

ALLEY VACATION – PUBLIC HEARING

DISCUSSION AND PASSAGE

Department of Planning Services

VALY 2018 0003	Bill #G-18-02-24	Project Start: 27 February 2018
APPLICANT:	City of Fort Wayne Transportation	
REQUEST:	To vacate the unimproved, east-west alley right-of-way located north of Lots 7 and 8 in Townley Place Addition.	
LOCATION:	North of 2151 East Rudisill Boulevard. (Section 18 of Wayne Township)	
LAND AREA:	Approximately 540 square feet proposed to be vacated.	
COUNCIL DISTRICT:	District 6 – Glynn Hines	
PUBLIC HEARING DATE:	March 13, 2018	

PROJECT SUMMARY

The petitioner is the City of Fort Wayne Transportation division, in an effort to eliminate some unimproved alleyways in the City. The right-of-way runs east to west on the north side of 2151 E. Rudisill Boulevard. There is no access served by this right-of-way and it is only six feet wide, which is not sufficient in size to serve as a drive. In 2017, this request was brought before Council as VALY-2017-0004, and the request was to vacate the entire east-west alley. There was no opposition to the original request, however Transportation Department staff was unable to reach all of the adjacent property owners to obtain necessary easements, so this request has been reduced to just the alley portion behind one home. This vacation will continue to benefit the adjacent property owner as he would like to use the land for a shed. Staff has sent requests for comment from all affected utility agencies and all necessary easements are granted.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic Engineering:	Approved
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved with easement
City Parks Department:	No comment
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved with easement
Comcast Cable:	No comment
AEP:	Approved with easement
NIPSCO:	Approved

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VALY-2017-0004 (*VALY-2018-0003 Bill No. G-18-02-24*)

Bill No. G-17-04-20

Right-of-Way Vacation – Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

Property Owner of Record:

021318326041000074
2151 East Rudisill

Wyatt and Lillie Cox
2151 East Rudisill
Fort Wayne, IN 46806

021318326040000074
2125 East Rudisill

Corine Turner
2125 East Rudisill
Fort Wayne, IN 46806

021318326039000074
2025 East Rudisill

James and Cheryl Teachey
2025 East Rudisill
Fort Wayne, IN 46806

021318326038000074
2001 East Rudisill

Annie Shelton
2001 East Rudisill
Fort Wayne, IN 46806

021318326017000074
3815 Central Drive

Max J. Graf, IV
3815 Central Drive
Fort Wayne, IN 46806

021318326035000074
3816 Plaza Drive

Willie James Lee
3816 Plaza Drive
Fort Wayne, IN 46806

Representative:

Kyle Winling
City of Fort Wayne Transportation
200 East Berry, Suite 210
Fort Wayne, IN 46802

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: February 26, 2018

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 13, 2018 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2018-0003
BILL NO: G-17-02-24
APPLICANT: City of Fort Wayne Transportation Department
REQUEST: To vacate the unimproved, east-west alley right-of-way located north of Lots 7 and 8 in Townley Place Addition.
LOCATION: North of 2151 East Rudisill Boulevard. (Section 18 of Wayne Township)
LAND AREA: Approximately 540 square feet proposed to be vacated.

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. March 13, 2018. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

1 VALY-2018-0003

2 BILL NO. G-18-02-24

3
4 Plat Book 21
Page 34

5 GENERAL ORDINANCE NO. G-_____

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

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

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

14 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
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
18 All of the 6 foot wide alley lying north of Lots 7 and 8 in Townley Place Addition, recorded in
19 Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana.

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 _____
COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26
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:

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

More particularly described as follows:

All of the 6' wide alley lying north of Lots 7-8 in Townley Place Addition, recorded
in Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana.

(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:

Alleyway was never developed and has been maintained by adjacent

property owners. Property owner would use additional land area for
private use. City would have no use for this land and is petitioning on
behalf of the affected property owner.

Due to width of alley - it is inaccessible by vehicle and Public Works Dept. is acceptable

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

to the dead end not having a turn-around
at the east end of the vacated right of way.

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:

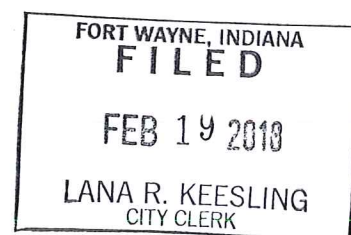
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne, Traffic Engineering Department

Street Address: 200 E Berry St, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172



Wyatt Cox		
Signature	Printed Name	Date
2151 E. Rudisill Blvd	Fort Wayne, IN 46806	
Address	City/State/Zip	

Map #: _____ Reference #: _____



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

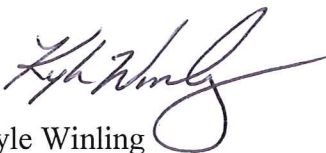
Kyle Winling
Traffic Engineer

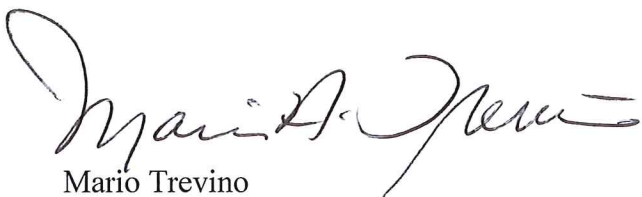
Date: February 19, 2018
Subject: 2151 E Rudisill Avenue - Alley Vacation

Reviewers:

City of Fort Wayne Public Works Department has worked with the homeowner at 2125 E Rudisill Boulevard. Transportation and Traffic Engineering Department have reviewed this proposed vacation petition and due to the 6' wide alley width, it has been determined that vehicular access would not be feasible. Therefore, only walkable access is likely without encroaching onto private property and a turnaround is not necessary. The homeowner has already signed all related easements which would be required in this alleyway.

Due to this restriction in alley width, our departments feel that providing a turn-around is unnecessary. Therefore, vacating only a portion of the requested alley versus the entire alley would be acceptable in this circumstance.


Kyle Winling
Traffic Engineer
City Public Works


Mario Trevino
Manager Transportation Engineering Services
City Public Works



© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East



Date: 10/5/2016 1" = 42'