

1 VALY-2021-0002

2 BILL NO. G-21-06-25

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
9 Wayne, Indiana, (as more specifically described below) was duly filed with the City
10 Clerk of the City of Fort Wayne, Indiana; and

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a
12 public hearing 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
14 CITY OF FORT WAYNE, INDIANA:

15 SECTION 1. That the petition filed herein to vacate a public right-of-way within
16 the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

17 The 14-foot east-west alley located between Lots 230 and 231 and Lots 194
18 and 195 of Lewis Addition, Amended, according to the plat thereof, as
19 recorded in Deed Book OB, page 73 in the Office of the Recorder of Allen
20 County, Indiana.

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

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

25 _____
26 COUNCIL MEMBER

27 APPROVED AS TO FORM AND LEGALITY:

28 
29 _____
30 Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Alley Vacation
Case Number: VALY-2021-0002
Bill Number: G-21-06-25
Council District: 6-Sharon Tucker

Introduction Date: June 22, 2021
Public Hearing Date: July 6, 2021 (heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the reviewing agencies

Synopsis of Ordinance: To vacate the 14-foot wide east-west alley between Lots 230 and 231 and Lots 194 and 195 in the Lewis Addition, Amended

Location: North of 609 East Masterson

Reason for Request: To allow parcels on both sides of the alley to be combined for future redevelopment.

Applicant: Dominic Moore

Property Owner: Dominic Moore

Related Petitions: none

Effect of Passage: Alley portion will be vacated and the property owner can combine his parcels to make a larger development parcel.

Effect of Non-Passage: The alley will remain as platted. Any new development must be located with appropriate setbacks from existing parcel lines.

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:

Alleyway on the right side of S. Monroe St. when
Facing North. Between 1815 S. Monroe St. (02121215500500074)
and 1817 S. Monroe St. (02121215500600074), crossing past
the back of 609 E. Masterson (02121215501000074) & 607 E.
Masterson (02121215500900074).

(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: OB PAGE(S) NUMBER(S): 73 (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 alleyway has not been used? is not being used
by any neighbors or city sanitation trucks/workers.
The property owner of the connecting properties would
like to take ownership of the vacant alleyway with
the purpose of consolidating the parcels in the future & building over the
vacated alleyway
(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:

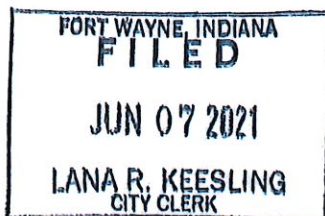
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Dominic Moore

