

1 VALY-2022-0006

2 BILL NO. G-23-01-03

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 Part of Eckart's Subdivision of Lot 7 Well's Reserve, an Addition to the City of Fort Wayne,
18 according to the plat thereof, Recorded in Deed Record 107, Pages 522-523, in the Office of the
19 Recorder of Allen County, Indiana and more particularly described as follows:

20 BEGINNING at the Southwest Corner of Lot Number 11 in said Eckart's Addition; thence North
21 88 degrees 51 minutes 37 seconds East (Indiana Geospatial Coordinate System, Allen County
22 bearing and basis of bearings to follow), a distance of 57.00 feet (Plat) along the South line of said
23 Lot Number 11, also being along the North right-of-way line of a 12' Alley to the East line of said
24 Lot 11 said point being the point of curvature of a non-tangent, concave to the Northwest, having
25 a radius of 12077.48 feet; thence Northeasterly along said curve and said East line and also being
26 along the West right-of-way line of a 14' Alley a distance of 105.10 feet, having a central angle of
27 00 degrees 29 minutes 55 seconds, and a chord of 105.10 feet bearing North 22 degrees 53
28 minutes 03 seconds East to the South line of a Vacated Alley described in Document Number 90-
29 037426 in the Office of said Recorder; thence North 88 degrees 51 minutes 37 seconds East, a
30 distance of 1.09 feet along said South to the East line of said Vacated Alley said point also being
the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of
12101.52 feet; thence Northeasterly along said curve and said East line a distance of 76.38 feet,
having a central angle of 00 degrees 21 minutes 42 seconds and a chord of 76.38 feet bearing
North 22 degrees 27 minutes 07 seconds East to the North line of said Alley Vacation; thence
South 88 degrees 51 minutes 37 seconds West, a distance of 1.09 feet to the East line of Lot
Number 8 in said Eckart's Addition, said point also being the point of curvature of a non-tangent
curve, concave to the Northwest, having a radius of 12077.48 feet; thence Northeasterly along
said curve and also being along the West right-of-way line of a 14' Alley, a distance of 77.26 feet,

1 having a central angle of 00 degrees 22 minutes 00 seconds, and a bearing of 77.26 feet bearing
2 North 22 degrees 05 minutes 22 seconds East to the Southeast corner of existing tract described in
3 Document Number 2022038391 in the Office of said Recorder; thence North 88 degrees 51
4 minutes 37 seconds East, a distance of 15.21 feet to the East line of said 14' Alley, said point also
5 being the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of
6 12091.48 feet; thence Southwesterly along said curve and said East right-of-way line a distance of
7 271.86 feet, having a central angle of 01 degrees 17 minutes 18 seconds, and a bearing of 271.85
8 feet bearing South 22 degrees 31 minutes 19 seconds West to the South right-of-way line of said
9 12' Alley; thence South 88 degrees 51 minutes 37 seconds West, a distance of 67.01 feet along
10 said South right-of-way line to the East right-of-way line of North Harrison Street; thence North
11 00 degrees 58 minutes 09 seconds West, a distanced of 12.00 feet (Plat) along said East line to the
12 Point of Beginning. Containing 0.101 acres, more or less. Subject to easement of record.

13
14 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
15 and is hereby approved in all respects.

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

18
19 _____
20 COUNCILMEMBER

21 APPROVED AS TO FORM AND LEGALITY:

22
23 _____
24 City Attorney
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: VALY-2022-0006
Bill Number: G-23-01-03
Council District: 5-Geoff Paddock

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 the alley located between south and east of 1216 North Harrison

Location: South and East of 1216 North Harrison

Reason for Request: To allow the right-of-way to be combined with the adjacent parcels and redeveloped into active space.

