

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VROW-2018-0003
Bill Number: G-18-11-05
Council District: 4-Jason Arp

Introduction Date: November 13, 2018
Public Hearing Date: November 27, 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 portion of Indianapolis Road and Baer Field Expressway.
Location: Those portion lying south of Airport Expressway and northeast of Ardmore Avenue.
Reason for Request: To return the abandoned right-of-way to the adjacent land owners.
Applicant: Fort Wayne-Allen County Airport Authority
Property Owner: Fort Wayne-Allen County Airport Authority and

Related Petitions: none

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, allowing for effective redevelopment.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. Redevelopment of the surrounding parcels will be hindered. The right-of-way is no longer in use for access.

VROW-2018-0003

BILL NO. G-18-11-05

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:

Tract 1 – 0.962 Acres

Part of the Northwest Quarter of Section 4, Township 29 North, Range 12 East of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter per Project STP-F024(5) being P.I. Station 1+000.000, Line "S-1-A", said point being referenced by a Harrison marker found at the Northwest corner of said Northwest Quarter 0.6 feet South and 6.1 feet West; thence North 89 degrees 24 minutes 25 seconds East (GPS grid bearing and basis of bearings to follow), a distance of 501.47 feet (Deed) along the North line of said Northwest Quarter and within the right-of-way of Airport Expressway (Former Dalman Road) to the East line of an existing 0.69 acre tract described in Document Number 83-019788 in the Office of the Recorder of Allen County, Indiana; thence South 28 degrees 20 minutes 26 seconds West, a distance of 23.15 feet (Deed) along said East line; thence South 26 degrees 30 minutes 03 seconds East, a distance of 44.18 feet (Deed) along said East line to the Northeast corner of an existing 2.299 acre tract described in Document Number 204066515 in the Office of said Recorder; thence South 27 degrees 23 minutes 19 seconds East, a distance of 5.11 feet (Deed) along the East line of said 2.299 acre tract; thence South 28 degrees 07 minutes 04 seconds West, a distance of 29.00 feet (28.96 feet Deed) along said East line to the Northeast corner of an existing tract described in Document Number 2015016466 in the Office of the said Recorder, said point also being the POINT OF BEGINNING of the herein described tract; thence North 89 degrees 24 minutes 25 seconds East, a distance of 45.59 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the centerline of Indianapolis Road being Line "A" per Project No.649-1939 and also Line "B" per Project No.U-377(12)-1971.; thence Southwesterly along said centerline being a non-tangent curve, concave to the Northwest, having a radius of 19098.68 feet, a distance of 905.20 feet, having a central angle of 02 degrees 42 minutes 56 seconds, and a chord of 905.11 feet bearing

South 29 degrees 23 minutes 46 seconds West, to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the Southerly extension of the West line of said Document Number 2015016466; thence North 03 degrees 14 minutes 33 seconds West, a distance of 131.87 feet along said extension to a 5/8" steel rebar with a "Anderson" identification cap found at the Southwest corner of said Document Number 2015016466, said point also being the point of curvature of a non-tangent curve concave to the Southeast having a radius of 12347.69 feet; thence Northeasterly along said curve also being parallel with and 70 feet distant from the centerline of Baer Field Expressway being Line P.R. NO.1"B" Per Project Number U-377(12)-1971 a distance of 249.32 feet, having a central angle of 01 degrees 09 minutes 25 seconds, and a chord of 249.32 feet bearing North 34 degrees 49 minutes 20 seconds East to a 5/8" steel rebar with an "Anderson" identification cap found at the point of curvature of a non-tangent curve concave to the Southeast having a radius of 1502.40 feet; thence Northeasterly along said curve also being parallel with and 70 feet distant from the centerline of said Baer Field Expressway a distance of 93.34 feet, having a central angle of 03 degrees 33 minutes 35 seconds, and a chord of 93.32 feet bearing North 37 degrees 20 minutes 51 seconds East to a 5/8" steel rebar with a "Anderson" identification cap found at the point of curvature of a non-tangent curve concave to the Northwest having a radius of 1502.40 feet; thence Northeasterly along said curve also being parallel with and 40 feet distant from the centerline of Indianapolis Road a distance of 430.69 feet, having a central angle of 01 degrees 17 minutes 41 seconds, and a chord of 430.68 feet bearing North 28 degrees 45 minutes 05 seconds East to the Point of Beginning. Containing 0.962 Acres, more or less. Subject to easements of record.

