

# City of Fort Wayne Common Council

## DIGEST SHEET

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### Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way  
Case Number: VROW-2019-0010  
Bill Number: G-19-06-10  
Council District: 5-Geoff Paddock

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Introduction Date: June 11, 2019

Public Hearing Date: June 25, 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 excess road right-of-way for Eastbrook Drive and a platted alley between Eastbrook Drive and North Clinton.

Location: Along the north and west lines of Lot 5 in Centlivre Park; also known as 2901 North Clinton (Salvation Army).

Reason for Request: The City of Fort Wayne Transportation Department is sponsoring the vacation of this unused right-of-way.

Applicant: The City of Fort Wayne Transportation Department

Property Owner: Salvation Army

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Related Petitions: none

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Effect of Passage: If approved, the platted right-of-way will revert to the adjacent property owner for maintenance.

Effect of Non-Passage: The right-of-way will remain as platted.

Note: This petition was originally introduced in 2017. While preparing easements for the utility agencies, the petition expired. Nothing has changed from 2017 but a new public hearing will be held.

VROW-2019-0010

BILL NO. G-19-06-10

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:

**Parcel A**

A part of Young's Drive lying northerly of Lots 5 in Centlivre Park Addition, recorded Plat Book 8, Page 63 in the Office of the Recorder of Allen County, Indiana, and being situated in the Northeast Quarter of Section 35, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Beginning at the northwesterly corner of Lot 5 in said Centlivre Park Addition as marked by a MAG nail set; thence North 88 degrees 30 minutes 33 seconds East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along the northerly line of said Lot 5 and being the southerly right of way line of Young's Drive, a distance of 238.98 feet to a MAG nail set at the intersection of the westerly right of way line of Clinton Street with said southerly right of way line of Young's Drive; thence North 04 degrees 15 minutes 49 seconds West along said westerly right of way line of Clinton Street, a distance of 25.03 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the intersection of said westerly right of way line of Clinton Street with the northerly right of way line of Young's Drive; thence South 88 degrees 30 minutes 33 seconds West along said northerly right of way line of Young's Drive, a distance of 241.01 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the intersection of the northerly extension of the westerly line of said Lot 5 also being the northerly extension of the easterly right of way line of Eastbrook Drive with said northerly right of way line of Young's Drive; thence; thence South 08 degrees 52 minutes 09 seconds East along said northerly extension westerly line of Lot 5, a

distance of 25.21 feet to the point of beginning, containing 0.138 acres, more or less, (5,999.85 square feet).

Parcel B

A part of Eastbrook Drive lying westerly of Lots 5 in Centlivre Park Addition, recorded Plat Book 8, Page 63 in the Office of the Recorder of Allen County, Indiana, and being situated in the Northeast Quarter of Section 35, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Beginning at the northwesterly corner of Lot 5 in said Centlivre Park Addition as marked by a MAG nail set; thence South 08 degrees 52 minutes 09 seconds East (bearings based upon the Indiana State Plane Coordinate System, East Zone) along westerly line of said Lot 5 and being the easterly right of way line of Eastbrook Drive, a distance of 479.42 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the southwesterly corner of Lot 5; thence North 60 degrees 08 minutes 12 seconds West along the westerly extension of the northerly right of way line of Grove Street and also being the westerly extension of the southerly line of said Lot 5, a distance of 8.03 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the now established proposed easterly right of way line of Eastbrook Drive; thence North 08 degrees 50 minutes 49 seconds West along said proposed right of way line, a distance of 181.00 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at a point of curve to the left having a radius of 1159.86 feet; thence northwesterly along said proposed right of way and said curve, an arc length of 185.85 feet and subtended by a chord of 185.65 feet bearing North 13 degrees 26 minutes 15 seconds West to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set; thence North 18 degrees 01 minutes 38 seconds West along said proposed right of way line, a distance of 56.46 feet a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at a point of curve to the right having a radius of 285.59 feet; thence northwesterly along said proposed right of way and said curve, an arc length of 82.03 feet and subtended by a chord of 81.69 feet bearing North 08 degrees 56 minutes 21 seconds West to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the northerly right of way line of Young's Drive; thence North 88 degrees 30 minutes 33 seconds East along said northerly right of way line, a distance of 30.31 feet to a five-eighths inch diameter steel pin with CITY OF FORT WAYNE identification cap set at the intersection of said northerly right of way line with the northerly extension of the easterly right of way line of Eastbrook Drive also being the northerly extension of the westerly line of said Lot 5; thence South 08 degrees 52 minutes 09 second East along the northerly extension of the westerly line of said Lot 5, a distance of 25.21 feet to the point of beginning, containing 0.165 acres, more or less, (7,185.95 square feet).

