

# 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: VALY-2019-0003  
Bill Number: G-19-05-34  
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 a 15 foot wide alley right-of-way within Jacob's Addition.

Location: Between Lots 14 and 15 of J.H. Jacob's Addition, also between 2332 and 2338 North Clinton Street.

Reason for Request: The applicant requests the vacation for disuse and traffic safety.

Applicants: Tim Ryan and Kerry Kaufman

Property Owners: Tim Ryan, 2332 North Clinton and Kerry Kaufman, 2338 North Clinton

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Related Petitions: none

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Effect of Passage: Vacation of the right-of-way will return the land to the adjacent property owners. If there are no easements needed, the vacated alley may be closed off.

Effect of Non-Passage: The right-of-way will remain under City jurisdiction. The alley will remain open for utilities and vehicular traffic.

1  
2 VALY-2019-0003

3 BILL NO. G-19-05-34

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 All of the 15 foot wide alley lying north of Lot 14 and south of Lot 13 in John H.  
18 Jacob's Addition as recorded in the plat thereof in the Office of the Recorder of  
19 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  
25 \_\_\_\_\_  
26 COUNCILMEMBER

27 APPROVED AS TO FORM AND LEGALITY:

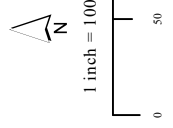
28 \_\_\_\_\_  
29 Carol T. Helton, City Attorney  
30





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





# CITY OF FORT WAYNE

FORT WAYNE, INDIANA

FILED

MAY 15 2019

LANA R. KEESLING  
CITY CLERK

## 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:

VACATE 15' ALLEY BETWEEN LOT 13 &  
14 OF JACOBS ADDITION

(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 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

THE ALLEY IS NEVER USED  
BECAUSE GETTING OUT ON TO  
CLINTON STREET IS DANGEROUS

(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):

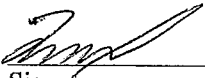
Name: TIM RYAN

Street Address: 2332 N. CLINTON ST.

City: FORT WAYNE State: IN Zip: 46805 Phone: 260 615 5637

02  
1987.5 sq.  
Wash 35  
M10

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.

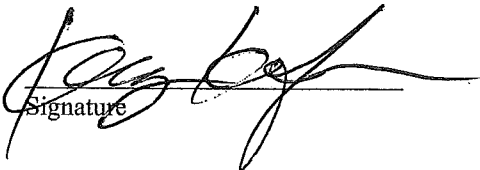
  
Signature

TIMOTHY P. RYAN  
Printed Name

5/14/19  
Date

2332 N. CLINTON ST.  
Address

FT. WAYNE IN 46805  
City/State/Zip

  
Signature

Kerry Kaufman 5-14-19  
Printed Name Date

2338 N Clinton  
Address

Ft. Wayne IN 46805  
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: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_