

VROW-2023-0001

BILL NO. G-23-01-02

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 AVONDALE DRIVE AS PLATTED AS LAFAYETTE STREET IN THE PLAT OF SOUTHVIEW ADDITION AS RECORDED IN PLAT BOOK 11 PAGE 79 AND FURTHER DEDICATED IN 1971 BY STREET DEDICATION AS RECORDED IN DOCUMENT 71-06935 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF AVONDALE DRIVE AND THE SOUTH RIGHT OF WAY LINE OF SOUTHVIEW AVENUE, SAID POINT BEING THE NORTHWEST CORNER OF LOT 102 OF SAID SOUTHVIEW ADDITION; THENCE SOUTH 01 DEGREE 39 MINUTES 06 SECONDS EAST (BEARINGS BASED UPON INDIANA STATE PLANE COORDINATE, EAST ZONE, GRID), ON AND ALONG THE EAST RIGHT OF WAY LINE OF AVONDALE DRIVE, A DISTANCE OF 115.71 FEET (115 FEET, PLAT) TO THE SOUTHWEST CORNER OF SAID LOT 102, BEING ONE AND THE SAME AS THE NORTHWEST CORNER OF SAID 1971 STREET DEDICATION; THENCE NORTH 88 DEGREES 23 MINUTES 35 SECONDS EAST ON AND ALONG THE SOUTH LINE OF SAID LOT 102, A DISTANCE OF 5.00 FEET TO THE NORTHEAST CORNER OF SAID 1971 STREET DEDICATION; THENCE SOUTH 01 DEGREE 39 MINUTES 06 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID 1971 STREET DEDICATION, A DISTANCE OF 113.64 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF PAULDING ROAD AND THE EAST RIGHT OF WAY LINE OF AVONDALE DRIVE; THENCE SOUTH 88 DEGREES 20 MINUTES 54 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF SAID PAULDING ROAD, A DISTANCE OF 35.00 FEET TO A POINT ON THE WEST

1 RIGHT OF WAY LINE OF AVONDALE DRIVE, SAID WEST RIGHT OF WAY LINE BEING
2 ONE AND SAME AS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 24,
3 TOWNSHIP 30 NORTH, RANGE 12 EAST; THENCE NORTH 01 DEGREE 39 MINUTES 06
4 SECONDS WEST ON AND ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF
5 229.35 FEET TO THE POINT OF INTERSECTION OF SAID WEST RIGHT OF WAY LINE
6 AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF
7 SOUTHVIEW AVENUE; THENCE NORTH 88 DEGREES 23 MINUTES 35 SECONDS
8 EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.
9 CONTAINING 0.171 ACRES AND BEING SUBJECT TO EASEMENTS OF RECORD.

10
11 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
12 and is hereby approved in all respects.

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

15
16 _____
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19
20 _____
21 City Attorney
22
23
24
25
26
27
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2023-0001
Bill Number: G-23-01-02
Council District: 6 – Sharon Tucker

Introduction Date: January 10, 2023

Public Hearing Date: January 24, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate Avondale Drive from Southview Avenue to Paulding Road.

Location: West of 412 Southview Avenue.

Reason for Request: To allow the right-of-way to be combined with the adjacent commercial parcels.

