

1 **VALY-2023-0003**

2 **BILL NO. G-23-03-15**

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 a 15-foot alley between Lots Numbered 245, 246, 247, and 248 in Hamilton's 4th
18 Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana,
this new description was prepared by Michael C. Vodde, Indiana Professional Surveyor
#20100011, as part of Anderson Surveying, Inc. Survey #23-02-124, dated March 10, 2023,
more particularly described as follows:

19 Beginning at a ½ inch rebar monumenting the Southeast corner of Lot Numbered 245 in
20 Hamilton's 4th Addition; thence North 02 degrees 09 minutes 06 seconds West (all bearings
21 are based upon the Indiana East (1301) State Plane Coordinate System via the INCROS
22 network), on the East line of said Lot, a distance of 136.00 feet to a ½ inch rebar
23 monumenting a Northeast corner of said Lot; thence North 88 degrees 50 minutes 28
24 seconds East a distance of 15.20 feet to a 5/8 inch rebar with an identification cap stamped
"ANDERSON FIRM #29 A" being on the West line of Lot Numbered 246 in said Addition;
thence South 02 degrees 09 minutes 06 seconds East, on the West line of Lots Numbered
246, 247 and 248, a distance of 136.00 to a 3/8 inch rebar monumenting the Southwest
corner of Lot 248; thence South 88 degrees 50 minutes 28 seconds West a distance of 15.20
feet to the Point of Beginning, containing 0.05 acres of land, more or less, subject to all legal
rights of way and easements of record.

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

SECTION 2. That, pursuant to I.C. 36-7-3-16(b), there are hereby reserved easements in the following described real estate, for the use by public utilities presently occupying and using such real estate for the location and operation of their facilities:

Part of a 15-foot alley between Lots Numbered 245, 246, 247, and 248 in Hamilton's 4th Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, this new description was prepared by Michael C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #23-02-124, dated March 10, 2023, more particularly described as follows:

Beginning at a ½ inch rebar monumenting the Southeast corner of Lot Numbered 245 in Hamilton's 4th Addition; thence North 02 degrees 09 minutes 06 seconds West (all bearings are based upon the Indiana East (1301) State Plane Coordinate System via the INCROS network), on the East line of said Lot, a distance of 136.00 feet to a ½ inch rebar monumenting a Northeast corner of said Lot; thence North 88 degrees 50 minutes 28 seconds East a distance of 15.20 feet to a 5/8 inch rebar with an identification cap stamped "ANDERSON FIRM #29 A" being on the West line of Lot Numbered 246 in said Addition; thence South 02 degrees 09 minutes 06 seconds East, on the West line of Lots Numbered 246, 247 and 248, a distance of 136.00 to a 3/8 inch rebar monumenting the Southwest corner of Lot 248; thence South 88 degrees 50 minutes 28 seconds West a distance of 15.20 feet to the Point of Beginning, containing 0.05 acres of land, more or less, subject to all legal rights of way and easements of record.

SECTION 3. 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: VALY-2023-0003
Bill Number: G-23-03-15
Council District: 5-Geoff Paddock

Introduction Date: March 28, 2023

Public Hearing Date: April 11, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate a portion of the alley located between Lot 245 and Lots 246, 247, and 248 of Hamilton's 4th Addition.

Location: East of 315 East Butler Street and west of 2050 and 2046 South Lafayette Street.

Reason for Request: Applicant owns property on both sides of the alley. To allow for security fencing around the property.

Applicant: David Doolittle

Property Owner: David Doolittle

Related Petitions: none

Effect of Passage: The vacation of the alley will allow for secure fencing of the applicant's property.

Effect of Non-Passage: The right of way will remain as platted. Properties on either side of alley will need to be fenced separately.

CITY OF FORT WAYNE

FORT WAYNE, INDIANA

FILED

MAR 15 2023

LANA R. KEESLING
CITY CLERK

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:

Beginning at a 1/2 rebar monumenting the Southeast corner of Lot Numbered 245 in Hamilton;s 4th Addition, hence North 02 degrees 09 minutes 06 seconds West (All bearings are based upon the Indiana East (1301) State Plane Coordinate System via the INCROS network), on the East line of said Lot; a distance of 136.00 feet to a 1/2 inch rebar monumenting a Northeast corner of said Lot; thence North 88 degrees 50 minutes and 28 seconds East a distance of 15.20 feet to a 5/8 rebar with additional cap stamped ANDERSON
(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)

DE# 2019041492 , DE# 2019041493

The reasons for the proposed vacation are as follows:

We own the property to the left and right of the alley and would like to fence the area to secure the area

