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#1246

BILL NO. G-11-05-11

Plat Book: 61, Page No: 28

GENERAL ORDINANCE NO. G- 7-14

**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.

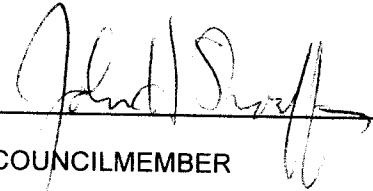
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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 14-foot wide north-south alley of Hough's Subdivision of Lots 38 and 39 of Compares Addition to the City of Fort Wayne, Indiana, as recorded in Deed Book 61, page 28 within the Office of the Recorder of Allen county, Indiana, containing 1,435 square feet, more or less.

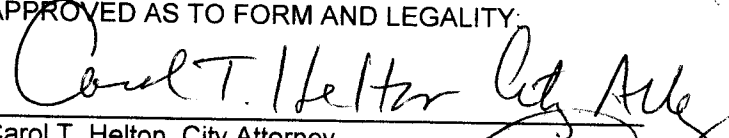
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.


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. Helton, City Attorney


City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Public Alley Right-of-Way Vacation
Case Number: 1246/11
Bill Number: G-11-05-11
Council District: 5

Introduction Date: May 24, 2011
Public Hearing Date: June 14, 2011
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: A request to vacate public alley right-of-way

Location: The right-of-way to be vacated is the fourteen-foot wide, north-south alley, between East Washington Boulevard and Maumee Avenue, located east of 1005 Harmar Street.

Reason for Request: The applicant owns all properties with frontage on the alley and has built a ramped entrance to her personal garage which overlaps the public right-of-way.

Applicant: Sheila Moore
Property Owner: Sheila Moore

Related Petitions: none

Effect of Passage: The alley will be vacated and will become of part of the applicant's personal property, giving her safe access to the garage.

Effect of Non-Passage: The right-of-way will remain as platted and under City of Fort Wayne control. The ramp to the garage may be removed as necessary by the City of Fort Wayne.

❖ MENDENHALL LAND SURVEYING SERVICE ❖

1252 WEST BRANNING AVENUE
FORT WAYNE, INDIANA 46807

VOICE: (260) 456-1667; CELL: (260) 385-6913
EMAIL: DAVID.MENDENHALL99@GMAIL.COM

Exhibit A

Description of area to be vacated:

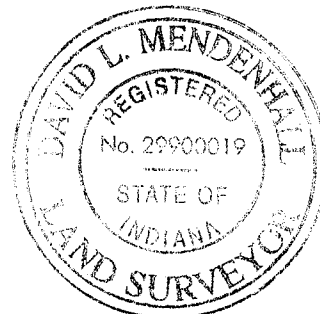
The 14 feet wide north-south alley of Hough's Subdivision of Lots 38 and 39 of Comparets Addition to the City of Fort Wayne, Indiana, as recorded in Deed Book 61, page 28 within the Office of the Recorder of Allen County, Indiana, containing 1,435 square feet, more or less.

