

1 VALY-2024-0008

2 BILL NO. G-25-01-01

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 The north-south 15-foot wide remaining right-of-way of Reidmiller Street (platted as Lavinia
18 Avenue), located west of Lot 162 in Swinney's Addition, Plat of Lots 98 through 169 and 206
through 217, recorded in Deed Book 2B, Page 84B, in the Office of the Recorder of Allen
County;

19 TOGETHER WITH:

20 The east-west 10-foot wide alley north of Lot 161 and north of the vacated and remaining portions
21 of Reidmiller Street (platted as Lavinia Avenue) in Swinney's Addition, Plat of Lot 98 through 169
and 206 through 217, recorded in Deed Book 2B, Page 84B, in the Office of the Recorder of Allen
22 County, Indiana.

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

25
26 SECTION 2. That after vacation the platted right-of-way shall be subject to a utility easement
27 for providers of utility services to the general public, described as follows:
28
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30

1 The north-south 15-foot wide remaining right-of-way of Reidmiller Street (platted as Lavinia
2 Avenue), located west of Lot 162 in Swinney's Addition, Plat of Lots 98 through 169 and 206
3 through 217, recorded in Deed Book 2B, Page 84B, in the Office of the Recorder of Allen
County;

4 TOGETHER WITH:

5 The east-west 10-foot wide alley north of Lot 161 and north of the vacated and remaining portions
6 of Reidmiller Street (platted as Lavinia Avenue) in Swinney's Addition, Plat of Lot 98 through 169
and 206 through 217, recorded in Deed Book 2B, Page 84B, in the Office of the Recorder of Allen
County, Indiana.

7 SECTION 3. That after vacation the above described property shall become the property of
8 parcel # 02-12-10-256-001.000-074.

9
10 SECTION 4. That this Ordinance shall be in full force and effect from and after its passage,
11 any and all necessary approval by the Mayor.

12 _____
13 COUNCILMEMBER

14 APPROVED AS TO FORM AND LEGALITY:

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16 _____
Malak Heiny
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VALY-2024-0008
Bill Number: G-25-01-01
Council District: 5 – Geoff Paddock

Introduction Date: January 14, 2025

Public Hearing Date: January 28, 2025 to be heard by Council

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

Synopsis of Ordinance: To vacate the remaining 15 feet of Redimiller Street and the 10-foot platted alley located north of Lot 161 and Reidmiller Street (platted as Lavinia Avenue) in Swinney's Addition

Location: East and north of 1506 Wall Street.

Reason for Request: To return ownership of the unimproved alley to the adjacent property owner to complete parking lot expansion and allow for site redevelopment.

Applicant: Andrew Sanders

Property Owner: Sanders & Sons BC, LLC

Related Petitions: none

Effect of Passage: The vacated land will be returned to the adjacent property owner. Vacation will allow for completion of parking lot expansion and allow for site redevelopment.

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.

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 documentation attached.

(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:

to complete parking lot project.

(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: Andrew Sanders / Sanders and Sons BC

Street Address: 1506 Wall St.

City: Fort Wayne State: IN Zip: 46805 Phone: 260-797-1413.

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.

ANDREW SANDERS ANDREW SANDERS 12-26-24
Signature Printed Name Date
6405 Birch Park Dr Fort Wayne, IN 46815
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): Same as above

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 #: _____

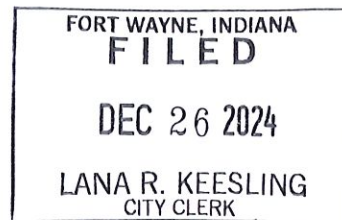


EXHIBIT "A"
Legal Description of right-of-way to be vacated

The north-south 15-foot wide remaining right-of-way of Reidmiller Street (platted as Lavinia Avenue), located west of Lot 162 in Swinney's Addition, Plat of Lots 98 through 169 and 206 through 217, recorded in Deed Book 2B, Page 84B, in the Office of the Recorder of Allen County;

TOGETHER WITH:

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EXHIBIT "B"
Grant of General Utility Easement