Tract 2 – 1.467 Acres:

Tract 2A – 1.165 Acres

Part of the Northwest Quarter of Section 4, Township 29 North, Range 12 East of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter per Project STP-F024(5) being P.I. Station 1+000.000, Line "S-1-A", said point being referenced by a Harrison marker found at the Northwest corner of said Northwest Quarter 0.6 feet South and 6.1 feet West; thence North 89 degrees 24 minutes 25 seconds East (GPS grid bearing and basis of bearings to follow), a distance of 501.47 feet (Deed) along the North line of said Northwest Quarter and within the right-of-way of Airport Expressway (Former Dalman Road) to the East line of an existing 0.69 acre tract described in Document Number 83-019788 in the Office of the Recorder of Allen County, Indiana; thence South 28 degrees 20 minutes 26 seconds West, a distance of 23.15 feet (Deed) along said East line; thence South 26 degrees 30 minutes 03 seconds East, a distance of 44.18 feet (Deed) along said East line to the Northeast corner of an existing 2.299 acre tract described in Document Number 204066515 in the Office of said Recorder; thence South 27 degrees 23 minutes 19 seconds East, a distance of 5.11 feet (Deed) along the East line of said 2.299 acre tract; thence South 28 degrees 07 minutes 04 seconds West, a distance of 29.00 feet (28.96 feet Deed) along said East line to the Northeast corner of an existing tract described in Document Number 2015016466 in the Office of the said Recorder; thence North 89 degrees 24 minutes 25 seconds East, a distance of 45.59 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the centerline of Indianapolis Road being Line "A" per Project No.649-1939 and also Line "B" per Project No.U-377(12)-1971, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing North 89 degrees 24 minutes 25 seconds East, a distance of 114.95 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the Westerly line of an existing 1.27 acre tract described in Document Number 205038902 in the Office of said Recorder; thence South 44 degrees 07 minutes 53 seconds West, a distance of 17.41 feet along said Westerly line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set at the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 420.00 feet (deed), thence Southwesterly along said curve also being the Westerly line of said 1.27 acre tract a distance of 160.44 feet, having a central angle of 21 degrees 53 minutes 12 seconds, and a chord of 159.46 feet bearing South 11 degrees 40 minutes 26 seconds West to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the centerline of Baer Field Expressway Per Project Number U-377(12)-1971; thence continuing along said curve, concave to the Northwest,

1 having a radius of 420.00 feet (deed), thence Southwesterly a distance of 155.32 feet, having a central
2 angle of 21 degrees 11 minutes 20 seconds, and a chord of 154.44 feet bearing South 33 degrees 12
3 minutes 42 seconds West to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence
4 South 43 degrees 48 minutes 22 seconds West, a distance of 143.39 feet (deed) along the West line of
5 said 1.27 acre tract to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the
6 Northeasterly line of an existing tract described in Document Number 2015013063 in the Office of the
7 said Recorder; thence North 19 degrees 19 minutes 15 seconds West, a distance of 123.48 feet along
8 said extension to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the centerline
9 of said Indianapolis Road; thence Northeasterly along said centerline being a non-tangent curve,
10 concave to the Northwest, having a radius of 19098.68 feet, a distance of 322.82 feet, having a central
11 angle of 00 degrees 58 minutes 06 seconds, and a chord of 322.81 feet bearing North 28 degrees 31
12 minutes 21 seconds East to the Point of Beginning. Containing 1.165 Acres, more or less. Subject to
13 easements of record.

14 **Tract 2B – 0.302 Acres**

15 Part of the Northwest Quarter of Section 4, Township 29 North, Range 12 East of the Second Principal
16 Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

