

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2018-0002
Bill Number: G-18-01-01
Council District: 5 – Geoff Paddock

Introduction Date: January 9, 2018

Public Hearing Date: January 23, 2018 (to be held by Council)

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

Synopsis of Ordinance: To vacate a 12-foot wide, east-west alley within Fox's Addition and the north 164 feet of a 12-foot wide, north-south alley within Broadway Place.

Location: Between Lots 62 and 63 of Fox's Addition, at 2104 Miner Street, and along the east side of Lots 1-2 of Broadway Place, east of 2107 Broadway.

Reason for Request: To combine lots into one residential parcel.

Applicant: Diana Hart

Property Owner: Diana Hart

Related Petitions: none

Effect of Passage: Vacation of the alley right-of-way will allow the property owner to combine her residential lots to create a larger parcel. She has agreed to grant an access easement for emergency vehicles and trash pick-up.

Effect of Non-Passage: The alley right-of-way will prohibit the combination of lots. Any development of the vacant lots will need to meet setbacks from the existing right-of-way.

1 VALY-2018-0002

2 BILL NO. G-18-01-01

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 The alley opened by Declaratory Resolution No. 260-1913 lying between Lots 62 and 63 in
18 Fox's Addition to Fort Wayne (Plat Record 3, page 57 in the Office of the Recorder of Allen
County).

19 Together with:

20 The remainder of the 12 feet wide alley, not heretofore vacated, lying east of and adjacent to
21 Lot 1 and Lot 2 in the Plat of Broadway Place, recorded in Deed Book 89, page 72, in the
Office of the Recorder of Allen County.

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

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

☒ Public Right of Way (street or alley)

More particularly described as follows:

See Exhibit A

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

The reasons for the proposed vacation are as follows:

I own the property on both sides of the alley and would like to modify the alley into green space for continuity of the other two pieces of property. Utility easement will be maintained.

(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:

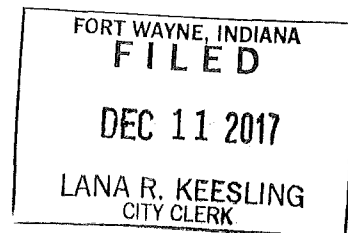
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Diana

Street Address: _____

City: _____ State: _____ Zip: _____ 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 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.

Diana D.R. Hart, trustee Diana D.R. Hart, trustee 12/8/17
Signature Printed Name Date
2107 Broadway Ft. Wayne, IN 46802
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): Diana D.R. Hart, trustee

Street Address: 2107 Broadway
City: Ft. Wayne State: IN Zip: 46802 Phone: 260-409-5901

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:

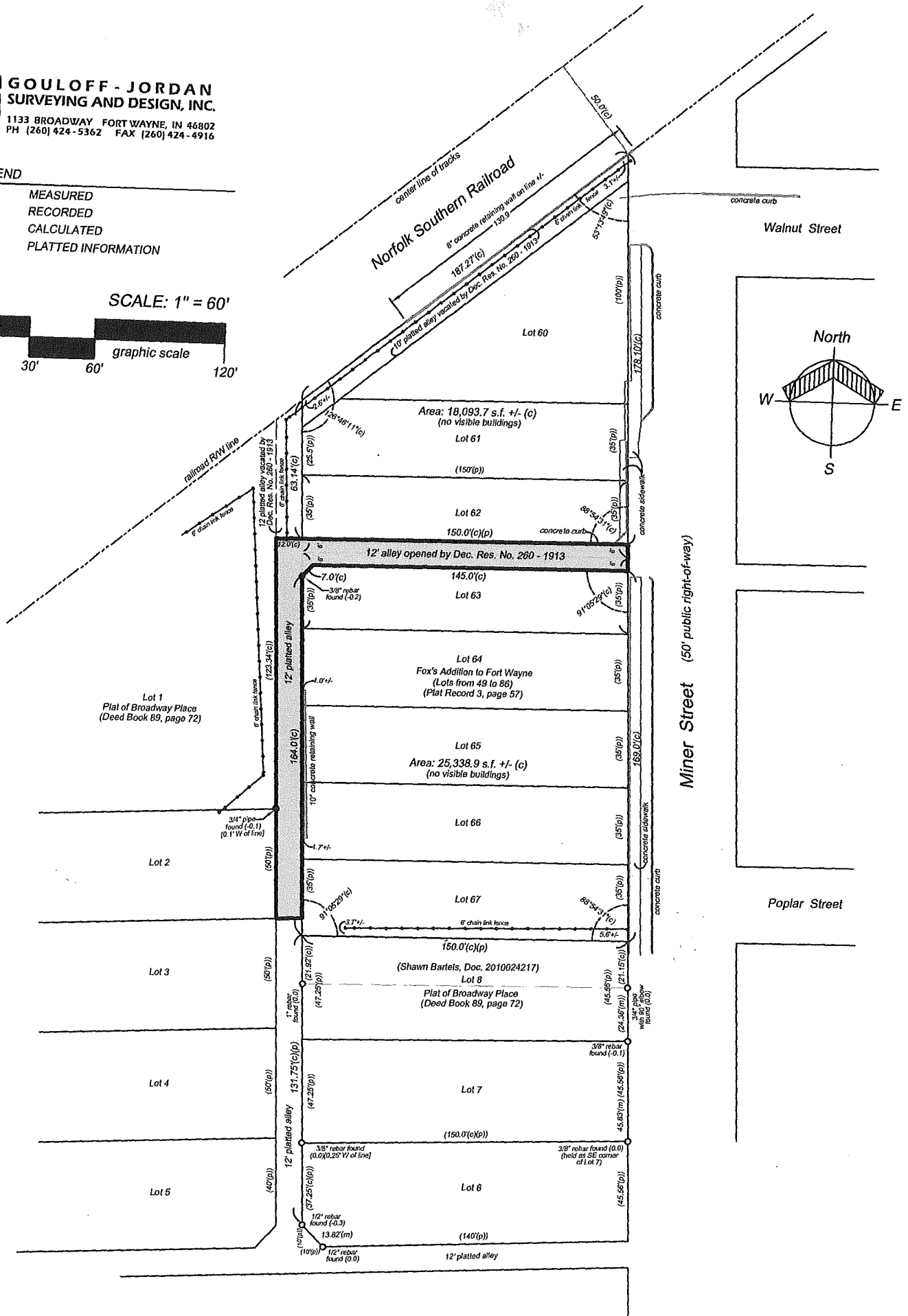
Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

