

VROW-2022-0005

BILL NO. G-22-05-04

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 INTENT OF THIS REAL ESTATE DESCRIPTION IS TO DESCRIBE THE VACATION OF A PORTION OF THE DEDICATED RIGHT OF WAY OF INSURANCE AVENUE AS SHOWN ON THE SECONDARY PLAT OF BROTHERHOOD PLACE AS RECORDED IN PLAT CABINET B, PAGE 58 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA BEING WITHIN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA AND BEING BASED UPON A BOUNDARY RETRACEMENT SURVEY COMPLETED BY FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 111092 DATED DECEMBER 5TH, 2011 AND CERTIFIED BY TODD R. BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT NUMBER ONE WITHIN BROTHERHOOD PLACE AS RECORDED IN PLAT CABINET B, PAGE 58 WITHIN THE OFFICE OF THE RECORDER OF ALL EN COUNTY, INDIANA, SAID SOUTHWEST CORNER BEING COINCIDENT WITH THE SOUTHEAST CORNER OF LOT NUMBER SIX WITHIN SAID BROTHERHOOD PLACE AND BEING ON THE NORTH RIGHT OF WAY LINE OF INSURANCE AVENUE; THENCE NORTH 88 DEGREES 07 MINUTES 33 SECONDS EAST (INDIANA STATE PLANE COORDINATE ZONE EAST BEARING AND BASIS TO FOLLOW) ON AND ALONG THE NORTH RIGHT OF WAY LINE OF INSURANCE AVENUE A DISTANCE OF 235.95 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET; THENCE NORTHEASTERLY ON AND ALONG SAID CURVE TO THE LEFT, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF INSURANCE AVENUE, AN ARC DISTANCE OF 83.36 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 69 DEGREES 01 MINUTES 16 SECONDS EAST A CHORD DISTANCE OF 81.82 FEET TO A POINT; THENCE SOUTH 40 DEGREES 05 MINUTES 01 SECONDS EAST RADIAL TO THE CENTER OF THE AFOREMENTIONED

1 CURVE TO THE LEFT A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT
2 OF WAY LINE OF INSURANCE AVENUE; THENCE SOUTHWESTERLY ON AND ALONG
3 THE SOUTH RIGHT OF WAY LINE OF INSURANCE AVENUE BEING A CURVE TO THE
4 RIGHT HAVING A RADIUS OF 175.00 FEET AN ARC DISTANCE OF 116.71 FEET AND
5 BEING SUBTENDED BY A CHORD BEARING SOUTH 69 DEGREES 01 MINUTES 16
6 SECONDS WEST A CHORD DISTANCE OF 114.55 FEET TO A POINT OF TANGENCY;
7 THENCE SOUTH 88 DEGREES 07 MINUTES 33 SECONDS WEST ON AND ALONG THE
8 SOUTH RIGHT OF WAY LINE OF INSURANCE AVENUE A DISTANCE OF 586.93 FEET
9 TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00
10 FEET; THENCE SOUTHWESTERLY ON AND ALONG SAID CURVE TO THE LEFT AN
11 ARC DISTANCE OF 29.06 FEET AND BEING SUBTENDED BY A CHORD BEARING
12 SOUTH 46 DEGREES 30 MINUTES 04 SECONDS WEST A CHORD DISTANCE OF 26.57
13 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT
14 HAVING A RADIUS OF 150.00 FEET, SAID POINT OF CURVATURE BEING A POINT ON
15 THE EAST RIGHT OF WAY LINE OF MUTUAL DRIVE; THENCE NORTHEASTERLY ON
16 AND ALONG SAID CURVE TO THE LEFT, BEING THE NORTHERLY EXTENSION OF THE
17 EAST RIGHT OF WAY LINE OF MUTUAL DRIVE, AN ARC DISTANCE OF 17.67 FEET AND
18 BEING SUBTENDED BY A CHORD BEARING NORTH 01 DEGREES 30 MINUTES 04
19 SECONDS EAST A CHORD DISTANCE OF 17.66 FEET TO A POINT OF TANGENCY;
20 THENCE NORTH 01 DEGREES 52 MINUTES 27 SECONDS WEST ON AND ALONG THE
21 SOUTHERLY PROJECTION OF THE EAST RIGHT OF WAY LINE OF MUTUAL DRIVE A
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23 TO THE LEFT HAVING A RADIUS OF 20.00 FEET, SAID POINT BEING THE POINT OF
24 INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MUTUAL
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26 SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT BEING THE NORTH RIGHT OF
27 WAY LINE OF INSURANCE AVENUE AN ARC DISTANCE OF 31.42 FEET AND BEING
28 SUBTENDED BY A CHORD BEARING SOUTH 46 DEGREES 52 MINUTES 27 SECONDS
29 EAST A CHORD DISTANCE OF 28.28 FEET TO A POINT OF TANGENCY; THENCE
30 NORTH 88 DEGREES 07 MINUTES 33 SECONDS EAST ON AND ALONG THE NORTH
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POINT OF BEGINNING, CONTAINING 0.814 ACRES OF LAND, MORE OR LESS, AND
BEING SUBJECT TO ALL EASEMENTS OF RECORD.

