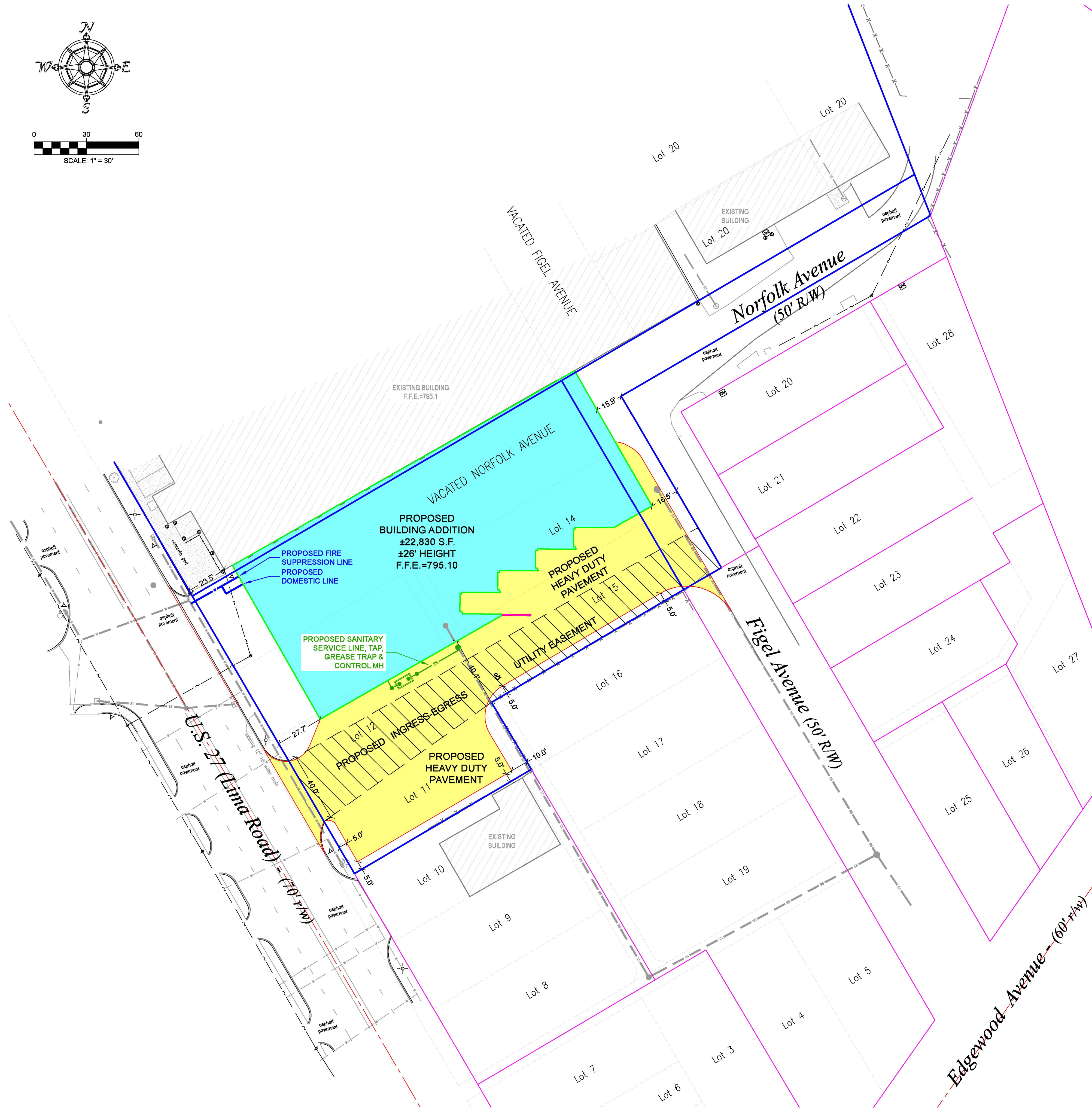
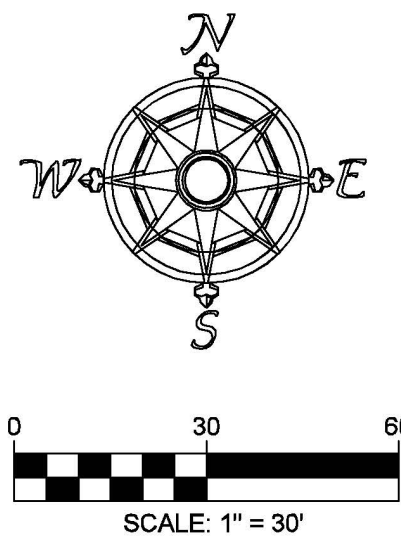
Drawn By: JWH

