

1 VALY-2020-0004

2 BILL NO. G-20-06-07

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, Indiana, (as
8 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 public right-of-way within the City of
15 Fort Wayne, Indiana, more specifically described as follows, to-wit:

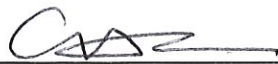
16 All of the 12-foot wide, east-west alley lying between Lots 65 and 66 of Zollars and
17 Swaynes Addition, as recorded in Deed Book 101, page 561 in the Office of the Recorder
18 of Allen County, Indiana,

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

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

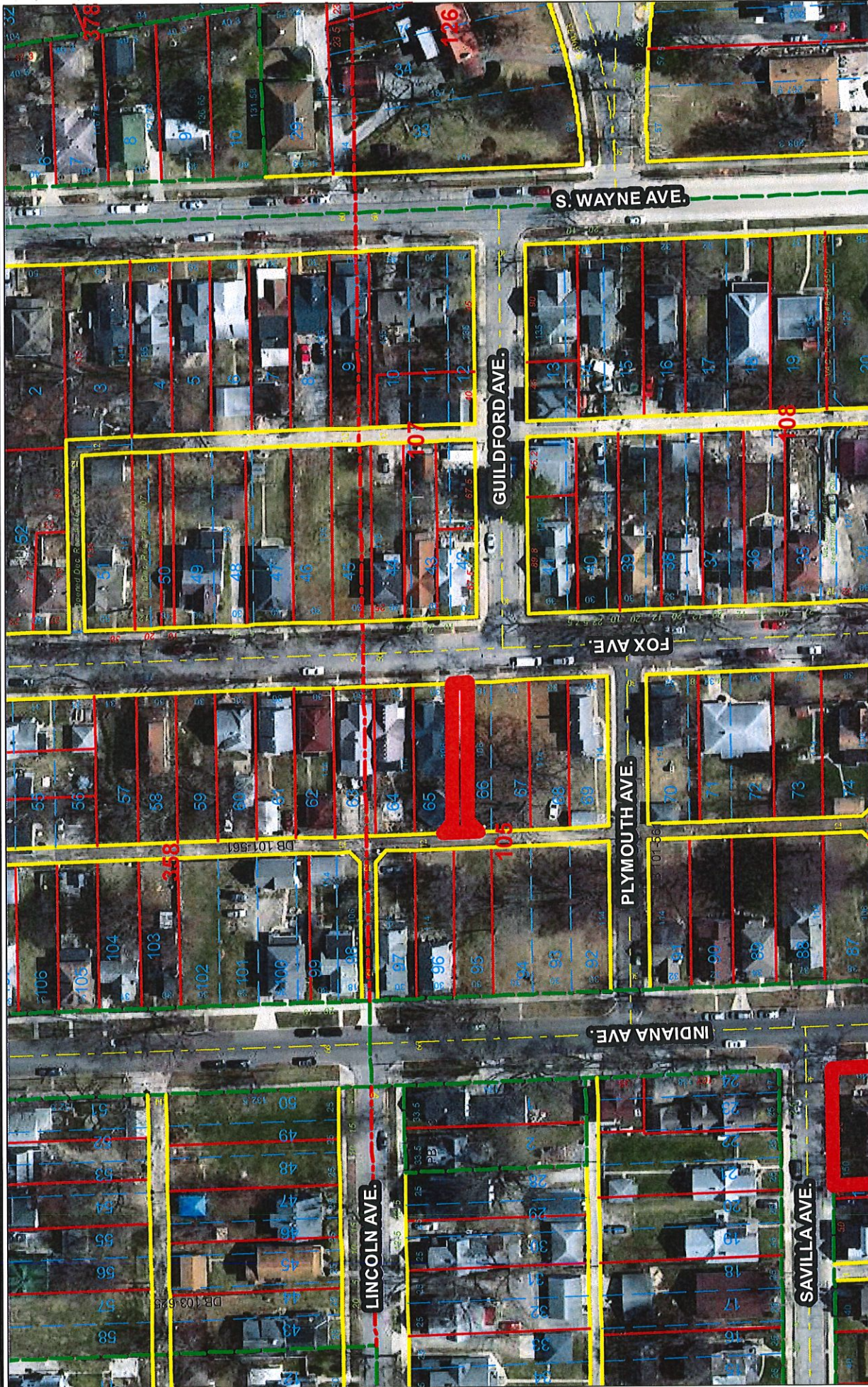
23 _____
24 COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 _____
28 Carol T. Helton, City Attorney