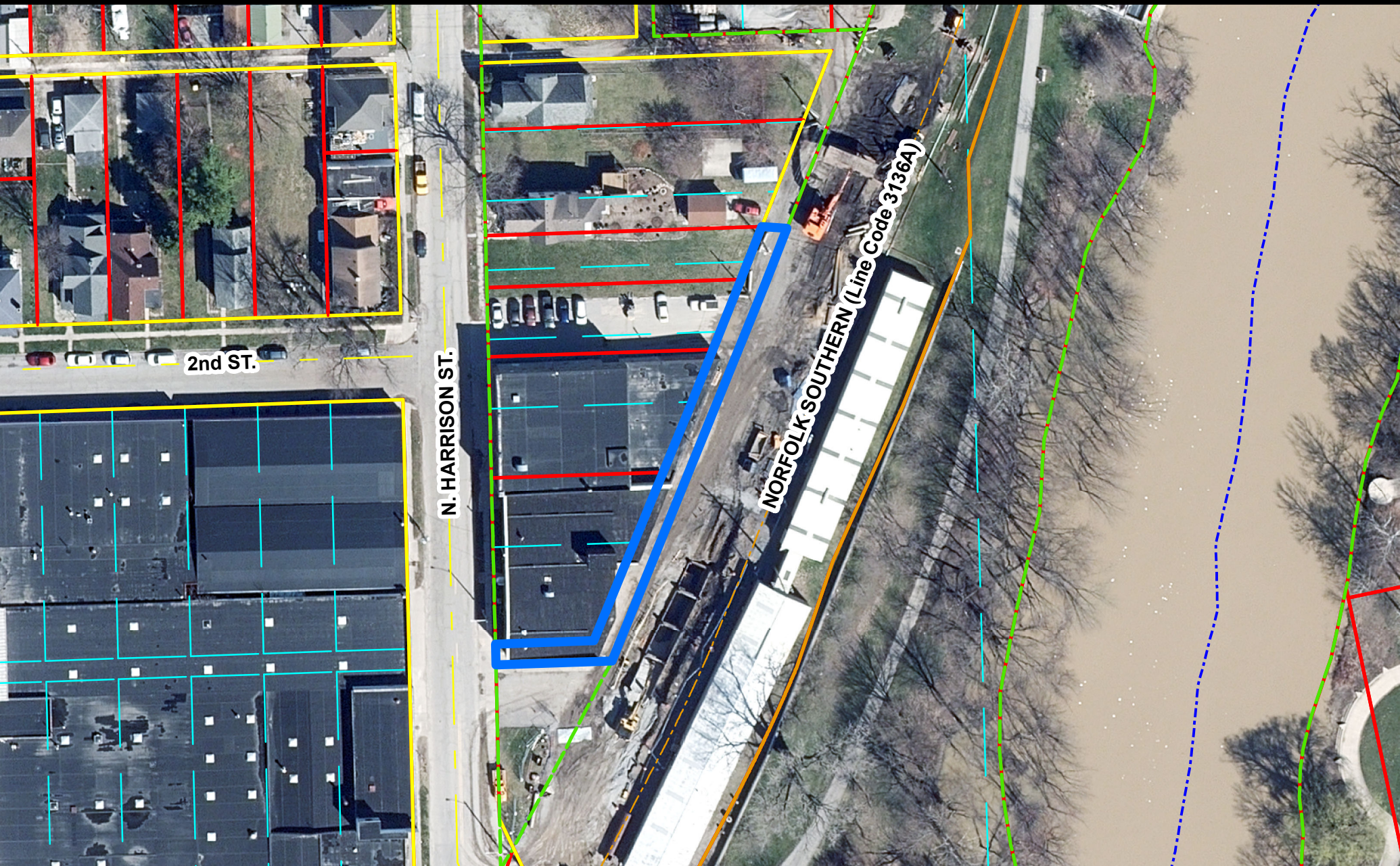
Applicant: City of Fort Wayne Redevelopment Commission

Property Owner: City of Fort Wayne Redevelopment Commission

Related Petitions: REZ-2022-0071 and PDP-2022-0051 Schaab Riverfront Plaza

Effect of Passage: The vacation of the alley will allow for redevelopment of the area into outdoor activity space for Schaab Riverfront Plaza and Riverfront Phase II.

