

VROW-2024-0002

BILL NO. G-24-04-08

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 the Southeast Quarter and Southwest Quarter of Section 5, and Northwest Quarter and Northeast Quarter of Section 8, Township 29 North, Range 12 East, of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, and more particularly described as follows:

Commencing at a Survey Marker Nail with "SCO #0053" identification ring marking the Southeast Corner of said Southeast Quarter; thence South 89 degrees 43 minutes 32 seconds West (Indiana East SPC, 1983 bearing and basis of bearings to follow); a distance of 1064.64 feet along the South line of said Southeast Quarter, also being the centerline of Ferguson Road as described in Document Number 200009390 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 16 minutes 28 seconds East, a distance of 40.00 feet to the South right-of-way line of Ferguson Road to the POINT OF BEGINNING of the herein described description; thence South 89 degrees 43 minutes 32 seconds West, a distance of 123.40 feet along said right-of-way to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 340.00 feet (Deed); thence Northwesterly along said curve and said right-of-way a distance of 265.45 feet (Deed), having a central angle of 44 degrees 44 minutes 00 seconds and a chord of 258.76 feet bearing North 67 degrees 54 minutes 28 seconds West to the point of tangency of said curve; thence North 45 degrees 32 minutes 28 seconds West, a distance of 580.05 feet (Deed) along said right-of-way to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 340.00 feet (Deed); thence Northerly along said curve and said right-of-way a distance of 460.26 feet (Deed) having a central angle of 77 degrees 33 minutes 40 seconds and a chord of 425.91 feet bearing North 06 degrees 45 minutes 38 seconds West to the point of tangency of said curve, also being the Northwesterly right-of-way of Ardmore Avenue formerly known as Indianapolis Road and formerly known as State Road 3; thence North 32 degrees 01 minutes 12 seconds East, a distance of 420.35 feet along said right-of-way to the point of curvature of a non-tangent curve, concave to the East, having a radius of 955.00 feet said point also being on the Westerly line of proposed 4.054 acre right-of-way of Ardmore Avenue; thence Southerly along said curve and

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2 said right- of-way a distance of 278.59 feet having a central angle of 16 degrees 42 minutes 52 seconds
3 and a chord of 277.61 feet bearing South 15 degrees 16 minutes 16 seconds West to the Southeasterly
4 right-of-way of Ardmore Avenue; thence South 32 degrees 01 minutes 12 seconds West, a distance of
5 154.52 feet along said right-of-way to the point of curvature of a tangent curve also being right-of-way
6 of Ferguson Road, concave to the Northeast, having a radius of 260.00 feet (Deed); thence Southerly
7 along said curve and said right-of-way a distance of 351.96 feet (Deed), having a central angle of 77
8 degrees 33 minutes 40 seconds and a chord of 325.70 feet bearing South 06 degrees 45 minutes 38
9 seconds East to the point of tangency of said curve; thence South 45 degrees 32 minutes 28 seconds
10 East, a distance of 284.73 feet along said right-of-way to the point of curvature of a non-tangent curve,
11 also being the Southwesterly line of the proposed 4.054 acre right-of-way of Ferguson Road, concave
12 to the Northeast, having a radius of 955.00 feet; thence Southeasterly along said curve and said right-
13 of-way a distance of 391.89 feet, having a central angle of 23 degrees 30 minutes 42 seconds, and a
14 chord of 389.15 feet bearing South 46 degrees 06 minutes 34 seconds East to the point of curvature of a
15 tangent curve, concave to the Northeast, a having a radius of 655.00 feet; thence Southeasterly along
16 said curve and said right-of-way a distance of 255.89 feet having a central angle of 22 degrees 23
17 minutes 03 seconds and a chord of 254.27 feet bearing South 69 degrees 03 minutes 27 seconds East to
18 the to the Point of Beginning. Containing 2.584 acre, more or less. Subject to the right of way of
19 Ferguson Road and Ardmore Avenue and subject to easement of record.

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

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

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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: VROW-2024-0002
Bill Number: G-24-04-08
Council District: 4 – Scott Myers

Introduction Date: April 9, 2024

Public Hearing Date: April 23, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate a portion (2.584 acre) of the right of way for the former location of Ardmore Avenue.

