

VROW-2023-0003

BILL NO. G-23-02-42

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:

That certain public street right of way for Schick Street lying between the south right of way of Wayne Street on the north and the north right of way of Washington Boulevard on the south, 45 feet in width and 314 feet in length, in Section one (1) of Wayne Township, Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at the southeast corner of Lot 55 College Addition (Deed Book 35, Page 163L then north 150 feet along the east line of said Lot 55, also being the west right of way of Schick Street to the northeast corner of Said Lot 55, then continuing north along the west right of way of Schick Street 14 feet to the southeast corner of Lot 56 College addition, then continuing north along the east line of Lot 56 College Addition, also being the west right of way of Schick Street, to the northeast corner of said Lot 56, also being on the south right of way of Wayne Street, then east along the south right of way of Wayne Street a distance of 45 feet to the northwest corner of a parcel described in a Trustee's Deed recorded on August 11, 2014 as Document No. 2014037771 in the Allen County Recorder's Office, then south along the west property line of said parcel, also being the east right of way of Schick Street, a distance of 198 feet to the northwest corner of Lot 1 College 2nd Addition (Deed Book 69, Page 432L then continuing south along the west line of Lot 1 College 2nd Addition, also being the east right of way of Schick Street, a distance of 116 feet to the southwest corner of said Lot 1, also being on the north right of way of Washington Boulevard, then west along the north right of way of Washington Boulevard a distance of 45 feet to the southeast corner of Lot 55 College Addition, being the point of beginning of this description.

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 _____
8 COUNCILMEMBER

9 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-2023-0003
Bill Number: G-23-02-42
Council District: 5 – Geoff Paddock

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 Schick Street from East Washington Boulevard to East Wayne Street

Location: 914 to 982 Schick Street

Reason for Request: To accommodate construction of new residential facilities and parking.

