

VROW-2022-0003

BILL NO. G-22-04-11

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 EASTERLY 13 FEET OF WEBSTER STREET, ALSO KNOWN AS CASS STREET, LYING BETWEEN THE SOUTH RIGHT-OF-WAY OF PEARL STREET AND THE NORTH RIGHT-OF-WAY OF MAIN STREET, AND LYING WEST OF FRACTIONAL BLOCK 11 OF EWING ADDITION TO THE CITY OF FORT WAYNE, AS SHOWN ON THE PLAT THEREOF RECORDED IN DEED BOOK "D", PAGE 79 ON JULY 3, 1840 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, BEING DEPICTED ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON DECEMBER 20, 2021 UNDER PROJECT NUMBER 21337.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID FRACTIONAL BLOCK 11 OF EWING ADDITION BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF PEARL STREET AND THE EASTERLY RIGHT-OF-WAY OF WEBSTER STREET; THENCE SOUTH 11 DEGREES 59 MINUTES 33 SECONDS EAST (NAD83 INDIANA STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 150.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE SOUTH LINE OF BLOCK OF 11 BEING THE NORTH RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH 78 DEGREES 04 MINUTES 16 SECONDS WEST, 13.00 FEET ALONG THE SOUTHWESTERLY EXTENSION OF SAID MAIN STREET RIGHT-OF-WAY; THENCE NORTH 11 DEGREES 59 MINUTES 33 SECONDS WEST, 150.00 FEET PARALLEL WITH AND 13 FEET DISTANT FROM THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF WEBSTER STREET TO SOUTHWESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PEARL STREET; THENCE NORTH 78 DEGREES 04 MINUTES 16 SECONDS EAST, 13.00

1 FEET ALONG SAID SOUTHWESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PEARL
2 STREET TO THE POINT OF BEGINNING, CONTAINING 0.045 ACRES MORE OR LESS. SUBJECT TO
3 EASEMENTS OF RECORD.

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

6
7 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
8 any and all necessary approval by the Mayor.

9
10
11 _____
12 COUNCILMEMBER

13
14 APPROVED AS TO FORM AND LEGALITY:

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16 _____
Carol T. Helton, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2022-0003
Bill Number: G-22-04-11
Council District: 5 – Geoff Paddock

Introduction Date: April 12, 2022

Public Hearing Date: April 26, 2022 to be heard by Council

Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate a portion of Webster Street between Pearl Street and Main Street.

Location: At 627 Webster Street, to include the eastern 13 feet of the right-of-way; not to affect vehicular or pedestrian traffic.

Reason for Request: To facilitate the construction of a new mixed-use downtown building. There is excess right-of-way along Webster, and a lack of right-of-way on Maiden. Roughly 13 feet of right-of-way will be dedicated on Maiden Street to balance the site.

Applicant: Sweet Real Estate – City Center, LLC

Property Owner: Sweet Real Estate – City Center, LLC

Related Petitions: PDP-2022-0006 and VROW-2022-0004

Effect of Passage: The vacation of the eastern portion of Webster Street will facilitate the construction of a new mixed-use downtown building. There is excess right-of-way along Webster, and a lack of right-of-way on Maiden. Roughly 13 feet of right-of-way will be dedicated on Maiden Street to balance the site.

Effect of Non-Passage: The right of way will remain as platted. Vehicular access, drop-off and loading areas, as well as pedestrian areas will be affected by the imbalance of right-of-way between Webster and Maiden. Building plans will require redesign.

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:

Vacation of a portion of the public right of way for Webster St. See attached legal description.

(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: D PAGE(S) NUMBER(S): 79 (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:

The block abutting the requested vacation is being shifted 13 feet west to accommodate a large economic development project.
Simultaneous with this vacation the petitioner will dedicate 13 feet to the city to widen Maiden Lane.

(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:

*Petitioner is the only adjacent property owner.

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: Sweet Real Estate - City Center, LLC

Street Address: 7100 W. Jefferson Blvd.

City: Fort Wayne State: IN Zip: 46804 Phone: 260-432-0370

G-22-04-11

✓ROW-2022-0005

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 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.