Location: Former location of Ardmore Avenue, just west of the newly constructed portion of Ardmore Ave just north of Ferguson Rd. (Section 5 of Pleasant Township)

Reason for Request: To clean up the public records and to facilitate construction of the new hangar.

Applicant: Dynamic Aviation, LLC

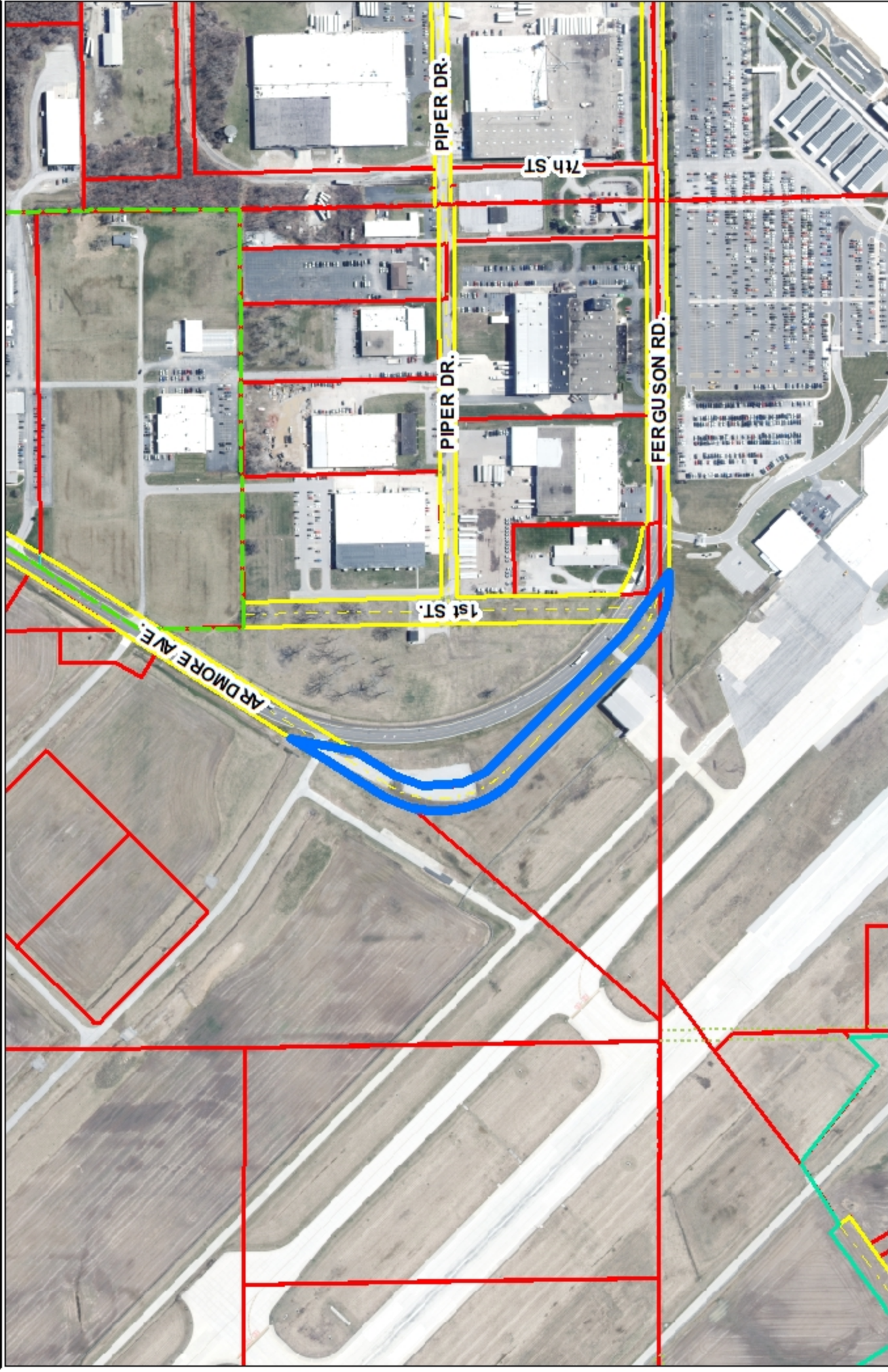
Property Owner: Fort Wayne – Allen County Airport Authority

Related Petitions: None

Effect of Passage: Vacation of right of way will allow the under-utilized ground to be available for development.

