

VROW-2022-0004

BILL NO. G-22-04-12

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:

BEING A PART OF THE ORIGINALLY PLATTED RIGHT-OF-WAY OF EWING STREET LYING BETWEEN BLOCKS 12 AND 13 OF EWING ADDITION AS SHOWN ON THE RECORDED PLAT THEREOF IN PLAT RECORD 2, PAGE 40, ALONG WITH A PORTION OF THE LANDS DESCRIBED TO SWEET REAL ESTATE – CITY CENTER, LCC PER DOCUMENT NUMBER 2019010555, RECORDED MARCH 1, 2019 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, FURTHER DESCRIBED AS THE SOUTHERLY 22 FEET OF LOTS 1, 2, 3, 4, 5, AND 6 IN EWING BLOCK 12, PER DOCUMENT NUMBER 85-005020, RECORDED ON MARCH 4, 1985 IN THE OFFICE OF SAID RECORDER, ALL BEING DEPICTED ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK AND ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON JANUARY 10, 2022 UNDER PROJECT NUMBER 21337.100; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SAID BLOCK 12 OF EWING ADDITION; THENCE SOUTH 78 DEGREES 03 MINUTES 44 SECONDS WEST, 362.77 FEET ALONG THE ORIGINALLY PLATTED NORTH 33 FOOT RIGHT-OF-WAY LINE OF MAIN STREET TO THE EXISTING EAST RIGHT-OF-WAY LINE OF EWING STREET BEING A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 989.66 FEET AND LYING 33 FEET NORTHEASTERLY OF THE PAVEMENT CENTERLINE OF SAID EWING STREET; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE 23.37 FEET HAVING A CHORD BEARING NORTH 31 DEGREES 37 MINUTES 57 SECONDS WEST, 23.37 FEET TO THE SOUTH LINE OF THE VACATED PORTION OF EWING STREET PER GENERAL ORDINANCE NO. G-30-84; THENCE NORTH 78 DEGREES 03 MINUTES 44 SECONDS

1 EAST, 370.62 FEET PARALLEL WITH AND 22 FEET DISTANT FROM THE ORIGINALLY PLATTED
2 NORTH 33 FOOT RIGHT-OF-WAY LINE OF MAIN STREET TO THE WEST RIGHT-OF-WAY LINE OF
3 WEBSTER STREET; THENCE SOUTH 11 DEGREES 59 MINUTES 33 SECONDS EAST, 22.00 FEET
4 ALONG SAID RIGHT-OF-WAY LINE OF WEBSTER STREET TO THE POINT OF BEGINNING,
CONTIANING 0.185 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

5 PART OF PARCEL TAX I.D. NO. 02-12-02-336-002.000-074

6
7 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
8 and is hereby approved in all respects.

9
10 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
11 any and all necessary approval by the Mayor.

12
13 _____
14 COUNCILMEMBER

15
16 APPROVED AS TO FORM AND LEGALITY:

17 _____
18 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-2022-0004
Bill Number: G-22-04-12
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 Main Street between Webster and Ewing Street.

Location: Along the southern edge of the parking lot of Perfection Bakery, at 300 West Main Street, north side of the street, approximately 22 feet wide and 370 feet long

Reason for Request: Approximately 22 feet of excess right-of-way was dedicated along Main Street in 1985 for an apparent improvement that was never constructed. This right-of-way has been historically been used as parking for Perfection Bakery.

Applicant: Sweet Real Estate – City Center, LLC

Property Owner: Sweet Real Estate – City Center, LLC

Related Petitions: PDP-2022-0006 and VROW-2022-0003

Effect of Passage: If approved, the vacated, northern portion of Main Street will be returned to the owner/developer for continued parking, or future development.

Effect of Non-Passage: The right of way will remain as dedicated. The unused right-of-way cannot be combined with adjacent parcels to create a new lot for future redevelopment without the vacation.

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 Main 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: _____ PAGE(S) NUMBER(S): __ DOCUMENT NUMBER 85-005020
(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 land was originally dedicated as right of way for a Main St. Project at Ewing St. Main St. developed differently and the right of way is no longer needed by the city. This vacation will align with the rest of the Main St. right of way.

