

VROW-2024-0001

BILL NO. G-24-02-20

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:

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 IN HOUSER'S SUBDIVISION BLOCK NO. 1 AS MONUMENTED BY A 5/8" REBAR WITH "SAUER" IDENTIFICATION CAP FOUND 0.1 FEET BELOW GRADE; THENCE NORTH 58 DEGREES 17 MINUTES 22 SECONDS EAST 231.33 FEET ALONG THE SOUTHEASTERLY LINES OF LOTS 1 AND 19 TO A CONCRETE RIGHT OF WAY MARKER FOUND FLUSH; THENCE SOUTH 31 DEGREES 42 MINUTES 57 SECONDS EAST 50.00 FEET TO A RIGHT OF WAY MARKER FOUND 1.2 FEET ABOVE GRADE ON THE NORTHWESTERLY LINE OF LOT 46; THENCE SOUTH 58 DEGREES 17 MINUTES 22 SECONDS WEST 231.48 FEET ALONG THE NORTHWESTERLY LINES OF LOTS 46 AND 22 TO A 5/8" REBAR FOUND 0.3 FEET BELOW GRADE; THENCE NORTH 31 DEGREES 32 MINUTES 42 SECONDS WEST 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.266 ACRES, MORE OR LESS.

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: VROW-2024-0001
Bill Number: G-24-02-20
Council District: 3 – Nathan Hartman

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 a portion (0.266 acres) of Dunn Street within Houser's Subdivision, from Arizona Avenue to Lima Road (SR 3). This portion will be relocated to the northern end of the property within the plat of Houser's Subdivision.

Location: 4500 Block of Dunn Street, from Arizona Avenue to Lima Road (SR 3)

Reason for Request: To accommodate the expansion for Zeigler Subaru dealership at this location.

Applicant: AJZ Fort Wayne I, LLC

Property Owner: AJZ Fort Wayne I, LLC

Related Petitions: Primary Development Plan – Zeigler Subaru Expansion

Effect of Passage: The relocation of a portion of Dunn Street between Arizona Avenue and Lima Road (SR 3) will allow for the expansion of Zeigler Subaru.

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.



DONNELL AVE.

VIRGINIA AVE.

DUNN ST.

ARIZONA AVE.

