

1 #1293

2 BILL NO. G-12-08-04

3 Deed Book: 1A, Page: 2-A

4 GENERAL ORDINANCE NO. G- 33-12

5 AN ORDINANCE amending the Thoroughfare  
6 Plan of the City Comprehensive ("Master")  
7 Plan by vacating public right-of-way.

8 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as  
9 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,  
10 Indiana; and

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing  
12 and approved said petition, as provided in I.C. 36-7-3-12.

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

15 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of  
16 Fort Wayne, Indiana, more specifically described as follows, to-wit:

17 Part of the platted alleys of Ninde's Addition to South Wayne, now in the City of Fort Wayne, as  
18 recorded in Deed Book 1A, page 2A, in the Office of the Recorder of Allen County, Indiana.

19 Beginning at the Northwest corner of Lot 22 in said Ninde's Addition to South Wayne; thence southerly  
20 along the west line of Lots 22, 23, 24, 25, 26, and 27 of said Ninde's Addition to South Wayne, a  
21 distance of 280 feet to the Southwest corner of Lot 27 of said Ninde's Addition to South Wayne; thence  
22 westerly to the Southeast corner of Lot 49 in Ninde's Addition to South Wayne, as recorded in Deed  
23 Book 1A, Page 14, in the Office of the Recorder of Allen County, Indiana, a distance of 10 feet; thence  
24 northerly along the east line of said Lot 49 to the Northeast corner of Lot 71 in Ninde's Addition to  
25 South Wayne, as recorded in Deed Book 2B, Page 53A, in the Office of the Recorder of Indiana;  
26 thence easterly along the south right-of-way line of Kinnaird Avenue, a distance of 10 feet to the Point  
27 of Beginning.

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

30 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.

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Martin A. Bunc  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney  
Carol T. Helton, City Attorney  
KYLE

# CITY OF FORT WAYNE

## Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

\_\_\_\_\_ Easement      X Public Right of Way (street or alley)

More particularly described as follows:

SEE ATTACHED ALLEY VACATION EXHIBIT AND SURVEY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Doc # 2010002433

DEED BOOK NUMBER: \_\_\_\_\_ PAGE(S) NUMBER(S): \_\_\_\_\_ (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)

The reasons for the proposed vacation are as follows:

LOAN CLOSING WITH THE U.S. SMALL BUSINESS ADMINISTRATION  
REQUIRES CLEAR TITLE - ALLEY TO BE VACATED.  
\_\_\_\_\_  
\_\_\_\_\_

(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:**

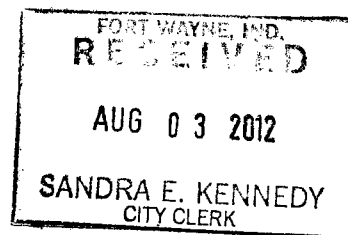
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: \_\_\_\_\_

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

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



# ANDERSON SURVEYING, INC.

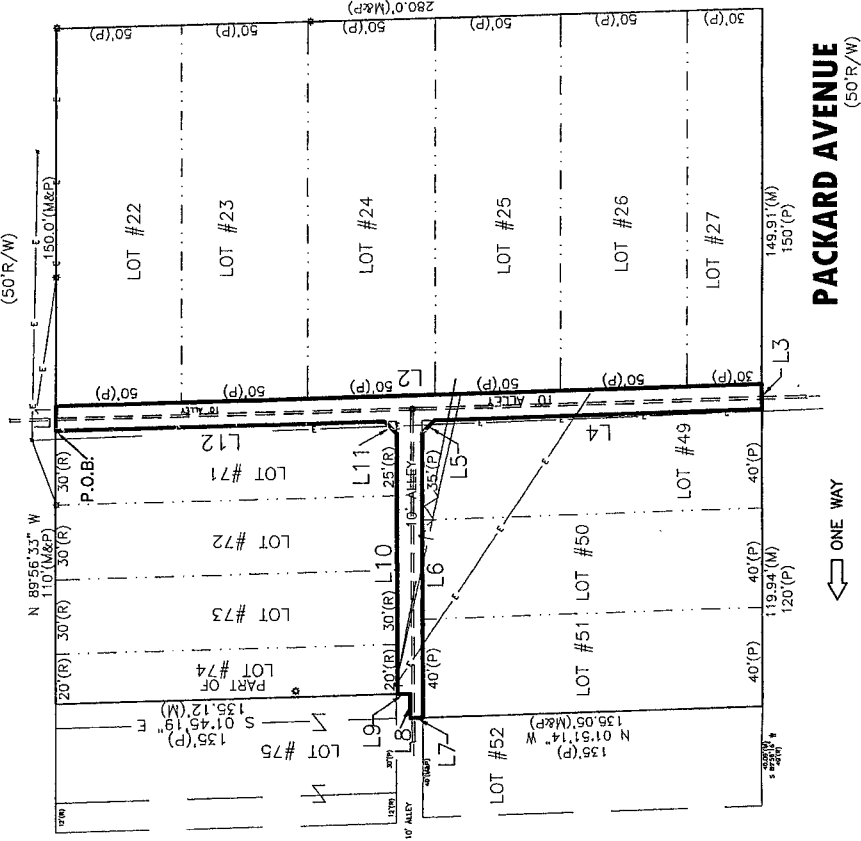
Registered Professional Engineers and Land Surveyors  
Indiana Land Surveying Firm Identification Number: 29A

