

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VAL Y-2020-0005
Bill Number: G-20-06-09
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 east 80 feet of the 14-foot wide alley between Lots 3, 9, and 10 of Zubers Homestead, Amended, as recorded in Deed Book 22, page 39.

Location: Between 4625 East Paulding Road and 5728 Meyer Road.

Reason for Request: The applicant owns properties north and south of the alley and would like to combine the tax parcels.

Applicant: Onainejah Israel

Property Owner: Onainejah Israel

Related Petitions: none

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

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

VALY-2020-0005

BILL NO. G-20-06-09

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:

The eastern 160 feet of the 14-foot wide, east-west alley lying between Lots 3, 9, and 10 of Zubers Homestead, Amended, Lots 1-17, as recorded in Deed Book 22, page 39 in the Office of the Recorder of Allen County, Indiana,

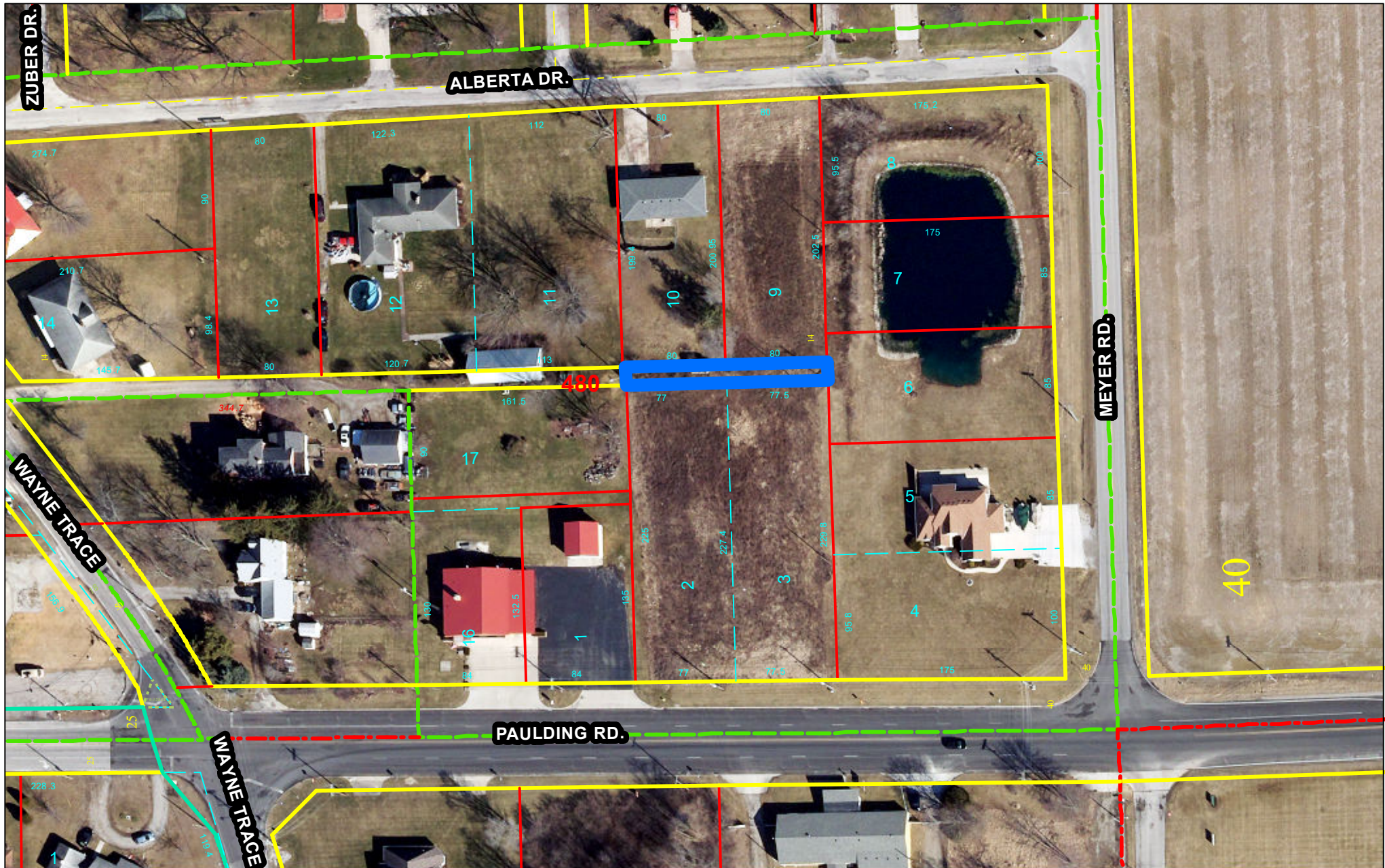
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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.

COUNCILMEMBER

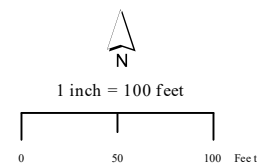
APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney



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: 6/11/2020



CITY OF FORT WAYNE

Vacation Petition

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

I/We do hereby petition to vacate the following:

☒ Easement ☐ Public Right of Way (street or alley)

More particularly described as follows:

See attachment

(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: 22 PAGE(S) NUMBER(S): 39 (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:

Planning on Building and using all 3 lots

(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: _____

FORT WAYNE, INDIANA
FILED

JUN 04 2020

LANA R. KEESLING
CITY CLERK

*east of 4625 E. Building
VALU-2020-0005*

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	<u><i>Maivick Breal</i></u>	Printed Name	<u>Maivick Breal</u>	Date	<u>June 4, 20</u>
Address	<u>3532 Winter ST</u>	City/State/Zip	<u>Fort Wayne, IN 46806</u>		

Signature	_____	Printed Name	_____	Date	_____
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Address	_____	City/State/Zip	_____
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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 ad 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: 6/10/20

Map #: S19 Adams 20 Reference #: VAC-2020-005

Plat Book 22 Pg 39

EXHIBIT A

1. Parcel 1: No. 021320480009000040
Lot 9, Zuber's Homestead Addition amended to the City of Fort Wayne, Allen County, Indiana, more commonly known as 4720 Alberta Drive, Fort Wayne, Allen County, Indiana.
2. Parcel 2: No. 021320480013000040
Lot 2, Zuber's Homestead Addition amended to the City of Fort Wayne, Allen County, Indiana, more commonly known as E. Paulding Road, Fort Wayne, Allen County Indiana.
3. Parcel 3: No. 021320480014000040
Lot 3, Zuber's Homestead Addition amended to the City of Fort Wayne, Allen County, Indiana, more commonly known as 4709 E. Paulding Road, Fort Wayne, Allen County, Indiana.