(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: David Doolittle

Street Address: P O Box 13581

City: Fort Wayne State: In Zip: 46869 Phone: 260-420-0147

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 _____ Printed Name Dave Doolittle Date 3/14/2023
P O Box 13581
Address _____ City/State/Zip Fort Wayne In 46869

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:

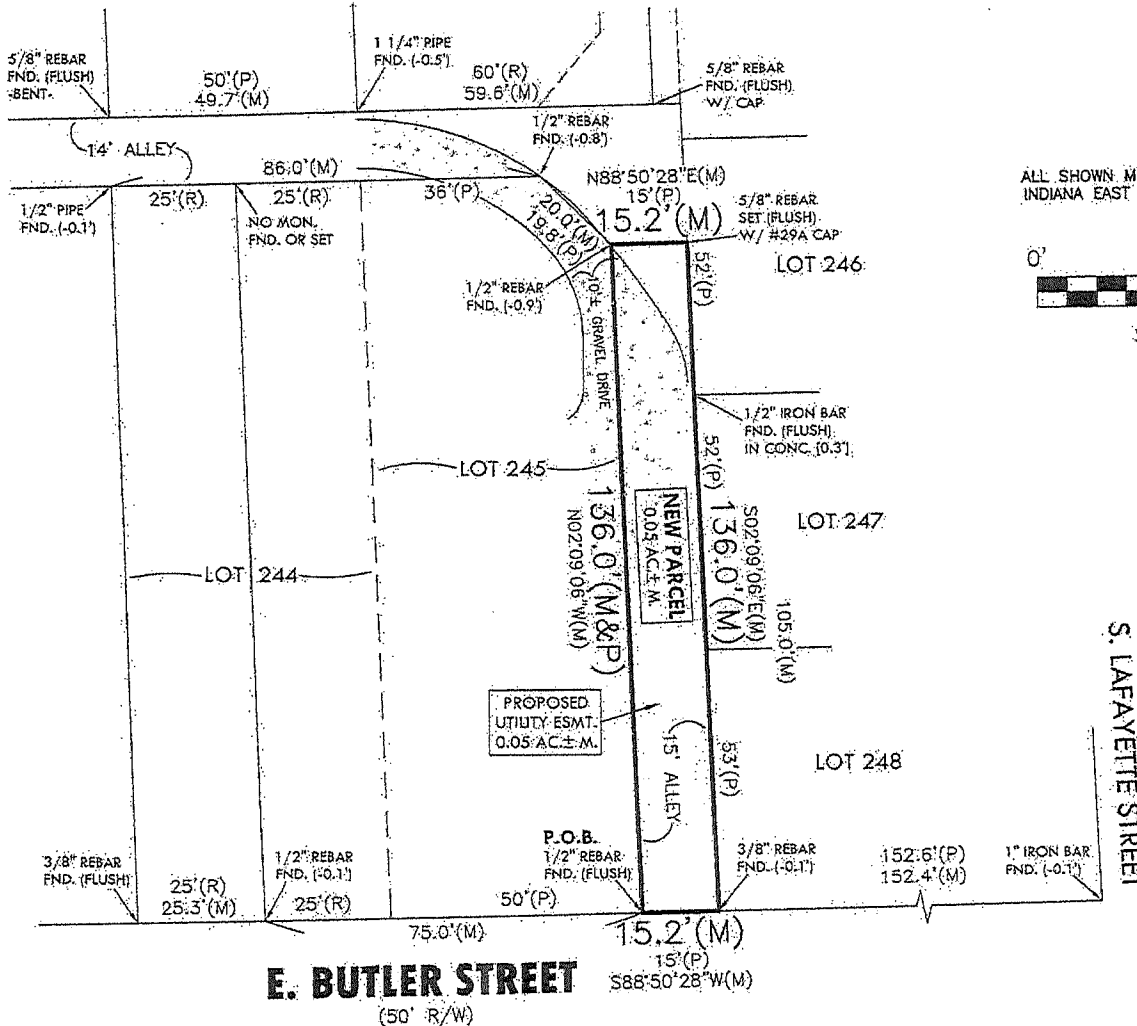
Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

PLAT OF SURVEY

(Page 1 of 2)

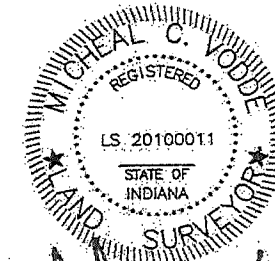
This document is an Original Survey of a parcel of land located in Allen County, Indiana.
SEE PAGE 2 OF 2 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.