(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: F o r t W a y n e State: IN Zip: 46804 Phone: 260-432-0370

G-22-04-12

VRAW-2022-0004

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.

Charles Surack
Signature

Charles Surack, Manager
Printed Name

3/21/22
Date

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 #: _____



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.

Date: 4/6/2022 1" = 83'

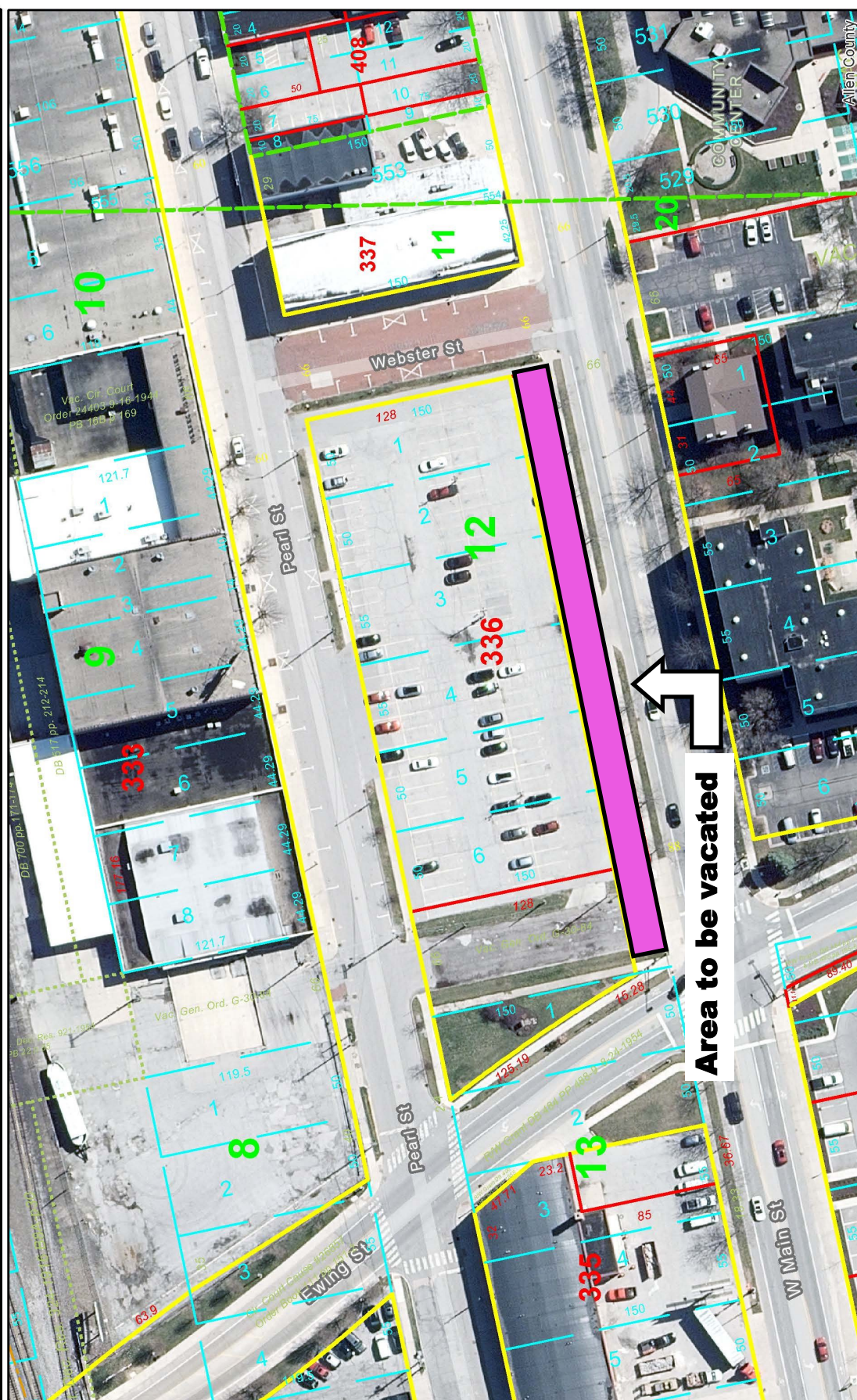


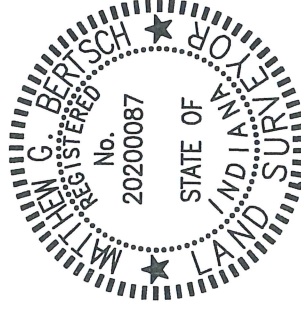
Exhibit "A"

Right-of-way Vacation Description

BEING A PART OF THE ORIGINALLY PLATTED RIGHT-OF-WAY OF EWING STREET LYING BETWEEN BLOCKS 12 AND 13 OF EWING ADDITION AS SHOWN ON THE RECORDED PLAT THEREOF IN PLAT RECORD 2, PAGE 40, ALONG WITH A PORTION OF THE LANDS DESCRIBED TO SWEET REAL ESTATE - CITY CENTER, LLC PER DOCUMENT NUMBER 2019010555, RECORDED MARCH 1, 2019 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, FURTHER DESCRIBED AS THE SOUTHERLY 22 FEET OF LOTS 1, 2, 3, 4, 5, AND 6 IN EWING BLOCK 12 PER DOCUMENT NUMBER 85-005020, RECORDED ON MARCH 4, 1985 IN THE OFFICE OF SAID RECORDER, ALL BEING DEPICTED ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON JANUARY 10, 2022 UNDER PROJECT NUMBER 21337.100; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PART OF PARENT PARCEL TAX I.D. NO. 02-12-02-336-002.000-074



Matthew G. Bertsch

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.

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

BFA | **BERTSCH-FRANK & ASSOCIATES**
LAND SURVEYING & CONSULTING
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"
Main / Ewing St.
Fort Wayne, Allen County, IN

REVISIONS		
MARK	DATE	DESCRIPTION

CAD FILE: 21337_rw.dwg
DRAWN BY: ZLS
CHECKED BY: MGB
DATE: 01/10/2022
PRJCT. NO.: 21337.100

SWEET REAL ESTATE
R/W Vacation Ex. "B"
Main / Ewing St.
Fort Wayne, Allen County, IN

