

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2019-0012
Bill Number: G-19-11-20
Council District: 6-Glynn Hines

Introduction Date: November 26, 2019

Public Hearing Date: December 10, 2019 (to be held by Council)

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

Synopsis of Ordinance: To vacate platted, undeveloped road right-of-way in Colonial Heritage Place Second Addition.

Location: Between 3327 Sequayah Pass and 4929 Cloverbrook Drive, and all of April Court.

Reason for Request: The City of Fort Wayne is planning a regional stormwater detention basin in this location.

Applicants: City of Fort Wayne Board of Public Works

Property Owners: City of Fort Wayne Board of Public Works

Related Petitions: none

Effect of Passage: If approved, the platted right-of-way will revert to the City and be used for stormwater maintenance and control.

Effect of Non-Passage: The right-of-way will remain as platted and will inhibit the development of a stormwater project to improve drainage conditions for neighborhoods in the area.

VROW-2019-0012

BILL NO. G-19-11-20

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:

Parts of Sequayah Pass and Cloverbrook Drive, a 50 foot public right-of-way in Colonial Heritage Place Second Addition as recorded in Plat Book 29, pages 129-131 in the Office of the Recorder of Allen County, Indiana, said portion being bounded to the West by a 50 foot Southerly extension of the West line of Lot 137 to the South right-of-way line of said Sequayah Pass and bounded to the South by a 25 foot Southwesterly extension of the South line of Lot 129 to the centerline of said Cloverbrook Drive and by a 25 foot Northeasterly extension of the South line of Lot 98 to the centerline of said Cloverbrook Drive, all in said Colonial Heritage Place.

Also:

All of April Court, a 50 foot public right-of-way in Colonial Heritage Place Second Addition as recorded in Plat Book 29, pages 139-131 in the Office of the Recorder of Allen County, Indiana. All of the platted right-of-way lying north and west of Arbor Trail (recorded as Woodcrest Lane) and between Lots 32, 33, 34, and 35 of Forest Ridge Estates, Section A, as recorded in Plat Book 23, Pages 44-45 in the Office of the Recorder of Allen County, Indiana.

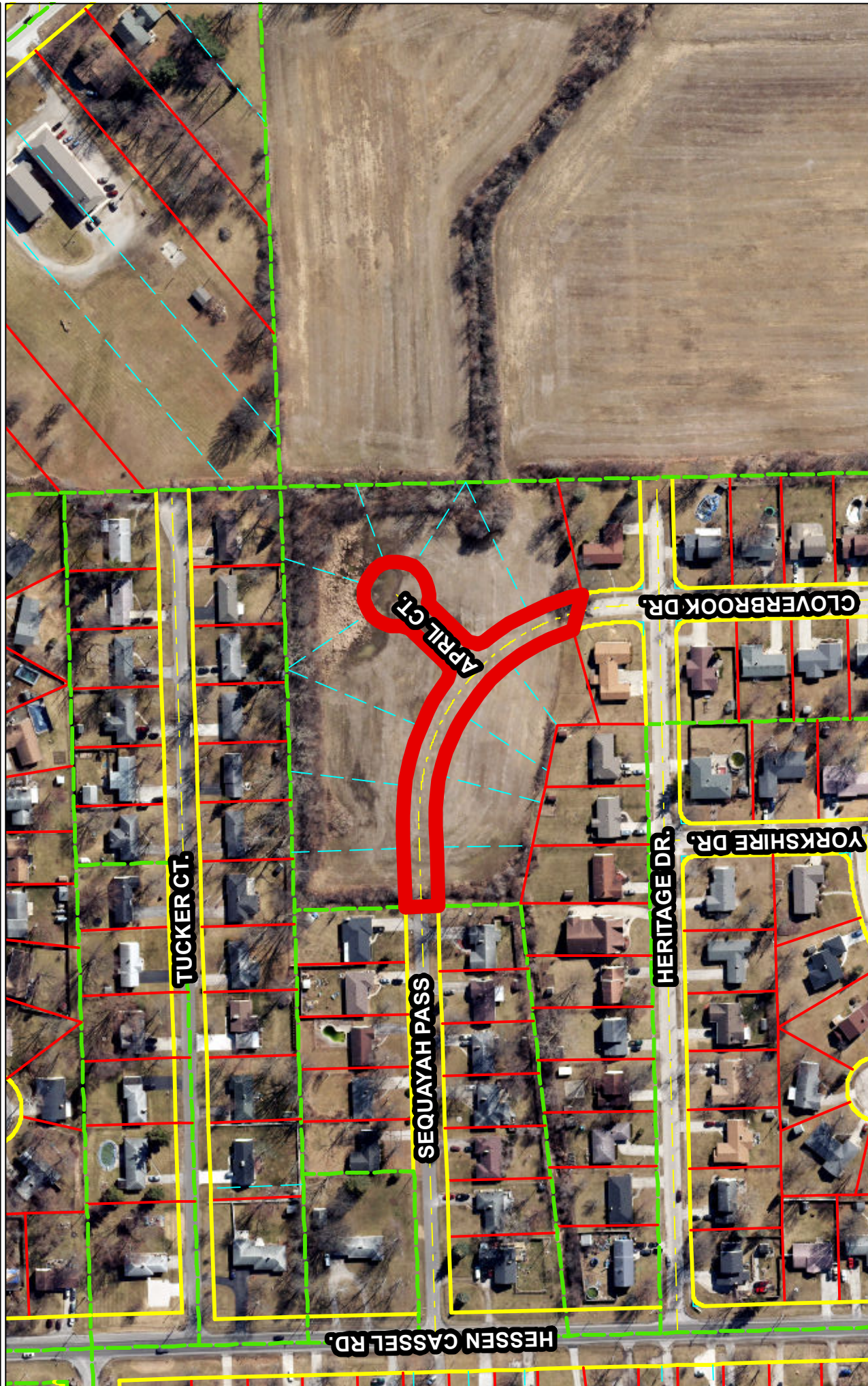
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