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.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

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 Exhibit "A" Labeled Parcel "A" and Parcel "B"

Parcel "A" - All of east/west alley between Eastbrook Drive and North Clinton Street

Parcel "B" North/south right of way along east side of Eastbrook Drive between vacated alley to the north and Grove Street to the South.

(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:

City Sponsored Right of Way Vacation on unused portion of Right of Way

(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: City of Fort Wayne, Traffic Engineering Department

Street Address: 200 E Berry Street, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172



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.

		Captain Luis Acosta	
Signature	Printed Name	Date	
The Salvation Army, 2801 N. Clinton St	Fort Wayne, IN 46805		
Address	City/State/Zip		
	Bramwell E. Higgins		
	Secretary		
		OCT 11 2017	
Signature	THE SALVATION ARMY	Date	
	5550 Prairie Stone Parkway		
	Hoffman Estates, IL 60192		
Address	City/State/Zip		

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

Agent's Name (Print Legibly): Kyle Winling

Street Address: 200 E Berry St, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172

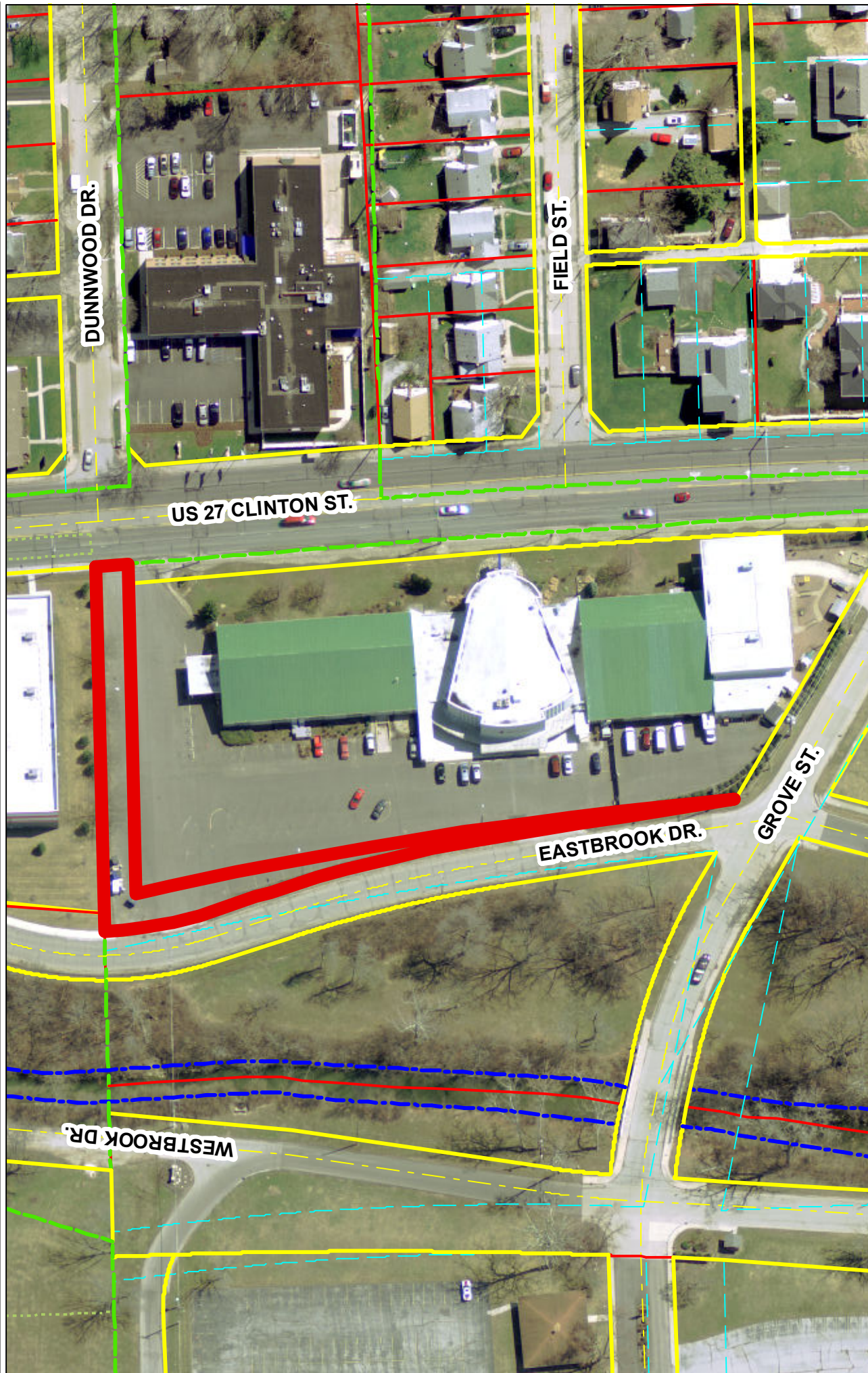
**NOTICE:**

- 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 #: N/A Date Filed: 10/31/17

Map #: M18 Wash 35 Reference #: VROW-2017-0008



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: 08/14/2017

Areas depicted with bold lines are for representational purposes only.



1 inch = 100 feet

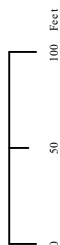




EXHIBIT "A"

## NEW PARCEL DESCRIPTION

A part of Young's Drive lying northerly of Lots 5 in Centilivre Park Addition, recorded Plat Book 8, Page 63 in the Office of the Recorder of Allen County, Indiana, and being situated in the Northeast Quarter of Section 35, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Beginning at the northerly corner of Lot 5 in said Conville Tract, as marked by a MAG nail set; thence North 68 degrees 30 minutes 33 seconds East (bearing) based upon the Indiana State Plane Coordinate System, East Zone along the northerly line of said Lot 5 and being the southerly right of way line of Young's Drive, a distance of 238.99 feet to a MAG nail set at the intersection of the westerly right of way line