

VROW-2023-0004

BILL NO. G-23-05-05

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:

THE INTENT OF THIS REAL ESTATE DESCRIPTION IS TO DESCRIBE A PORTION OF PUBLIC ROW TO BE VACATED FOR THE WORLD BASEBALL ACADEMY PROJECT LOCATED IN SECTION 9, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA. THE REAL ESTATE DESCRIPTION AND ACCOMPANYING EASEMENT EXHIBIT ARE BASED UPON A BOUNDARY RETRACEMENT SURVEY PREPARED BY FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 080604 DATED JUNE 2ND, 2009, CERTIFIED BY TODD R. BAUER INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007.

A PART OF THE THIRD COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK 4B, PAGE 48 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING THAT PART OF MORRIS STREET FROM THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOTS 401 THROUGH 412 INCLUSIVE TO THE WESTERLY EXTENSION OF THE NORTH RIGHT OF WAY OF CULBERTSON STREET AND ALL PART OF SAID CULBERTSON STREET FROM THE EAST RIGHT OF WAY OF MORRIS STREET TO THE WEST RIGHT OF WAY OF CATALPA AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF BLOCK E IN SAID THIRD COMMERCIAL ADDITION; THENCE NORTH 01 DEGREE 01 MINUTES 29 SECONDS WEST (BEARINGS BASED UPON INDIANA STATE PLANE COORDINATE, EAST ZONE, GRID) ALONG THE EAST LINE OF

1 SAID BLOCK E AS COINCIDENT WITH THE WEST RIGHT OF WAY OF SAID
2 MORRIS STREET, A DISTANCE OF 152.14 FEET TO THE POINT OF BEGINNING
3 INITIALLY REFERRED TO; THENCE CONTINUING NORTH 01 DEGREE 01
4 MINUTES 29 SECONDS WEST ALONG THE LINES AFORESAID, A DISTANCE OF
5 189.86 FEET TO THE WESTERLY PROJECTION OF THE NORTH LINE OF
6 CULBERTSON STREET; THENCE NORTH 88 DEGREES 48 MINUTES 34 SECONDS
7 EAST ALONG SAID PROJECTION AND THE NORTH LINE OF SAID CULBERTSON
8 STREET AS COINCIDENT WITH THE SOUTH LINE OF LOTS 413-425 INCLUSIVE, A
9 DISTANCE OF 570.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 425 AS
10 SITUATED ON THE WESTERLY RIGHT OF WAY OF CATALPA AVENUE; THENCE
11 SOUTH 0 DEGREES 59 MINUTES 26 SECONDS EAST ALONG SAID WESTERLY
12 RIGHT OF WAY, A DISTANCE OF 50.24 FEET TO THE NORTHEAST CORNER OF
13 LOT 400 IN SAID THIRD COMMERCIAL ADDITION; THENCE SOUTH 89 DEGREES
14 08 MINUTES 57 SECONDS WEST ALONG THE NORTH LINE OF LOTS 400
15 THROUGH 412 INCLUSIVE, AS COINCIDENT WITH THE SOUTH RIGHT OF WAY
16 OF CULBERTSON STREET, A DISTANCE OF 520.13 FEET TO THE NORTHWEST
17 CORNER OF SAID LOT 412; THENCE SOUTH 01 DEGREE 01 MINUTES 29 SECONDS
18 EAST ALONG THE WEST LINE OF SAID LOT 412 AS COINCIDENT WITH THE
19 EASTERLY RIGHT OF WAY OF SAID MORRIS STREET, A DISTANCE OF 140.00
20 FEET TO THE SOUTHWEST CORNER OF SAID LOT 412; THENCE SOUTH 88
21 DEGREES 58 MINUTES 31 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE
22 POINT OF BEGINNING AND CONTAINING 0.816 ACRES OF LAND, MORE OR LESS.

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

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

27 _____
28 COUNCILMEMBER

29 APPROVED AS TO FORM AND LEGALITY:

30 _____
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-2023-0004
Bill Number: G-23-05-05
Council District: 5 – Geoff Paddock

Introduction Date: May 9, 2023

Public Hearing Date: May 23, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate portions of Culbertson and Morris Streets

Location: Culbertson, between Catalpa and Morris; Morris from Culbertson south approximately 140 feet to the first east-west alley

Reason for Request: To accommodate construction of new parking for World Baseball Academy

