

VROW-2023-0002

BILL NO. G-23-02-41

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:

All that part of Anneta Avenue lying between the South right-of-way line of the vacated Langford Lane and the North Right-of way line of Glendale Drive in the plat of Glendale Acres Suburban Addition, as recorded in Plat Record 4, pages 59-60, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot Number 11 in Glendale Acres Suburban Addition, as recorded in Plat Record 4, pages 59-60, in the Office of the Recorder of Allen County, Indiana, said point also being at the intersection of the East right-of-way line of Anneta Avenue and the North right-of-way line of Glendale Drive; thence North along the East right-of-way line of Anneta Avenue to the South right-of-way line of the vacated Langford Lane, said point also being the Northwest corner of Lot Number 19 in said Glendale Acres Suburban Addition; thence West along the South right-of-way line of the vacated Langford Lane to the West right-of-way line of Anneta Avenue, said point also being the Northeast corner of Lot Number 20 in said Glendale Acres Suburban Addition; thence South along the West right-of-way line of Anneta Avenue to the North right-of-way line of Glendale Drive, said point also being the Southeast corner of Lot Number 28 in said Glendale Acres Suburban Addition; thence Northeasterly along the North right-of-way line of Glendale Drive to the Point of Beginning.

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

3
4 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
5 any and all necessary approval by the Mayor.

6 _____
7 COUNCILMEMBER

8 APPROVED AS TO FORM AND LEGALITY:

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11 Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2023-0002
Bill Number: G-23-02-41
Council District: 4 – Jason Arp

Introduction Date: February 28, 2023

Public Hearing Date: March 14, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate Anneta Avenue from Glendale Road to the vacated Langford Lane

Location: 3300 to 3400 blocks of Anneta Avenue

Reason for Request: To accommodate construction of new fine arts building for Canterbury School.

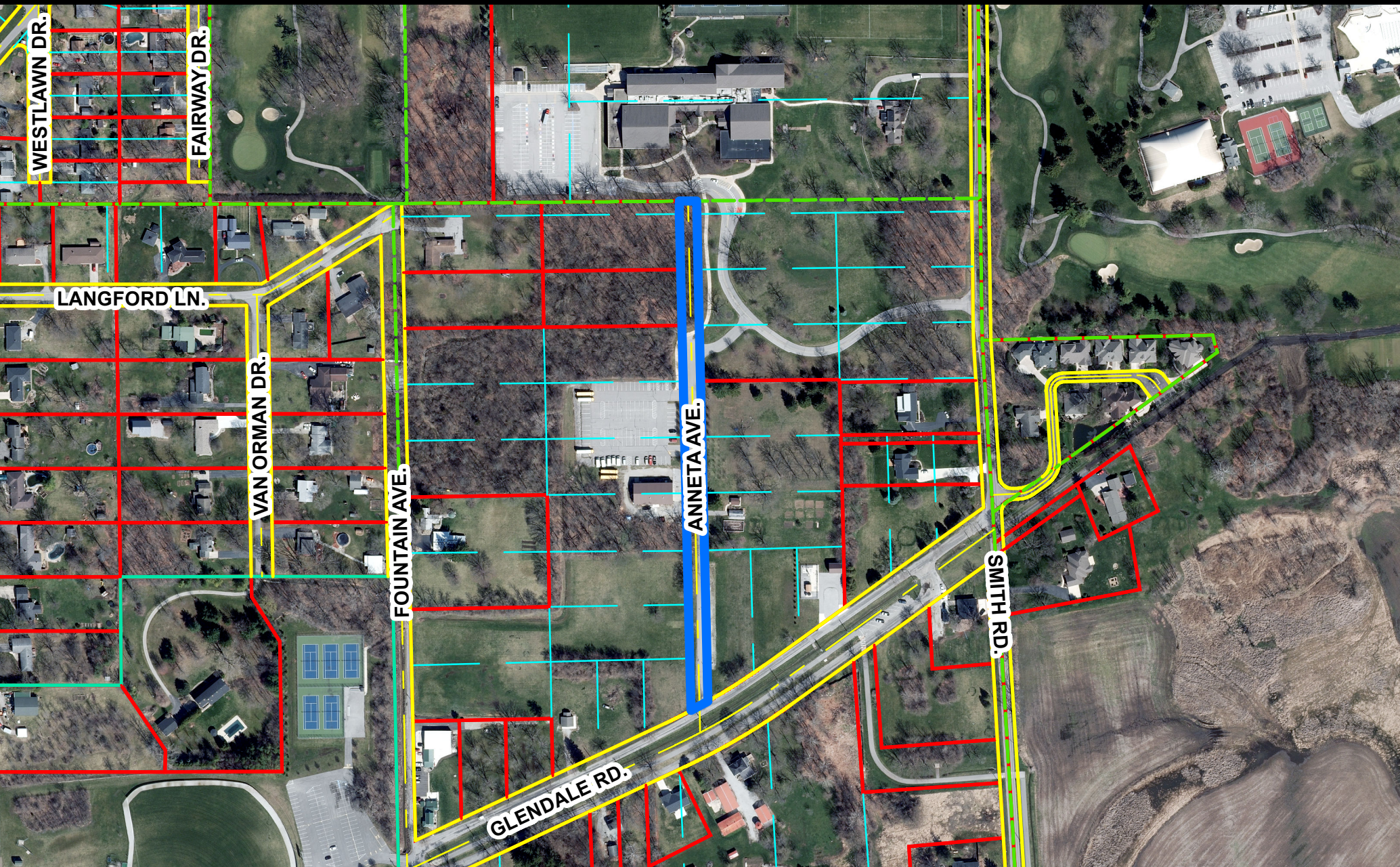
Applicant: Canterbury School Inc.