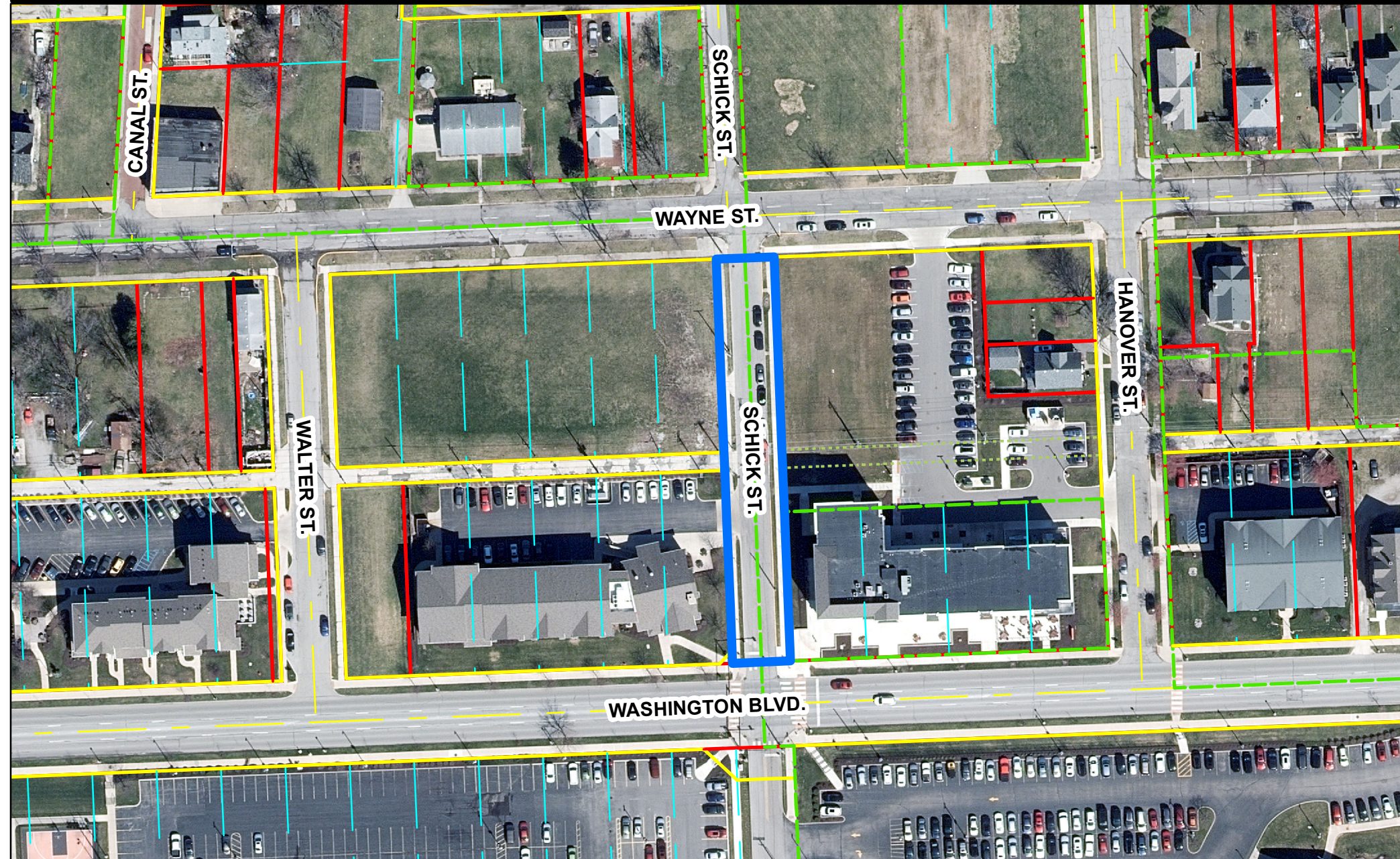
Applicant: Indiana Tech

Property Owner: Indiana Tech

Related Petitions: VALY-2023-0001 and REZ-2023-0007 and PDP-2023-0007

Effect of Passage: The vacation of Schick Street will allow for better circulation and a more efficient use of space on the property.

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 = 100 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 Schick Street Vacation Description.

(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: N/A PAGE(S) NUMBER(S): N/A (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 accommodate construction of new residential facilities and parking.

(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: Indiana Institute of Technology, Inc.

Street Address: 1600 E. Washington Blvd.

City: Fort Wayne State: IN Zip: 46803 Phone: 260-422-5561

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

Judy Roy
Printed Name

02/06/2023
Date

1600 E. Washington Blvd.
Address

Fort Wayne, IN 46803
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): Patrick R. Hess, Beckman Lawson, LLP

Street Address: 201 W. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-422-0800