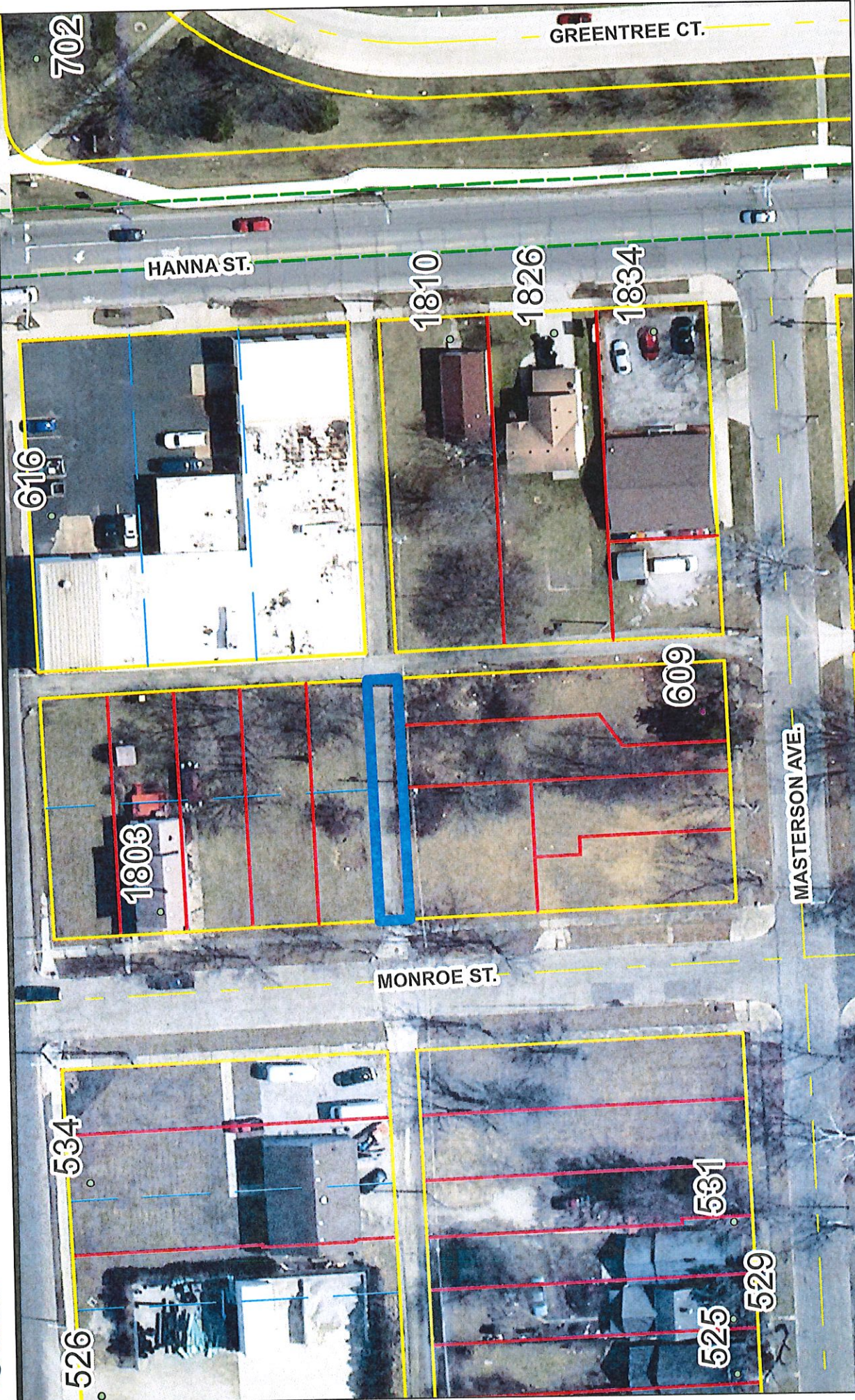
Street Address: 1815 S. Monroe St.

