

1 VALY-2023-0001

2 BILL NO. G-23-02-43

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 That certain alley way lying between the east right-of-way of Walter Street on the west and
18 west of the right-of-way of Schick Street on the east, said alley being 14 feet in width and 300
19 feet in length, in Section One (1) of Wayne Township, Fort Wayne, Allen County, more
20 particularly described as follows:

21 Beginning at the southeast corner of Lot 56 in College Addition (Deed Book 35, Page 163),
22 then west 300 feet along the south lot lines of Lots 56 through 61 of College Addition to the
23 southwest corner of Lot 61 College Addition, also being on the east right-of-way of Walter
24 Street, then south along the east right-of-way of Walter Street 14 feet to the northwest corner
25 of Lot 50 College Addition, then east 300 feet along the north lot lines of Lots 50 through 55
26 of College Addition to the northeast corner of Lot 55 College Addition, also being on the west
27 right-of-way of Schick Street, then north 14 feet along the west right of way of Schick Street to
28 the southeast corner of Lot 56 of College Addition, being the point of beginning of this
29 description.

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

SECTION 2. 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-2023-0001
Bill Number: G-23-02-43
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 the alley located between Schick Street and Walter Street, north of East Washington Boulevard.

Location: North of 1311 through 1331 East Washington Boulevard

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

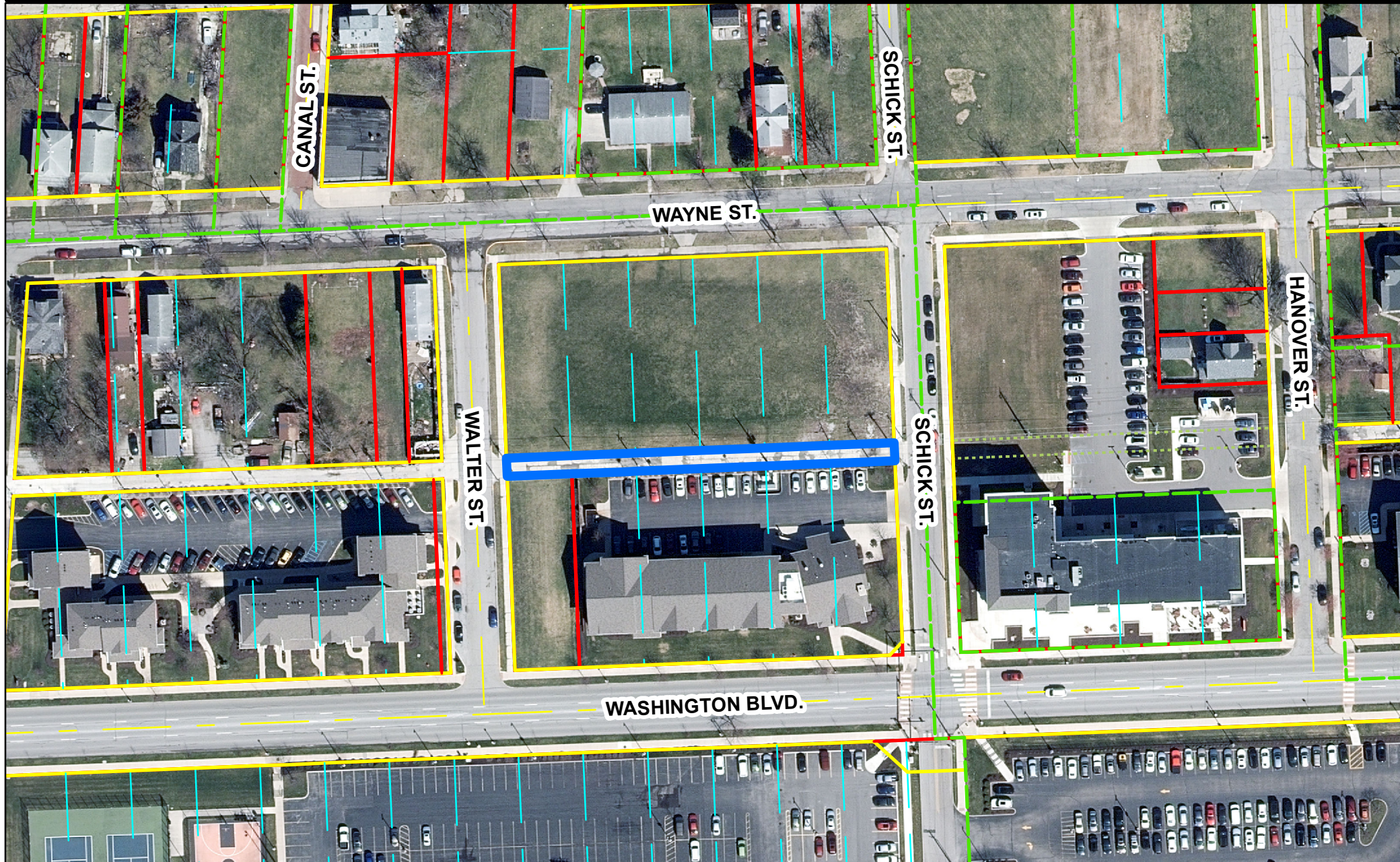
Applicant: Indiana Tech

Property Owner: Indiana Tech

Related Petitions: VROW-2023-0003 and REZ-2023-0007 and PDP-2023-0007

Effect of Passage: The vacation of the alley will allow for redevelopment of the area into student living for Indiana Tech.

Effect of Non-Passage: The right of way will remain as platted. Redevelopment of the property may be hindered by retention of the underutilized 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 Alley 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: 35 **PAGE(S) NUMBER(S):** 163 (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 a new residence hall for Indiana Tech.

(If additional space is needed please attach separate page.)

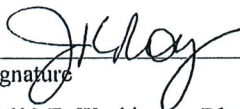
The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

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 Lavson, 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 #: _____

ALLEY VACATION DESCRIPTION

That certain alley way lying between the east right of way of Walter Street on the west and west the right of way of Schick Street on the east, said alley being 14 feet in width and 300 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 56 in College Addition (Deed Book 35, Page 163), then west 300 feet along the south lot lines of Lots 56 through 61 of College Addition to the southwest corner of Lot 61 College Addition, also being on the east right of way of Walter Street, then south along the east right of way of Walter Street 14 feet to the northwest corner of Lot 50 College Addition, then east 300 feet along the north lot lines of Lots 50 through 55 of College Addition to the northeast corner of Lot 55 College Addition, also being on the west right of way of Schick Street, then north 14 feet along the west right of way of Schick Street to the southeast corner of Lot 56 College Addition, being the point of beginning of this description.

END OF DESCRIPTION

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

VALY 2023 0001	Bill #G-23-02-43	Project Start: March 2023
APPLICANT:	Indiana Tech	
REQUEST:	To vacate the alley located between Schick Street and Walter Street north of East Washington Boulevard	
LOCATION:	North of 1311 through 1331 East Washington Boulevard	
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 for the student housing courtyard and parking. Schick Street is also requested to be vacated under a separate petition. 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
Right-of-Way:	Approved
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved with easement
WPC Engineering – Sanitary:	Approved with easement
City Parks Department:	Approved
Fire Department:	No comment
Frontier:	Approved with easement
Comcast Cable:	Approved with easement
AEP:	Approved with easement
NIPSCO:	Approved