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

LINE	BEARING	DISTANCE
L1	S 89°29'20" E	10.01
L2	S 01°46'47" E	279.78
L3	S 89°33'21" W	9.91
L4	N 01°52'29" W	130.08
L5	N 46°15'19" W	7.15
L6	S 89°56'52" W	114.9
L7	N 01°51'14" W	5.0
L8	N 89°56'52" E	9.98
L9	N 01°45'19" W	5.0
L10	N 89°56'52" E	104.96
L11	N 44°06'11" E	6.97
L12	N 01°44'30" W	129.91

ONE WAY → **KINNAIRD AVENUE**  
(50'R/W)



# ALLEY VACATION EXHIBIT

Part of the platted alleys of Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in the Office of the Recorder of Allen County, Indiana.

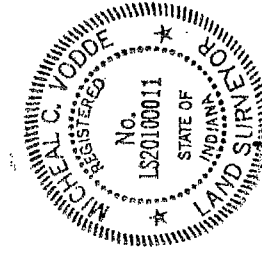
Beginning at a 5/8" rebar found with Firm #0027 identification cap, monumenting the Northeast corner of Lot Numbered 71 in said Ninde's Addition; thence South 89 degrees 29 minutes 20 seconds East (bearings in this description are based on the West line of Fairfield Avenue bearing North 01 degrees 45 minutes 19 seconds West), on the South right-of-way of Kinnaird Avenue, as defined by found monuments, a distance of 10.01 feet, to a mag nail, at the Northwest corner of Lot Numbered 22 in said Addition; thence South 01 degrees 46 minutes 47 seconds East, on the West lines of Lots Numbered 22 through 27 in said Addition, as defined by found monuments, a distance of 279.78 feet, to a chiseled "X", on the North right-of-way of Packard Avenue; thence South 89 degrees 33 minutes 21 seconds West, on said North right-of-way a distance of 9.91 feet, to a mag nail, at the Southeast corner of Lot Numbered 49; thence North 01 degrees 52 minutes 29 seconds West, on the East Line of said Lot 49 a distance of 130.08 feet, to a corner of Lot Numbered 49 in said addition; thence North 46 degrees 15 minutes 19 seconds West, on the Northeastly line of said Lot Numbered 49 a distance of 7.15 feet, to a corner of said Lot Numbered 49; thence South 89 degrees 56 minutes 52 seconds West, on the North lines of Lots 49 through 51 a distance of 114.90 feet, to a 3/8" rebar monumenting the Northwest corner of Lot Numbered 51 in said Addition; thence North 01 degrees 51 minutes 14 seconds West, on the West line of Lot Numbered 51 extended, a distance of 5.00 feet, to the centerline of an alley; thence North 89 degrees 56 minutes 52 seconds East, on the centerline of said alley a distance of 9.98 feet, to the East line extended of a parcel conveyed to Wiley in Document # 83-016267, as defined by found monuments; thence North 01 degrees 45 minutes 19 seconds West a distance of 5.00 feet, to a 1/2" rebar found at the Southeast corner of said Wiley parcel; thence North 89 degrees 56 minutes 52 seconds East, on the South lines of Lots 71 through 74 in said Addition, as defined by found monuments a distance of 104.96 feet, to a corner of said Lot Numbered 71; thence North 44 degrees 06 minutes 11 seconds East, on the Southeastly line of said Lot 71 a distance of 6.97 feet, to a corner of Lot 71; thence North 01 degrees 44 minutes 30 seconds West, on the East line of said Lot 71 a distance of 129.91 feet, to the point of beginning. Containing 0.091 acres, more or less.