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:

see attached legal description and depiction

(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: 107 _____ **PAGE(S) NUMBER(S):** 522-523 (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:

Within Phase II of Riverfront Public Space adjacent to subject alley, fill will be added to raise the grade by 2 or 3 feet to match the first floor elevation of the adjacent Schaab Metals building (1216 N Harrison St). This will reduce the visual/physical impact created by the levees and provide greater accessibility to the Riverfront. The fill is planned to extend across the subject alley, up to the wall of the Schaab building. It is anticipated that the alley will be permanently closed from vehicular traffic and used for outdoor dining/other complementary activities.

(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: City of Fort Wayne, Department of Redevelopment

Street Address: 200 E Berry St., Ste. 320

City: Fort Wayne State: IN Zip: 46805 Phone: 260-427-2323

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.


Signature

Jonathan Leist, Redevelopment Director

Printed Name

11/17/2022

Date

200 E Berry St., Ste. 320

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): Joe Giant

Street Address: 200 E Berry St., Ste. 320

City: Fort Wayne State: IN Zip: 46805 Phone: 260-427-2144

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 #: _____

Shaab Metals Alley Vacation

Other adjacent property owners:

Catherine Marie Anderson owns 1310 N Harrison Street, which is tangential to the northwest corner of the subject alley segment. It appears that the property was conveyed to Catherine Anderson from Josephine Anderson in July 2022. It is not clear if Catherine Anderson resides at the property.

The City of Fort Wayne, Department of Redevelopment owns all other adjacent property.

ALLEY VACATION DESCRIPTION

Part of Eckart's Subdivision of Lot 7 Well's Reserve, an Addition to the City of Fort Wayne, according to the plat thereof, Recorded in Deed Record 107, Pages 522-523, in the Office of the Recorder of Allen County, Indiana and more particularly described as follows:

BEGINNING at the Southwest Corner of Lot Number 11 in said Eckart's Addition; thence North 88 degrees 51 minutes 37 seconds East (Indiana Geospatial Coordinate System, Allen County bearing and basis of bearings to follow), a distance of 57.00 feet (Plat) along the South line of said Lot Number 11, also being along the North right-of-way line of a 12' Alley to the East line of said Lot 11 said point being the point of curvature of a non-tangent, concave to the Northwest, having a radius of 12077.48 feet; thence Northeasterly along said curve and said East line and also being along the West right-of-way line of a 14' Alley a distance of 105.10 feet, having a central angle of 00 degrees 29 minutes 55 seconds, and a chord of 105.10 feet bearing North 22 degrees 53 minutes 03 seconds East to the South line of a Vacated Alley described in Document Number 90-037426 in the Office of said Recorder; thence North 88 degrees 51 minutes 37 seconds East, a distance of 1.09 feet along said South to the East line of said Vacated Alley said point also being the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 12101.52 feet; thence Northeasterly along said curve and said East line a distance of 76.38 feet, having a central angle of 00 degrees 21 minutes 42 seconds and a chord of 76.38 feet bearing North 22 degrees 27 minutes 07 seconds East to the North line of said Alley Vacation; thence South 88 degrees 51 minutes 37 seconds West, a distance of 1.09 feet to the East line of Lot Number 8 in said Eckart's Addition, said point also being the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 12077.48 feet; thence Northeasterly along said curve and also being along the West right-of-way line of a 14' Alley, a distance of 77.26 feet, having a central angle of 00 degrees 22 minutes 00 seconds, and a bearing of 77.26 feet bearing North 22 degrees 05 minutes 22 seconds East to the Southeast corner of existing tract described in Document Number 2022038391 in the Office of said Recorder; thence North 88 degrees 51 minutes 37 seconds East, a distance of 15.21 feet to the East line of said 14' Alley, said point also being the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 12091.48 feet; thence Southwesterly along said curve and said East right-of-way line a distance of 271.86 feet, having a central angle of 01 degrees 17 minutes 18 seconds, and a bearing of 271.85 feet bearing South 22 degrees 31 minutes 19 seconds West to the South right-of-way line of said 12' Alley; thence South 88 degrees 51 minutes 37 seconds West, a distance of 67.01 feet along said South right-of-way line to the East right-of-way line of North Harrison Street; thence North 00 degrees 58 minutes 09 seconds West, a distanced of 12.00 feet (Plat) along said East line to the Point of Beginning. Containing 0.101 acres, more or less. Subject to easement of record.

