

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2017-0005
Bill Number: G-17-08-04
Council District: 5-Geoff Paddock

Introduction Date: August 8, 2017
Public Hearing Date: August 22, 2017 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate portions of East Jefferson Boulevard, Maumee Avenue and Division Street.

Location: Within the 900 to 1100 blocks of East Jefferson and Maumee Avenue, in the location of the relocated Maumee Avenue.

Reason for Request: To clean-up right-of-way descriptions following the Maumee Avenue relocation project.

Applicant: City of Fort Wayne Transportation Department

Property Owner: City of Fort Wayne Transportation Department

Related Petitions: none

Effect of Passage: Vacation of the platted right-of-way will allow the now-unused right-of-way to be returned to the adjacent property owner for possible development and general beautification and maintenance.

Effect of Non-Passage: The City of Fort Wayne will retain responsibility for the unused right-of-way, including maintenance. New right-of-way was dedicated for the relocated Maumee Avenue project.

VROW-2017-0005

BILL NO. G-17-08-04

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:

Parcel A

A part of Maumee Avenue lying southerly of Lots 61 through 66 in Comparets Addition, recorded Deed Book 31, Pages 170-171 in the Office of the Recorder of Allen County, Indiana; a part of Division Street lying east of Lot 7 in Hanna Partition Addition, recorded in Deed Book 45, page 20 in the Office of the Recorder of Allen County, Indiana and west of Lot 95 in Chutes Homestead Addition, recorded in Deed Book 26, Pages 61-62 in the Office of the Recorder of Allen County, Indiana; a part of said Lot 7 and part of Lots 95, 96 and 97 in said Chutes Homestead Addition, all as situated in the South one-half Section 1, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Beginning at the southwesterly corner of Lot 66 in said Comparets Addition and being the intersection of the east right of way line of King Street with the northerly right of way line of Maumee Avenue as marked by a five-eighths inch diameter steel pin set with CITY OF FORT WAYNE identification cap; thence South 76 degrees 02 minutes 19 seconds East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along said northerly right of way line of Maumee Avenue and being the southerly line of Lots 61 through 66 in said Comparets Addition, a distance of 313.64 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the southeasterly corner of Lot 61 in said Comparets Addition and being the intersection of the west right of way line of Comparet Street with said northerly right of way line of Maumee Avenue; thence South 03 degrees 00 minutes 38 seconds East, a distance of 25.87 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the right having a radius of 20.00 feet; thence southwesterly along said curve, an arc length of 31.72 feet and subtended by a

1 chord of 28.50 feet bearing South 42 degrees 25 minutes 47 seconds West to a five-eighths inch
2 diameter steel pin set with CITY OF FORT WAYNE identification cap; thence South 87
3 degrees 52 minutes 13 seconds West, a distance of 260.01 feet to a five-eighths inch diameter
4 steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the right
5 having a radius of 20.00 feet; thence northwesterly along said curve, an arc length of 31.11 feet
6 and subtended by a chord of 28.07 feet bearing North 47 degrees 34 minutes 13 seconds West to
7 a five-eighths inch diameter steel pin set with CITY OF FORT WAYNE identification cap;
8 thence North 03 degrees 00 minutes 38 seconds West, a distance of 113.43 feet to the point of
9 beginning, containing 0.613 acres, more or less, (26722.39 square feet).

10 Parcel B

11 A part of Maumee Avenue lying southerly of Lots 56 through 60 in Comparets Addition, recorded
12 Deed Book 31, Pages 170-171 in the Office of the Recorder of Allen County, Indiana, and also
13 being situated in the South one-half Section 1, Township 30 North, Range 12 East, Allen County,
14 Indiana and more particularly described as follows:

15 Beginning at the southwesterly corner of Lot 60 in said Comparets Addition and being the
16 intersection of the east right of way line of Comparet Street with the northerly right of way line of
17 Maumee Avenue as marked by a Mag nail set; thence South 76 degrees 02 minutes 19 seconds
18 East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along said
19 northerly right of way line of Maumee Avenue and being the southerly line of Lots 56 through 60
20 in said Comparets Addition, a distance of 220.07 feet to a five-eighths inch diameter steel pin with
21 CITY OF FORT WAYNE identification cap set at the point of curve to the left having a radius of
22 1048.00 feet; thence northwesterly along said curve, an arc length of 194.57 feet and subtended by
23 a chord of 194.29 feet bearing North 83 degrees 52 minutes 02 seconds West to a five-eighths
24 inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve
25 to the right having a radius of 20.00 feet; thence northwesterly along said curve, an arc length of
26 30.08 feet and subtended by a chord of 27.32 feet bearing North 46 degrees 05 minutes 54
27 seconds West to a Mag nail set; thence North 03 degrees 00 minutes 38 seconds West, a distance
28 of 13.41 feet to the point of beginning, containing 0.059 acres, more or less, (2553.85 square feet).