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:

City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2022-0005
Bill Number: G-22-05-04
Council District: 3 – Tom Didier

Introduction Date: May 10, 2022

Public Hearing Date: May 24, 2022 to be heard by Council

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

Synopsis of Ordinance: To vacate all of Insurance Avenue between Mutual Drive and Brotherhood Way.

Location: At 309 Insurance Avenue, north of Brotherhood Mutual Campus.

Reason for Request: To expand parking facilities for recent growth at the Brotherhood Mutual Insurance Company campus.

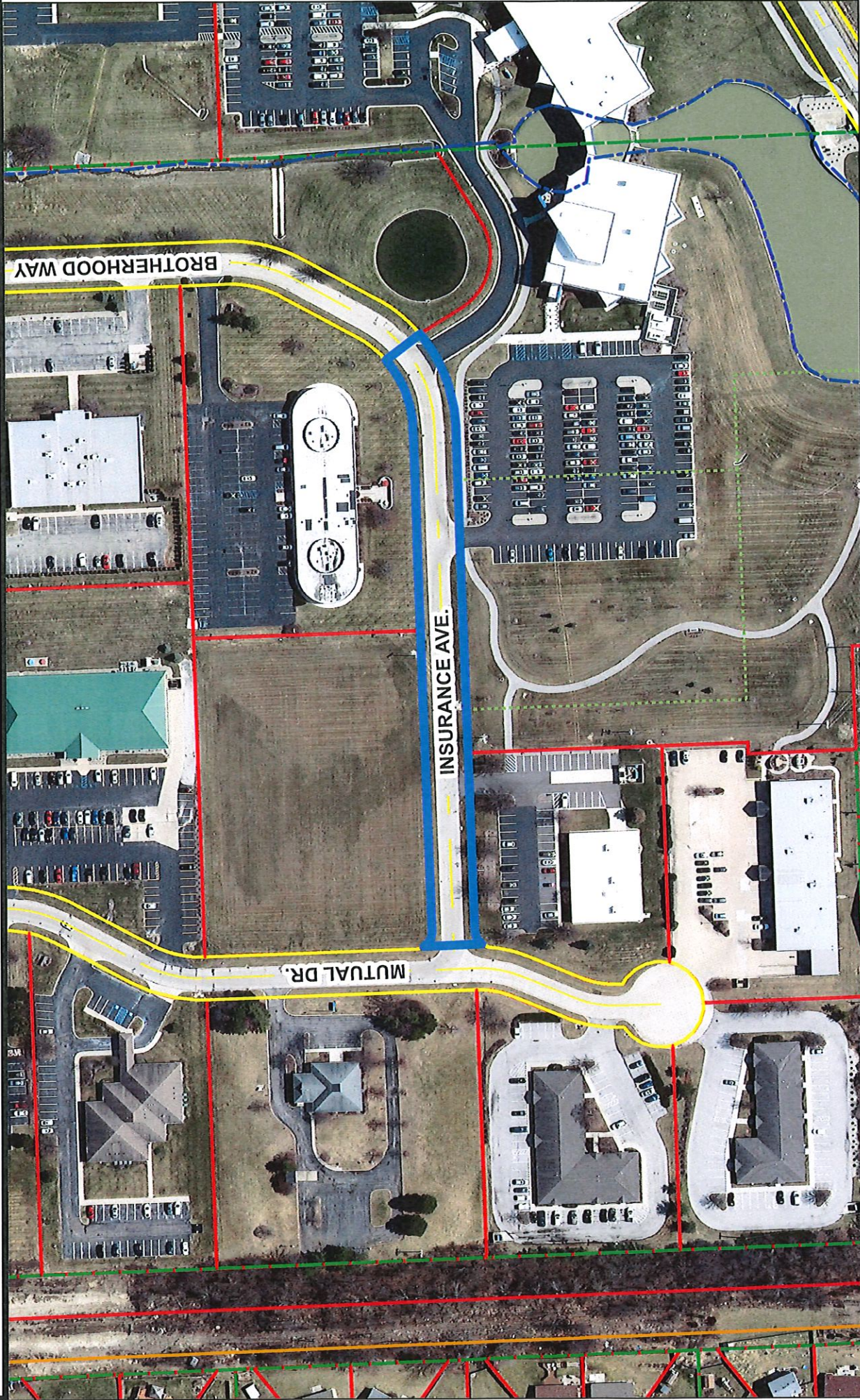
Applicant: Brotherhood Mutual Insurance Company

