

1 VROW-2021-0005

2 BILL NO. G-21-09-03

3 GENERAL ORDINANCE NO. G-_____

4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating public right-of-way.

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

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public
11 hearing 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 public right-of-way within the City
15 of Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 DESCRIPTION OF PROPOSED LEYKAUF STREET RIGHT-OF-WAY VACATION:

17 Part of Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the
18 Office of the Recorder of Allen County, Indiana, being a parcel of land surveyed by Gregory L.
19 Roberts, Professional Surveyor #80040548 and shown on the Plat of Survey certified on July 30,
20 2021 as Donovan Surveying, Inc. Job Number 21-5305, being more particularly described as
21 follows:

22 BEGINNING at the Northeast corner of Lot Number 49 in Rockhill and Nelson Addition as
23 recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County,
24 Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the
25 West right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East
26 (INDOT INCORS GPS datum and basis for this description) along the West right of way line of
27 Nelson Street and the East line of Lot Number 49 a distance of 150.0 feet to a 5/8-inch diameter
28 iron pin at the Southeast corner of Lot Number 49; thence North 78 degrees 16 minutes 15
29 seconds East a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41
30 minutes 01 seconds West parallel with and of 8.0 feet East of the West right of way line of Nelson
Street a distance of 150.0 feet to a 5/8-inch diameter iron pin; thence South 78 degrees 16
minutes 15 seconds West a distance of 8.0 feet to the point of beginning, containing 1200 square
feet.

TOGETHER WITH:

Commencing at the Northeast corner of Lot Number 49 in Rockhill and Nelson Addition as
recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County,
Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the
West right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East
(INDOT INCORS GPS datum and basis for this description) along the West right of way line of
Nelson Street a distance of 164.0 feet to a 5/8-inch diameter iron pin at the Northeast corner of
Lot Number 63, said point being the POINT OF BEGINNING; thence South 11 degrees 41

minutes 01 seconds East along the West right of way line of Nelson Street and the East line of Lot Number 59, 60, 61, 62, and 63 a distance of 237.0 feet to a 1/2-inch diameter iron pin at the Southeast corner of Lot Number 59; thence North 89 degrees 03 minutes 26 seconds East a distance of 8.14 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet East of the West right of way line of Nelson Street a distance of 238.6 feet to a 5/8-inch diameter iron pin; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 ft. to the point of beginning, containing 1902 square feet.

TOGETHER WITH:

BEGINNING at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street and the West line of Lot Number 48 a distance of 150.0 feet to a 5/8-inch diameter iron pin at the Southwest corner of Lot Number 48; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 ft. West of the East right of way line of Nelson Street a distance of 150.0 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 ft. to the point of beginning, containing 1200 square feet.

TOGETHER WITH:

Commencing at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street a distance of 164.0 feet to a 5/8-inch diameter iron pin at the Northwest corner of Lot Number 64 said point being the POINT OF BEGINNING; thence South 11 degrees 41 minutes 01 seconds East along the East right of way line of Nelson Street and the West line of Lot Number 64 a distance of 130.0 feet to a 1/2-inch diameter iron pin; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet West of the East right of way line of Nelson Street a distance of 130.0 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 feet to the point of beginning, containing 1040 square feet.

TOGETHER WITH:

Commencing at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street a distance of 334.0 feet to a 5/8-inch diameter iron pin at the Northwest of Lot Number 85 being the Point of Beginning, said point being on the South right of way line of Wilt Street; thence South 11 degrees 41 minutes 01 seconds East along the East right of way line of Nelson Street and the West line of Lot Number 85 a distance of 70.0 feet to a 5/8-inch diameter iron pin; thence South 89 degrees 03 minutes 26 seconds West a distance of 8.14 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet West of the East right of way line of Nelson Street a distance of 68.48 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 feet to the point of beginning, containing 537 square feet.

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

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.

COUNCIL MEMBER

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 attached

(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:

See attached letter

(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:

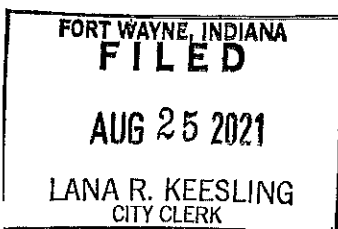
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____



VROW-2021-0005
G-21-09-03

See attached petitions

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

Printed Name

Date

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): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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 #: _____

Thomas Cain 1301 W. Jefferson Boulevard Fort Wayne, In 46802

Lana Keesling, City Clerk
200 E. Berry Street, Suite 110
Fort Wayne, IN 46802

August 25, 2021

Dear Ms Keesling:

Attached is a collective petition from property owners abutting the 1100 and 1200 blocks of Nelson Street in Fort Wayne, requesting partial vacation of the street right of way, to be then deeded to the adjacent property owners.

In the mid-19th century, when the plat for this area of West Central was created, the right of way width for Nelson Street was established as 66 feet in width, common for major streets in central Fort Wayne. However, during the last 150 years, only 50 feet of this 66 feet has been needed for construction of road, curb, parkstrip, and sidewalk improvements, and this is a common right of way width for residential streets, such as this segment of Nelson Street. The 8 feet of current right of way on the homeowners' sides of the public sidewalks has been used as front or side yards for the past 150 or more years. Nelson Street is classified as a local, residential street. The adjacent Wilt Street can accommodate only one travel lane, shared between both east and westbound traffic. It permanently limits traffic capacity on Wilt and Nelson. As a local historic district, the pattern of residential development on these blocks is highly unlikely to change to anything requiring a wider street. We feel that the City will never have need of this surplus right of way width for public use, and therefore should be ceded to the adjacent property owners.

The City and County can enjoy an increase in tax revenue, as the vacated land will become privately owned and subject to property tax. The adjacent owners will have more latitude in how they can use their new front yards. Complications with setbacks and other property regulations will be simplified.

It is recognized that there exists a public sidewalk on the east side of Nelson, north of Wilt Street, extending to the alley. This sidewalk would be on a vacated portion of the right of way. The owner of the two adjacent parcels has agreed to execute an agreement with the City to allow public access on this vacated space until such time as the sidewalk is rebuilt on the remaining right of way, should this vacation of right of way be granted.