29 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
30 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.

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 X Public Right of Way (street or alley)

More particularly described as follows:

All of right of way as depicted as "Parcel A" & Parcel "B" on Exhibit A, located at
King Street and Comparet Street along Jefferson Boulevard. This includes
public right of way along Jefferson Boulevard, Maumee Avenue and Division Street.

(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:

City Sponsored Vacation:

City of Fort Wayne Public Works re-aligned Maumee/Jefferson and has
terminated use/need of old right of way.

(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: Kyle Winling

Street Address: 200 E Berry St, Suite 210

City: Fort Wayne State: IN Zip: 46818 Phone: 260-427-2781

FORT WAYNE, INDIANA

FILED

JUN 21 2017

LANA R. KEESLING
CITY CLERK

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.

Daniel A. Brenner Daniel A. Brenner 6-21-17
Signature Printed Name Date

Address 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): Kyle Winling, City of Fort Wayne Traffic Engineer

Street Address: 200 E Berry St, Suite 210
City: Fort Wayne State: IN Zip: 46818 Phone: 260-427-2781

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 #: _____

KING STREET

50' RIGHT OF WAY

N 3°00'38" W-M 164.00'-P&M

120'-D
120.12'-M

LOT 44

LOT 45

LOT 46

LOT 47

LOT 48

LOT 49

150'-P

COMPARETS ADDITION
DEED BOOK 31, PAGES 170-171

POINT OF BEGINNING
S.P.S.

VUE

N 85°00'50" W-M 113.43'-M

LOT 66

LOT 65

LOT 64

LOT 63

LOT 62

LOT 61

INDIANA INSTITUTE OF TECHNOLOGY INC
DOC.#2012055321
DOC.#2015044546
DOC.#2016018997
DOC.#2012055320
DOC.#2016019440

PARCEL A
0.613 ACRES

R=20.00'
L=31.72'
C=28.50'-M
CB=S 42°25'47" W-M

S 87°52'13" W-M 260.01'-M

JEFFERSON BOULEVARD

(PROPOSED VARYING RIGHT OF WAY WIDTH)

