

1 **VEAS-2022-0001**

2 **BILL NO. G-22-06-03**

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 A PORTION OF A 20 FOOT UTILITY EASEMENT AS DESCRIBED IN DOCUMENT NUMBER
18 205003462, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH,
19 RANGE 11 EAST OF THE SECOND PRINCIPAL MERIDIAN IN ALLEN COUNTY, INDIANA, AND
20 IN ACCORDANCE WITH A BOUNDARY RETRACEMENT SURVEY BY FORESIGHT CONSULTING,
21 LLC AS COMMISSION NUMBER 192530 DATED NOVEMBER 22, 2019 CERTIFIED BY TODD R.
BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007. THE RETRACEMENT OF
THE BOUNDARIES OF SAID 20 FOOT UTILITY EASEMENT WERE DONE WITH BEARINGS
BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, GRID AND IS
MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

22 TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT A HARRISON MONUMENT AT THE
23 NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 51
24 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF
25 SAID SECTION 11, A DISTANCE OF 1322.63 FEET TO THE WEST LINE OF THE EAST HALF OF
26 SAID NORTHEAST QUARTER; THENCE SOUTH 0 DEGREES 17 MINUTES 21 SECONDS EAST
27 ALONG SAID WEST LINE, A DISTANCE OF 59.99 FEET TO THE SOUTH RIGHT-OF-WAY LINE
28 OF THE ILLINOIS ROAD (STATE ROAD NO. 14); THENCE NORTH 88 DEGREES 51 MINUTES
29 58 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 26.52 FEET;
30 THENCE SOUTH 46 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.31 FEET;
THENCE NORTH 88 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 80.00 FEET;
THENCE NORTH 56 DEGREES 51 MINUTES 30 SECONDS EAST, A DISTANCE OF 2.62 FEET TO
A POINT WHICH IS THE ORIGINAL POINT OF BEGINNING OF THE AFORESAID 20 FOOT
UTILITY EASEMENT; THENCE SOUTH 0 DEGREES 15 MINUTES 56 SECONDS WEST ALONG

1 THE WEST LINE OF SAID EASEMENT, A DISTANCE OF 84.44 FEET; THENCE SOUTH 4
2 DEGREES 42 MINUTES 22 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A
3 DISTANCE OF 163.38 FEET; THENCE SOUTH 4 DEGREES 42 MINUTES 12 SECONDS WEST
4 AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 94.93 FEET; THENCE SOUTH 0
5 DEGREES 15 MINUTES 56 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A
6 DISTANCE OF 46.45 FEET TO THE POINT OF BEGINNING OF THE PORTION OF SAID
7 EASEMENT TO BE VACATED; THENCE SOUTH 00 DEGREES 15 MINUTES 56 SECONDS WEST
8 AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 38.18 FEET TO A POINT OF
9 CURVATURE OF A 270.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG
10 THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID WEST LINE A
11 DISTANCE OF 25.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 05 DEGREES 08
12 MINUTES 02 SECONDS EAST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF
13 88.14 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF
14 20.00 FEET TO THE EAST LINE OF SAID EASEMENT; THENCE NORTH 5 DEGREES 08
15 MINUTES 02 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 88.14 FEET TO A
16 POINT OF CURVATURE OF A 250.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE
17 NORTHERLY ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID EAST LINE A
18 DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES 15
19 MINUTES 56 SECONDS EAST AND CONTINUING ALONG SAID EAST LINE, A DISTANCE OF
20 38.18 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, A DISTANCE OF
21 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3016.43 SQUARE FEET OR
22 0.0692 ACRES OF LAND, MORE OR LESS.

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

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

27 _____
28 COUNCILMEMBER

29 APPROVED AS TO FORM AND LEGALITY:

30 _____
Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VEAS-2022-0001
Bill Number: G-22-06-03
Council District: 4 – Jason Arp

Introduction Date: June 14, 2022

Public Hearing Date: June 28, 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 the 20-foot wide easement along the eastern edge of Glencarin Boulevard.

Location: Between 8230 and 8202 Glencarin Boulevard

Reason for Request: To allow for redevelopment of the site with a Parkview Health facility.

Applicant: Parkview Health System, Inc.

Property Owners: same

Related Petitions: none

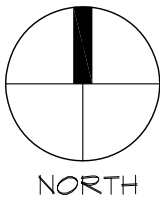
Effect of Passage: The vacation of the easement will allow for the redevelopment of the site to provide additional health care resources to the area.

