

VROW-2024-0007

BILL NO. G-24-08-01

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:

PROPOSED STREET VACATION LEGAL DESCRIPTION

All of that portion of Old Lincoln Highway situated between the lands of Omnisource Corporation as described in Recorder's Document #87-034478 and the lands of Omnisource, LLC, as described in Recorder's Document #2024004292 and Document #2024004293, all being situated in the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Second Principal Meridian, Adams Township, Allen County, Indiana, more particularly described as follows:

BEGINNING at a 1-1/4-inch pipe monumenting the northwest corner of Lot Numbered 1 in Clarksdale Addition as recorded in Plat Book 10, pages 90-91; thence South 84 degrees 26 minutes 52 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of Lots Numbered 1 to 9 in Clarksdale Addition, a distance of 406.98 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" on the westerly line of lands of the State of Indiana as described in Recorder's Deed Book 453, pages 354-355; thence North 42 degrees 34 minutes 43 seconds East, a distance of 10.51 feet to a right-of-way fence post; thence North 00 degrees 40 minutes 21 seconds West, a distance of 46.88 feet to southeast corner of a 11.969-acre parcel being the lands of Omnisource Corporation as described in Recorder's Document #87-034478; thence North 84 degrees 26 minutes 52 seconds West on the southerly line of said Document #87-034478 also being the north 20-foot right-of-way line of Old Lincoln Highway (Maumee Turnpike), a distance of 1089.64 feet to the intersection of said north 20-foot right-of-way line with the northwesterly extension of the northerly 40-foot right-of-way for Maumee Avenue; thence South 67 degrees 46 minutes 08 seconds East on the northwesterly extension of said right-of-way line, a distance of 160.40 feet to the intersection of said northerly 40-foot right-of-way for Maumee Avenue with the apparent south 25-foot right-of-way line of Old Lincoln Highway (Maumee Turnpike); thence

1 South 84 degrees 26 minutes 52 seconds East on said south 25-foot right-of-way line, a distance of
2 527.18 feet to the intersection of said south 25-foot right-of-way line with the northerly extension of the
3 west line of said Clarksdale Addition; thence South 01 degrees 52 minutes 43 seconds West on said a
4 northerly extended west line, a distance of 8.98 feet to the Point of Beginning, containing 1.158 acres
of land, more or less.

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

7
8 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
9 any and all necessary approval by the Mayor.

10
11 _____
COUNCILMEMBER

12 APPROVED AS TO FORM AND LEGALITY:

13
14 _____
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-2024-0007
Bill Number: G-24-08-01
Council District: 6 – Rohli Booker

Introduction Date: August 13, 2024

Public Hearing Date: August 27, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate all of that portion of Old Lincoln Highway (AKA Maumee Road/ Maumee Turnpike) situated between the lands of Omnisource Corporation at 3601 Maumee Avenue and the lands of Omnisource, LLC at 3701 Maumee Avenue.

Location: Between 3601 Maumee Avenue and 3701 Maumee Avenue (Section 8 of Adams Township)

Reason for Request: To expand the operations and improve traffic flow

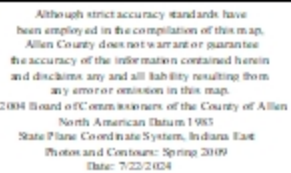
Applicant: Joshua Hess, Engineering Manager

Property Owner: City of Fort Wayne

Related Petitions: None

Effect of Passage: Vacation of right of way will allow expansion of the operations and improve traffic flow.

Effect of Non-Passage: The right of way will remain as mapped. Redevelopment of the property may be hindered by retention of the right-of-way.



1 inch = 150 feet

STREET VACATION EXHIBIT

PROPOSED STREET
VACATION AREA=
1.158 ACRES±

OMNISOURCE CORP.
DOC. #87-034478
11.969 ACRES± REC.

OMNISOURCE, LLC
DOC. #2024004293
1.91 ACRES± REC.

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Prepared this 9th day of May, 2024
Prepared for: Omnisource, LLC
Job Number: 23-09-117-1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 42°34'43" E	10.51'
L2	N 00°40'21" W	46.88'
L3	S 01°52'43" W	8.98'
L4	S 01°52'43" W	34.03'

① = STATE OF INDIANA D.B. 480 PG. 394
② = STATE OF INDIANA D.B. 453 PG. 354-355



ERICK J. SPRINGER, PS #22200006



MONUMENT LEGEND

- A 1-1/4" PIPE FND. FLUSH, C.M.
- B 5/8" REBAR FND. +0.3' W/ "ANDERSON" I.D. CAP
- C R/W FENCE POST FND. +1.0', C.M.
- D INDOT CONC. R/W MARKER FND., C.M.

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

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Prepared this 9th day of May, 2024

Prepared for: Omnisource, LLC

Job Number: 23-09-117-1

THREE RIVERS TITLE
COMPANY, INC. 77

DULY ENTERED FOR TAXATION

JUL 7 1987

87-034478

Jude K. Bloom

AUDITOR OF ALLEN COUNTY

MAIL TAX BILLS TO:
1610 North Calhoun St.
Fort Wayne, IN 46808

CORPORATE DEED

THIS INDENTURE WITNESSETH, That LEVIN & SONS, INC., an Indiana corporation ("Grantor"), CONVEYS AND WARRANTS to OMNISOURCE CORPORATION, an Indiana corporation, in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Allen County, in the State of Indiana, to-wit:

Part of the South Half of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows to-wit:

Commencing at the intersection of the North line of the New York, Chicago, & St. Louis Railroad, with the Section line between Sections 5 & 6 in Township 30 North, Range 13 East; thence South 74 degrees 30 minutes East, on and along said North line, 250.0 feet to the true point of beginning; thence continuing South 74 degrees 30 minutes East, on and along said North line, 54.92 feet; thence North 39 degrees 00 minutes East, 299.6 feet; thence North 59 degrees 40 minutes West, 323.1 feet to the South line of a 20 foot sewer easement; thence North 80 degrees 31 minutes West, on and along said South line, 76.76 feet; thence South 16 degrees 01 minutes East (recorded South 16 degrees 03 minutes East), 409.9 feet to the true point of beginning, containing 1.649 Acres of land, subject to an easement for a road to cross-over the above described parcel to dump sludge at sludge lagoon, the centerline of said existing road is described as follows:

Beginning at a point on the West line of the above described parcel, said point being situated 20.9 feet South 16 degrees 01 minutes East from the Northwest corner thereof; thence South 82 degrees 36 minutes East, 107.1 feet to the Northerly line of the above described parcel.

ALSO,

Part of the Northwest Quarter Section 8 and the Southwest Quarter of Section 5, Township 30 North, Range 13 East, in Allen County, Indiana, described as follows to-wit:

Commencing on the North 20 foot right-of-way line of the public highway known as the Maumee Turnpike at a distance of 128.35 feet (110.91 feet Deed Record 614, pages 482-3) from the East line of the Northwest Quarter of said Section 8; thence Northerly by a deflection right of 82 degrees 39 minutes from the Northwesterly direction of said right-of-way line, a distance of 96.63 feet; thence Northwesterly by a deflection left of 68 degrees 43 minutes, a distance of 209.87 feet; thence Southerly by a deflection left of 103 degrees 56 minutes, a distance of 11.7 feet to a point situated 125 feet normally distant Southwesterly from the North-easterly right-of-way line of the former New York, Chicago, and St. Louis Railway, now the Norfolk and Western Railroad; thence Northwesterly on a line parallel to the aforesaid right-of-way line by a deflection right of 104 degrees 51 minutes, a distance of 1050.2 feet to the Northeast corner of 5.476 Acres described in Deed Record 597, pages 432-3; thence continuing Northwesterly on a line 125 feet normally distant Southwesterly of Northeastly Railroad right-of-way line, a distance of 1033 feet to a post found at the West corner

87 JUL -7 AM 8:27
ALLEN COUNTY RECORDER
Debra E. Ruppert

INSTRUMENT V 5484

8 7 3 4 4 7 8

2024004293

RECORDED: 01/31/2024 04:31:44 PM

NICOLE KEESLING
ALLEN COUNTY RECORDER
FORT WAYNE, IN

Adams - 235838

Grantee's Address/Mail Tax Bills to:
7575 W Jefferson Blvd
Fort Wayne, IN 46804

Parcel No. 02-13-08-129-001.000-070
02-13-08-129-002.000-070

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that **GGS&D Holdings, LLC**, an Indiana limited liability company ("**Grantor**") CONVEYS AND WARRANTS to **OmniSource, LLC**, an Indiana limited liability company ("**Grantee**") in consideration of ten dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Allen County, in the State of Indiana, to-wit:

See attached Exhibit "A" for legal description.

Commonly known as 3801 Maumee Avenue, Fort Wayne, IN 46803

Subject to the Permitted Exceptions set forth in Exhibit "B".

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED JUNE 2, 2023, RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY ON JUNE 28, 2023, INSTRUMENT NUMBER 2023027482 IN FAVOR OF AND ENFORCEABLE BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

The undersigned person executing this Deed represents and certifies on behalf of the Grantor, that the undersigned is an authorized member of the Grantor and has been fully empowered by proper resolution of the members of Grantor to execute and deliver this Deed; that the Grantor is a limited liability company in good standing in the State of Indiana; that the Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of this conveyance has been duly taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed effective the 25th day of January 2024.

[Signature page follows]

METROPOLITAN TITLE OF IN, LLC
9604 COLDWATER ROAD SUITE 105
FORT WAYNE, IN 46825
235838

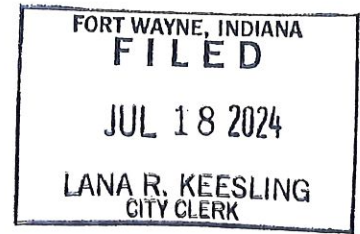
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Jan 31 2024 NB

NICHOLAS D. JORDAN
ALLEN COUNTY AUDITOR

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:

All of that portion of Old Lincoln Highway (AKA Maumee Road/ Maumee Turnpike) situated between the lands of
Omnisource Corporation at 3601 Maumee Avenue and and the lands of Omnisource, LLC at 3701 Maumee
Avenue.

(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 1st Floor, Rousseau Center, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

The Old Lincoln Highway ends at Maumee Avenue and the 930 cloverleaf and divides our properties at 3601 Maumee Avenue
and our newly aquired property at 3701 Maumee Avenue. There are no adjacent property owners. The street vacation would
be necessary to relocate our fence and combine the 3701 Maumee Avenue with our 3601 Maumee property. The intended
use for the 3701 Maumee Avenue property is to expand our operations and improve traffic flow at our facility.

(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.

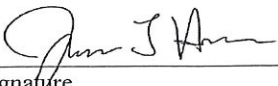
Applicant's name(s) if different from property owner(s):

Name: Joshua Hess

Street Address: 7575 West Jefferson Blvd

City: Fort Wayne State: IN Zip: 46804 Phone: 260-423-4136

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

Joshua Hess
Printed Name

7/16/2024
Date

7575 West Jefferson Blvd.
Address

Fort Wayne, IN 46804
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 #: _____