Charles Surack, Manager

3/21/22
Date

Signature

Printed Name

7100 W. Jefferson Blvd.

Address

Fort Wayne, IN 46804

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): Andrew Boxberger

Street Address: 301 W. Jefferson Blvd

City: Fort Wayne State: IN Zip: 46802 Phone: 260-423-9411

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 #: _____

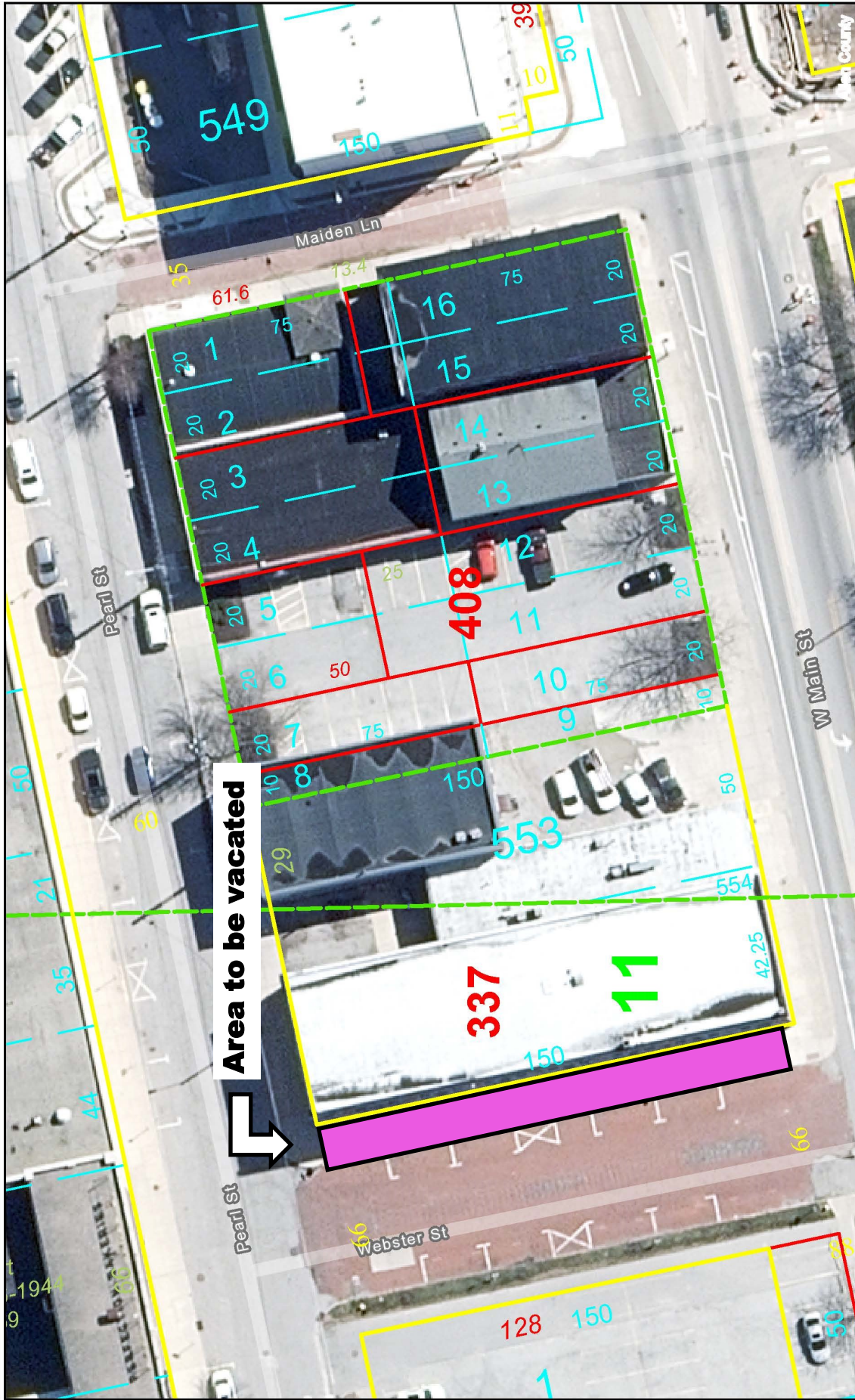
Date Filed: _____

Map #: _____

Reference #: _____



Vacation 2022-0003 and G-22-04-11



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

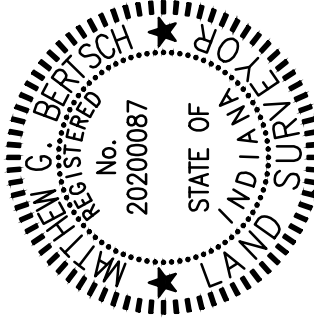
North Arrow
Date: 4/6/2022 1" = 42'

Exhibit "A"

