

VROW-2022-0009

BILL NO. G-22-06-23

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:

That part of South Park Drive (also known as John Street) lying between Elmrow Drive and Fairfax Avenue in Southern Heights Addition, recorded in Plat Book 11, Page 26 on July 8, 1924 in the Office of the Allen County Recorder, and as shown on the Right-of-Way Vacation Exhibit prepared by Bertsch Frank and Associates, and certified by Matthew G. Bertsch (P.S. #20200087) on April 28, 2022 under Project Number 22029.100; being more particularly described as follows:

Beginning at the Southwest corner of Lot 228 of said Southern Heights Addition; thence South 89 degrees 06 minutes 43 seconds West, 50 feet along the North right-of-way of Fairfax Avenue to the Southeast corner of Lot 227; thence North 01 degrees 53 minutes 17 seconds West, 240.70 feet (245.7 feet record) along the West right-of-way line of South Park Drive to the Northeast corner of Lot 254 of said Southern Heights Addition; thence North 89 degrees 06 minutes 43 seconds East, 50 feet along the South right-of-way of Elmrow Drive to the Northwest corner of Lot 253; thence South 01 degrees 53 minutes 17 seconds East, 240.7 feet (244.50 feet plat) along the East right-of-way line of South Park Drive to the Point of Beginning, containing 0.276 acres more or less. Subject to 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.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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: VROW-2022-0009
Bill Number: G-22-06-23
Council District: 6-Sharon Tucker

Introduction Date: June 28, 2022

Public Hearing Date: July 12, 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 right-of-way of South Park Drive between Elmrow Drive and Fairfax Avenue (aka John Street).

Location: South of Elmrow Drive and north of Fairfax Avenue.

Reason for Request: To allow for additional parking to serve a new Early Learning and Community Health Center in conjunction with Bridge of Grace development.

Applicant: Bridge of Grace, Inc

Property Owners: Bridge of Grace, Inc.

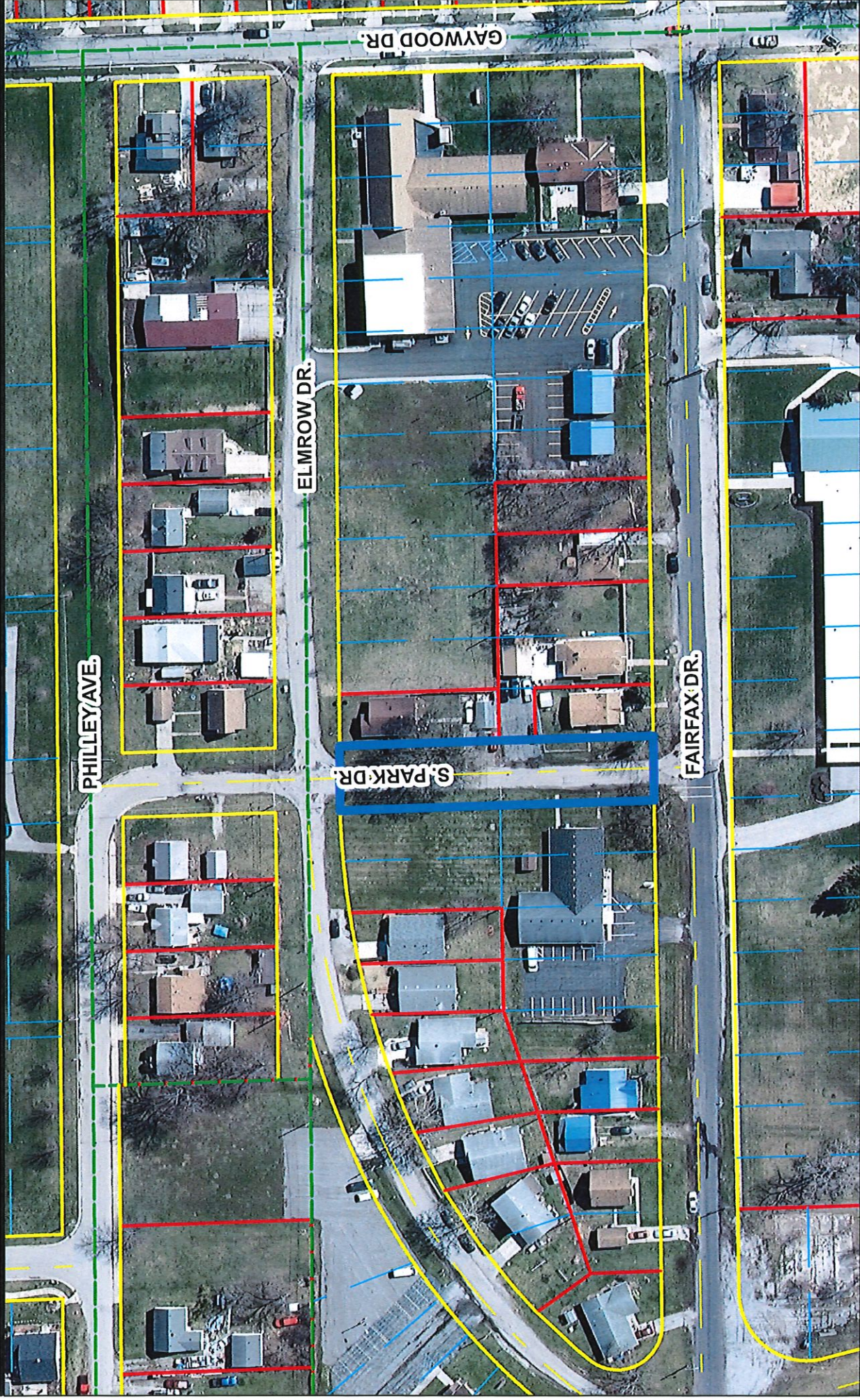
Related Petitions: Primary Development Plan, PDP-2022-0018 Bridge of Grace Early Learning Center

