

VROW-2020-0004

BILL NO. G-20-06-08

GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

PARCEL I:

A part of Forester Avenue as shown on the plat of Thompsonville Extended Addition as recorded in Plat Record 11, page 73 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

BEGINNING on the East line of Forester Avenue at a point situated 25.0 feet South of the Northwest corner of Lot 1 in said Thompsonville Extended Addition; thence South 01 degrees 30 minutes 51 seconds East, along the East line of said Forester Avenue, a distance of 557.0 feet to the Northwest corner of a 3.15 acre tract of land conveyed to THFC, LLC by deed recorded in Document No. 2020006860 in the Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 00 seconds West, a distance of 25.0 feet to the West line of said Forester Avenue; thence North 01 degrees 30 minutes 51 seconds West, along said West line, a distance of 557.0 feet; thence North 87 degrees 57 minutes 00 seconds East, a distance of 25.0 feet to the Point of Beginning, containing 0.32 acres of land, more or less.

PARCEL II:

A part of Forester Avenue as shown on the plat of Thompsonville Extended Addition as recorded in Plat Record 11, page 73 in the Office of the Recorder of Allen County, more particularly described as follows:

BEGINNING on the East line of Forester Avenue as a point situated 582.0 feet South of the Northwest corner of Lot 1 in said Thompsonville Extended Addition, this being the

1 Northwest corner of a 3.15 acre tract of land conveyed to THFC, LLC by deed recorded
2 in Document No. 2020006860 in the Office of the Recorder of Allen County, Indiana;
3 thence South 01 degrees 30 minutes 51 seconds East, along the East line of said
4 Forester Avenue, a distance of 262.0 feet to the Southwest corner of Lot 50 in said
5 Thompsonville Extended Addition; thence South 87 degrees 57 minutes 00 seconds
6 West, a distance of 25.0 feet to the West line of said Forester Avenue; thence North 01
7 degrees 30 minutes 51 seconds West, along said West line, a distance of 262.0 feet;
8 thence North 87 degrees 57 minutes 00 seconds East, a distance of 25.0 feet to the
9 Point of Beginning, containing 0.15 acres of land, more or less.

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

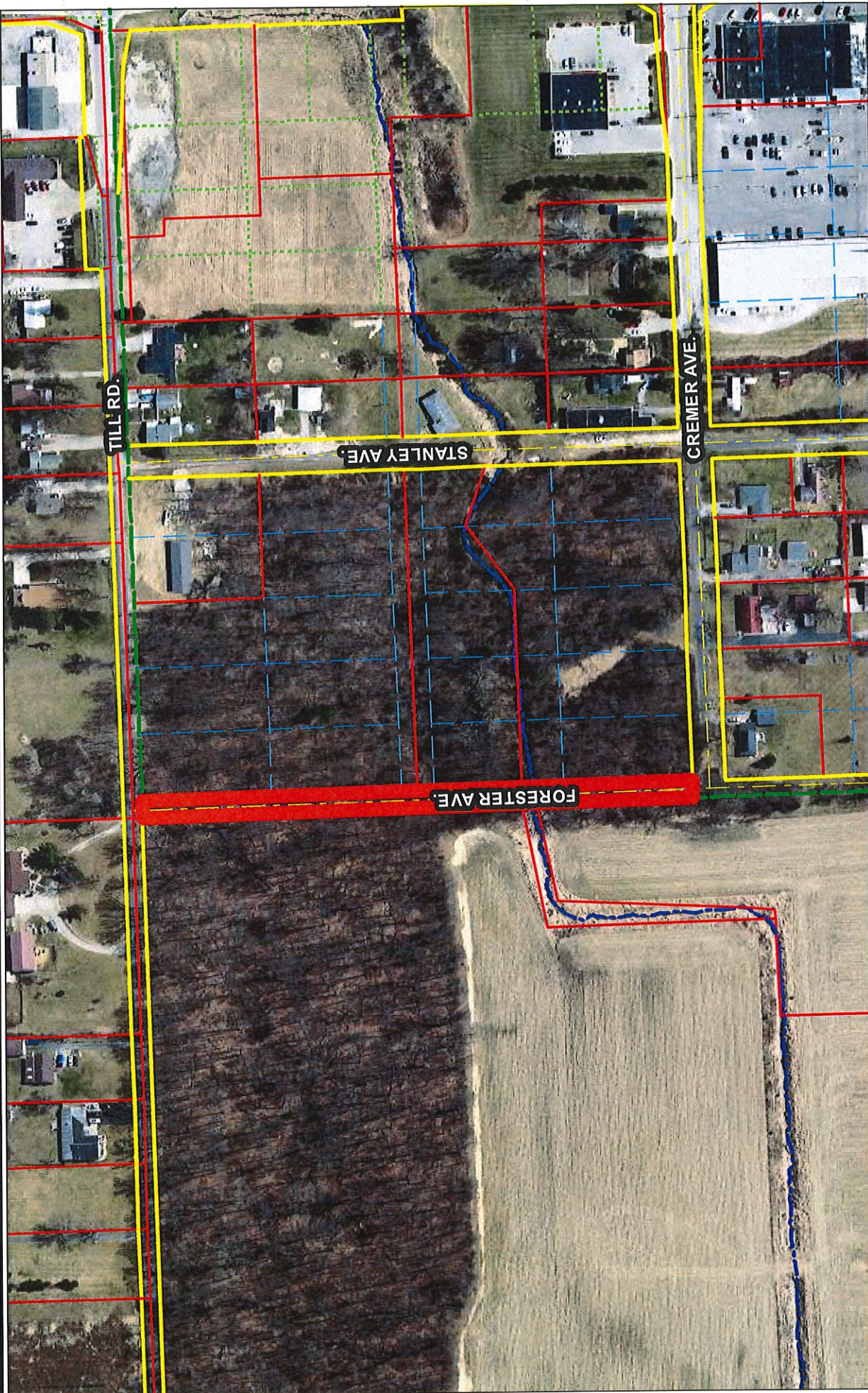
12 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
13 any and all necessary approval by the Mayor.