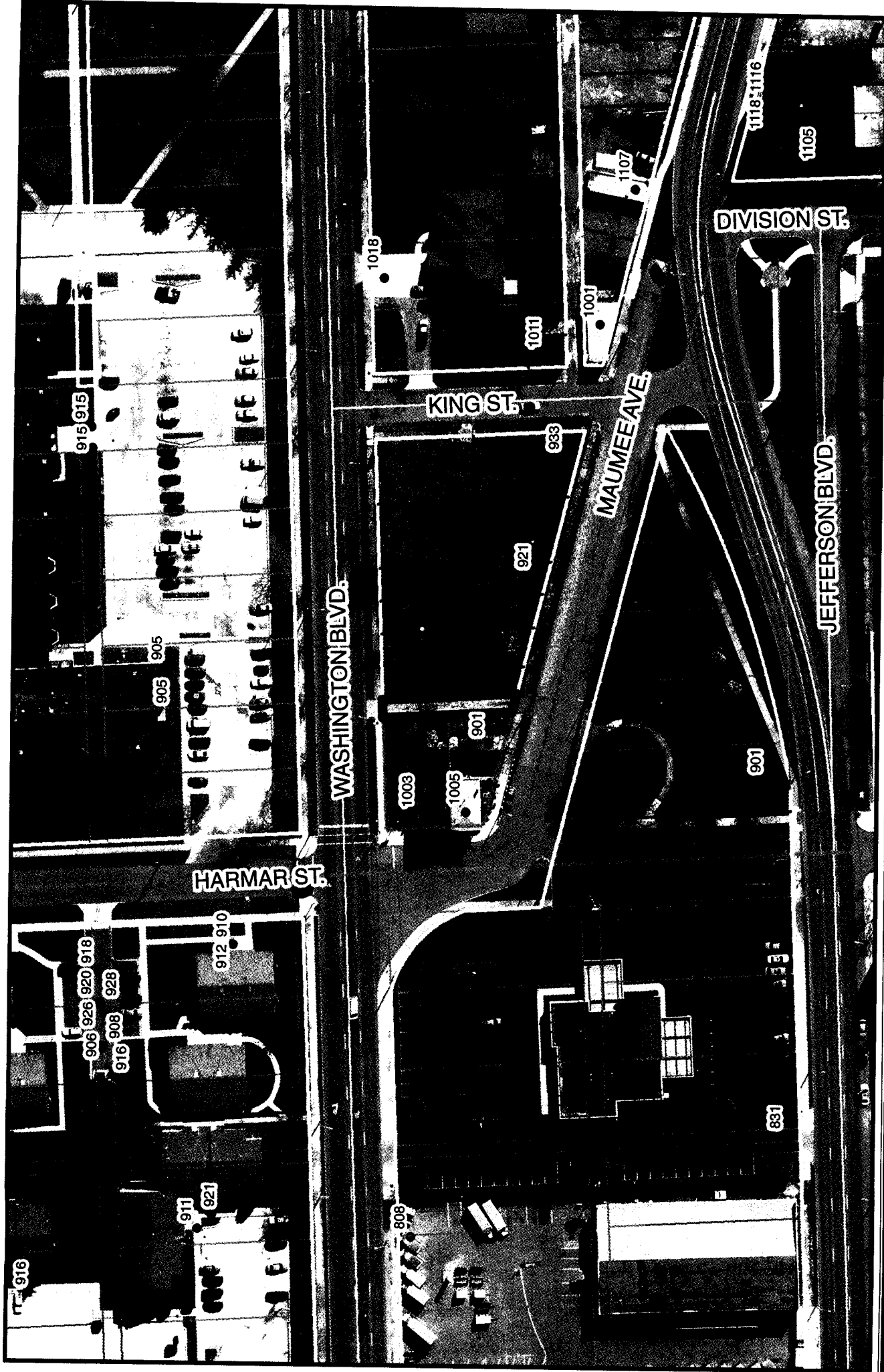
Comparets Addition to the City of Fort Wayne, Indiana is recorded in Deed Book 31, page 170-171.

This description prepared by:



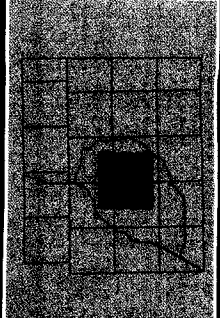
David L. Mendenhall, RLS
Indiana Registration LS 29900019.
20 April 2011





Vacation Petition 1246/11

Printed: May 16, 2011
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Projection: Spring 2006 / Contour: 1999
 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.



Vacation Petition #1246/11

Bill No. G-11-05-11

Alley between East Washington and Maumee Right-of-way Vacation— Adjacent Property Owners Notice
Sent Certified:

PIN/Property Address:

Property Owner of Record:

021201378003000074
1005 Harmar
1003 Harmar
901 Maumee Avenue

Sheila Moore
1005 Harmar Street
Fort Wayne, IN 46803

021201378004000074
021201378009000074

Sheila Moore
1005 Harmar Street
Fort Wayne, IN 46803

021201377002000074
831 East Jefferson Boulevard

Carmichael Leasing, LLC.
831 East Jefferson Boulevard
Fort Wayne, IN 46803

021201380001000074
901 East Jefferson Boulevard

Fort Wayne City, Board of Parks Commissioners
705 East State Boulevard
Fort Wayne, IN 46805

Neighborhood Associations:

Southeast Community Liaison
Cherise Dixie

Southeast Area Partnership, Chair
William Crowley
5910 Radcliffe Drive
Fort Wayne, IN 46816

