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#1238

BILL NO. G-11-03-12
As amended

Deed Book 27 Page No: 391

GENERAL ORDINANCE NO. G- 40-11

**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:

Monroe Street:

All of Monroe Street that lies North of the North right-of-way line of Wallace Street and South of the South right-of-way line of Toledo Street as shown in Lewis Addition to the City of Fort Wayne as shown in B0B, page 72 amended in Deed Book 27, page 391 within the Office of the Recorder of Allen County, Indiana, containing 30,348 square feet.

Toledo Street:

All of Toledo Street bounded on the West by the Northerly extension of the East line of Lot 141 to the North right-of-way line of Toledo Street and bounded on the East by the Northerly extension of the East line of Lot 146 to the North right-of-way line of Toledo Street, all in Lewis Addition to the City of Fort Wayne as shown in B0B, page 72 amended in Deed Book 27, page 391 within the Office of the Recorder of Allen County, Indiana, containing 9,951 square feet.

Alley Between Virginia Street and Wallace Street:

A 14 foot wide alley bounded on the East by the West right-of-way line of Monroe Street, bounded on the South by the North lines of Lots 184 and 185 in Lewis Addition to the City of Fort Wayne as shown in B0B, page 72 amended in Deed Book 27, page 391 within the Office of the Recorder of

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3 Allen County, Indiana, bounded on the West by the West line of Lot 184 extended, bounded on
4 the North by the South line of Lots 152 and 153 in said Lewis Addition, containing 1,680 square
feet,

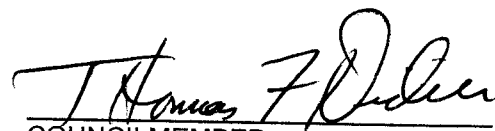
5 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
6 and is hereby approved in all respects.

7 SECTION 2. City reserves hereunder an easement for public utilities, over, under, across
8 and through the following described parts of Monroe Street and Toledo Street which have been
9 vacated herein, for the purposes of owning, constructing, operating, maintaining and
10 reconstructing sanitary sewer, stormwater and/or potable water swales, basins, ditches, pipes,
11 manholes, valves, pumps and related equipment and structures designated by City as part of
12 City's public sanitary sewer, stormwater or potable water systems, to wit:

13 All that part of Monroe Street that lies North of the North right-of-way line of Wallace Street
14 and South of the South right-of-way line of Toledo Street, together with that part of Toledo
15 Street bounded on the South by the North right-of-way line of Monroe Street, on the North by
16 the South right-of-way line of the Norfolk Southern Railway property, on the West by the
17 Northerly extension of the East line of Lot 141, and on the East by the Northerly extension of
the West line of Lot 142, as shown in Lewis Addition to the City of Fort Wayne as shown in
B0B, page 72 amended in Deed Book 27, page 391 within the Office of the Recorder of Allen
County, Indiana, containing 30,348 square feet.

18 If at any future date City transfers title to all or any portion of the vacated street or alley rights-of-
19 way of which the above-described easements are a part, the party acquiring said real estate shall
20 accept, execute and deliver to City a document provided by City which contains the terms and
conditions which City imposes upon the above reservation of easement.

21 SECTION 3. That this Ordinance shall be in full force and effect from and after its
22 passage, any and all necessary approvals by the Mayor.

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24 
COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 _____
Carol T. Helton, City Attorney

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Discussion
4-12-11

Read the first time in full and on motion by Chris [Signature] and duly adopted, read the second time by title and referred to the Committee on Regulation (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 12th day of April, 2011, at 5:30 o'clock P.M., E.S.T.

DATED: 3-22-11

[Signature]
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by [Signature] placed on its passage. PASSED [Signature] and duly adopted, by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>---</u>	<u>---</u>	<u>---</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: 12-13-11

[Signature]
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. 640-11 on the 13th day of December, 2011

ATTEST:
[Signature]
SANDRA E. KENNEDY, CITY CLERK

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of December, 2011, at the hour of 11:30 o'clock A.M., E.S.T.

[Signature]
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of December 2011, at the hour of 9:00 o'clock A.M., E.S.T.

[Signature]
THOMAS C. HENRY, MAYOR