

VROW-2022-0010

BILL NO. G-22-07-12

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:

A portion of Herbert Street lying North of Lots 3, 4, 5, and 6 of John H. Vesey's First Addition to the City of Fort Wayne, recorded in Plat Record 5, page 10, as found in the Office of the Recorder of Allen County, Indiana described as follows:

Beginning at the Northwest corner of Lot 3 in said John H. Vesey's First Addition; thence along the Northerly extension of the West line of said Lot 3, a distance of 40.8 feet, more or less, to a point on the South line of Lot 18 in said Addition; thence Northeasterly, along said South line, 38.3 feet, more or less, to deflection point in said South line; thence Easterly along said South line and the South line of Easterly adjoining Lot 19, a distance of 93.6 feet, more or less, to the Southeast corner of said Lot 19, being on the Northwesterly right-of-way line of Coombs Street; thence Southwesterly along said Northwesterly right-of-way line, 41.6 feet to a point on the North line of Lot 6 in said Addition; thence Westerly on said North line and the North line of Westerly adjoining Lots 5 and 4, a distance of 83.5 feet, more or less, to the Northeast corner of the aforementioned Lot 3; thence Southwesterly on the North line of said Lot 3, a distance of 38.8 feet, more or less, to the Point of Beginning, containing 5,041 square feet, more or less.

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:

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-2022-0010
Bill Number: G-22-07-12
Council District: 5-Geoff Paddock

Introduction Date: July 12, 2022

Public Hearing Date: July 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 the right-of-way of Herbert Street between Tecumseh Street and the Maumee River

Location: West of Coombs Street and Tecumseh Street and east of the Maumee River

Reason for Request: The property is owned by Woodruff Contracting and Sales, LLC and is currently landlocked by the unimproved right-of-way of Herbert Street.