DISCUSSION AND APPROVAL OF VACATION
Department of Planning Services

Case #1246	Bill #G-11-05-11	Project Start: 24 May 2011
APPLICANT: REQUEST: LOCATION: COUNCIL DISTRICT: LAND AREA: SURROUNDINGS: RELATED PETITIONS:	Sheila Moore To vacate a fourteen-foot wide alley right-of-way. The right-of-way to be vacated is the north-south alley, between East Washington Boulevard and Maumee Avenue, located east of 1005 Harmar Street. (Section 1 of Wayne Township) District 5 Approximately 1,435 square feet proposed to be vacated. North: Residential zoning (East Central Towers apts) South: Residential zoning (green space) East: Commercial zoning (vacant, applicant owned) West: Residential zoning (Carmichael Funeral Home) none	

PROJECT SUMMARY

The applicant, Sheila Moore, resides at 1005 Harmar Street and owns all properties with frontage on the alley east of her home and garage. A ramp has been built to transition between the alley and her garage. At the time of construction, she was unaware that the ramp was overlapping onto public right-of-way. This alley is a connection between East Washington Boulevard and Maumee Avenue, just east of where Maumee comes off of East Washington.

All agencies have approved the request and there was no public opposition to the request. Easements were requested by City Development Services for a combined sewer and by Indiana Michigan Power. These easements have been granted and approved.

- | | |
|---|---|
| City Plan:

Traffic Engineering:
Stormwater Engineering:
Water Engineering:
WPC Engineering – Sanitary:
City Parks Department:
Fire Department:
Frontier:
Comcast Cable:
AEP:
NIPSCO:
Land Acquisition Agent: | 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.
Approved
Approved with easement
Approved
Approved with easement
Approved
Approved
Approved
Approved
Approved with easement
Approved
Approved with easements |
|---|---|

Vacation Petition #1246/11

Bill No. G-11-05-11

Alley between East Washington and Maumee Right-of-way Vacation- Adjacent Property Owners Notice

Sent Certified:

PIN/Property Address:

Property Owner of Record:

021201378003000074
1005 Harmar
1003 Harmar
901 Maumee Avenue

Sheila Moore
1005 Harmar Street
Fort Wayne, IN 46803

021201378004000074
021201378009000074

Sheila Moore
1005 Harmar Street
Fort Wayne, IN 46803

021201377002000074
831 East Jefferson Boulevard

Carmichael Leasing, LLC.
831 East Jefferson Boulevard
Fort Wayne, IN 46803

021201380001000074
901 East Jefferson Boulevard

Fort Wayne City, Board of Parks Commissioners
705 East State Boulevard
Fort Wayne, IN 46805

Neighborhood Associations:

Southeast Community Liaison
Cherise Dixie

Southeast Area Partnership, Chair
William Crowley
5910 Radcliffe Drive
Fort Wayne, IN 46816

CITY OF FORT WAYNE



Vacation Petition

City Clerk / Room #122 / City-County Building / One Main Street / Fort Wayne IN 46802 / 260.427.1221

I/We do hereby petition to vacate the following:

 Easement Public Right of Way (street or alley)

More particularly described as follows:

SEE EXHIBITS A AND B ATTACHED

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

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:

I have a garage door that is approximately a foot higher than the ground level. In order to drive in garage, I need an elevated concrete slope (from the alley) to drive into the garage. My contractor already poured the concrete before I was aware of this process to have the alley vacated for this purpose.
(If additional space is needed please attach a separate page.)

The names and addresses of all adjacent property owner(s) must also be provided by the applicant on an attached sheet. 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.

Applicants name(s) if different from property owner(s):

Name: Sheila Moore

Street Address: 1005 Harmer St.

City: Ft. Wayne State: IN Zip: 46803 Phone: (260) 705-3407

JRT WAYNE, IND.
RECEIVED

MAY 02 2011

SANDRA E. KENNEDY
CITY CLERK

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 Sheila K. Moore
Printed Name Sheila K. Moore
Date 4/13/11
Address 1805 Harmon St Ft Wayne, IN 46803
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 easements as needed.