MARK	DATE	DESCRIPTION

CAD FILE: 21337_Main St
DRAWN BY: ZLS
CHECKED BY: MGB
DATE: 01/10/2022
PRCT. NO.: 21337-100

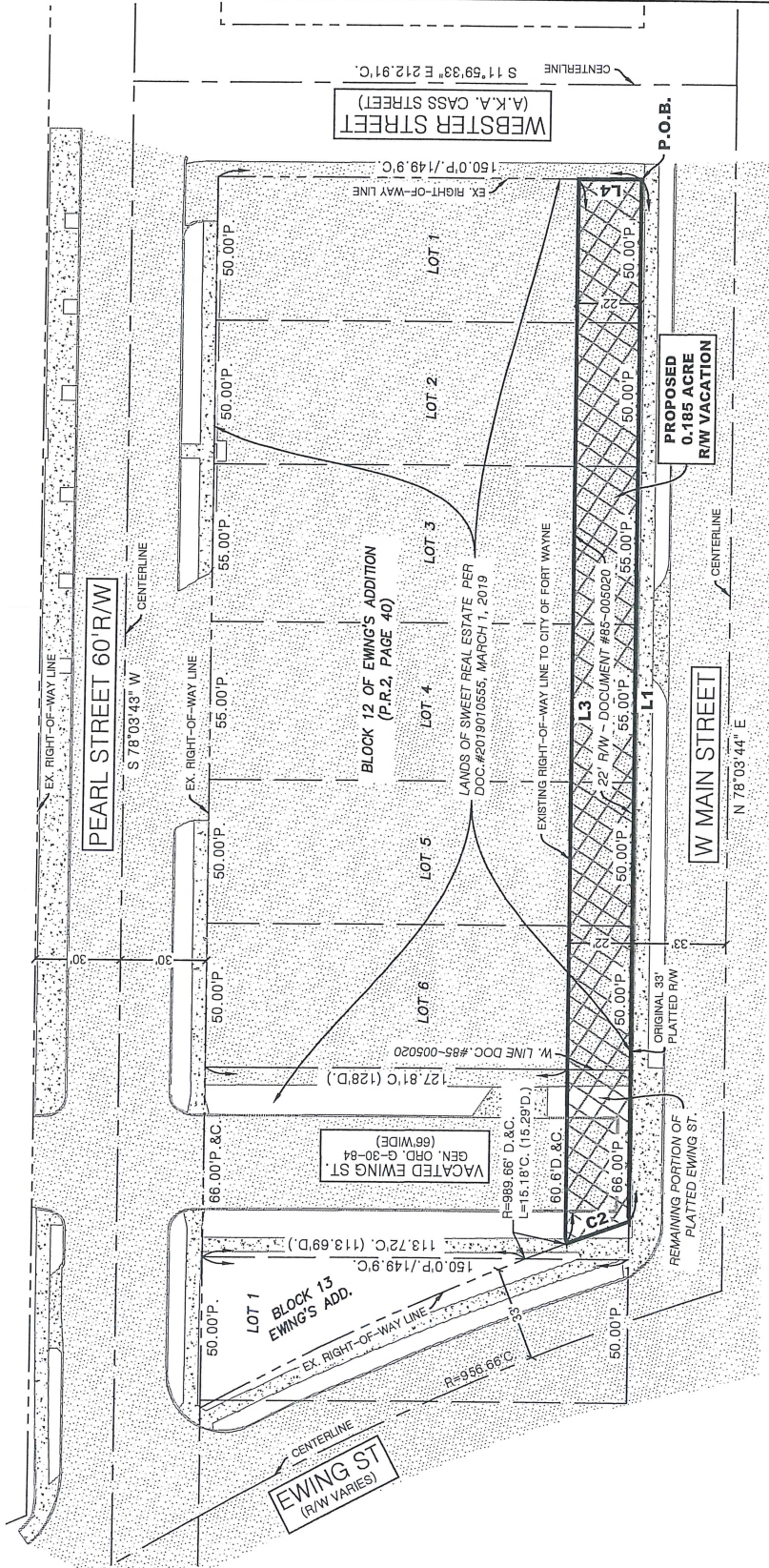


Exhibit "B"

Right-of-way Vacation Limits



PROPOSED R/W
VACATION LIMITS

Reference Survey

SURVEYOR: ZKTAZIAN ASSOCIATES, INC.
SURVEY NO: 18-10-08
DATE: FEB. 26, 2019

Right-of-way Vacation Notes:

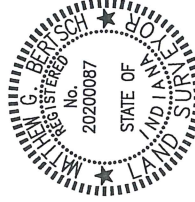
1. BEING A PART OF THE EXISTING RIGHT-OF-WAY OF EWING STREET LYING BETWEEN BLOCKS 12 AND 13 PER THE PLAT OF EWING'S ADDITION RECORDED IN PLAT RECORD 2, PAGE 40 AND ALSO THE EXISTING RIGHT-OF-WAY OF DESCRIBED TO THE CITY OF FORT WAYNE IN DOCUMENT NUMBER 86-005020, RECORDED ON MARCH 4, 1985 IN THE OFFICE OF ALLEN COUNTY RECORDER.

2. PART OF PARENT PARCEL TAX I.D. NO. 02-12-02-336-002.000-074

3. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RE-TRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

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

Line Table

Line #	Length	Direction
L1	382.77'	S78°03'44"W
L3	370.62'	N78°03'44"E
L4	22.00'	S11°59'33"E

Curve Table

Curve #	Length	Radius	Chord B.	Chord L.
C2	23.37'	989.66'	N31°37'57"W	23.37'

Right-of-way Vacation Exhibit

SCALE: 1" = 40'



SCALE 1" = 40'

