

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VROW-2019-0006
Bill Number: G-19-05-31
Council District: 5-Geoff Paddock

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.

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

Location: The 7-1/3 foot wide alley within Lot 3 of Ayres Addition, Jackson Street, south of said alley to the north line of Leykauf Street, the 7-1/3 foot wide alley between Lots 4 and 5 of Ayres Addition, the 8 foot wide alley between Lots 6 and 8 of Ayres Addition, and all of Leykauf 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

Related Petitions: VROW-2019-0003, 0004, 0005, 0007, and 0008

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-2019-0006

BILL NO. G-19-05-31

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 8 feet wide alley being a part of Lot 6 and Lot 7 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.

The 7-1/3 feet wide alley being a part of Lot 4 and Lot 5 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.

The 7-1/3 feet wide alley being a part of Lot 3 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.

That part of Jackson Street from the easterly extension of the south line of the north 26-2/3 feet of Lot 3 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, in a southerly direction to the north line of Leykauf Street as opened in Deed Record 353, page 213 and depicted in Plat Record 14, page 120 in said Recorder's Office.

1 The entirety of Leykauf Street as opened in Deed Record 353, page 213 and
2 depicted in Plat Record 14, page 120 in the Office of the Recorder of Allen County,
3 Indiana.

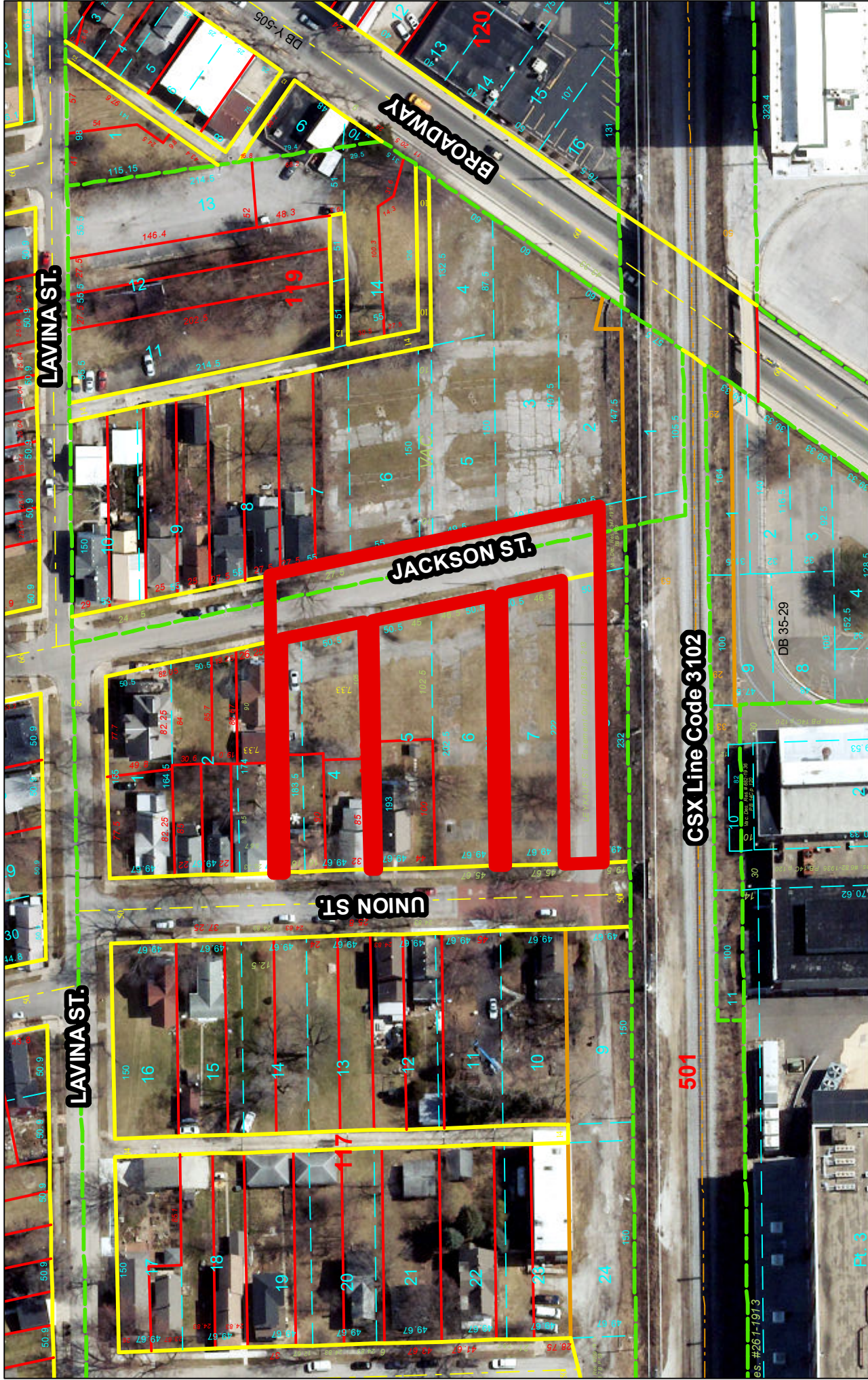
4 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
5 and is hereby approved in all respects.
6

7 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
8 any and all necessary approval by the Mayor.
9

10 _____
COUNCILMEMBER

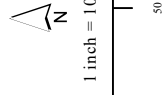
11 APPROVED AS TO FORM AND LEGALITY:

12 _____
13 Carol T. Helton, City Attorney
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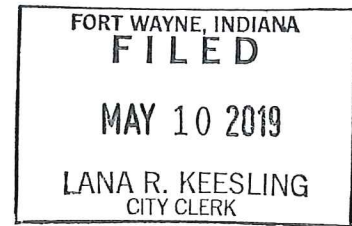
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/16/2019



✓Row-2019-0006

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 RECORD 353, PAGE 213 IN PLAT RECORD 14, PAGE 120

DEED BOOK NUMBER: Q _____ PAGE(S) NUMBER(S): 215 _____ (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:

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: _____

APPLICANTS CONTINUED ON ATTACHED SHEET

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.

