

1 VALY-2024-0001

2 BILL NO. G-24-02-16

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 An alley located in the Amended Plat of Deer Park Addition to the City of Fort Wayne,
18 recorded in Plat Record 2, Page 17 in the Office of the Recorder of Allen County, Indiana.
19 Said alley is bounded on the North by Lansing Avenue (platted name is Eleanor Avenue) and
20 bounded on the East by the West right-of-way of the Norfolk Southern Railway Company.
21 Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley
22 survey exhibit certified on January 16, 2024, as Apex Consulting and Surveying, Inc. Job
23 Number 23020038, and more particularly described as follows:

24 Beginning at a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northwest
25 corner of Lot 13 in said Deer Park Addition; thence South 46 degrees 50 minutes 21 seconds
26 East along the Southwest line of said Lot 13 and the Southwest line of Lot 12 in said Deer
27 Park Addition, a distance of 214.81 feet to a Mag Nail with "OPOKU" identification disk
28 found at the South corner of said Lot 12; thence North 88 degrees 52 minutes 19 seconds East
29 along the South line of said Lot 12, and the South lines of Lot 11, Lot 10 and it's Easterly
30 extension in said Deer Park Addition, a distance of 163.91 feet to a 5/8 inch steel rebar with
"OPOKU" identification cap found on the Easterly line of said Deer Park Addition, also being
the Westerly right-of-way line of Norfolk Southern Railway Company; thence South 14
degrees 42 minutes 49 seconds East along said Westerly right-of-way line, a distance of 71.80
feet to the Northernmost corner of Lot 4 in said Deer Park Addition, referenced by a 1/4 inch
steel rebar found 0.8 feet South and 0.6 feet West; thence South 43 degrees 10 minutes 02
seconds West along the Northwest line of said Lot 4, a distance of 14.57 feet to a 5/8 inch
rebar with "OPOKU" identification cap found at the Northeasterly corner of Lot 5 in said Deer

1 Park Addition; thence North 46 degrees 50 minutes 21 seconds West along the Northeast line
2 of said Lot 5 and Lot 6, a distance of 97.69 feet to a 5/8 inch steel rebar with "OPOKU"
3 identification cap found at the Northernmost corner of said Lot 6; thence South 88 degrees 52
4 minutes 19 seconds West along the North line of said Lot 6, Lot 7 and Lot 8 in said Deer Park
5 Addition, a distance of 105.55 feet to a Mag Nail with "OPOKU" identification disk found at
6 an angle point on the North line of said Lot 8; thence North 46 degrees 50 minutes 21 seconds
7 West along the Northeasterly line of said Lot 8 and the Northeast lines of Lot 9, Lot 14, Lot
8 15, and Lot 16 in said Deer Park Addition, a distance of 232.00 feet to a 5/8 inch steel rebar
9 with "OPOKU" identification cap found on the South right-of-way line of Lansing Avenue;
10 thence North 88 degrees 52 minutes 19 seconds East, a distance of 17.19 feet along said South
11 right-of-way line to the Point of Beginning.

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

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

16 _____
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Malak Heiny, City Attorney
21
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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: VALY-2024-0001
Bill Number: G-24-02-16
Council District: 5 – Geoff Paddock

Introduction Date: February 27, 2024

Public Hearing Date: March 12, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate an unused alley within the plat of Deer Park Addition.

Location: Northeast of and behind 1300 Leesburg Road.

Reason for Request: To accommodate continued development of the University of St. Francis.

Applicant: University of St. Francis

Property Owner: University of St. Francis

Related Petitions: none

Effect of Passage: The vacation of the platted alley will allow for growth of University of St. Francis.

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.



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Although every effort has been made to ensure the accuracy of the map, the City of Deer Park does not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Zone 17N
Date: 2/13/2024

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 ☒ Public Right of Way (street or alley)

More particularly described as follows:

The alley in Amended Deer Park Addition as described in 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: 2 **PAGE(S) NUMBER(S):** 17 (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 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.

Applicant's name(s) if different from property owner(s):

Name: See Exhibit C.

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 For 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

Mark H. Bains, Attorney for Applicant
Printed Name

02.06.24
Date

Barrett McNagny LLP, 215 E. Barry Street
Address

Fort Wayne, IN 46802
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): _____

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 #: _____



Mark H. Bains
(260) 423-8902
mhb@barrettlaw.com

February 6, 2024

Via Hand Delivery

City of Fort Wayne
Attn: Lana R. Keesling, Clerk
Citizen's Square Ste. 110
200 East Berry Street
Fort Wayne, IN 46802

Re: Amended Deer Park Addition // Platted Alley Vacation Petition

Dear Lana:

Barrett McNagny, LLP serves as legal counsel to University of Saint Francis ("USF") with respect to real estate owned by USF. The enclosed application is being filed on behalf of USF.