I look forward to a positive resolution to this request. Please advise me of any questions or concerns, as I am representing the collective petitioners.

Sincerely,



Thomas Cain
260 426 7075 voice and text tcainres@gmail.com

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

1. 1301 W. Jefferson Boulevard

Owner: Thomas Cain

02-12-10-234.007-000-074

N. 112' lot 49 & E. 15' of N. 33.25' of S. 70.5' lot 50 Rockhill and Nelsons Addition

To be vacated:

112.75' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234.007-000-074

2. 1112 Nelson Street

Owner: Thomas Cain

02-12-10-234-022.000-074

S. 37.25' lot 49 & S 37.25 Ex W. 34.5' lot 50 Rockhill and Nelson Addition

To be vacated:

37.25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234.022-000-074

9. 1233 W. Jefferson Boulevard

Owner: Thomas Cain

02-12-10-235-001.000-074

W. 30 ¼ Lot 48 Rockhill and Nelson Addition

To be vacated:

150' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

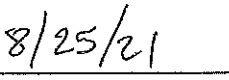
All parcels are in City of Fort Wayne, Wayne Township, Allen County

Signatures of Owners of Adjacent Parcels

1. 1301 W. Jefferson Boulevard
02-12-10-234.007-000-074
N. 112' lot 49 & E. 15' of N. 33.25' of S. 70.5' lot 50 Rockhill and Nelsons Addition
2. 1112 Nelson Street
02-12-10-234-022.000-074
S. 37.25' lot 49 & S 37.25 Ex W. 34.5' lot 50 Rockhill and Nelson Addition
9. 1233 W. Jefferson Boulevard
02-12-10-235-001.000-074
W. 30 1/4' Lot 48 Rockhill and Nelson Addition



Thomas Cain
1301 W. Jefferson Boulevard
Fort Wayne, IN 46802


Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

3. 1120 Nelson Street

Owner: Jocelyn Pfeiffer and Anna West

02-12-10-234-023.000-074

Lot 63 Rockhill and Nelson Addition

To be vacated:

50' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-023.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

Signatures of Owners of Adjacent Parcels

3. 1120 Nelson Street

02-12-10-234-023.000-074

Lot 63 Rockhill and Nelson Addition


Jocelyn Pfeiffer

250 W. Wayne Street
Fort Wayne, IN 46802


Anna West

5.10.2021
Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet width, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

4. 1122-1124 Nelson Street

Owner: Judy Anderson

02-12-10-234-024.000-074

N. 25' lot 62 Rockhill and Nelson Addition

To be vacated:

25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-024.000-074

5. 1126-1128 Nelson Street

Owner: Judy Anderson

02-12-10-234-025.000-074

S. 25' lot 62 Rockhill and Nelson Addition

To be vacated:

25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-025.000-074

10. 1117-1119 Nelson Street

Owner: Judy Anderson

02-12-10-235-010.000-074

N. 50' Lot 64 Rockhill and Nelson Addition

To be vacated:

50' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

11. 1236 Wilt Street

Owner: Judy Anderson

02-12-10-235-011.000-074

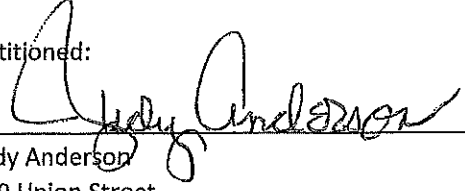
S. 80' Lot 64 Rockhill and Nelson Addition

To be vacated:

80' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

Petitioned:



Judy Anderson
719 Union Street
Fort Wayne, IN 46802

5/6/21
Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

6. 1130 Nelson Street

Owner: Hans Property Group LLC

02-12-10-234-026.000-074

N. ½ lot 61 Rockhill and Nelson Addition

To be vacated:

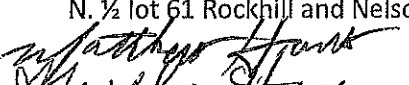
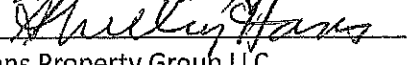
25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-026.000-074

Signatures of Owners of Adjacent Parcels

6. 1130 Nelson Street

02-12-10-234-026.000-074

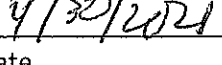
N. ½ lot 61 Rockhill and Nelson Addition

Hans Property Group LLC

5716 Coventry Lane

Fort Wayne, IN 46804

Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

7. 1134 Nelson Street

Owner: Jeffrey Markley

02-12-10-234-027.000-074

N. 18.5' lot 62 and S. ½ lot 61 Rockhill and Nelson Addition

To be vacated:

43.5' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-027.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

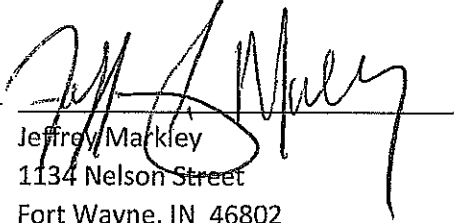
Signatures of Owners of Adjacent Parcels

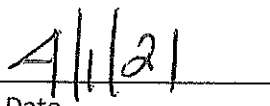
7. 1134 Nelson Street

Owner: Jeffrey Markley

02-12-10-234-027.000-074

N. 18.5' lot 62 and S. ½ lot 61 Rockhill and Nelson Addition


Jeffrey Markley
1134 Nelson Street
Fort Wayne, IN 46802


Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

8. 1206 Nelson Street

Owner: Darrell Adams

02-12-10-234-028.000-074

Lot 59 and 10' alley & S 31 ½' lot 60 Rockhill and Nelson Addition

To be vacated:

68.5' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-028.000-074

Signatures of Owners of Adjacent Parcel

8. 1206 Nelson Street

02-12-10-234-028.000-074

Lot 59 and 10' alley & S 31 ½' lot 60 Rockhill and Nelson Addition

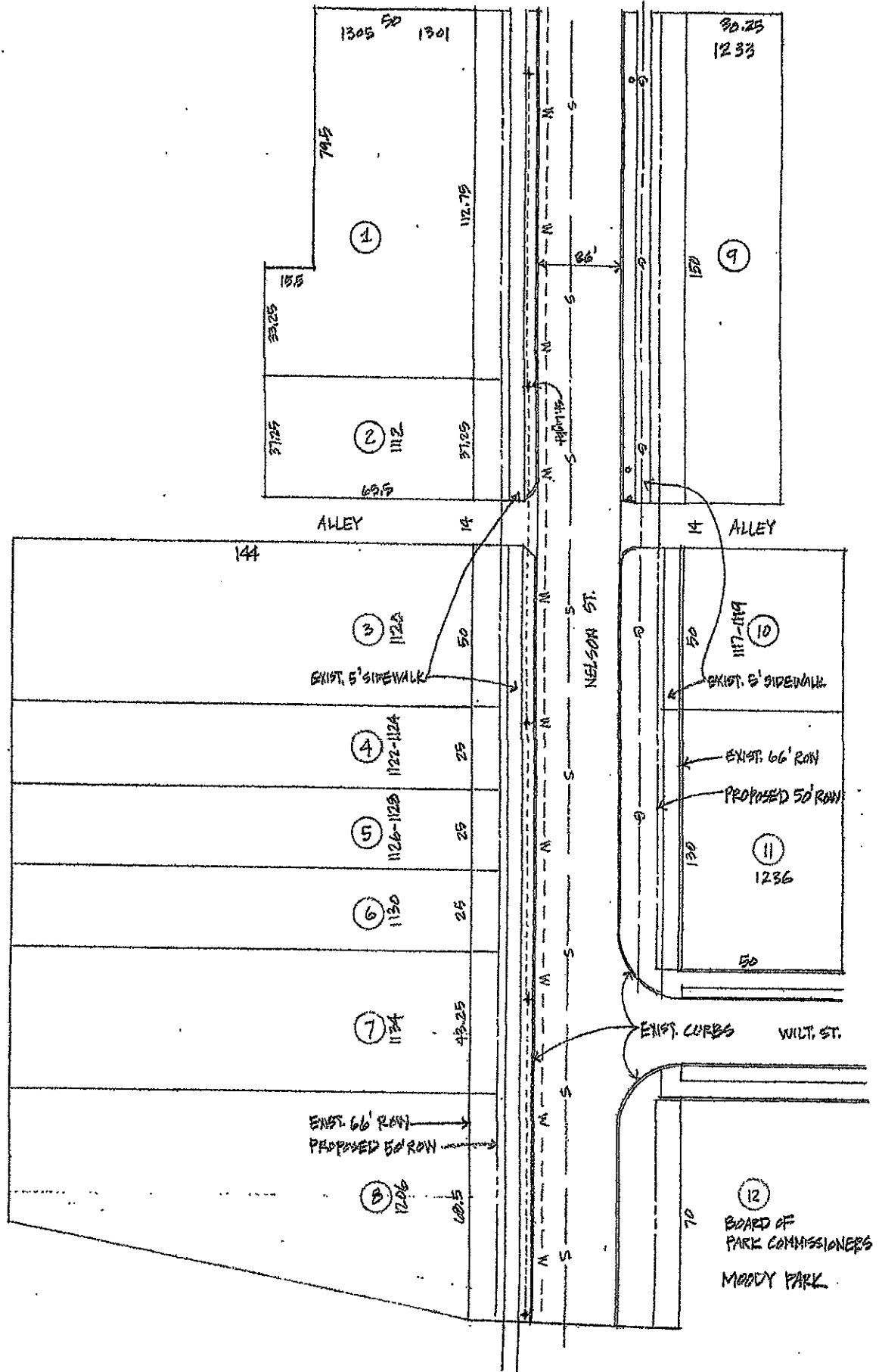
Darrell Adams

Darrell Adams

7620 Aboite Center Road

Fort Wayne, IN 46804

4/14/21
Date



1100 BLOCK NELSON ST.
 PREPARED BY THOMAS GAIN, P.L.A., A.S.L.A.

3.31.21

VROW-2021-0005



1 inch = 83 feet



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: 9/8/2021

Part of Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, being a parcel of land surveyed by Gregory L. Roberts, Professional Surveyor #80040548 and shown on the Plat of Survey certified on July 30, 2021 as Donovan Surveying, Inc. Job Number 21-5305, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot Number 49 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the West right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the West right of way line of Nelson Street and the East line of Lot Number 49 a distance of 150.0 feet to a 5/8-inch diameter iron pin at the Southeast corner of Lot Number 49; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and of 8.0 feet East of the West right of way line of Nelson Street a distance of 150.0 feet to a 5/8-inch diameter iron pin; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to the point of beginning, containing 1200 square feet.

TOGETHER WITH:

Commencing at the Northeast corner of Lot Number 49 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the West right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the West right of way line of Nelson Street a distance of 164.0 feet to a 5/8-inch diameter iron pin at the Northeast corner of Lot Number 63, said point being the POINT OF BEGINNING; thence South 11 degrees 41 minutes 01 seconds East along the West right of way line of Nelson Street and the East line of Lot Number 59, 60, 61, 62, and 63 a distance of 237.0 feet to a 1/2-inch diameter iron pin at the Southeast corner of Lot Number 59; thence North 89 degrees 03 minutes 26 seconds East a distance of 8.14 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet East of the West right of way line of Nelson Street a distance of 238.6 feet to a 5/8-inch diameter iron pin; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 ft. to the point of beginning, containing 1902 square feet.

TOGETHER WITH:

BEGINNING at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street and the West line of Lot Number 48 a distance of 150.0 feet to a 5/8-inch diameter iron pin at the Southwest corner of Lot Number 48; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 ft. West of the East right of way line of Nelson Street a distance of 150.0 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 ft. to the point of beginning, containing 1200 square feet.

TOGETHER WITH:

Commencing at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street a distance of 164.0 feet to a 5/8-inch diameter iron pin at the Northwest corner of Lot Number 64 said point being the POINT OF BEGINNING; thence South 11 degrees 41 minutes 01 seconds East along the East right of way line of Nelson Street and the West line of Lot Number 64 a distance of 130.0 feet to a 1/2-inch diameter iron pin; thence South 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41

minutes 01 seconds West parallel with and 8.0 feet West of the East right of way line of Nelson Street a distance of 130.0 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 feet to the point of beginning, containing 1040 square feet.

