

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VROW-2019-0001
Bill Number: G-19-02-21
Council District: 4-Jason Arp

Introduction Date: February 26, 2019

Public Hearing Date: March 12, 2019 (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 Land Drive and a portion of Sandhill Drive (aka Genth Road).

Location: All of Land Drive within Earth Industrial Park, Section II, and the western portion of Sandhill Drive, located north of Earth Industrial Park, Section II, and west of Mark Drive. Both rights-of-way are located south of Saybert, at 3511 Engle Road.

Reason for Request: The applicant plans to expand the Saybert facility south into Earth Industrial Park, Section II. The two rights-of way lie in this area.

Applicant: STN Realty, Indiana, LLC

Property Owner: STN Realty, Indiana, LLC

Related Petitions: none

Effect of Passage: Vacation of the rights-of-way will return the land to the adjacent property owner to the north and south (STN Realty) and allow for a 292,000 square foot expansion of a manufacturing facility. These are paper streets which remain undeveloped.

Effect of Non-Passage: The rights-of-way will remain under City jurisdiction. Expansion plans will have to be substantially altered to use the land within Earth Industrial Park, Section II.

1 **VROW-2019-0001**

2 **BILL NO. G-19-02-21**

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
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
15 FORT WAYNE, INDIANA:

16 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of
17 Fort Wayne, Indiana, more specifically described as follows, to-wit:

18 All of Land Drive within Earth Industrial Park, Section II, a plat recorded in Plat Book
19 #37, Page 98, as document number 75-19673.

20 Together with:

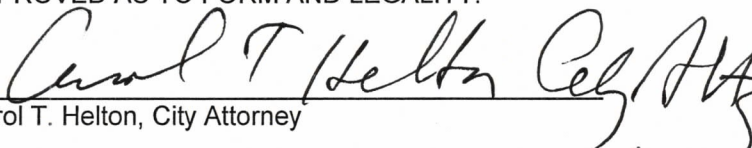
21 All of Sandhill Drive located immediately north of Earth Industrial Park, Section II
22 commencing at the western edge of Mark Drive and running westerly to the terminus
23 of Sandhill Drive east of Ardmore Avenue.

24 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
25 and is hereby approved in all respects.
26
27
28
29
30

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:

See attached.

(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:

See attached.

(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.**

Street Address: _____

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

FORT WAYNE, INDIANA

FILED

FEB 05 2019

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 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.

Stephen L Fink
Signature

Stephen L Fink
Printed Name

2/5/19
Date

888 S Harrison Suite 600
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: 2/5/19

Map #: _____

Reference #: G-19-02-23
VR0W-2019-0001

ATTACHMENT TO VACATION PETITION SUBMITTED
BY STN REALTY INDIANA, LLC

Your petitioner, STN Realty, Indiana, LLC ("STN"), is located at 2288 Main St. Extension Sayreville, New Jersey 08872. The telephone number is (732) 721-5544. The contact person at STN is Lionel Pena (lpena@sabert.com). STN seeks to vacate a platted but undeveloped right-of-way depicted as Land Drive within Earth Industrial Park, Section II, a plat recorded in Plat Book number 37, page 98, as document number 75-19673. A copy of the Plat which depicts Land Drive is attached hereto as Exhibit A. STN also petitions to vacate a platted but undeveloped right-of-way known as Sandhill Drive located immediately north of Earth Industrial Park, Section II and running parallel to the northern border of Earth Industrial Park, Section II in an east west direction starting at its intersection with Mark Drive and ending where the right-of-way terminates east of Ardmore Avenue. Sandhill Drive to the east was vacated pursuant to Dec. Res 1392-75.

The contact person with respect to this Vacation Petition is Stephen L. Fink, Esq., Barnes & Thornburg LLP located at 888 S. Harrison Street, Suite 600, Fort Wayne, Indiana 46802-2206; telephone number (260) 425-4664; facsimile (260) 424-8316; email - sfink@btlaw.com.

Sabert is a company affiliated with STN. Sabert operates the manufacturing facility located at 3511 Engel Rd., Fort Wayne, Indiana 46809 (the "Facility"). The Facility is immediately north of Sandhill Drive which is immediately north of the real estate platted as Earth Industrial Park, Section II. The purpose of the proposed vacations is to enable Sabert to expand the Facility by 292,000 square feet to the south. This expansion will enable Sabert to add additional machinery and employees, thereby enhancing Fort Wayne's tax base and providing additional jobs for its citizens.

Earth Industrial Park, Section II was platted in 1975. The plat contemplates 11 lots and a roadway known as "Land Drive." Notwithstanding the passage of nearly forty-five years, nothing

has been constructed on the real estate platted as Earth Industrial Park, and Land Drive has never been constructed. STN owns all of the real estate within Earth Industrial Park, Section II, subject to the easement of Land Drive. As stated above, Land Drive has never been improved or otherwise developed, notwithstanding the platting of Land Drive nearly 45 years ago. Similarly, none of the lots within Earth Industrial Park have ever been developed. It is STN's belief that there are no utilities or other infrastructure located within the Land Drive right-of-way.

STN owns all of the land abutting Land Drive, with the exception of Ardmore Avenue at the west end of Land Drive and undeveloped Earth Drive located at the east end of Land Drive.

