

# City of Fort Wayne Common Council

## DIGEST SHEET

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### Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way  
Case Number: VROW-2019-0005  
Bill Number: G-19-05-30  
Council District: 5-Geoff Paddock

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Introduction Date: May 28, 2019

Public Hearing Date: June 11, 2019 (to be held by Council)

Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

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Synopsis of Ordinance: To vacate public right-of-way on the Electric Works campus.

Location: Caroline Street, south of Lots 23 through 26 in Jones Addition, and the 10 foot wide alley west of Lots 25 through 28 in Ayres; all north of the CSX Railroad and south of 1140 to 1118 Jones Street.

Reason for Request: The applicant requires the vacation to redevelop the Electric Works campus.

Applicant: Broadway Redevelopment Partners, LLC

Property Owner: Broadway Redevelopment Partners, LLC

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Related Petitions: VROW-2019-0003, 0004, 0006, 0007, and 0008

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Effect of Passage: Vacation of the right-of-way will return the land to the adjacent property owner and allow for redevelopment of the Electric Works campus.

Effect of Non-Passage: The right-of-way will remain under City jurisdiction. Redevelopment of the Electric Works campus, as approved by the City of Fort Wayne Plan Commission, will have to be substantially altered.

VROW-2019-0005

BILL NO. G-19-05-30

GENERAL ORDINANCE NO. G-\_\_\_\_\_

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

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

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

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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

The entirety of Caroline Street, lying south of and adjacent to Lots 23 through 26 in Jones' Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Book X, page 502 in the Office of the Recorder of Allen County, Indiana.  
The 10 feet wide platted alley lying west of and adjacent to Lots 25 through 28 in Ayres Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Book Q, page 215 in the Office of the Recorder of Allen County, Indiana.

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

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.

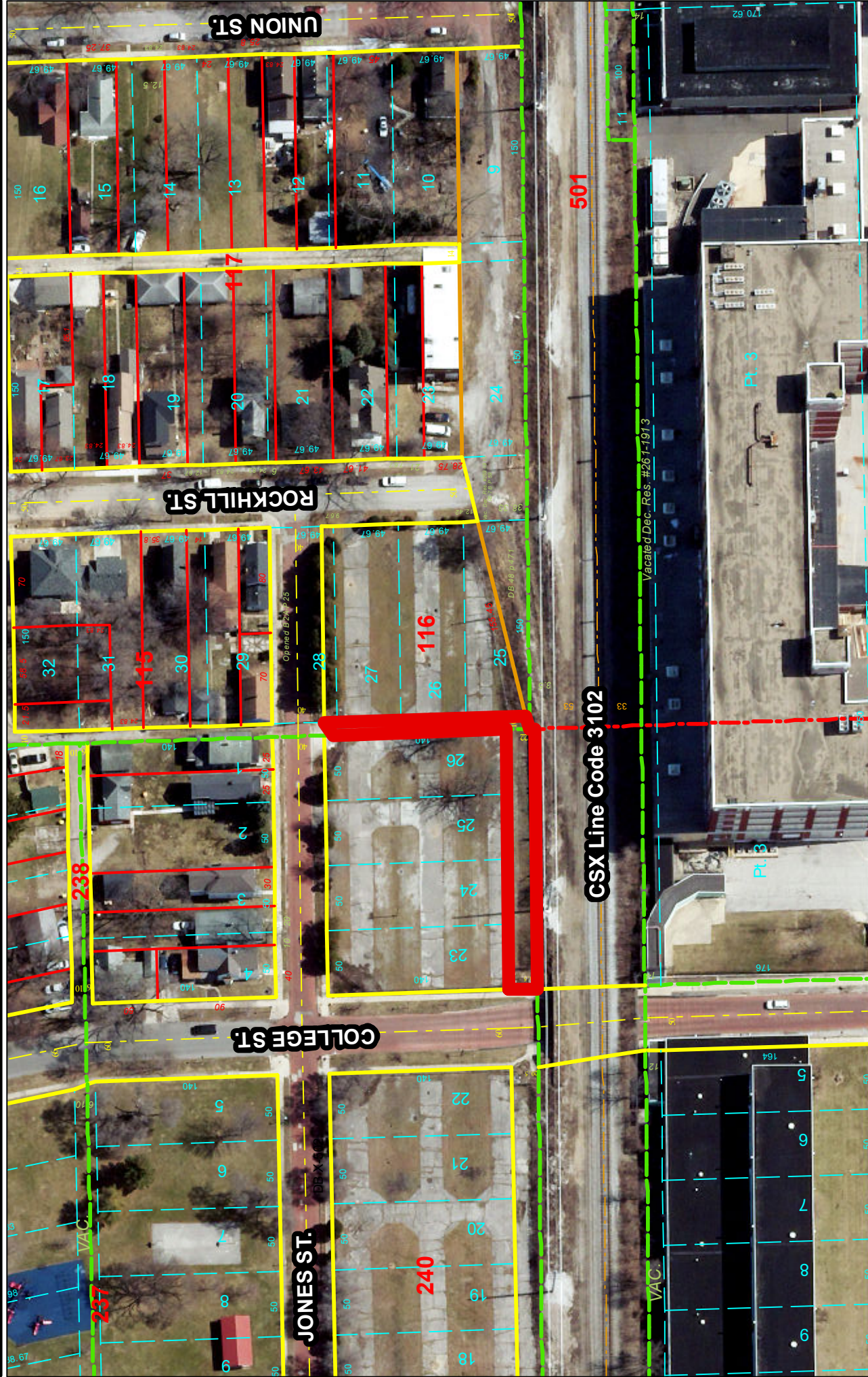
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COUNCILMEMBER