Property Owner: Brotherhood Mutual Insurance Company

Related Petitions: none

Effect of Passage: The vacation of Insurance Avenue will allow Brotherhood Mutual to expand parking facilities and combine properties. Vacation of the street will not affect access to any other property.

Effect of Non-Passage: The right of way will remain as platted. Amount of new available parking will be reduced due to setbacks from right-of-way.



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: 4/27/2022



1 inch = 150 feet

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:

All of Insurance Avenue between Mutual Drive and Brotherhood Way as legally
described on the attached Exhibit A and depicted on the attached Exhibit B.

(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: Cabinet B PAGE(S) NUMBER(S): 58 (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:

See attached Exhibit C.

(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: See attached Exhibit D.

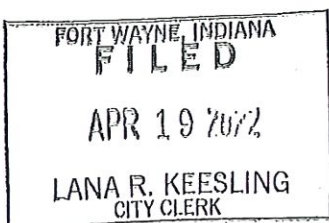
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Brotherhood Mutual Insurance Company

Street Address: 6400 Brotherhood Way

City: Fort Wayne State: IN Zip: 46825 Phone: 260-481-9943



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.

See attached Exhibit E.

Signature _____ Printed Name _____ Date _____

Address _____ 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): Thomas M. Niezer

Street Address: 215 E. Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 423-8898

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 #: _____

Exhibit A

Legal Description

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Exhibit C

Reasons for Proposed Vacation

Applicant: Brotherhood Mutual Insurance Company ("Company")

Street: All of Insurance Avenue between Mutual Drive and Brotherhood Way. References to lot numbers in this document relate to the plat for Brotherhood Place, as recorded in Cabinet B, page 58.

Reason for Request: For over 100 years, the Company has provided insurance and risk management resources for America's churches and related ministries. The Company currently insures more than 65,000 organizations in 47 states. In 1980, the Company acquired property off Ludwig Road that now serves as the Company's national headquarters.

The Company is a major employer in the Northeast Indiana region. It currently employs 570 people and expects continued growth in the coming years. To accommodate this growth, the Company desires to add additional parking within its campus.