Right-of-way Vacation Description

THE EASTERLY 13 FEET OF WEBSTER STREET, ALSO KNOWN AS CASS STREET, LYING BETWEEN THE SOUTH RIGHT-OF-WAY OF PEARL STREET AND THE NORTH RIGHT-OF-WAY OF MAIN STREET, AND LYING WEST OF FRACTIONAL BLOCK 11 OF EWING ADDITION TO THE CITY OF FORT WAYNE, AS SHOWN ON THE PLAT THEREOF RECORDED IN DEED BOOK "D", PAGE 79 ON JULY 3, 1840 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, BEING DEPICTED ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON DECEMBER 20, 2021 UNDER PROJECT NUMBER 21337.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Matthew G. Bertsch

Matthew G. Bertsch, P.L.S.
Indiana Registered Land Surveyor No. 20200087

This description was prepared for Engineering Resources, Inc., by Bertsch-Frank & Associates, LLC. and certified by Matthew G. Bertsch, P.L.S. Indiana Registered Land Surveyor No. 20200087.



LAND PLANNING | LAND SURVEYING
811 LAWRENCE DRIVE PHONE: (260) 459-9393
FORT WAYNE, IN 46804 FAX: (260) 459-9303

SWEET REAL ESTATE
R/W Vacation Ex. "A"
Webster Street
Fort Wayne, Allen County, IN

REVISIONS

MARK	DATE	DESCRIPTION

CAD FILE: 21337_rv.dwg
DRAWN BY: ZLS
CHECKED BY: MGB
DATE: 12/20/2021
PRJCT. NO.: 21337.100

Exhibit "B"

Right-of-way Vacation Limits



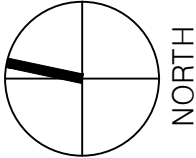
OWNERSHIP LEGEND

- 1

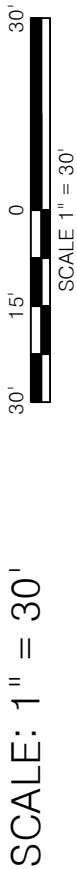
LANDS OF SWEET REAL ESTATE – CITY CENTER, LLC PER DOCUMENT NUMBER 2019010469, RECORDED ON MARCH 1, 2019.
- 2

LANDS OF SWEET REAL ESTATE – CITY CENTER, LLC PER DOCUMENT NUMBER 2019010555, RECORDED ON MARCH 1, 2019.

Line Table		
Line #	Length	Direction
L1	150.00'	S11°59'33"E
L2	13.00'	S78°04'16"W
L3	150.00'	N11°59'33"W
L4	13.00'	N78°04'16"E

