

1 VEAS-2022-0002

2 BILL NO. G-22-06-04

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 5 FOOT UTILITY EASEMENT TO BE VACATED AS DESCRIBED IN DOCUMENT
18 NUMBER 205074523 AND IN ACCORDANCE WITH A BOUNDARY RETRACEMENT SURVEY BY
19 FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 192530 DATED NOVEMBER 22, 2019
20 CERTIFIED BY TODD R. BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007,
21 RETRACING THE BOUNDARIES OF SAID 5 FOOT UTILITY EASEMENT WITH BEARINGS BASED
22 UPON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, GRID FOR THE
23 FOLLOWING DESCRIBED PORTION TO BE VACATED BEING A PART OF THE NORTHEAST
24 QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 11 EAST OF THE SECOND PRINCIPAL
25 MERIDIAN IN ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-
26 WIT:

27 COMMENCING AT A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID
28 NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 51 MINUTES 55 SECONDS WEST
29 ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE
30 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; THENCE SOUTH 0
DEGREES 15 MINUTES 56 SECONDS WEST, A DISTANCE OF 84.44 FEET; THENCE SOUTH 4

1 DEGREES 42 MINUTES 22 SECONDS WEST, A DISTANCE OF 163.38 FEET TO THE
2 SOUTHWEST CORNER OF A 2.144 ACRE PARCEL DESCRIBED IN DOCUMENT NUMBER
3 2014056236, BEING ALSO THE NORTHWEST CORNER OF SAID 5 FOOT UTILITY EASEMENT
4 AND THE POINT OF BEGINNING INITIALLY REFERRED TO; THENCE SOUTH 89 DEGREES 44
5 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF SAID 2.144 ACRES AS
6 COINCIDENT WITH THE NORTH LINE OF SAID 5 FOOT UTILITY EASEMENT, A DISTANCE OF
7 361.13 FEET TO THE SOUTHEAST CORNER OF SAID 2.144 ACRES, AS COINCIDENT WITH
8 THE NORTHEAST CORNER OF A 4.099 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER
9 2010039075 AS SITUATED ON THE WEST LINE OF THE LANDS OF INVERNESS CENTRE
10 OWNERS ASSOCIATION AS DESCRIBED IN DOCUMENT NUMBER 206010750, BEING ALSO
11 THE NORTHEAST CORNER OF SAID 5 FOOT UTILITY EASEMENT; THENCE SOUTH 3
12 DEGREES 47 MINUTES 41 SECONDS WEST ALONG THE WEST LINE OF THE LANDS OF
13 INVERNESS CENTRE OWNERS ASSOCIATION, INC. AS COINCIDENT WITH THE EAST LINE
14 OF THE 4.099 ACRES AFORESAID, A DISTANCE OF 5.01 FEET TO THE SOUTH EAST CORNER
15 OF THE AFORESAID 5 FOOT UTILITY EASEMENT; THENCE NORTH 89 DEGREES 44
16 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID 5 FOOT UTILITY
17 EASEMENT, A DISTANCE OF 361.21 FEET TO THE SOUTHWEST CORNER THEREOF AS
18 SITUATED ON THE WEST LINE OF SAID 4.099 ACRES; THENCE NORTH 4 DEGREES 42
19 MINUTES 12 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 5.02 FEET TO THE
20 POINT OF BEGINNING AND CONTAINING 1805.85 SQUARE FEET OR 0.0415 ACRES OF
21 LAND, MORE OR LESS.

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

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

26 _____
27 COUNCILMEMBER

28 APPROVED AS TO FORM AND LEGALITY:

29 _____
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-2022-0002
Bill Number: G-22-06-04
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 the 5-foot wide easement running east-west between 8230 and 8202 Glencarin Boulevard.

Location: Between 8230 and 8202 Glencarin Boulevard

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

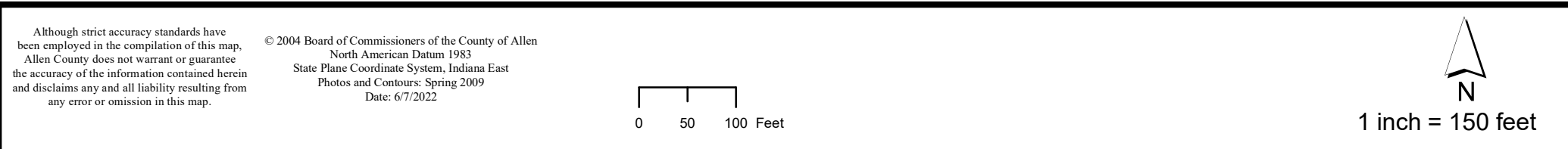
Applicant: Parkview Health System, Inc.

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.

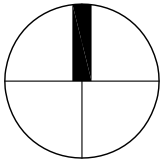
Effect of Non-Passage: The easement will remain as dedicated and will impede the redevelopment of the underutilized site.