14
15 _____
16 COUNCILMEMBER

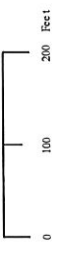
17 APPROVED AS TO FORM AND LEGALITY:

18 

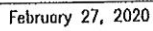
19 _____
20 Carol T. Helton, City Attorney
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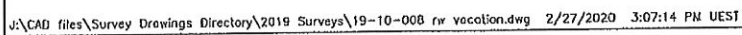
1 inch = 200 feet



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: 6/3/2020



Till Road
(30' R/W per plat)



zktazian
ASSOCIATES, INC.

10104 WOODLAND PLAZA COVE
FORT WYNNE, IN 46825
PH: (260) 407-7676
FAX: (260) 497-9114

List of Adjoining Property Owners for Vacation Request

Tanner's Ridge, LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46825
(260) 497-7875
Contact: Ara Tazian, Authorized Member

TFHC, LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46825
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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: VROW-2020-0004
BILL NO: G-20-06-08
APPLICANT: Tanner's Ridge, LLC
REQUEST: To vacate a portion of Forester Avenue within Thompsonville Extended Addition.
LOCATION: Between the right-of-way of West Till Road and Cremer Avenue.
COUNCIL DISTRICT: 3 – Tom Didier

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

VROW 2020 0004	Bill #G-20-06-08	Project Start: June 9, 2020
APPLICANT:	Tanner's Ridge LLC	
REQUEST:	To vacate a portion of Forester Avenue within Thompsonville Extended Addition.	
LOCATION:	Between the right-of-way of West Till Road and Cremer Avenue.	
COUNCIL DISTRICT:	District 3 – Tom Didier	
PUBLIC HEARING DATE:	July 14, 2020	

PROJECT SUMMARY

The petitioner is property owner Tanner's Ridge LLC (Ara Tazian). Tanner's Ridge and TFHC, LLC own all of the property adjacent to the right-of-way. This right-of-way is unimproved and does not provide access to any other properties. Approval of the vacation request would allow the future development of this vacant ground. 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:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
City Parks Department:	Approved
Fire Department:	Awaiting comment
Land Acquisition Agent:	Questions for applicant
Frontier:	Approved
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.