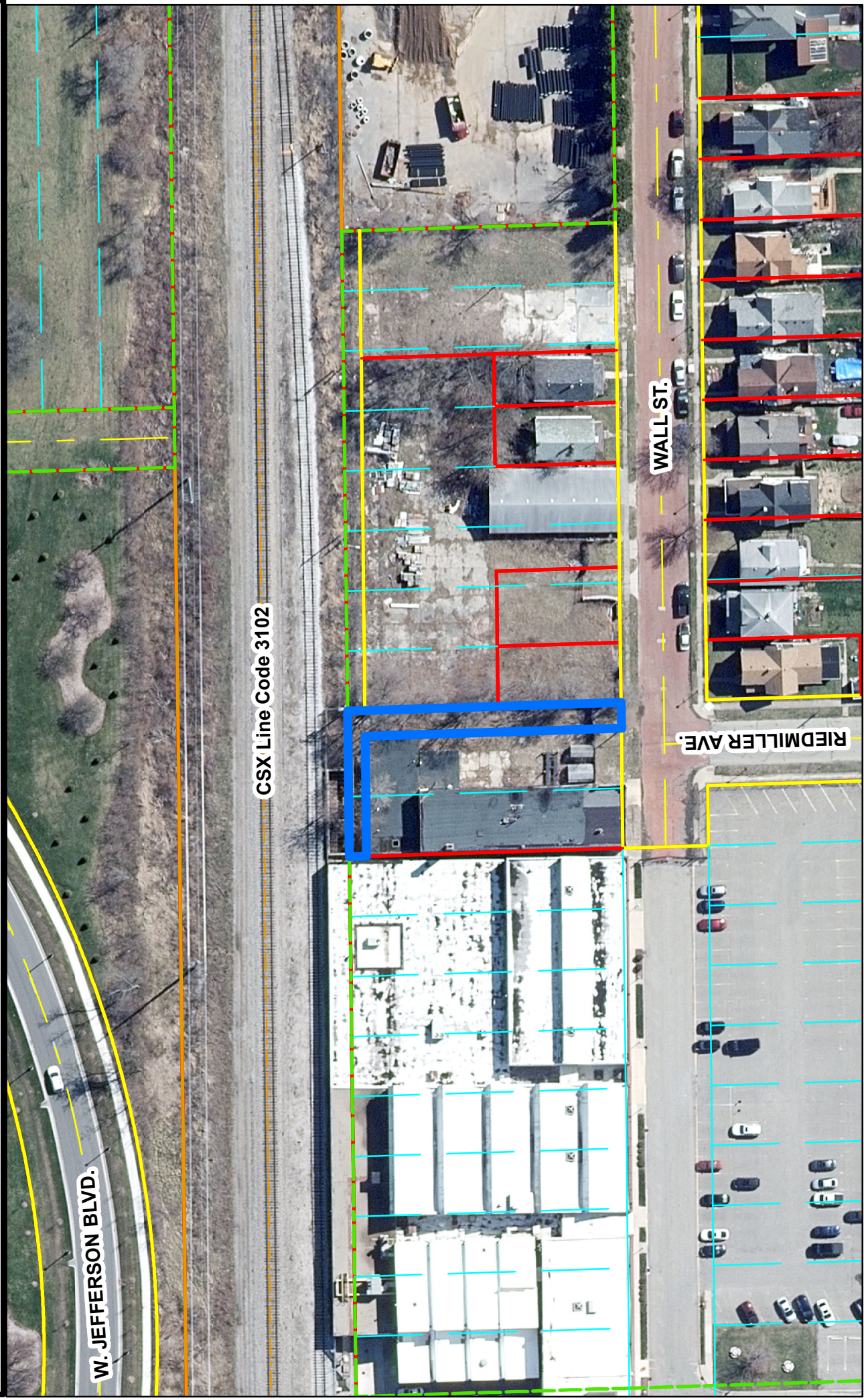
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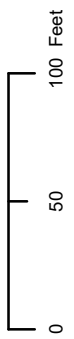


