

VEAS-2024-0004

BILL NO. G-24-06-19

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 Lots Numbered 38-43 in Pfister Addition, Section "D", to the City of Fort Wayne, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 38 in said Pfister Addition, Section "D" as described in Plat Record 23, Page 140 in the Office of the Recorder of Allen County, Indiana; thence North 76 degrees 09 minutes 10 seconds West (Assumed bearing and basis of bearings to follow), a distance of 14.00 feet along the South line of said Lot 38 being the Northerly right-of-way of Lower Huntington Road to the Northwesterly line of a 14 foot Utility Easement; thence North 14 degrees 00 minutes 00 seconds East, a distance of 548.00 feet along said Easement to the North line of an existing tract being part of Lot 43 as described in Document Number 89-043009 in the Office of said Recorder; thence South 76 degrees 09 minutes 10 seconds East, a distance of 14.00 feet along said North line to the East line of said Pfister Addition, Section "D"; thence South 14 degrees 00 minutes 00 seconds West, a distance 548.00 feet along said West line to the point of Beginning. Containing 0.176 acres, more or less. Subject to easements of record.

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: Easement Vacation
Case Number: VEAS-2024-0004
Bill Number: G-24-06-19
Council District: 4 – Dr. Scott Myers

Introduction Date: June 25, 2024

Public Hearing Date: July 9, 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 utility easement running along the easternmost 14 feet of Lots Numbered 41-43 in Pfister Add, Sec D, as well as former Lots 38-40 in Pfister Add, Sec D, (owned by Avalon and previously vacated from Pfister Add, Sec D)

Location: 1500 Lower Huntington Rd (Section 27 of Wayne Township)

Reason for Request: To allow for the development of Lots 41-43.

Applicant: Avalon Missionary Church, Inc.

Property Owners: same

Related Petitions: Vacation Petition - VPLT-2024-0009

Effect of Passage: The vacation of the easement will allow for the development of Lots 41-43.

Effect of Non-Passage: The easement will remain as dedicated and will impede the expanding development of site.



Although every effort has been made to ensure the accuracy of the information contained herein, the user assumes all liability for any errors or omissions in this map.

North American Datum 1983
State Plane, Central Indiana System, Indiana East
Photos and Contours: Spring 2009
Date: 6/18/2024

CITY OF FORT WAYNE

Vacation Petition - VEAS-2024-0004

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:

 X Easement Public Right of Way (street or alley)

More particularly described as follows:

See attached Exhibit B

(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: 23 **PAGE(S) NUMBER(S):** 140 (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:
To allow Avalon to relocate or bury the utilities and have land unencumbered by the platted easement so that it may use this land to expand its church campus to meet the needs of its growing congregation.

(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: Avalon Missionary Church, Inc.

Street Address: 1500 Lower Huntington Road

City: Fort Wayne State: IN Zip: 46819 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 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.

See attached Exhibit A

Signature

Printed Name

Date

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): Mark H. Bains

Street Address: 215 E. Berry Street

City: Seymour State: IN Zip: 46802 Phone: (260) 423-9551

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 #: _____

Exhibit A
Vacation Petition
Signature Page

By: Nancy I. Leming

Name: Nancy I. Leming

Its: Executive Director of Operations

Date: 6/3/2024



BarrettMcNagny
ATTORNEYS AT LAW

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

June 4, 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: Avalon Missionary Church, Inc. // Pfister Addition, Section D // Platted Utility Vacation

Dear Lana:

Barrett McNagny, LLP serves as legal counsel to Avalon Missionary Church, Inc. ("Avalon") with respect to real estate owned by Avalon on its growing campus. The enclosed application is being filed on behalf of Avalon.

Enclosed please find the following:

1. Vacation Petition Application (vacating a platted utility easement running along the easternmost 14 feet of Lots Numbered 41-43 in Pfister Addition, Section D (as well as former Lots 38-40 in Pfister Addition, Section D, which are owned by Avalon and were previously vacated from Pfister Addition, Section D));
2. The survey, legal descriptions, etc. required for the above-referenced Application;
3. The \$200.00 filing fee; and
4. The cover letter enclosing an application being filed with the Allen County Department of Planning Services related to Avalon's desired vacation of Lots Numbered 41-43 in Pfister Addition, Section D.

As to the vacation of platted utility easement, any utilities contained in the same will be addressed by way of private easements between the utility provider and Avalon, who would like to relocate the utilities and/or bury them to allow for the development of Lots 41-43 as part of the church's growing campus necessary to meet the needs of its growing congregation.