TOGETHER WITH:

Commencing at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the East right of way line of Nelson Street a distance of 334.0 feet to a 5/8-inch diameter iron pin at the Northwest of Lot Number 85 being the Point of Beginning, said point being on the South right of way line of Wilt Street; thence South 11 degrees 41 minutes 01 seconds East along the East right of way line of Nelson Street and the West line of Lot Number 85 a distance of 70.0 feet to a 5/8-inch diameter iron pin; thence South 89 degrees 03 minutes 26 seconds West a distance of 8.14 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet West of the East right of way line of Nelson Street a distance of 68.48 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East a distance of 8.0 feet to the point of beginning, containing 537 square feet.

LOT 48-49 ROCKHILL AND NELSON ADD LEGAL 7-29-21, 8-23-2021

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Platted Road Right-of-Way Vacation
Case Number: VROW-2021-0005
Bill Number: G-21-09-03
Council District: 5 – Geoff Paddock

Introduction Date: September 14, 2021
Public Hearing Date: September 28, 2021 to be heard by Council
Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate portions of the right-of-way for Nelson Street, outside of the existing roadway, as recorded in Miscellaneous Record 2, page 508, part of Rockhill and Nelson Addition.

Location: The portions to be vacated run between West Jefferson Street and Wilt Street, with one portion south of Wilt Street, adjacent to Moody Park.

Reason for Request: To return excess road right-of-way to the adjacent property owners for their use.

Applicants: Thomas Cain, Jocelyn Pfeifer, Anna West, Judy Anderson, Hans Property Group, Jeffrey Markley and Darryll Adams

Property Owners: same

Related Petitions: none

Effect of Passage: Nelson Street was platted with an atypical right-of-way width of 66 feet. Most neighborhood City streets contain 50 feet of right-of-way. Vehicular and pedestrian access will continue as it exists today. Returning the excess right-of-way to the adjacent property owners will allow more opportunity for improvements to be made.

Effect of Non-Passage: The street right-of-way will remain as dedicated. Improvements to adjacent properties may be limited due to the excess width of the right-of-way.

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE

Department of Planning Services

VROW 2021 0005	Bill #G-21-09-03	Project Start: September 14, 2021
APPLICANTS:	Thomas Cain, Jocelyn Pfeifer, Anna West, Judy Anderson, Hans Property Group, Jeffrey Markley, Darrell Adams	
REQUEST:	To vacate excess portions of Nelson Street on both sides of the built street. The center 50 feet of the Nelson Street right-of-way will remain.	
LOCATION:	From West Jefferson Boulevard to Wilt Street, plus a portion adjacent to Moody Park.	
COUNCIL DISTRICT:	5-Geoff Paddock	
PUBLIC HEARING DATE:	September 28, 2021	

PROJECT SUMMARY

The petitioners are property owners adjacent to lots on Nelson Street, from West Jefferson Boulevard to Wilt Street. Nelson Street was platted with an unusual right-of-way width of 66 feet. The petitioners would like to vacate areas on both sides of the street, leaving Nelson Street and 50 feet of right-of-way intact. Staff distributed requests for comment from all affected utility agencies. There is a small portion of sidewalk on the east side that will be on private property if the request is approved; however, the property owner has agreed to a pedestrian access easement over the sidewalk.

All utilities have approved, and the applicant is working with City legal on an approved access easement, which will be recorded with an approval of the petition.

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 with access easement for east sidewalk.
Stormwater Engineering:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Facilities are within right-of-way to remain.
AEP:	Facilities are within right-of-way to remain.
NIPSCO:	Facilities are within right-of-way to remain.

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.

VROW-2021-0005

Bill No. G-21-09-03

Right of Way Vacation – Notifications

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

PIN/Property Address:

Property Owner of Record:

021210234007000074
1301 W. Jefferson

Thomas R. Cain
1301 W. Jefferson
Fort Wayne, IN 46802

021210234022000074
1112 Nelson

Thomas R. Cain
1301 W. Jefferson
Fort Wayne, IN 46802

021210234023000074
1120 Nelson

Jocelyn Pfeifer and Anna West
1120 Nelson
Fort Wayne, IN 46802

021210234024000074/021210234025000074
1124 Nelson
1126 Nelson

Judy Anderson
719 Union Street
Fort Wayne, IN 46802

021210234026000074
1130 Nelson

Hans Property Group
1130 Nelson
Fort Wayne, IN 46802

021210234027000074
1134 Nelson

Jeffrey Markley
1134 Nelson
Fort Wayne, IN 46802

021210234028000074
1206 Nelson

Darryll Adams
7620 Aboite Center
Fort Wayne, IN 46802

021210237001000074
1201 Wilt

City of Fort Wayne Property Management
200 E. Berry, Suite 470

DPS Staff notified the following by Email as a courtesy:
Southwest Area Partnership
West Central

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:

See attached

(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:

See attached letter

(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:

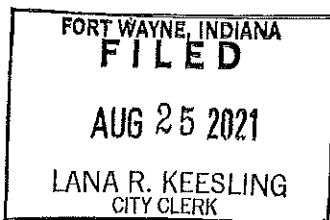
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____



V/ROW-2021-0005
G-21-09-03

See attached petitions

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.

Signature Printed Name Date

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): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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 #: _____

Thomas Cain 1301 W. Jefferson Boulevard Fort Wayne, In 46802

Lana Keesling, City Clerk
200 E. Berry Street, Suite 110
Fort Wayne, IN 46802

August 25, 2021

Dear Ms Keesling:

Attached is a collective petition from property owners abutting the 1100 and 1200 blocks of Nelson Street in Fort Wayne, requesting partial vacation of the street right of way, to be then deeded to the adjacent property owners.

In the mid-19th century, when the plat for this area of West Central was created, the right of way width for Nelson Street was established as 66 feet in width, common for major streets in central Fort Wayne. However, during the last 150 years, only 50 feet of this 66 feet has been needed for construction of road, curb, parkstrip, and sidewalk improvements, and this is a common right of way width for residential streets, such as this segment of Nelson Street. The 8 feet of current right of way on the homeowners' sides of the public sidewalks has been used as front or side yards for the past 150 or more years. Nelson Street is classified as a local, residential street. The adjacent Wilt Street can accommodate only one travel lane, shared between both east and westbound traffic. It permanently limits traffic capacity on Wilt and Nelson. As a local historic district, the pattern of residential development on these blocks is highly unlikely to change to anything requiring a wider street. We feel that the City will never have need of this surplus right of way width for public use, and therefore should be ceded to the adjacent property owners.