City: Fort Wayne State: IN Zip: 46803 Phone: 260-804-5326





VALY-2021-0002



200 Feet
1 inch = 59 feet

100

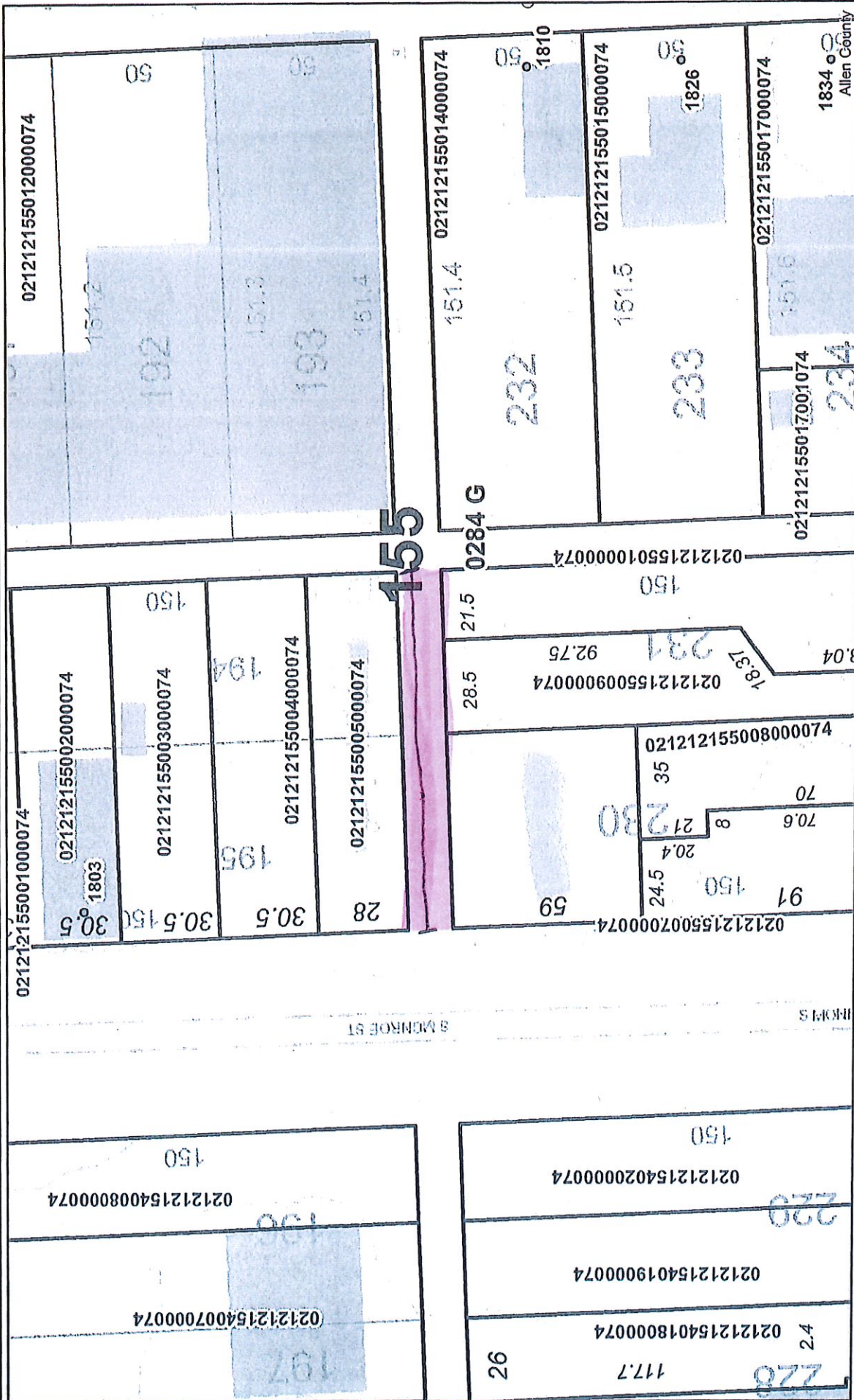
0

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/15/2021

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Date: 5/14/2021 1" = 42'

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

ORDINANCE NO. G-21-06-25

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 13, 2021 AT 5:30 P.M., IN ROOM 035 – COUNCIL CHAMBERS COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: The 14-foot wide, east-west alley north of Lots 230 and 231 and south of Lots 194 and 195 of Lewis Addition, Amended, North of 609 E. Masterson and south of 1803 Monroe Street

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 13, 2021.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

FOR YOUR SAFETY AND OF OTHERS, THE CITY COUNCIL WILL BE FOLLOWING SOCIAL DISTANCING GUIDELINES RECOMMENDED BY GOVERNOR HOLCOMB AND THE CDC. PLEASE REVIEW THE FOLLOWING:

- ❖ THERE WILL BE LIMITED CAPACITY IN THE HEARING ROOM. IF YOU KNOW YOU WOULD LIKE TO ATTEND THE MEETING, PLEASE CALL THE CITY CLERK'S OFFICE AT 260-427-1221 ON OR BEFORE THE DAY OF THE HEARING.
- ❖ BECAUSE OF SPACE LIMITATIONS, PLEASE COORDINATE ONE PERSON TO SPEAK FOR A GROUP, OR CONSIDER EMAILING OR MAILING YOUR COMMENTS TO STAFF AT CLERK@CITYOFFORTWAYNE.ORG.
- ❖ PLEASE MAINTAIN 6 FEET BETWEEN YOURSELF AND OTHERS. AVAILABLE SEATING WILL BE MARKED.
- ❖ SANITATION STATIONS ARE AVAILABLE IN THE BUILDING. YOU ARE ENCOURAGED TO WEAR A MASK.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: June 18, 2021

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 13, 2021 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2021-0002
BILL NO: G-21-06-25
APPLICANT: Dominic Moore
REQUEST: To vacate the 14-foot wide, east-west alley north of Lots 230 and 231 and south of Lots 194 and 195 of Lewis Addition, Amended.
LOCATION: North of 609 E. Masterson and south of 1803 Monroe Street
COUNCIL DISTRICT: 6 – Sharon Tucker

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street. We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

For your safety and of others, the Plan Commission will be following social distancing guidelines recommended by Governor Holcomb and the CDC. Please review the following:

- ❖ There will be limited capacity in the hearing room. If you know you would like to attend the meeting, please call the City Clerk's Office at 260-427-1221 on or before the day of the hearing.
- ❖ Because of space limitations, please coordinate one person to speak for a group, or consider emailing or mailing your comments to staff at michellewood@allencounty.us
- ❖ Please maintain 6 feet between yourself and others. Available seating will be marked.
- ❖ Sanitation stations are available in the building. You are encouraged to wear a mask.