For Office Use Only:

Receipt #: _____
Date Filed: _____
Map #: _____
Reference #: _____

November 20, 2002

❖ MENDENHALL LAND SURVEYING SERVICE ❖

1252 WEST BRANNING AVENUE
FORT WAYNE, INDIANA 46807

VOICE: (260) 456-1667; CELL: (260) 385-6913
EMAIL: DAVID.MENDENHALL99@GMAIL.COM

Exhibit A

Description of area to be vacated:

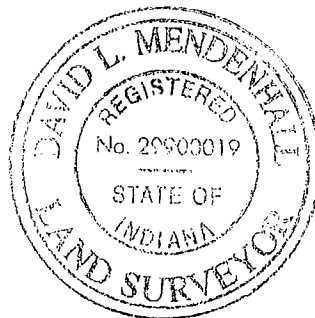
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This description prepared by:



David L. Mendenhall, RLS
Indiana Registration LS 29900019.
20 April 2011



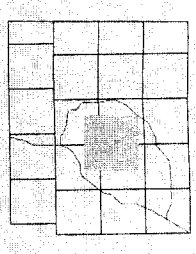
I, Sheila Moore own all property surrounding the proposed vacated alley. I have attached copies of my deeds, map, surveyed description, and tax information :

Property Owner - Sheila Moore

Addresses: 1003 Harmar St. FTW 46803
1005 Harmar St. FTW 46803
911 Maumee St. FTW 46803
915 Maumee St. FTW 46803
912 Washington St. FTW 46803

Phone : 260 - 705 - 3407

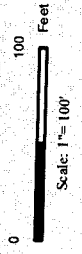
Sheila Moore
4/26/11



Vacation Petition 1246/11

Printed: May 16, 2011
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo: Spring 2006 / Contours: 1999

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RECORDED: 06/21/2012 3:55:19 PM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

DISTRIBUTION EASEMENT- Individual, OH & UG

Easement No. IN 120506
A 12-R 1367

THIS INDENTURE, made this 31st day of January, 2012, by and between **Sheila Moore**, whose address is 1005 Harmar Street, Fort Wayne, Indiana ("Grantor"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana corporation whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana, 46801 ("Grantee").

WITNESSETH: That for one Dollar (\$1.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy and for communication purposes, including the right to permit attachments of others to said facilities, in, on, along, under, over, across and through the following described Premises situated in Section 1, Wayne Township, Township 30 North, Range 12 East, Allen County, Indiana, to wit:

The 14-foot wide North-South alley of Hough's Subdivision of Lots 38 and 39 of Comparets Addition to the City of Fort Wayne, Indiana, as recorded in Deed Book 61, page 28 within the Office of the Recorder of Allen County, Indiana, containing 1,435 square feet, more or less.

TOGETHER with the right of ingress and egress to, from and over said Premises, and also the right to cut or trim and/or remove any trees or bushes which may endanger the safety or interfere with the construction and use of said facilities.

Grantee shall promptly repair or replace all physical damage on the Premises proximately caused by the construction, operation and maintenance of Grantee's facilities.

The Grantor warrants that no structure or building shall be erected upon said easement.

After the completion of said system, the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without the written prior consent of Grantee.

Michelle Wood

From: Craig Berndt
Sent: Wednesday, January 18, 2012 8:56 AM
To: Michelle Wood
Cc: sheiladufor@frontier.com
Subject: Alley Vacation, petition 1246/11

Michelle:

Sheila Moore signed the sewer-stormwater easement today. DVS is releasing its hold on the vacation of the alley. The signed acknowledgement forms will be delivered to your office this morning.

Craig Berndt
Program Manager
Development Services
200 East Berry Street, Suite 140
Fort Wayne, Indiana 46802-2733

Direct: 260-427-2680
Fax: 260-427-5737
craig.berndt@cityoffortwayne.org

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Didier
Read the second time by title and referred to the Regulations Committee
Committee. Read the third time in full and on motion by Councilman
Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	_____	_____	_____	<u>✓</u>
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 4-22-14 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. G-7-14 on the 22nd day of
April, 2014

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

W. Martin A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day
of April, 2014, at the hour of 11:45 o'clock Am. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of April

2014, at the hour of 4:30 o'clock Pm. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-11-05-11

REPORT OF COMMITTEE ON REGULATIONS

APRIL 22, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way. The location of the vacation is the fourteen-foot wide, north-south alley, between East Washington Boulevard and Maumee Avenue, located east of 1005 Harmar Street. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>[Signature]</i>			
<i>[Signature]</i>			
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**SANDRA E. KENNEDY
CITY CLERK**