Property Owner: Canterbury School Inc

Related Petitions: none

Effect of Passage: The vacation of Anneta Avenue will allow for growth of Canterbury School.

Effect of Non-Passage: The right of way will remain as platted. Redevelopment of the property may be hindered by retention of the 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: 2/22/2023

0 150 300 Feet



1 inch = 300 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 Exhibit "A".

(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: Plot Rec. 4 PAGE(S) NUMBER(S): 59-60 (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:

See attached Exhibit "B".

(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.

See attached Exhibit "C"

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.

Signature

3210 Smith Road
Address

Printed Name

David Jackson

Date

1/30/23

Fort Wayne, Indiana 46804
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): Henry P. Najdeski

Street Address: 215 E. Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260-423-8835

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"
to
City of Fort Wayne Vacation Petition

More particularly described as follows:

Canterbury School, the petitioner herein, respectfully proposes to vacate the public right-of-way street known as Anneta Avenue. The majority of Anneta Avenue was platted with Glendale Acres Suburban Addition, and just the north part that was part of the vacated Langford Lane was platted with Rousseau's Country Club Addition and it was then called Charlotte Avenue. A site drawing and survey (inclusive of legal description) are attached hereto.

EXHIBIT "B"
to
City of Fort Wayne Vacation Petition

The reasons for the proposed vacation are as follows:

- A. Canterbury School plans to construct on its high school campus a new fine arts building. During discussions at a new projects meeting with the city it became apparent that the building will be located on platted lots 20 and 21 of Glendale Acres Suburban Addition and within approximately 30 feet of Anneta Avenue and, as such, the city is requiring Anneta Avenue to be vacated.
- B. As of the present time, Anneta Avenue is a dead end street only serving Canterbury School.
- C. Canterbury School owns all land adjoining Anneta Avenue. There are no third party land owners that adjoin Anneta Avenue.
- D. Other than some cold patching on Anneta Avenue between the school's maintenance building and Glendale Drive done by the city in the distant past, Canterbury School has solely maintained Anneta Avenue at its sole cost and expense.
- E. The granting of this petition would not hinder the growth or orderly development of the city or the neighborhood in which Anneta Avenue is located or to which it is contiguous.
- F. The granting of this petition would not make access to the lands of any person or entity by means of public way difficult or inconvenient.
- G. The granting of this petition would not hinder the public's access to a church, school, or other public building or place.
- H. The granting of this petition would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

EXHIBIT "C"
to
City of Fort Wayne Vacation Petition

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.

Canterbury School Inc., 3210 Smith Road, Fort Wayne, Indiana 46804; Tel. No.
260-442-7242.

THERE ARE NO OTHER ADJOINING PROPERTY OWNERS