BY: [Signature] BROADWAY REDEVELOPMENT PARTNERS, LLC 5/9/19
Signature Printed Name Date
2400 BOSTON STREET, SUITE 404 BALTIMORE, MARYLAND 21224
Address City/State/Zip

BY: [Signature] BIGGS INDIANA PROPERTIES, LLC 5/9/19
Signature Printed Name Date
522 SOUTH 13TH STREET DECATUR, INDIANA 46733
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 #: L-02

Reference #: YROW-2019-0006

Wayne 11

Applicants:

BIGGS INDIANA PROPERTIES, LLC
522 SOUTH 13TH STREET
DECATUR, INDIANA 46733
PHONE: 260-724-4616

DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS (3)

Note: Opening information for the following three (3) alleys could not be located, but said alleys are depicted on City of Fort Wayne right-of-way maps:

The 8 feet wide alley being a part of Lot 6 and Lot 7 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.

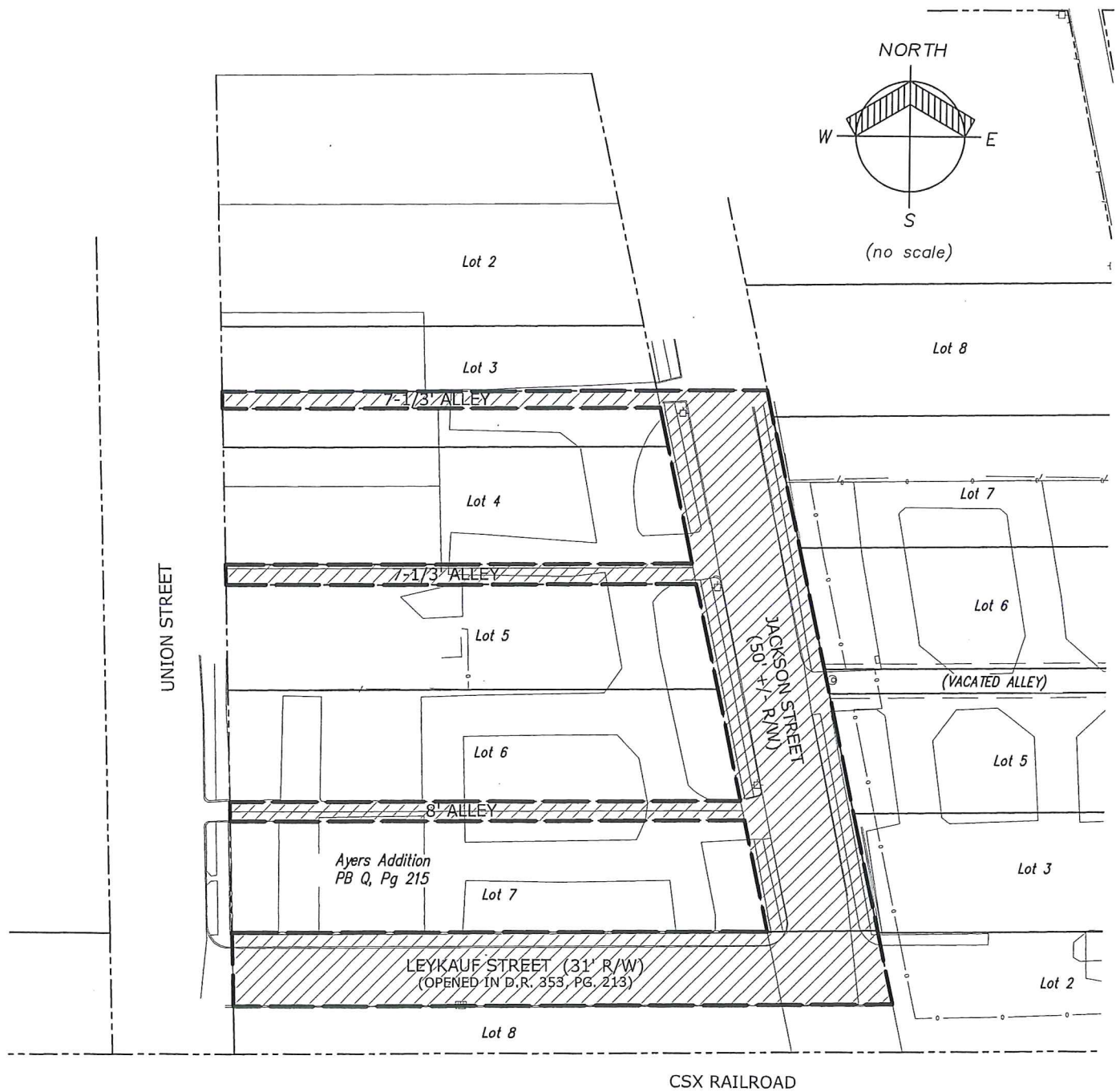
The 7-1/3 feet wide alley being a part of Lot 4 and Lot 5 in Ayres Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Book Q, page 215 in the Office of the Recorder of Allen County, Indiana.

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RIGHT-OF-WAY VACATION EXHIBIT



 = RIGHT-OF-WAY TO BE VACATED