

# City of Fort Wayne Common Council

## DIGEST SHEET

---

### Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way  
Case Number: VALY-2020-0003  
Bill Number: G-20-02-01  
Council District: 5-Geoff Paddock

---

Introduction Date: February 11, 2020

Public Hearing Date: February 25, 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 14 foot wide alley in Hanna's Addition to the City of Fort Wayne.

Location: Between Lots 520, 521, and 522 and Lots 534, 535, and 536 of Hanna's Addition, north of 222 West Berry Street.

Reason for Request: To allow for new parking garage and commercial space.

Applicants: Ashberry Eight, LLC

Property Owners: Ashberry Eight, LLC

---

Related Petitions: Previously approved Primary Development Plan, Ashberry Eight

---

Effect of Passage: The alley vacation will allow the property to redevelop with a mixed use commercial building with integrated parking garage.

Effect of Non-Passage: The right-of-way will remain as platted. Leaving the alley intact affects the development possibilities of this parcel. The Plan Commission conditionally approved a Primary Development Plan dependent on clearing up any encumbrances on the property.

1 VALY-2020-0003

2 BILL NO. G-20-02-01

3  
4 GENERAL ORDINANCE NO. G-\_\_\_\_\_

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

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

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

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

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

17 Part of a 14 foot alley for the purpose of begin vacated between Lots 520, 521, 522,  
18 534, 535, and 536 in Hanna's Addition, according to the plat thereof, as recorded in  
19 Deed Book A, page 17 in the Office of the Recorder of Allen County, Indiana, more  
20 particularly described as follows:

21 Beginning at the Northwest corner of Lot 522 in Hanna's Addition; thence North 11  
22 degrees 56 minutes 43 seconds West (assumed bearing and basis of bearing for all  
23 bearings in this description), a distance of 14.00 feet to the Southwest corner of Lot  
24 534; thence North 78 degrees 08 minutes 17 seconds East, on the Southeast line of  
25 Lots 534, 535, and 536, a distance of 129.58 feet; thence South 11 degrees 56  
26 minutes 43 seconds East a distance of 14.00 feet to the Northwest line of Lot 520;  
27 thence South 78 degrees 08 minutes 17 seconds West, on the Northwest lines of lots  
28 520, 521, and 522, a distance of 129.58 feet to the Point of Beginning, containing  
29 0.042 acres of land, more or less.

30 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

---

COUNCILMEMBER

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:

\_\_\_\_\_ Basement      X Public Right of Way (street or alley)

More particularly described as follows:

Part of an 14 foot alley for the purpose of being vacated between Lots 520, 521, 522, 534, 535, and 536 in Hannas Addition, according to the plat thereof recorded in Deed Book A, Page 17 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 522 in Hannas Addition; thence North 11 degrees 56 minutes 43 seconds West (assumed bearing and basis of all bearings in this description) a distance of 14.00 feet to the Southwest corner of Lot 534; thence North 78 degrees 08 minutes 17 seconds East, on the Southeast line of Lots 534, 535, and 536, a distance of 129.58 feet; thence South 11 degrees 56 minutes 43 seconds East a distance of 14.00 feet to the Northwest line of Lot 520; thence South 78 degrees 08 minutes 17 seconds West, on the Northwest lines of Lots 520, 521, and 522, a distance of 129.58 feet to the Point of Beginning, containing 0.042 acres of land, more or less.

DEED BOOK NUMBER: A PAGE(S) NUMBER(S): 17 (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

Proposed downtown development including parking garage and commercial space.

(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:

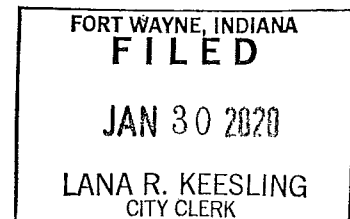
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Ashberry Eight, LLC

Street Address: 888 South Harrison Street; Suite 900

City: Fort Wayne State: IN Zip: 46802 Phone: 260-341-0365



VAVY-2020-0003

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

Tony Brita, Manager  
Printed Name

1/20/20  
Date

888 South Harrison Street; Suite 900  
Address

Fort Wayne, IN 46802  
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:**

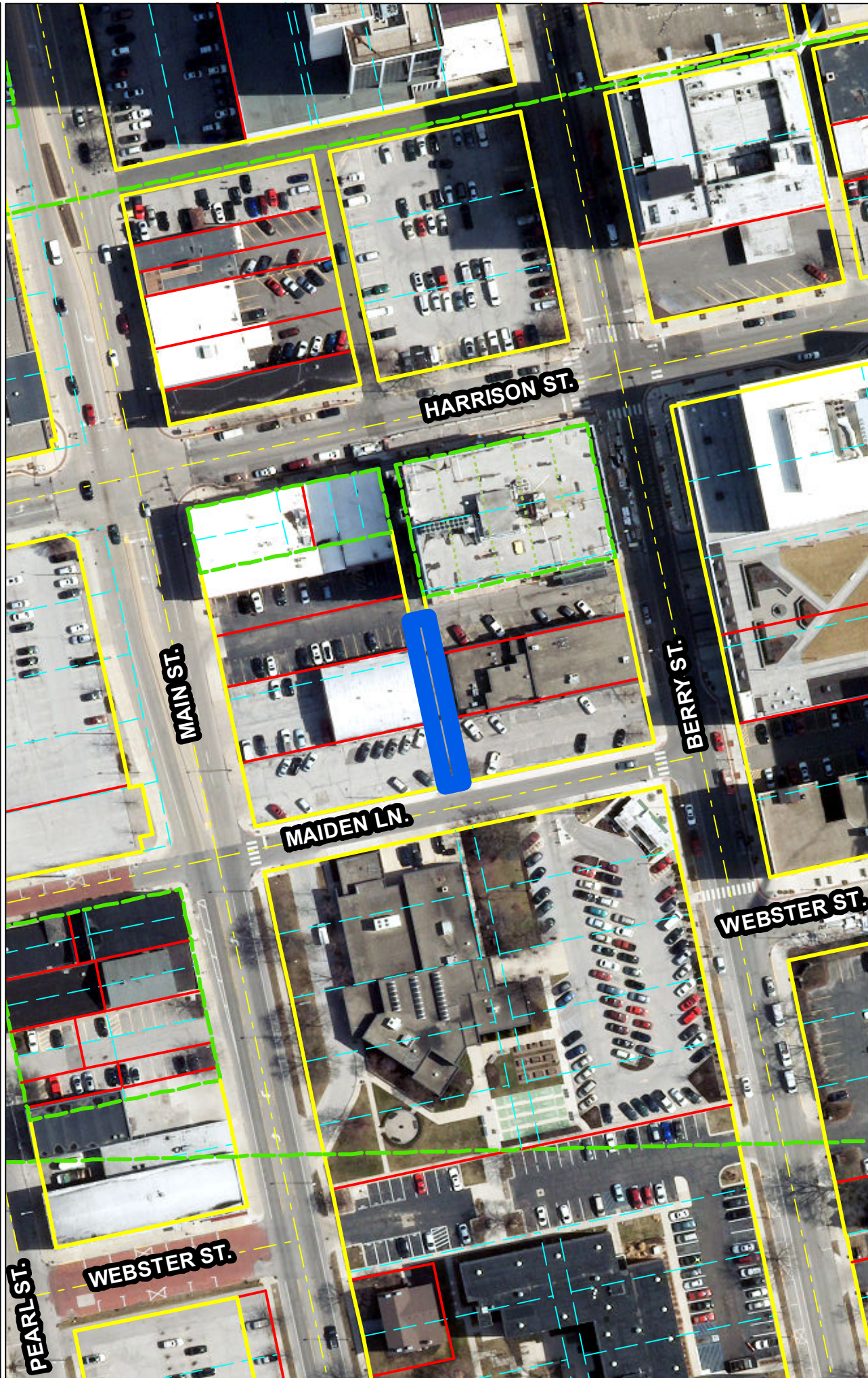
Receipt #: \_\_\_\_\_

Date Filed: 1/30/20

Map #: Wayne 02  
M-06

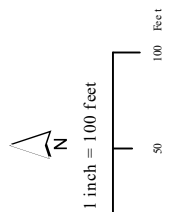
Reference #: VAL -2020-0003





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: 1/30/2020



January 29, 2020

City of Fort Wayne  
Alley Vacation Petition  
Adjacent Property Owner Attachment Sheet

The following are adjacent property owner's:

Owner: R & D Stoner

Contact Information:     Dick Stoner  
                                     c/o Stoner's Funstore  
                                     712 South Harrison Street  
                                     Fort Wayne, IN 46802  
                                     260/426-1100

The only other property within the same block is the Metro Building, and it is owner by Ashberry Eight, LLC, the same ownership as the project.