The Company owns a vacant lot east of Mutual Drive and North of Insurance Avenue that will serve as a prime location for a new parking lot. It is anticipated that this new parking lot will provide up to 268 additional parking spaces, increasing total parking capacity within the campus to over 900. The plans for the parking lot are attached hereto as Exhibit C-1. Vacating Insurance Avenue will allow the Company to maximize the use of this space. As part of the plans, the existing access drive to the building located on Lot 10 (which is also owned by the Company) will be maintained, and a new access drive will be established off Mutual Drive. The Company will re-dedicate a portion of the vacated right-of-way to the City of Fort Wayne ("City") for the proposed round-a-bout at the end of Brotherhood Way.

Affected Property Owners: The Company currently owns all the lots contiguous to Insurance Avenue except Lot 1. This lot, commonly known as 220 Insurance Avenue, is owned by Peterson Equity Investments LLC. The Company has contacted this owner and has been advised that the owner does not object to this petition. There is also public right of way adjacent to Insurance Avenue that is owned by the City. The Company does not believe the City will be negatively impacted by this petition.

Utilities: The Company will be granting utility easements to the City, Frontier Communications, Northern Indiana Public Service Company, and AEP as part of this request.

Exhibit D

Names and Addresses of Adjacent Property Owners

Property owner(s) Name(s)	Street Address	City	State	Zip Code	Phone Number
Brotherhood Mutual Insurance Company	6400 Brotherhood Way	Fort Wayne	IN	46825	(260) 481-9943
Petersen Equity Investments, LL	1520 Shoreview Drive	Fort Wayne	IN	46819	(260) 385-0547
City of Fort Wayne	200 E. Berry St., Ste. 210	Fort Wayne	IN	46802	(260) 427-6155
Bulldog Property LLC	PO Box 65	Leo	IN	46765	(260) 209-3800
D C L Scott Corp	12813 Chadsford Cir	Fort Myers	FL	33913	(239) 693-3969

Nearby Properties Owned

Brotherhood Mutual Insurance Company

- 6412 Mutual Drive (Lot 6)
- 309 Insurance Avenue (Lot 10)
- 6400 Brotherhood Way (vacated lots 13 and 15 & Lot 14)
- Brotherhood Way (the Green)

Peterson Equity Investments LLC

- 220 Insurance Avenue (Lot 1)

City of Fort Wayne

- Mutual Drive
- Brotherhood Way

Bulldog Property LLC

- 6415 Mutual Drive (Lot 7)

D C L Scott Corp

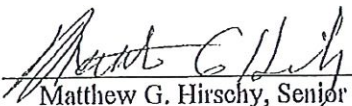
- 6319 Mutual Drive (Lot 9)

Exhibit E

Signature Page to Vacation Petition

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 policies and procedures 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.

BROTHERHOOD MUTUAL INSURANCE COMPANY

By: 
Matthew G. Hirschy, Senior VP & Treasurer

4/18/2022
(date)

Address: 6400 Brotherhood Way
Fort Wayne, IN 46824

ForeSight Consulting, LLC
 Professional Engineers & Surveyors
 1910 St. Joe Center Road, Suite #61
 Fort Wayne, Indiana 46825
 260.484.9900 phone
 260.484.9980 fax
 www.fsllc.biz