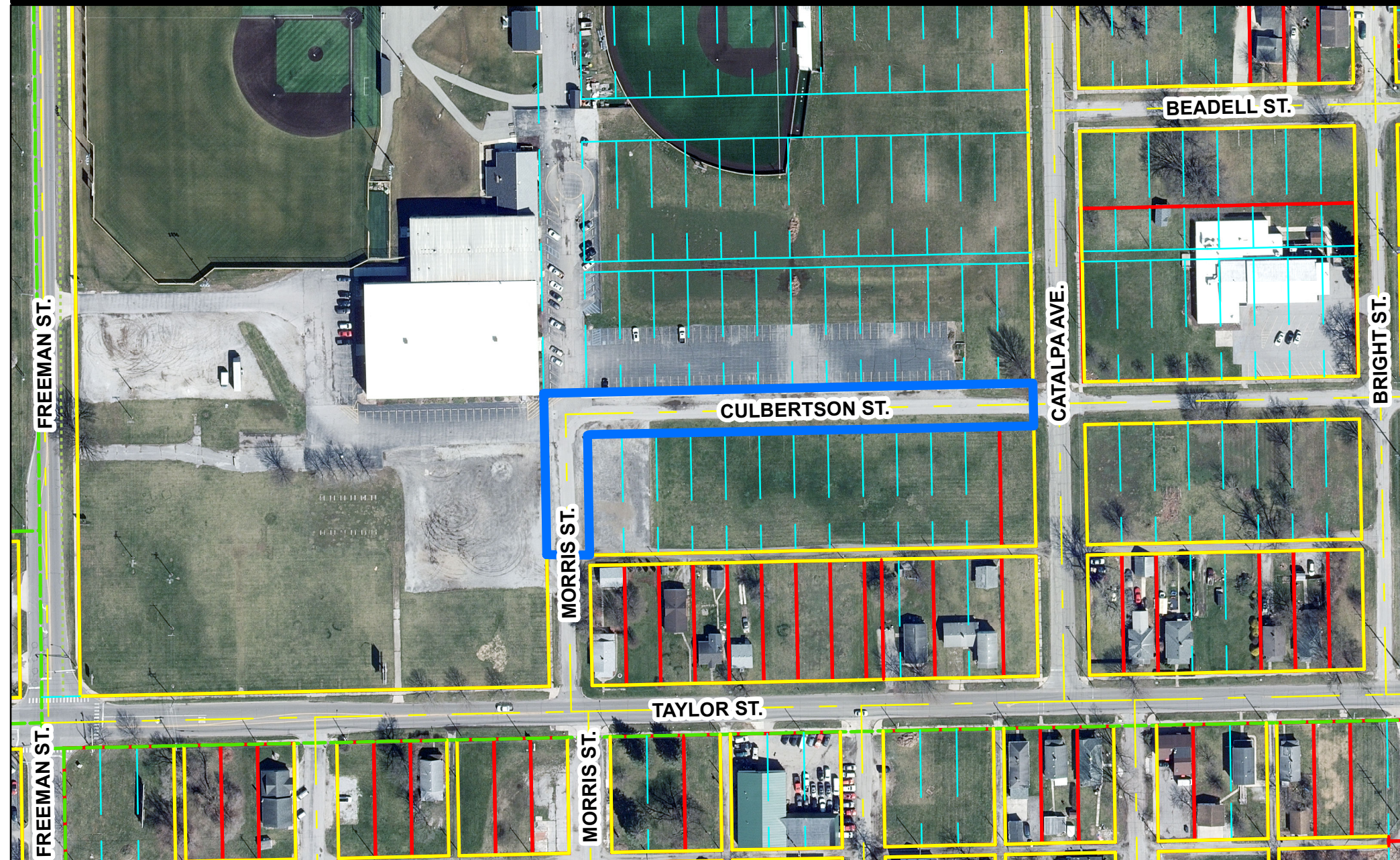
Applicant: Caleb Kimmel – World Baseball Academy

Property Owner: World Baseball Academy

Related Petitions: Rezoning REZ-2023-0014 and Primary Development Plan, World Baseball Academy

Effect of Passage: The vacation of the two streets will allow for the expansion of the World Baseball Academy. They own property on both sides of the area to be vacated.

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.



