

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2017-0006
Bill Number: G-17-08-15
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 Wood avenue and various adjacent alleys in the following additions: Hanna's, Trentman's, and Wood Place Additions to the City of Fort Wayne.

Location: Within the 200 block of West Superior and 450 block of South Harrison Street.

Reason for Request: To remove rights-of-way to allow for the construction of the Compass Pavilion, part of Riverfront, Phase I.

Applicant: City of Fort Wayne Parks Department

Property Owner: City of Fort Wayne Parks Department

Related Petitions: Primary Development Plan, Riverfront Phase I

Effect of Passage: Vacation of the platted right-of-way will allow construction of the Compass Pavilion, which is Phase I for Riverfront Fort Wayne.

Effect of Non-Passage: The right-of-way will remain as platted and no new development, as planned, will take place.

1 VROW-2017-0006

2 BILL NO. G-17-08-15

3
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 vacate a public right-of-way within the City of
16 Fort Wayne, Indiana, more specifically described as follows, to-wit:

17 Area "A":

18 ALL THAT AREA OF WOOD AVENUE LYING EASTERLY OF WELLS STREET AND
19 SOUTHERLY OF LOTS 11, 12, 13, 14, 15, AND 16 OF WOOD PLACE ADDITION, AS
20 RECORDED IN PLAT BOOK 3, PAGE 73 IN THE OFFICE OF THE RECORDER OF
21 ALLEN COUNTY INDIANA. ALSO, ALL THAT AREA OF THE ALLEYS LYING
22 EASTERLY OF LOT NUMBER 10 OF SAID WOOD PLACE ADDITION AND
23 WESTERLY OF LOTS 8 AND 9 OF MARY E. TRENTMAN'S ET. AL SUBDIVISION, AS
24 RECORDED IN PLAT BOOK 80, PAGE 537. ALSO, ALL THAT AREA OF THE ALLEY
25 LYING WESTERLY OF HARRISON STREET AND NORTHERLY OF LOTS 5, 6, AND 7
26 OF SAID TRENTMAN'S SUBDIVISION.

27 Area "B":

28 ALL THAT AREA OF THE ALLEY LYING NORTHERLY OF SUPERIOR STREET
29 (FORMERLY WATER STREET) AND WESTERLY OF LOT NUMBER 1 OF WOOD
30 PLACE ADDITION, AS RECORDED IN BOOK 3, PAGE 73 IN THE OFFICE OF THE
RECORDER OF ALLEN COUNTY INDIANA.

Area "C":

ALL THAT AREA OF LOCUST ALLEY LYING WESTERLY OF HARRISON STREET
AND NORTHERLY OF LOTS 570, 571, 572, AND 573 OF THE WEST PART OF
HANNA'S ADDITION TO FORT WAYNE AS RECORDED IN PLAT BOOK "A", PAGE
16 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY INDIANA. ALSO, ALL
THAT PART OF ALLEY LYING NORTHERLY OF LOT 11 OF MARY E. TRENTMAN'S

1 ET. AL SUBDIVISION, AS RECORDED IN PLAT BOOK 80, PAGE 537. ALSO, ALL
2 THAT PART OF ALLEY LYING NORTHERLY OF LOTS 11, 12, 13, 14, 15, AND 16 OF
3 WOOD PLACE ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 73 IN THE
4 OFFICE OF THE RECORDER OF ALLEN COUNTY INDIANA.

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

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

9 _____
10 COUNCILMEMBER

11 APPROVED AS TO FORM AND LEGALITY:

12 _____
13 Carol T. Helton, City Attorney
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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:

See attached Exhibits for Area A.

(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: 3 & 80 PAGE(S) NUMBER(S): 73 & 537 (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:

For the construction of the Riverfront Phase I Project
for the Fort Wayne Parks and Recreation Department.

(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:

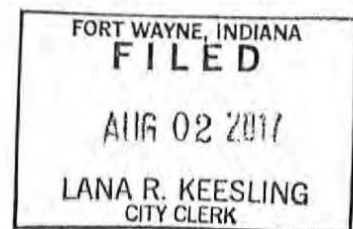
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: See attached sheet for adjacent property owners.

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____



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:

See attached Exhibits for Area B.

(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: 3 PAGE(S) NUMBER(S): 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)

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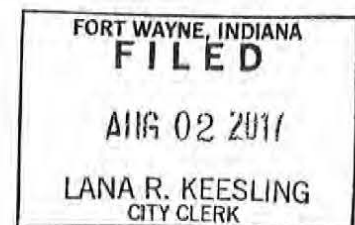
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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Name: See attached sheet for adjacent property owners.

