

1 VALY-2024-0006

2 BILL NO. G-24-12-06

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.

7 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
8 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
9 Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
13 FORT WAYNE, INDIANA:

14
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 A 12-foot platted alley located along the north line of Lots 1 and 14 in Schlaudroff's
18 Addition to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the
Recorder of Allen County Indiana.

19
20 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
21 and is hereby approved in all respects.

22
23 SECTION 2. That after vacation the platted alley shall be subject to a utility easement for
24 providers of utility services to the general public, described as follows:

25 The 12-foot platted alley located along the north line of Lots 1 and 14 in Schlaudroff's Addition
26 to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the
Recorder of Allen County Indiana.

SECTION 3. That after vacation the west portion of the platted alley shall be subject to an access easement for the ingress and egress to adjacent properties, described as follows:

The 12-foot platted alley located along the north line of Lot 1 in Schlaudroff's Addition to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the Recorder of Allen County, Indiana.

SECTION 4. That after vacation the above described property shall be split as follows: the northern 6 feet of the platted alley which is adjacent to parcel #02-13-17-302-001.000-070 becomes the property of the owner of said parcel; the northern 6 feet of the platted alley which is adjacent to parcel #02-13-17-302-002.000-070 becomes the property of the owner of said parcel; the southern 6 feet of the platted alley which is adjacent to parcel #02-13-17-302-003.000-070 (Lot 1, Schlaudroff's Addition) becomes the property of the owner of said parcel; and the southern 6 feet of the platted alley which is adjacent to parcel #02-13-17-302-011.000-070 (Lot 14, Schlaudroff's Addition) becomes the property of the owner of said parcel.

SECTION 5. 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-2024-0006
Bill Number: G-24-12-06
Council District: 6 – Rohli Booker

Introduction Date: December 10, 2024

Public Hearing Date: January 14, 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 12-foot platted alley located north of Lots 1 and 14 of Schlaudroff's Addition

Location: Between Hessen Cassel and Wayne Trace, south of 3601 Hessen Cassel and south of 3610 Wayne Trace.

Reason for Request: To return ownership of the unimproved alley to the adjacent property owners and aid in site improvements.

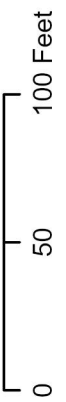
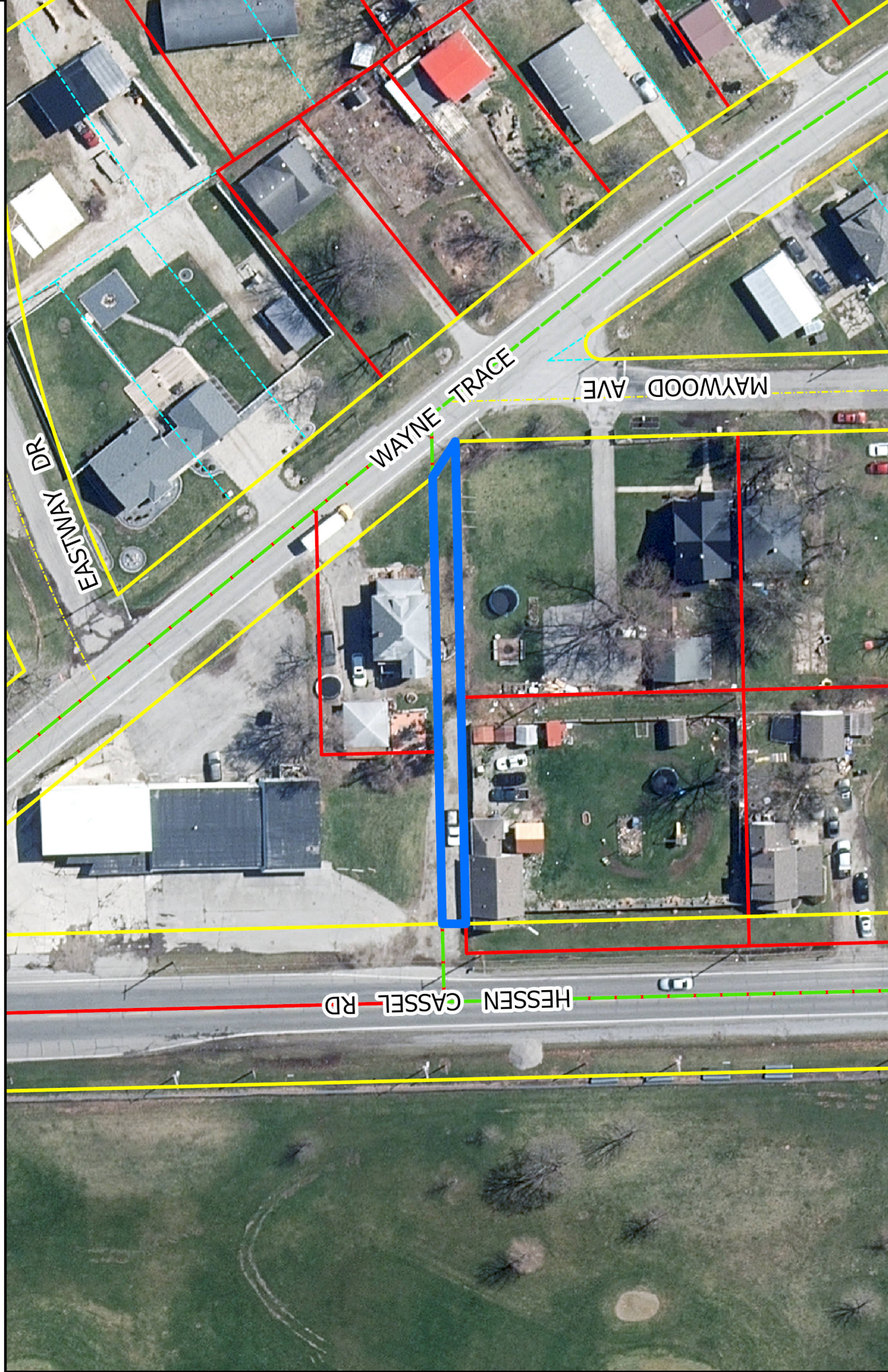
Applicant: Adbul Hashim