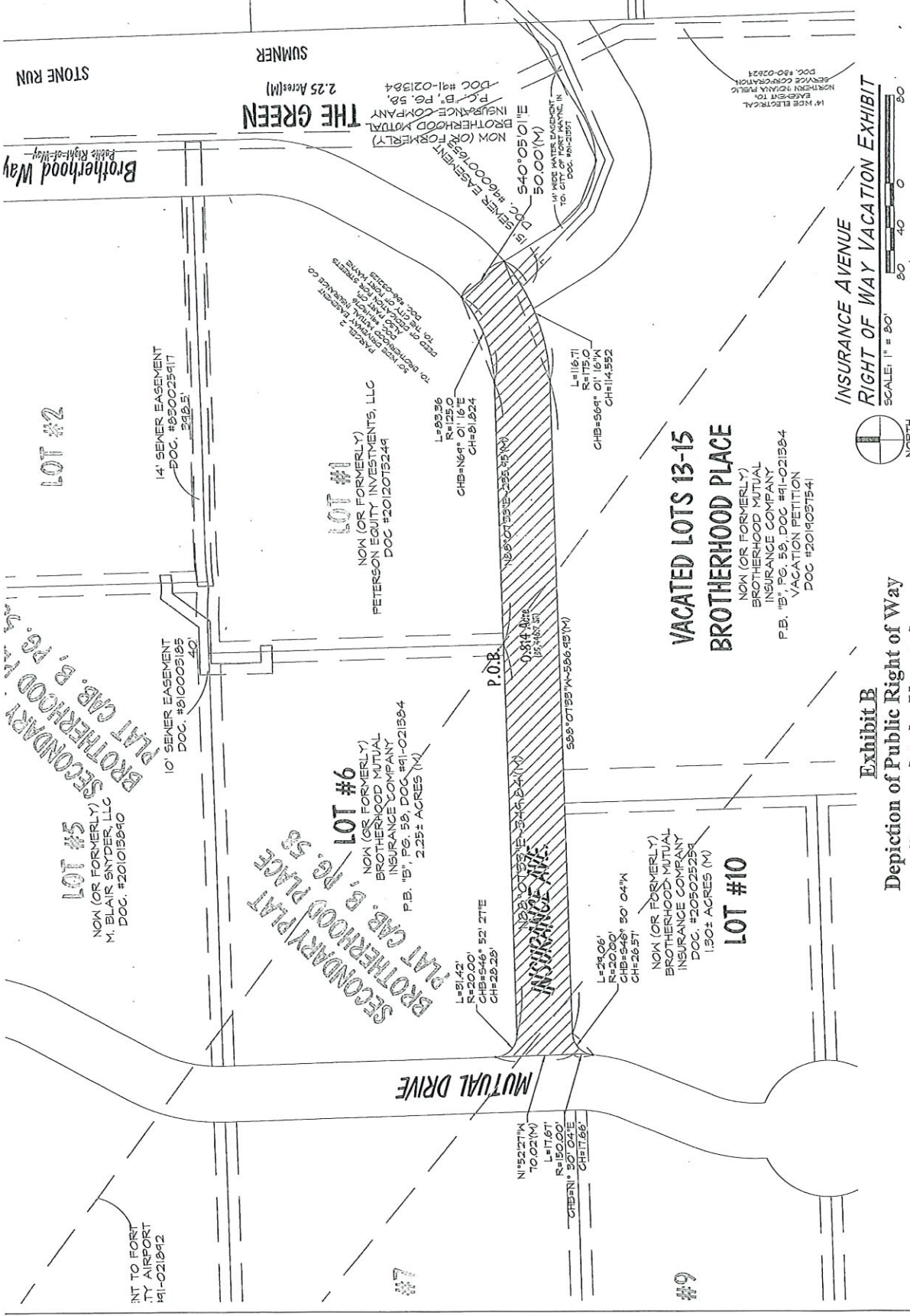
FORESIGHT
 CERTIFICATION

EXPERIENCE. INNOVATION. RESULTS.