The City and County can enjoy an increase in tax revenue, as the vacated land will become privately owned and subject to property tax. The adjacent owners will have more latitude in how they can use their new front yards. Complications with setbacks and other property regulations will be simplified.

It is recognized that there exists a public sidewalk on the east side of Nelson, north of Wilt Street, extending to the alley. This sidewalk would be on a vacated portion of the right of way. The owner of the two adjacent parcels has agreed to execute an agreement with the City to allow public access on this vacated space until such time as the sidewalk is rebuilt on the remaining right of way, should this vacation of right of way be granted.

I look forward to a positive resolution to this request. Please advise me of any questions or concerns, as I am representing the collective petitioners.

Sincerely,



Thomas Cain
260 426 7075 voice and text tcainres@gmail.com

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

1. 1301 W. Jefferson Boulevard

Owner: Thomas Cain

02-12-10-234.007-000-074

N. 112' lot 49 & E. 15' of N. 33.25' of S. 70.5' lot 50 Rockhill and Nelsons Addition

To be vacated:

112.75' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234.007-000-074

2. 1112 Nelson Street

Owner: Thomas Cain

02-12-10-234-022.000-074

S. 37.25' lot 49 & S 37.25 Ex W. 34.5' lot 50 Rockhill and Nelson Addition

To be vacated:

37.25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234.022-000-074

9. 1233 W. Jefferson Boulevard

Owner: Thomas Cain

02-12-10-235-001.000-074

W. 30 1/4' Lot 48 Rockhill and Nelson Addition

To be vacated:

150' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

3. 1120 Nelson Street

Owner: Jocelyn Pfeiffer and Anna West

02-12-10-234-023.000-074

Lot 63 Rockhill and Nelson Addition

To be vacated:

50' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-023.000-074

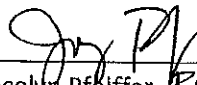
All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

Signatures of Owners of Adjacent Parcels

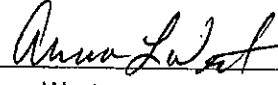
3. 1120 Nelson Street

02-12-10-234-023.000-074

Lot 63 Rockhill and Nelson Addition



Jocelyn Pfeiffer
250 W. Wayne Street
Fort Wayne, IN 46802



Anna West

5.10.2021
Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet width, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

4. 1122-1124 Nelson Street

Owner: Judy Anderson

02-12-10-234-024.000-074

N. 25' lot 62 Rockhill and Nelson Addition

To be vacated:

25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-024.000-074

5. 1126-1128 Nelson Street

Owner: Judy Anderson

02-12-10-234-025.000-074

S. 25' lot 62 Rockhill and Nelson Addition

To be vacated:

25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-025.000-074

10. 1117-1119 Nelson Street

Owner: Judy Anderson

02-12-10-235-010.000-074

N. 50' Lot 64 Rockhill and Nelson Addition

To be vacated:

50' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

11. 1236 Wilt Street

Owner: Judy Anderson

02-12-10-235-011.000-074

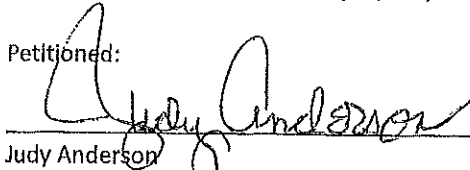
S. 80' Lot 64 Rockhill and Nelson Addition

To be vacated:

80' of the E. 8' of Nelson St right of way adjacent to parcel 02-12-10-235-001.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

Petitioned:


Judy Anderson

719 Union Street

Fort Wayne, IN 46802

5/6/21
Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

6. 1130 Nelson Street

Owner: Hans Property Group LLC

02-12-10-234-026.000-074

N. ½ lot 61 Rockhill and Nelson Addition

To be vacated:

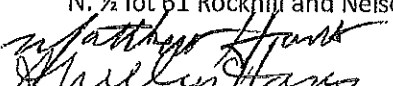
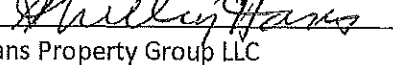
25' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-026.000-074

Signatures of Owners of Adjacent Parcels

6. 1130 Nelson Street

02-12-10-234-026.000-074

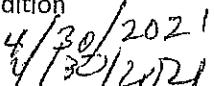
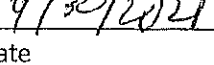
N. ½ lot 61 Rockhill and Nelson Addition

Hans Property Group LLC

5716 Coventry Lane

Fort Wayne, IN 46804



Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

7. 1134 Nelson Street

Owner: Jeffrey Markley

02-12-10-234-027.000-074

N. 18.5' lot 62 and S. ½ lot 61 Rockhill and Nelson Addition

To be vacated:

43.5' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-027.000-074

All parcels are in City of Fort Wayne, Wayne Township, Allen County, Indiana

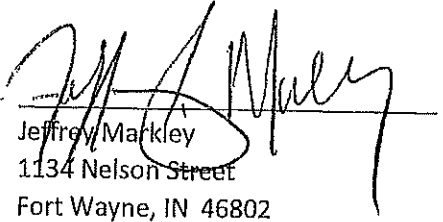
Signatures of Owners of Adjacent Parcels

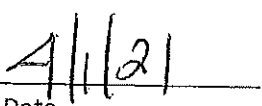
7. 1134 Nelson Street

Owner: Jeffrey Markley

02-12-10-234-027.000-074

N. 18.5' lot 62 and S. ½ lot 61 Rockhill and Nelson Addition


Jeffrey Markley
1134 Nelson Street
Fort Wayne, IN 46802


Date

Petition

Reduce Width of Right of Way of Nelson Street, 1100-1200 Blocks, Fort Wayne, Indiana

The undersigned owners of property adjacent to the 1100 and 1200 blocks of Nelson Street hereby petition the City of Fort Wayne to vacate portions of the street right of way of these blocks of Nelson Street, reducing the present 66 foot wide right of way to 50 feet, centering the remaining right of way within the present right of way, with vacated portions of the present right of way being equally divided on each side of the right of way and then deeded to adjacent property owners.