Enclosed please find the following:

1. Vacation Petition Application (vacating a platted alley);
2. The survey, legal descriptions, etc. required for the above-referenced Application; and
3. The \$300 filing fee.

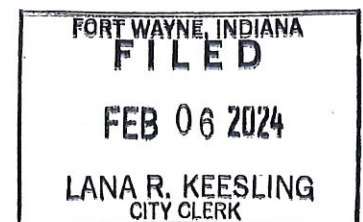
As to the vacation of the platted alley, any utilities contained in the same will be addressed by way of private easements between the utility provider and USF.

Should you have any questions or concerns regarding the foregoing or need anything further from me with respect to the enclosed applications, please contact me.

Sincerely,

BARRETT MCNAGNY, LLP

Mark H. Bains
MHB:kec:4030222 (41889-99)



Enclosures

Cc: Craig Teetsel (via email) (cteetsel@sf.edu)



EXHIBIT A
VACATION PETITION
LEGAL DESCRIPTION

APEX CONSULTING & SURVEYING



Page 2 of 2

BOUNDARY DESCRIPTION

An alley located in the Amended Plat of Deer Park Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 17, in the Office of the Recorder of Allen County, Indiana. Said alley is bounded on the North by Lansing Avenue (platted name is Eleanor Avenue) and bounded on the East by the West right-of-way of the Norfolk Southern Railway Company. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on January 16, 2024, as Apex Consulting & Surveying, Inc. Job Number 23020038, and more particularly described as follows:

BEGINNING at a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northwest corner of Lot 13 in said Deer Park Addition; thence South 46 degrees 50 minutes 21 seconds East along the Southwest line of said Lot 13 and the Southwest line of Lot 12 in said Deer Park Addition, a distance of 214.81 feet to a Mag Nail with "OPOKU" identification disk found at the South corner of said Lot 12; thence North 88 degrees 52 minutes 19 seconds East along the South line of said Lot 12, and the South lines of Lot 11, Lot 10 and it's Easterly extension in said Deer Park Addition, a distance of 163.91 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the Easterly line of said Deer Park Addition, also being the Westerly right-of-way line of Norfolk Southern Railway Company; thence South 14 degrees 42 minutes 49 seconds East along said Westerly right-of-way line, a distance of 71.80 feet to the Northernmost corner of Lot 4 in said Deer Park Addition, referenced by a 1/4 inch steel rebar found 0.8 feet South and 0.6 feet West; thence South 43 degrees 10 minutes 02 seconds West along the Northwest line of said Lot 4, a distance of 14.57 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northeast corner of Lot 5 in said Deer Park Addition; thence North 46 degrees 50 minutes 21 seconds West along the Northeast line of said Lot 5 and Lot 6, a distance of 97.69 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northernmost corner of said Lot 6; thence South 88 degrees 52 minutes 19 seconds West along the North line of said Lot 6, Lot 7 and Lot 8 in said Deer Park Addition, a distance of 105.55 feet to a Mag Nail with "OPOKU" identification disk found at an angle point on the North line of said Lot 8; thence North 46 degrees 50 minutes 21 seconds West along the Northeast line of said Lot 8 and the Northeast lines of Lot 9, Lot 14, Lot 15, and Lot 16 in said Deer Park Addition, a distance of 232.00 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the South right-of-way line of Lansing Avenue; thence North 88 degrees 52 minutes 19 seconds East, a distance of 17.19 feet along said South right-of-way line to the Point of Beginning.

Containing 0.17 acres of land more or less.

Subject to rights-of-way, easements, and zoning restrictions of record.

1313 Broadway
Fort Wayne, IN 46802
Phone: 260-755-5993
Fax: 888-808-4177
Email: Info@apexsurveying.net

EXHIBIT B
VACATION PETITION
PURPOSE FOR PROPOSED VACATION

The vacation of the platted alley in The Amended Deer Park Addition will allow for future development of the former alley and the surrounding real estate by University of Saint Francis. The alley has served no purpose in recent history, if ever. A review of historical imagery suggests that a commercial building has existed within the alley from prior to the platting of Deer Park Addition through the present.