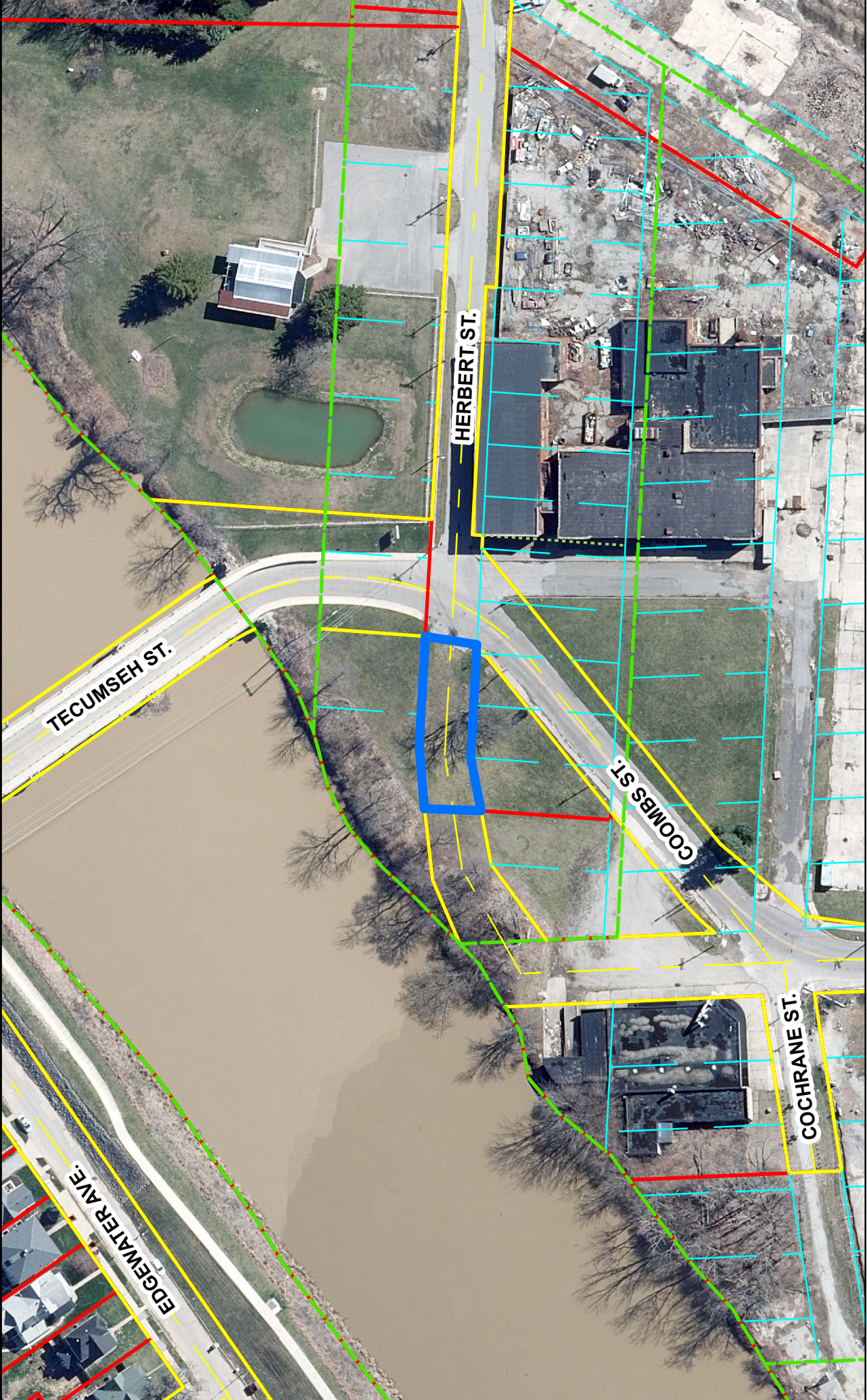
Applicant: James Woodruff

Property Owners: Woodruff Contracting and Sales, LLC

Related Petitions: none

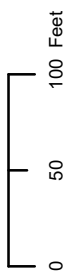
Effect of Passage: The vacation of the right-of-way will allow for future redevelopment of the property.

Effect of Non-Passage: The right of way will remain as platted. The right-of-way currently splits the applicant's parcel and landlocks the northern portion.



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: 7/6/2022



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:

Legal description as transcribed on exhibit 2.

(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: 5 PAGE(S) NUMBER(S): 10 (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:

Property is currently land-locked and is only accessible through the curb-cut on an unimproved street (Herbert St).

(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: Woodruff Contracting and Sales, LLC

Street Address: 1130 Herbert Street

City: Fort Wayne State: IN Zip: 46803 Phone: 260-410-3865

FORT WAYNE, INDIANA

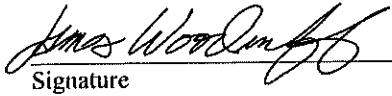
FILED

JUN 27 2022

LANA R. KEESLING
CITY CLERK

*Paul
Chen # 1028*

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

James Woodruff

Printed Name

6/27/2022

Date

1130 Herbert St
Address

Fort Wayne, IN 46805
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): _____

Street Address: _____

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

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: _____

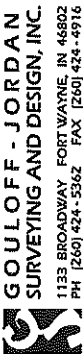
Map #: _____

Reference #: _____

Adjacent property owner:
Fort Wayne City Of Board Of Public Works
Property Management
200 E Berry St, Ste 470
Fort Wayne, IN 46802

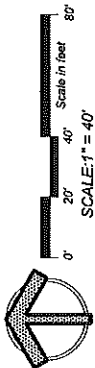
Parcel Number:
02-12-01-255-001.000-074

Location Address:
1100 HERBERT ST (BLK OF)
FORT WAYNE, IN 46803



RIGHT-OF-WAY VACATION EXHIBIT

Part of J.H. Vesey's 1st Addition in the East 1/2 of
Section 1 - T30N - R12E, Wayne Township, Allen County
Property Address: 1130 Herbert Street, Fort Wayne, IN 46805