3 _____
4 COUNCILMEMBER

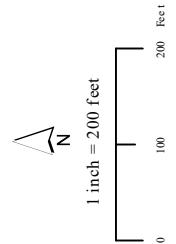
5 APPROVED AS TO FORM AND LEGALITY:

6 _____
7 Carol T. Helton, City Attorney
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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: 11/13/2019



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:

Colonial Heritage Place Second Addition - Lots 94-98 & Lots 129-137

Adams Township, Section 20

Record Document Number: 2018061186

.94 acres total

(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: 39 **PAGE(S) NUMBER(S):** 129-131 (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:

The creation of a stormwater detention basin.

(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, Indiana

Street Address: 200 E. Berry St.

City: Fort Wayne State: IN Zip: 46802 Phone: (260)427-1330

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

Seth Weinglass - Program Manager - Capital Project Services 10/21/2019

Printed Name

Date

200 E. Berry St. Ste. 250

Address

Fort Wayne, Indiana 46802

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): City of Fort Wayne, Indiana

Street Address: 200 E. Berry St.

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 427-1330

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 #: _____

LEGAL DESCRIPTION

613 W. Brackenridge St.
Fort Wayne, IN 46802
Phone: (260) 755-5993
Fax: (888) 808-4177

Prepared for the City of Fort Wayne

EXHIBIT A

Nana A. Opoku, PLS No. LS21200012

APEX Consulting
& Surveying

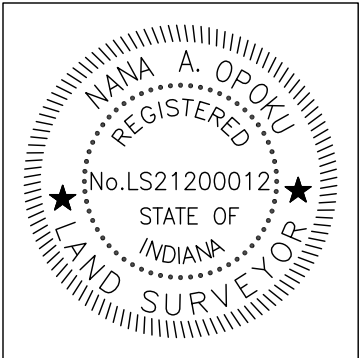
ADAMS TOWNSHIP
Parcel #02-13-20-301-007.000-070

RIGHT-OF-WAY VACATION – LEGAL DESCRIPTION

Parts of Sequayah Pass and Cloverbrook Drive, a 50 foot public right-of-way in Colonial Heritage Place Second Addition as recorded in Plat Book 29, pages 129-131 in the Office of the Recorder of Allen County, Indiana, said portion being bounded to the West by a 50 foot Southerly extension of the West line of Lot 137 to the South right-of-way line of said Sequayah Pass and bounded to the South by a 25 foot Southwesterly extension of the South line of Lot 129 to the centerline of said Cloverbrook Drive and by a 25 foot Northeasterly extension of the South line of Lot 98 to the centerline of said Cloverbrook Drive, all in said Colonial Heritage Place.

Also:

All of April Court, a 50 foot public right-of-way in Colonial Heritage Place Second Addition as recorded in Plat Book 29, pages 129-131 in the Office of the Recorder of Allen County, Indiana.



To the best of my knowledge and belief, this description is prepared in accordance with Indiana Administrative Code Title 865, Article 1, Rule 12, Sections 20-25.