Effect of Passage: The vacation of the right-of-way will allow for redevelopment of the property for an early learning center and additional parking to serve the new development and existing church. The development covers both sides of the right-of-way.

Effect of Non-Passage: The right of way will remain as platted. The applicant is utilizing both sides of the right-of-way and failure to vacate will affect the viability of redevelopment of the property. The other adjacent property owner will also use the proposed parking lot.

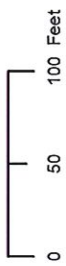


Vacation of Right of Way VROW-2022-0009 South Park Drive



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: 6/23/2022



1 inch = 100 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:

See Attachment 1 (survey with legal description incorporated therein as Exhibit "A" thereto). Commonly known as South Park Dr. 50' RW (AKA John Street).

(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):** _____ (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) See Attachment 1 (survey with Ownership Legend attached as Exhibit "B" thereto).

The reasons for the proposed vacation are as follows:
See Attachment 2.

(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.

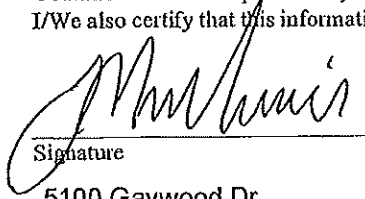
Applicant's name(s) if different from property owner(s): See Attachment 3

Name: N/A

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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.



Signature

Bridge of Grace, Inc.
Javier Mondragon, CEO

Printed Name

Date

5100 Gaywood Dr

Address

Fort Wayne, IN 46806

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): Tom Trent, Rothberg Logan & Warsco LLP

Street Address: 505 East Washington Boulevard

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 422-9454

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 #: _____

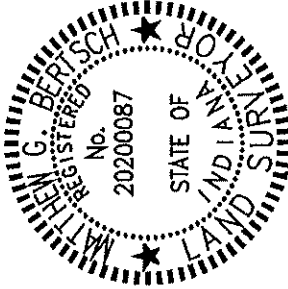
Reference #: _____

Exhibit "A"