In January, 2011, Todd Bauer submitted a Vacation Petition requesting the vacation of the entire plat of Earth Industrial Park, Section II. On January 26, 2011, notice was transmitted which states that the Vacation Petition is "to vacate the platted lots, easements, and rights-of-way in Earth Industrial Park, Section II" A hearing was held on February 14 after which the Plan Commission entered its Findings of Fact stating that the Plan Commission approves the vacation "for platted lots 11 through 21 and easements of Earth Industrial Park, Section II." The February 21, 2011 Findings of Fact includes "the proposed use for this property will utilize the entire property and the platted right-of-way, easements, and lot lines would prohibit the development." I.C. § 6-7-4-711(a) provides that the "Plan Commission has exclusive control over the vacation of plats or parts of plats." It is well settled that the recording of plat grants to the municipality an easement for the streets depicted in the plat. *Bass v. Salyer*, 923 N.E.2d 961, 966 (Ind. App. 2010). It seems clear that Land Drive has already been vacated. STN also believes it has the right to the vacation of Land Drive as the owner of all of the land within the Plat. STN is submitting this Petition out of an abundance of caution.

Conditions in the platted area have changed so as to defeat the original purpose of Land Drive and Sandhill Drive. The platted area contemplates eleven lots. STN and Sabert contemplate building across all of these lots with one structure instead of eleven separate structures. This is in the public's interest because the construction of the structure will significantly increase the tax base. Furthermore, the increase in employment is also in the public's interest. STN owns all of the land within Earth Industrial Park and to the north thereof, subject to the easements of Land Drive and Sandhill Drive, and STN is of the opinion that the value of its land will increase by the vacation of Land Drive and Sandhill Drive.

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 25, 2019

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 12, 2019 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: VROW-2019-0001
BILL NO: G-19-02-21
APPLICANT: STN Realty Indiana, LLC
REQUEST: To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) north of Earth Industrial Park, Section II and west of Mark Drive.
LOCATION: Between 4419 and 4705 Ardmore Avenue, south of 3511 Engle Road (Saybert Corporation) (Section 21 of Wayne Township)
LAND AREA: Approximately 2.4 acres 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 12, 2019. 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.

ALLEY VACATION – PUBLIC HEARING

Department of Planning Services

VROW 2019 0001	Bill #G-19-02-21	Project Start: 26 February 2019
APPLICANT:	STN Realty Indiana, LLC	
REQUEST:	To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) located north of Earth Industrial Park, Section II and west of Mark Drive.	
LOCATION:	Between 4419 and 4705 Ardmore Avenue, and south of 3511 Engle Road (Sabert Corporation) (Section 21 of Wayne Township)	
LAND AREA:	Approximately 2.4 acres proposed to be vacated.	
COUNCIL DISTRICT:	District 4 – Jason Arp	
PUBLIC HEARING DATE:	March 12, 2019	

PROJECT SUMMARY

The petitioner is STN Realty Indiana, LLC, the real estate arm of Sabert Corporation, located at 3511 Engle Road, within Earth Industrial Park, Section I. Earth Industrial Park, Section II is located south of Sabert's existing operations and is undeveloped. The previous owner (Mullinex) went through the process to vacate the plat of Section II, but the unimproved right-of-way for Land Drive still exists, as does the right-of-way for Sandhill Drive. Sabert intends to expand its warehousing to the south into the area of Section II, which is already zoned I1/Limited Industrial. This planned expansion would cross both Sandhill Drive and Land Drive. Staff has sent requests for comment from all affected utility agencies and their responses are listed below. Staff is not requesting Discussion and Passage of this request until Transportation engineers meet with Sabert representatives to finalize an agreement as stated below.

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:	Transportation is acceptable to the proposed vacation as long as an alternate right-of-way is dedicated to service a roadway connection from Ardmore Avenue to Land Drive. Connection is to relieve traffic on Ardmore/Engle when trains are stopped on railroad tracks causing stopped/delayed traffic on the corridor. Road design and limits of dedicated Right-of-Way should be confirmed prior to re-zoning. Discussion with Sabert is ongoing for final design of this modification.
Stormwater Engineering:	Approved
Water Engineering:	Water main to be abandoned.
WPC Engineering – Sanitary:	Sanitary sewer to be relocated during building expansion.
City Parks Department:	Approved
Fire Department:	No comments received
Land Acquisition Agent:	See transportation comments

Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
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.

VROW-2019-0001

Bill No. G-19-02-21

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:

021221102004000074
3511 Engle Road

STN Realty Indiana, LLC
c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

021221102001000074
4419 Ardmore Avenue

Ardmore Properties LLC
7901 E 900 S
Roanoke, IN 46783

021221076001000074
3404 Land Drive

Holley Management Inc.
4433 Earth Drive
Fort Wayne, IN 46809

021221176003000074
3340 Land Drive

Fort Wayne Mold and Engineering
4501 Earth Drive
Fort Wayne, IN 46809

Representative:

Stephen J. Fink
Barnes & Thornburg LLP
888 S. Harrison Street
Fort Wayne, IN 46802

Owner:

STN Realty Indiana, LLC
c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

DPS Staff notified the following by regular mail as a courtesy:

021221177004000074
3430 N Cedar Crest Circle

David W. and Sandra A. Smith
3430 N. Cedar Crest Circle
Fort Wayne, IN 46809

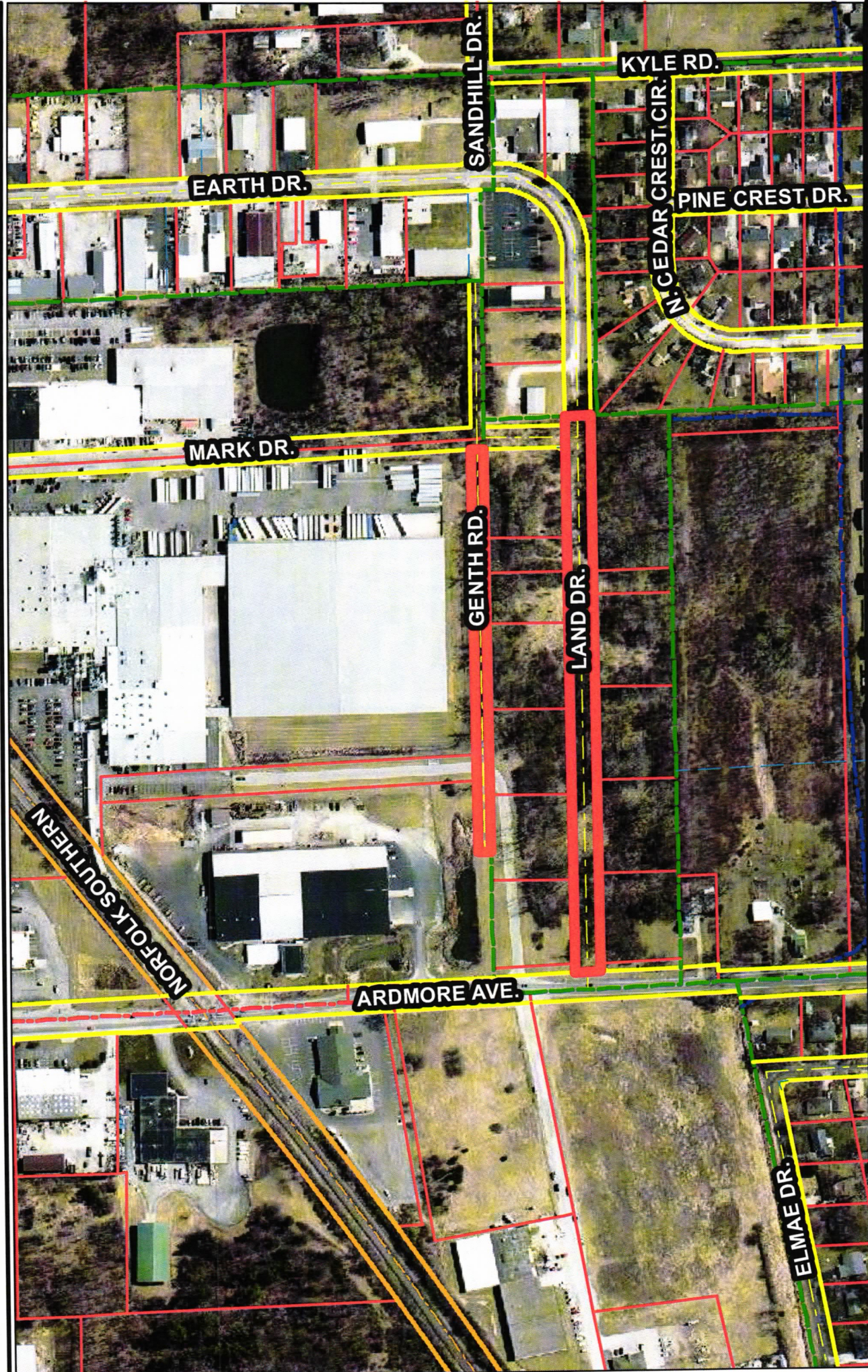
021221178001000074
4604 W Cedar Crest Circle

Sharon A. Johnson
c/o Ashleigh Smith
3506 Cut Bank Cove
Fort Wayne, IN 46804

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership

(The Scotsville Addition is inactive, according to the Mayor's Neighborhood Association Listing)



1 inch = 300 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 Surveying System, Indiana East
State Plane Coordinate System, Indiana East
Photocopy and Contour: Spring 2009
Date: 2/15/2019

DEPARTMENT OF PLANNING SERVICES

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

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

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Senior Land Use Planner
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LAND AREA: Approximately 2.4 acres proposed to be vacated.

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

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CITY OF FORT WAYNE

Vacation Petition

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

Name: **See attached.**

Street Address: _____

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

FORT WAYNE, INDIANA

FILED

FEB 05 2019

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 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.

Stephen L Fink Stephen L Fink 2/5/19
Signature Printed Name Date
888 S Harrison Suite 600 Fort Wayne IN 46802
Address City/State/Zip