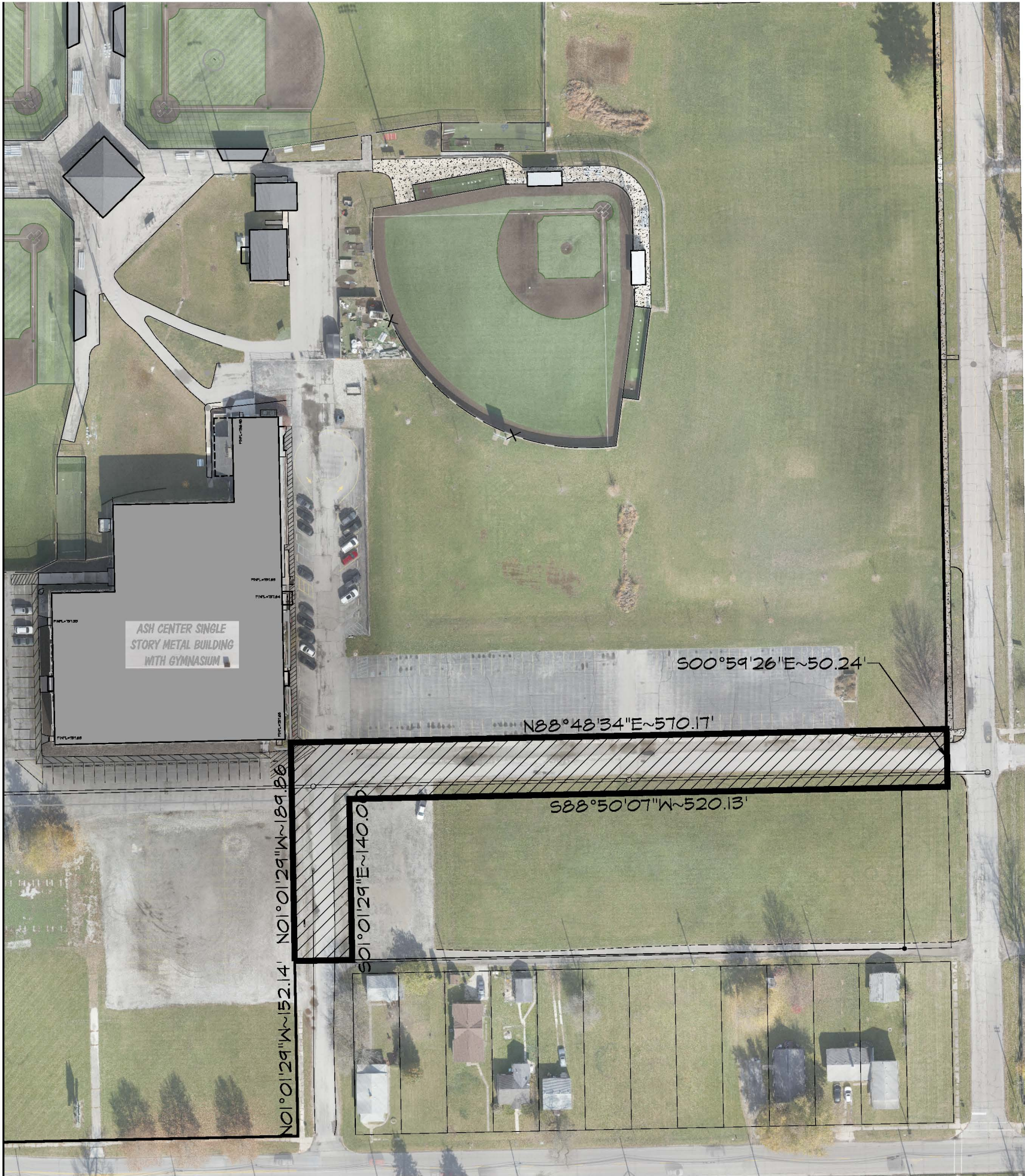
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/3/2023

0 50 100 Feet



1 inch = 150 feet



STREET VACATION DESCRIPTION:

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ForeSight

Certification:

Todd R. Bauer, P.E. No. 29800007
todd@4site.biz

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Performed for:

Exhibit & Description for ROW Vacation:

World Baseball Academy

1701 Freeman Street, Fort Wayne, IN 46802

Drawing Revisions

Commission Number
223386

Date
April 27th, 2023

Title
ROW Vacation Description
& Exhibit
Sheet Number

E1.1

EXPERIENCE. INNOVATION. RESULTS.

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 ROW Vacation Description & Exhibit
and Boundary Retracement Survey

(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: _____ PAGE(S) NUMBER(S): _____ (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:

World Baseball Academy would like to develop and
incorporate the portion of the public roadway that
currently serve their property.

(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: Caleb Himmel

Street Address: 1701 Freeman Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260-437-9349

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.

