

#1267

BILL NO. G-11-12-03

Deed Book: B, Page 447

GENERAL ORDINANCE NO. G- 34-12

**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:

Part of the platted alley in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne as recorded in Deed Book B, Page 447, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at a 3/8" rebar found monumenting the Northwest corner of Lot 126 in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne; thence North 12 degrees 16 minutes 34 seconds West (bearings in this description are based on the record bearing for the West line of Lot 126) a distance of 14.08 feet to a 1" iron rod, monumenting the Southwest corner of Lot 99 in said addition; thence North 78 degrees 02 minutes 02 seconds East, on the North line of the platted alley, as defined by found monuments, a distance of 207.67 feet to the southwest corner of the East Half of Lot 96, said point being the limits of the alley vacation described in General Ordinance #G-90-70; thence South 11 degrees 57 minutes 58 seconds East, on said limits of a distance of 14.04 feet, to the Northwest corner of the East Half of Lot 129; thence South 78 degrees 01 minutes 26 seconds West, on the South line of said alley a distance of 207.60 feet to the point of beginning. Containing 0.067 acres, 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.

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Public Right-of-Way Vacation  
Case Number: 1267/11  
Bill Number: G-11-12-03  
Council District: 5

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Introduction Date: December 13, 2011  
Public Hearing Date: January 10, 2012  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

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

Location: The right-of-way to be vacated the western portion of the alley south of East Washington Boulevard and east of Barr Street. The eastern portion was vacated in 1970. The remainder is located within the parking lots of the YMCA and the Lamplight senior living facility.

Reason for Request: The YMCA is planning improvements to their parking lot on Barr Street and the vacation of this alley will help facilitate those improvements. The alley currently ends at property owned by Lamplight and does not continue to Lafayette Street.

Applicant: Young Men's Christian Association of Greater Fort Wayne, Inc.  
Property Owner: YMCA and LL Fort Wayne Realty, LLC

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Related Petitions: Parking Lot Permit through the Right-of-Way Department

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Effect of Passage: The right-of-way for the public alley will be vacated and the land will be incorporated into the parking lots for the YMCA and the Lamplight.

Effect of Non-Passage: The right-of-way will remain as platted and should remain open for public use

Read the first time in full and on motion by *Ordinance* 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 Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on *Tuesday*, the *10<sup>th</sup>* day of *January*, 2012, at *5:30* o'clock *P*. M., E.S.T.

DATED: *12-13-11*

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK  
, and duly adopted,

Read the third time in full and on motion by placed on its passage by the following vote (PASSED)

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<b>9</b>			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: *11-13-12*

*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. *R-34-12* on the *13<sup>th</sup>* day of *November*, 2012

ATTEST.

SEAL

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

*Thomas C. Henry*  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *16<sup>th</sup>* day of *November*, 2012, at the hour of *3* o'clock *P*. M., E.S.T.

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *19<sup>th</sup>* day of *November*, 2012, at the hour of *9:00* o'clock *A*. M., E.S.T.

*Thomas C. Henry*  
THOMAS C. HENRY, MAYOR

# CITY OF FORT WAYNE

## Vacation Petition

City Clerk/Room #122/CityCounty 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 Exhibit "A"

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(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: n/a PAGE(S) NUMBER(S): n/a (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN) Last Deeds of Record for Petitioner are enclosed herewith.

The reasons for the proposed vacation are as follows:

See Exhibit "B"

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(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: See Exhibit "C"

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: See Exhibit "D"

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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 For 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.

See Exhibit "D"

\_\_\_\_\_  
Signature Printed Name Date

\_\_\_\_\_  
Address 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): Thomas M. Niezer / Barrett & McNagny LLP

Street Address: 215 E. Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 423-9551

**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: \_\_\_\_\_

EXHIBIT "C"

*Neighboring/Adjacent Property Owner*

LL FORT WAYNE REALTY, LLC

Attn: Mr. Bobby Petras

Lamplight Communities

599 Fairview Heights

Toronto, OH 43964

800-565-8363

EXHIBIT "D"

*Applicant/Property Owner*

YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER FORT WAYNE, INC.  
347 W Berry Street, Suite 500  
Fort Wayne, Indiana 46802



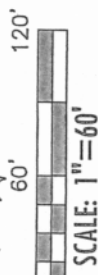
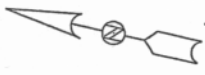
Martin L. Pastura, President & CEO