Right-of-way Vacation Description

THAT PART OF SOUTH PARK DRIVE (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AND AS SHOWN ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON APRIL 28, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 228 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE SOUTH 89 DEGREES 06 MINUTES 43 SECONDS WEST, 50.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF FAIRFAX AVENUE TO THE SOUTHEAST CORNER OF LOT 227; THENCE NORTH 01 DEGREES 53 MINUTES 17 SECONDS WEST, 240.70 FEET (245.1 FEET RECORD) ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH PARK DRIVE TO THE NORTHEAST CORNER OF LOT 254 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 06 MINUTES 43 SECONDS EAST, 50.00 FEET ALONG THE SOUTH RIGHT-OF-WAY OF ELMROW DRIVE TO THE NORTHWEST CORNER OF LOT 253; THENCE SOUTH 01 DEGREES 53 MINUTES 17 SECONDS EAST, 240.70 FEET (244.5 FEET PLAT) ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH PARK DRIVE TO THE POINT OF BEGINNING, CONTAINING 0.276 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.



Matthew G. Bertsch

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

This description was prepared for Bridge of Grace, Inc., by Bertsch-Frank & Associates, LLC, and certified by 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 FORT WAYNE, IN 46804		PHONE: (260) 459-9393 FAX: (260) 459-9303	
BRIDGE OF GRACE R/W Vacation Ex. "A" South Park Dr. Fort Wayne, Allen County, IN			
MARK		DATE	
DESCRIPTION			
REVISIONS			
CAD FILE:		22029_RW_Vac.dwg	
DRAWN BY:		ZLS	
CHECKED BY:		MGB	
DATE:		04/28/2022	
PRJCT. NO.:		22029.100	

BRIDGE OF GRACE
R/W Vacation Ex. "B"

Fort Wayne, Allen County, IN

BFA
BERTSCH-FRANK
ASSOCIATES
LAND SURVEYING & CONSULTING

LAND PLANNING | LAND SURVEYING

FORT WAYNE, IN 46804
PHONE: (260) 459-9393
FAX: (260) 459-9303

REVISIONS

MARK	DATE	DESCRIPTION

CAD FILE: 220229_R/W_Vac
DRAWN BY: ZLS
CHECKED BY: MGB
DATE: 4/28/2022
PLUT. NO.: 220229.100

Exhibit "B"

