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#1239

BILL NO. G-11-03-13

As amended

Deed Book 0

Page No: 73

GENERAL ORDINANCE NO. G- 41-11

**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:

The area to be vacated is a sixty (60.0) foot wide area of public right-of-way, being the following described area of Clay Street within the City of Fort Wayne, Indiana: bounded on the South by a line from the Southwest corner of Lot 202 in the Plat of Lewis Addition to the City of Fort Wayne as shown in Deed Book 0, page 73 within the Office of the Recorder of Allen County, Indiana, to the Southeast corner of Lot 203 in said plat, bounded on the West side by the East line of said Lot 203, bounded on the North by a line from the Northeast corner of said Lot 203 to the Northwest corner of said Lot 202, bounded on the East by the West line of said Lot 202.

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

SECTION 2. City reserves hereunder an easement for public utilities, over, under, across and through the entire public right-of-way described and vacated herein, for the


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purposes of owning, constructing, operating, maintaining and reconstructing sanitary sewer, stormwater and/or potable water swales, basins, ditches, pipes, manholes, valves, pumps and related equipment and structures designated by City as part of City's public sanitary sewer, stormwater or potable water systems. If at any future date City transfers title to all or any portion of the vacated street right-of-way of which the above-described easement is a part, the party acquiring said real estate shall 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.

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

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Carol T. Helton, City Attorney

Procession  
4-12-11

Read the first time in full and on motion by Shoaff 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 Thursday, the 12<sup>th</sup> day of April, 2011, at 5:30 o'clock P. M.E.S.T.

DATED: 3-22-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Didier placed on its passage. PASSED ~~LOSS~~ 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>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 12-13-11

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. 6-41-11 on the 13<sup>th</sup> day of December, 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 14<sup>th</sup> day of December, 2011, at the hour of 11:30 o'clock A M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

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

Thomas C. Henry  
THOMAS C. HENRY, MAYOR