Performed for:
 Insurance Avenue
 Fort Wayne, Indiana

Right of Way Vacation Exhibit for:
 Insurance Avenue
 Fort Wayne, Indiana

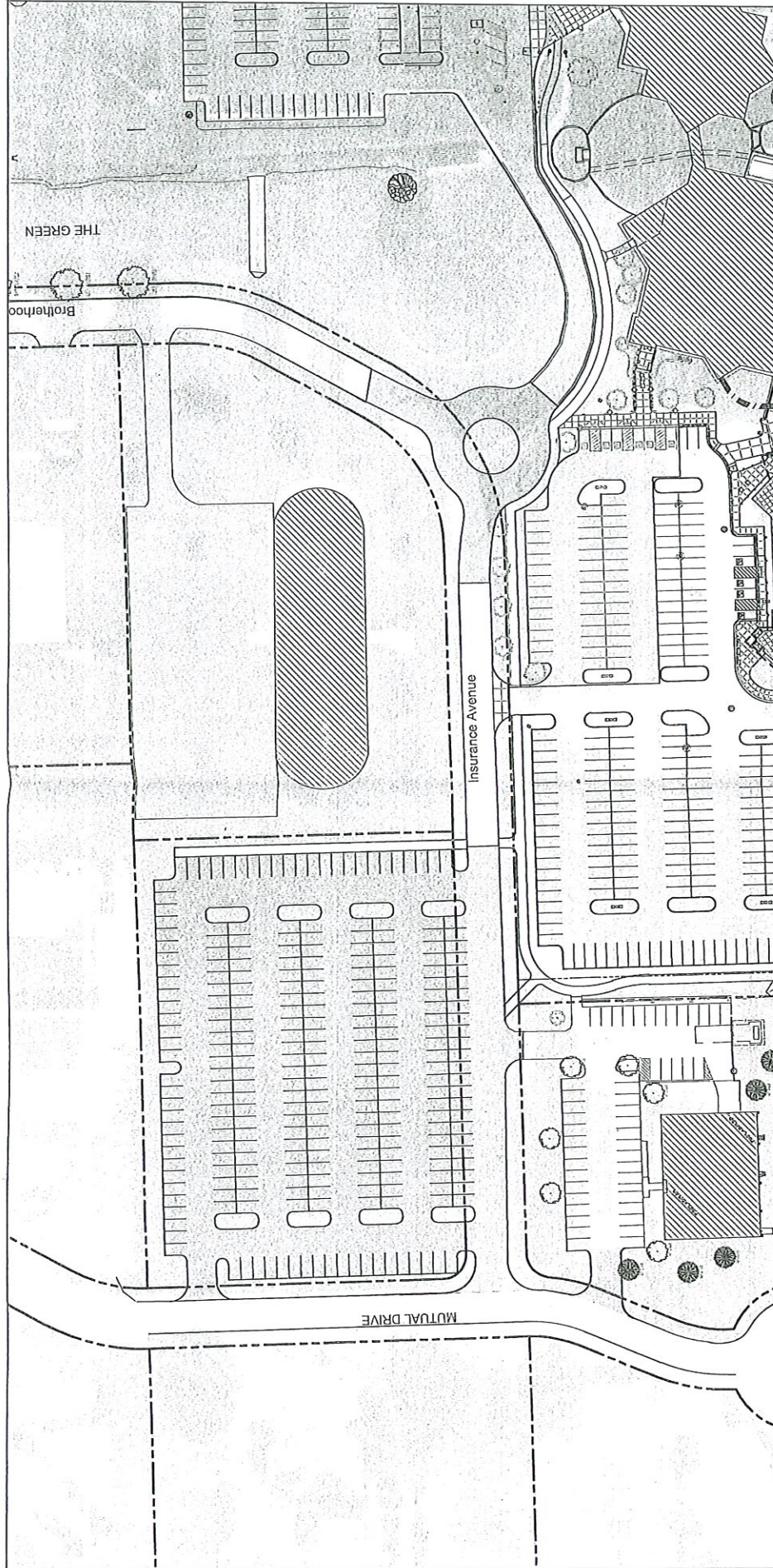
Drawing Revisions
 Commission Number
 21343
 Date
 March 28th, 2022
 Title
 Right of Way Vacation Exhibit
 Sheet Number
 S1.1
 of 1



INSURANCE AVENUE
 RIGHT OF WAY VACATION EXHIBIT
 SCALE: 1" = 80'
 NORTH

Exhibit B
 Depiction of Public Right of Way
 Proposed to be Vacated

Exhibit C-1



INSURANCE AVENUE REDESIGN - OPTION A

SCALE: 1" = 80'



PARKING LOT INFORMATION	
NEW PARKING SPACES	264

ENGINEERING
RESOURCES, INC.

Brotherhood Mutual
Insurance Company