C.B.K. CALEB B. KIMMEL 4-28-23
Signature Printed Name Date
1701 FREEMAN ST. FORT WAYNE, IN 46802
Address 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): Caleb Kimmel
Street Address: 1701 Freeman Street
City: Fort Wayne State: IN Zip: 46802 Phone: 260-437-9349

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 #: _____

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE

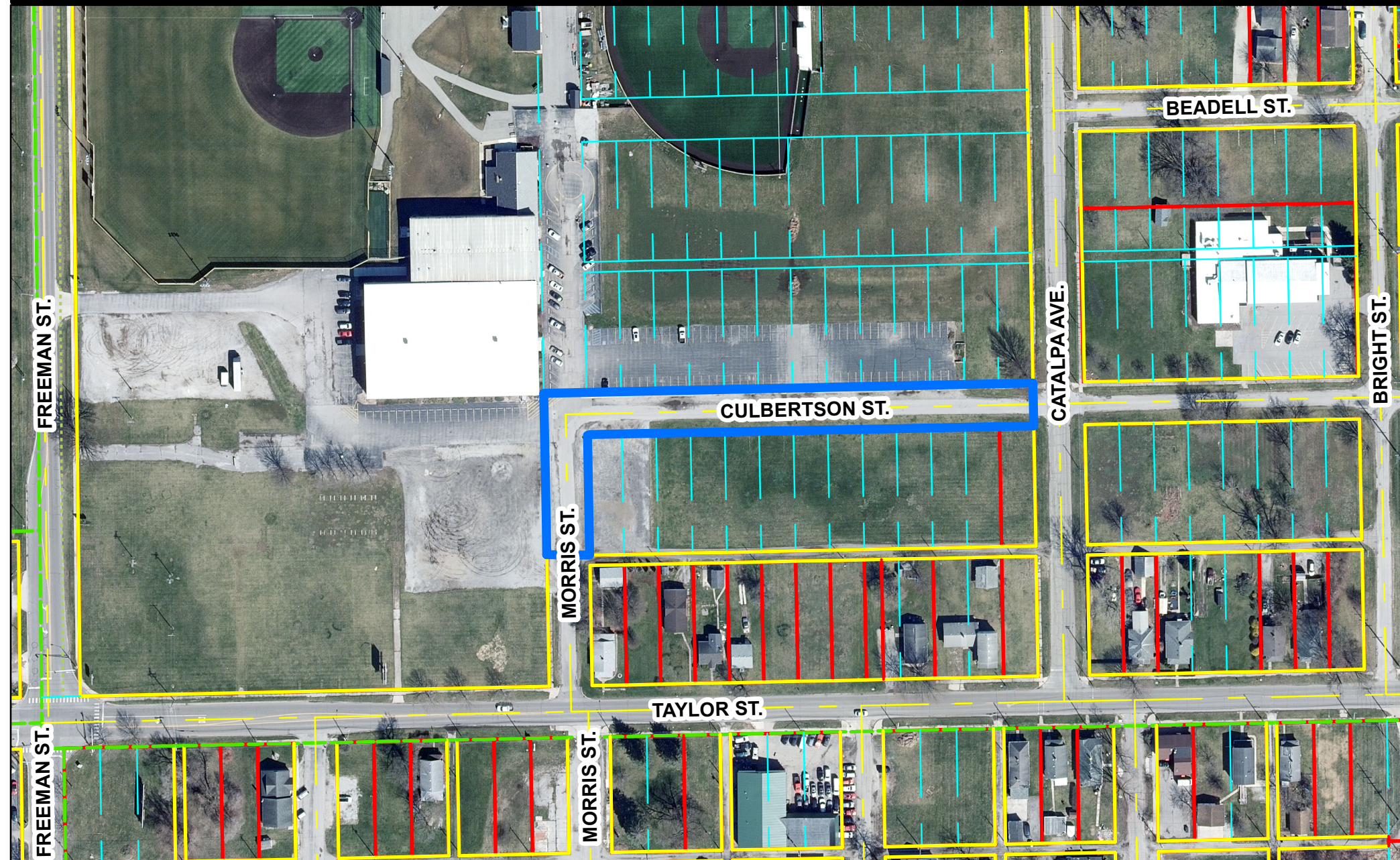
Department of Planning Services

VROW 2023 0004	Bill #G-23-05-05	Project Start: April 2023
APPLICANT:	Caleb Kimmel – World Baseball Academy	
REQUEST:	To vacate portions of Culbertson and Morris Streets	
LOCATION:	Culbertson, between Catalpa and Morris; Morris from Culbertson south approximately 140 feet to the first east-west alley	
COUNCIL DISTRICT:	5 – Geoff Paddock	
PUBLIC HEARING DATE:	May 23, 2023 (no public comments)	

PROJECT SUMMARY

The petitioner, World Baseball Academy, wishes to vacate portions (1.0 acres) of Culbertson and Morris Streets. The noted right-of-ways to be vacated are located on Culbertson Street, between Catalpa and Morris, and Morris Street from Culbertson south approximately 140 feet to the first east-west alley. World Baseball Academy owns the land on both sides of these sections of Culbertson and Morris Streets. Accord to GIS mapping, these portions of Culbertson and Morris Streets have historically (since late 1990's) been used to access parking at the World Baseball Academy, located on both sides of these streets. The vacation of these portions of Culbertson and Morris Streets will allow for construction of new parking for World Baseball Academy. Staff has sent requests for comment from all affected utility and reviewing agencies. All responses have been received and are noted below.