Effect of Non-Passage: The easement will remain as dedicated and will impede the redevelopment of the underutilized site.

Easement Vacation Legal Description: (20' Utility Easement)

A PORTION OF A 20 FOOT UTILITY EASEMENT AS DESCRIBED IN DOCUMENT NUMBER 205003462, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 11 EAST OF THE SECOND PRINCIPAL MERIDIAN IN ALLEN COUNTY, INDIANA, AND IN ACCORDANCE WITH A BOUNDARY RETRACEMENT SURVEY BY FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 192530 DATED NOVEMBER 22, 2019 CERTIFIED BY TODD R. BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007. THE RETRACEMENT OF THE BOUNDARIES OF SAID 20 FOOT UTILITY EASEMENT WERE DONE WITH BEARINGS BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, GRID AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 51 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1322.63 FEET TO THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 0 DEGREES 17 MINUTES 21 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 59.99 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE ILLINOIS ROAD (STATE ROAD NO. 14); THENCE NORTH 88 DEGREES 51 MINUTES 58 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 26.52 FEET; THENCE SOUTH 46 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.31 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 80.00 FEET; THENCE NORTH 56 DEGREES 51 MINUTES 30 SECONDS EAST, A DISTANCE OF 2.62 FEET TO A POINT WHICH IS THE ORIGINAL POINT OF BEGINNING OF THE AFORESAID 20 FOOT UTILITY EASEMENT; THENCE SOUTH 0 DEGREES 15 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF SAID EASEMENT, A DISTANCE OF 84.44 FEET; THENCE SOUTH 4 DEGREES 42 MINUTES 22 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 163.38 FEET; THENCE SOUTH 4 DEGREES 42 MINUTES 12 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 94.93 FEET; THENCE SOUTH 0 DEGREES 15 MINUTES 56 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 46.45 FEET TO THE POINT OF BEGINNING OF THE PORTION OF SAID EASEMENT TO BE VACATED; THENCE SOUTH 00 DEGREES 15 MINUTES 56 SECONDS WEST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 38.18 FEET TO A POINT OF CURVATURE OF A 270.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID WEST LINE A DISTANCE OF 25.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 05 DEGREES 08 MINUTES 02 SECONDS EAST AND CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 88.14 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE EAST LINE OF SAID EASEMENT; THENCE NORTH 5 DEGREES 08 MINUTES 02 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 88.14 FEET TO A POINT OF CURVATURE OF A 250.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID EAST LINE A DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES 15 MINUTES 56 SECONDS EAST AND CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 38.18 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3016.43 SQUARE FEET OR 0.0692 ACRES OF LAND, MORE OR LESS.

