

1
2 VALY-2024-0002

3 BILL NO. G-24-05-02

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 PARCEL I:

18 That part of Lot Numbered Three Hundred Seventy-One (371) in Hanna's Addition to the City of Fort
Wayne, described as follows:

19 Commencing at the Northeast corner of Hanna and Wayne Streets in said City of Fort Wayne; thence
20 East along the North line of Wayne Street Thirty One (31) feet; thence in a Northerly direction on a
21 straight line to the mid-point of the North line of said Lot; thence West along the North line of said Lot
to the Northwest corner thereof; thence in a Southerly direction along the West line of said Lot to the
place of beginning, according to the plat of said Addition.

22 Excepting therefrom:

23 The North 14 feet of the above described real estate taken for alley purposes in Declaratory Resolution
No. 326-1916. (Commonly known as 701 E. Wayne St.)

24 PARCEL II:

25 East Thirty (30) feet of Lot Number Three Hundred Seventy-One (371), Hanna Addition to the City of
Fort Wayne, according to the recorded plat thereof as shown in the Recorder's Office of Allen County,
Indiana. (Commonly known as 703 E. Wayne St.)

26 PARCEL III:

27 The West One-half of Lot 370 in Hanna's Addition to the City of Fort Wayne, Indiana. (Commonly
28 known as 707 E. Wayne St.)
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PARCEL IV:

The East One-half (1/2) of Lot Number 370, Hanna's Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 3, page 526, in the Office of the Recorder of Allen County, Indiana. (Commonly known as 711 E. Wayne St.)

PARCEL V:

The West 32 feet of Lot Numbered 369 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 715 E. Wayne St.)

PARCEL VI:

28 feet off the East side of Lot Number 369, except the North 14 feet condemned by Declaratory Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 717 E. Wayne St.)

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-2024-0002
Bill Number: G-24-05-02
Council District: 5 – Geoff Paddock

Introduction Date: May 14, 2024

Public Hearing Date: May 28, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna's Addition.

Location: The north side of 701-717 E Wayne Street and adjacent to E Berry Street.

Reason for Request: To allow the commercial development of a new warehouse on Lots 369 through 371 of Hanna's Addition.

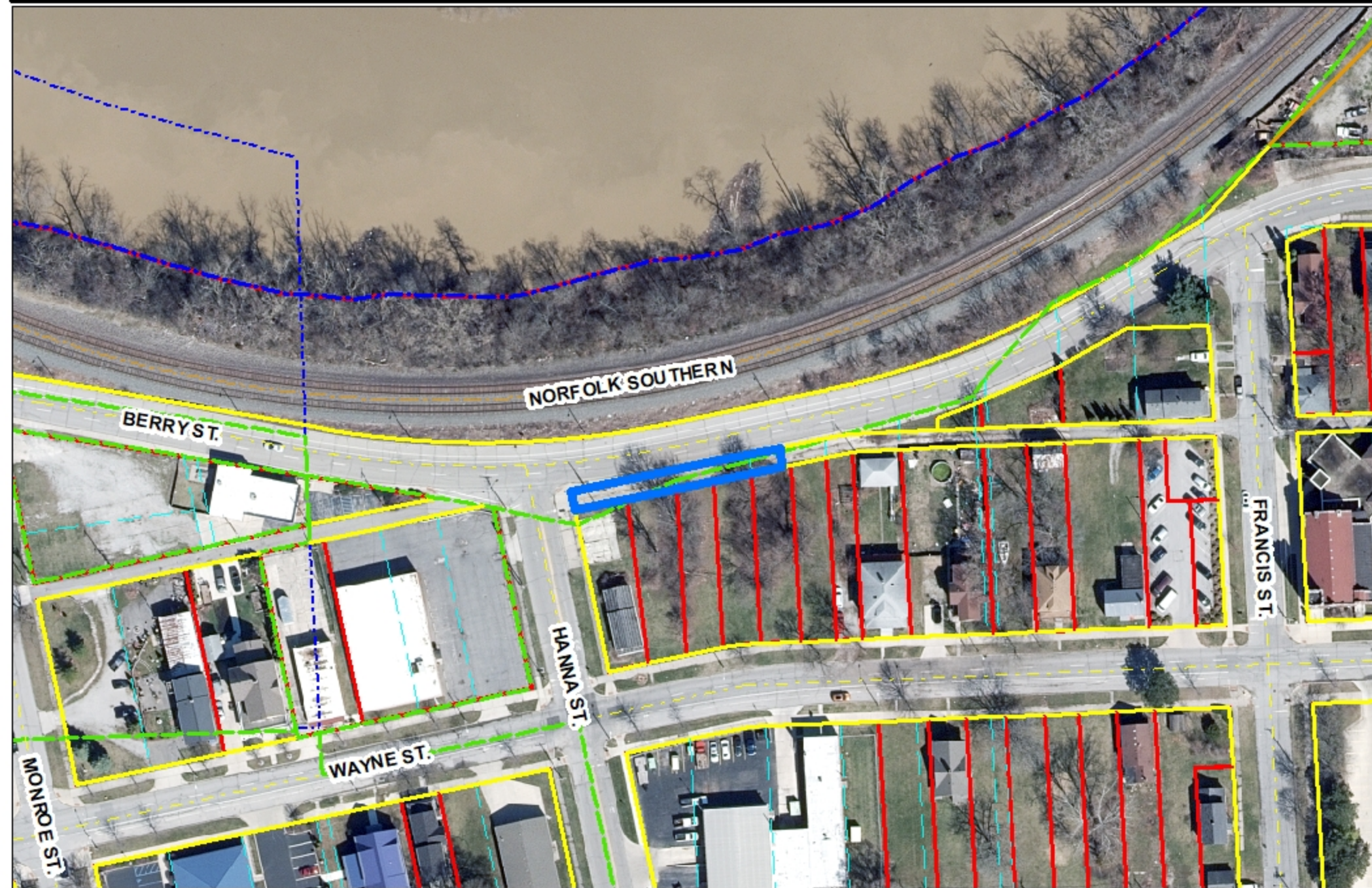
Applicant: Wayne-Vaughn Equipment Co., Inc