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Address City/State/Zip

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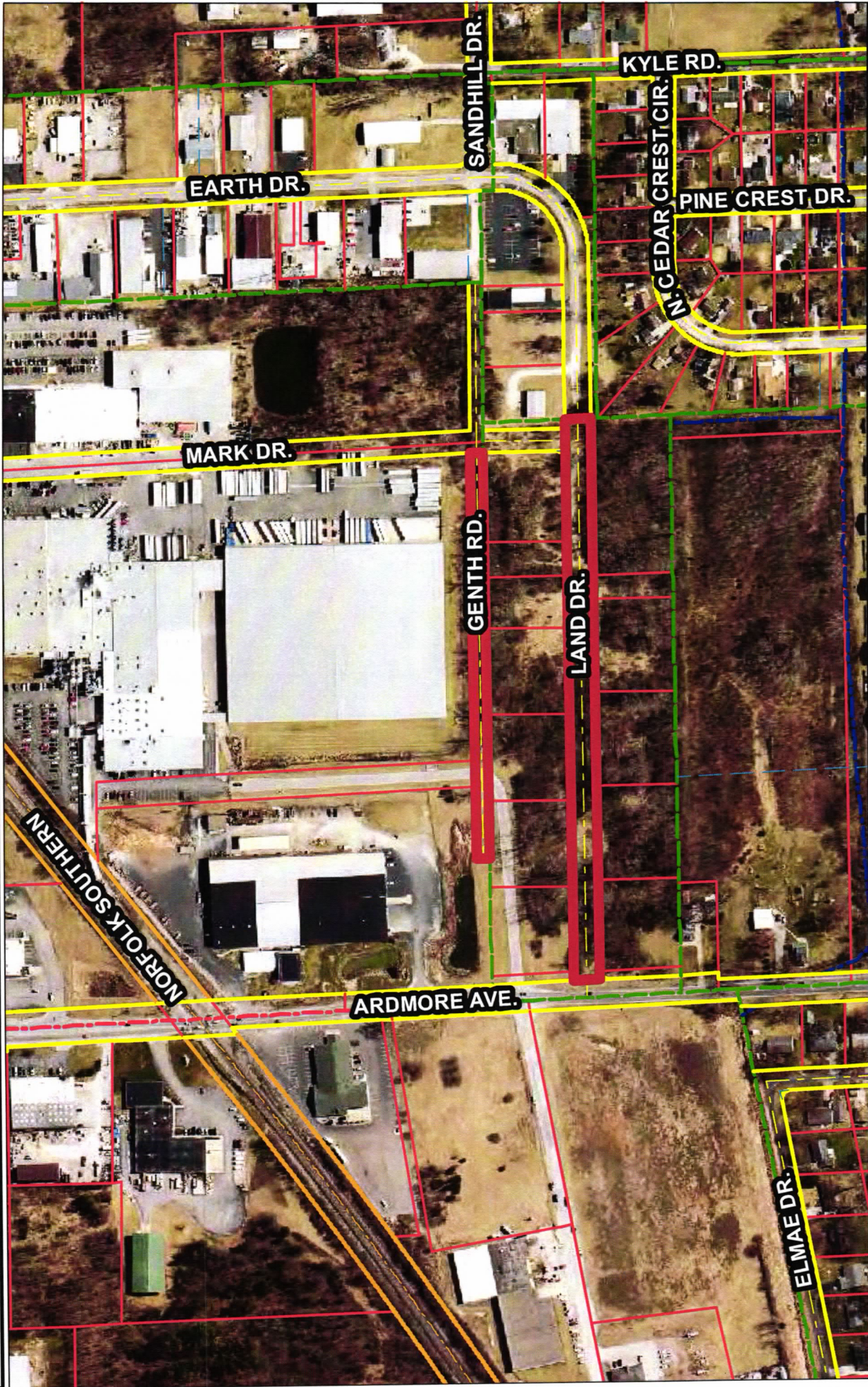
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Street Address: _____
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Receipt #: _____ Date Filed: 2/5/19
Map #: _____ Reference #: G-19-02-23
VR0W-2019-0001



1 inch = 300 feet



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© 2004 Board of Commissioners of the County of Allen
Allen County, Indiana
State Planning System, Indiana East
Photos and Contours: Spring 2009
Date: 2/15/2019

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ALLEY VACATION – PUBLIC HEARING

Department of Planning Services

VROW 2019 0001	Bill #G-19-02-21	Project Start: 26 February 2019
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LAND AREA:	Approximately 2.4 acres proposed to be vacated.	
COUNCIL DISTRICT:	District 4 – Jason Arp	
PUBLIC HEARING DATE:	March 12, 2019	

PROJECT SUMMARY

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Water Engineering:	Water main to be abandoned.
WPC Engineering – Sanitary:	Sanitary sewer to be relocated during building expansion.
City Parks Department:	Approved
Fire Department:	No comments received
Land Acquisition Agent:	See transportation comments

Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
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.

VROW-2019-0001

Bill No. G-19-02-21

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:

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3511 Engle Road

STN Realty Indiana, LLC
c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

021221102001000074
4419 Ardmore Avenue

Ardmore Properties LLC
7901 E 900 S
Roanoke, IN 46783

021221076001000074
3404 Land Drive

Holley Management Inc.
4433 Earth Drive
Fort Wayne, IN 46809

021221176003000074
3340 Land Drive

Fort Wayne Mold and Engineering
4501 Earth Drive
Fort Wayne, IN 46809

Representative:

Stephen J. Fink
Barnes & Thornburg LLP
888 S. Harrison Street
Fort Wayne, IN 46802

Owner:

STN Realty Indiana, LLC
c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

DPS Staff notified the following by regular mail as a courtesy:

021221177004000074
3430 N Cedar Crest Circle

David W. and Sandra A. Smith
3430 N. Cedar Crest Circle
Fort Wayne, IN 46809

021221178001000074
4604 W Cedar Crest Circle

Sharon A. Johnson
c/o Ashleigh Smith
3506 Cut Bank Cove
Fort Wayne, IN 46804

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership

(The Scotsville Addition is inactive, according to the Mayor's Neighborhood Association Listing)

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 25, 2019

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 12, 2019 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:	VROW-2019-0001
BILL NO:	G-19-02-21
APPLICANT:	STN Realty Indiana, LLC
REQUEST:	To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) north of Earth Industrial Park, Section II and west of Mark Drive.
LOCATION:	Between 4419 and 4705 Ardmore Avenue, south of 3511 Engle Road (Sabert Corporation) (Section 21 of Wayne Township)
LAND AREA:	Approximately 2.4 acres 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 12, 2019. 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.