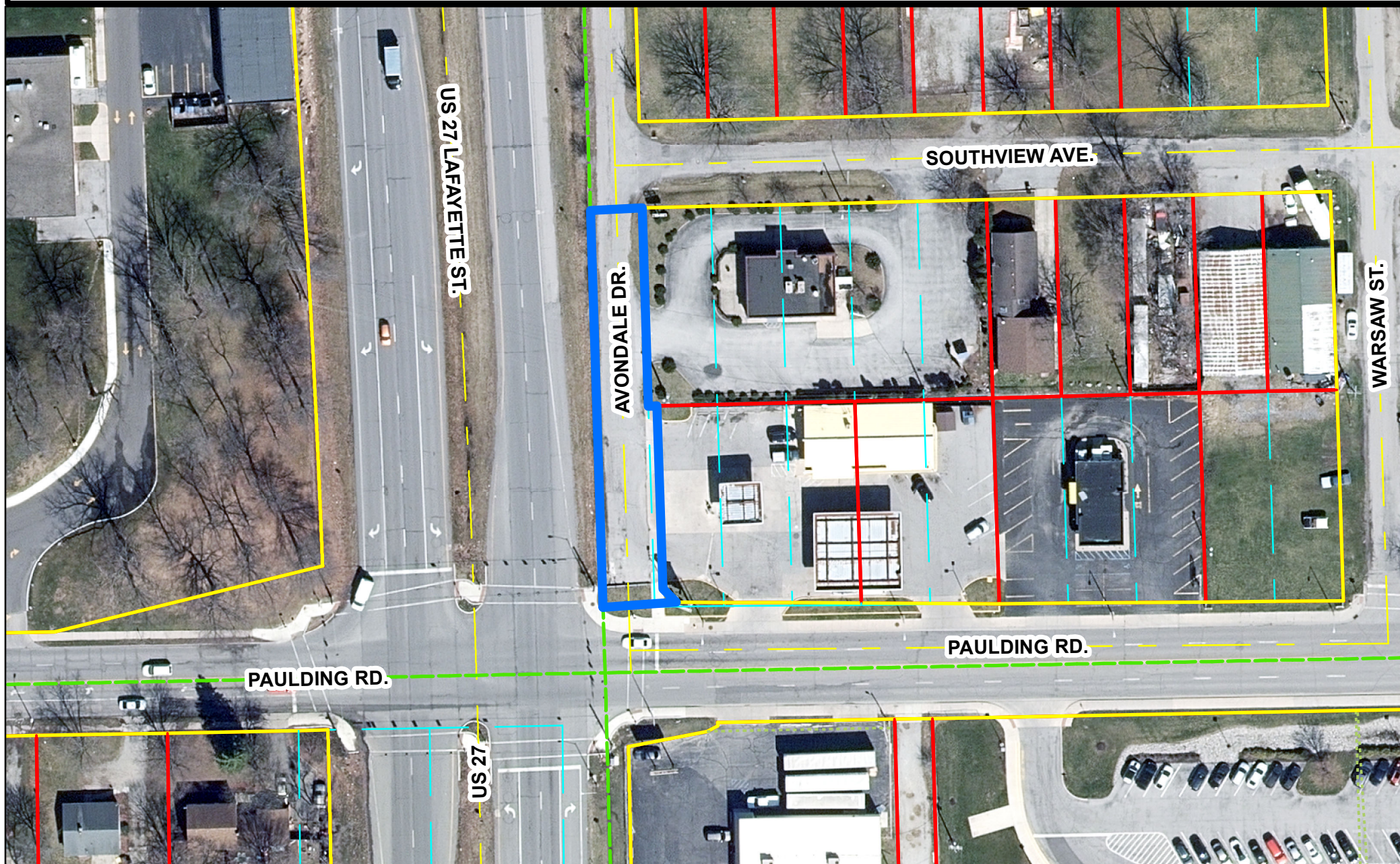
Applicant: Solar Petroleum, LLC

Property Owner: Solar Petroleum, LLC

Related Petitions: REZ-2022-0068

Effect of Passage: The vacation of Avondale Drive will allow for the underutilized right-of-way to be returned as developable land. The access to Avondale from Paulding was recently closed by the City of Fort Wayne.

Effect of Non-Passage: The right of way will remain as platted. Redevelopment of the property may be hindered by retention of the unused 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: 1/4/2023

0 150 300 Feet



1 inch = 75 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:

Avondale Drive from the south right-of-way line of Southview Avenue south to its terminus at Paulding Road.

(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)

The reasons for the proposed vacation are as follows:

Avondale Drive no longer connects with Paulding Road and is not used by the public as a right-of-way as it is a dead end.

(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):

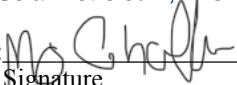
Name: _____

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 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.

Solar Petroleum, LLC

By: 
Signature

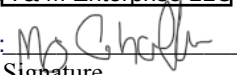
Mohammad Abdelalghaffar, Member
Printed Name

11/15/2022
Date

624 McKinney Avenue
Address

Fort Wayne, IN 46806
City/State/Zip

A & M Enterprise LLC

By: 
Signature

Mohammad Abdelalghaffar, Member
Printed Name

11/15/2022
Date

624 McKinney Avenue
Address

Fort Wayne, IN 46806
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): Scott M. Federoff, Snyder Morgan Federoff & Kuchmay, LLP

Street Address: 4211 Clubview Drive

City: Fort Wayne State: IN Zip: 46804 Phone: 260-602-8000

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 #: _____



C.L. SOUTHVIEW AVENUE (50' R/W)

N88°23'35"E
~30.00'

C.L. US HIGHWAY NO. 27

AVONDALE DRIVE (30' R/W)
(PLATTED AS LAFAYETTE STREET)

RIGHT OF WAY VACATION

0.171 ACRES

P.O.B.
40.02'(M)
40'(P)

40.02'(M)
40'(P)

40.02'(M)
40'(P)

40.02'(M)
40'(P)

LOT 102

LOT 101

LOT 100

LOT 99

A & M ENTERPRISE LLC
DOC. #2021021342

LOT 103

SOLAR PETROLEUM LLC
DOC. #2021087568

LOT 104

LOT 105

LOT 106

5.0' STREET DEDICATION
DOC. NO. 71-06935

C.L. EAST PAULDING ROAD (R/W VARIES)

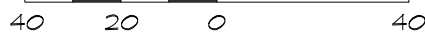
(PLATTED AS SOUTHERN STREET)

APPARENT S.W. CORNER
SEC.24-T30N-R12E



Right of Way Vacation Exhibit

SCALE: 1" = 40'



Commission Number
223515

Date
12/02/2022

Sheet
S2.2

Right of Way Vacation
Exhibit

Southview Avenue, Fort Wayne, Indiana 46806

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

EXPERIENCE. INNOVATION. RESULTS.