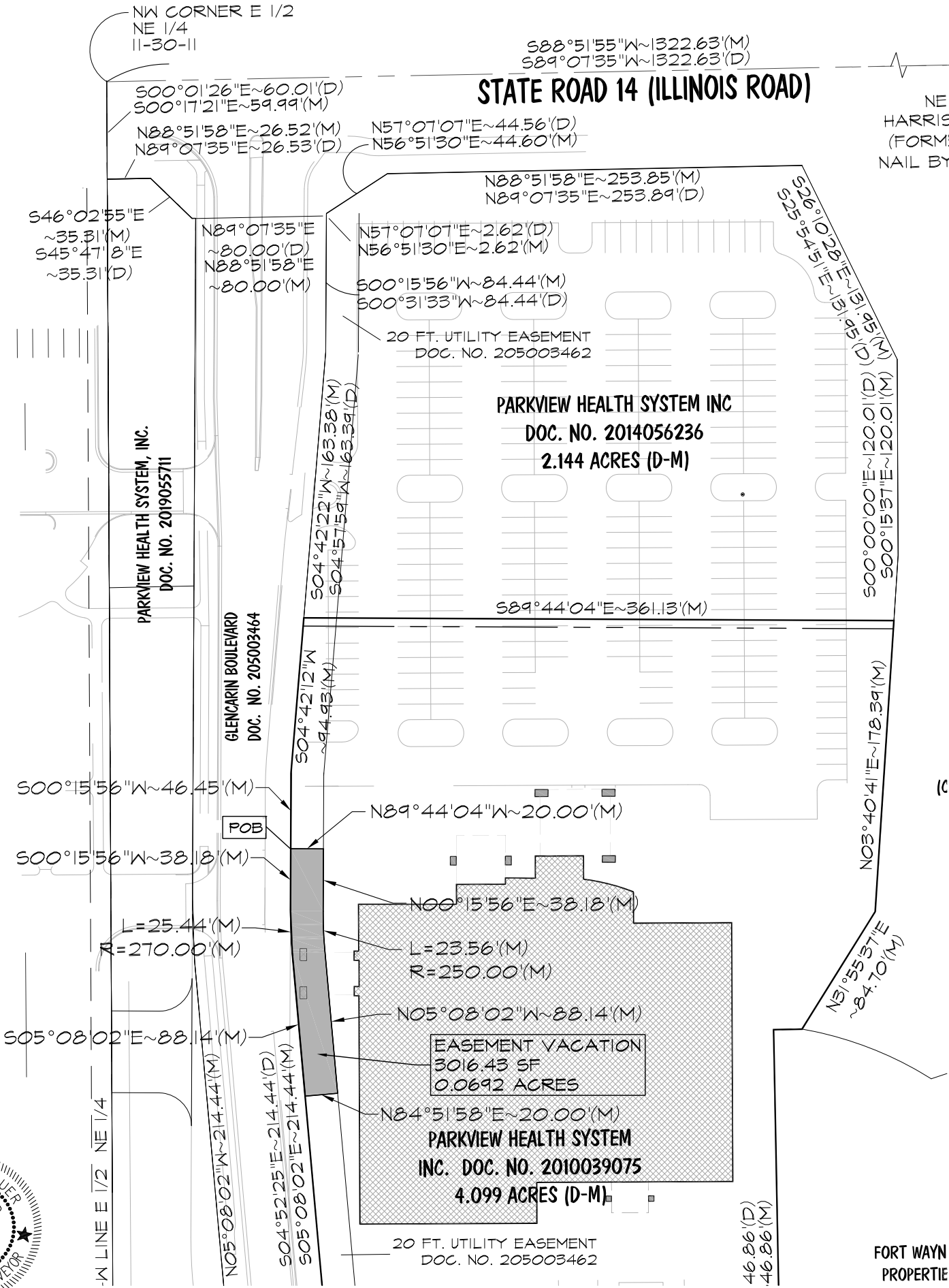


Easement Vacation Exhibit Map

SCALE: 1" = 80'



Todd R. Bauer, PS No. 29800007
todd@4site.biz



FORT WAYN
PROPERTIE

ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz

ForeSight
Certification:

This Plat of Survey, including, but not limited to, plan notes, symbols, legends, reports and certifications, is an original creative work product prepared by ForeSight Consulting, LLC and is protected under the copyright laws of the United States of America. This original creative work product is the sole property of ForeSight Consulting, LLC. Neither this survey, or any information shown herein, shall be used by or disclosed to any person, firm or corporation for any purpose without the prior written permission of ForeSight Consulting, LLC. The certification and declaration is made to the parties specifically identified within the surveyor's certification for the express purpose stated within the Surveyor's Report, is only valid for the date issued, and is not transferable to additional institutions, parties or subsequent owners.

Performed for:

Easement Vacation
for Parkview Inverness
Glencarm Boulevard, Fort Wayne, IN 46808