Adjacent Parcels and Property Owners

8. 1206 Nelson Street

Owner: Darrell Adams

02-12-10-234-028,000-074

Lot 59 and 10' alley & S 31 ½' lot 60 Rockhill and Nelson Addition

To be vacated:

68.5' of the W. 8' of Nelson St right of way adjacent to parcel 02-12-10-234-028,000-074

Signatures of Owners of Adjacent Parcel

8. 1206 Nelson Street

02-12-10-234-028,000-074

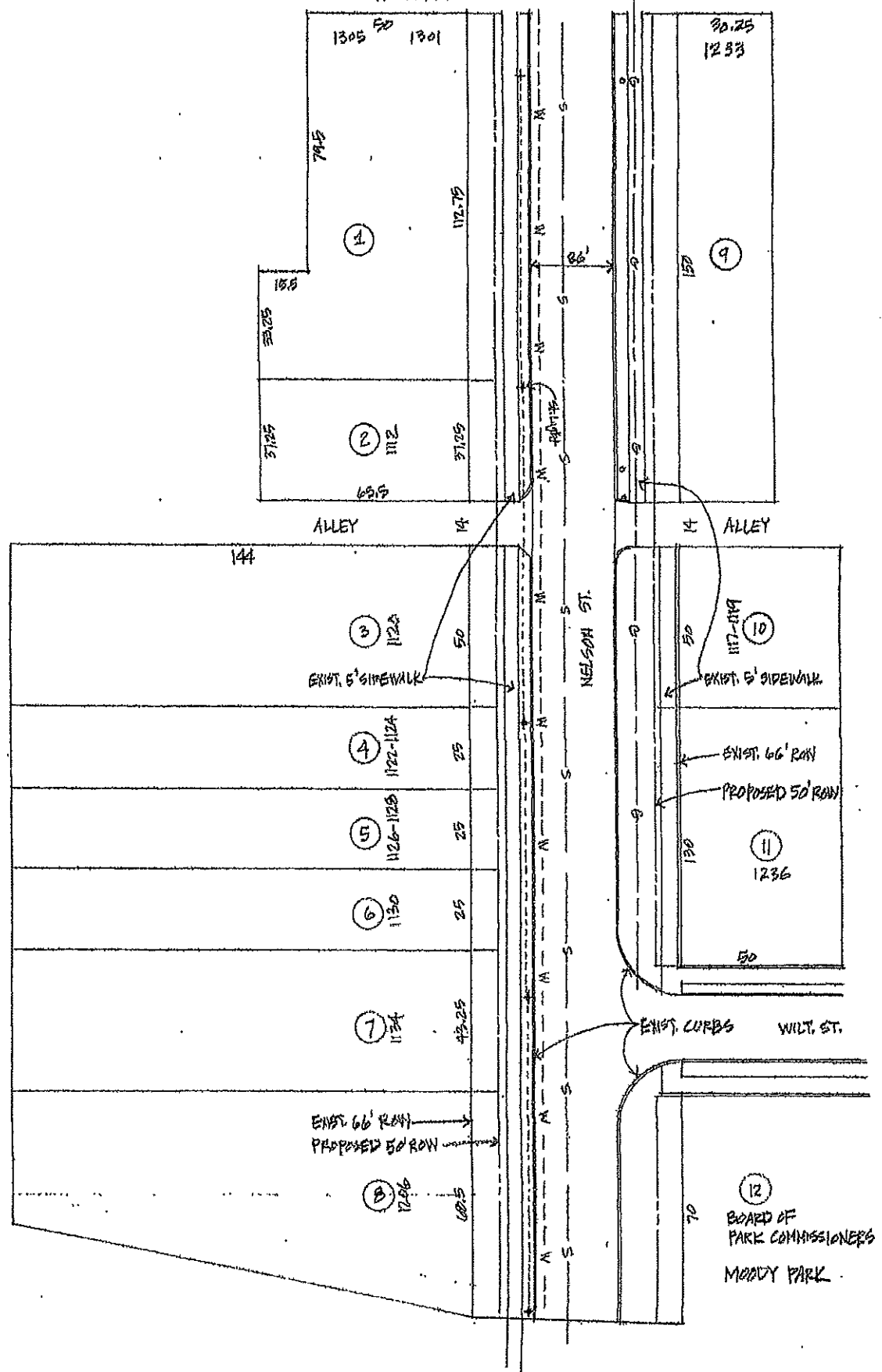
Lot 59 and 10' alley & S 31 ½' lot 60 Rockhill and Nelson Addition

Darrell Adams

Darrell Adams
7620 Aboite Center Road
Fort Wayne, IN 46804

4/14/21
Date

W. JEFFERSON BOULEVARD



1100 BLOCK NELSON ST.
 PREPARED BY THOMAS GAIN, PLA, ASLA

3.31.21

LEGAL DESCRIPTION:

Part of Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

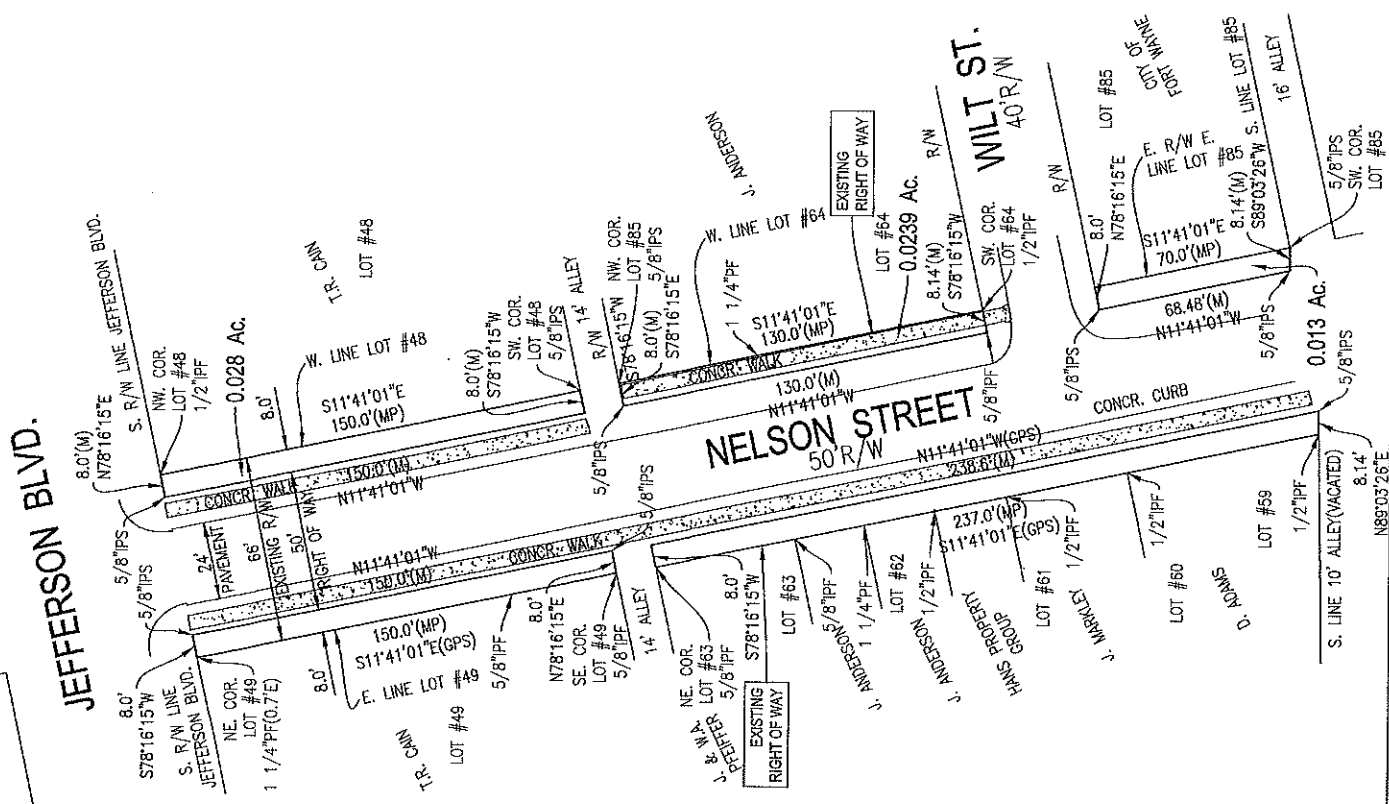
BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:

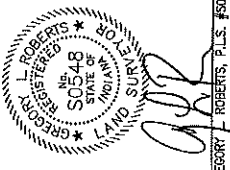
BEGINS at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Madison County, Indiana, being a parcel of land surveyed by Gregory J. Roberts, Professional Surveyor #05484, and certified on July 30, 2021, as Donovan Surveying, Inc. Job Number 21-0055, being more particularly described as follows:



PLAT OF SURVEY NELSON STREET FORT WAYNE, INDIANA NELSON ST VACATION

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

DRAWN BY: MER
 JOB NUMBER: 200
 DATE: 08/20/21
 SHEET: 1



DONOVAN
 SURVEYING, INC.
 3521 Lake Avenue, Suite 2
 Fort Wayne, Indiana 46805
 Office: 260.424.7418
 Fax: 260.424.1918
 www.donovan-survey.com

© 2021 DONOVAN ENGINEERING, INC. ALL RIGHTS RESERVED



VROW-2021-0005

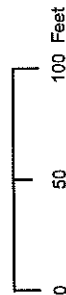


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 9/8/2021



1 inch = 83 feet



**GRANT OF PERPETUAL EASEMENT
SIDEWALK IN VACATED RIGHT-OF-WAY**

Vacation of Nelson Street, Fort Wayne in 46802

Cross Reference to Document _____

Vacation Petition: VROW-2021-0005 Common Council Bill: G-21-09-03 Ordinance: _____

Owner: Judy Anderson

Parcel: 02-12-10-235-010,000-074 & 02-12-10-235-011,000-074

THIS INDENTURE WITNESSETH, that JUDY ANDERSON, individually ("Grantor"), the owner of certain real estate in Allen County, Indiana legally described in Exhibit "A" attached hereto and made a part hereof (the "Real Estate") GRANTS AND CONVEYS to the CITY OF FORT WAYNE, INDIANA, a municipal corporation ("Grantee"), for and in consideration of One and 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, a perpetual non-exclusive easement in, on, along, under, and over a portion of the Real Estate legally described in Exhibit "B" attached hereto and incorporated herein (the "Easement Property"), for the purpose of maintaining, operating, repairing, and reconstructing thereon an existing public sidewalk (as defined under state and local law) (the "Sidewalk").

Grantor and Grantee are collectively referred to herein as the "Parties".

Grantor warrants that she is the owner in fee simple of the Real Estate, lawfully seized thereof and has good right to grant and convey the within perpetual easement. Grantor warrants: (a) the quiet use and enjoyment thereof by Grantee, (b) that the Real Estate is free from all liens and encumbrances inconsistent with the grant of perpetual easement herein, and (c) that Grantor will defend Grantee's title and interest in and to the perpetual easement against all claims which conflict with or are adverse to Grantor's warranties herein made.

The Parties expressly agree that either Grantor or Grantee may replace the Sidewalk and that the replacement sidewalk shall be located within the City's legal right-of-way. The replacement sidewalk shall be constructed in compliance with all applicable state and municipal laws, regulations, standards and codes. The cost of removing the Sidewalk and constructing a replacement sidewalk shall be: (a) borne solely by Grantee if Grantee elects to replace the Sidewalk and (b) shared pro-rata between Grantor and Grantee if Grantor elects to replace the Sidewalk.

Grantor may elect to retain the Sidewalk in the event a new sidewalk is constructed within Grantee's legal right-of-way and, in such event, the Parties agree to terminate the within grant of perpetual easement at Grantor's request.

The within easement is granted in perpetuity for current and future public purposes and uses described herein. All rights, title and privileges granted herein, including benefits and burdens, shall run

IN WITNESS WHEREOF, Grantor has executed this Grant of Perpetual Easement this 8 day of Dec., 2021.