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____



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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_____ Easement X Public Right of Way (street or alley)

More particularly described as follows:

See attached Exhibits for Area C.

(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: A PAGE(S) NUMBER(S): 16 (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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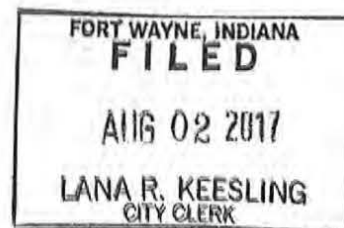
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: See attached sheet for adjacent property owners.

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____



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

Alec Johnson
Printed Name

7/26/2017
Date

705 East State Blvd
Address

Fort Wayne, IN 46805
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 #: _____

Riverfront Phase I Development

Adjacent Property Owners

FORT WAYNE BOARD OF PARK
COMMISSIONERS
705 E STATE BLVD
FORT WAYNE, IN 46805-3457

Two Twenty-Two LLC
302 W Superior St
Fort Wayne, IN 46802-1112

North LLC
216 W SUPERIOR ST
FORT WAYNE, IN 46802
PO Box 5464
Fort Wayne, IN 46895

Board Of Commissioners
200 E Berry St Ste 410
Fort Wayne, IN 46802

Superior Lofts LP
124 W SUPERIOR ST
FORT WAYNE, IN 46802
10711 America Way #200
Fishers, IN 46038

FORT WAYNE DOWNTOWN DEVELOPMENT
TRUST INC
200 E Main St STE 800
Fort Wayne, Indiana 46802



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 of Map 2/20/17

Areas depicted with bold lines are for representational purposes only.

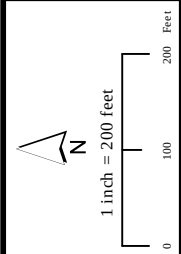


Exhibit "A"

Description of Areas to be Vacated

Area "A":

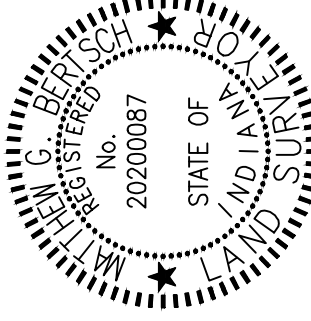
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Matthew G. Bertsch

THIS DESCRIPTION WAS PREPARED FOR CITY OF FORT WAYNE BY BERTSCH-FRANK & ASSOCIATES, LLC.
AND CERTIFIED BY MATTHEW G. BERTSCH, P.L.S. INDIANA REGISTERED LAND SURVEYOR NO. 20200087

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

BF

BERTSCH-FRANK

est. 2004

& associates

LAND SURVEYING | LAND PLANNING

811 LAWRENCE DRIVE
FORT WAYNE, IN 46804

TELEPHONE: (260) 459-9393
FACSIMILE: (260) 459-9303

Easement Exhibit "A"
Wood Avenue & Misc. Alleys
Fort Wayne, Indiana
City of Fort Wayne

REVISIONS	
MARK	DESCRIPTION

CAD FILE: 15877_Vacations.dwg

DRAWN BY: NUB

CHECKED BY: MGB

DATE: 7/20/2017

PRJCT. NO.: 15877.100



PLAT LEGEND

1

THE WEST PART OF HANNA'S ADDITION TO FORT WAYNE, BK "A", PG 16, REC. JUNE 19, 1839.

2

TRENTMAN'S SUBDIVISION, BK 80, PG 537, REC. JUNE 30, 1880.

3

WOOD PLACE ADDITION, BK. 3, PG 73, REC. JUNE 6, 1904

VACATION LEGEND

1

DECLARATORY RESOLUTION NO. 361 – 1917, DATED NOV. 8TH, 1917.

2

DECLARATORY RESOLUTION NO. 1205 – 1987, DATED MARCH 20TH, 1987.

3

ALLEN CIRCUIT COURT CAUSE 26204, BK 206, PG 255–257, DATED OCT. 26, 1950.

OWNERSHIP LEGEND

1

LANDS OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. 2017021962, REC. MAY 3, 2017.

2

LANDS OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. 2017023619, REC. MAY 11, 2017.

3

LANDS OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. 970047618, REC. AUG. 28, 1996.

4

LANDS OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. 2017021963, REC. MAY 11, 2017.

5

LANDS OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. 2017023620, REC. MAY 11, 2017.

