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BILL NO. G-11-02-10

Plat Book: 11A

Page No: 24

GENERAL ORDINANCE NO. G- 14-11

**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:

Unimproved right-of-way of Beaver and Boerger Avenue as platted in Wiebke's Homestead Addition, Section A as recorded in Plat Book 11A, page 24 and more particularly described as follows:

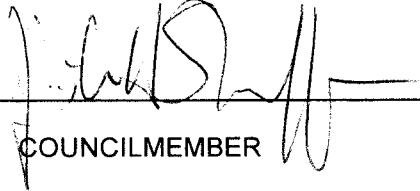
Beginning at the intersection of the west right-of-way line of Beaver Avenue and the north right-of-way line of Boerger Avenue as platted and also being described as the southeast corner Lot 43 in the recorded plat of Wiebke's Homestead Addition, Section A as marked by a five-eighths inch diameter steel pin set with D&A Firm No. 0026 identification cap; thence east on the extension of the north right-of-way line of Boerger Avenue, a distance of 60.02 feet, said line being the southern line of the vacation of Beaver Avenue in General Ordinance G-03-87 to the east right-of-way line of Beaver Avenue as marked by a MAG nail set with 2 inch aluminum disk stamped D&A Firm No. 0026; thence by a deflection right of 87 degrees 58 minutes 06 seconds along the east right-of-way of Beaver Avenue, a distance of 117.20 feet, measured to a MAG nail set with 2 inch aluminum disk stamped D&A Firm No. 0026 at the southeast corner of the intersection of Beaver Avenue and Boerger Avenue; thence by a deflection right of 91 degrees 44 minutes 44 seconds along the south right-of-way line of Boerger Avenue as platted, a distance of 340.30 feet (measured and platted) to a five-eighths inch diameter steel pin set with D&A Firm No. 0026 identification cap, said point being at the intersection of the south right-of-way line of Boerger Avenue and the east right-of-way line of Kimmel Drive; thence by a deflection right of 89 degrees 43 minutes 10 seconds along the northerly projection of the east right-of-way line of Kimmel Drive, a distance of 119.0 feet (measured and platted) to a five-eighths inch diameter steel pin with Firm No. 0012 identification cap, 0.90 feet east, to a point on the north right-of-way line of Boerger Avenue as patted; thence by a deflection right of 90 degrees 34 minutes 00 seconds

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along said right-of-way line, also being the south line of lots 39, 40, 41, and 43 in said addition, a distance of 277.29 feet to the point of beginning, containing 0.918 acres of land, more or less.

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:


Carol T. Taylor, City Attorney

Read the first time in full and on motion by Sherrif and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of March, 2011, at 5:30 o'clock P. M.E.S.T.

DATED: 2-22-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sherrif placed on its passage. PASSED 10-1 by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> | <u>7</u> | <u>—</u> | <u>—</u> | <u>2</u> |
| <u>BENDER</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>BROWN</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>DIDIER</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>✓</u> |
| <u>GOLDNER</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>HARPER</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>HINES</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>PAPE</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>✓</u> |
| <u>SHOAFF</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>SMITH</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> |

DATED: 3-22-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ (ZONING) ORDINANCE (RESOLUTION) NO. D-14-11 on the 22nd day of March, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 2011, at the hour of 10:00 o'clock A M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of MARCH 2011, at the hour of 11:00 o'clock A M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR