

VROW-2024-0008

BILL NO. G-24-08-09

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

A portion of the Pinehurst Drive right-of-way as defined by the "Plat of Greenvale Addition, Section B", and recorded in Plat Book 39, Page 98, of the Allen County Recorder's Office, and being described as:

All of the Pinehurst Drive right-of-way being south of the platted 50-foot radius eyebrow at Lot 48 and Lot 64 of the said plat, and right-of-way being further described as:

Commencing at the Southwest Corner of Lot 65 of the said Greenvale Addition Plat; thence North 87 degrees 33 minutes 24 seconds East on the south line of Lot 65, a distance of 115.00 feet to the Southeast Corner of Lot 65; thence southeasterly 52.66 feet on the northeasterly boundary of Lot 64, being a non-tangent curve to the left with a radius of 50-feet, the said curve having a long chord bearing of South 33 degrees 22 minutes 17 seconds East and a long chord distance of 52.27 feet to a corner of Lot 64 and being the Point of Beginning; thence continue 52.36 feet on the 50-foot radius curve to a westerly corner of Lot 48, the curve having a long chord bearing of North 86 degrees 26 minutes 49 seconds East and a long chord distance of 50.00 feet; thence South 3 degrees 29 minutes 49 seconds East on the westerly lines of Lot 48 through Lot 54, being coincident with the east right-of-way of Pinehurst Drive, a distance of 438.28 feet to a corner of Lot 54; thence 73.32 feet on a tangent curve to the left with a radius of 60.00 feet to a southwestern corner of Lot 54, the curve having a long chord bearing of South 38 degree 30 minutes 13 seconds East and a long chord distance of 68.84 feet; thence South 73 degrees 30 minutes 36 seconds East on a southern line of Lot 54, a distance of 69.54 feet to a point of curvature; thence northeasterly 10.89 feet on a 10.00-foot radius curve to the left to a southern corner of Lot 54, with a long chord bearing of North 75 degrees 17 minutes 08 seconds East and a long

1 chord distance of 10.36 feet; thence 183.36 feet on a reverse curve with a radius of 60.00-feet to a
2 northwestern corner of Lot 57, the curve having a long chord bearing of South 48 degrees 23 minutes
3 09 seconds East and a long chord distance of 119.89 feet; thence South 39 degrees 06 minutes 47
4 seconds West on a northwest line of Lot 57 a distance of 54.75 feet to the westerly most corner of Lot
5 57 and being a point on the southern boundary of the said Greenvale Addition plat; thence North 50
6 degrees 51 minutes 52 seconds West on the plat boundary, a distance of 119.90 feet to a deflection
7 thereof; thence North 73 degrees 32 minutes 57 seconds West on the plat boundary a distance of
8 132.28 feet to the southeast corner of Lot 58; thence North 3 degrees 29 minutes 49 seconds West on
9 the east line of Lot 58 through Lot 64, a distance of 515.27 feet to the Point of Beginning, containing
10 0.998 acres, more or less.

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

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

15
16 _____
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Malak Heiny, City Attorney
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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: VROW-2024-0008
Bill Number: G-24-08-09
Council District: 1 – Paul Ensley

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 the Pinehurst Drive Right-of-Way being south of the platted 50-foot radius eyebrow at Lot 48 and Lot 64 of Greenvale Addition, Section “B”

Location: South of 711 and 712 Pinehurst Drive (Section 5 of Adams Township)

Reason for Request: To restore the property to a natural wetland and riparian habitat.