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.

Vacation VROW-2024-0002 - Ardmore Vacation



Although aerial accuracy standard have been used in the creation of this map, the County of Adams is not responsible for 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 County Commissioners of the County of Adams
 State Plane, Coordinated System, Indiana East
 Photos and Contours: Spring 2009
 Date: 4/2/2024



1 inch = 400 feet

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 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.)

#200009390 recorded 02/15/2000

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:

The area proposed to be vacated is a portion of the right of way for the former location of
Ardmore Avenue. When Ardmore Ave. was relocated in the early 2000s, the old right of way was
never vacated. Part of the reason for the vacation is to clean up the public record and remove the
old right of way. The applicant intends dedicate new right of way for the relocated stretch of Ardmore
Ave. This vacation will also allow the applicant's tenant to undertake an expansion of its hangar.

(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: Fort Wayne - Allen County Airport Authority

Street Address: Lt Paul Baer Terminal #209

City: Fort Wayne State: IN Zip: 46809 Phone: 260-747-4146

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 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): Michael T. Deam

Street Address: 505 E. Washington Blvd.

City: Fort Wayne State: IN Zip: 46859 Phone: 260-422-9454

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: _____

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.
RIGHT-OF-WAY VACATION SKETCH

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

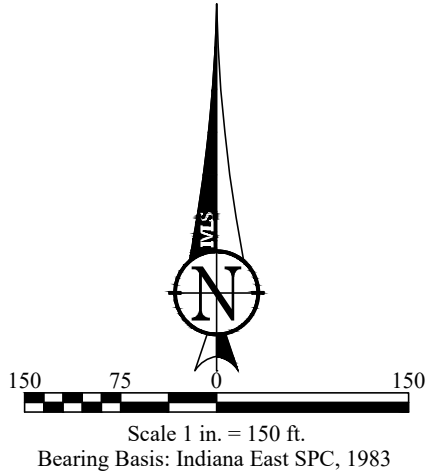
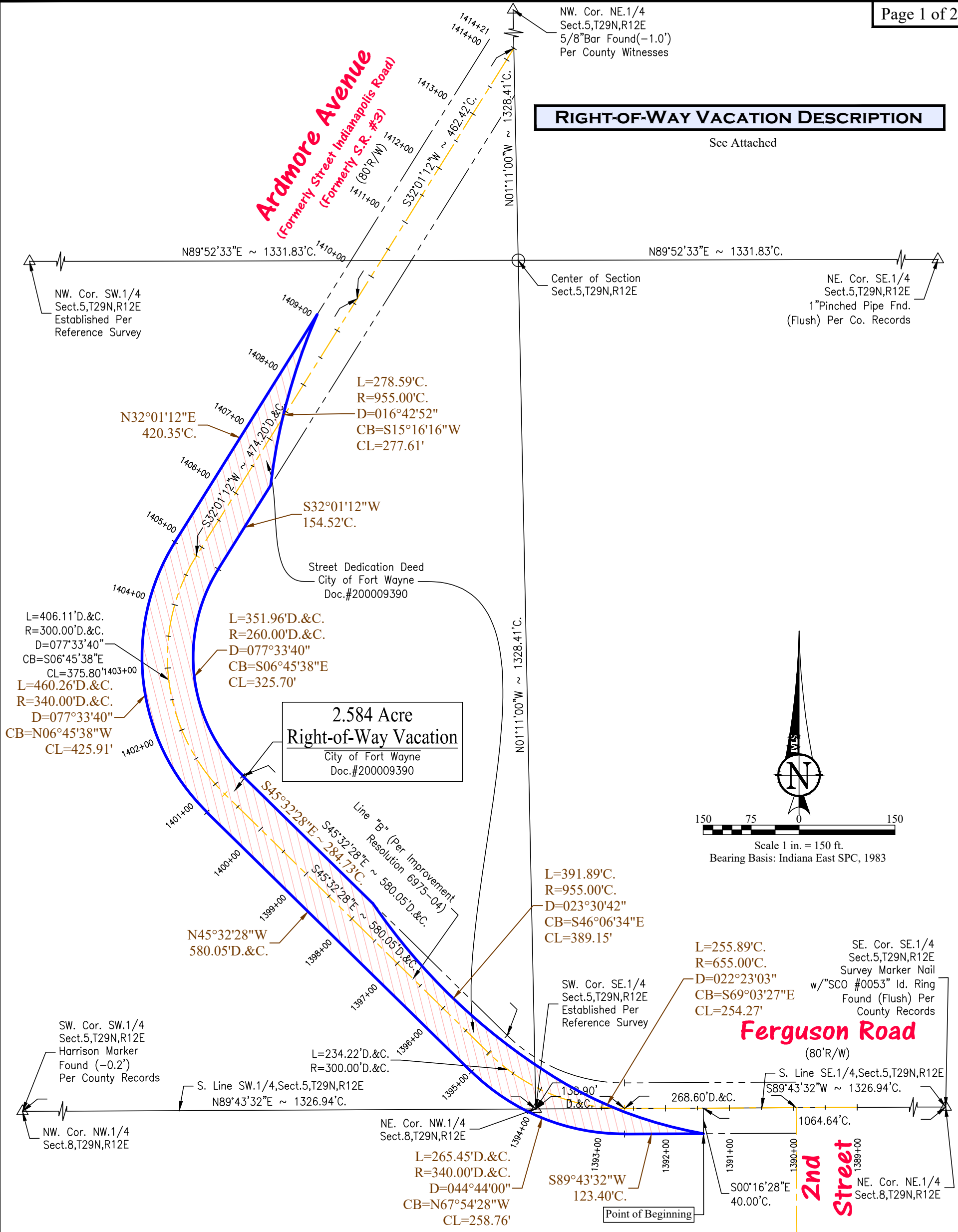
Brett R. Miller, P.S. No.LS20300059