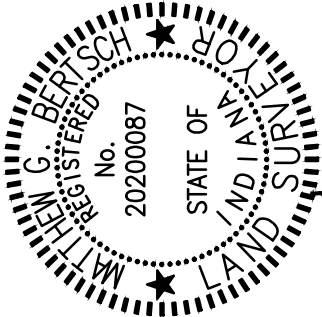


Right-of-way Vacation Exhibit



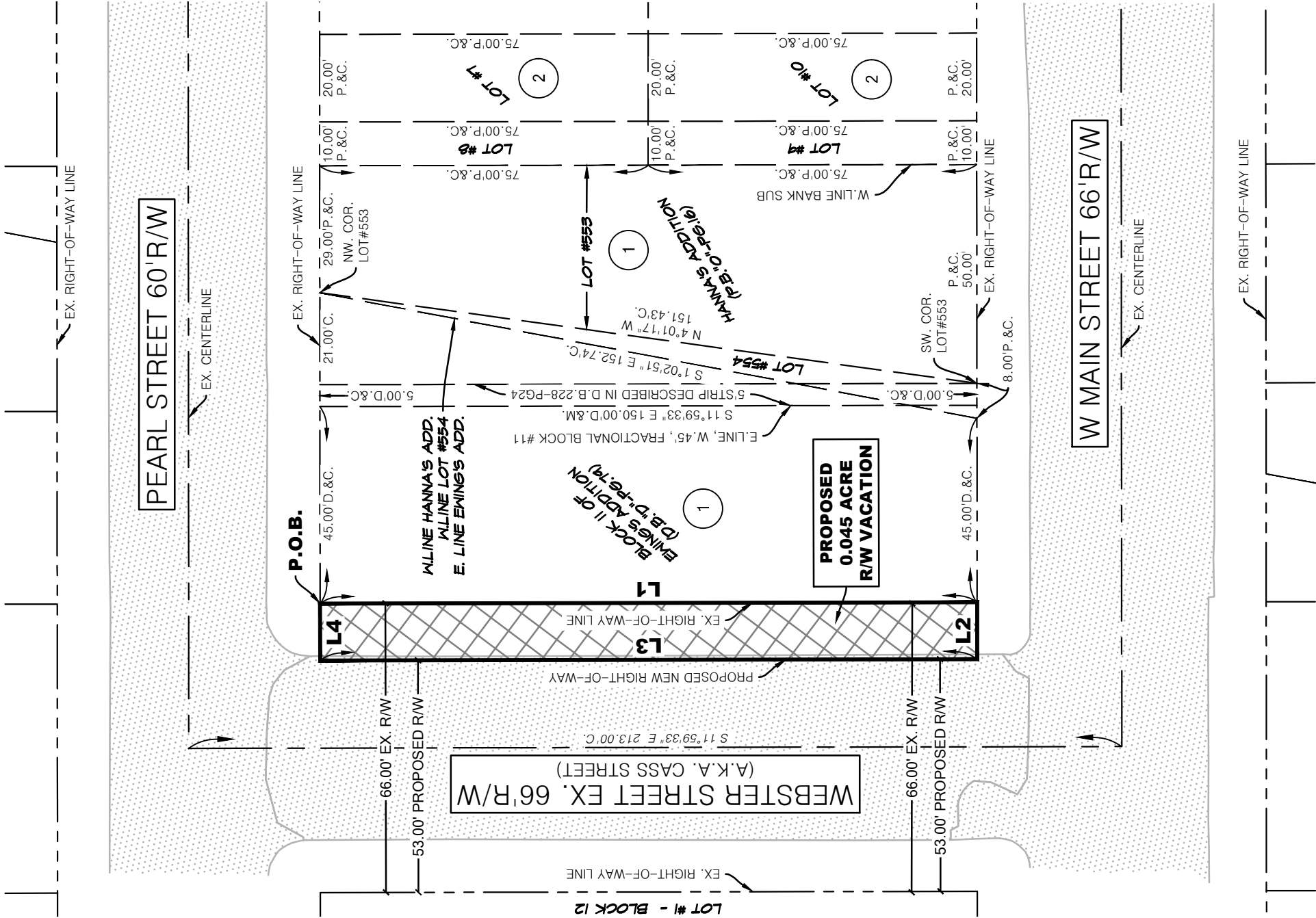
Right-of-way Vacation Notes:

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 - THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RE-TRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.
 - SEE BOUNDARY RETRACEMENT SURVEY COMPLETED BY BERTSCH-FRANK & ASSOCIATES, CERTIFIED BY ROSS M. FRANK (L.S. NO.20500021) ON JUNE 25, 2020 UNDER PROJECT NO.20212.100
- I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
- AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Matthew G. Bertsch

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087



REVISIONS

MARK	DATE	DESCRIPTION

CAD FILE: 21337_Parcel
DRAWN BY: ZLS
CHECKED BY: MGB
DATE: 12/20/2021
PRCT. NO.: 21337.100

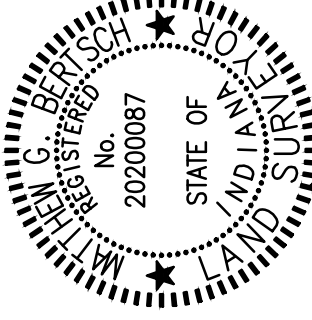
Exhibit "A"

Proposed Right-of-way Description

THE EAST 13 FEET OF LOTS 1 AND 16 OF BANK'S SUBDIVISION OF LOTS 550, 551, AND 552 OF HANNA'S ADDITION TO THE CITY OF FORT WAYNE, RECORDED IN DEED BOOK 27, PAGE 552-553 ON SEPTEMBER 19, 1861 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, LYING WEST OF AND CONTIGUOUS TO THE WESTERLY RIGHT-OF-WAY LINE OF MAIDEN LANE AS SHOWN ON A RIGHT-OF-WAY EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON DECEMBER 20, 2021 UNDER PROJECT NUMBER 21337.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PART OF PARENT PARCEL TAX I.D. NO. 02-12-02-408-006.000-074



Matthew G. Bertsch

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Right-of-Way Ex. "A"
Maiden Lane
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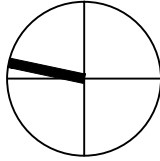
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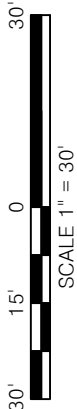
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NORTH