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
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved with easement
WPC Engineering – Sanitary:	Approved with easement
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Approved with easement



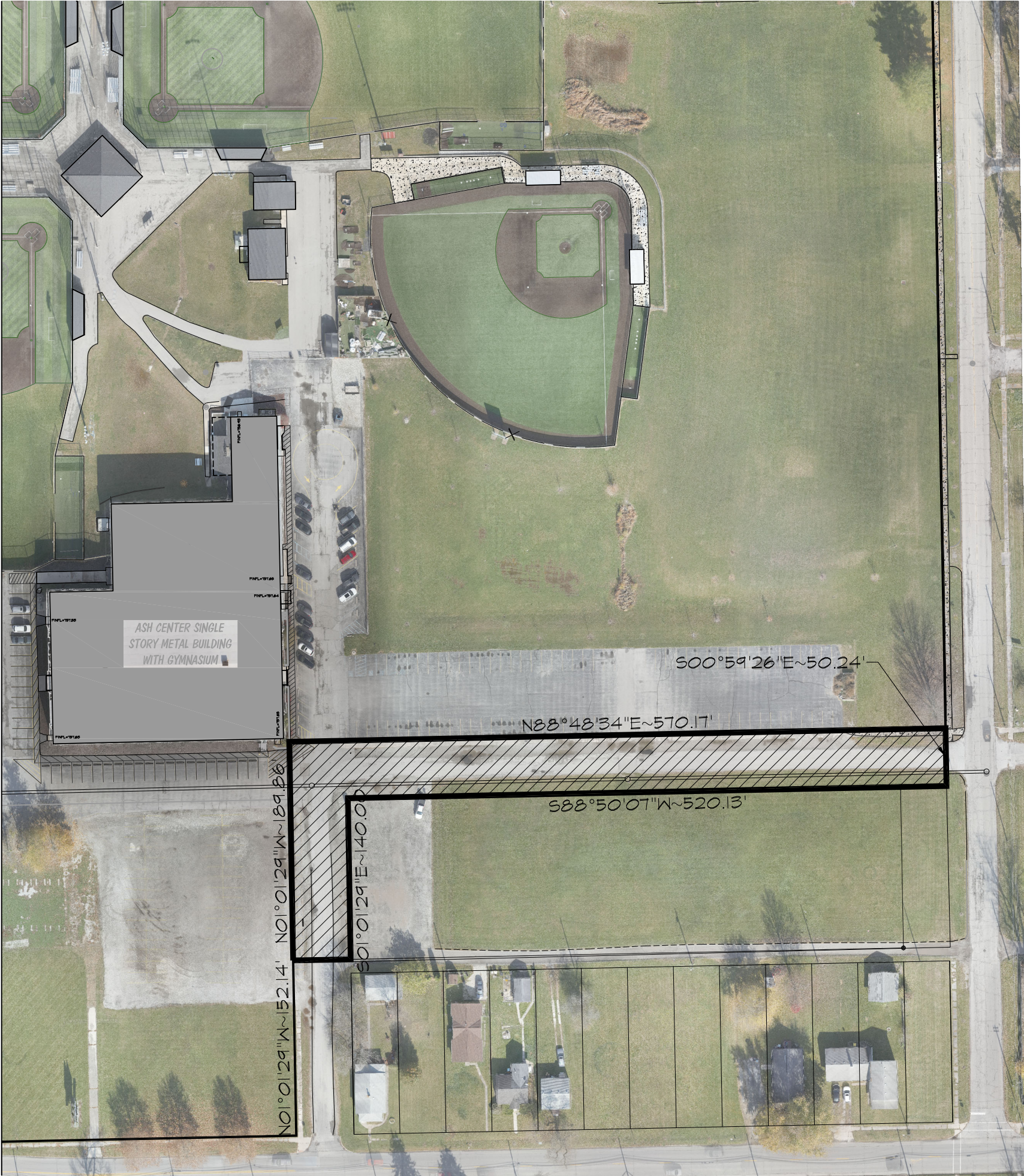
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