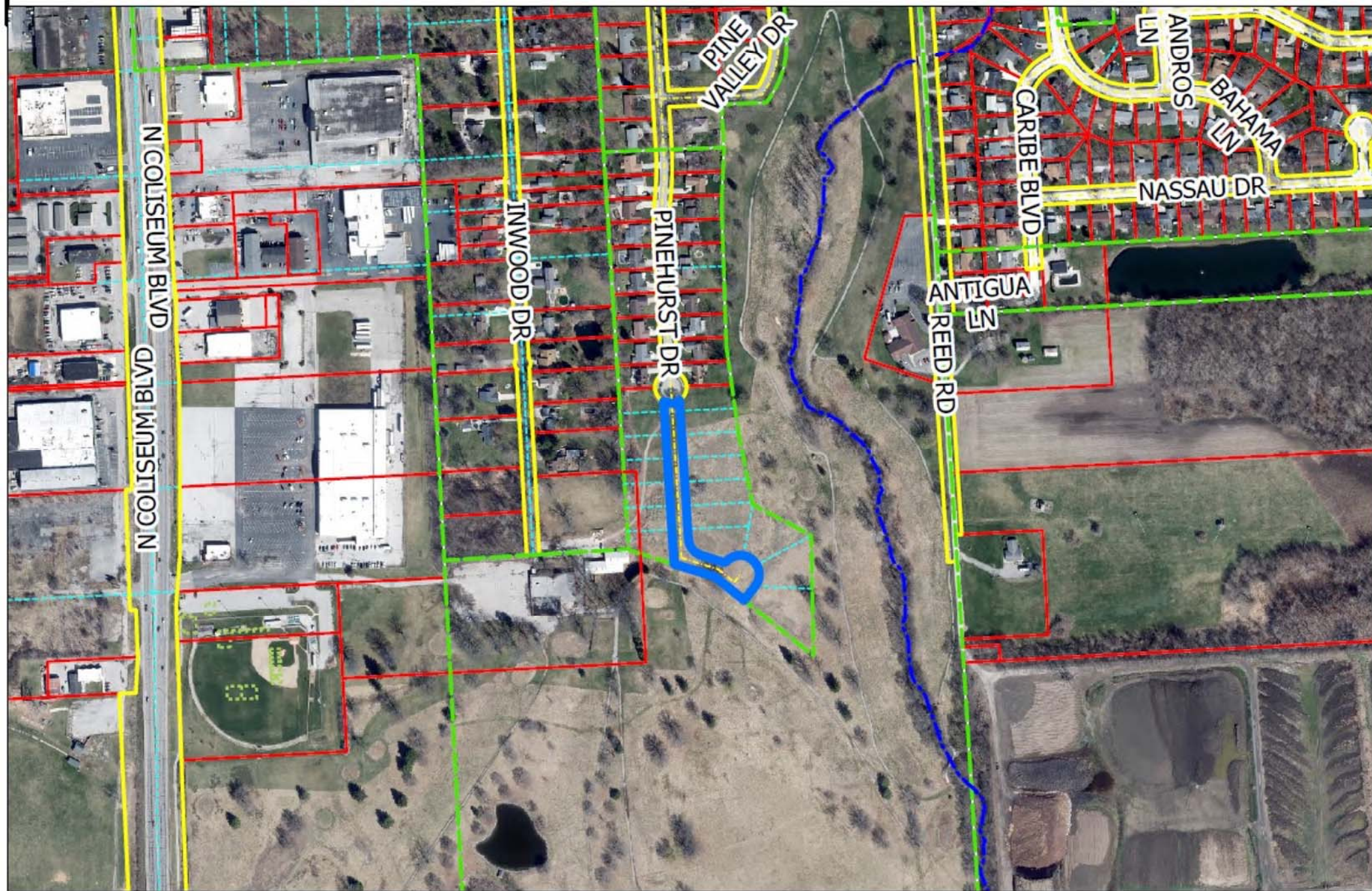
Applicant: Seth Weinglass, Project Manager for City Utilities

Property Owner: City of Fort Wayne

Related Petitions: None

Effect of Passage: Vacation of right of way will allow the City of Fort Wayne to restore the property to a natural wetland and riparian habitat.

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.



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: 8/6/2024



0 300 600 Feet



Prepared for:
City Utilities

EXHIBIT "B"
Pinehurst Drive to be Vacated

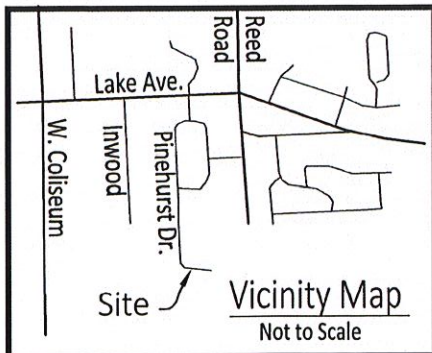
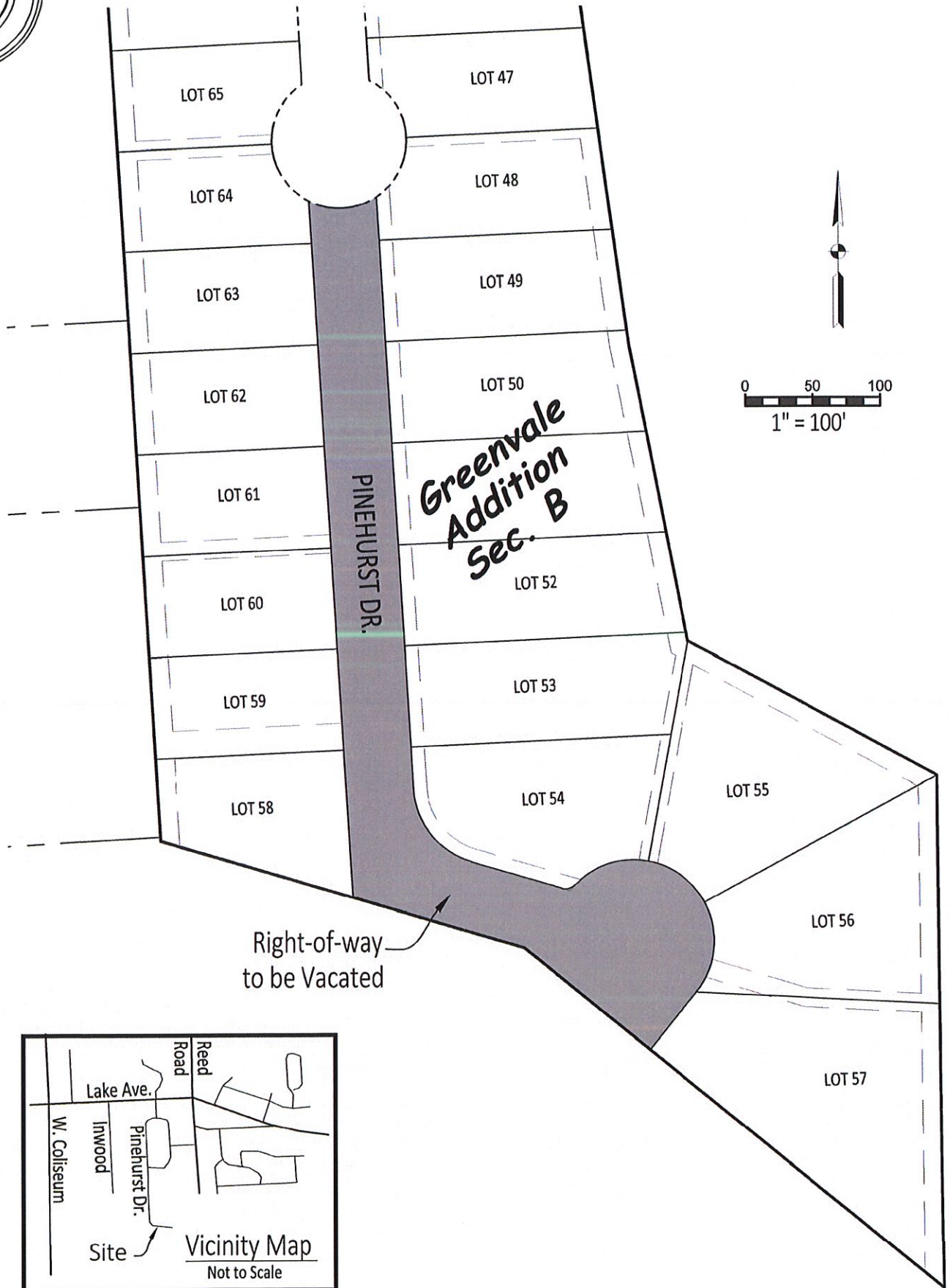


Exhibit "A"

Pinehurst Drive

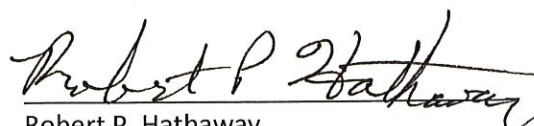
Right-of-way to be Vacated

A portion of the Pinehurst Drive right-of-way as defined by the "Plat of Greenvale Addition, Section B", and recorded in Plat Book 39, Page 98, of the Allen County Recorder's Office, and being described as:

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Commencing at the Southwest Corner of Lot 65 of the said Greenvale Addition Plat; thence North 87 degrees 33 minutes 24 seconds East on the south line of Lot 65, a distance of 115.00 feet to the Southeast Corner of Lot 65; thence southeasterly 52.66 feet on the northeasterly boundary of Lot 64, being a non-tangent curve to the left with a radius of 50-feet, the said curve having a long chord bearing of South 33 degrees 22 minutes 17 seconds East and a long chord distance of 52.27 feet to a corner of Lot 64 and being the **Point of Beginning**; thence continue 52.36 feet on the 50-foot radius curve to a westerly corner of Lot 48, the curve having a long chord bearing of North 86 degrees 26 minutes 49 seconds East and a long chord distance of 50.00 feet; thence South 3 degrees 29 minutes 49 seconds East on the westerly lines of Lot 48 through Lot 54, being coincident with the east right-of-way of Pinehurst Drive, a distance of 438.28 feet to a corner of Lot 54; thence 73.32 feet on a tangent curve to the left with a radius of 60.00 feet to a southwestern corner of Lot 54, the curve having a long chord bearing of South 38 degree 30 minutes 13 seconds East and a long chord distance of 68.84 feet; thence South 73 degrees 30 minutes 36 seconds East on a southern line of Lot 54, a distance of 69.54 feet to a point of curvature; thence northeasterly 10.89 feet on a 10.00-foot radius curve to the left to a southern corner of Lot 54, with a long chord bearing of North 75 degrees 17 minutes 08 seconds East and a long chord distance of 10.36 feet; thence 183.36 feet on a reverse curve with a radius of 60.00-feet to a northwestern corner of Lot 57, the curve having a long chord bearing of South 48 degrees 23 minutes 09 seconds East and a long chord distance of 119.89 feet; thence South 39 degrees 06 minutes 47 seconds West on a northwest line of Lot 57 a distance of 54.75 feet to the westerly most corner of Lot 57 and being a point on the southern boundary of the said Greenvale Addition plat; thence North 50 degrees 51 minutes 52 seconds West on the plat boundary, a distance of 119.90 feet to a deflection thereof; thence North 73 degrees 32 minutes 57 seconds West on the plat boundary a distance of 132.28 feet to the southeast corner of Lot 58; thence North 3 degrees 29 minutes 49 seconds West on the east line of Lot 58 through Lot 64, a distance of 515.27 feet to the Point of Beginning, containing 0.998 acres, more or less.

This description was prepared for the City of Fort Wayne by DLZ Indiana, LLC and certified by Robert P. Hathaway, Indiana Registered Land Surveyor.


Robert P. Hathaway
Indiana Registered Land Surveyor No. 2000-0003

CITY OF FORT WAYNE

FORT WAYNE, INDIANA

FILED

JUL 23 2024

LANA R. KEESLING
CITY CLERK

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 the Pinehurst Drive right-of-way being south of the platted 50-foot radius exebrow at Lot 48 and Lot 64 of Greenvale Addition, Section "B".

Legal Description per Exhibit A. Depicted per 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.)

Plat of Greenvale Addition, Section B, is recorded as 77-20423 in the Allen County Recorder's Office.

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:

Lots 48-64 are owned by the City of Fort Wayne, along with surrounding property that was formerly Lakeside Golf Course. It is planned to restore the property to a natural wetland and riparian habitat. This portion of Greenvale Addition Section B will not be developed.

(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: Seth Weinglass, on behalf of the City of Fort Wayne

Street Address: 200 E. Berry Street, Suite 250

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 427-1330

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

Seth Weinglass
Fort Wayne City Utilities
Program Manager
7/23/24
Printed Name Date

200 E. Berry St, Suite 250
Address

Fort Wayne, IN 46802
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 #: _____

