

1 VEAS-2021-0003

2 BILL NO. G-21-06-33

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE for the purpose of
6 Vacating a platted easement.

7 WHEREAS, a petition to vacate a platted easement within the City of Fort Wayne, Indiana,
8 (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
9 Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
13 FORT WAYNE, INDIANA:

14 SECTION 1. That the petition filed herein to vacate a portion of a platted easement within the
15 City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 The fifty-foot wide easement located on Lot 5 and Lot 6 of Brames South Side Acres, as
17 dedicated in Deed Book 499, pages 525 and 526 in the Office of the Recorder of Allen
18 County, Indiana.

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

21
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 _____
29 Carol T. Helton, City Attorney
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Platted Easement Vacation
Case Number: VEAS-2021-0003
Bill Number: G-21-06-33
Council District: 6 – Sharon Tucker

Introduction Date: June 22, 2021
Public Hearing Date: July 13, 2021 to be heard by Council
Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate the fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres.

Location: 5005 South Anthony Boulevard.

Reason for Request: To have residential properties without encumbrances, for future redevelopment.

Applicant: Ross Grant

Property Owners: Ross Grant

Related Petitions: none

Effect of Passage: The easement was dedicated in 1955 after the plat was recorded. There are no utilities within the easement. Vacation of the easement will allow for more building flexibility on the property.

Effect of Non-Passage: The easement will remain as platted. No structures will be permitted within the easement.

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:

X Easement _____ Public Right of Way (street or alley)

More particularly described as follows:

The 50' wide easement located on Lot 6 of Brames
South Side Acres, as dedicated in Deed Book 499,
pages 525-526 8/11/55

(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: 499 PAGE(S) NUMBER(S): 525-26 (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:

To have a complete residential lot with no
encumbrances

(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: Ross Grant
Street Address: 5030 Cloverbrook Dr.
City: Fort Wayne State: IN Zip: 46806 Phone: 260-413-9092



VEAS-2021-0003



© 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: 6/14/2021

Although strict accuracy standards have
been employed in the compilation of this map,
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the accuracy of the information contained herein
and disclaims any and all liability resulting from
any error or omission in this map.



1 inch = 104 feet

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

ORDINANCE NO. G-21-06-33

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 fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres at 5005 S Anthony Blvd

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: VEAS-2021-0003
BILL NO: G-21-06-33
APPLICANT: Ross Grant
REQUEST: To vacate the fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres.
LOCATION: 5005 South Anthony Boulevard
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

EASEMENT VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VEAS 2021 0003	Bill #G-21-06-33	Project Start: June 22, 2021
APPLICANT:	Ross Grant	
REQUEST:	To vacate the 50-foot wide easement on Lots 5 and 6 of Brames South Side Acres.	
LOCATION:	5005 South Anthony Boulevard	
COUNCIL DISTRICT:	District 6 – Sharon Tucker	
PUBLIC HEARING DATE:	July 13, 2021	

PROJECT SUMMARY

The petitioner is Ross Grant, owner of Lots 5 and 6 of Brames South Side Acres, at 5005 South Anthony. The residential lots along South Anthony are very deep, with a 50-foot wide easement (dedicated in 1955) bisecting the lots. The owner would like to vacate the unused easement to have full use of the lots. The properties are currently vacant and zoned R1/Single Family Residential. Staff has sent requests for comment from all affected utility agencies. All agencies have signed off or declined comment and staff recommends approval.

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:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
Fire Department:	No comment
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	No comment
AEP:	Approved
NIPSCO:	Approved

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:

021319301008000070
021319301009000070

Ross Grant
5030 Cloverbrook Drive
Fort Wayne, IN 46806

021319301004000070
East of 4925 South Anthony

John and Lou McNight
1904 East Pettit Avenue
Fort Wayne, IN 46806

021212155001000074
5021 South Anthony

Neal Jordan
2021 Sherman Boulevard
Fort Wayne, IN 46808

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

CITY OF FORT WAYNE

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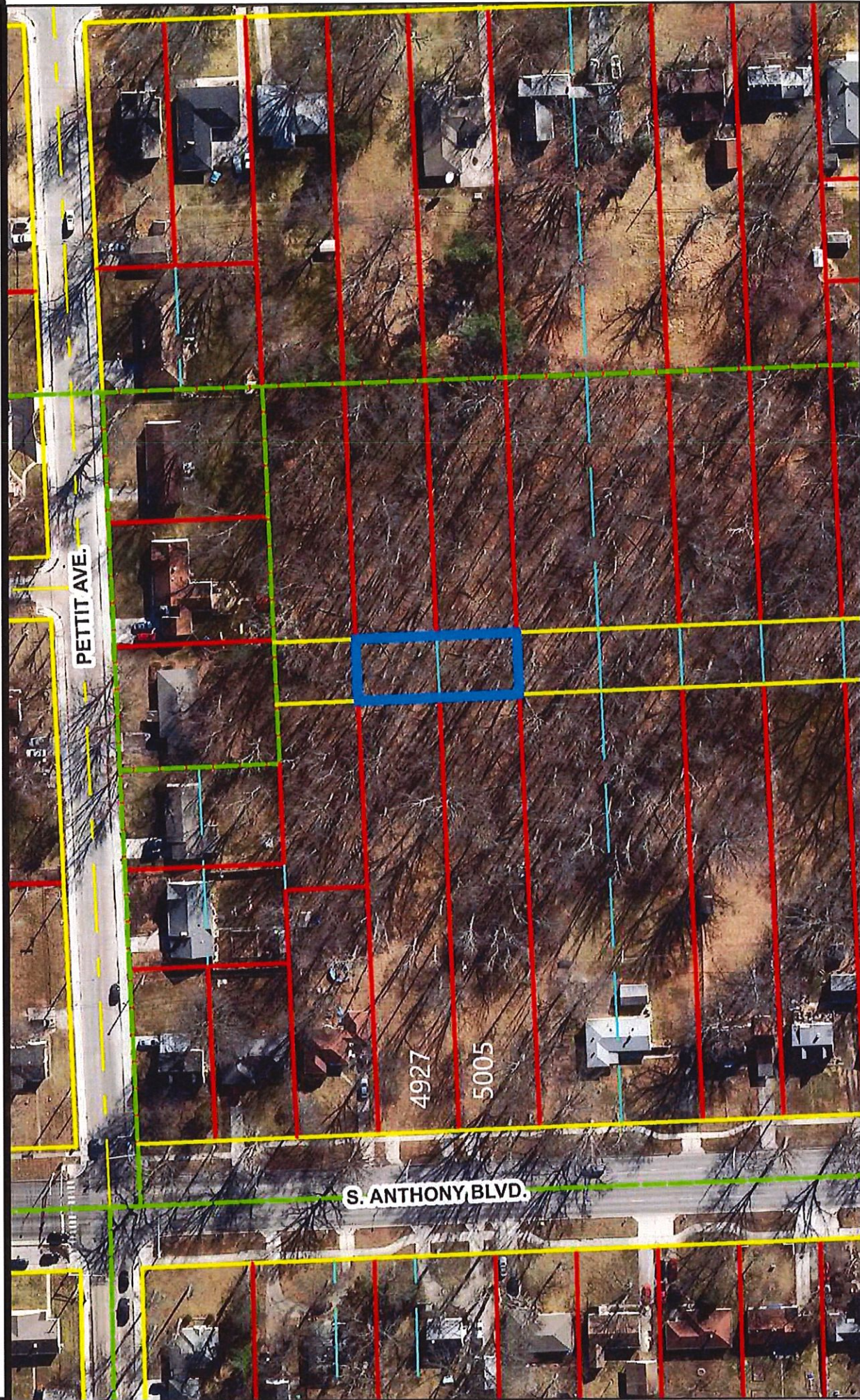
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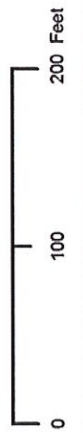


VEAS-2021-0003



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© 2004 Board of Commissioners of the County of Allen
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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
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The Journal Gazette

Account # 1063561 - 1411021

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

82**COMPUTATION OF CHARGES**82 lines, 1 column(s) wide equals82 equivalent lines at \$ 0.499 cents per line\$ 40.92

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\$ 40.92**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

Pamela K. Thornton
Legal Clerk

Date: June 25, 2021

ATTACH COPY OF ADVERTISEMENT HERE

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LANA R. KEESLING
CITY CLERK

6--25 1411021 hspaxlp

The Journal Gazette

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