of Clinton Street with said southerly right of way line of Young's Drive; thence North 04 degrees 15 minutes 05 seconds East along the westerly right of way line of Clinton Street with said southerly right of way line of Young's Drive, a distance of 255.05 feet to a MAG nail set; thence along the southerly line of said Lot 5 and being the southerly right of way line of Young's Drive, a distance of 241.01 feet to a two-dipsticks, thick diameter steel pin with CITY OF FORT WAYNE Identification label at the intersection of said southerly right of way line of Young's Drive with the southerly right of way line of Clinton Street with said southerly right of way line of Young's Drive; thence South 68 degrees 30 minutes 33 seconds West along said northerly right of way line of Clinton Street with said southerly right of way line of Young's Drive, a distance of 255.05 feet to a MAG nail set; thence North 04 degrees 15 minutes 05 seconds East along the westerly right of way line of Clinton Street with said southerly right of way line of Young's Drive, a distance of 255.05 feet to a MAG nail set; thence North 04 degrees 15 minutes 05 seconds East along the westerly line of Lot 5, a distance of 252.21 feet to the point of beginning, containing 0.38 acres, more or less, (6,999.95 sq. ft.)

### Parcel B

A part of Eastbrook Drive lying westerly of Lots 5 in Centilivre Park Addition, recorded at Book 8, Page 63 in the Office of the Recorder of Allen County, Indiana, and being situated in the Northeast Quarter of Section 35, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows;

[illegible]

## Surveyor's Report

[illegible]

This is an original survey of 0.138 acres (Parcel A) being a part of Youngs Drive lying northwesterly of Lot 5 in Cordillera Park. Additionally, Parcel B is 0.611 acres (Parcel B) being a part of Youngs Drive lying northwesterly of Lot 5 in Cordillera Park. Parcel C is 0.138 acres (Parcel C) being a part of Eastbrook Drive lying westerly of said Lot 5, all as situated in the South sub-half Section 35, Township 31 North, Range 12 East, Allen County, Indiana. This survey was completed without the benefit of a title commitment or abstract of title. A complete title search may reveal facts that may change portions of this survey. City of Fort Wayne Traffic Engineering has requested we provide a survey and descriptions of said 0.138 acres parcel and 0.165 acres parcel for the proposed street vacation.