Easement Vacation Legal Description: (5' Utility Easement)

A PORTION OF A 5 FOOT UTILITY EASEMENT TO BE VACATED AS DESCRIBED IN DOCUMENT NUMBER 205074523 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, RETRACING THE BOUNDARIES OF SAID 5 FOOT UTILITY EASEMENT WITH BEARINGS BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, GRID FOR THE FOLLOWING DESCRIBED PORTION TO BE VACATED BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 11 EAST OF THE SECOND PRINCIPAL MERIDIAN IN ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

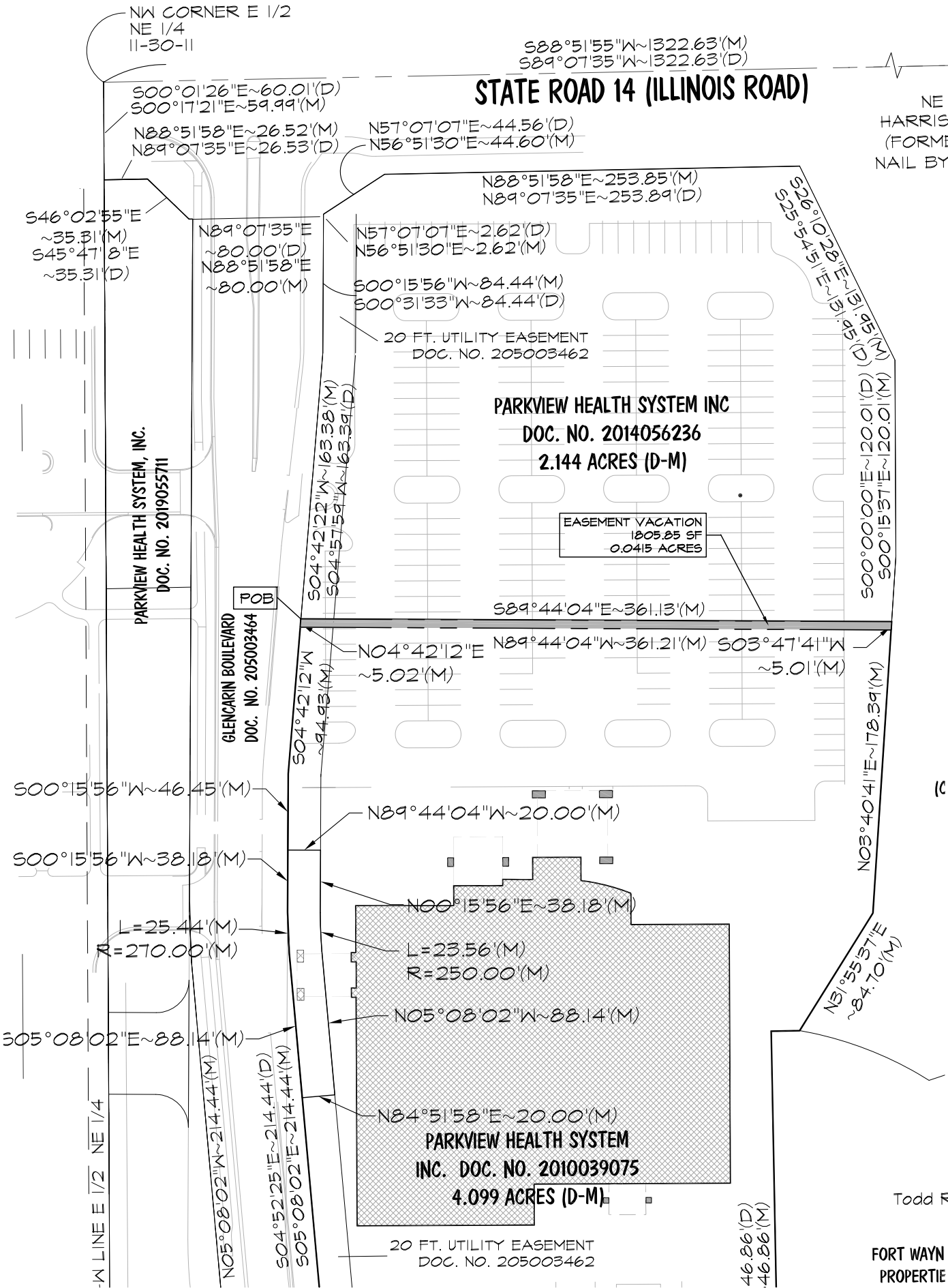
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NORTH

Easement Vacation Exhibit Map

SCALE: 1" = 80'



Todd R. Bauer

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

FORT WAYN
PROPERTIE

ForeSight Consulting, LLC



Certification:

This Plot 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 hereon, 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 party(ies) specifically identified 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

Glencairn Boulevard, Fort Wayne, IN 46808

Drawing Revisions

Commission Number
223308

Date
February 4th, 2022

Title

Sheet Number

S 1.2

SHEET 1 OF 2

EXPERIENCE. INNOVATION. RESULTS.

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. 205074523

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:

INVERNESS CENTRE OWNERS' ASSOCIATION, INC.
c/o CBRE STURGES
202 WEST BERRY STREET – SUITE 500
FORT WAYNE, INDIANA 46802

PROPERTY ADDRESS: ILLINOIS ROAD
FORT WAYNE, INDIANA 46804

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

PROPERTY ADDRESS: GLENCARIN BOULEVARD
FORT WAYNE, INDIANA 46804