Vacation Petition VALY-2020-0004



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy or reliability of the information and data shown 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 Contour © Spring 2009
Date: 6/3/2020



1 inch = 100 feet



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:

Alley next to my property (2646 Fox ave), I like
to vacate

(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:

I own this property since 2013 and no one use
the alley. For the security of my property
I need to vacate the alley.
Lot 65, Zollars & Swayne's Addition
Tax ID No: 02-12-14-105-008.000-074
(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:

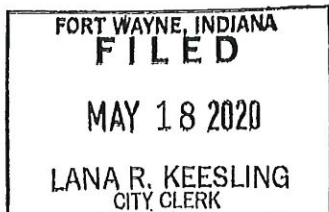
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: SRIYAN PERERA

Street Address: 8526 MEDALLION RUN

City: FORT WAYNE State: IN Zip: 46825 Phone: 260-580-0368



VAC-0104

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]
Signature

Sriyam Perera
Printed Name

Date

8526 Medallion Run
Address

Fort Wayne, IN 46825
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 #: _____

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

ORDINANCE NO. G-20-06-07

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 14, 2020 AT 5:30 P.M., IN ROOM 030 – COUNCIL DISCUSSION ROOM – GARDEN LEVEL CITIZENS SQUARE , 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561. South of 2646 Fox Avenue, between Lots 65 and 66

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 14, 2020.

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*

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 26, 2020

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 14, 2020 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2020-0004
BILL NO: G-20-06-07
APPLICANT: Sriyan Perera
REQUEST: To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561.
LOCATION: South of 2646 Fox Avenue, between Lots 65 and 66.
COUNCIL DISTRICT: 5 – Geoff Paddock

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, but not required, 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 – PUBLIC HEARING
Department of Planning Services

VALY 2020 0004	Bill #G-20-06-07	Project Start: June 9, 2020
APPLICANT:	Sriyan Perera	
REQUEST:	To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561.	
LOCATION:	South of 2646 Fox Avenue, between Lots 65 and 66. (Section 14 of Wayne Township).	
COUNCIL DISTRICT:	District 5 – Geoff Paddock	
PUBLIC HEARING DATE:	July 14, 2020	

PROJECT SUMMARY

The petitioner is property owner Sriyan Perera. Mr. Perera owns the home at 2646 Fox Avenue, just north of the alley. The alley does not serve any other properties as vehicular access. Staff has sent requests for comment from all affected utility agencies and their responses. The alley is approved to be vacated.

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
City Parks Department:	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-2020-0004

Bill No. G-20-06-07

Right-of-Way Vacation – Notifications

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

PIN/Property Address:

Property Owner of Record:

021214105008000074
2646 Fox Avenue

Sriyan Perera
8626 Medallion Run
Fort Wayne, IN 46825

021214105009000074
2660 Fox Avenue

Castulo Antonio Bonilla
2660 Fox Avenue
Fort Wayne, IN 46807

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership



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© 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: 6/3/2020

 $\triangleleft z$

1 inch = 100 feet

Feet

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:

Alley next to my property (2646 Fox ave), I like
to vacate

(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:

I own this property since 2013 and no one use
the alley. For the security of my property
I need to vacate the alley.

Lot 65, Zollars & Swayne's Addition
Tax ID No: 02-12-14-105-008.000-074

(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: SRIYAN PERERA

Street Address: 8526 MEDALLION RUN

City: FORT WAYNE State: IN Zip: 46825 Phone: 260-580-0368

FORT WAYNE, INDIANA
FILED

MAY 18 2020

LANA R. KEESLING
CITY CLERK

VAL-0004

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]
Signature

Sriyan Perera
Printed Name

Date

8526 Medallion Run
Address

Fort Wayne, IN 46825
City/State/Zip

Signature

Printed Name

Date

Address

City/State/Zip

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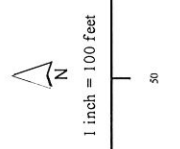


Vacation Petition VALY-2020-0004



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contours: Spring 2009
Date: 6/2/2020



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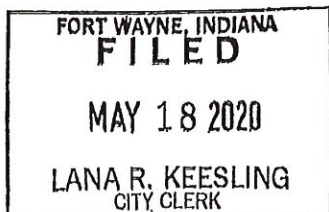
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: SRIYAN PERERA

Street Address: 8526 MEDALLION RUN

City: FORT WAYNE State: IN Zip: 46825 Phone: 260-580-0368



VAC-0004

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]
Signature

Sriyam Perera
Printed Name

Date

8526 Medallion Run
Address

Fort Wayne, IN 46825
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: _____

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Map #: _____

Reference #: _____

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VALY-2020-0004
Bill Number: G-20-06-07
Council District: 5- Geoff Paddock

Introduction Date: June 23, 2020

Public Hearing Date: July 14, 2020 (to be held by Council)

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

Synopsis of Ordinance: To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561.