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.

(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:

See attached.

(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.**

Street Address: _____

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

FORT WAYNE, INDIANA
FILED

FEB 05 2019

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.

Stephen L Fink Stephen L Fink 2/5/19
Signature Printed Name Date
888 S Harrison Suite 600 Fort Wayne IN 46802
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): _____

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.

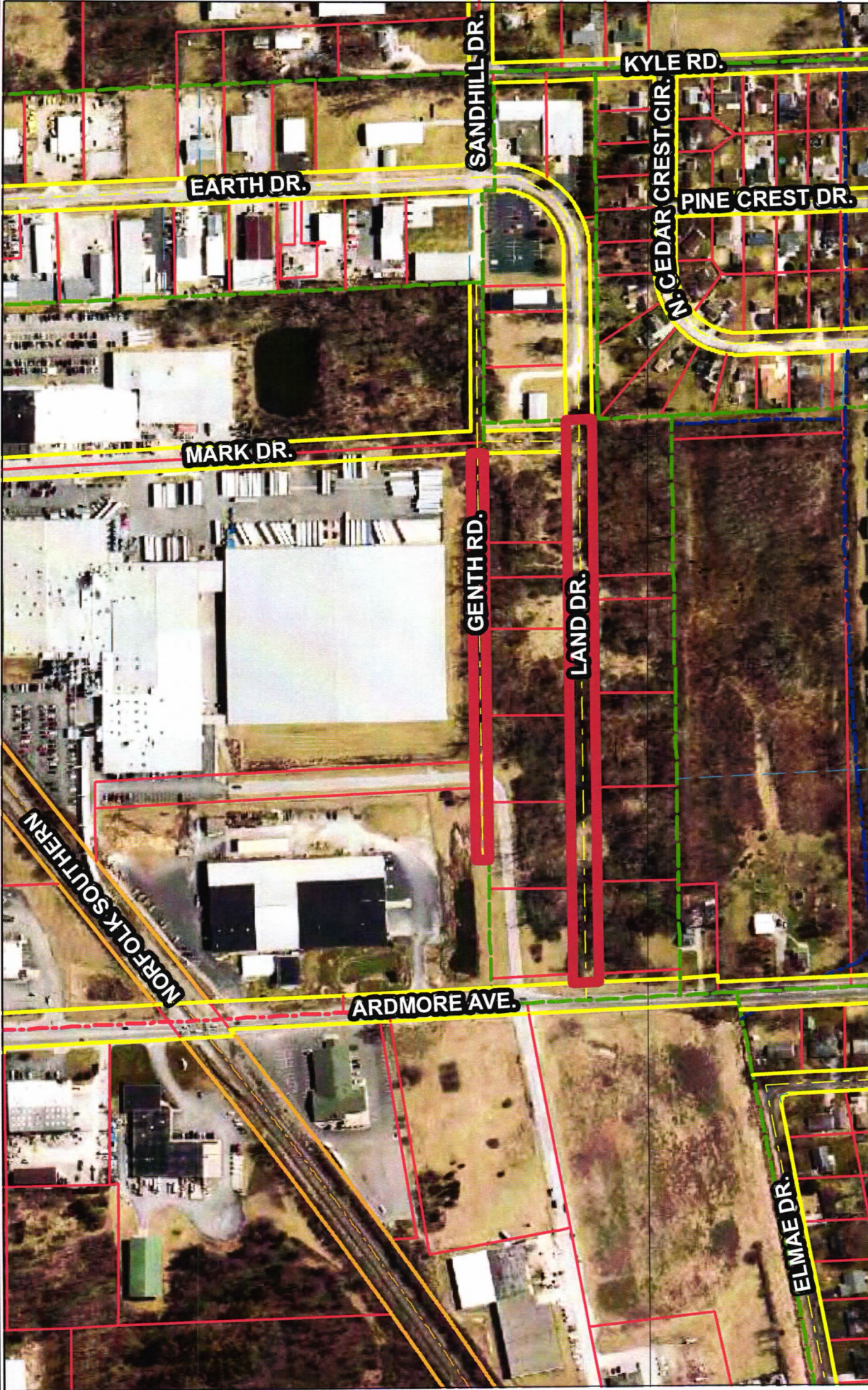
For Office Use Only:

Receipt #: _____

Date Filed: 2/5/19

Map #: _____

Reference #: G-19-02-23
VROW-2019-0001



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.

North American Datum of 1983
State Plane Coordinates - Oklahoma East
Photo: Google Earth
Date: 2/15/2019



1 inch = 300 feet



ATTACHMENT TO VACATION PETITION SUBMITTED
BY STN REALTY INDIANA, LLC

Your petitioner, STN Realty, Indiana, LLC ("STN"), is located at 2288 Main St. Extension Sayreville, New Jersey 08872. The telephone number is (732) 721-5544. The contact person at STN is Lionel Pena (lpena@sabert.com). STN seeks to vacate a platted but undeveloped right-of-way depicted as Land Drive within Earth Industrial Park, Section II, a plat recorded in Plat Book number 37, page 98, as document number 75-19673. A copy of the Plat which depicts Land Drive is attached hereto as Exhibit A. STN also petitions to vacate a platted but undeveloped right-of-way known as Sandhill Drive located immediately north of Earth Industrial Park, Section II and running parallel to the northern border of Earth Industrial Park, Section II in an east west direction starting at its intersection with Mark Drive and ending where the right-of-way terminates east of Ardmore Avenue. Sandhill Drive to the east was vacated pursuant to Dec. Res 1392-75.

