

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VALY-2018-0004
Bill Number: G-18-08-04
Council District: 6-Glynn Hines

Introduction Date: August 14, 2018

Public Hearing Date: August 28, 2018 (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 an alley between lots 129 and 130, and 161 and 162 of Hamilton's 4th Addition.

Location: The east-west alley lies between 302 East Wallace Street and 301, 305, and 309 East Masterton Avenue.

Reason for Request: To enable the property owner of both sides of alley to combine tax parcels for the purpose of having accessory uses on the southern property.

Applicant: Reliable Real Estate, LLC

Property Owner: Reliable Real Estate, LLC

Related Petitions: none

Effect of Passage: Vacation of the alley right-of-way will return the land to the adjacent property owners to the north and south, which is the same entity. Combining the two parcels will allow the existing business to expand onto the southern parcel. Access and utility easements will be rededicated, causing no change or impact of access for adjacent properties.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. The applicant will not be permitted to use the south parcel for uses accessory to the business located on the north parcel.

1 VALY-2018-0004

2 BILL NO. G-18-08-04

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 That portion of the platted east-west alley lying south of lots 129 and 130 and north of
18 Lots 161 and 162 in Hamilton's 4th Addition to the City of Fort Wayne, as recorded in
19 Deed Book 69, Page 397 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.

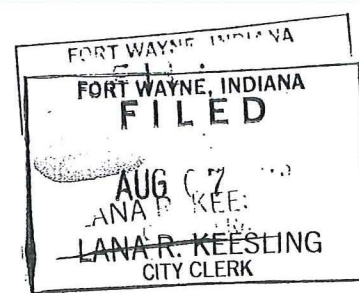
24 _____
COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 _____
27 Carol T. Helton, City Attorney
28
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 ☒ Public Right of Way (street or alley)

More particularly described as follows:

That portion of the alley running East and West separating the property located at the common address of 302 East Wallace Street, Fort Wayne, Indiana 46803, which is located to the north of the alley, and the properties located at common addresses of 301, 305, and 309 East Masterson Avenue, Fort Wayne, Indiana 46803, which are located to the south of the alley.

See attached legal description.

(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: 69 PAGE(S) NUMBER(S): 397 (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 applicant is the owner of all the lots on the north and south sides of the portion of the alley in question. The purpose of the vacation of the alley is to allow the applicant to combine the vacant lots 161 and 162 (to the south of the alley with common addresses of 301, 305, and 309 East Masterson Avenue) with the improved lots 129 and 130 (to the north of the alley with a common address of 302 East Wallace Street), which would permit the owner to utilize the vacant lots to the south of the alley for uses that are accessory to property located 302 East Wallace Street to the north of the alley. The primary use of the vacant lots to the south of the alley following a vacation would be for the parking and/or storage of employee and company vehicles, which the applicant requires for its business. The applicant will grant all easements required by all parties having an interest in the above-described portion of the alley so as maintain their current rights in and to the alley, including the continued rights of ingress and egress to the alley and to maintain the alley. The vacation will not result in a dead end on either end of the alley. The applicant will not construct a fence in a manner that would block any entrances to the alley.

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):

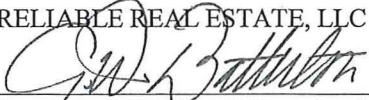
Name: N/A

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 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.

RELIABLE REAL ESTATE, LLC


By: Greg Batterton, Managing Member

7 August 2018
Date

302 E. Wallace St., Fort Wayne, IN 46803
Address

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.

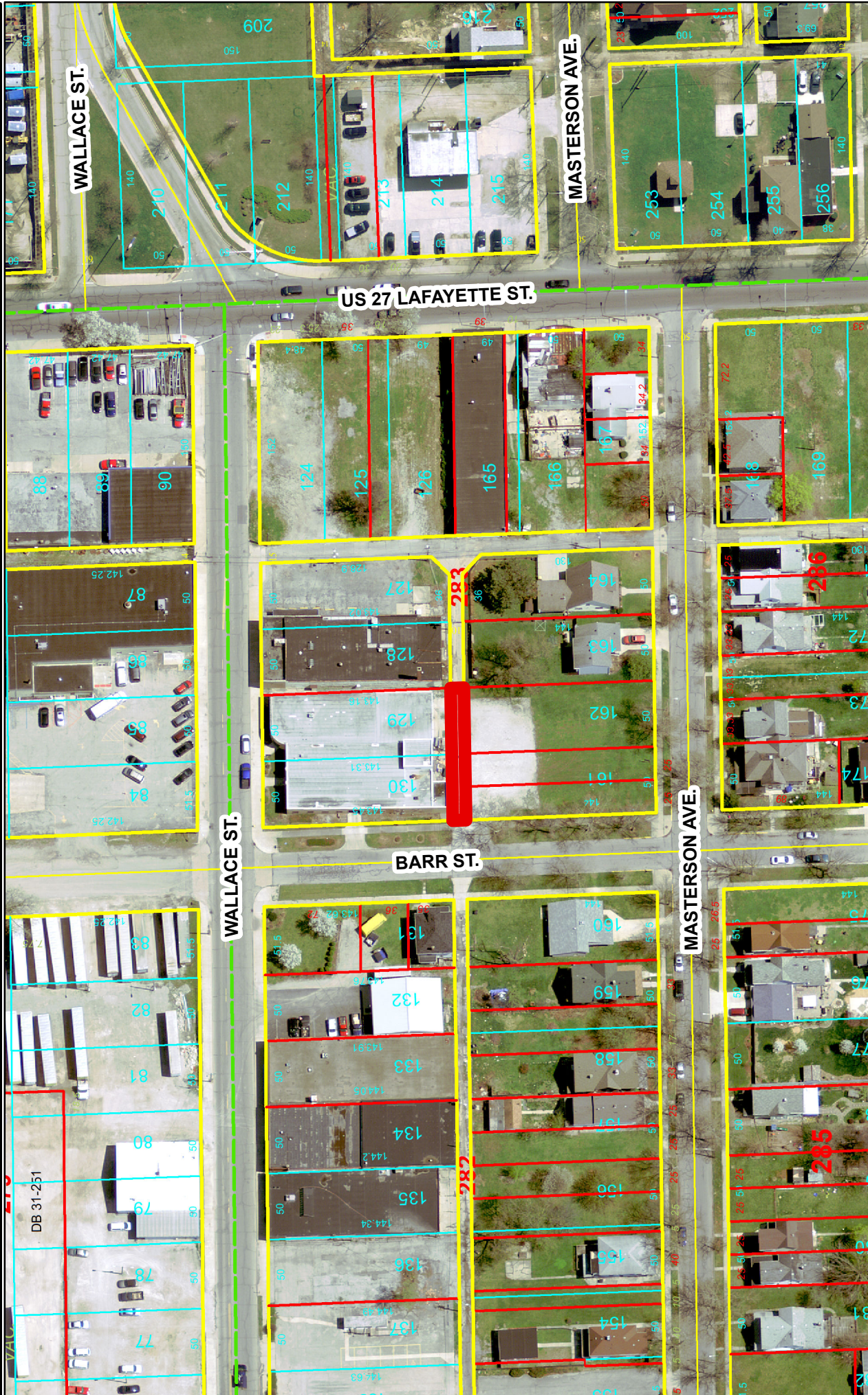
For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



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: 8/8/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only