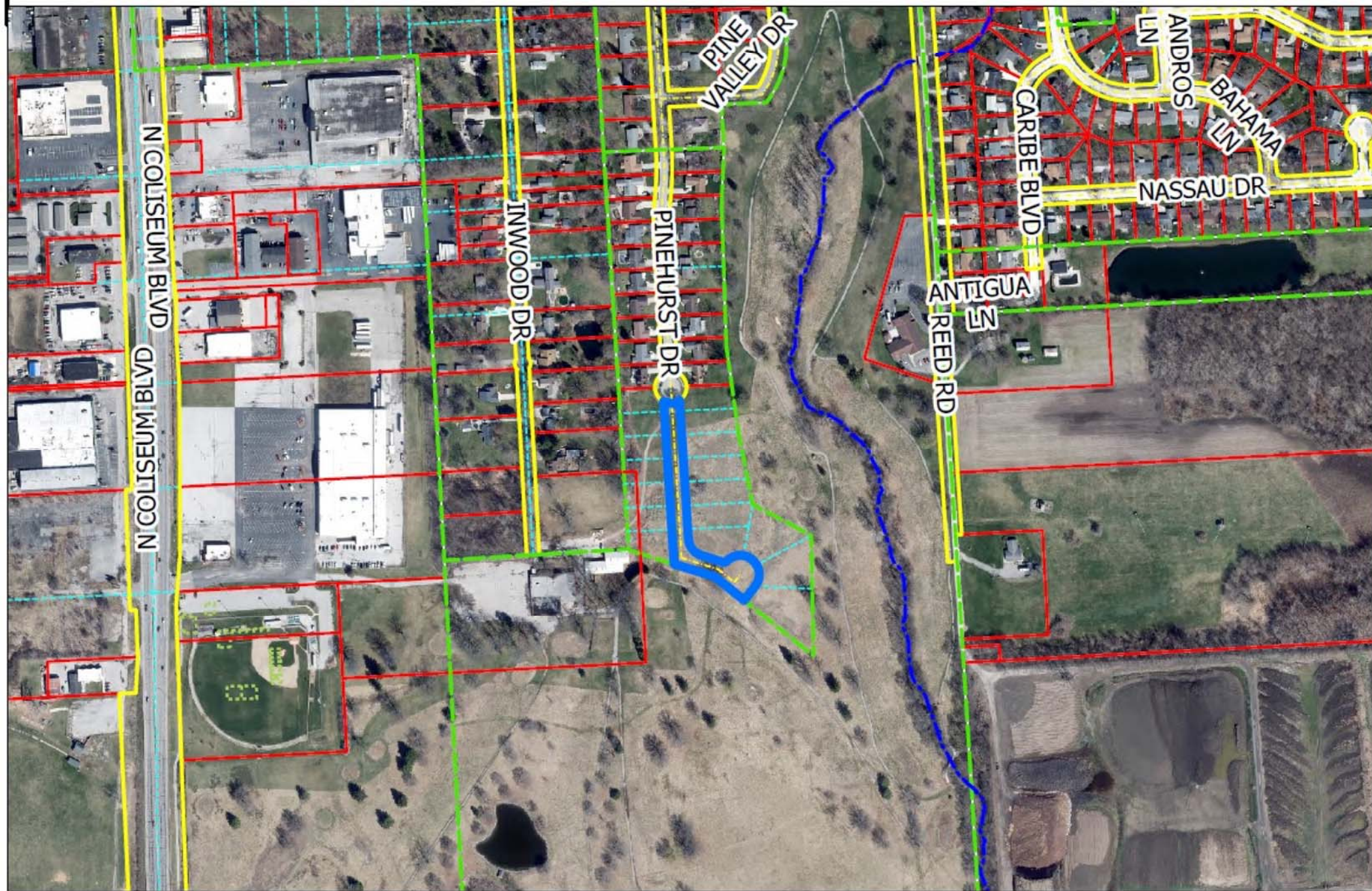
RIGHT OF WAY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2024 0008	Bill #G-24-08-09	Project Start: July 2024
APPLICANT:	Fort Wayne City Utilities - Seth Weinglass, Project Manager	
REQUEST:	To vacate all of the Pinehurst Drive Right-of-Way being south of the platted 50-foot radius eyebrow at Lot 48 and Lot 64 of Greenvale Addition, Section “B”	
LOCATION:	South of 711 and 712 Pinehurst Drive (Section 5 of Adams Township)	
COUNCIL DISTRICT:	1 – Paul Ensley	
PUBLIC HEARING DATE:	August 27, 2024	

PROJECT SUMMARY

The petitioner, Fort Wayne City Utilities, is requesting to vacate all of the Pinehurst Drive Right-of-Way being south of the platted 50-foot radius eyebrow at Lot 48 and Lot 64 of Greenvale Addition, Section “B”. Lots 48-64 are owned by the City of Fort Wayne, along with surrounding property that was formerly Lakeside Golf Course. This portion of Greenvale Addition Section B will not be developed. The street vacation would be necessary to restore the property to a natural wetland and riparian habitat. The only adjacent property owners are located at 711 and 712 Pinehurst Drive to the north. The vacation request has been forwarded to all interested utility agencies for their comments. This item will return to Council when all responses have been received and easements are prepared.