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



www.mlswebsite.us

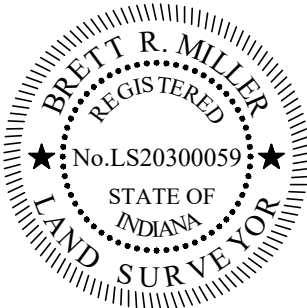
Precision and Professionalism is where we draw the line.



Survey No. 23097096
County: Allen Township: Pleasant Sect/Twp/Rng: Sect.5,T29N,R12E
For: City of Fort Wayne Drawn by: BPJ

IN WITNESS WHEREOF, I hereunto place my hand and seal this 23rd day of February, 2024.
Revised:

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



Legend	
POB	- Point of Beginning
M.	- Measured
R.	- Record
C.	- Calculated
D.	- Deed
---	- Right of Way (R/W)
---	- Building Setback Line
---	- Center Line

Right-of-Way Vacation Legal Description 2.584 Acres

Part of the Southeast Quarter and Southwest Quarter of Section 5, and Northwest Quarter and Northeast Quarter of Section 8, Township 29 North, Range 12 East, of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, and more particularly described as follows:

Commencing at a Survey Marker Nail with "SCO #0053" identification ring marking the Southeast Corner of said Southeast Quarter; thence South 89 degrees 43 minutes 32 seconds West (Indiana East SPC, 1983 bearing and basis of bearings to follow); a distance of 1064.64 feet along the South line of said Southeast Quarter, also being the centerline of Ferguson Road as described in Document Number 200009390 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 16 minutes 28 seconds East, a distance of 40.00 feet to the South right-of-way line of Ferguson Road to the POINT OF BEGINNING of the herein described description; thence South 89 degrees 43 minutes 32 seconds West, a distance of 123.40 feet along said right-of-way to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 340.00 feet (Deed); thence Northwesterly along said curve and said right-of-way a distance of 265.45 feet (Deed), having a central angle of 44 degrees 44 minutes 00 seconds and a chord of 258.76 feet bearing North 67 degrees 54 minutes 28 seconds West to the point of tangency of said curve; thence North 45 degrees 32 minutes 28 seconds West, a distance of 580.05 feet (Deed) along said right-of-way to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 340.00 feet (Deed); thence Northerly along said curve and said right-of-way a distance of 460.26 feet (Deed) having a central angle of 77 degrees 33 minutes 40 seconds and a chord of 425.91 feet bearing North 06 degrees 45 minutes 38 seconds West to the point of tangency of said curve, also being the Northwesterly right-of-way of Ardmore Avenue formerly known as Indianapolis Road and formerly known as State Road 3; thence North 32 degrees 01 minutes 12 seconds East, a distance of 420.35 feet along said right-of-way to the point of curvature of a non-tangent curve, concave to the East, having a radius of 955.00 feet said point also being on the Westerly line of proposed 4.054 acre right-of-way of Ardmore Avenue; thence Southerly along said curve and said right-of-way a distance of 278.59 feet having a central angle of 16 degrees 42 minutes 52 seconds and a chord of 277.61 feet bearing South 15 degrees 16 minutes 16 seconds West to the Southeasterly right-of-way of Ardmore Avenue; thence South 32 degrees 01 minutes 12 seconds West, a distance of 154.52 feet along said right-of-way to the point of curvature of a tangent curve also being right-of-way of Ferguson Road, concave to the Northeast, having a radius of 260.00 feet (Deed); thence Southerly along said curve and said right-of-way a distance of 351.96 feet (Deed), having a central angle of 77 degrees 33 minutes 40 seconds and a chord of 325.70 feet bearing South 06 degrees 45 minutes 38 seconds East to the point of tangency of said curve; thence South 45 degrees 32 minutes 28 seconds East, a distance of 284.73 feet along said right-of-way to the point of curvature of a non-tangent curve, also being the Southwesterly line of the proposed 4.054 acre right-of-way of Ferguson Road, concave to the Northeast, having a radius of 955.00 feet; thence Southeasterly along said curve and said right-of-way a distance of 391.89 feet, having a central angle of 23 degrees 30 minutes 42 seconds, and a chord of 389.15 feet bearing South 46 degrees 06 minutes 34 seconds East to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 655.00 feet; thence Southeasterly along said curve and said right-of-way a distance of 255.89 feet having a central angle of 22 degrees 23 minutes 03 seconds and a chord of 254.27 feet bearing South 69 degrees 03 minutes 27 seconds East to the Point of Beginning. Containing 2.584 acre, more or less. Subject to the right of way of Ferguson Road and Ardmore Avenue and subject to easement of record.

Survey Job #23097096
Date: February 23, 2024
For: City of Fort Wayne
Miller Land Surveying, Inc.

Exhibit "B"

Name and Addresses of All Adjacent Property Owners

Name	Address	PIN
Fort Wayne – Allen County Airport Authority	3801 W Ferguson Rd	02-17-08-200-002.000-071
Fort Wayne – Allen County Airport Authority	10260 Ardmore Ave	02-17-05-451-001.000-071
Fort Wayne – Allen County Airport Authority	4210 Piper Drive	02-17-05-452-001.000-071
Fort Wayne – Allen County Airport Authority	4350 Northwest Perimeter Rd	02-17-05-401-001.000-071
Hagar Properties LLC	4236 W Ferguson Rd	02-17-05-477-002.000-071
City of Fort Wayne	W Ferguson Rd	02-17-05-477-002.001-071