Property Owner: Wayne-Vaughn Equipment Co., Inc

Related Petitions: Primary Development Plan – Wayne Vaughn Warehouse

Effect of Passage: The vacation of the platted alley will allow for the construction of a new warehouse.

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: 5/6/2024



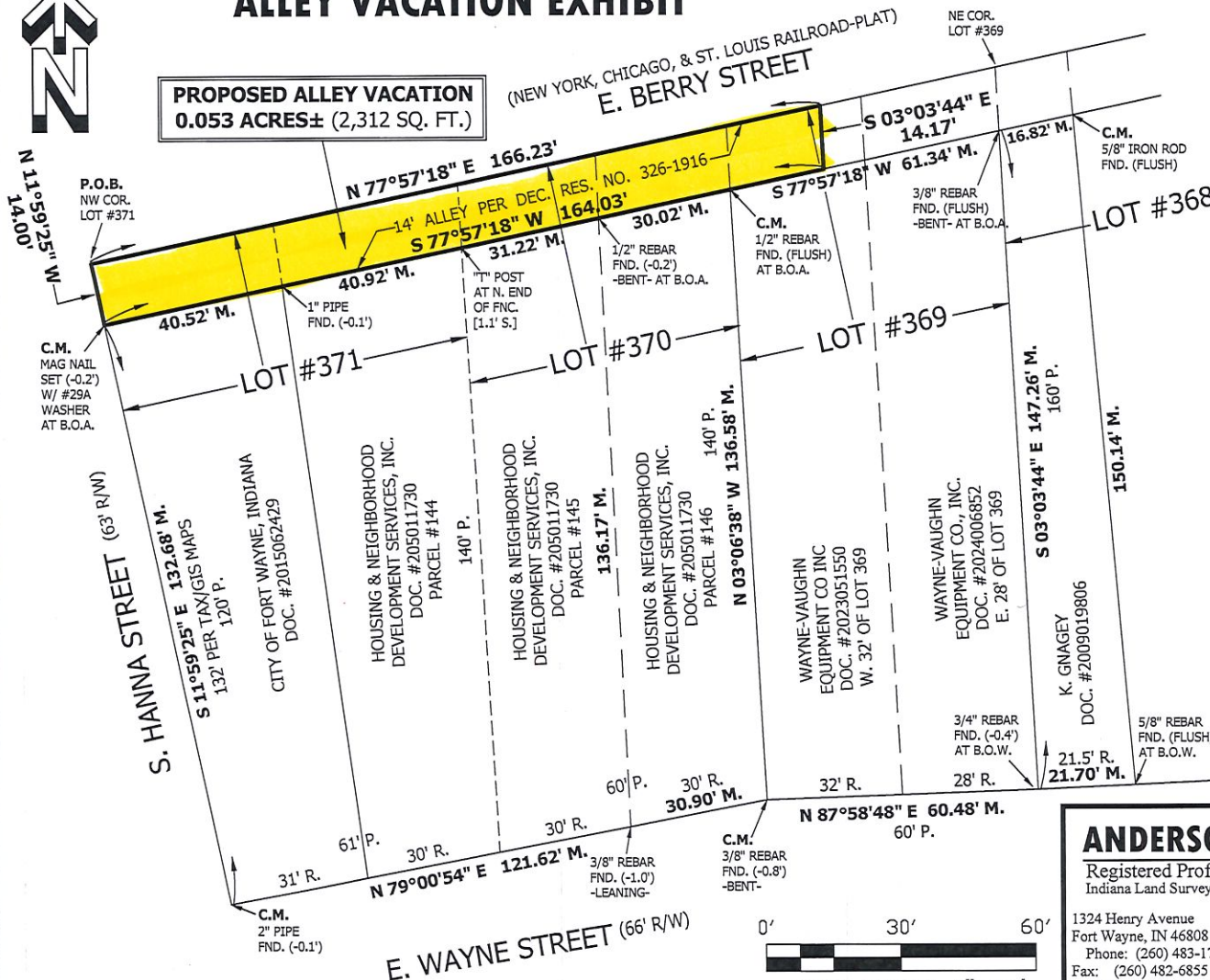
1 inch = 100 feet



ALLEY VACATION EXHIBIT

PROPOSED ALLEY VACATION
0.053 ACRES± (2,312 SQ. FT.)

(NEW YORK, CHICAGO, & ST. LOUIS RAILROAD-PLAT)
E. BERRY STREET



PROPOSED ALLEY VACATION DESCRIPTION:

The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

Prepared this 24th day of April, 2024
Prepared exclusively for: Wayne-Vaughn Equipment Co., Inc.
Job Number: 23-09-104 (2)



ERICK J. SPRINGER, PS #22200006

ANDERSON SURVEYING, INC.

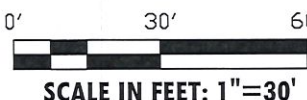
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855



WWW.ANDERSONSURVEYING.COM



PARCEL I:

That part of Lot Numbered Three Hundred Seventy-One (371) in Hanna's Addition to the City of Fort Wayne, described as follows:

Commencing at the Northeast corner of Hanna and Wayne Streets in said City of Fort Wayne; thence East along the North line of Wayne Street Thirty One (31) feet; thence in a Northerly direction on a straight line to the mid-point of the North line of said Lot; thence West along the North line of said Lot to the Northwest corner thereof; thence in a Southerly direction along the West line of said Lot to the place of beginning, according to the plat of said Addition.

Excepting therefrom:

The North 14 feet of the above described real estate taken for alley purposes in Declaratory Resolution No. 326-1916. (Commonly known as 701 E. Wayne St.)

PARCEL II:

East Thirty (30) feet of Lot Number Three Hundred Seventy-One (371), Hanna Addition to the City of Fort Wayne, according to the recorded plat thereof as shown in the Recorder's Office of Allen County, Indiana. (Commonly known as 703 E. Wayne St.)

PARCEL III:

The West One-half of Lot 370 in Hanna's Addition to the City of Fort Wayne, Indiana. (Commonly known as 707 E. Wayne St.)

PARCEL IV:

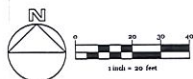
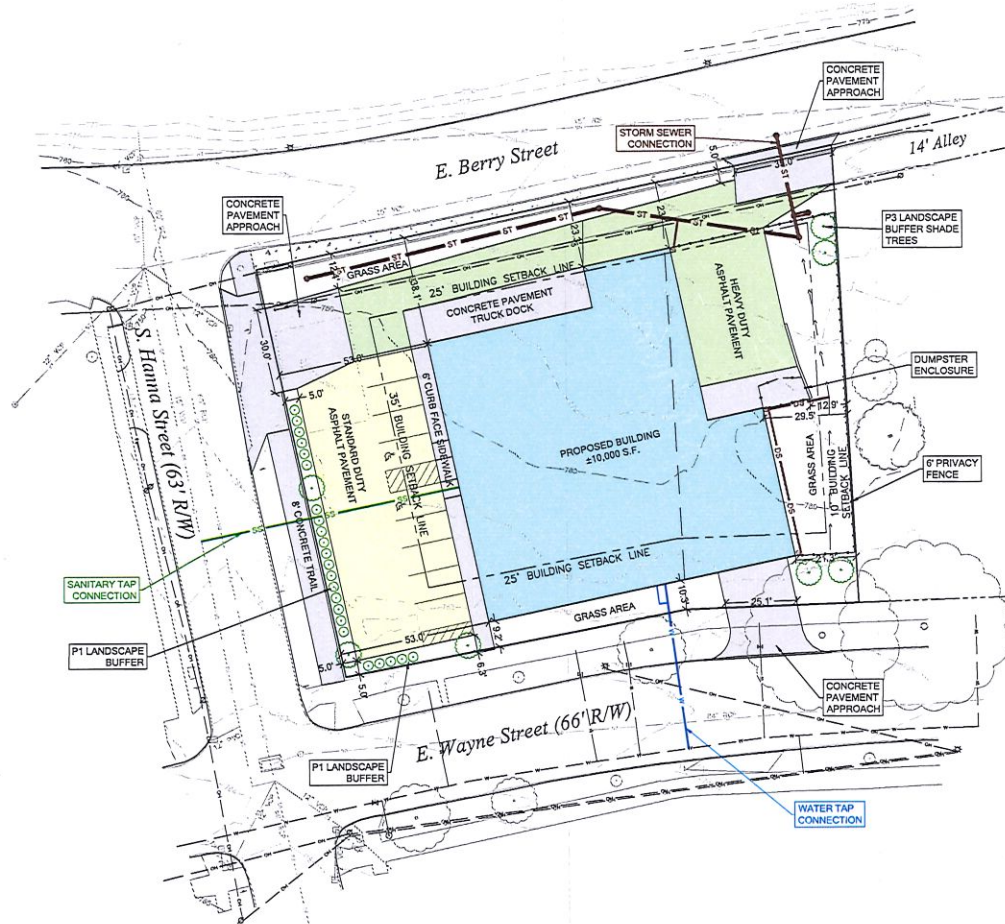
The East One-half (1/2) of Lot Number 370, Hanna's Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 3, page 526, in the Office of the Recorder of Allen County, Indiana. (Commonly known as 711 E. Wayne St.)

PARCEL V:

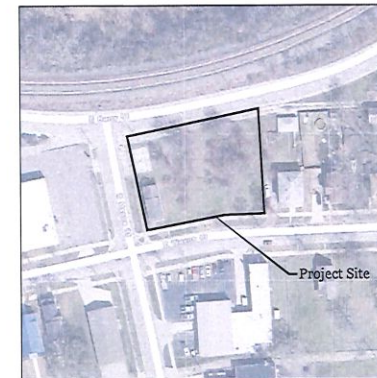
The West 32 feet of Lot Numbered 369 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 715 E. Wayne St.)

PARCEL VI:

28 feet off the East side of Lot Number 369, except the North 14 feet condemned by Declaratory Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 717 E. Wayne St.)

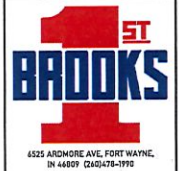


Vicinity Map (n.t.s.)

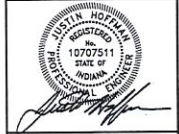


Location Map (n.t.s.)

Legal Description
 Lot Numbers 304, 310, 311, except the North 14 feet thereof, per Dedimentary Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana.



The concepts, design, plans details and specifications as shown on and within this document are the sole property of Brooks Construction Company, Inc. and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans, details or specifications shall be used or dissemination of any data herein may be made without the express written permission of Brooks Construction Company, Inc.



Wayne-Vaughn
 Location: 701 E. Wayne Street, Fort Wayne, Indiana
 Prepared for: Wayne-Vaughn Equipment Co., Inc.
 716 E. Wayne Street
 Fort Wayne, IN 46802
 (260) 424-4044

JOB NUMBER	720002
DRAWN BY	DLM
CHECKED BY	JWH
SCALE	As Shown
DATE	02/05/2024
EXTENSION	DATE

TITLE: Preliminary Site Plan

SHEET: C-1.0

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:

A 14 foot alley (Dec. Res. 326-1916) comprised of the north 14 feet of Lots 369, 370 and 371 of

Hanna's Addition to the City of Fort Wayne, and south of and adjacent to E. Berry St. (See attached
survey 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: C PAGE(S) NUMBER(S): 525-526 (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:

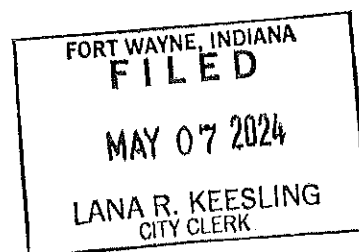
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.
(See attached Exhibit "C.")

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

Name: Wayne-Vaughn Equipment Co., Inc. (applicant and adjacent property owner)

Street Address: 716 E. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-424-4044



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

Shane Replogle
Printed Name

2/22/24
Date

716 E. Wayne St.
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): 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 #: _____