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APPROVED AS TO FORM AND LEGALITY:

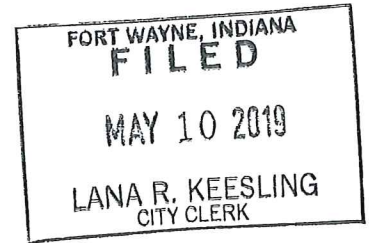
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Carol T. Helton, City Attorney



V200-2019-0005

# 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 EXHIBIT "A" 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 Q, PAGE NUMBER 215

DEED BOOK NUMBER: X \_\_\_\_\_ PAGE(S) NUMBER(S): 502 \_\_\_\_\_ (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

LAND DEVELOPMENT

(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: BROADWAY REDEVELOPMENT PARTNERS, LLC

Street Address: c/o CROSS STREET PARTNERS, LLC, 2400 BOSTON STREET, SUITE 404

City: BALTIMORE State: MD Zip: 21224 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.

BY:



BROADWAY REDEVELOPMENT PARTNERS, LLC

5/9/19

Signature

Printed Name

Date

2400 BOSTON STREET, SUITE 404

BALTIMORE, MARYLAND 21224

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): PETER G. MALLERS OF BEERS MALLERS BACKS & SALIN, LLP

Street Address: 110 WEST BERRY STREET, SUITE 1100

City: FORT WAYNE State: IN Zip: 46802 Phone: 260-426-9706

**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: 5/13/19

Map #: K-02 Wayne 10

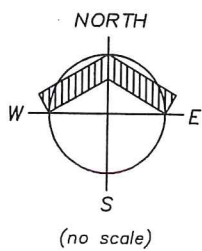
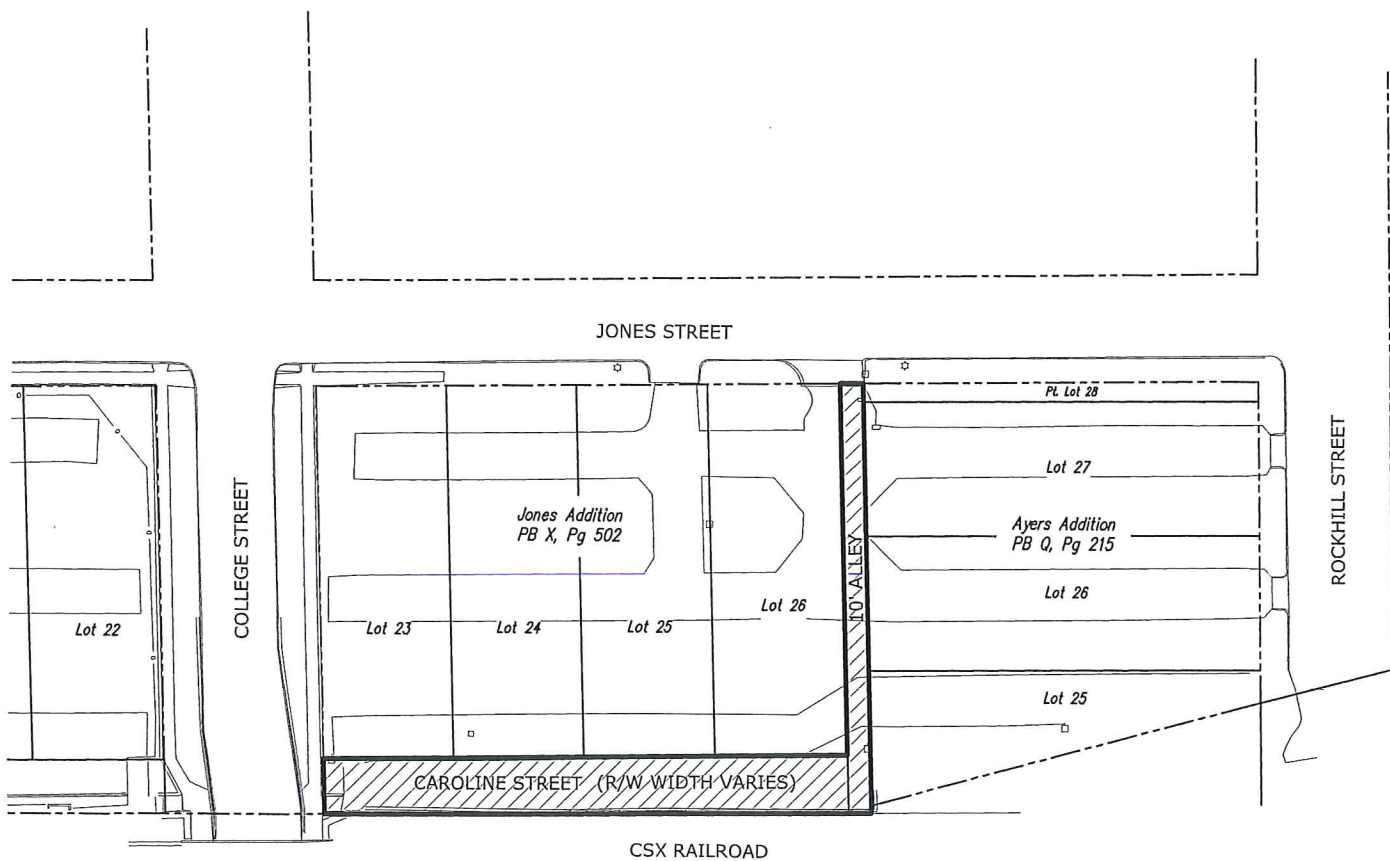
Reference #: VROW-2019-0005

DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS (2)

The entirety of Caroline Street, lying south of and adjacent to Lots 23 through 22 in Jones' Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Book X, page 502 in the Office of the Recorder of Allen County, Indiana.

The 10 feet wide platted alley lying west of and adjacent to Lots 25 through 28 in Ayres Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Book Q, page 215 in the Office of the Recorder of Allen County, Indiana.

# RIGHT-OF-WAY VACATION EXHIBIT



 = RIGHT-OF-WAY TO BE VACATED