- (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-2020-0004

Bill No. G-20-06-08

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:

020703351004000073
West of Forester Ave

Tanner's Ridge LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46818

020703326001000073
East of Forester Ave

Tanner's Ridge LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46818

020703327001000073
East of Forester Ave

Tanner's Ridge LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46818

020703327001001073
East of Forester Ave

TFHC LLC
10104 Woodland Plaza Cove
Fort Wayne, IN 46818

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Northwest Area Partnership

DEPARTMENT OF PLANNING SERVICES

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

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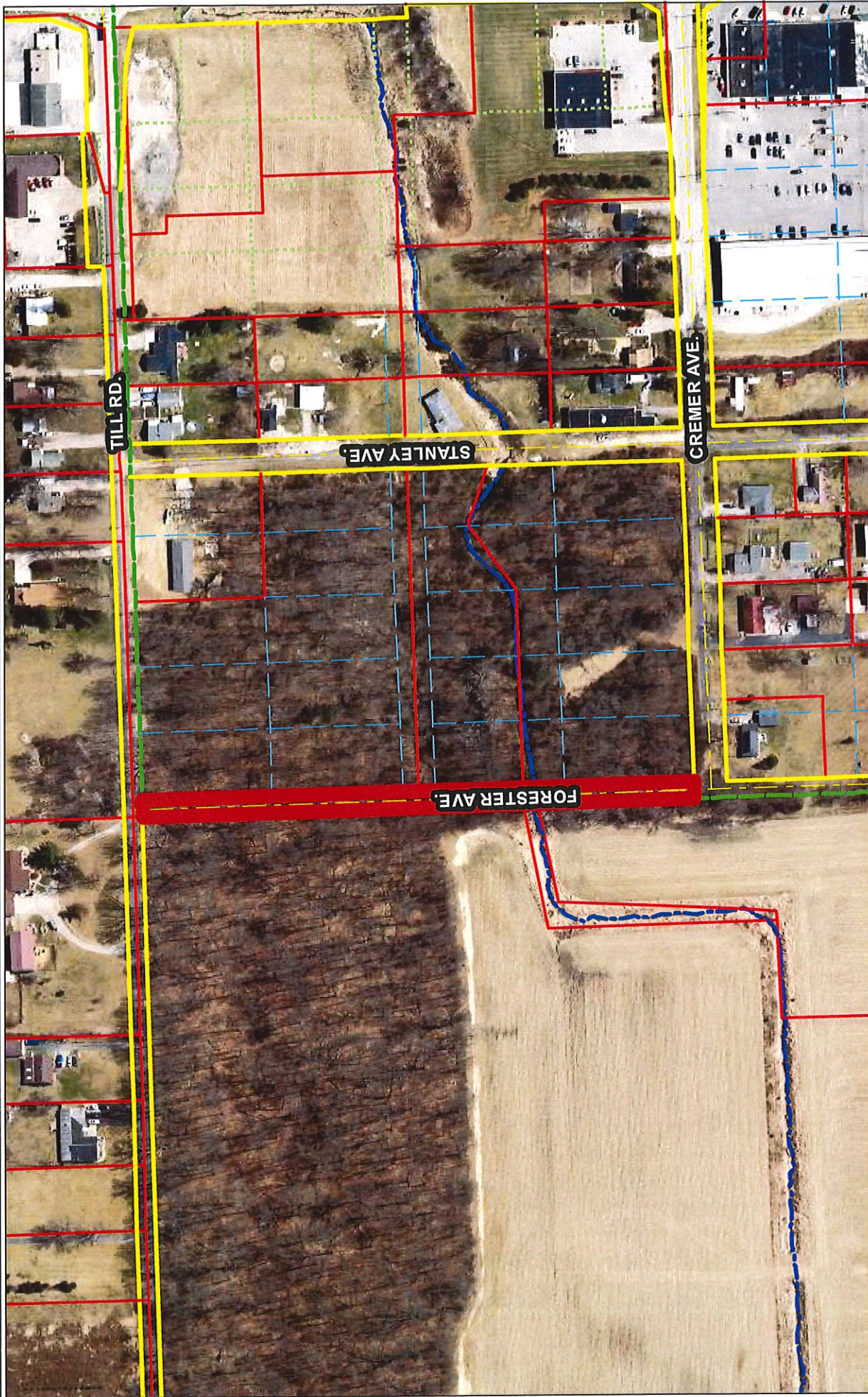
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Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607