PROPOSED VACATION AREA "A"

PROPOSED VACATION AREA "B"

PROPOSED VACATION AREA "C"

PREVIOUSLY VACATED AREAS – SEE VACATION LEGEND

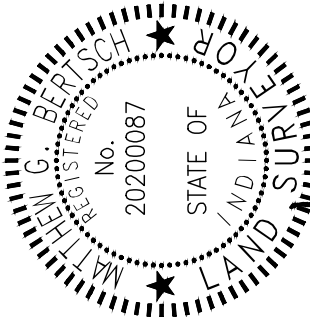
I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RE-TRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

Exhibit "B"

Proposed Areas of Street/Alley
Vacation



Matthew G. Bertsch

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

Wood Avenue
& Misc. Alleys
Vacation Exhibit "B"

City of Fort Wayne

REVISIONS

MARK	DATE	DESCRIPTION

CAD FILE: 15877_Vacations

DRAWN BY: NUB

CHECKED BY: MGB

DATE: 7/20/2017

PRJCT. NO.: 15877.100

BF BERTSCH-FRANK & ASSOCIATES

LAND SURVEYING | LAND PLANNING

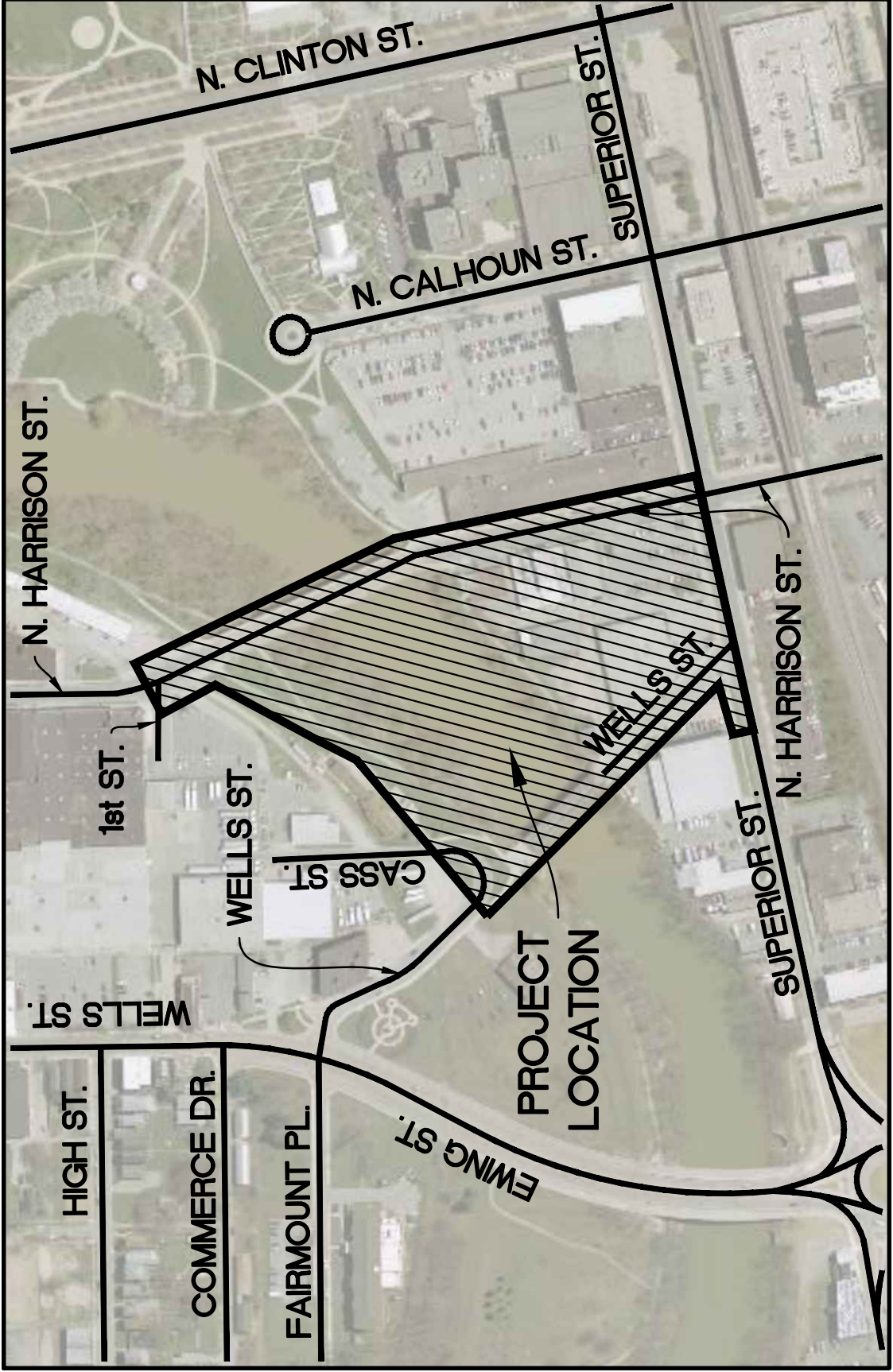
811 LAWRENCE DRIVE
FORT WAYNE, IN 46804

TELEPHONE: (260) 459-9393
FACSIMILE: (260) 459-9303

est. 2004



1 PRIMARY DEVELOPMENT PLAN



PROJECT LOCATION MAP
SCALE: N.T.S.

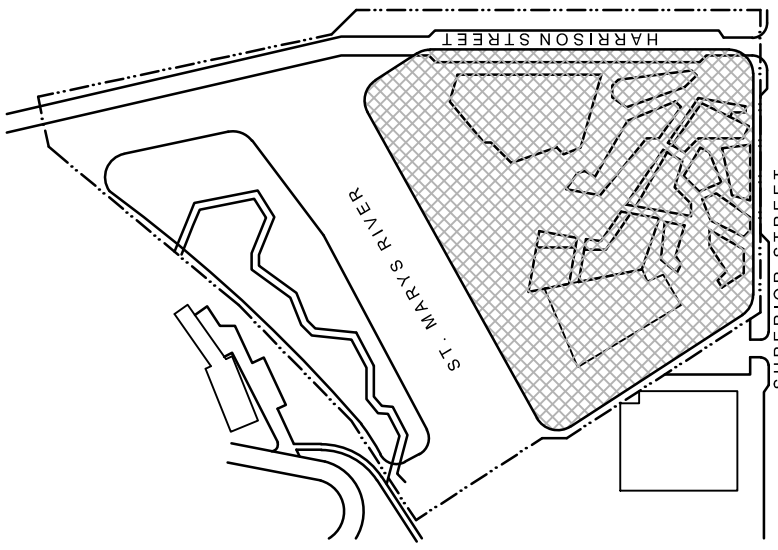
OWNER	FORT WAYNE PARKS & RECREATION DEPARTMENT
	705 EAST STATE BLVD
	FORT WAYNE, IN 46805
	PH: (260) 427-5425
ARCHITECT	DESIGN COLLABORATIVE, INC.
	200 EAST MAIN ST., SUITE 600
	FORT WAYNE, IN 46802
	PH: (260) 427-5425
ENGINEER	ENGINEERING RESOURCES, INC.