Thank you for your attention to this matter. Please call this office if you have any questions.

Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607

ALLEY VACATION – DISUSSION AND PASSAGE
Department of Planning Services

VALY 2021 0002	Bill #G-21-06-25	Project Start: June 22, 2021
APPLICANT:	Dominic Moore	
REQUEST:	To vacate the 14-foot wide, east-west alley north of Lots 230 and 231 and south of Lots 194 and 195 of Lewis Addition, Amended.	
LOCATION:	North of 609 E. Masterson and south of 1803 Monroe Street	
COUNCIL DISTRICT:	District 6 – Sharon Tucker	
PUBLIC HEARING DATE:	July 13, 2021	

PROJECT SUMMARY

The petitioner is Dominic Moore, owner of Lots 230 and 231, and the south portion of Lots 194 and 195 in Lewis Addition. The applicant would like to vacate the underutilized alley to combine all the property for more flexibility in redevelopment. The properties are currently vacant and zoned R3/Multiple Family Residential. Access to all adjacent properties will remain to the north-south alley and to Monroe Street and Wallace Street. Staff has sent requests for comment from all affected utility agencies and their responses. All agencies have either approved or submitted their requests for easements. The ordinance has been amended to include a blanket drainage and utility easement.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic Engineering:	Approved
Stormwater Engineering:	Will need easement
Water Engineering:	Will need easement
WPC Engineering – Sanitary:	Will need easement
Fire Department:	No comment
Land Acquisition Agent:	Approved
Frontier:	Will need easement
Comcast Cable:	No comment
AEP:	Will need easement
NIPSCO:	No comment

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VALY-2021-0001

Bill No. G-21-06-25

Alley Vacation – Notifications

**The Clerk's Office placed legal notification in the Fort Wayne Newspaper.
DPS Staff notified the following by Certified Mail:**

PIN/Property Address:

Property Owner of Record:

021212155010000074
021212155009000074
021212155008000074
021212155007000074
021212155006000074
021212155055000074
609 E. Masterson Street

Dominic Moore
5631 Countess Drive
Fort Wayne, IN 46815

021212155004000074
021212155003000074
021212155002000074
021212155001000074
1801 S. Monroe Street

Maxwell Engineering c/o Matthew Maxwell
616 East Wallace Street
Fort Wayne, In 46803

DPS Staff notified the following by Email as a courtesy:
Community Liaison, Palermo Galindo

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 / 260.427.1221

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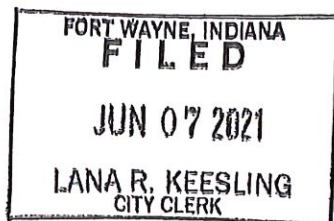
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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Name: Dominic Moore

Street Address: 1815 S. Monroe St.