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

A handwritten signature in black ink, appearing to read "Mark H. Bains". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark H. Bains

MHB:4171435 (51691-2)

Enclosures

cc: Nancy Leming

Brett R. Miller, P.S. No.LS20300059

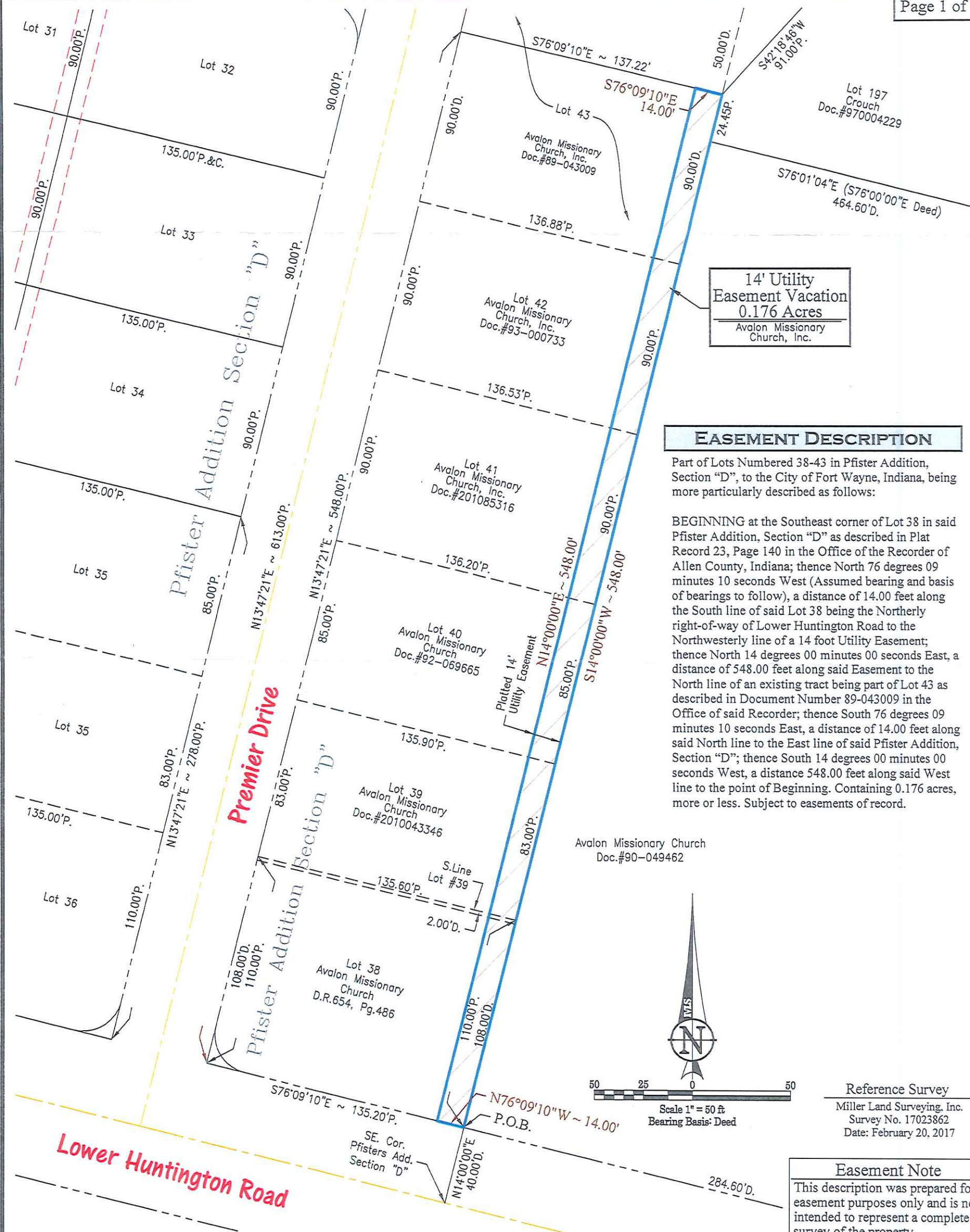
Robert J. Marucci, P.S. No.LS20400028



www.mlswebsite.us

Precision and Professionalism is where we draw the line.

Page 1 of 1



Survey No. 17023862

County: Allen Subdivision: Pfister Addition, Section "D"

For: Avalon Missionary Church Drawn by: JRM

IN WITNESS WHEREOF, I hereunto place my hand and seal this 31st day of May, 2024.

Revised:

Brett R. Miller
Brett R. Miller, P.S. NO. 20300059



(Drawing Name: 17023862.ease.dwg)





Miller Land Surveying, Inc.

Precision and Professionalism is
Where We Draw the Line.

Brett R. Miller, PS, President
Robert J. Marucci, PS

14' Utility Easement Vacation Description 0.176 Acres

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Survey Job #17023862
Date: May 31, 2024
For: Avalon Missionary Church
Miller Land Surveying, Inc.