Vacation Petition VROW-2020-0004



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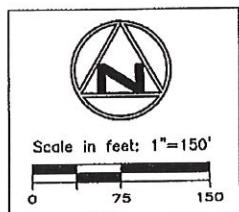
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contour: Spring 2009
Date: 6/29/2020



1 inch = 200 feet



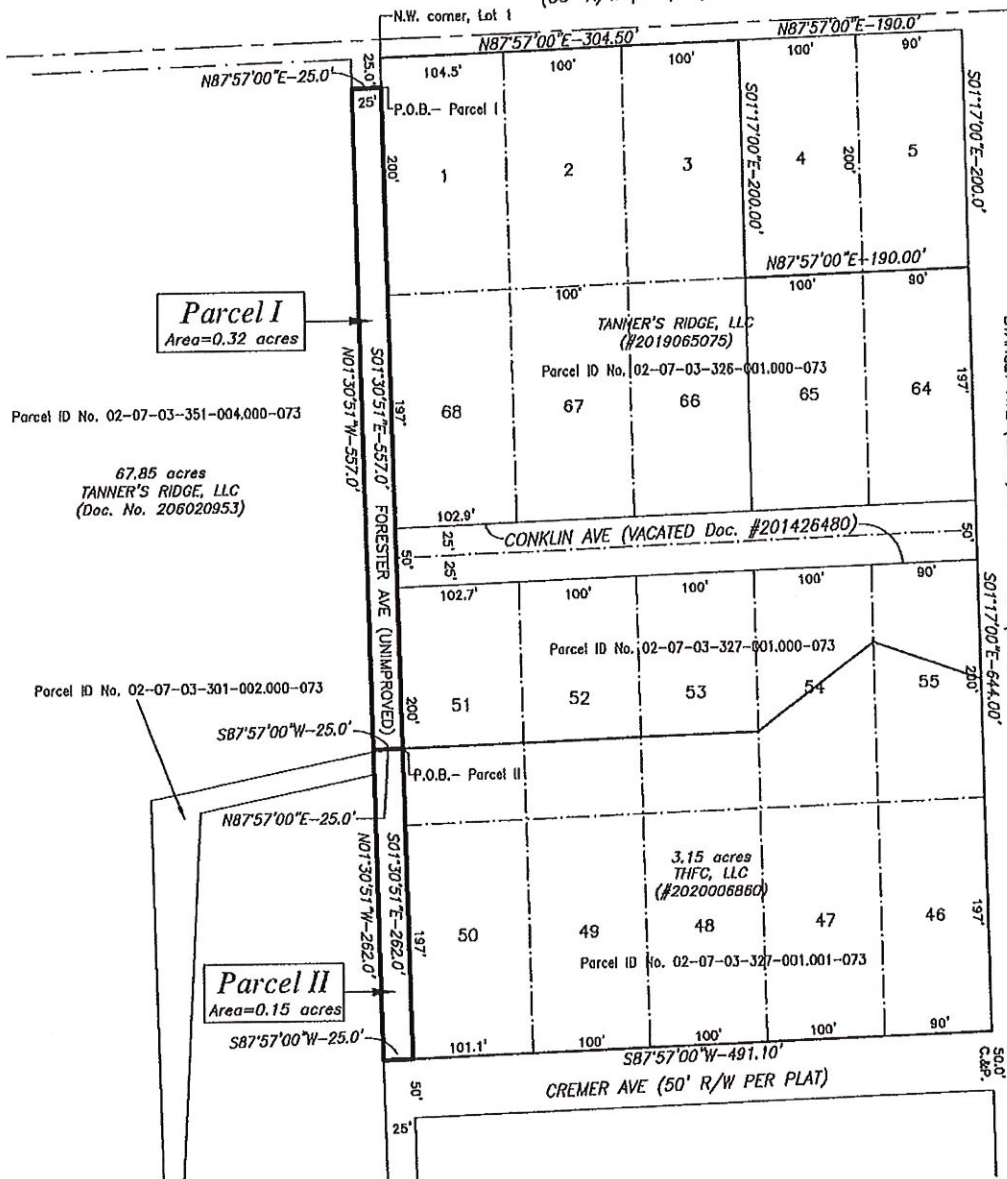
PARCEL EXHIBIT



February 27, 2020

N.E. CORNER, S.W. 1/4,
SECTION 3-31-12
[PER A.C.S.O. REFERENCES]