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 #: _____

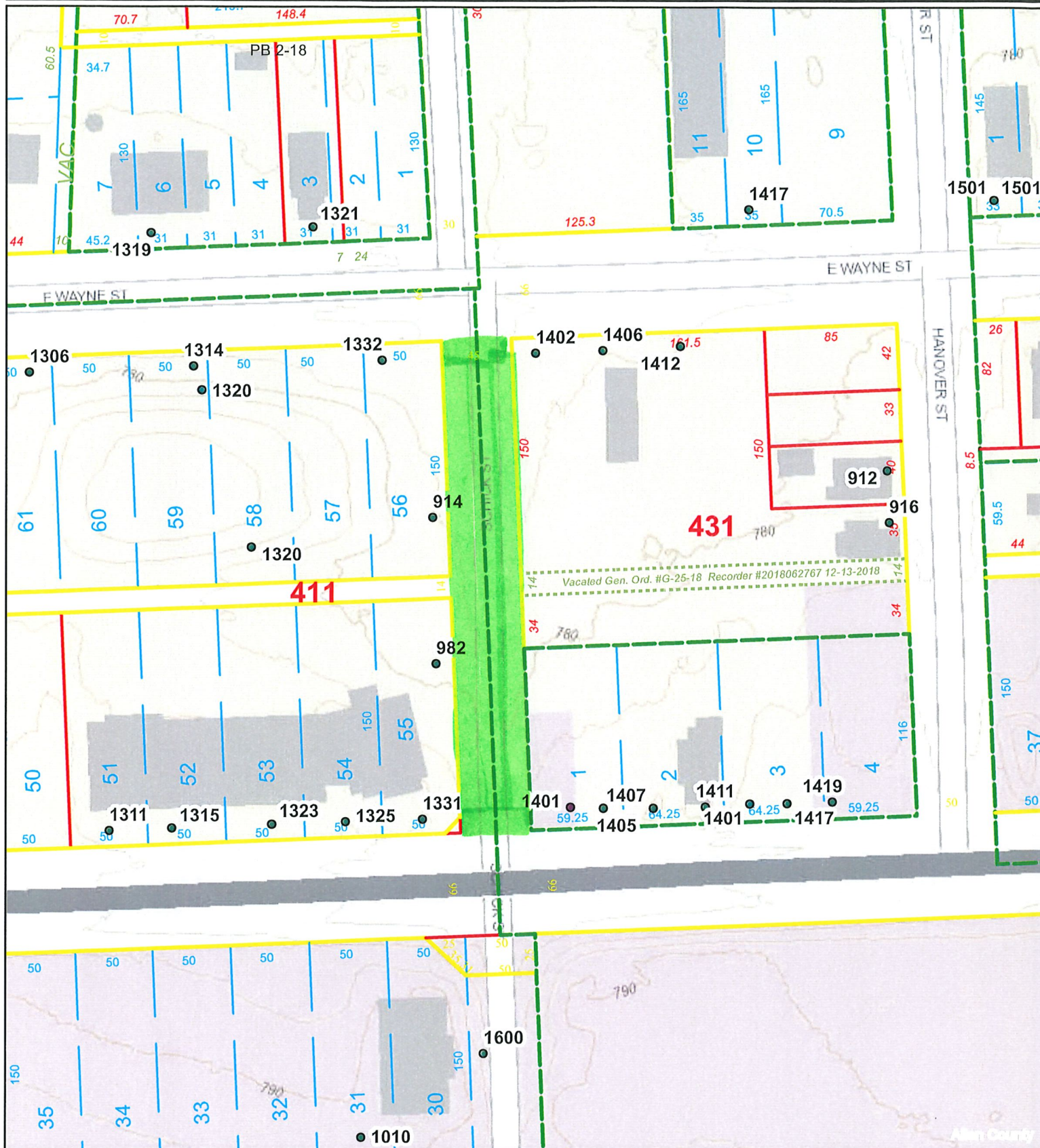
Reference #: _____

SCHICK STREET VACATION DESCRIPTION

That certain public street right of way for Schick Street lying between the south right of way of Wayne Street on the north and the north right of way of Washington Boulevard on the south, 45 feet in width and 314 feet in length, in Section one (1) of Wayne Township, Fort Wayne, Allen County, Indiana, more particularly described as follows:

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END OF DESCRIPTION



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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East



Date: 2/6/2023

1" = 83'

ADJACENT PROPERTY OWNERS

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Indiana Institute of Technology, Inc.	1600 E. Washington Blvd. Fort Wayne, INM 46803	260-422-5561

RIGHT-OF-WAY VACATION – DISCUSSION and PASSAGE
Department of Planning Services

VROW 2023 0003	Bill #G-23-02-42	Project Start: March 2023
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APPLICANT:	Indiana Tech
REQUEST:	To vacate Schick Street from East Washington Boulevard to East Wayne Street
LOCATION:	914 to 982 Schick Street
COUNCIL DISTRICT:	5 – Geoff Paddock
PUBLIC HEARING DATE:	March 14, 2023 (no public comments received)

PROJECT SUMMARY

The petitioner is constructing a student housing building for Indiana Tech. Indiana Tech has continued to develop the blocks between East Washington Boulevard and East Wayne Street for various uses to support the college campus. The parcel is completely surrounded by right of way. The alley to the south of the development parcel is petitioned to be vacated along with this request to vacate Schick Street. Indiana Tech is providing easements where necessary. The remaining utilities have signed off or have no comments, allowing for this vacation to move forward.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic/Transportation Engineering:	Approved – Maintain easements for traffic signal detection
Right-of-Way:	Approved
Stormwater Engineering:	Approved with easements
Water Engineering:	Approved with easements
WPC Engineering – Sanitary:	Approved with easements
City Parks Department:	Approved
Fire Department:	No comment
Frontier:	Approved with easement
Comcast Cable:	Approved with easement
AEP:	Approved with easement
NIPSCO:	Approved with easement