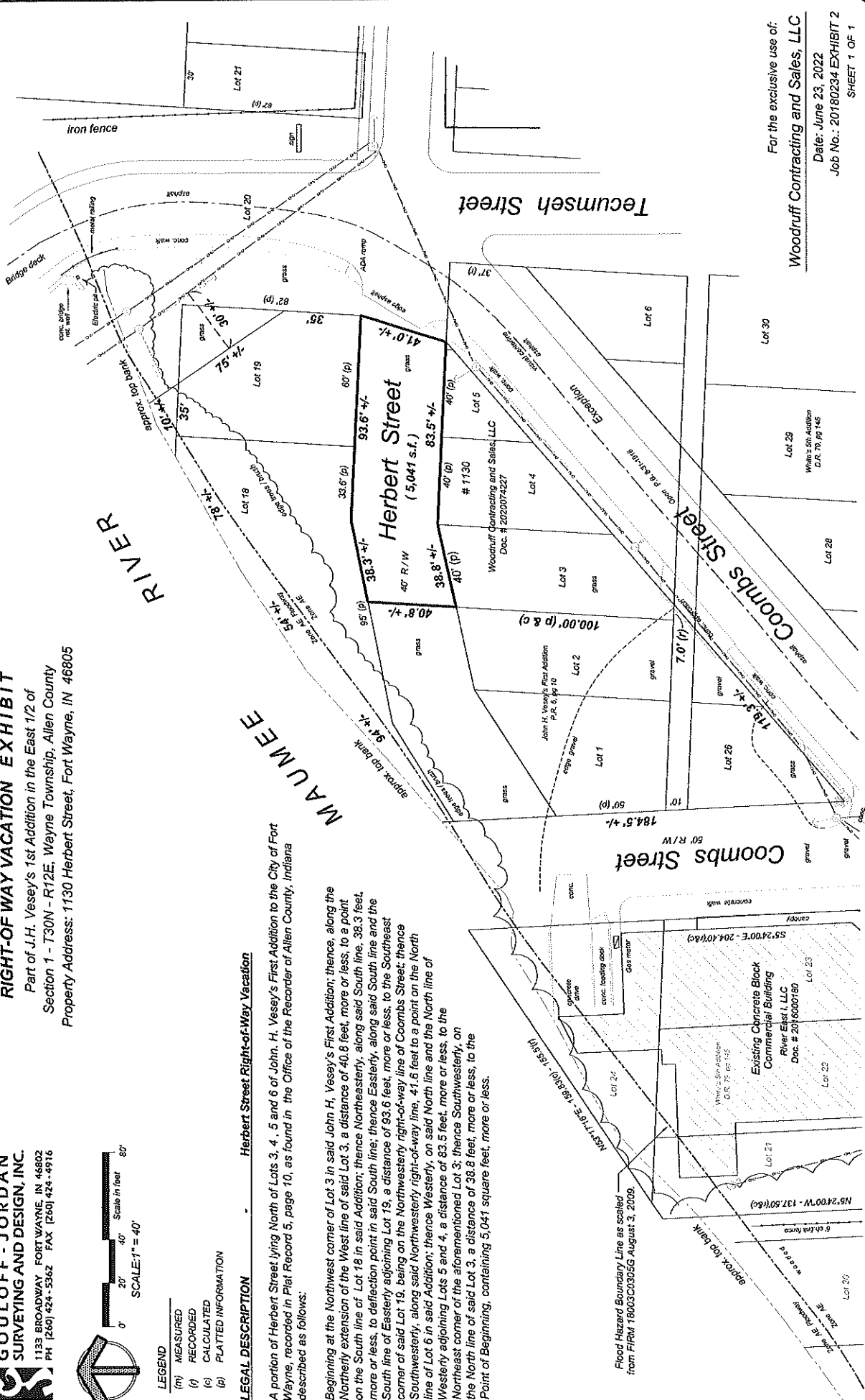


LEGEND	
(m)	MEASURED
(r)	RECORDED
(c)	CALCULATED
(p)	PLAYED INFORMATION

Herbert Street Right-of-Way Vacation

A portion of Herbert Street lying North of Lots 3, 4, 5 and 6 of John. H. Vesey's First Addition to the City of Fort Wayne, recorded in Plat Record 5, page 10, as found in the Office of the Recorder of Allen County, Indiana described as follows:

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For the exclusive use of:
Woodruff Contracting and Sales, LLC

Date: June 23, 2022
Job No.: 20180234 EXHIBIT 2
SHEET 1 OF 1