# ANDERSON SURVEYING, INC.

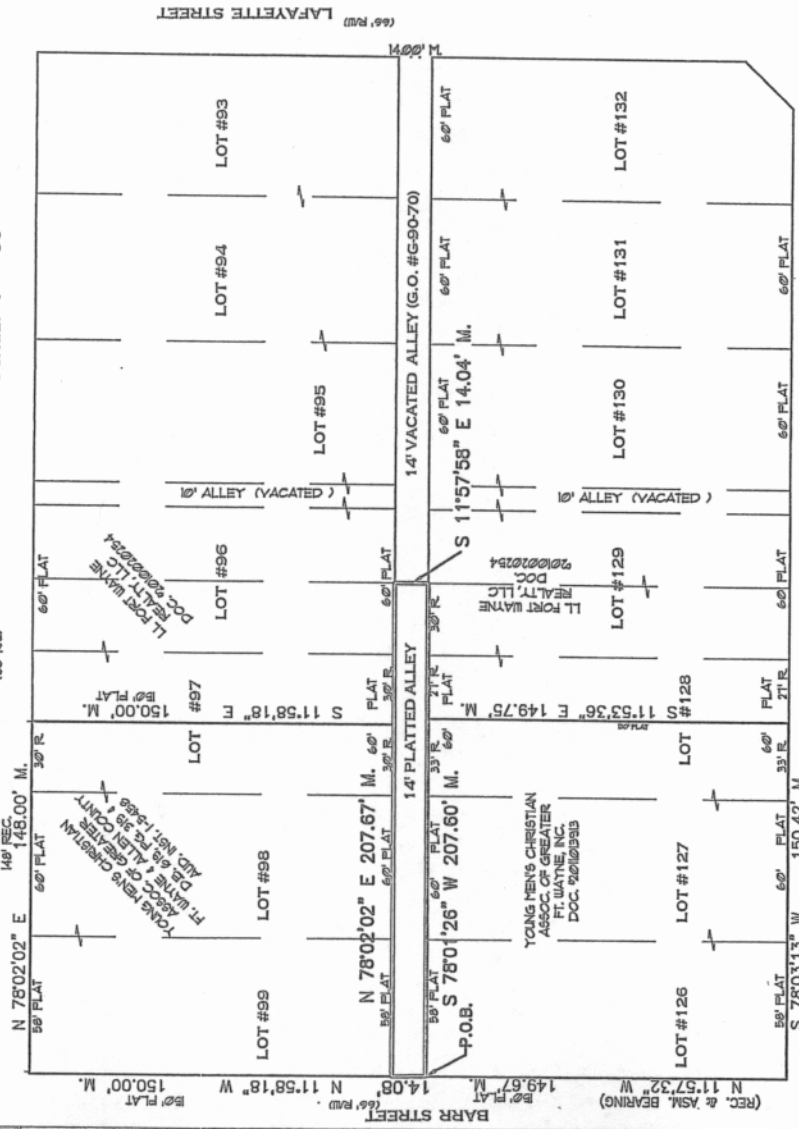
Registered Professional Engineers and Land Surveyors  
 Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue  
 Fort Wayne, IN 46808  
 Phone: (260) 483-1724  
 Fax: (260) 482-6855  
 Toll Free: (888) 483-1724

1947 E. Schug Road  
 Columbia City, IN 46725  
 Phone: (260) 691-3425  
 Fax: (260) 482-6855



E. WASHINGTON BOULEVARD  
(66' R/W)



## ALLEY VACATION EXHIBIT

Part of the platted alley in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne as recorded in Deed book B, Page 447, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