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE

Department of Planning Services

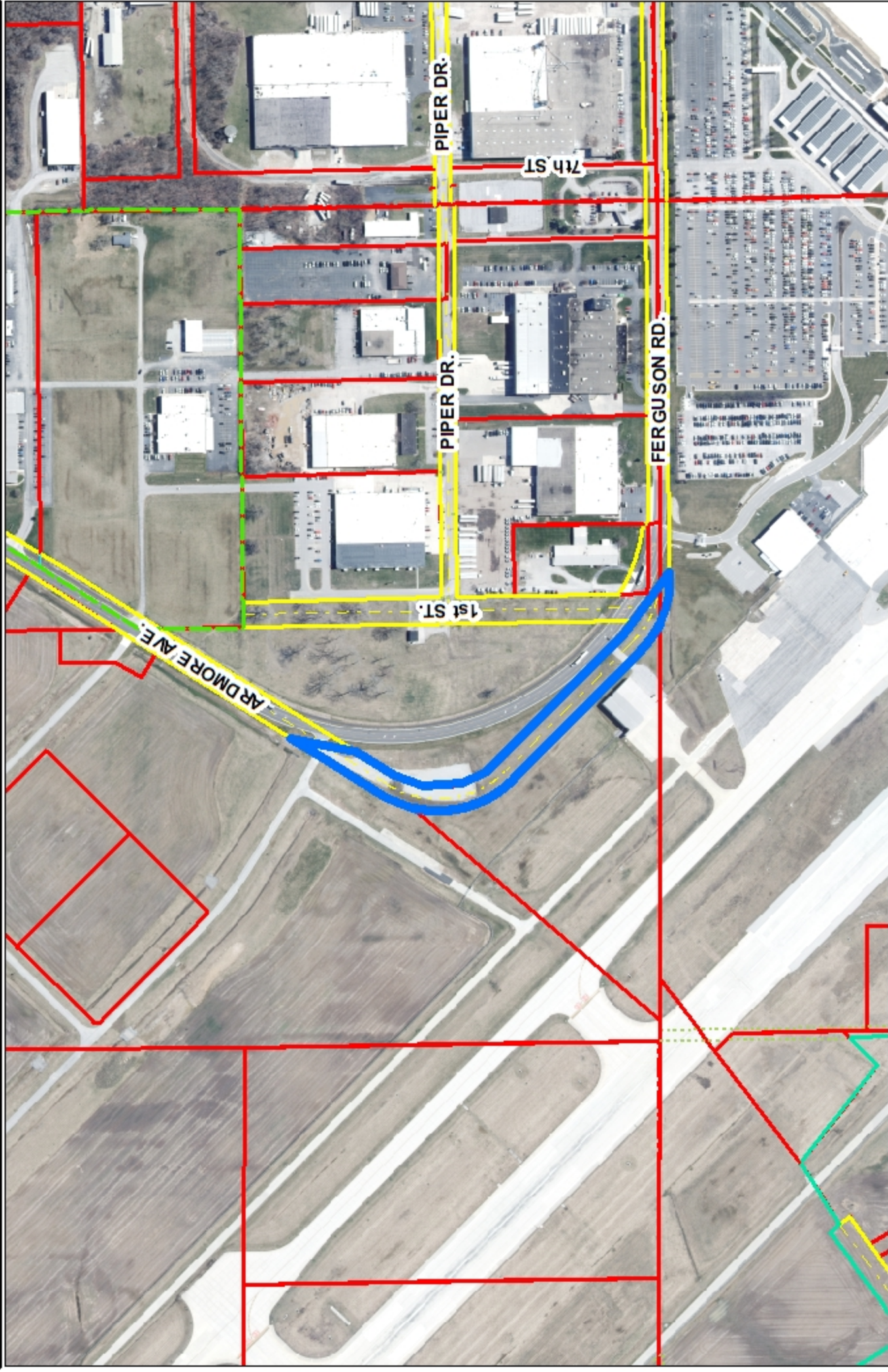
VROW 2024 0002	Bill #G-24-04-08	Project Start: March 2024
APPLICANT:	Fort Wayne – Allen County Airport Authority	
REQUEST:	To vacate a portion of the right of way for the former location of Ardmore Avenue	
LOCATION:	Former location of Ardmore Ave, just west of the newly constructed portion of Ardmore Ave and north of Ferguson Rd.	
PUBLIC HEARING DATE:	April 23, 2024	

PROJECT SUMMARY

Barrett McNaghy, LLP serves as legal counsel to Dynamic Aviation, LLC ("Dynamic"). Dynamic is entering into a lease for new hangar space off Ardmore Road. To facilitate construction of the new hangar, the owner of the property, the Fort Wayne - Allen County Airport Authority ("Owner") intends to vacate certain right-of-way along the old alignment of Indianapolis Road. The area proposed to be vacated is a portion of the right of way for the former location of Ardmore Avenue. When Ardmore Ave. was relocated in the early 2000s, the old right of way was never vacated. Part of the reason for the vacation is to clean up the public record and remove the old right of way. The applicant intends dedicate new right of way for the relocated stretch of Ardmore Avenue. This Vacation will also allow the applicant's tenant to undertake an expansion of tis hangar. The request was sent to all reviewing agencies and interested utilities and their responses are listed 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.
Public Right-of-Way	Approved
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 with Easement
Comcast Cable:	Approved with Easement
AEP:	Approved
NIPSCO:	Approved with Easement

Vacation VROW-2024-0002 - Ardmore Vacation



Although strict accuracy standards have been followed, the City of North Platte, Nebraska, and its employees and contractors make no warranty, express or implied, as to 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 Adams, North Platte, Nebraska
 State Plane, North American Datum 1983
 Photos and Contours: Spring 2009
 Date: 4/2/2024