Property Owner: Dar Li and Abdul Hashim

Related Petitions: none

Effect of Passage: The vacated land will be returned to the adjacent property owners. There is currently no through-traffic on the unimproved alley.

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.

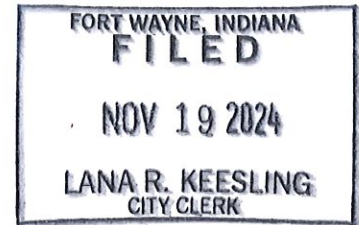


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/25/2024

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

 ✓ Public Right of Way (street or alley)

More particularly described as follows:

See 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: 11 PAGE(S) NUMBER(S): 86 (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:

To vacate unimproved alley and allow more
flexibility to expand grocery store business

(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: Abdul Hashim

Street Address: 3601 Hessen Cassel Rd

City: Fort Wayne State: IN Zip: 46806 Phone: (260)444-9815

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]
Signature

Abdul Hashim
Printed Name

11-19-24
Date

3601 Hessen Cassel Rd
Address

Fort Wayne, IN, 46806
City/State/Zip

Signature

Abdul Hashim
Printed Name

Date

3601 Hessen Cassel Rd
Address

Fort Wayne, IN, 46806
City/State/Zip

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

Agent's Name (Print Legibly): Roza Na

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: 260-715-7415

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"
Legal Description of alley to be vacated

A 12-foot platted alley located along the north line of Lots 1 and 14 in Schlaudroff's Addition to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the Recorder of Allen County Indiana.

EXHIBIT "B"
Grant of General Utility Easement

After vacation the platted alley shall be subject to a utility easement for providers of utility services to the general public, described as follows:

The 12-foot platted alley located along the north line of Lots 1 and 14 in Schlaudroff's Addition to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the Recorder of Allen County Indiana.

EXHIBIT "C"
Grant of Access Easement

After vacation the west portion of the platted alley shall be subject to an access easement for the ingress and egress to adjacent properties, described as follows:

The 12-foot platted alley located along the north line of Lot 1 in Schlaudroff's Addition to the City of Fort Wayne, as recorded in Deed Book 11, Page 86 in the Office of the Recorder of Allen County, Indiana.