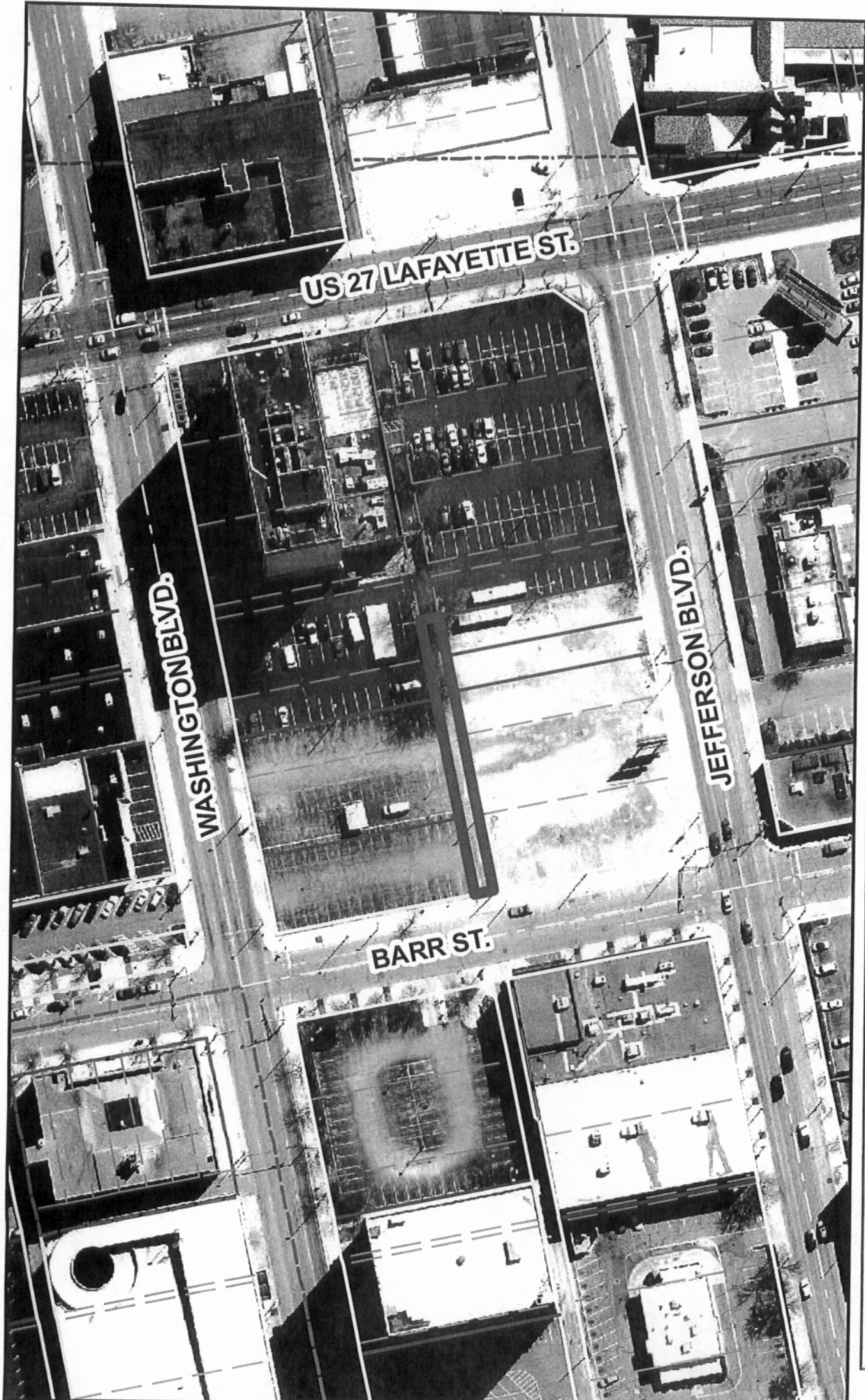
Beginning at a 3/8" rebar found monumenting the Northwest corner of Lot 126 in Samuel Hanna's First Addition to the Town (now City) of Fort Wayne; thence North 12 degrees 16 minutes 34 seconds West (bearings in this description are based on the record bearing for the West line of Lot 126) a distance of 14.08 feet to a 1" iron rod, monumenting the Southwest corner of Lot 99 in said addition; thence North 78 degrees 02 minutes 02 seconds East, on the North line of the platted alley, as defined by found monuments, a distance of 207.67 feet to the southwest corner of the East Half of Lot 96, said point being the limits of the alley vacation described in General Ordinance #G-90-70; thence South 11 degrees 57 minutes 58 seconds East, on said limits of a distance of 14.04 feet, to The Northwest corner of the East Half of Lot 129; thence South 78 degrees 01 minutes 26 seconds West, on the South line of said alley a distance of 207.60 feet to the point of beginning. Containing 0.067 acres, more or less.

**JOB DESCRIPTION:**  
 DOWNTOWN YMCA  
 PROPOSED ALLEY VACATION  
 PT. S. HANNA'S 1ST ADDITION  
 FORT WAYNE, ALLEN CO., IN  
 DATE: DECEMBER 06, 2011

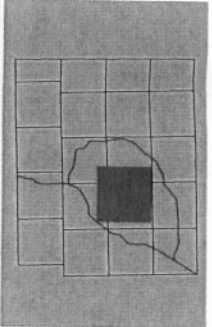


*Michael C. Vodde*

DESCRIPTION NUMBER: 11-10-125 ESMT.



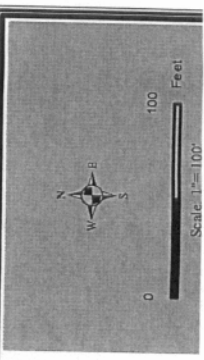
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Vacation Petition 1267/11

Printed: December 5, 2011  
 © 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photo 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 errors or omissions in this map.



## Angie Davis

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**From:** Michelle Wood  
**Sent:** Thursday, November 08, 2012 1:49 PM  
**To:** Angie Davis  
**Subject:** G-11-12-03  
**Attachments:** 1267 approval pkt.pdf

Hi Angie and Sarah,

Please include G-11-12-03 (#1267) on the agenda Tuesday the 13<sup>th</sup> for discussion and passage. This is the vacation of the alley in the YMCA parking lot off Barr Street.

I will be there to present.

Thank you!



MICHELLE WOOD  
DEPARTMENT OF PLANNING SERVICES  
449-7607

[HTTP://WWW.ALLENCOUNTY.US](http://www.allencounty.us)