The contact person with respect to this Vacation Petition is Stephen L. Fink, Esq., Barnes & Thornburg LLP located at 888 S. Harrison Street, Suite 600, Fort Wayne, Indiana 46802-2206; telephone number (260) 425-4664; facsimile (260) 424-8316; email - sfink@btlaw.com.

Sabert is a company affiliated with STN. Sabert operates the manufacturing facility located at 3511 Engel Rd., Fort Wayne, Indiana 46809 (the "Facility"). The Facility is immediately north of Sandhill Drive which is immediately north of the real estate platted as Earth Industrial Park, Section II. The purpose of the proposed vacations is to enable Sabert to expand the Facility by 292,000 square feet to the south. This expansion will enable Sabert to add additional machinery and employees, thereby enhancing Fort Wayne's tax base and providing additional jobs for its citizens.

Earth Industrial Park, Section II was platted in 1975. The plat contemplates 11 lots and a roadway known as "Land Drive." Notwithstanding the passage of nearly forty-five years, nothing

has been constructed on the real estate platted as Earth Industrial Park, and Land Drive has never been constructed. STN owns all of the real estate within Earth Industrial Park, Section II, subject to the easement of Land Drive. As stated above, Land Drive has never been improved or otherwise developed, notwithstanding the platting of Land Drive nearly 45 years ago. Similarly, none of the lots within Earth Industrial Park have ever been developed. It is STN's belief that there are no utilities or other infrastructure located within the Land Drive right-of-way.

STN owns all of the land abutting Land Drive, with the exception of Ardmore Avenue at the west end of Land Drive and undeveloped Earth Drive located at the east end of Land Drive.

In January, 2011, Todd Bauer submitted a Vacation Petition requesting the vacation of the entire plat of Earth Industrial Park, Section II. On January 26, 2011, notice was transmitted which states that the Vacation Petition is "to vacate the platted lots, easements, and rights-of-way in Earth Industrial Park, Section II" A hearing was held on February 14 after which the Plan Commission entered its Findings of Fact stating that the Plan Commission approves the vacation "for platted lots 11 through 21 and easements of Earth Industrial Park, Section II." The February 21, 2011 Findings of Fact includes "the proposed use for this property will utilize the entire property and the platted right-of-way, easements, and lot lines would prohibit the development." I.C. § 6-7-4-711(a) provides that the "Plan Commission has exclusive control over the vacation of plats or parts of plats." It is well settled that the recording of plat grants to the municipality an easement for the streets depicted in the plat. *Bass v. Salyer*, 923 N.E.2d 961, 966 (Ind. App. 2010). It seems clear that Land Drive has already been vacated. STN also believes it has the right to the vacation of Land Drive as the owner of all of the land within the Plat. STN is submitting this Petition out of an abundance of caution.

Conditions in the platted area have changed so as to defeat the original purpose of Land Drive and Sandhill Drive. The platted area contemplates eleven lots. STN and Sabert contemplate building across all of these lots with one structure instead of eleven separate structures. This is in the public's interest because the construction of the structure will significantly increase the tax base. Furthermore, the increase in employment is also in the public's interest. STN owns all of the land within Earth Industrial Park and to the north thereof, subject to the easements of Land Drive and Sandhill Drive, and STN is of the opinion that the value of its land will increase by the vacation of Land Drive and Sandhill Drive.

ALLEY VACATION – DISCUSSION AND PASSAGE

Department of Planning Services

VROW 2019 0001	Bill #G-19-02-21	Project Start: 26 February 2019
APPLICANT:	STN Realty Indiana, LLC	
REQUEST:	To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) located north of Earth Industrial Park, Section II and west of Mark Drive.	
LOCATION:	Between 4419 and 4705 Ardmore Avenue, and south of 3511 Engle Road (Sabert Corporation) (Section 21 of Wayne Township)	
LAND AREA:	Approximately 2.4 acres proposed to be vacated.	
COUNCIL DISTRICT:	District 4 – Jason Arp	
PUBLIC HEARING DATE:	March 12, 2019	

PROJECT SUMMARY

The petitioner is STN Realty Indiana, LLC, the real estate arm of Sabert Corporation, located at 3511 Engle Road, within Earth Industrial Park, Section I. Earth Industrial Park, Section II is located south of Sabert's existing operations and is undeveloped. The previous owner (Mullinex) went through the process to vacate the plat of Section II, but the unimproved right-of-way for Land Drive still exists, as does the right-of-way for Sandhill Drive. Sabert intends to expand its warehousing to the south into the area of Section II, which is already zoned I1/Limited Industrial. This planned expansion would cross both Sandhill Drive and Land Drive. Staff has sent requests for comment from all affected utility agencies and their responses are listed below. Transportation engineers have met with Sabert representatives to agree to certain terms, as stated below.

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:	Transportation is acceptable to the proposed vacation as long as an alternate right-of-way is dedicated to service a roadway connection from Ardmore Avenue to Land Drive. Connection is to relieve traffic on Ardmore/Engle when trains are stopped on railroad tracks causing stopped/delayed traffic on the corridor. Road design and limits of dedicated Right-of-Way should be confirmed prior to re-zoning. Discussion with Sabert is ongoing for final design of this modification.
Stormwater Engineering:	Approved
Water Engineering:	Water main to be abandoned.
WPC Engineering – Sanitary:	Sanitary sewer to be relocated during building expansion.
City Parks Department:	Approved
Fire Department:	No comments received
Land Acquisition Agent:	See transportation comments
Frontier:	Approved

Comcast Cable:	Approved
AEP:	Approved
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.