17 Commencing at the Northwest corner of said Northwest Quarter per Project STP-F024(5) being P.I.
18 Station 1+000.000, Line "S-1-A", said point being referenced by a Harrison marker found at the
19 Northwest corner of said Northwest Quarter 0.6 feet South and 6.1 feet West; thence North 89 degrees
20 24 minutes 25 seconds East (GPS grid bearing and basis of bearings to follow), a distance of 501.47
21 feet (Deed) along the North line of said Northwest Quarter and within the right-of-way of Airport
22 Expressway (Former Dalman Road) to the East line of an existing 0.69 acre tract described in
23 Document Number 83-019788 in the Office of the Recorder of Allen County, Indiana; thence South 28
24 degrees 20 minutes 26 seconds West, a distance of 23.15 feet (Deed) along said East line; thence South
25 26 degrees 30 minutes 03 seconds East, a distance of 44.18 feet (Deed) along said East line to the
26 Northeast corner of an existing 2.299 acre tract described in Document Number 204066515 in the
27 Office of said Recorder; thence South 27 degrees 23 minutes 19 seconds East, a distance of 5.11 feet
28 (Deed) along the East line of said 2.299 acre tract; thence South 28 degrees 07 minutes 04 seconds
29 West, a distance of 29.00 feet (28.96 feet Deed) along said East line to the Northeast corner of an
30 existing tract described in Document Number 2015016466 in the Office of the said Recorder; thence
North 89 degrees 24 minutes 25 seconds East, a distance of 45.59 feet to a 5/8" steel rebar with a
"Miller Firm #0095" identification cap set on the centerline of Indianapolis Road being Line "A" per
Project No.649-1939 and also Line "B" per Project No.U-377(12)-1971.; thence Southwesterly along
said centerline being a non-tangent curve, concave to the Southeast, having a radius of 19098.68 feet, a
distance of 905.20 feet, having a central angle of 02 degrees 42 minutes 56 seconds, and a chord of
905.11 feet bearing South 29 degrees 23 minutes 46 seconds West, to a 5/8" steel rebar with a "Miller
Firm #0095" identification cap set on the Southerly extension of the West line of said Document
Number 2015016466, said point also being the POINT OF BEGINNING of the herein described tract;
thence Northeasterly along said centerline and along said curve, concave to the Northwest, having a
radius of 19098.68 feet, a distance of 140.75 feet, having central angle of 02 degrees 42 minutes 56
seconds, and a chord of 140.75 feet bearing North 30 degrees 32 minutes 34 seconds East to a 5/8"
steel rebar with a "Miller Firm #0095" identification cap set on the South line of an existing tract
described in Document Number 2015013063 in the Office of the Recorder of Allen County, Indiana;
thence North 88 degrees 32 minutes 10 seconds East, a distance of 85.14 feet along said South line to a
5/8" steel rebar with a "Miller Firm #0095" identification cap set at the Northwest corner of an existing
0.954 acre tract described in Document Number 203071246 in the Office of the Recorder of Allen
County, Indiana, said point also being the point of curvature of a non-tangent curve, concave to the
Southeast, having a radius of 12207.69 feet, thence Southwesterly along said curve also being the
South right-of-way line of said Baer Field Expressway a distance of 269.87 feet, having a central angle
of 01 degrees 16 minutes 00 seconds, and a chord of 269.87 feet bearing South 34 degrees 00 minutes
43 seconds West to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the
Southerly extension of the West line of said Document Number 2015016466; thence North 03 degrees

1 14 minutes 33 seconds West, a distance of 100.46 feet along said extension to the Point of Beginning.
2 Containing 0.302 Acres, more or less. Subject to easements of record.

3 TOGETHER WITH:

4 Part of the Northwest Quarter of Section 4, Township 29 North, Range 12 East of the Second Principal
Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