SCALE: 1" = 30'

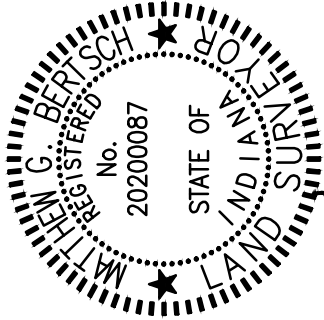


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Proposed Right-of-way Exhibit

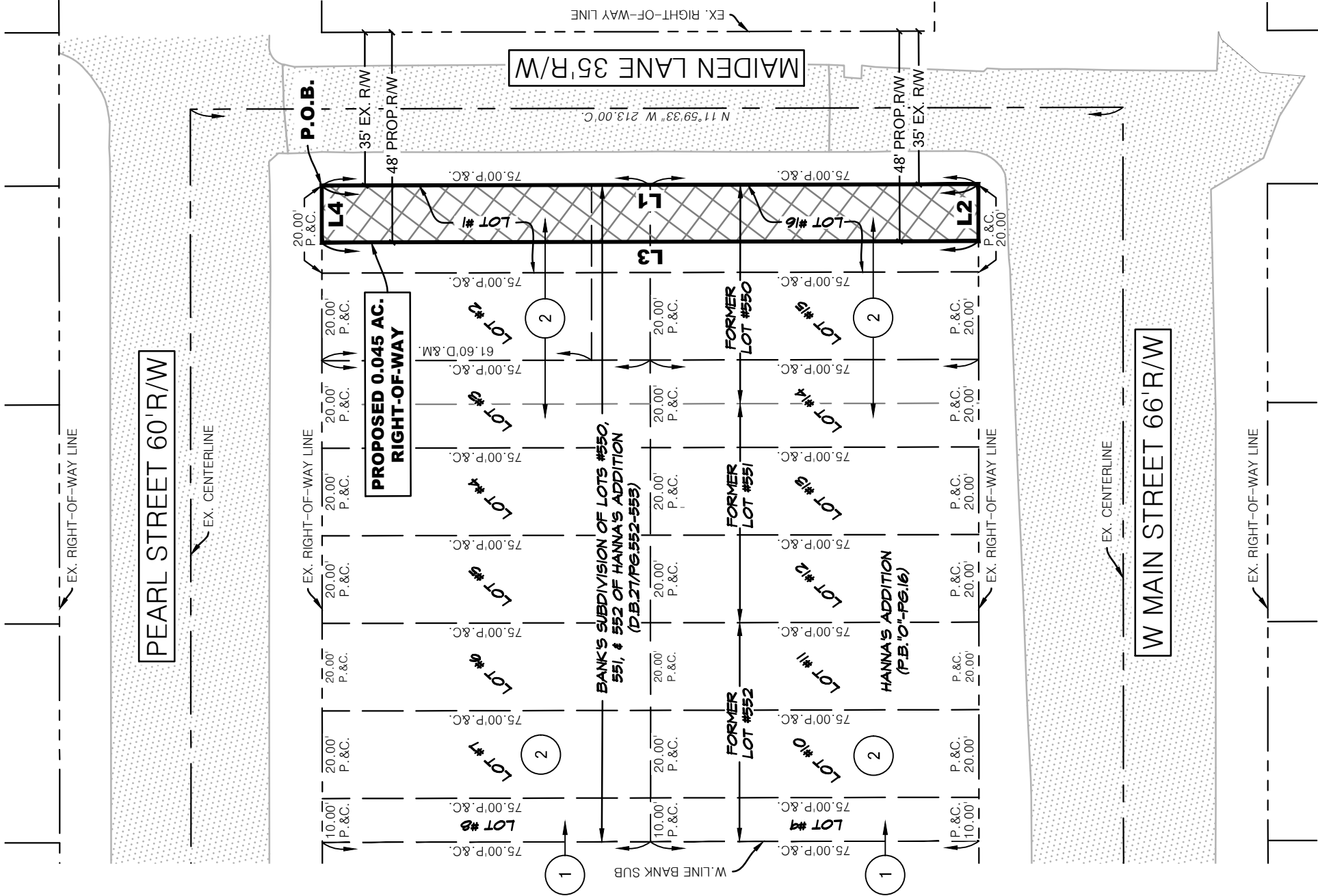
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Right-of-Way Ex. "B"
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