LOT 95

LOT 96

CITY OF FORT WAYNE
(RIGHT OF WAY)
DOC.#2016007554

LOT 97

LOT 98

CITY OF FORT WAYNE
DOC.#2016007350

DIVISION STREET

60' RIGHT OF WAY

COMPARET STREET

50' RIGHT OF WAY

N 85°00'38" W-M 134.41'-M

CB=S 03°00'38" E-M

CB=N 46°03'54" E-M 134.41'-M

CHUTES HOMESTEAD ADDITION
DEED BOOK 26, PAGE 61-62

LOT 94

LOT 93

LOT 92

LOT 91

148'-P

50'-P

25'-D

25'-D

50'-P

25.5'-D

24.5'-D

21'-D

50'-P

50'-P

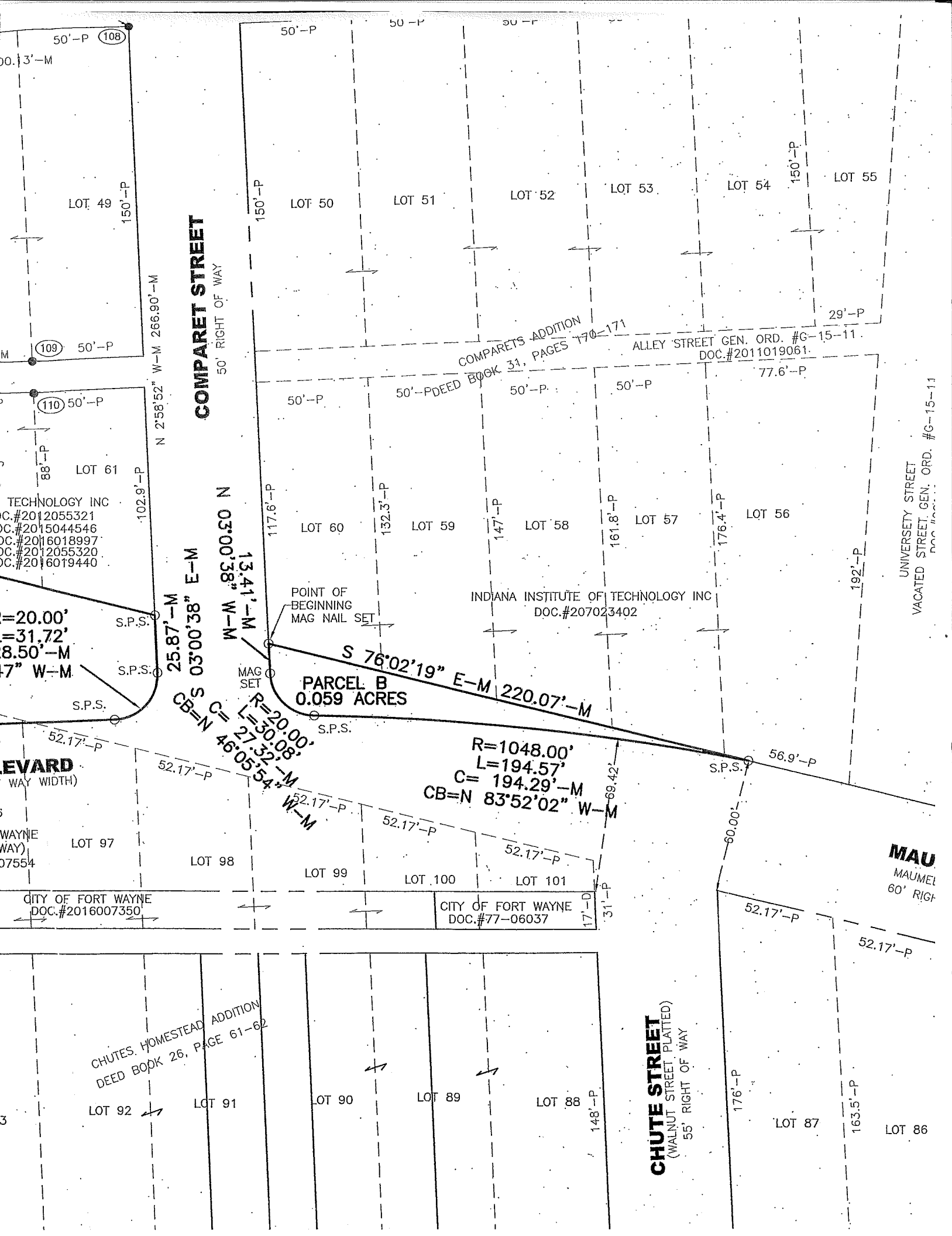
50'-P

NEW PARCEL DESCRIPTION

Parcel A

A part of Maumee Avenue lying southerly of Lots 61 through 66 in Comparets Addition, recorded Deed Book 31, Pages 170-171 in the Office of the Recorder of Allen County, Indiana; a part of Division Street lying east of Lot 7 in Hanna Partition Addition, recorded in Deed Book 45, page 20 in the Office of the Recorder of Allen County, Indiana and west of Lot 95 in Chutes Homestead Addition, recorded in Deed Book 26, Pages 61-62 in the Office of the Recorder of Allen County, Indiana; a part of said Lot 7 and part of Lots 95, 96 and 97 in said Chutes Homestead Addition, all as situated in the South one-half Section 1, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