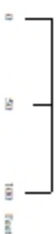
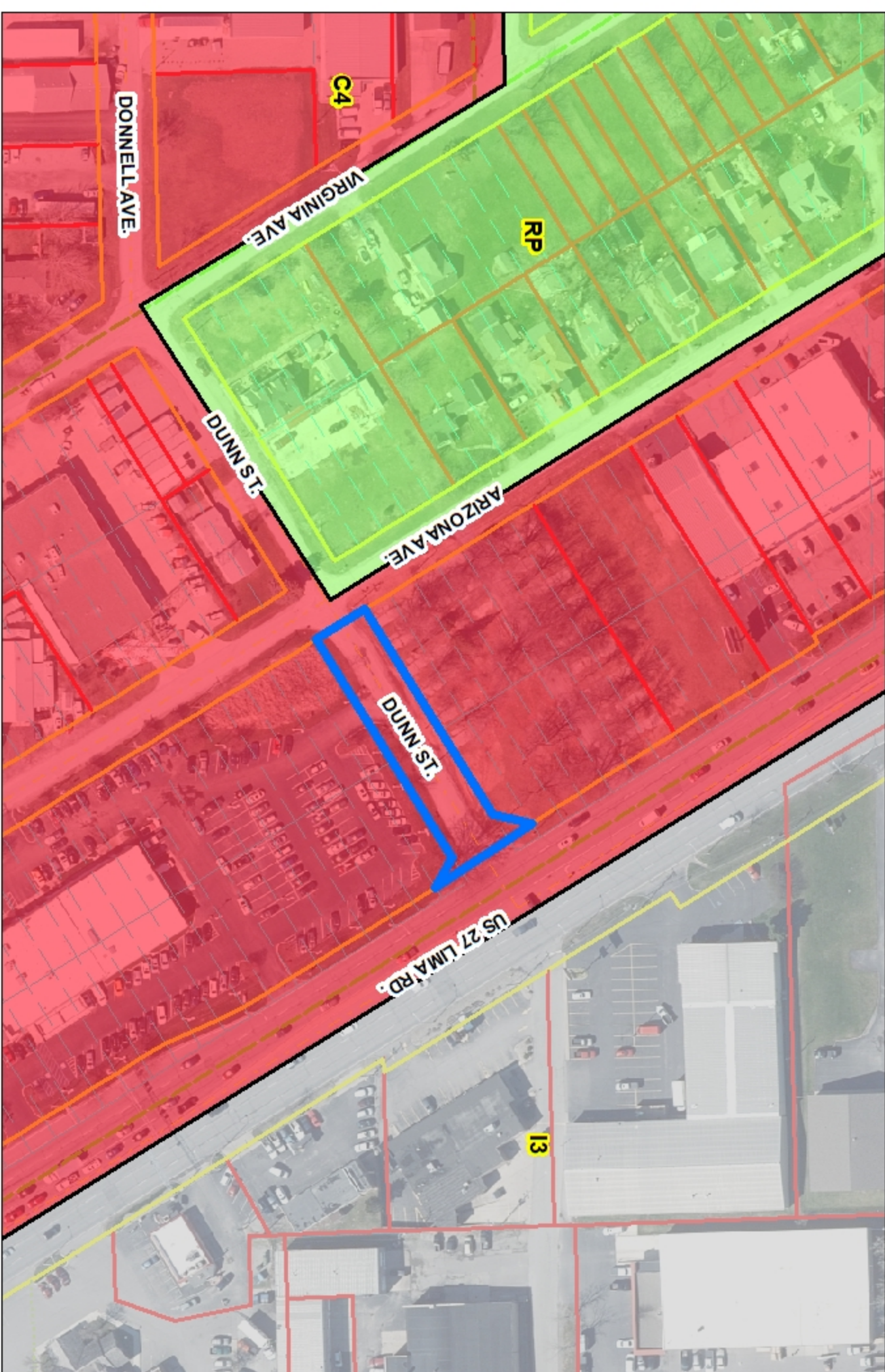
DUNN ST.

US 27 LIMA RD.



1 inch = 110 feet

As shown, this map is for informational purposes only. It is not intended to be used as a legal document. The City of Phoenix is not responsible for any errors or omissions. The City of Phoenix is not responsible for any errors or omissions. The City of Phoenix is not responsible for any errors or omissions.



1 inch = 110 feet

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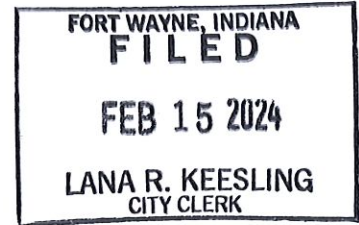
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CITY OF FORT WAYNE



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:

Vacation of a portion of the public right of way for Dunn Street. See attached legal description.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

Petitioner, AJZ Fort Wayne I, LLC is the owner of property on both sides of Dunn Street pursuant to a Deed recorded in the Office of the Recorder of Allen County, Indiana, Doc. No. 2023045297.

The vacated portion of Dunn Street is located within Housers Subdivision, BD, PG 179, B9B-P66. A copy of the recorded plat of the subdivision is attached hereto.

The reasons for the proposed vacation are as follows:

Improvements and renovations to the Subaru dealership located on the corner of Coliseum and Lima commonly known as 502 W Coliseum Blvd.

Fort Wayne, IN 46808. The vacated portion of Dunn Street will be relocated to the northern end of the property as depicted on the Primary Development Plans associated with and submitted with this Petition.

(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: AJZ-Fort Wayne I, LLC

Street Address: 4201 Stadium Dr.