Till Road
(30' R/W per plat)



zktazian
ASSOCIATES, INC.
10104 WOODLAND PLAZA COVE
FORT WAYNE, IN 46825
PH: (260) 407-7876
FAX: (260) 497-9114

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:

PART OF FORESTER AVE THAT WAS PLATTED AS PART
OF THOMPSONVILLE EXTENDED ADDITION

SEE PARCEL I & PARCEL II ON ATTACHED EXHIBIT

(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: PLAT RECORDED 11 PAGE(S) NUMBER(S): 73 (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

WE OWN THE LAND ON EACH SIDE OF UNIMPROVED
RIGHT-OF-WAY AND WOULD LIKE TO CONNECT
OUR SEPARATE PARCELS.

(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:

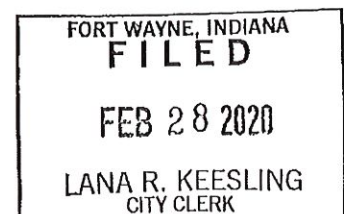
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

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



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.

 AUTHORIZED MEMBER
Signature

TANNA'S RIDGE, LLC
BY ARA TAZIAN AUTHORIZED MEMBER
Printed Name

02/27/2020
Date

10104 WOODLAND PLAZA COVE
Address

FORT WAYNE, IN 46825
City/State/Zip

 AUTHORIZED MEMBER
Signature

TANNA'S, LLC
BY ARAZ TAZIAN AUTHORIZED MEMBER
Printed Name

02/27/2020
Date

10104 WOODLAND PLAZA COVE
Address

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City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): ARA TAZIAN

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 #: _____

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2020 0004	Bill #G-20-06-08	Project Start: June 9, 2020
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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.
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Stormwater Engineering:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
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Fire Department:	Approved
Land Acquisition Agent:	Approved
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Comcast Cable:	No comment
AEP:	Approved
NIPSCO:	Approved

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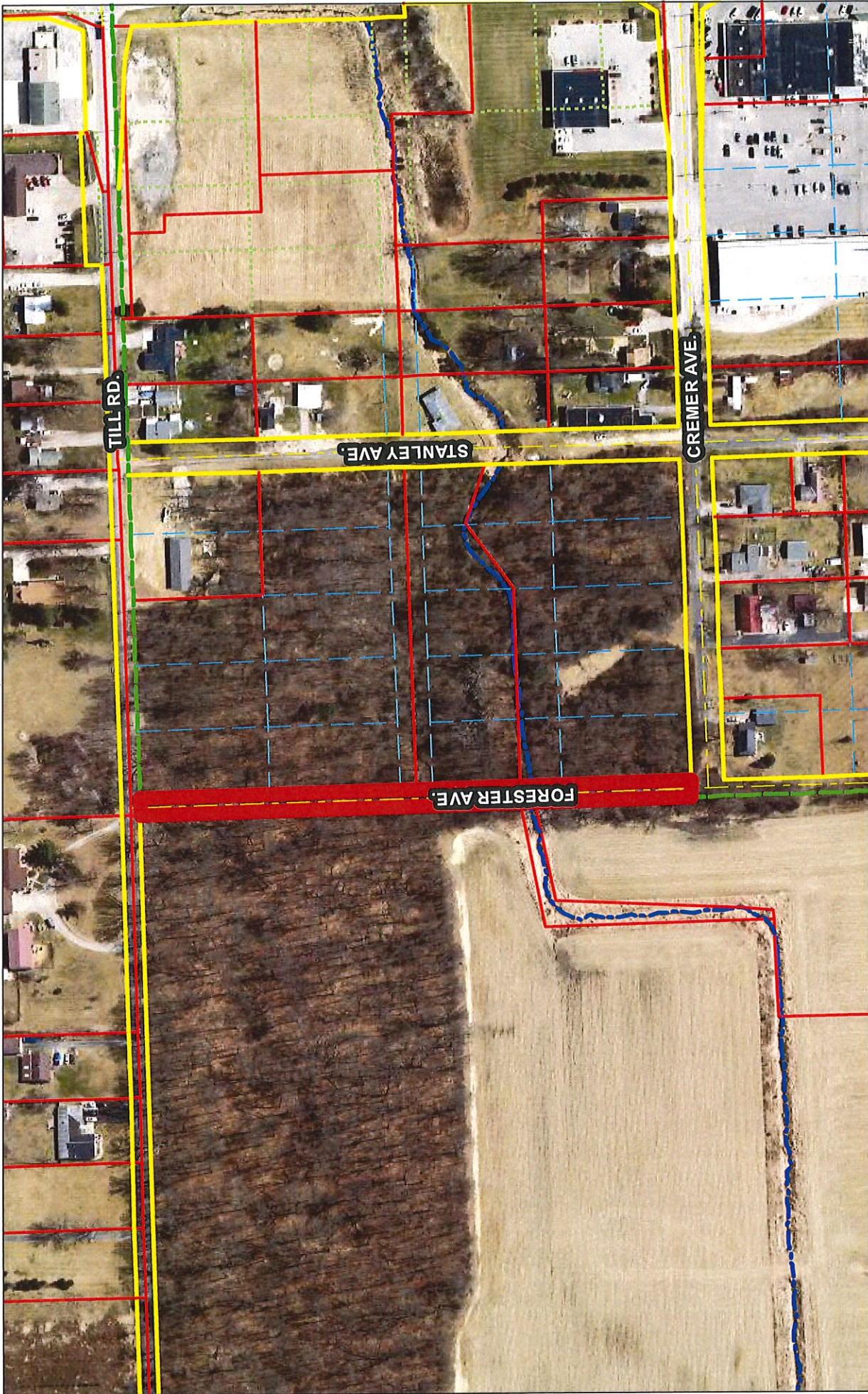
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Vacation Petition VROW-2020-0004



