

1 VALY-2023-0006

2 BILL NO. G-23-04-11

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
9 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
10 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
11 Indiana; and

12 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
13 and approved said petition, as provided in I.C. 36-7-3-12.

14 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
15 FORT WAYNE, INDIANA:

16 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of
17 Fort Wayne, Indiana, more specifically described as follows, to-wit:

18 FROM THE SOUTHWEST CORNER OF LOT 26, WHITE'S 2ND ADDITION, SOUTH TO
19 THE NORTHWEST CORNER OF LOT 29 OF WHITE'S 2ND ADDITION, THEN EAST
20 ALONG THE NORTHERN LINE OF SAID LOT 29 TO THE NORTHEAST CORNER OF
21 SAID LOT, THEN NORTH TO THE SOUTHEAST CORNER OF LOT 26 OF WHITE'S
22 2ND ADDITION, THEN WEST ALONG THE SOUTHERN LINE OF SAID LOT 26 TO
23 THE POINT OF BEGINNING.

24 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
25 and is hereby approved in all respects.
26
27
28
29
30

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

3 _____
4 COUNCILMEMBER

5
6
7 APPROVED AS TO FORM AND LEGALITY:

8
9 _____
10 Malak Heiny, City Attorney
11
12
13
14
15
16
17
18
19
20
21
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: VALY-2023-0006
Bill Number: G-23-04-11
Council District: 5-Geoff Paddock

Introduction Date: April 25, 2023

Public Hearing Date: May 9, 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 40-foot wide alley located between Lots 26 and 29 in White's 2nd Addition.

Location: Between 1328 and 1404 Dubois Street.

Reason for Request: Applicant owns property on both sides of the alley. To allow for encroachment of existing home over alley, and to close the gap in title between the lots with a common owner.

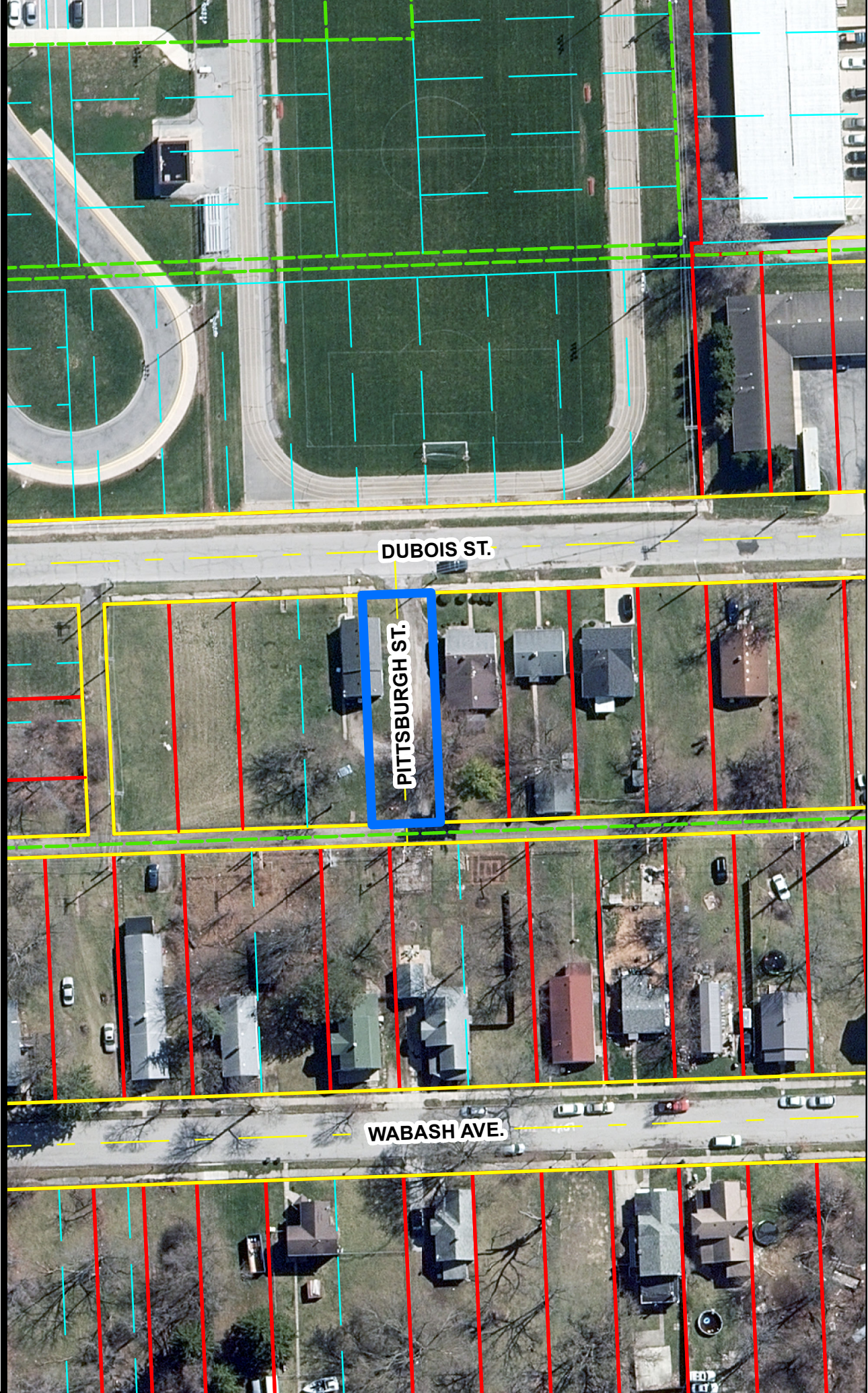
Applicant: JAK Investment Group

Property Owner: JAK Investment Group

Related Petitions: none

Effect of Passage: The vacation of the alley will allow for a clean title and will eliminate encroachments.

Effect of Non-Passage: The right of way will remain as platted. One of the existing adjacent homes is partially built over 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: 4/14/2023



1 inch = 75 feet



VACATION REQUEST-DUBOIS



CITY OF FORT WAYNE

Vacation Petition

City Clerk/Room #122/CityCounty Building/One Main 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:

From the Southwest Corner of Lot 26, White's 2nd Addition, south to the Northwest Corner of Lot 29 of White's 2nd Addition, then east along the northern line of said Lot 29 to the Northeast Corner of said lot, then North to the Southeast corner of Lot 26 of White's 2nd Addition, then west along the southern line of said Lot 26 to the point of beginning.

(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:
To cure an encroachment of an existing home lying substantially within the right-of-way where the owner of the property both north and south of said right-of-way is this petitioner. To close a gap in title between lots with a common owner.

(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: JAK Investment Group,
Inc. _____

Street Address: 1004 West Dupont Rd. City: Fort Wayne State: IN Zip: 46825 Phone: _____

FORT WAYNE, INDIANA
FILED

NOV 30 2022

LANA R. KEESLING
CITY CLERK

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.

JAK Investment Group, Inc.

By: [Signature] Jay Konkle, Sole Member
Signature Printed Name

10-7-22
Date

Same address as above.

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

Agent's Name (Print Legibly): Robert C. Kruger, Esq. Street Address: 200 East Main St., Ste. 1000
City: Fort Wayne State: IN Zip: 46802 Phone: 260-426-1300

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 #: _____