Drawing Revisions

Commission Number

223308

Date

February 4th, 2022

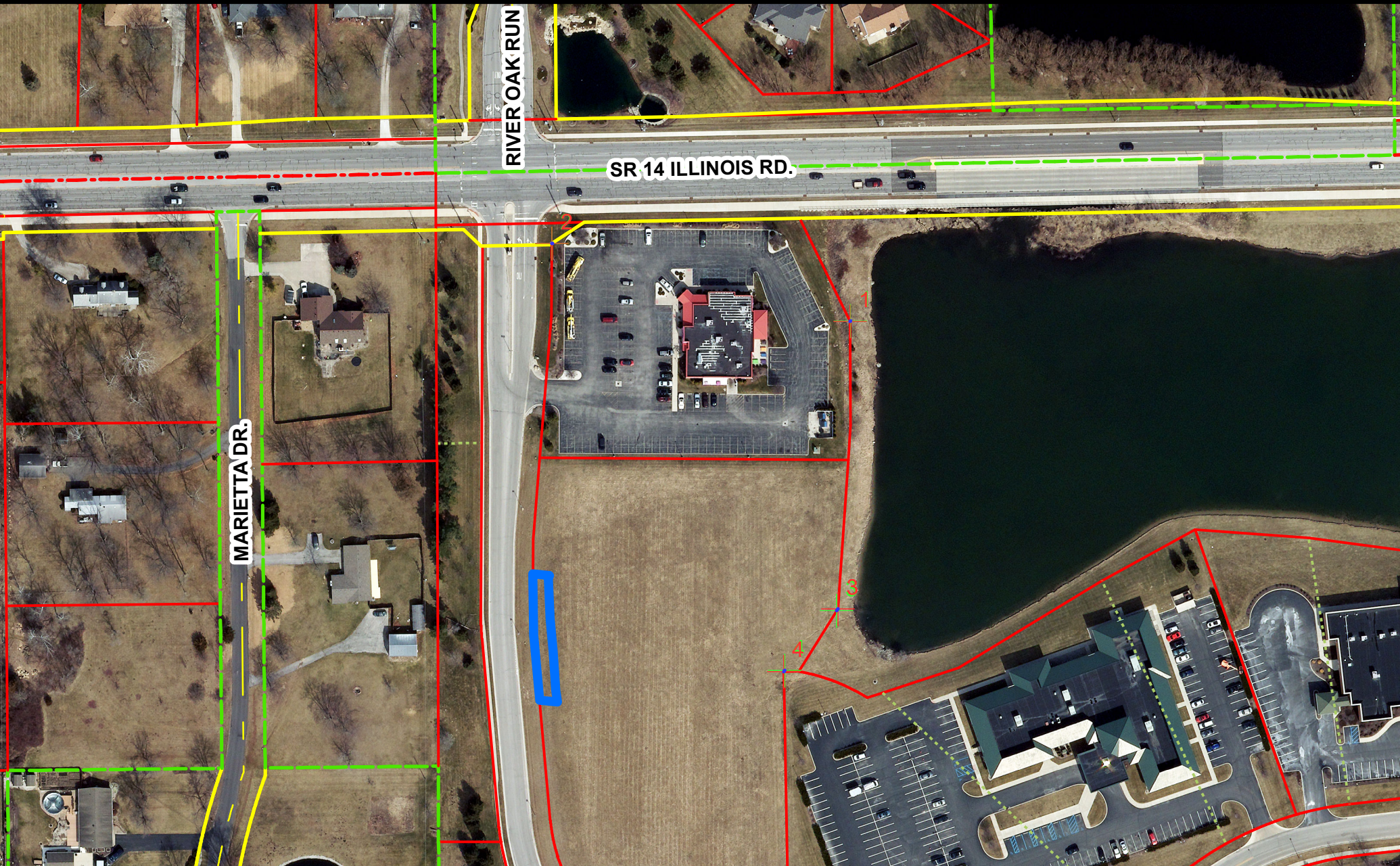
Title

Sheet Number

S 1.1

SHEET 1 OF 2

EXPERIENCE. INNOVATION. RESULTS.



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: 6/7/2022

0 50 100 Feet



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:

 X Easement Public Right of Way (street or alley)

More particularly described as follows:

SEE EXHIBIT "A" ATTACHED

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DOCUMENT NO. 205003462

DEED BOOK NUMBER: PAGE(S) NUMBER(S): (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:

LAND DEVELOPMENT FOR PARKVIEW SOUTHWEST

(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: PARKVIEW HEALTH SYSTEM, INC.

Street Address: 10501 CORPORATE DRIVE

City: FORT WAYNE State: IN Zip: 46845 Phone: 260-266-9930

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.

BY:

PARKVIEW HEALTH SYSTEM, INC.

Signature

Printed Name

Date

10501 CORPORATE DRIVE

FORT WAYNE, INDIANA 46845

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): PETER G. MALLERS and JOHN B. ("JACK") BENTZ OF BEERS MALLERS BACKS & SALIN, LLP

Street Address: 110 WEST BERRY STREET, SUITE 1100

City: FORT WAYNE State: IN Zip: 46802 Phone: 260-426-9706

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 #: _____

Adjacent Property Owners:

CITY OF FORT WAYNE
200 EAST BERRY STREET -- SUITE 210
FORT WAYNE, INDIANA 46802

PROPERTY ADDRESS: GLENCARIN BOULEVARD
FORT WAYNE, INDIANA 46804