(m)	MEASURED
(r)	RECORDED
(c)	CALCULATED
(p)	PLATTED INFORMATION

A horizontal graphic scale bar with four segments. The first segment is from 0' to 30', the second from 30' to 60', the third from 60' to 90', and the fourth from 90' to 120'. The segments alternate in shading: the first and third are white, while the second and fourth are black. The text "graphic scale" is written below the bar between the 60' and 90' marks.

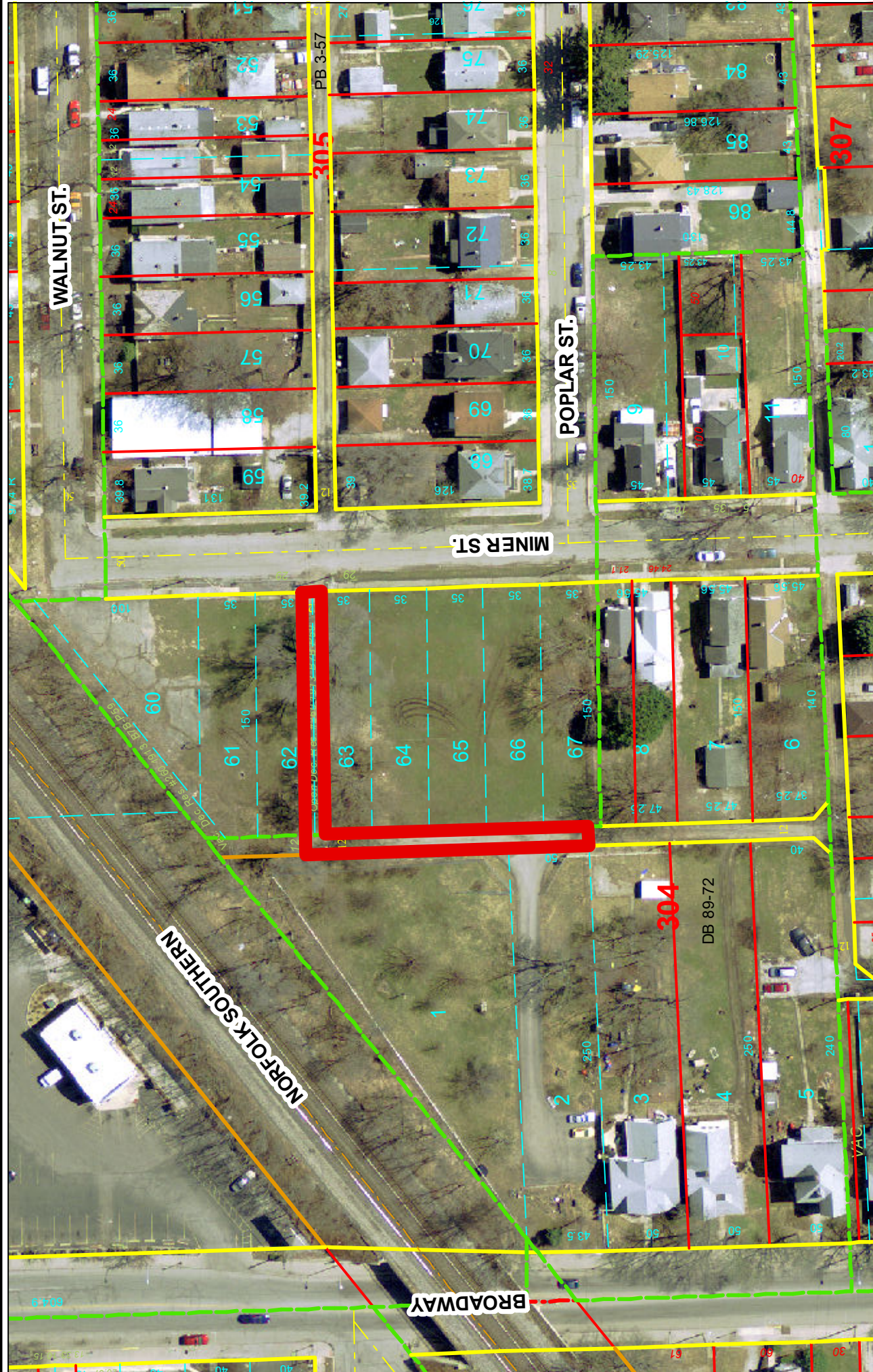


DESCRIPTION OF ALLEY VACATION

The alley opened by Declaratory Resolution No. 260-1913 lying between Lots 62 and 63 in Fox's Addition to Fort Wayne (Plat Record 3, page 57 in the Office of the Recorder of Allen County).

TOGETHER WITH:

The remainder of the 12 feet wide alley, not heretofore vacated, lying east of and adjacent to Lot 1 and Lot 2 in the Plat of Broadway Place, recorded in Deed Book 89, page 72 in the Office of the Recorder of Allen County.



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.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours, Spring 2009
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Areas depicted with bold lines are for representational purposes only.