5 Commencing at the Northwest corner of said Northwest Quarter per Project STP-F024(5) being P.I.
6 Station 1+000.000, Line "S-1-A", said point being referenced by a Harrison marker found at the
7 Northwest corner of said Northwest Quarter 0.6 feet South and 6.1 feet West; thence North 89 degrees
8 24 minutes 25 seconds East (GPS grid bearing and basis of bearings to follow), a distance of 501.47
9 feet (Deed) along the North line of said Northwest Quarter and within the right-of-way of Airport
10 Expressway (Former Dalman Road) to the East line of an existing 0.69 acre tract described in
11 Document Number 83-019788 in the Office of the Recorder of Allen County, Indiana; thence South 28
12 degrees 20 minutes 26 seconds West, a distance of 23.15 feet (Deed) along said East line; thence South
13 26 degrees 30 minutes 03 seconds East, a distance of 44.18 feet (Deed) along said East line to the
14 Northeast corner of an existing 2.299 acre tract described in Document Number 204066515 in the
15 Office of said Recorder; thence South 27 degrees 23 minutes 19 seconds East, a distance of 5.11 feet
16 (Deed) along the East line of said 2.299 acre tract; thence South 28 degrees 07 minutes 04 seconds
17 West, a distance of 29.00 feet (28.96 feet Deed) along said East line to the Northeast corner of an
18 existing tract described in Document Number 2015016466 in the Office of the said Recorder; thence
19 North 89 degrees 24 minutes 25 seconds East, a distance of 45.59 feet to a 5/8" steel rebar with a
20 "Miller Firm #0095" identification cap set on the centerline of Indianapolis Road being Line "A" per
21 Project No.649-1939 and also Line "B" per Project No.U-377(12)-1971; thence Southwesterly along
22 said centerline being a non-tangent curve, concave to the Southeast, having a radius of 19098.68 feet, a
23 distance of 322.82 feet, having a central angle of 00 degrees 58 minutes 06 seconds, and a chord of
24 322.81 feet bearing South 28 degrees 31 minutes 21 seconds West, to a 5/8" steel rebar with a "Miller
25 Firm #0095" identification cap set on the most Northerly point of an existing tract described in
26 Document Number 2015015063 in the Office of the Recorder of Allen County, Indiana, said point also
27 being the POINT OF BEGINNING of the herein described tract; thence South 19 degrees 19 minutes
28 15 seconds East, a distance of 145.95 feet along the Easterly line of said Document Number
29 2015015063 to a point on the South right-of-way line of said Baer Field Expressway, said point being
30 referenced by a 5/8" steel rebar with a "0027" identification cap found 0.19 feet East and 0.55 feet
South; thence along said right-of-way and along a non-tangent curve, concave to the Southeast, having
a radius of 1362.40 feet, a distance of 143.56 feet, having central angle of 06 degrees 02 minutes 14
seconds, and a chord of 143.49 feet bearing South 38 degrees 35 minutes 41 seconds West to a 5/8"
steel rebar with a "Miller Firm #0095" identification cap set on a compound curve; thence continuing
along said right-of-way and along a curve, concave to the Southeast, having a radius of 12207.69 feet, a
distance of 160.77 feet, having central angle of 00 degrees 45 minutes 16 seconds, and a chord of
160.77 feet bearing South 35 degrees 01 minutes 21 seconds West to a 5/8" steel rebar with a "Miller
Firm #0095" identification cap set on the South line of said Document Number 2015015063; thence
South 88 degrees 32 minutes 10 seconds West, a distance of 85.14 feet along said South line to a 5/8"
steel rebar with a "Miller Firm #0095" identification cap set on the centerline of said Indianapolis
Road; thence along said centerline and along a non-tangent curve, concave to the Northwest, having a
radius of 19098.68 feet, a distance of 441.63 feet, having central angle of 01 degrees 19 minutes 30
seconds, and a chord of 441.62 feet bearing North 29 degrees 40 minutes 09 seconds East to the Point
of Beginning. Containing 0.762 Acres, more or less. Subject to easements of record.

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

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

3
4 _____
5 COUNCILMEMBER

6 APPROVED AS TO FORM AND LEGALITY:

7
8 _____
9 Carol T. Helton, City Attorney
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CITY OF FORT WAYNE

FORT WAYNE, INDIANA

FILED

OCT 15 2018

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

 X Public Right of Way (street or alley)

More particularly described as follows:

Legal description attached. The right of way to be vacated is
along the eastern edge of land parcel 021704101001000071, doc
2015016466. Referenced as tract 1 in the attached survey. Property
address is 3900 Indianapolis Rd, Fort Wayne, IN 46809.

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

Doc # 2015016466

DEED BOOK NUMBER: N/A PAGE(S) NUMBER(S): N/A (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:

Future land development in support of the airport. Removing the unused
right of way makes the land desirable for development. Currently the right
of way splits undeveloped land into very small sections.

(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.

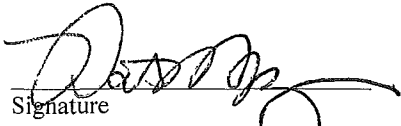
Applicant's name(s) if different from property owner(s):

Name: Patrick Dooley AGENT FOR FORT WAYNE-ALLEN COUNTY AIRPORT AUTHORITY

Street Address: 3801 W Ferguson Rd Ste 209

City: Fort Wayne State: IN Zip: 46809 Phone: 260-446-3447

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.