City: Fort Wayne State: IN Zip: 46803 Phone: 260-204-5326





VALY-2021-0002

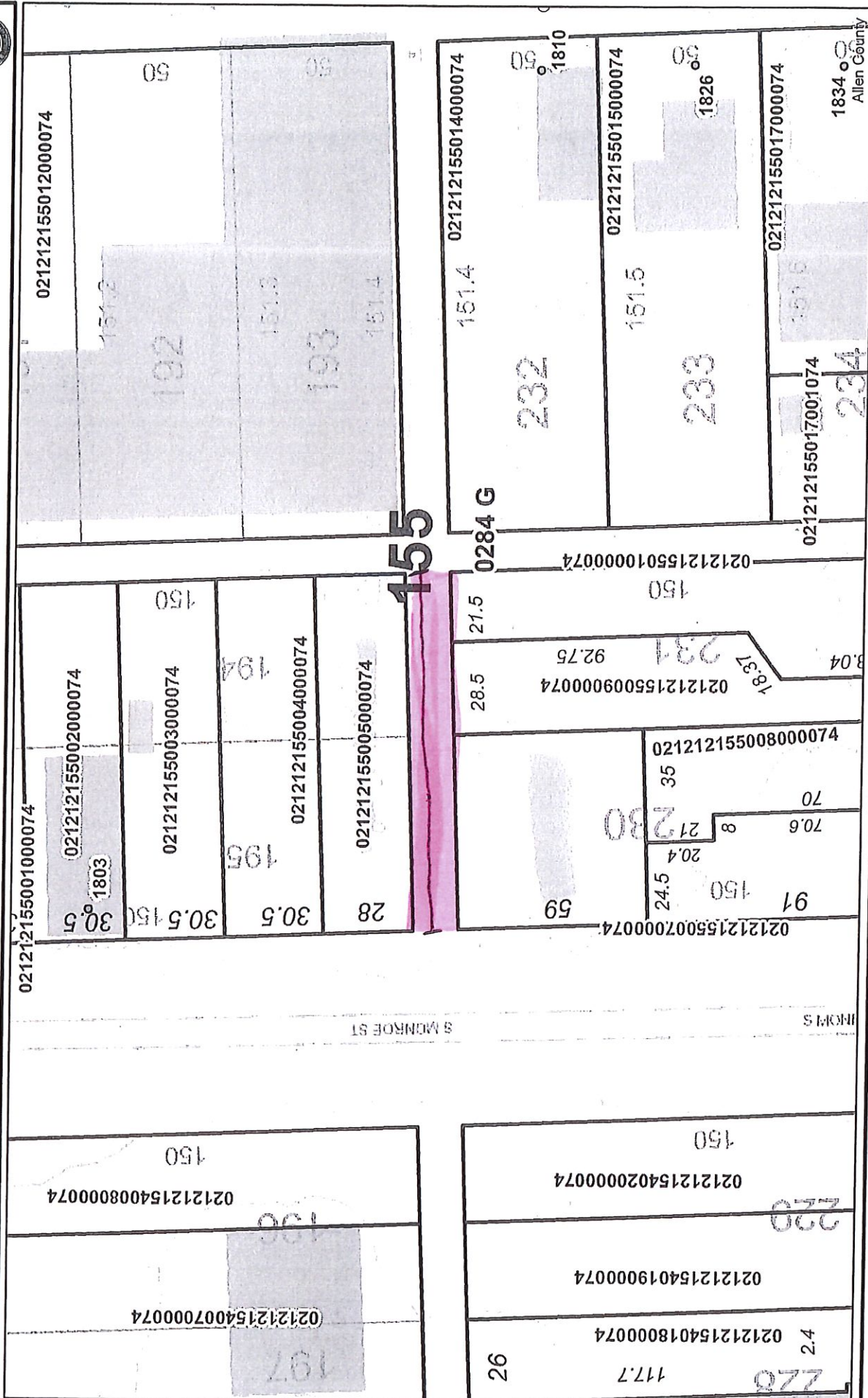


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Date: 5/14/2021 1" = 42'

The Journal Gazette

Account # 1063561 - 1411019

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

84

COMPUTATION OF CHARGES

84 lines, 1 column(s) wide equals84 equivalent lines at \$ 0.499 cents per line

\$ 41.92

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

Charge for extra proofs of publication

(\$2.00 for each proof in excess of two).

TOTAL AMOUNT OF CLAIM

\$ 41.92

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1.

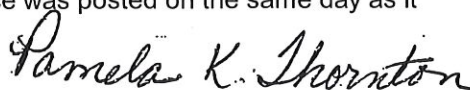
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing
account is just and correct, that the amount claimed is legally due, after allowing all just credits,
and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width
and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

6/25/2021

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it
was published in The Journal Gazette.



Pamela K. Thornton
Legal Clerk

Date: June 25, 2021

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

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LANA R. KEESLING

CITY CLERK

1411019

6--25

hspaxlp

The Journal Gazette

Account # 1063561 - 1411019

Allen County, Indiana

FW City Clerk's Office

ATTACH COPY OF ADVERTISEMENT HERE

PUBLISHER'S CLAIM**LINE COUNT**

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