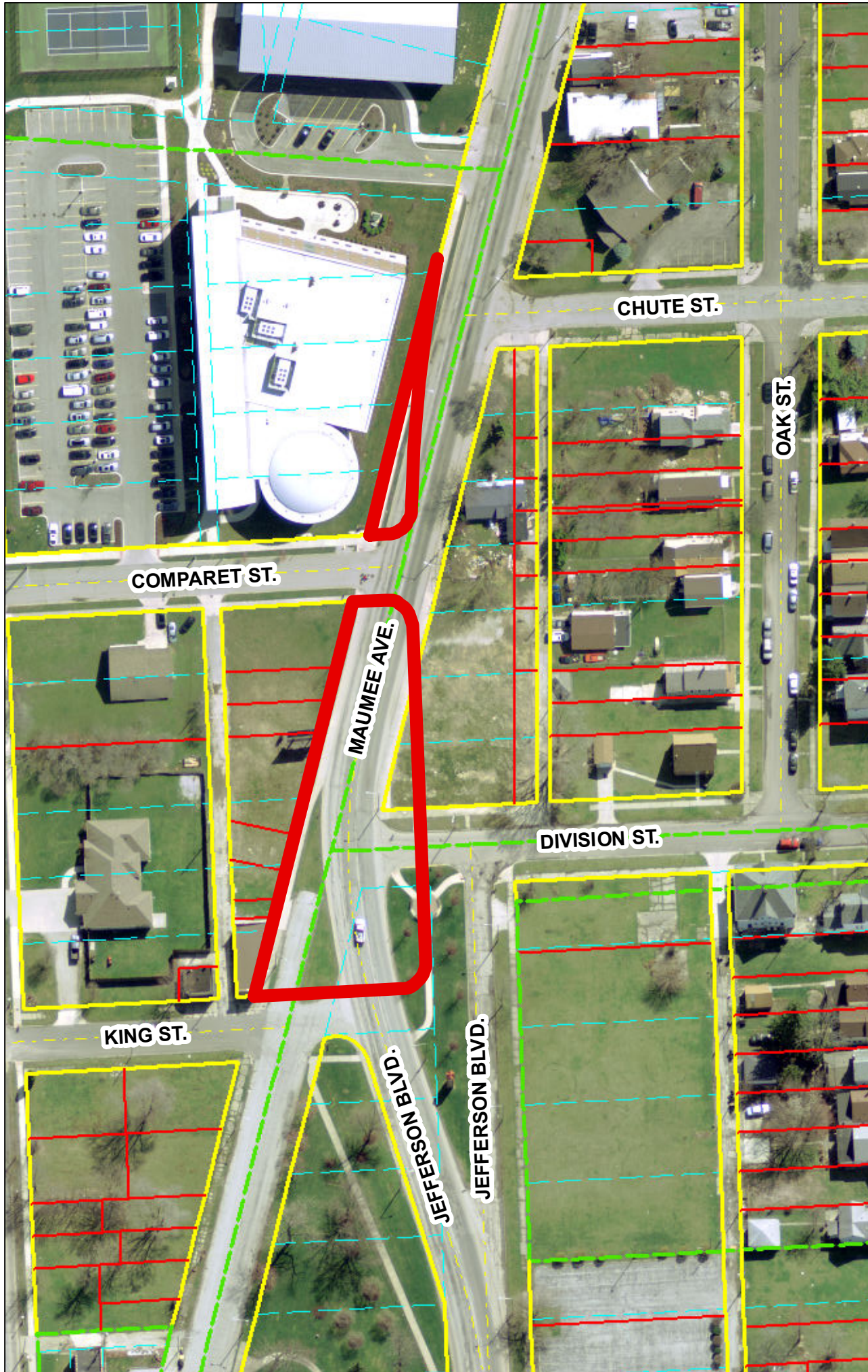
Beginning at the southwesterly corner of Lot 66 in said Comparets Addition and being the intersection of the east right of way line of King Street with the northerly right of way line of Maumee Avenue as marked by a five-eighths inch diameter steel pin set with CITY OF FORT WAYNE identification cap; thence South 76 degrees 02 minutes 19 seconds East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along said northerly right of way line of Maumee Avenue and being the southerly line of Lots 61 through 66 in said Comparets Addition, a distance of 313.64 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the southeasterly corner of Lot 61 in said Comparets Addition and being the intersection of the west right of way line of Comparet Street with said northerly right of way line of Maumee Avenue; thence South 03 degrees 00 minutes 38 seconds East, a distance of 25.87 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the right having a radius of 20.00 feet; thence southwesterly along said curve, an arc length of 31.72 feet and subtended by a chord of 28.50 feet bearing South 42 degrees 25 minutes 47 seconds West to a five-eighths inch diameter steel pin set with CITY OF FORT WAYNE identification cap; thence South 87 degrees 52 minutes 13 seconds West, a distance of 260.01 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the right having a radius of 20.00 feet; thence northwesterly along said curve, an arc length of 31.11 feet and subtended by a chord of 28.07 feet bearing North 47 degrees 34 minutes 13 seconds West to a five-eighths inch diameter steel pin set with CITY OF FORT WAYNE identification cap; thence North 03 degrees 00 minutes 38 seconds West, a distance of 113.43 feet to the point of beginning, containing 0.613 acres, more or less, (26722.39 square feet).



Parcel B

A part of Maumee Avenue lying southerly of Lots 56 through 60 in Comparets Addition, recorded Deed Book 31, Pages 170-171 in the Office of the Recorder of Allen County, Indiana, and also being situated in the South one-half Section 1, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Beginning at the southwesterly corner of Lot 60 in said Comparets Addition and being the intersection of the east right of way line of Comparet Street with the northerly right of way line of Maumee Avenue as marked by a Mag nail set; thence South 76 degrees 02 minutes 19 seconds East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along said northerly right of way line of Maumee Avenue and being the southerly line of Lots 56 through 60 in said Comparets Addition, a distance of 220.07 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the left having a radius of 1048.00 feet; thence northwesterly along said curve, an arc length of 194.57 feet and subtended by a chord of 194.29 feet bearing North 83 degrees 52 minutes 02 seconds West to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the point of curve to the right having a radius of 20.00 feet; thence northwesterly along said curve, an arc length of 30.08 feet and subtended by a chord of 27.32 feet bearing North 46 degrees 05 minutes 54 seconds West to a Mag nail set; thence North 03 degrees 00 minutes 38 seconds West, a distance of 13.41 feet to the point of beginning, containing 0.059 acres, more or less, (2553.85 square feet).



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
Page 2 of 2

