

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2017-0005
Bill Number: G-17-05-29
Council District: 5 – Geoff Paddock

Introduction Date: May 23, 2017

Public Hearing Date: June 13, 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 northwest to southeast, 10 foot wide alley located between Lots 47 and 48 of South Wood Park, Section C.

Location: Between 1230 and 1240 Korte Lane, beginning at Korte Lane and extending approximately 105 feet to the northwest.

Reason for Request: The applicant resides at 1230 Korte Lane and would like to eliminate vehicular traffic between the two properties.

Applicant: Robert Howard

Property Owners: Robert Howard and Barry Devlin

Related Petitions: none

Effect of Passage: Vacation of the alley will split the property between the two adjacent properties and allow access to be prohibited, depending on location of utilities. Properties at 4621 and 4605 Crestwood may no longer be able to exit to Korte Lane; they will have access to Crestwood Drive.

Effect of Non-Passage: The alley will remain as platted and open to vehicular traffic from Korte Lane to Crestwood Drive.

1 VALY-2017-0005

2 BILL NO. G-17-05-29

Plat Book: 8B

Page No: 72

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 10 foot alley lying between Lot 47 and 48 in South Wood Park, Section C,
18 recorded in Plat Book 8B, Page 72, in the Office of the Recorder of Allen County, Indiana.

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

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

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:

 Basement

 X Public Right of Way (street or alley)

More particularly described as follows:

alley between 1230 Korte Lane and
1240 Korte Lane

(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: 8 PAGE(S) NUMBER(S): 72-73 (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 residents at 1240 Korte Lane maintain the alley
shovel snow, trim bushes and overgrowth.

The increase in children in the area makes the alley
a hazard and a danger

(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: Robert Howard

Street Address: 1230 Korte Lane

City: FT. Wayne State: IN Zip: 46807 Phone: 745-745-7222

FORT WAYNE, INDIANA

FILED

MAY 09 2017

LANA R. KEESLING
CITY CLERK



* 2 0 0 9 0 1 4 9 2 8 1 *

2009014928

RECORDED ON

03/31/2009 10:08:40AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

REC FEE: 16.00

TRANS # 55199

WARRANTY DEED

Mail tax bills to:

Grantee mailing address:

1240 Korte Lane

Ft. Wayne, IN 46808

Wayne
0212-22-277-010-000-074

ANGELO L. POSSEMATO and NANCY A. POSSEMATO, husband and wife, over the age of eighteen (18) years of Allen County in the State of Indiana ("Grantors"), CONVEY AND WARRANT UNTO BARRY DEVLIN and ELIZABETH R. DEVLIN, husband and wife, of Allen County in the State of Indiana ("Grantees"), in consideration of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, real estate located in Allen County, Indiana, more particularly described as follows, to-wit:

Lots Numbered 46 and 47 in South Wood Park, Section C, an Addition to the City of Fort Wayne, as recorded in Plat Record 8, pages 72-73, in Allen County, Indiana.

SUBJECT to all easements, restrictions, and limitations of record, as well as all applicable zoning ordinances.

SUBJECT to real estate taxes due and payable in Spring 2009, and thereafter.

DATED: March 18, 2009

(Signature)

(Signature)

ANGELO L. POSSEMATO

NANCY A. POSSEMATO

(Printed Name)

(Printed Name)

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)



TRISHA K. MURPHY, Notary Public
Steuben County, State of Indiana
My Commission Expires April 29, 2012

Before me, a Notary Public in and for said County and State, this 18 day of March 2009, appeared ANGELO L. POSSEMATO and NANCY A. POSSEMATO, husband and wife, each over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing Warranty Deed. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires: 4-29-12Resident of: Steuben

Trisha K. Murphy
NOTARY PUBLIC Trisha K. Murphy

This instrument prepared by VINCENT J. HEINY (I.D. #7638-02), Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802; telephone: (260) 426-0444; fax: (260) 422-0274. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by Law. Vincent J. Heiny

P:\DEEDS\394351.upd (3/18/09 8:29am)

NOTARY PUBLIC
JURY
TO HOLD AND RETURN TO THE CLERK OF COURT

METROPOLITAN TITLE OF IN
10016 AUBURN PARK DRIVE
FORT WAYNE IN 46825

MAR 20 2009

64129
64129
ALL-INDIANA

16



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: 5/12/2017



1 inch = 100 feet