Judy Anderson
Signature

JUDY ANDERSON ("Grantor")
Printed Name

ACKNOWLEDGEMENT NOTARIAL CERTIFICATE

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)



Before me, the undersigned, a Notary Public in and for said County and State, this 8 day of DECEMBER 2021, personally appeared JUDY ANDERSON, Signatory of the Grantor in the above conveyance and acknowledged the execution of the same on the date aforesaid to be a voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 4/29/23 Signature: Micheal B Anderson
Resident of ALLEN County, Indiana Printed Name: MICHEAL B ANDERSON
Notary Public

This instrument prepared by Lawrence E. Shine, Attorney at Law, Attorney No. S-298-02.

I affirm, under penalties of perjury, that I have taken reasonable care to redact the social security numbers in this document, unless required by law. Lawrence E. Shine

Exhibit B
Legal Description of "Easement Property"

Commencing at the Northwest corner of Lot Number 48 in Rockhill and Nelson Addition as recorded in Miscellaneous Record 2, page 508 in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right of way line of Jefferson Blvd. with the former East right of way line of Nelson Street; thence South 11 degrees 41 minutes 01 seconds East (INDOT INCORS GPS datum and basis for this description) along the former East right of way line of Nelson Street a distance of 164.0 feet to a 5/8-inch diameter iron pin at the Northwest corner of Lot Number 64 said point being the POINT OF BEGINNING; thence South 11 degrees 41 minutes and 01 seconds East along the former East right of way line of Nelson Street and the West line of Lot Number 64 a distance of 130.0 feet to a 1/2-inch diameter iron pin; thence south 78 degrees 16 minutes 15 seconds West a distance of 8.0 feet to a 5/8-inch diameter iron pin; thence North 11 degrees 41 minutes 01 seconds West parallel with and 8.0 feet West of the former East right of way line of Nelson Street a distance of 130.0 feet to a 5/8-inch diameter iron pin; thence North 78 degrees 16 minutes 15 seconds East as distance of 8.0 feet to the point of beginning, containing 1040 square feet.

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

ORDINANCE NO. G-21-09-03

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 28, 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: Nelson Street, outside of the existing roadway, part of Rockhill and Nelson Addition

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, SEPTEMBER 28, 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.

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*



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Journal Gazette**.

Notice ID: GeOC3VDIESXewbVKoJI5 | **Proof Updated: Sep. 15, 2021 at 08:15am EDT**
Notice Name: G-21-09-03

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Lisa Petretta

lisa.petretta@cityoffortwayne.org

FILING FOR

The Journal Gazette

Columns Wide: 1

Ad Class: Legals

09/17/2021: Other

27.94

Subtotal \$27.94

Tax % 0.00

Total \$27.94

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL

ORDINANCE NO. G-21-09-03

NOTICE IS HEREBY GIVEN THAT
THE FORT WAYNE COMMON
COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA, WILL CONDUCT
A PUBLIC HEARING ON SEPTEMBER 28, 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: Nelson Street, outside of
the existing roadway, part
of Rockhill and Nelson Addition

COMMON COUNCIL WILL CONDUCT
A PUBLIC HEARING ON WHETHER
THE ABOVE DESCRIBED RESOLU-
TION SHOULD BE CONFIRMED,
MODIFIED AND CONFIRMED, OR
RESCINDED ON TUESDAY, SEPTEMBER 28, 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.

REASONABLE ACCOMMODATIONS
FOR PERSONS WITH A KNOWN
DISABLING CONDITION WILL BE
CONSIDERED IN ACCORDANCE
WITH STATE AND FEDERAL LAW.
ANY PERSON NEEDING A REASON-
ABLE 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
9--17 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office

Notice ID: GeOC3VDIESXewbVKoJl5

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

56

COMPUTATION OF CHARGES

56 lines, 1 column(s) wide equal:

56 equivalent lines at \$ 0.4990 cents per line

\$27.94

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

\$

Electronic processing fee

\$0.00

TOTAL AMOUNT OF CLAIM

\$27.94

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:

9/17/21

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

Date: 9/17/2021

Kareisa Harris
Legal Clerk

ATTACH COPY OF ADVERTISEMENT

The Journal Gazette

Allen County, Indiana

Account Name

Gov: Fort Wayne City Clerk's Office

Notice ID: GeOC3VDIESXewbVKoJl5

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

56**COMPUTATION OF CHARGES**56 lines, 1 column(s) wide equal:56 equivalent lines at \$ 0.4990 cents per line\$27.94

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

\$ _____

Electronic processing fee

\$ 0.00

TOTAL AMOUNT OF CLAIM

\$ 27.94**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:

9/17/21 _____ _____

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

Date: _____

9/17/2021

Kareisa Harris
Legal Clerk

ATTACH COPY OF ADVERTISEMENT

The Journal Gazette

Allen County, Indiana

Account Name

Gov: Fort Wayne City Clerk's OfficeNotice ID: GeOC3VDIESXewbVKoJl5**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

56**COMPUTATION OF CHARGES**56 lines, 1 column(s) wide equal:56 equivalent lines at \$ 0.4990 cents per line\$27.94

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

\$ _____

Electronic processing fee

\$0.00

TOTAL AMOUNT OF CLAIM

\$27.94**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.

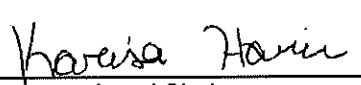
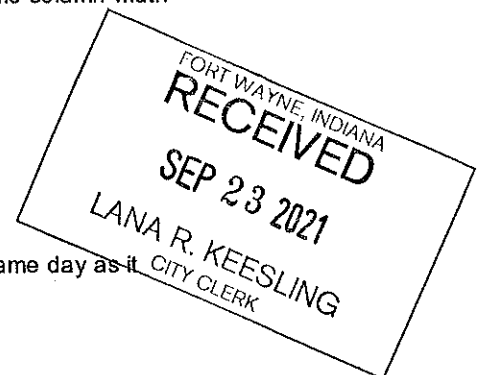
I also certify that the printed matter attached hereto is a true copy, of the same column width
and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

9/17/21 _____

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

Date: _____

9/17/2021

Legal Clerk


ATTACH COPY OF ADVERTISEMENT