

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2017-0007
Bill Number: G-17-08-22
Council District: 5 – Geoff Paddock

Introduction Date: August 22, 2017
Public Hearing Date: September 12, 2017 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the western half of a platted alley within Ayres Addition.

Location: Between 1309 and 1311 Union street, on Lot 3 of Ayres Addition, beginning at Union Street and extending approximately 85 feet to the east.

Reason for Request: The applicant resides at 1309 Union Street, also owns 1311 Union Street and would like to use the alley as a side yard between the properties.

Applicant: Scott Greider

Property Owner: Scott Greider

Related Petitions: none

Effect of Passage: Vacation of the alley will allow the adjacent property owner to use the land as a side yard between his two properties. The alley is not constructed and does not currently serve as access to any structures, nor does it connect to any other streets or usable alleys.

Effect of Non-Passage: The alley will remain as platted and could be developed into a passable alley in the future.

1 VALY-2017-0007

2 BILL NO. G-17-08-22

Deed Record: Q

Page No: 215

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

17 The East 85 feet of Lot 3 in Ayres Addition to the City of Fort Wayne, Indiana, according to the
18 plat thereof, recorded in Deed Record Q, page 215 as found in the Office of the Recorder of Allen
19 County, Indiana, except the South 16 feet and the North 26.33 feet thereof.

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

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

24 _____
25 COUNCILMEMBER

26 APPROVED AS TO FORM AND LEGALITY:

27 _____
28 Carol T. Helton, City Attorney
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:

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

More particularly described as follows:

Old easement between two houses I own. Would
like to use it as side yard.
See attached legal survey.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

Instrument #: 2011009084

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:

Would like to use it as a side yard. I own houses
on the north and south sides of the easement.

(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:

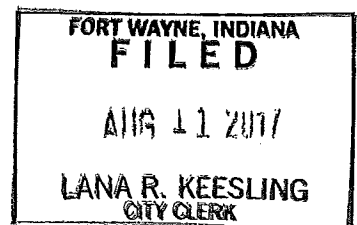
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Scott Greider

Street Address: 1309 Union Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260-415-0408



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.

Scott Greider
Signature

Scott Greider
Printed Name

8/11/17
Date

1709 Union Street
Address

Fort Wayne, IN 46802
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 #: _____



**GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.**

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

EASEMENT VACATION SURVEY

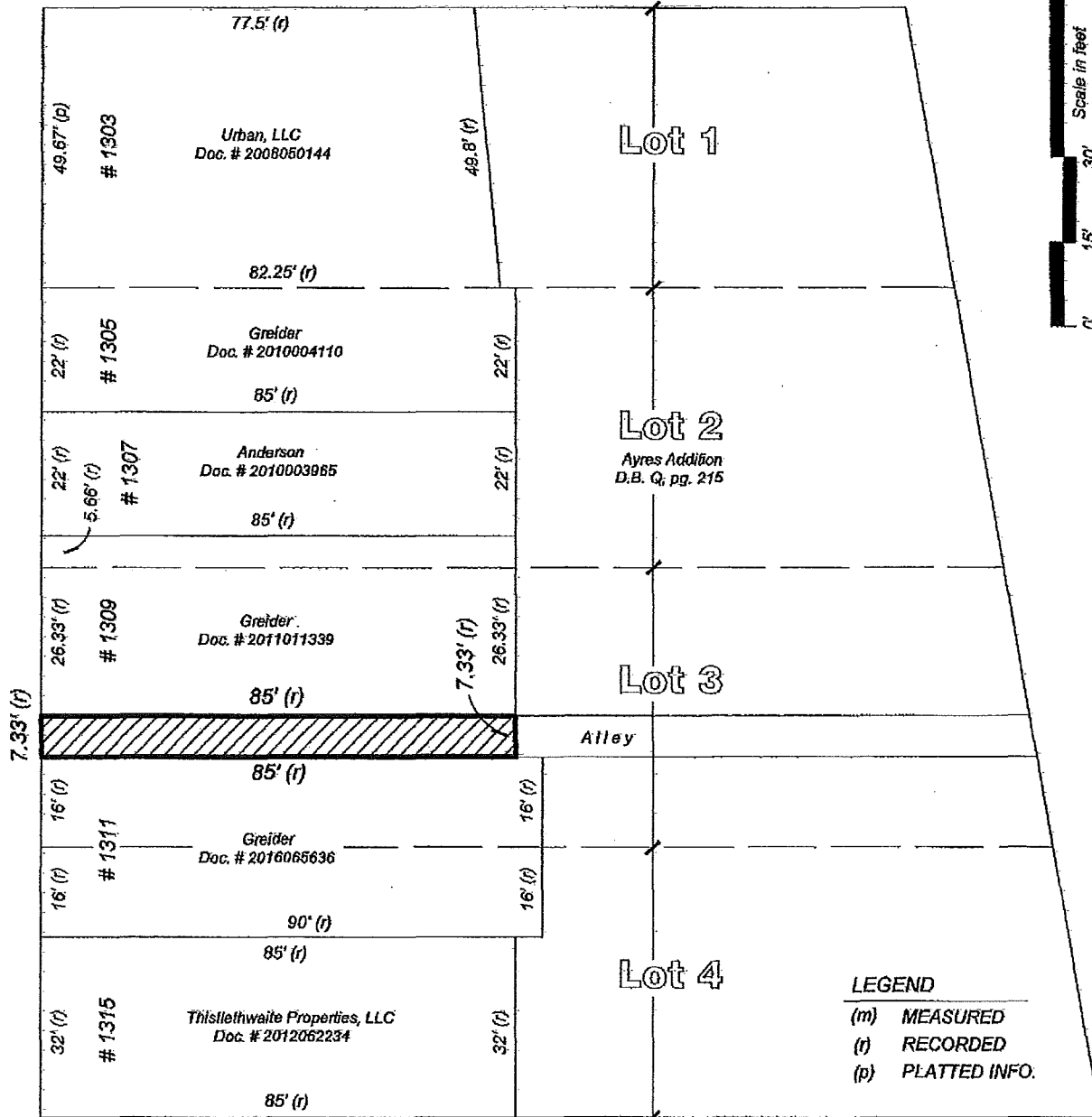
Part of Lot 3 - Ayres Addition
Union Street, Fort Wayne, IN 46802