VROW-2019-0001

Bill No. G-19-02-21

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:

021221102004000074
3511 Engle Road

STN Realty Indiana, LLC
c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

021221102001000074
4419 Ardmore Avenue

Ardmore Properties LLC
7901 E 900 S
Roanoke, IN 46783

021221076001000074
3404 Land Drive

Holley Management Inc.
4433 Earth Drive
Fort Wayne, IN 46809

021221176003000074
3340 Land Drive

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Fort Wayne, IN 46809

Representative:

Stephen J. Fink
Barnes & Thornburg LLP
888 S. Harrison Street
Fort Wayne, IN 46802

Owner:

STN Realty Indiana, LLC

c/o Sabert Corporation
2288 Main Street Extension
Sayerville, NJ 08872

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3430 N. Cedar Crest Circle
Fort Wayne, IN 46809

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4604 W Cedar Crest Circle

Sharon A. Johnson
c/o Ashleigh Smith
3506 Cut Bank Cove
Fort Wayne, IN 46804

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership

(The Scotsville Addition is inactive, according to the Mayor's Neighborhood Association Listing)

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.

(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:

See attached.

(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.**

Street Address: _____

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

FORT WAYNE, INDIANA

FILED

FEB 05 2019

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 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.

Stephen L Fink Stephen L Fink 2/5/19
Signature Printed Name Date
888 S Harrison Suite 600 Fort Wayne IN 46802
Address City/State/Zip

Signature Printed Name Date

Address City/State/Zip

If additional space is needed for signatures please attach a separate page.

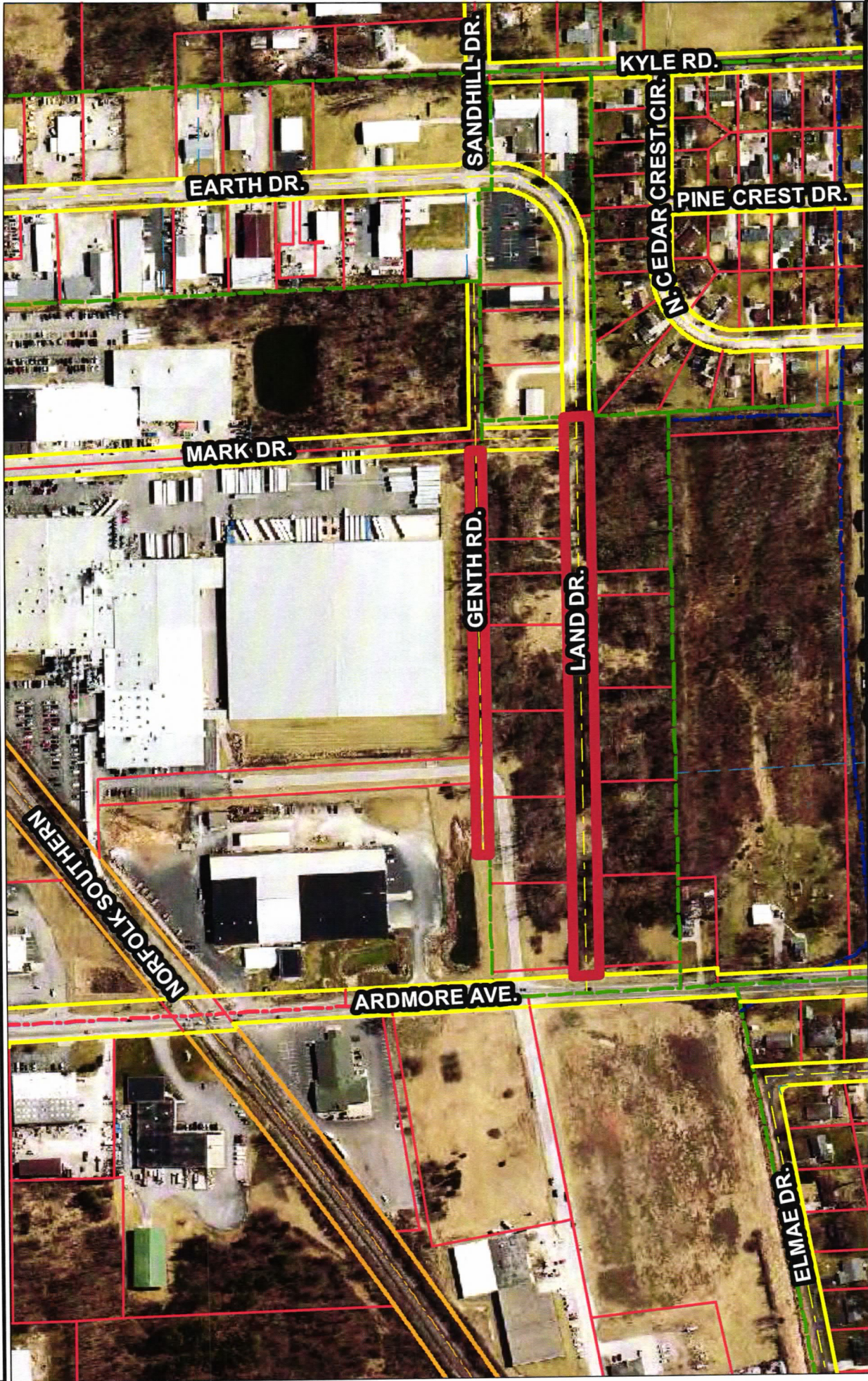
Agent's Name (Print Legibly): _____
Street Address: _____
City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