ALL SHOWN MEASURED BEARINGS ARE BASED UPON THE INDIANA EAST (1301) STATE PLANE COORDINATE SYSTEM VIA THE INCORS NETWORK



SCALE IN FEET: 1" = 30'



Michael C. Vodde
MICHAEL C. VODDE, LS 20100011

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Michael C. Vodde

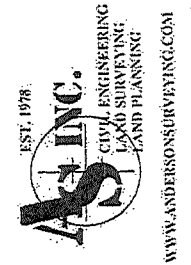
I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 365, Article 1, Rule 12 of the Indiana Administrative Code.

Fieldwork completed on the 28th day of FEBRUARY, 2023.

Certified this 14th day of MARCH, 2023.

Prepared exclusively for: DOOLITTLE /

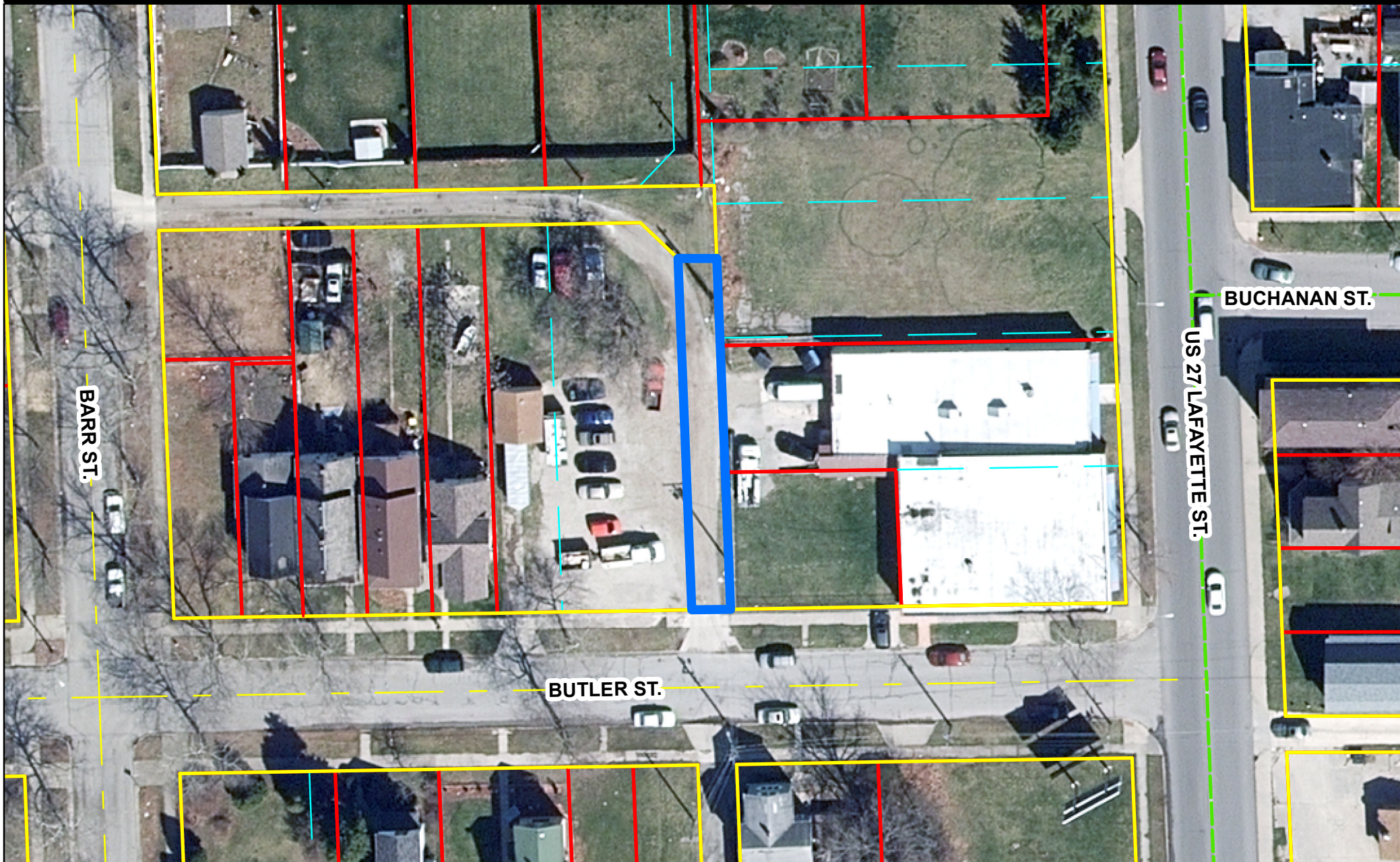
Survey Number: 23-02-124



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 294

1947 E. Selig Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855
Toll Free: (888) 483-1724

WWW.ANDERSONSURVEYING.COM



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: 3/21/2023

0 25 50 Feet



1 inch = 50 feet