Nana A. Opoku
Nana A. Opoku, PLS No. 21200012

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."
Nana A. Opoku

County: Allen
Section 20
Township 30 North
Range 13 East

R/W VACATION PLAT

613 W. Brackenridge St.
Fort Wayne, IN 46802
Phone: (260) 755-5993
Fax: (888) 808-4177

Prepared for the City of Fort Wayne

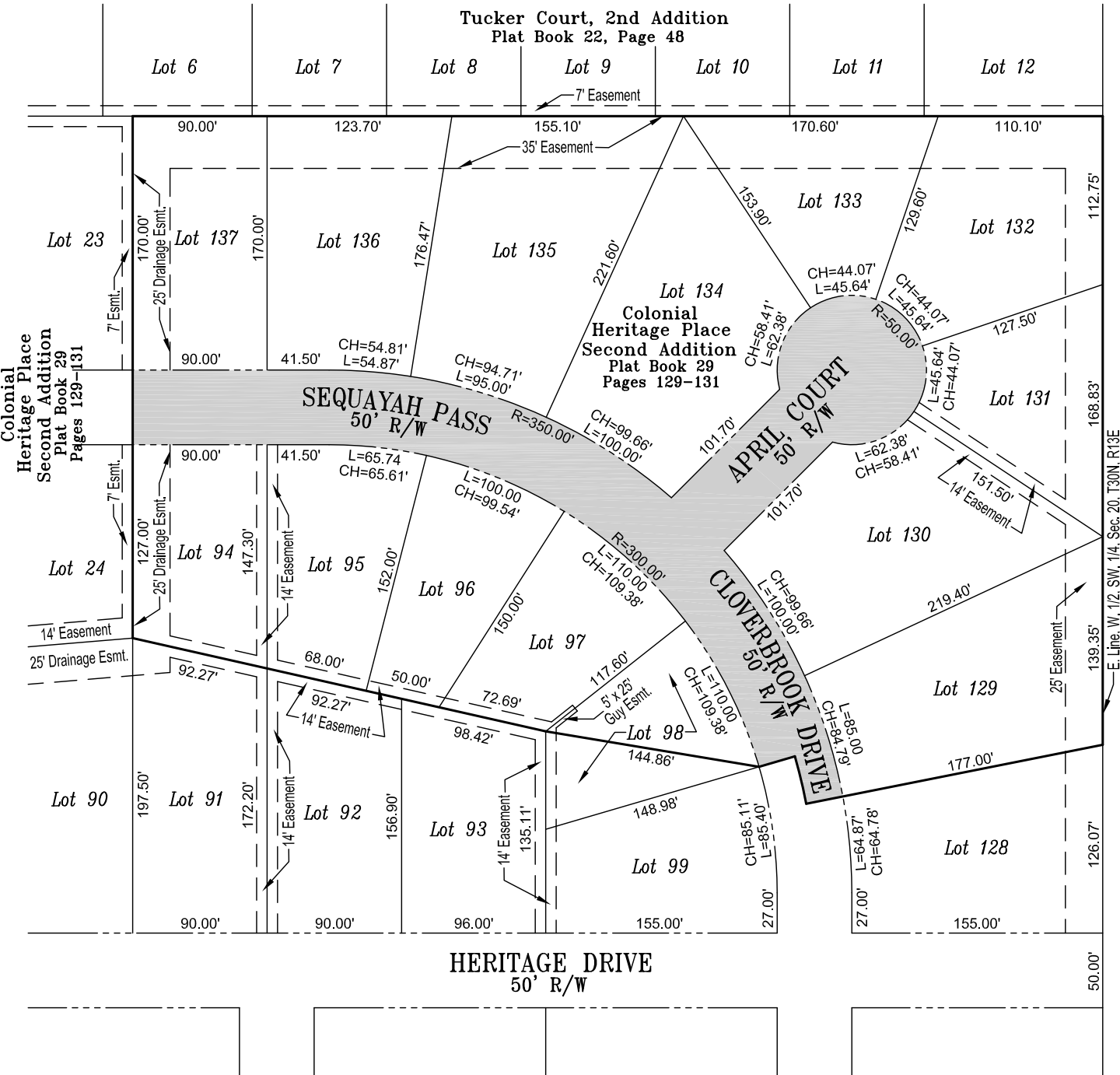
EXHIBIT B

Nana A. Opoku, PLS No. LS21200012

APEX Consulting
& Surveying

ADAMS TOWNSHIP

Parcel #02-13-20-301-007.000-070



Legend

- P.O.B. - Point of Beginning
- P.B. - Plat Book
- Prop. - Proposed
- Temp. - Temporary

County: Allen
Section 20
Township 30 North
Range 13 East

"I affirm, under the penalties for perjury,
that I have taken reasonable care to
redact each Social Security number in this
document, unless required by law."
Nana A. Opoku