Alley Vacation VAL Y-2024-0008 - Wall Street Alley

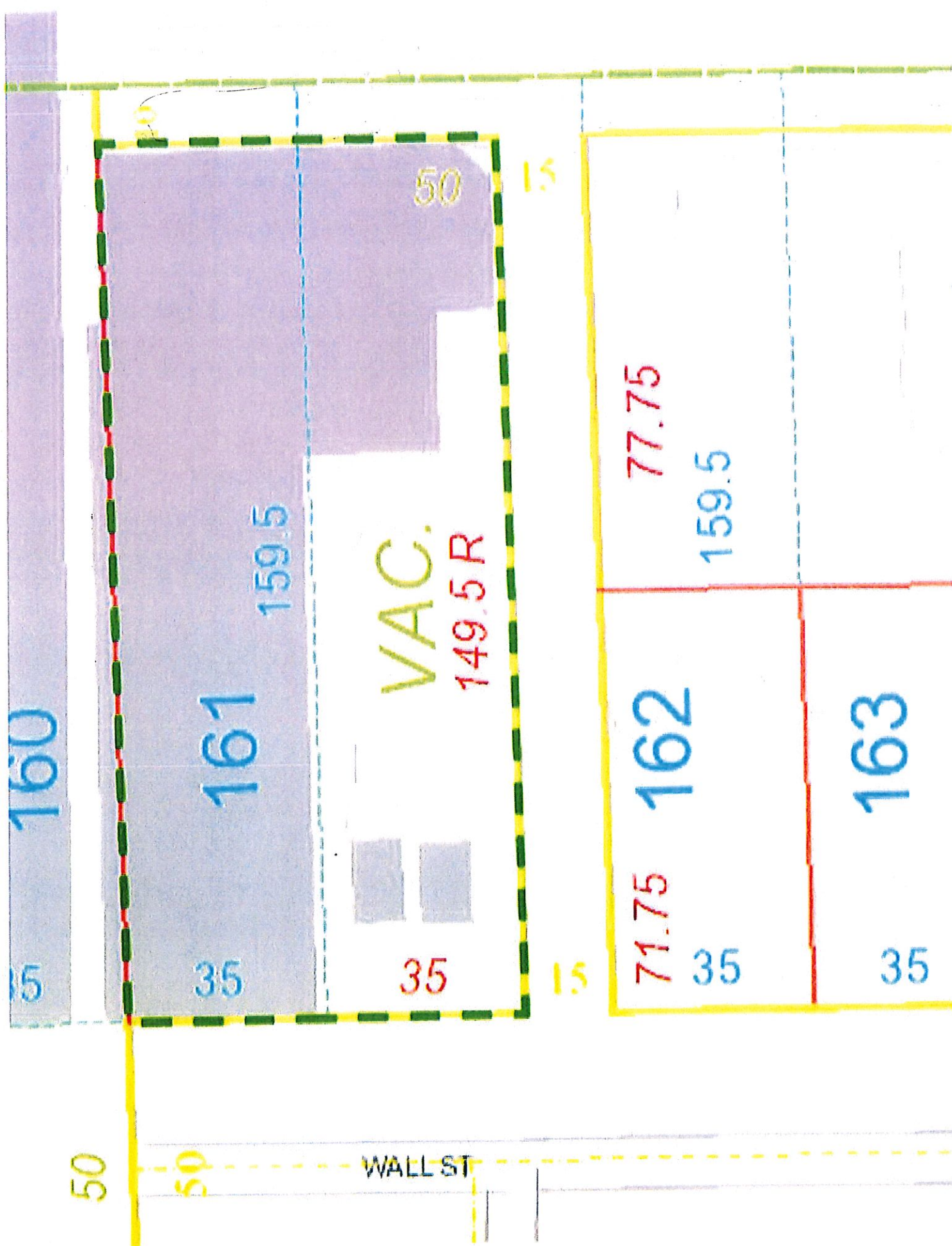


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 9/6/2022



1 inch = 75 feet



RIGHT-OF-WAY VACATION – DISCUSS and PASS
Department of Planning Services

VALY-2024-0008	Bill #G-25-01-01	Project Start: January 2025
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PROPOSAL:	VALY-2025-0008
BILL NO:	G-25-01-01
APPLICANT:	Andrew Sanders
REQUEST:	To vacate the remaining 15 feet of Reidmiller Street and the 10-foot platted alley located north of Lot 161 and Reidmiller Street (platted as Lavinia Avenue in Swinney's Addition)
LOCATION:	East and north of 1506 Wall Street, Fort Wayne, Indiana
COUNCIL DISTRICT:	5 – Geoff Paddock
PUBLIC HEARING DATE:	January 28, 2025

PROJECT SUMMARY

The petitioner, Sanders and Sons BC, LLC, wishes to vacate the remainder of Reidmiller Street, on the eastern edge of 1506 Wall Street. Sanders recently rehabilitated the structure and installed a new parking lot. Only 15 feet of Reidmiller Street remains as right-of-way, and this portion would serve as the drive to access the parking stalls. The street was not built and the right-of-way dead ends into the CSX Railroad right-of-way. Staff has sent requests for comment from all affected utility agencies. The vacation ordinance was written with a general utility and access easement, which satisfied all agencies needed easements.

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.
Public Works (Trans Eng, Traffic, ROW):	Approved
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved with easement
WPC Engineering – Sanitary:	Approved with easement
Fire Department:	No comment
Land Acquisition Agent:	Approved
Frontier:	Approved with easement
Comcast:	Approved with easement
AEP:	Approved with easement
NIPSCO:	Approved