A. **AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS.** In our field research for this survey, we benefited from a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the plot location of the subject property relative to its applicable found and accepted as adjacent plat boundaries. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground. Various monuments were found during the course of this survey as shown on the graphic segment of this survey. We have no documented history for these monuments. Relative to the baseline, the original monuments were set for these parcels as shown on the graphic segment of this survey.

The measurements taken between monuments and plotted dimensions, the line between the monuments found at point #101 and point #105 was held as the baseline for this survey. This line was used because the terminal end appeared to be undisturbed monuments which had virtually the same distance as given on the record plat(s). Also, the bearings/distance relationships to adjacent monuments were within the limits of the relative positional accuracy for this class of survey when compared to data given on the record plat(s). This line has been assigned a bearing of North 88 degrees 30 minutes East to correspond with the Indiana State Plane Coordinate System, east zone. The proposed right-of-way line of Hawthorn Drive was established 25.90 feet easterly from the southeast corner of the new existing parcel. The northerly right-of-way line of Trunks Drive was established 22.77 feet southeasterly from the southeast corner of the new existing parcel.

The boundary line of the west side of Clinton Street was established 40.00 feet westerly and parallel with the centerline of Clinton Street ("Line" of State of Indiana Highway Project No. 2E-141-C). Line "B" was established from the monuments found along the right-of-way lines of Clinton Street and said right-of-way adjointer's monuments as shown on the graphic segment of this survey. The southealy line of Lot 5 was established 60.00 feet northerly and parallel with the monumented northerly right-of-way line of Grove Street. The westerly line of Lot 5 was established by platted distances from the deeded easterly line of Lot 5. It is my opinion that the uncertainty associated with these corners is first (north-south) and

[illegible]

D. **RELATIVE POSITIONAL ACCURACY OF MEASUREMENTS:** The relative positional accuracy of measurements performed on this survey is within a URBAN Class survey due to random errors in measurement, equipment and trained personnel as defined in I.A.C. 865 1-12-7.

**CITY OF FORT WAYNE**  
TRANSPORTATION ENGINEERING SERVICES  
CITIZENS SQUARE, 200 EAST BERRY STREET 46802  
PHONE: (260) 427-1172



FAX: (260) 427-1356

2008-09-01 10:00:00

(0.00)	-PIN BELOW (+) OR ABOVE (-) GRADE
OFL	-OVERHANG
B.L.	-BUILDING LINE
ESMT	-EASEMENT
SD.	-SURFACE DRAINAGE
UT.	-UTILITY
D	-DEED OR CALCULATED FROM DEED
M	-MEASURED OR CALCULATED FROM FIELD DATA
CB	-CHORD BEARING

[illegible]

P	-PLATTED OR CALCULATED FROM PLAT
S.P.F.	-S'P' FOUND AT GRADE
S.P.S.	-S'P' DIAL SET, P/N 241 LONG SET AT GRADE WITH CAP STAMPED "CITY OF FORT WANE"
P.F.	-P'PE FOUND
P.X.F.	-P'X'AIL FOUND
MAG FND	-MAG NAIL FOUND
MAG SET	-MAG NAIL SET WITH "Z" DIA. DISC STAMPED "CITY OF FORT WANE"

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MINIMUM SETBACK AND SIDE YARD PER COVENANTS & RESTRICTIONS OR LOCAL REQUIREMENTS:  
 N.P. - FRONT BUILDING LINE  
 N.P. - REAR YARD BUILDING LINE  
 N.P. - SIDE YARD BUILDING LINE  
 N.P. - NOT PROVIDED BY CLIENT

MONUMENTS FOUND HAVE NO DOCUMENTED HISTORY, EXCEPT

**THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE**

REPORT, CERTIFICATION, SEAL AND SIGNATURE

FILE NAME: Salvation Army ROW vaca.dwg
SURVEY NO: 17016
WORK ORDER NO: MISC
DRAWN BY: S.P.S.
CHECKED BY: J.C.D.

FIELD CHIEF: J.D.D.

## ORIGINAL SURVEY OF

0.138 ACRES BEING PART OF YOUNGS DRIVE (PARCEL A)  
0.165 ACRES PARCEL BEING PART OF EASTBROOK DRIVE (PARCEL B)  
SITUATED IN THE NE 1/4 OF SEC. 35, T31N, R12E, ALLEN COUNTY, INDIANA.

REVISIONS	
NO.	DESCRIPTION
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