Location: South of 2646 Fox Avenue, between Lots 65 and 66.

Reason for Request: For safety reasons, according to the applicant.

Applicant: Sriyan Perera

Property Owner: Sriyan Perera

Related Petitions: none

Effect of Passage: If approved, the platted right-of-way will revert to the adjacent property owners, at which time the land can be combined.

Effect of Non-Passage: The right-of-way will remain as platted. Any additions on either property will need to respect setbacks from the right-of-way. Access over the right-of-way will remain.

The Journal Gazette

Account # 1063561 - 1388247

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

56

COMPUTATION OF CHARGES

56 lines, 1 column(s) wide equals56 equivalent lines at \$ 0.486 cents per line

\$ 27.22

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

\$ 27.22

DATA FOR COMPUTING COST

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

Number of Insertions 2

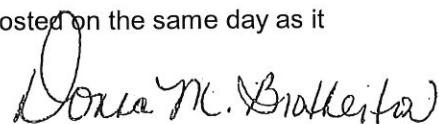
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing
account is just and correct, that the amount claimed is legally due, after allowing all just credits,
and that no part of the same has been paid.

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 2 times.

The dates of publication being as follows:

6/18/20206/26/2020

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



Donna M. Brotherton
Legal Clerk

Date: June 26, 2020

ATTACH COPY OF ADVERTISEMENT HERE

The Journal Gazette

Account # 1063561 - 1388247

Allen County, Indiana

FW City Clerk's Office

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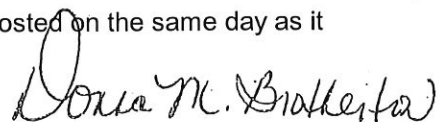
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Date: June 26, 2020

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FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-20-06-07**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 14, 2020 AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561. South of 2646 Fox Avenue, between Lots 65 and 66

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 14, 2020.

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LANA R. KEESLING
CITY CLERK

6--26

1388247

hspaxlp

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LANA R. KEESLING
CITY CLERK
6--26 1388247 hspaxlp

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VALY 2020 0004	Bill #G-20-06-07	Project Start: June 9, 2020
APPLICANT:	Sriyan Perera	
REQUEST:	To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561.	
LOCATION:	South of 2646 Fox Avenue, between Lots 65 and 66. (Section 14 of Wayne Township).	
COUNCIL DISTRICT:	District 5 – Geoff Paddock	
PUBLIC HEARING DATE:	July 14, 2020	

PROJECT SUMMARY

The petitioner is property owner Sriyan Perera. Mr. Perera owns the home at 2646 Fox Avenue, just north of the alley. The alley does not serve any other properties as vehicular access. Staff has sent requests for comment from all affected utility agencies and their responses.

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:	Awaiting comment
Water Engineering:	Awaiting comment
WPC Engineering – Sanitary:	Awaiting comment
City Parks Department:	Approved
Fire Department:	No comment
Land Acquisition Agent:	Awaiting comment
Frontier:	Awaiting comment
Comcast Cable:	Awaiting 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.

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- (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-2020-0004

Bill No. G-20-06-07

Right-of-Way Vacation – Notifications

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DPS Staff notified the following by Certified Mail:**

PIN/Property Address:

Property Owner of Record:

021214105008000074
2646 Fox Avenue

Sriyan Perera
8626 Medallion Run
Fort Wayne, IN 46825

021214105009000074
2660 Fox Avenue

Castulo Antonio Bonilla
2660 Fox Avenue
Fort Wayne, IN 46807

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership

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 26, 2020

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 14, 2020 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2020-0004
BILL NO: G-20-06-07
APPLICANT: Sriyan Perera
REQUEST: To vacate the 12-foot wide, east-west alley located between Lots 65 and 66 of Zollars and Swaynes Addition, as recorded in Deed Book 101, page 561.
LOCATION: South of 2646 Fox Avenue, between Lots 65 and 66.
COUNCIL DISTRICT: 5 – Geoff Paddock

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, but not required, 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**



Vacation Petition VALY-2020-0004



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

North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contour: Spring 2009
Date: 6/2/2020