Miller Land Surveying, Inc.
RIGHT-OF-WAY VACATION SKETCH

221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

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

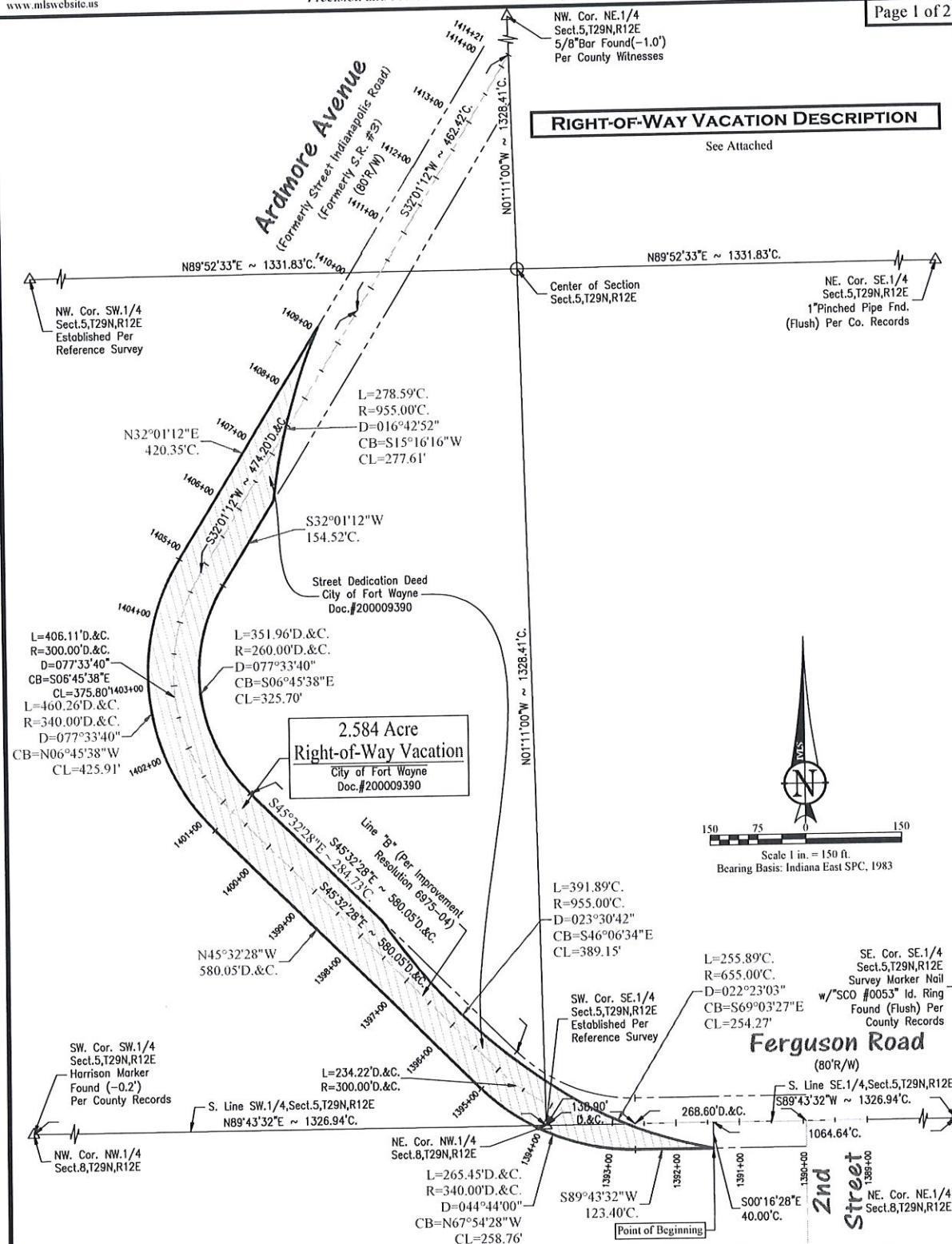
Precision and Professionalism is where we draw the line.

www.mlswebsite.us

Page 1 of 2

RIGHT-OF-WAY VACATION DESCRIPTION

See Attached



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



POB - Point of Beginning
M. - Measured
R. - Record
C. - Calculated
D. - Deed
— — — — — Right of Way (R/W)
— — — — — Building Setback Line
— — — — — Center Line

(Drawing Name:23097096_vacation.dwg)