 Patrick Dooley 10/10/18
Signature Printed Name Date
3801 W Ferguson Rd Ste 209 Fort Wayne, IN 46809
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): Patrick Dooley

Street Address: 3801 W Ferguson Rd Ste 209
City: Fort Wayne State: IN Zip: 46809 Phone: 260-446-3447

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 #: H 39 Pl. 4 Reference #: VROW-2018-0003
G-18-11-02

Adjacent Property Owner

Three parcels are adjacent and are listed below:

02-17-04-102-002.003-080

02-17-04-102-001.000-080

02-17-04-102-004.001-080

All parcels are owned by Absolute LLC

Property Owner: John and Ellen Haifley

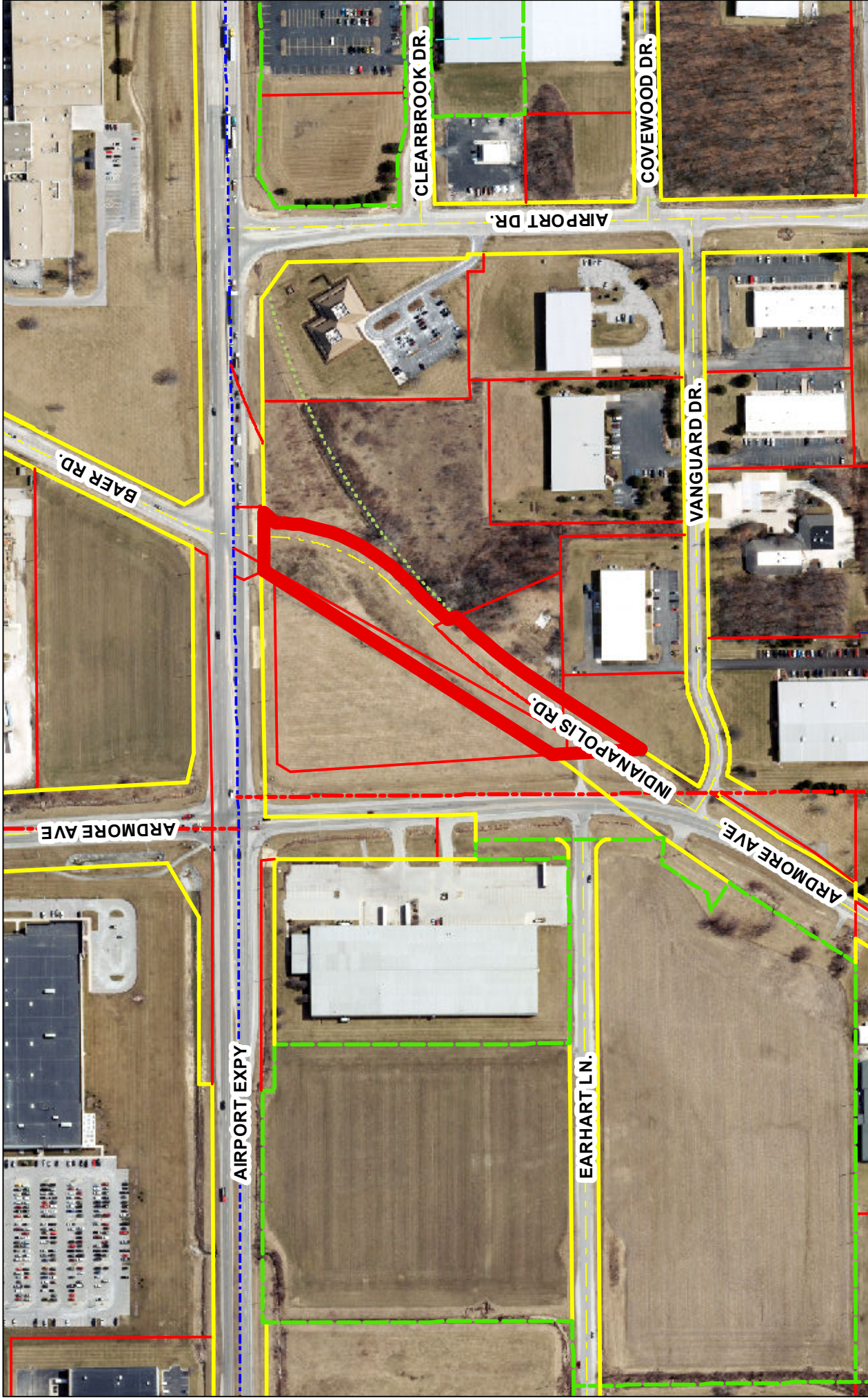
Street Address: 3834 Vanguard Dr

City: Fort Wayne

State: IN

Zip Code: 46809

Phone Number: 260-747-4568



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: 10/19/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only