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For Office Use Only:

Receipt #: _____ Date Filed: 2/5/19
Map #: _____ Reference #: G-19-02-23
VR0W-2019-0001



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
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/15/2019



1 inch = 300 Feet





March 8, 2019

Kyle Winling
Traffic Engineer
City of Fort Wayne

Submitted via email to: Kyle.Winling@CityofFortWayne.Org

RE: Vacation of Land Drive and Sandhill Drive

Dear Kyle,

On February 5, 2019, STN Realty, Indiana, LLC ("STN") filed its Vacation Petition seeking to vacate Sandhill Drive and Land Drive, south of the Sabert Facility located southeast of the intersection of Ardmore and Engle. The purpose of the proposed vacations is to enable Sabert to expand the Facility to the south. The City has asked Sabert to dedicate a right-of-way within the real estate now owned or to be acquired by STN so that the City can connect Ardmore Avenue to Land Drive. STN commits that it will dedicate to the public a right-of-way connecting Land Drive to Ardmore Avenue. Design and limits of this right-of-way dedication are to be worked out with City Engineering.

Sincerely

A handwritten signature in blue ink, appearing to read "R. Karabinchak", is written over a horizontal line.

Robert Karabinchak
Director of Construction
STN Reality Holdings LLC
2288 Main Street Extension
E. Rkarabinchak@Sabert.com
P. 732.721.5544 x3123 | C. 732.261.6438

STN Reality Holdings LLC.
2288 Main Street Extension
Sayreville, New Jersey 08872

Phone: (732) 721-5544
Fax: (732) 721-8443

Visit us on the Web: WWW.Sabert.com

ATTACHMENT TO VACATION PETITION SUBMITTED
BY STN REALTY INDIANA, LLC

Your petitioner, STN Realty, Indiana, LLC ("STN"), is located at 2288 Main St. Extension Sayreville, New Jersey 08872. The telephone number is (732) 721-5544. The contact person at STN is Lionel Pena (lpna@sabert.com). STN seeks to vacate a platted but undeveloped right-of-way depicted as Land Drive within Earth Industrial Park, Section II, a plat recorded in Plat Book number 37, page 98, as document number 75-19673. A copy of the Plat which depicts Land Drive is attached hereto as Exhibit A. STN also petitions to vacate a platted but undeveloped right-of-way known as Sandhill Drive located immediately north of Earth Industrial Park, Section II and running parallel to the northern border of Earth Industrial Park, Section II in an east west direction starting at its intersection with Mark Drive and ending where the right-of-way terminates east of Ardmore Avenue. Sandhill Drive to the east was vacated pursuant to Dec. Res 1392-75.

The contact person with respect to this Vacation Petition is Stephen L. Fink, Esq., Barnes & Thornburg LLP located at 888 S. Harrison Street, Suite 600, Fort Wayne, Indiana 46802-2206; telephone number (260) 425-4664; facsimile (260) 424-8316; email - sfink@btlaw.com.

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The Journal Gazette

Account # 1063561 - 1353494

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

58

COMPUTATION OF CHARGES

58 lines, 1 column(s) wide equals58 equivalent lines at \$ 0.473 cents per line

\$ 27.43

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

-

Charge for extra proofs of publication
(\$2.00 for each proof in excess of two)

-

TOTAL AMOUNT OF CLAIM

\$ 27.43

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

3/1/2019

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-

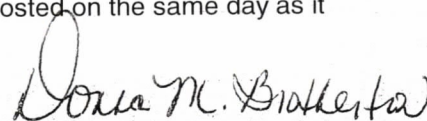
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Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.



Donna M. Brotherton
Legal Clerk

Date: March 1, 2019

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-19-02-21**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MARCH 12, 2019, AT 5:30 P.M., IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) north of Earth Industrial Park, Section II and west of Mark Drive. Between 4419 and 4705 Ardmore Avenue, south of 3511 Engle Road (Saybert Corporation) (Section 21 of Wayne Township) Approximately 2.4 acres proposed to be vacated.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 12, 2019.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120 TTY (260) 427-1200 AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK

3--1

1353494 hspaxlp

The Journal Gazette

Account # 1063561 - 1353494

Allen County, Indiana

FW City Clerk's Office**PUBLISHER'S CLAIM****LINE COUNT**

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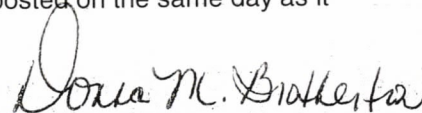
-

-

-

-

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Donna M. Brotherton
Legal Clerk

Date: March 1, 2019

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ORDINANCE NO. G-19-02-21**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MARCH 12, 2019, AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: To vacate all of Land Drive within Earth Industrial Park, Section II, and Sandhill Drive (aka Genth) north of Earth Industrial Park, Section II and west of Mark Drive. Between 4419 and 4705 Ardmore Avenue, south of 3511 Engle Road (Saybert Corporation) (Section 21 of Wayne Township) Approximately 2.4 acres proposed to be vacated.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 12, 2019.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120 TTY (260) 427-1200 AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK

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