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.
Traffic/Transportation Engineering:	Approved
Stormwater Engineering:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
City Parks Department:	Approved
Fire Department:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Easement required
INDOT:	Approved



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© 2004 Board of Commissioners of the County of Allen
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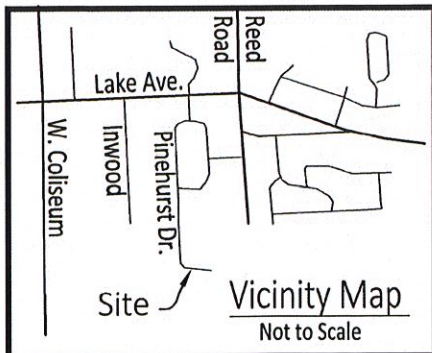
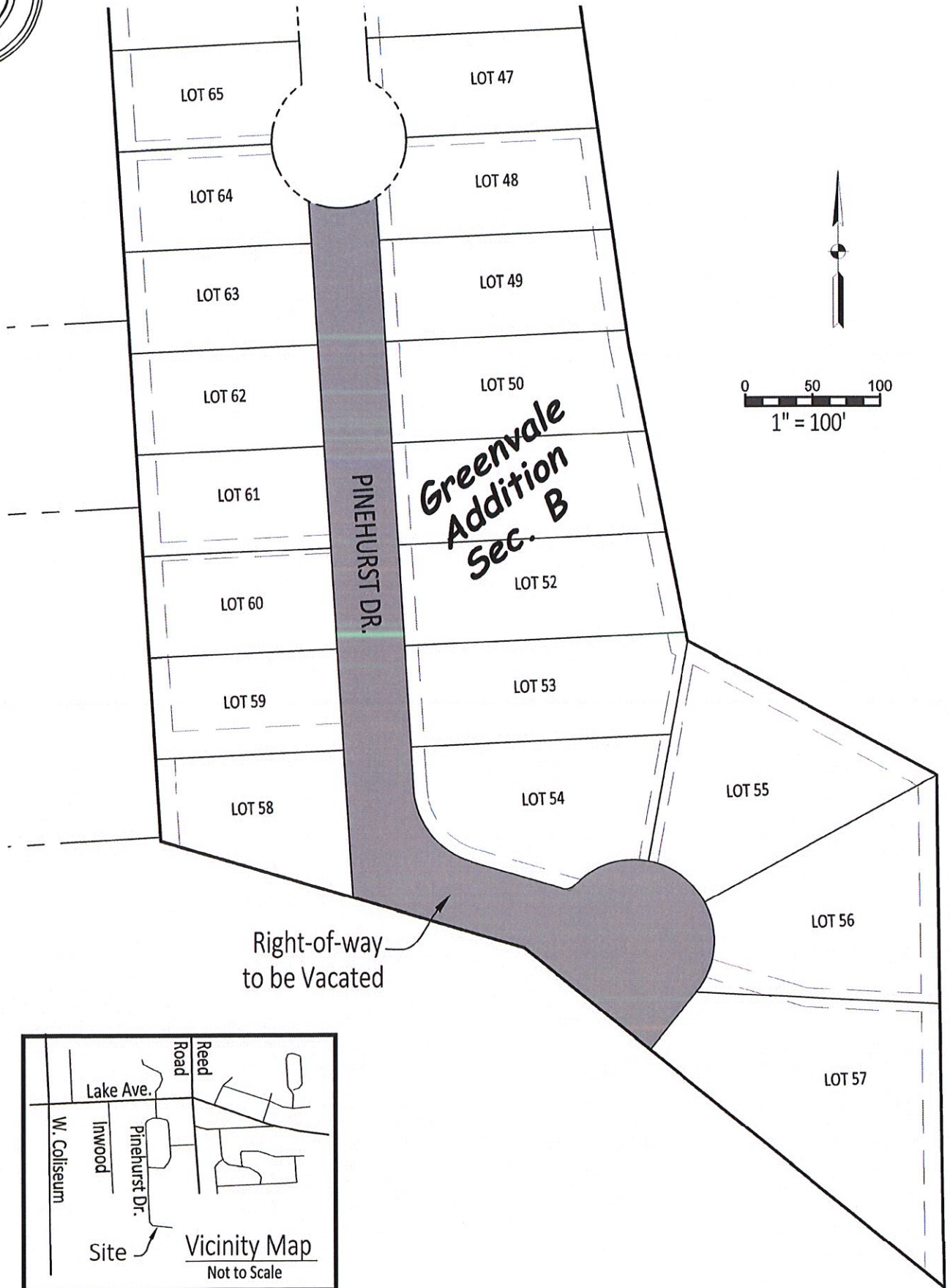