	FORT WAYNE, IN 46845
	PH: (260) 485-1025
	PH: (260) 485-1025
LANDSCAPE ARCHITECT	FORUM STUDIO, INC.
	1000 N. CALHOUN ST., SUITE 1000
	CHICAGO, IL 60601
	PH: (312) 229-4433
SURVEYOR	BERTSCHFRANK ASSOCIATES
	1000 N. CALHOUN ST., SUITE 1000
	CHICAGO, IL 60601
	PH: (312) 229-4433
CONTRACTOR	HAGERMAN
	510 W. WASHINGTON
	CHICAGO, IL 60601
	PH: (260) 427-5425

BUILDING INFORMATION	PAVILION BUILDING INTERIOR FLOOR S.F.	6,400 SF
	PAVILION STRUCTURE CANOPY S.F.	6,470 SF
	TOTAL STRUCTURE S.F.	12,870 SF
	PROPOSED BUILDING HEIGHT	24'-3"

LOT INFORMATION	ZONING	DC
	CURRENT USE	COMMERCIAL
	PROPOSED USE	CITY PARK AND PAVILION

FLOOD INSURANCE RATE MAP (FIRM):	ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
	FIRM MAP NUMBER: 18003C2284G
	DATED AUGUST 13, 2009
	PROJECT INCLUDES AREAS WITHIN THE FLOODWAY AND FLOODPLAIN

SITE UTILITIES:	THE SITE UTILITIES FOR RIVERFRONT - PHASE I DEVELOPMENT ARE SHOWN SEPARATELY ON THE PLANS INCLUDED WITH THIS PRIMARY DEVELOPMENT SUBMITTAL
	THE SITE UTILITIES FOR RIVERFRONT - PHASE I DEVELOPMENT ARE SHOWN SEPARATELY ON THE PLANS INCLUDED WITH THIS PRIMARY DEVELOPMENT SUBMITTAL
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1 PRIMARY DEVELOPMENT PLAN