Checked By: JWH

Job No.: 16187

Scale: as shown

Sheet No.: C1.0



A Primary Development Plan for:

Prairie Farms Dairy

Owner/Developer:
Prairie Farms Dairy, Inc.
c/o Chuck McQuaig
PO Box 10419
Fort Wayne, IN 46852
(260) 483-6436

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

DESCRIPTION OF PROPOSED DEVELOPMENT PARCEL:

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 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 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 11: ±1.114 acres*

* Note: A certified IAC Title 865 Rule 12 boundary survey has not been performed, therefore the actual area of Proposed Zone 11 is subject to change.

Symbols & Lines Legend

	POWER POLE		CLEAN OUT		FLAG POLE
	LIGHT POLE		SANITARY MANHOLE		HANDICAPPED PARKING
	DOG PARKING LIGHT POLE		CONTROL MANHOLE		CONTROL POLE
	GUY ANCHOR		SEPTIC INSPECTION PORT		BENCHMARK
	ELECTRIC METER		SEPTIC LID		EVERGREEN SHRUB
	ELECTRIC TRANSFORMER		SEPTIC VENT PIPE		DECIDUOUS SHRUB
	ELECTRIC PEDESTAL		DOSING TANK		EVERGREEN TREE
	LANDSCAPE LIGHT		DISTRIBUTION BOX		DECIDUOUS TREE
	FIRE HYDRANT		LIFT STATION		EXISTING ELEVATION
	WATER METER		GRINDER PUMP		
	WATER VALVE		MONITORING WELL		
	GAS METER		WELL		
	GAS VALVE		SOIL BORING		
	TELEPHONE PEDESTAL		DOWNSPOUT		ASPHALT AREA
	TELEPHONE VAULT		ROUND INLET		CONCRETE AREA
	AIR CONDITIONING UNIT		SQUARE INLET		STONE AREA
	BOLLARD		CURB INLET		
	MAIL BOX		SIGN (AS NOTED)		
	PAPER BOX		RIGHT-OF-WAY MONUMENT		

Existing Lines

	W	WATER LINE		E	ELECTRIC LINE
	T	TELEPHONE LINE		FM	FORCE MAIN
	ST	STORM LINE			EXISTING CONTOUR
	S	SANITARY LINE			WIRE FENCE
	G	GAS LINE			TREE LINE
	FO	FIBER OPTIC LINE			EXISTING OVERHEAD LINE

Proposed Lines

	W	WATER LINE		ST	STORM SEWER
	T	TELEPHONE LINE		SS	SANITARY SEWER
	G	GAS LINE		FM	FORCE MAIN
	E	ELECTRIC LINE			

Justin Hoffman



T-E INCORPORATED

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VROW-2017-0001

BILL NO. G-17-01-26

GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

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, as recorded in Plat Book 10A, Page 13, in the Office of the Recorder of Allen County Indiana.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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

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(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)

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New building addition

(If additional space is needed please attach separate page.)

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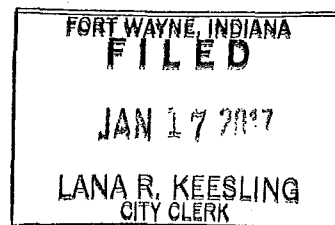
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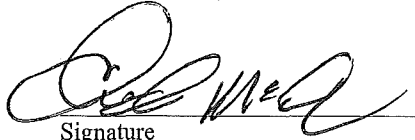
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I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well 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

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

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Street Address: 8620 Bluffton Road

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For Office Use Only:

Receipt #: _____

Date Filed: 1/17/17

Map #:

Wash 26
M-22

Reference #:

VR0W-2017-0001



DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS:

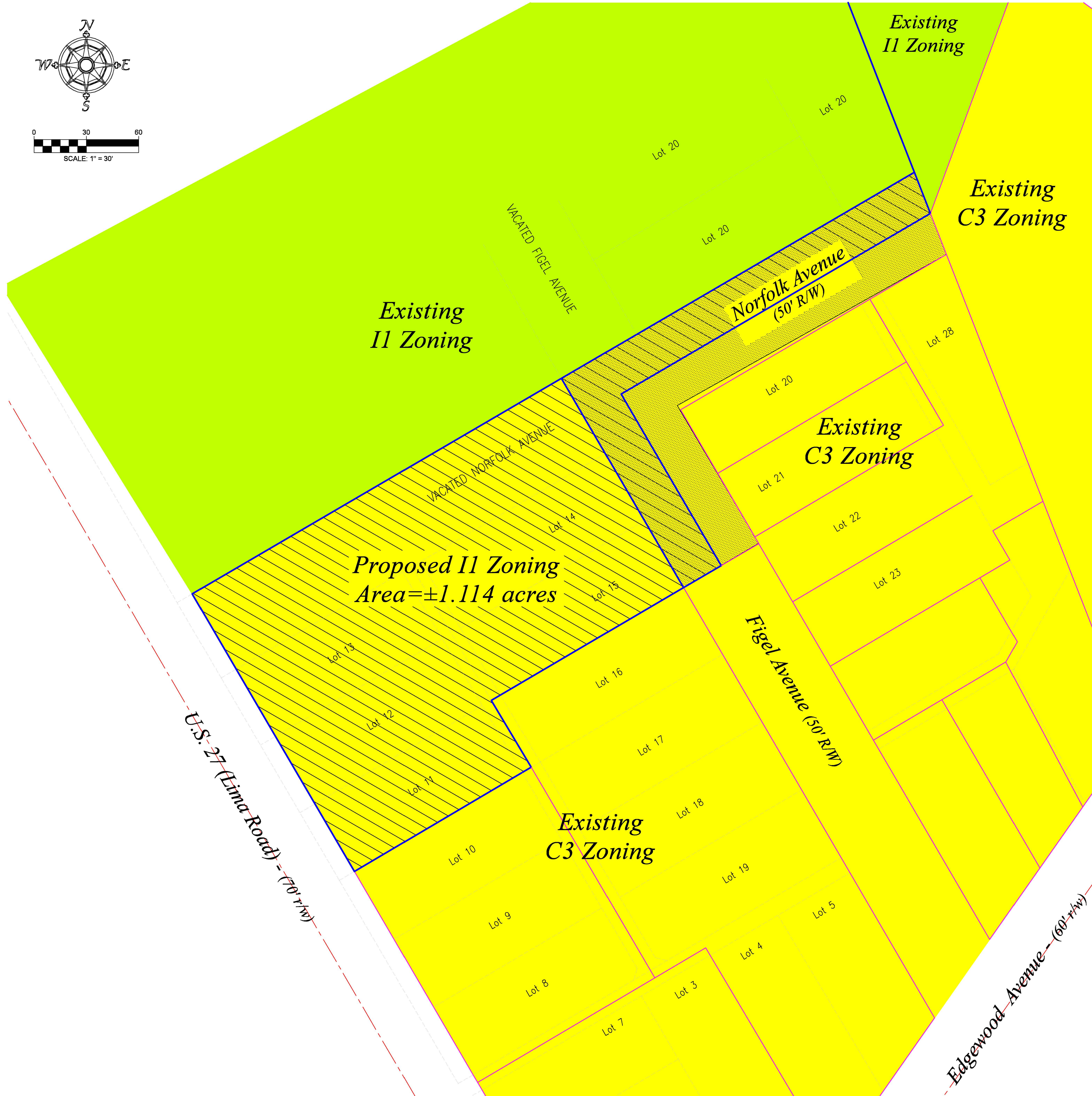
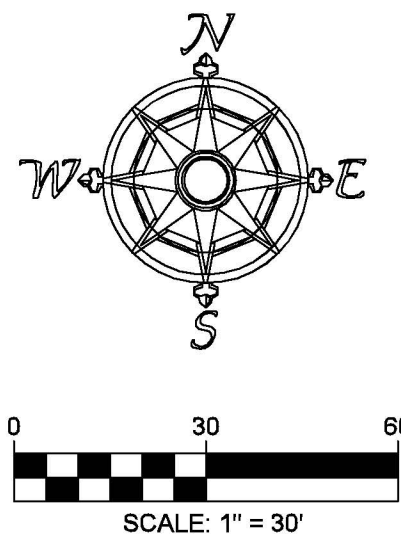
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Total area of Proposed Vacated R/W: ± 0.366 acres



