

# 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-2018-0001  
Bill Number: G-18-05-10  
Council District: 6-Glynn Hines

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Introduction Date: May 8, 2018

Public Hearing Date: May 22, 2018 (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 all of Tower Drive between Lots 59 and 60 in Cassel Hills Addition.

Location: Between 7644 and 7710 Hessen Cassel Road

Reason for Request: To return unimproved right-of-way to the adjacent land owners.

Applicant: Robert and Tamara Vachon

Property Owner: Robert and Tamara Vachon

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Related Petitions: none

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Effect of Passage: Vacation of the unimproved right-of-way will return the land to the two adjacent property owners to the north and south.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. It currently dead-ends into a common area of an adjacent subdivision and is unlikely to be developed into a public street.

1 VROW-2018-0001

2 BILL NO. G-18-05-10

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 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 that part of Tower Drive that lies between Lot 59 and Lot 60 in Cassel Hills Addition to the  
18 City of Fort Wayne, Indiana, as recorded in Plat Book 19, Page 148, in the Office of the  
19 Recorder of 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 COUNCILMEMBER

26 APPROVED AS TO FORM AND LEGALITY:

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

# 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:

TOWER DRIVE

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

Plot

~~DEED~~ BOOK NUMBER: 19 PAGE(S) NUMBER(S): 154 (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:

We have lived at our address for over 36 years. In which this time we have cared for this vacant road by mowing and doing the up keep of this vacant road. This vacant tower drive which never became a road dead ends to a common area which is wet lands nature preserve. this so called road can't go anywhere do to houses on the other side of the commons area. please grant us this vacation and thank-you.

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:

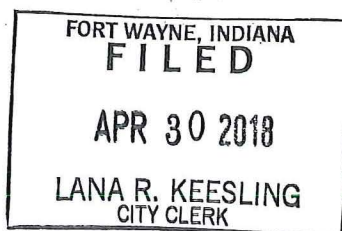
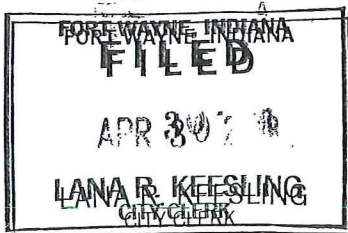
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

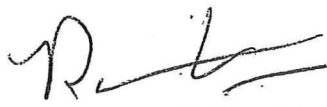
Name: Robert A. and Tamara L. Vachon

Street Address: 7710 Hessen Cassel Rd.

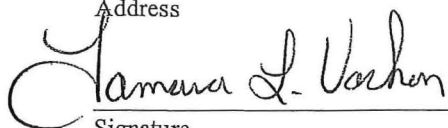
City: Fort Wayne State: IN. Zip: 46816 Phone: (260) 615-9985



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.

 Robert A. Vachon 4-30-18  
Signature Printed Name Date

7710 Hessen Cassel Rd Fort Wayne, IN, 46814  
Address City/State/Zip

 Tamara L. Vachon 4-30-18  
Signature Printed Name Date

7710 Hessen Cassel Rd Fort Wayne, IN, 46814  
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.

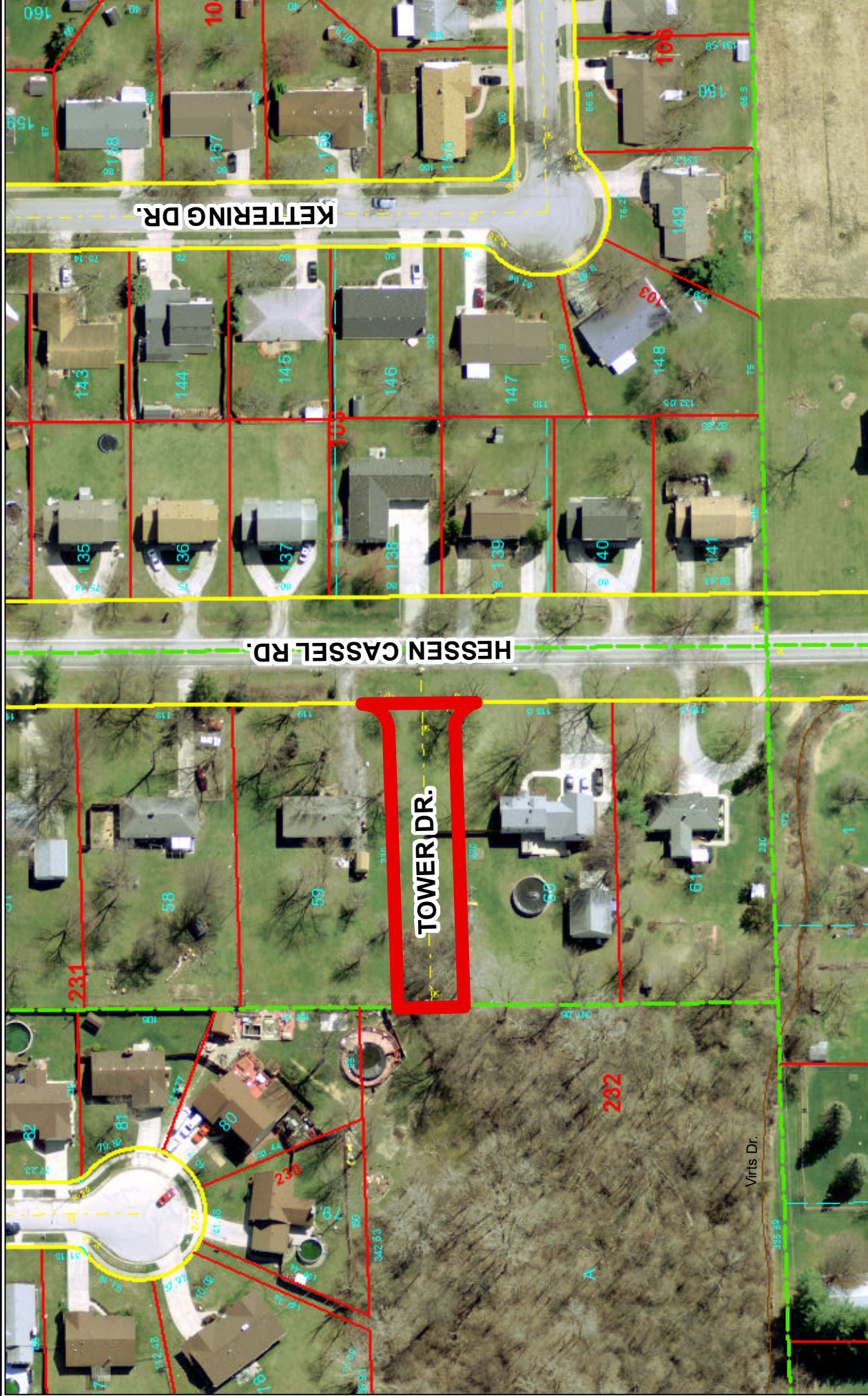
**For Office Use Only:**

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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

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



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: 5/22/18

**Project Boundaries Represented with Bold Lines are for Representational Purposes Only**