City: Kalamazoo State: MI Zip: 49008 Phone: C/o Carson LLP; 260-423-9411

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 FortWayne 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

Daniel Scheid, AJZ-Fort Wayne I, LLC
Printed Name

02.15.2024
Date

4201 Stadium Drive
Address

Kalamazoo, MI 49008
City/State/Zip

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

Agent's Name (Print Legibly): Andrew D. Boxberger

Street Address: 301 W. Jefferson Blvd., Ste. 200

City: Fort Wayne State: IN Zip: 46802 Phone: 260-423-9411

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: _____

VICINITY MAP



(NOT TO SCALE)

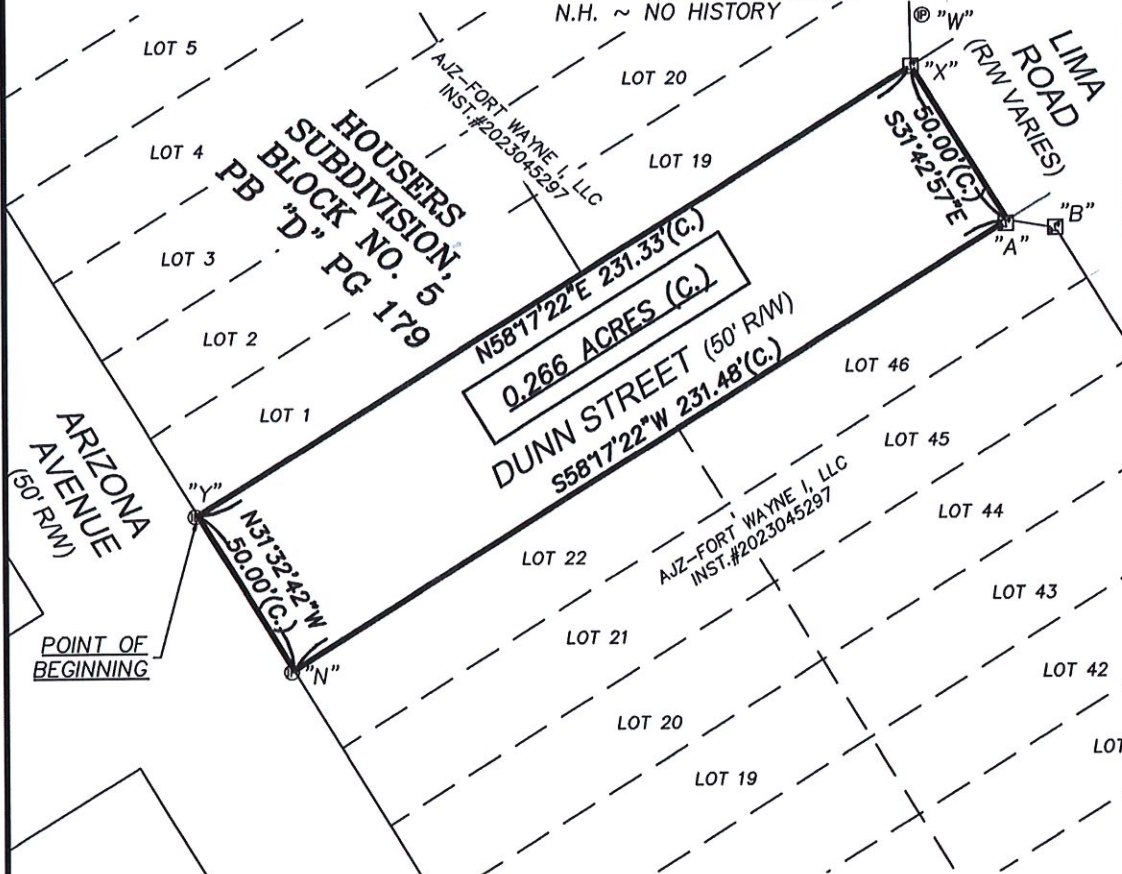


2305 CENTRAL YARD
CT, SUITE B
FORT WAYNE, IN
46818

info@otmlandsurveying.com
www.otmlandsurveying.com
260-338-2052

LEGEND

M. ~ MEASURED
C. ~ CALCULATED
D. ~ DEED
R. ~ RECORD
P. ~ PLAT
C.M. ~ CONTROLLING MONUMENT
O.M. ~ ORIGINAL MONUMENT
N.H. ~ NO HISTORY