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

DECRPTION OF PROPOSED ZONE I1 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 lots conveyed to the State of Indiana for highway purposes.

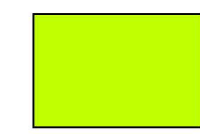
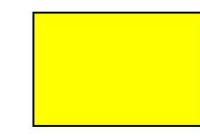
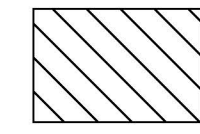
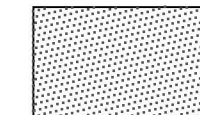
Also, Lot Numbers 14 and 15 together with the East 1/2 of the vacated alley adjoining said lots, in Figel's Addition to the City of Fort Wayne, Indiana.

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 I1: ±1.102 acres

-  EXISTING ZONE I1
-  EXISTING ZONE C3
-  PROPOSED ZONE I1
-  PROPOSED R/W VACATION

RIGHT-OF-WAY VACATION
& REZONING EXHIBIT

T-E INCORPORATED

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

The concepts, designs, plans and details as shown on this document are the property of T-E INCORPORATED and shall not be created, developed, and presented for use on this specific project without the written permission of T-E INCORPORATED.



Prairie Farms Building Addition

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

Date: 12/28/2016

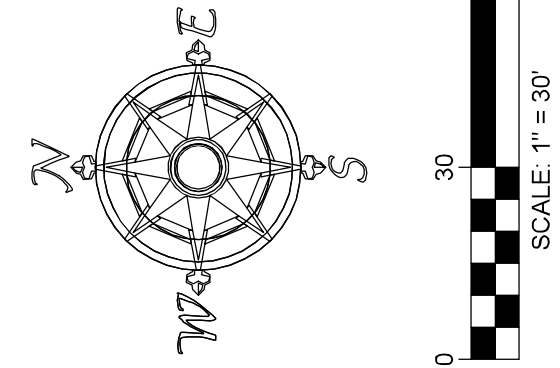
Drawn By: JWH

Checked By: JWH

Job No.: 16187

Scale: as shown

Sheet No.: C1.0



A Primary Development Plan for:

Prairie Farms Dairy

Owner/Developer:
Prairie Farms Dairy, Inc.
c/o Chuck McQuig
PO Box 10419
Fort Wayne, IN 46852
(260) 483-6436

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

DECIPTION OF PROPOSED DEVELOPMENT PARCEL:

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 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 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
	LIGHT POLE
	HANDICAP PARKING
	CONTROL POINT
	BENCHMARK
	DECIDUOUS SHRUB
	EVERGREEN TREE
	DECIDUOUS TREE
	EXISTING ELEVATION
	ASPHALT AREA
	CONCRETE AREA
	STONE AREA
	RIGHT-OF-WAY MONUMENT
	MAIL BOX
	PAPER BOX
	BOLLARD
	GAS VALVE
	TELEPHONE PEDESTAL
	FIRE HYDRANT
	LANDSCAPE LIGHT
	ELECTRIC PEDESTAL
	ELECTRIC TRANSFORMER
	SEPTIC TANK
	SEPTIC BURY PIPE
	SEPTIC INSPECTION PORT
	CONTROL MANHOLE
	SANITARY MANHOLE
	CLEANOUT
	FLAG POLE
	RIGHT-OF-WAY MONUMENT
	SIGN (AS NOTED)
	SQUARE INLET
	CURB INLET
	DOWNSPOUT
	SOIL BORING
	WELL
	MANHOLE/WELL
	DISTRIBUTION BOX
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	FIRE STATION
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	GAS METER
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