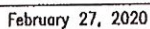
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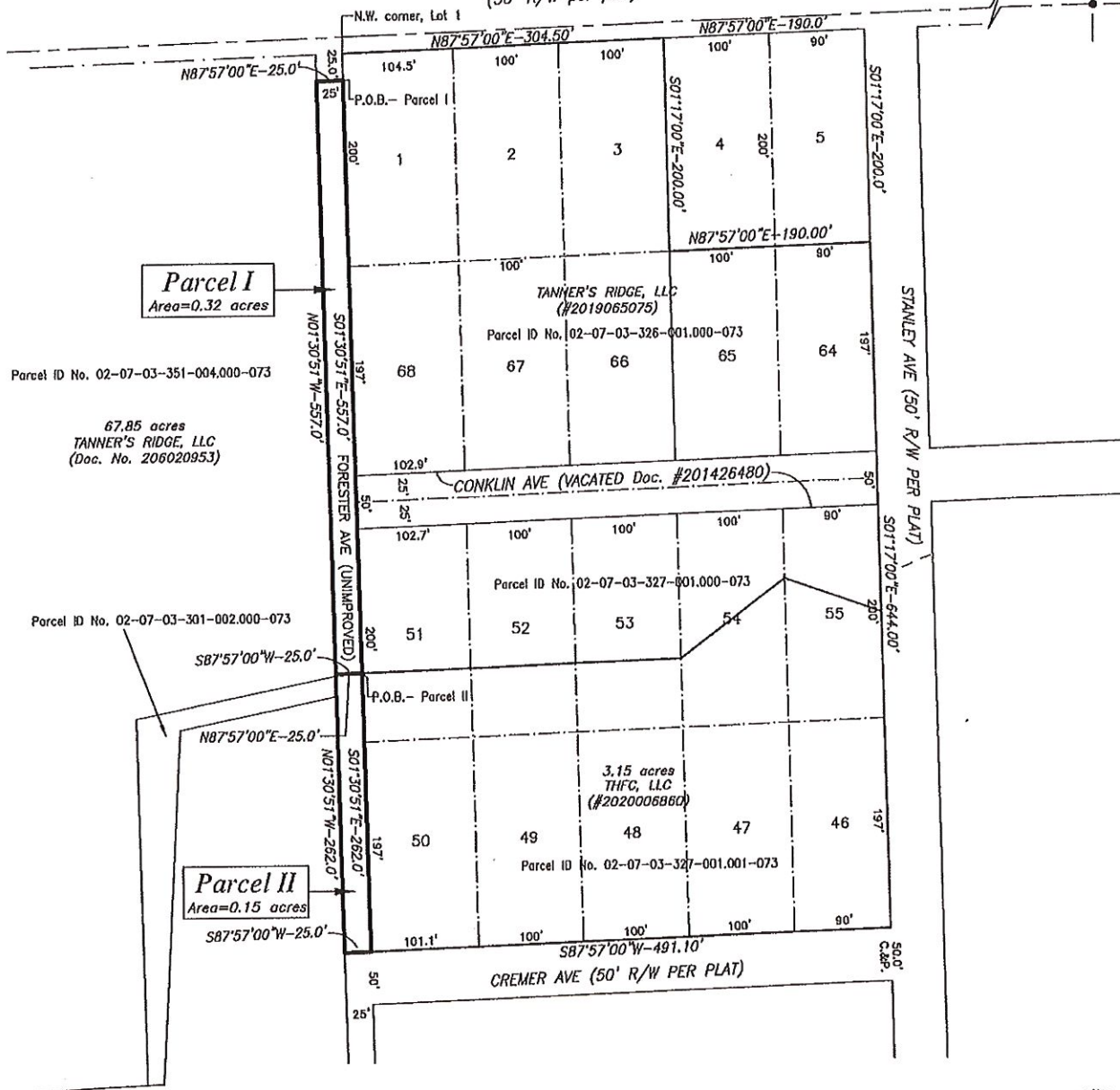
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N.E. CORNER, S.W. 1/4,
SECTION 3-31-12
[PER A.C.S.O. REFERENCES]