MONUMENT LEGEND

"A" ~ RIGHT-OF-WAY MARKER FOUND 0.9'S. & 0.5'W. OF ACTUAL (+1.2')
"B" ~ RIGHT-OF-WAY MARKER FOUND 0.2'N. OF ACTUAL (+1.1')
"N" ~ 5/8" REBAR FOUND 0.44'S. & 0.72'W. OF ACTUAL (-0.3')
"W" ~ 5/8" REBAR W/ "SAUER FIRM 048" ID. CAP FOUND (FLUSH)
"X" ~ RIGHT-OF-WAY MARKER FOUND (FLUSH) - C.M.
"Z" ~ 1/2" REBAR FOUND (-0.6')



SCALE 1" = 40'
0 20 40 80

BASIS OF BEARINGS:
InGCS ALLEN COUNTY

1
SHEET
OF 2
SHEETS

PROJECT: STREET VACATION EXHIBIT

ADDRESS: DUNN STREET, FORT WAYNE, INDIANA 46808

DESCRIPTION: 0.266 ACRES IN WASHINGTON TWP.
SEC.22,T31N,R12E ALLEN COUNTY

FIELDWORK
COMPLETED

DATE: 1/10/2024

CREW: NRM/BLW

DRAWING

DATE: 2/6/2024

DRAWN BY: DAF

APPROVED BY: NRM

DATE: 2/14/2024



2305 CENTRALYARD
CT, SUITE B
FORT WAYNE, IN
46818

info@otmlandsurveying.com
www.otmlandsurveying.com
260-338-2052

LEGAL DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 IN HOUSER'S SUBDIVISION BLOCK NO. 1 AS MONUMENTED BY A 5/8" REBAR WITH "SAUER" IDENTIFICATION CAP FOUND 0.1 FEET BELOW GRADE; THENCE NORTH 58 DEGREES 17 MINUTES 22 SECONDS EAST 231.33 FEET ALONG THE SOUTHEASTERLY LINES OF LOTS 1 AND 19 TO A CONCRETE RIGHT OF WAY MARKER FOUND FLUSH; THENCE SOUTH 31 DEGREES 42 MINUTES 57 SECONDS EAST 50.00 FEET TO A RIGHT OF WAY MARKER FOUND 1.2 FEET ABOVE GRADE ON THE NORTHWESTERLY LINE OF LOT 46; THENCE SOUTH 58 DEGREES 17 MINUTES 22 SECONDS WEST 231.48 FEET ALONG THE NORTHWESTERLY LINES OF LOTS 46 AND 22 TO A 5/8" REBAR FOUND 0.3 FEET BELOW GRADE; THENCE NORTH 31 DEGREES 32 MINUTES 42 SECONDS WEST 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.266 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

IN WITNESS WHEREOF, I hereunto place my hand and seal this 14th day of February, 2024.

Nolan R. Mark, P.S. No.LS21900003

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC 1-12-1 thru 30.