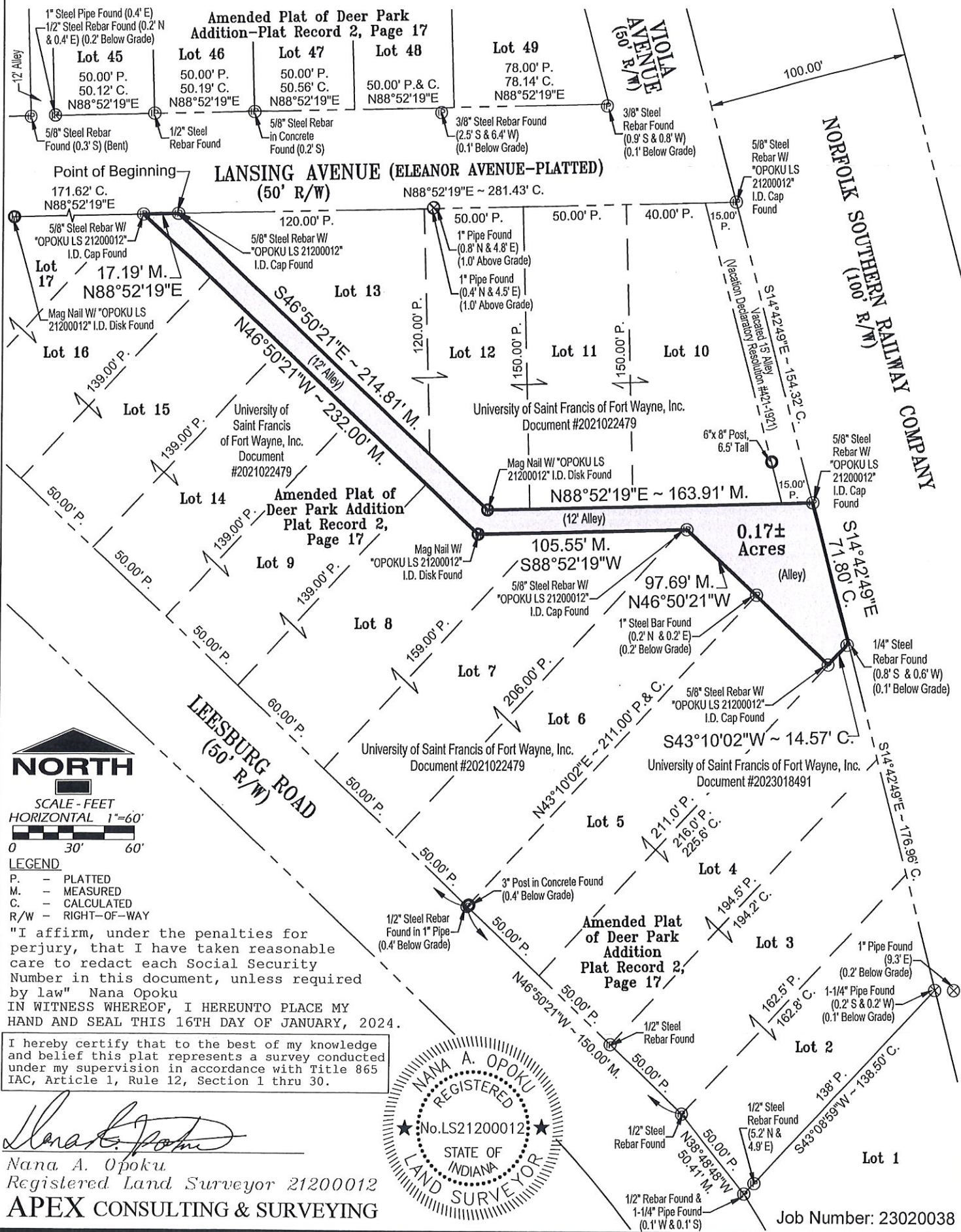
EXHIBIT C
VACATION PETITION
ADJACENT PROPERTY OWNERS

University of Saint Francis
2701 Spring Street
Fort Wayne, IN 46808

City of Fort Wayne
200 East Berry Street
Fort Wayne, IN 46802

Norfolk Southern Railway Company
3 Commercial Place
Taxation Box 209
Norfolk, VA 23510

Page 1 of 2



RECEIPT

Violations Bureau

City of Fort Wayne
200 East Berry St, Suite 110
Ft Wayne, IN 46802
Phone (260) 427-1208

Receipt # 273043

Issued By Toni
Date Issued February 6, 2024

	Alley Vacation	
Qty: 1		\$200.00
Subtotal		\$200.00

Total Payments	\$200.00
Payment Description	Check

Change Due	\$0.00
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Approved by St Board of Acct for the
City of Ft Wayne