SCALE: 1" = 30'



UNION STREET 60' Right-of-Way (p)



LEGAL DESCRIPTION FOR VACATION

The East 85 feet of Lot 3 in Ayres Addition to the City of Fort Wayne, Indiana, according to the plat thereof, recorded in Deed Record Q, page 215 as found in the Office of the Recorder of Allen County, Indiana, except the South 16 feet and the North 26-1/3 feet thereof.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

DATED THIS 13th DAY OF JULY, 2017.

For the exclusive use of: Greider

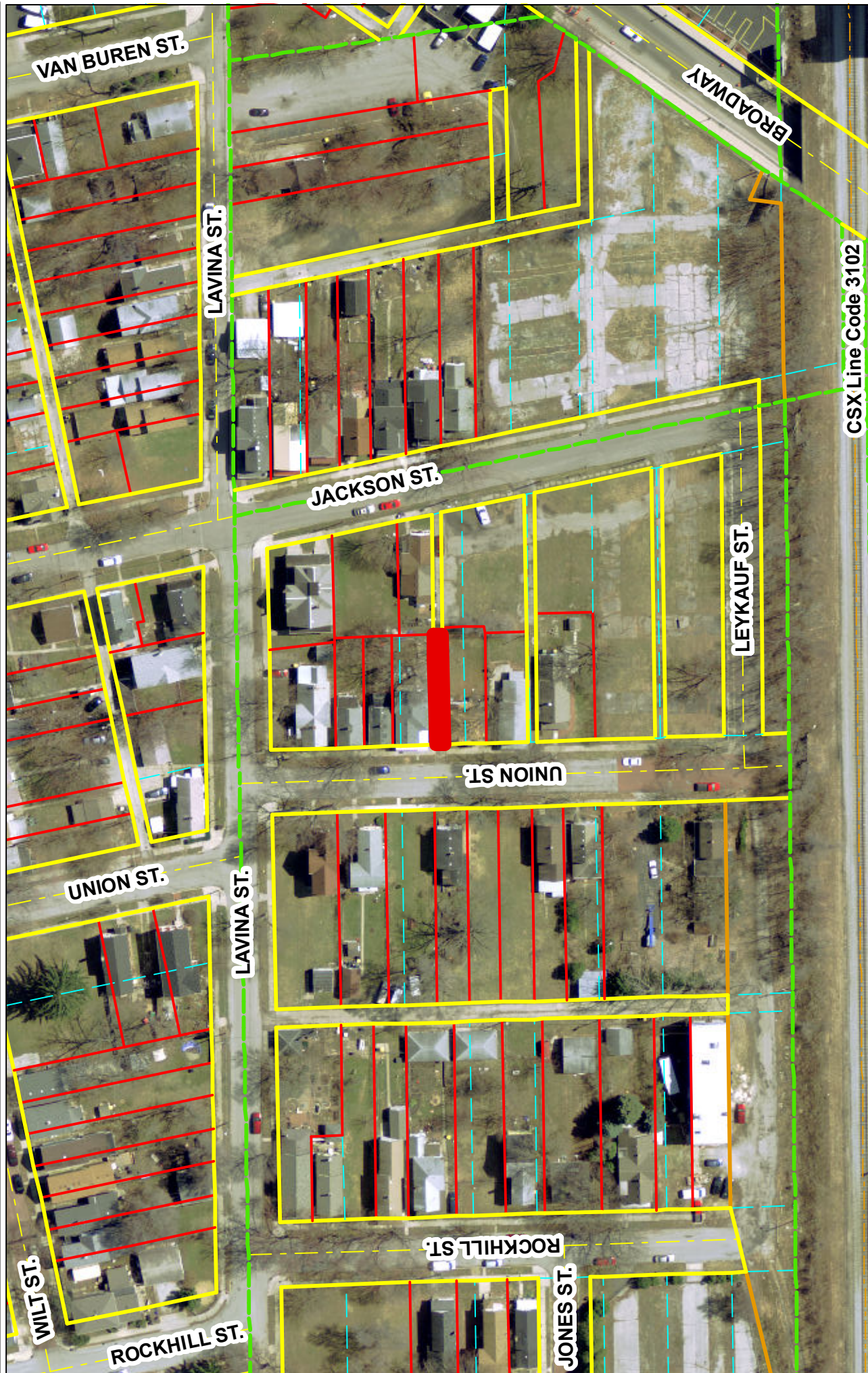
Date: July 13, 2017

Job No.: 20170201

Timothy C. Gouloff RLS 29500017



SHEET 1 OF 1



Areas depicted with bold lines are for representational purposes only.