Till Road
(30' R/W per plat)



17.32 acres
TFHC, LLC
(Doc. No. 205023214)

Parcel ID No. 02-07-03-351-001,000-073



ZKTazian
ASSOCIATES, INC.

10104 WOODLAND PLAZA COVE
FORT MYERS, IN 46825
PH: (260) 497-7876
FAX: (260) 497-9114

EXHIBIT "A"
Legal Description

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

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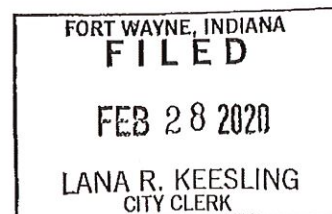
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

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



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 AUTHORIZED MEMBER

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BY ARA TAZIAN, AUTHORIZED MEMBER
Printed Name

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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: VROW-2020-0004
Bill Number: G-20-06-08
Council District: 3- Tom Didier

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 a portion of Forester Avenue within Thompsonville Extended Addition.
Location: Between the right-of-way of West Till Road and Cremer Avenue.
Reason for Request: To combine parcels for future development.
Applicant: Tanner's Ridge, LLC
Property Owner: Tanner's Ridge, LLC

Related Petitions: none

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

Effect of Non-Passage: The right-of-way will remain as platted. Any new development will need to respect setbacks from the right-of-way.

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

ORDINANCE NO. G-20-06-08

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 a portion of Forester Avenue within Thompsonville Extended Addition. Between the right-of-way of West Till Road and Cremer Avenue

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*

The Journal Gazette

Account # 1063561 - 1388246

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

54

COMPUTATION OF CHARGES

54 lines, 1 column(s) wide equals54 equivalent lines at \$ 0.486 cents per line

\$ 26.24

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

\$ 26.24

DATA FOR COMPUTING COST

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

Number of Insertions 2

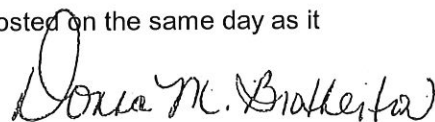
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing
account is just and correct, that the amount claimed is legally due, after allowing all just credits,
and that no part of the same has been paid.

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:

6/26/2020

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

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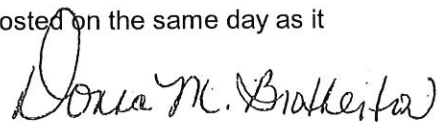
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LANA R. KEESLING
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6--26 1388246 hspaxlp

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