0 300 600 Feet



Prepared for:
City Utilities

EXHIBIT "B"
Pinehurst Drive to be Vacated



RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE

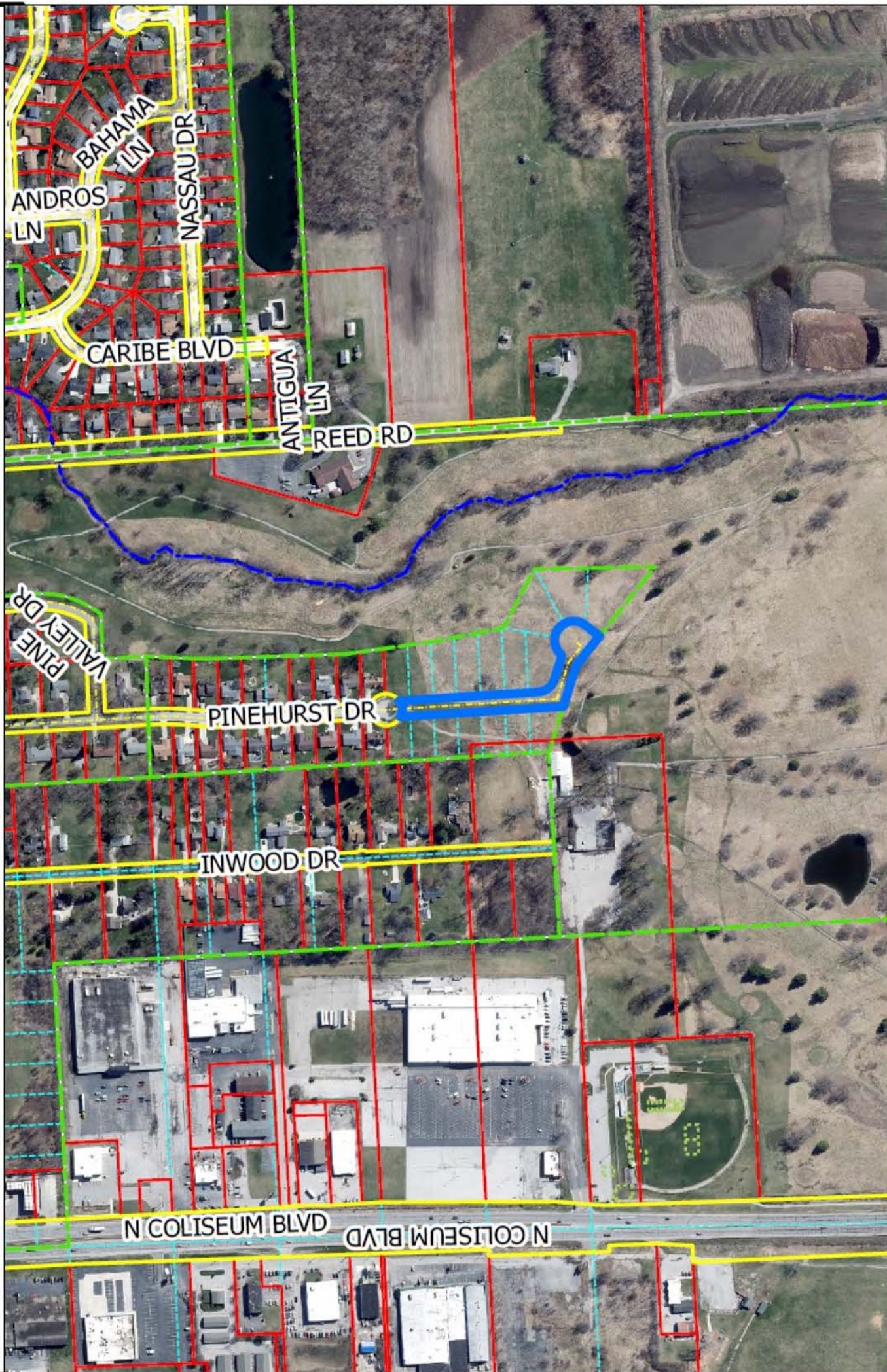
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City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
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Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Approved with Easement
INDOT:	Approved





Prepared for:
City Utilities

EXHIBIT "B"
Pinehurst Drive to be Vacated