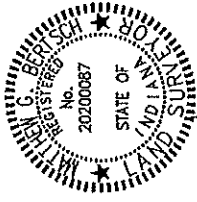
Right-of-way Vacation Limits

OWNERSHIP LEGEND

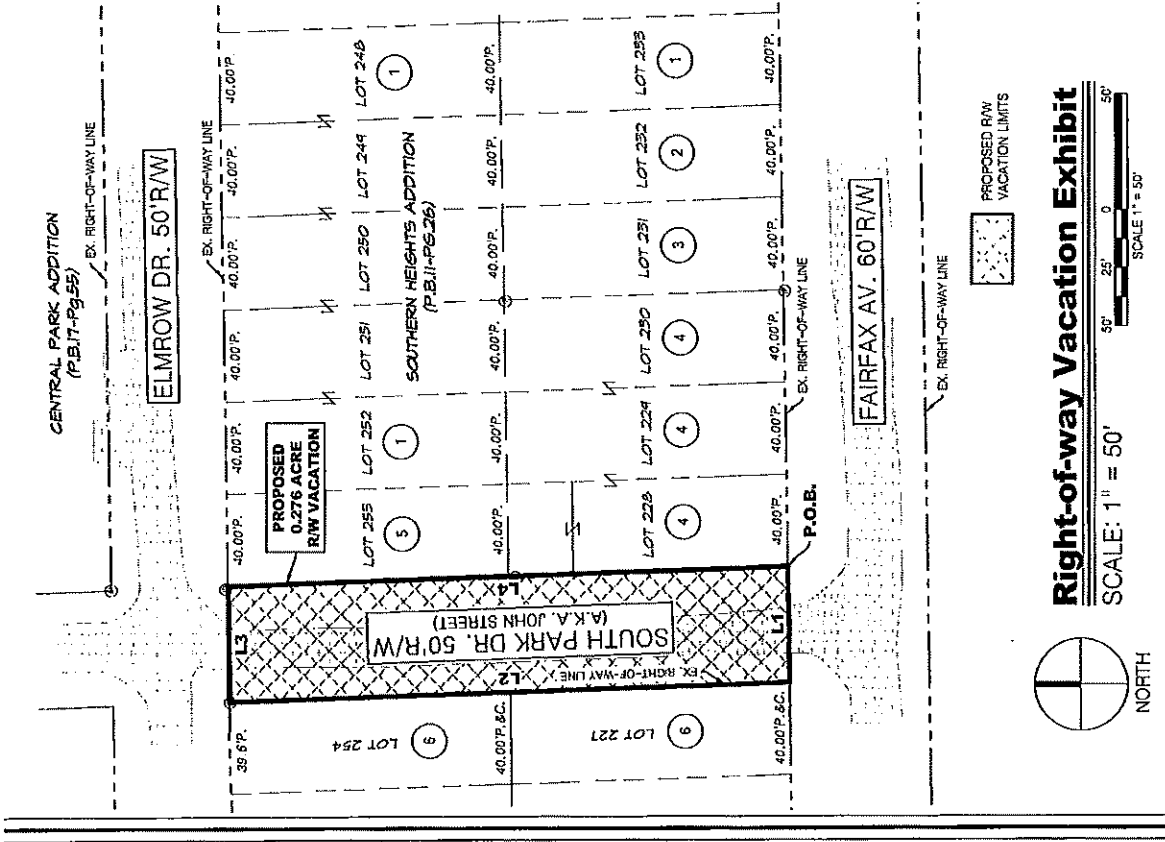
- 1 LANDS OF THE MANY NATIONS CHURCH OF THE NAZARENE PER DOC.#2018044787, RECORDED ON AUGUST 30, 2018.
- 2 LANDS OF BRIDGE OF GRACE, INC. PER DOC.#2020057896, RECORDED SEPT. 23, 2020.
- 3 LANDS OF MOUNT VERNON PARK DEVELOPMENT, LLC PER DOC.#2022006049, RECORDED JANUARY 31, 2022.
- 4 LANDS OF BRIDGE OF GRACE, INC. PER DOC.#2022003241, RECORDED FEB. 10, 2022.
- 5 LANDS OF BRIDGE OF GRACE, INC. PER DOC.#2022012050, RECORDED MARCH 3, 2022.
- 6 LANDS OF CANAAN BAPTIST CHURCH OF FORT WAYNE, INC. PER DOC.#2011024561, RECORDED JUNE 2, 2011

Line Table		
Line #	Length	Direction
L1	50.00'P.&C.	S89°06'43"W
L2	240.70'C. 245.1'P.	N01°53'17"W
L3	50.00'P.&C.	N89°06'43"E
L4	240.70'C. 244.5'P.	S01°53'17"E

Right-of-way Vacation Notes:

- BEING A PART OF THE EXISTING RIGHT-OF-WAY OF SOUTH PARK DRIVE (ALSO KNOWN AS JOHN STREET) PER THE PLAT OF SOUTHERN HEIGHTS ADDITION RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924 IN THE OFFICE OF ALLEN COUNTY RECORDER.
 - THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RE-TRACEMENT OF 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



Right-of-way Vacation Exhibit

SCALE: 1" = 50'

50' 25' 0' 50'

SCALE 1" = 50'

Attachment 2

Bridge of Grace, Inc. is proposing to construct an Early Learning and Community Health Center on the property directly east of South Park Drive (a/k/a John Street). The Early Learning Center will serve approximately 200 children daily. Vacating the street will avoid traffic and prevent potential accidents. (The Levan Scott Academy at Southern Heights Elementary School is also adding to their facility and anticipates serving 680 children). In addition, there will be a new parking lot located on the North side of the Canaan Baptist Church that will be used for parking by the new Early Learning Center during the week. The road vacation and removal will provide additional space for the proposed parking lot for the Early Learning Center, which will be needed to better serve the proposed Bridge of Grace development generally.

Attachment 3

Adjacent Property Owner:

Canaan Baptist Church
827 E. Fairfax Ave.
Fort Wayne, IN 46806
Telephone: (260) 744-2568

See Attachment 1, Exhibit B