2
SHEET
OF 2
SHEETS

PROJECT: STREET VACATION EXHIBIT

ADDRESS: DUNN STREET, FORT WAYNE, INDIANA 46808

DESCRIPTION: 0.266 ACRES IN WASHINGTON TWP.
SEC.22,T31N,R12E ALLEN COUNTY

FIELDWORK
COMPLETED

DATE: 1/10/2024

CREW: NRM/BLW

DRAWING

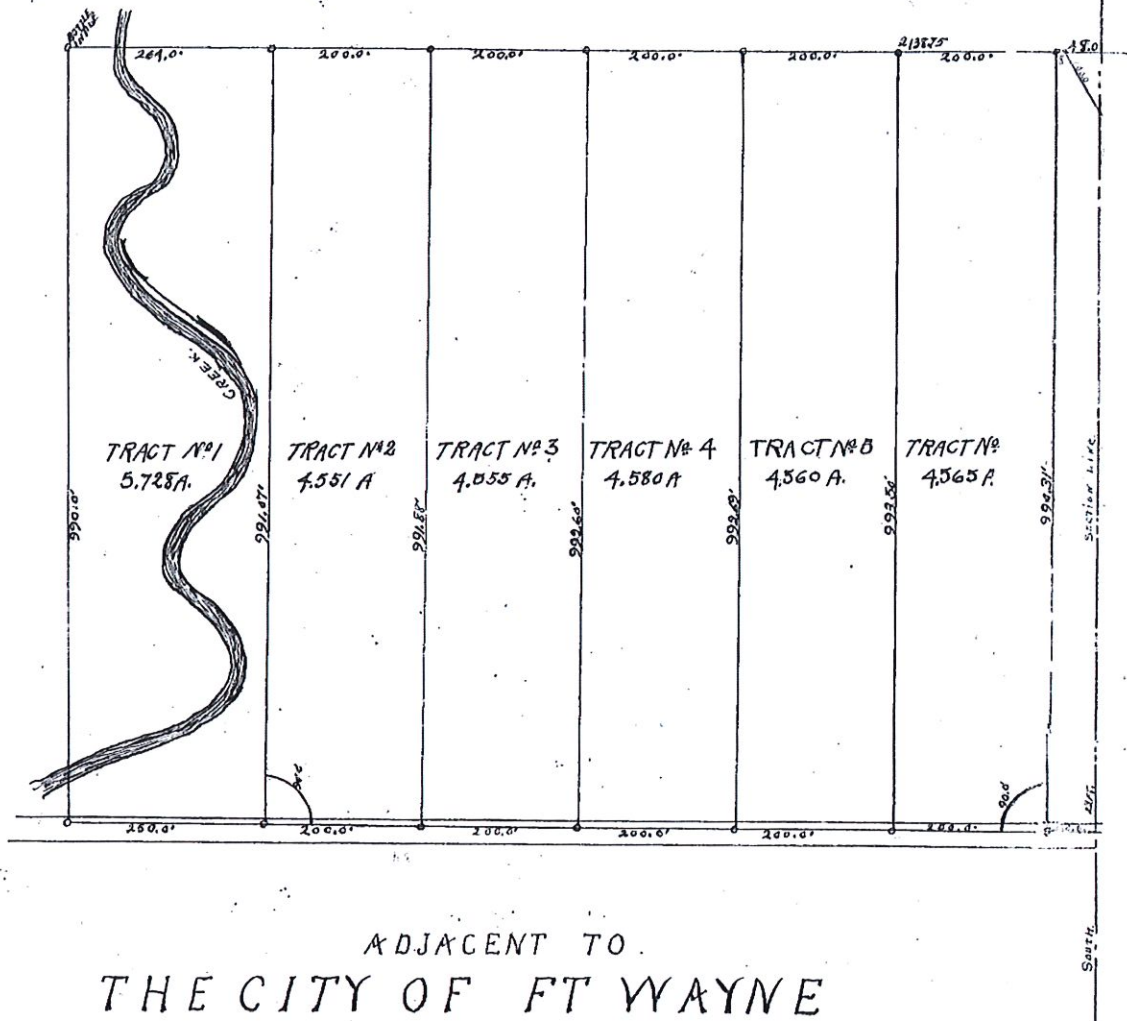
DATE: 2/6/2024

DRAWN BY: DAF

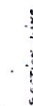
APPROVED BY: NRM

DATE: 2/14/2024

HOUSERS



ORTH.



1

42105

E. V. Enrick Commissioner
William M. Houser Com.

William H Ballou Judge of the Superior Court of Allen County, Indiana.

Rotary Seal

Commission expires 8-17-1922.

Angus E Mc Coy, Auditor Allen County,
Indisno.

Frank Cumison,
Recorder Allen County
Indiana.

251 Hwy. 65, Ruston
Rust Book 272 Pg 139 ✓

Adjacent Prop Owners for Dunn Street:

Dougherty Edward
722 Dunn Ave
Fort Wayne, IN 46808

Eib Brandon
707 Dunn Ave
Fort Wayne, IN 46808

AJZ-Fort Wayne I LLC
4201 Stadium Dr
Kalamazoo, MI 49008

Panel Mart Inc
4602 Lima Rd
Fort Wayne, IN 46805

FTW-4520 Lima Rd LLC
5655 Castle Creek Parkway North
Indianapolis, IN 46250

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