## JOB DESCRIPTION:

**3230 FAIRFIELD  
PROPOSED ALLEY VACATION**

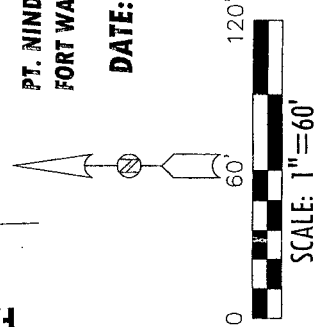
**PT. NINDE'S ADDITION TO SOUTH WAYNE  
FORT WAYNE, ALLEN CO., IN**

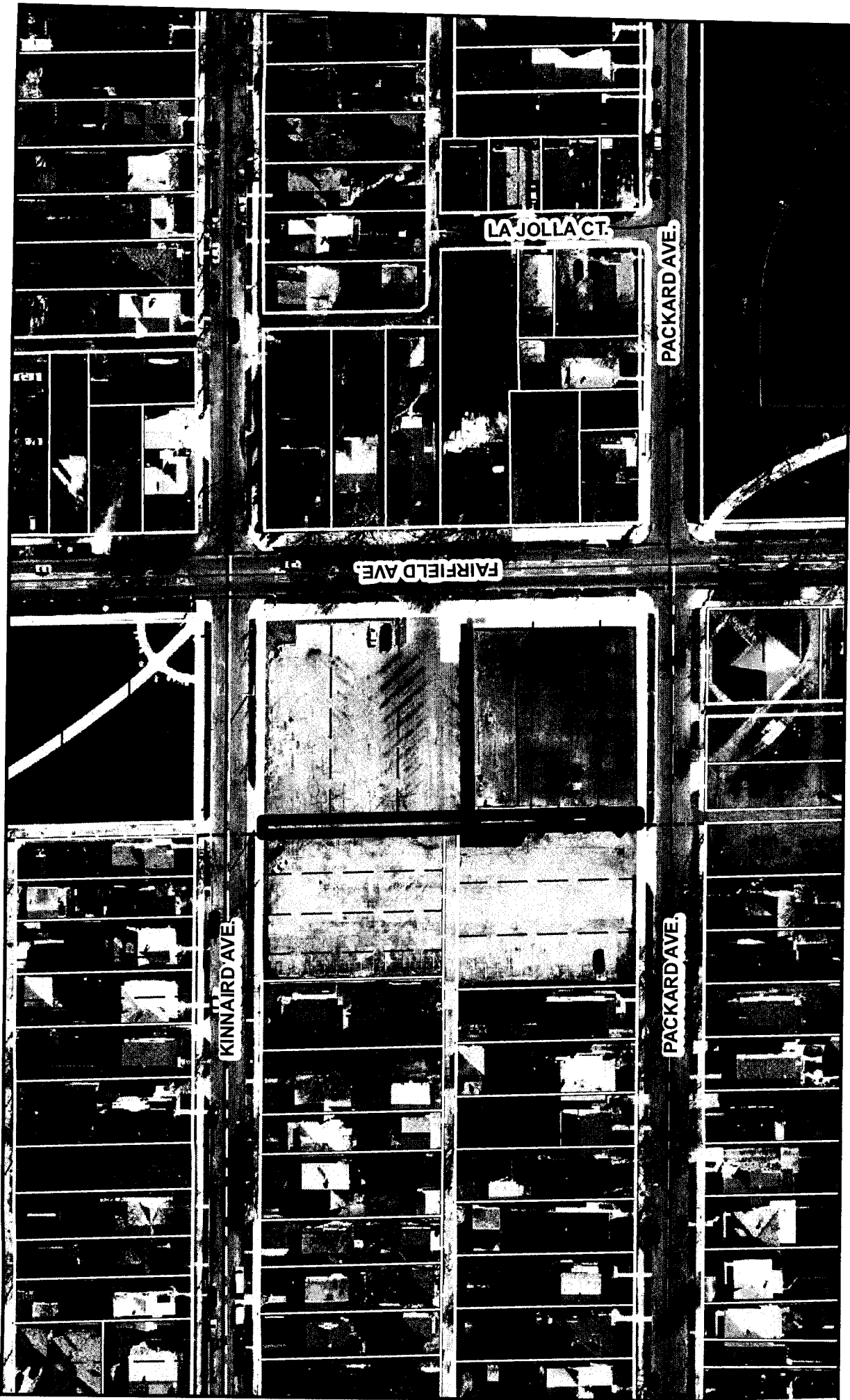
**DATE: MARCH 14, 2012**



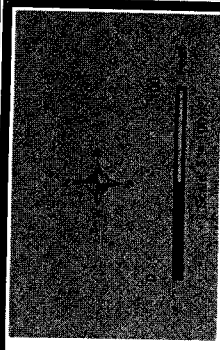
*Michael C. Vodka*

DESCRIPTION NUMBER: 09-09-140 ALLEY



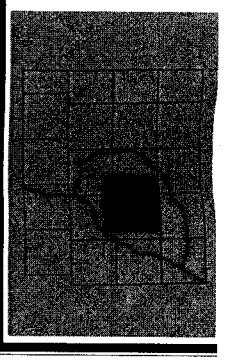


**This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project**



**Vacation Petition 1293/12**

Printed: August 9, 2012  
 © 2004 Board of Commissioners of the County of Allen  
 North American Benchmark Inc. for  
 State Plane Coordinate System, Indiana East  
 Photo Spring 2006 / Contours, 1999  
 Although strict accuracy standards have been employed in the completion 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.



Read the first time in full and on motion by Bender, 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 28<sup>th</sup> day of August, 2012, at 5:20 o'clock P. M., E.S.T.

DATED: 8-14-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bender placed on its passage. PASSED by the following vote:

LOST

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

DATED: 10-23-12

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. 6-33-12 on the 23<sup>rd</sup> day of October, 2012

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

SEAL  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24<sup>th</sup> day of October, 2012, at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20<sup>th</sup> day of October, 2012, at the hour of 9:30 o'clock A. M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR



2012063703

RECORDED: 11/07/2012 09:39:54 AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

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#1293

BILL NO. G-12-08-04

Deed Book: 1A, Page: 2-A

GENERAL ORDINANCE NO. G- 33-12

**AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating public right-of-way.**

*02-12-14-177-017,000-074*

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:

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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.

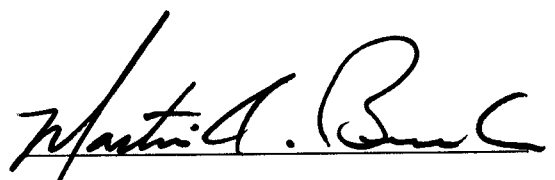
NOV -6 2012

*Jana K. Kluta*  
MAYOR

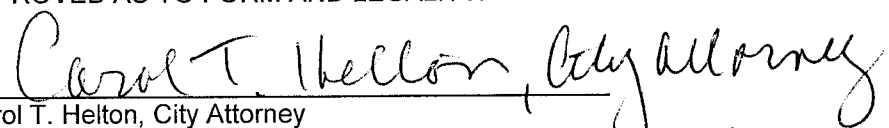
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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
Carol T. Helton, City Attorney  
hyle

# CITY OF FORT WAYNE

## Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry 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 ATTACHED ALLEY VACATION EXHIBIT AND SURVEY  
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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.)

Doc # 2010002433

DEED BOOK NUMBER: \_\_\_\_\_ PAGE(S) NUMBER(S): \_\_\_\_\_ (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)

The reasons for the proposed vacation are as follows:

LOAN CLOSING WITH THE U.S. SMALL BUSINESS ADMINISTRATION  
REQUIRES CLEAR TITLE - ALLEY TO BE VACATED.  
\_\_\_\_\_  
\_\_\_\_\_

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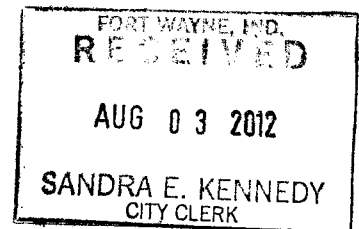
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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Name: \_\_\_\_\_

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

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



# 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

LINE	BEARING	DISTANCE
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L3	S 89°33'21" W	9.91'
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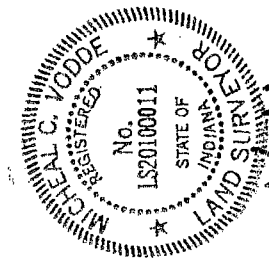
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## JOB DESCRIPTION:

3230 FAIRFIELD  
PROPOSED ALLEY VACATION

PT. NINDE'S ADDITION TO SOUTH WAYNE  
FORT WAYNE, ALLEN CO., IN

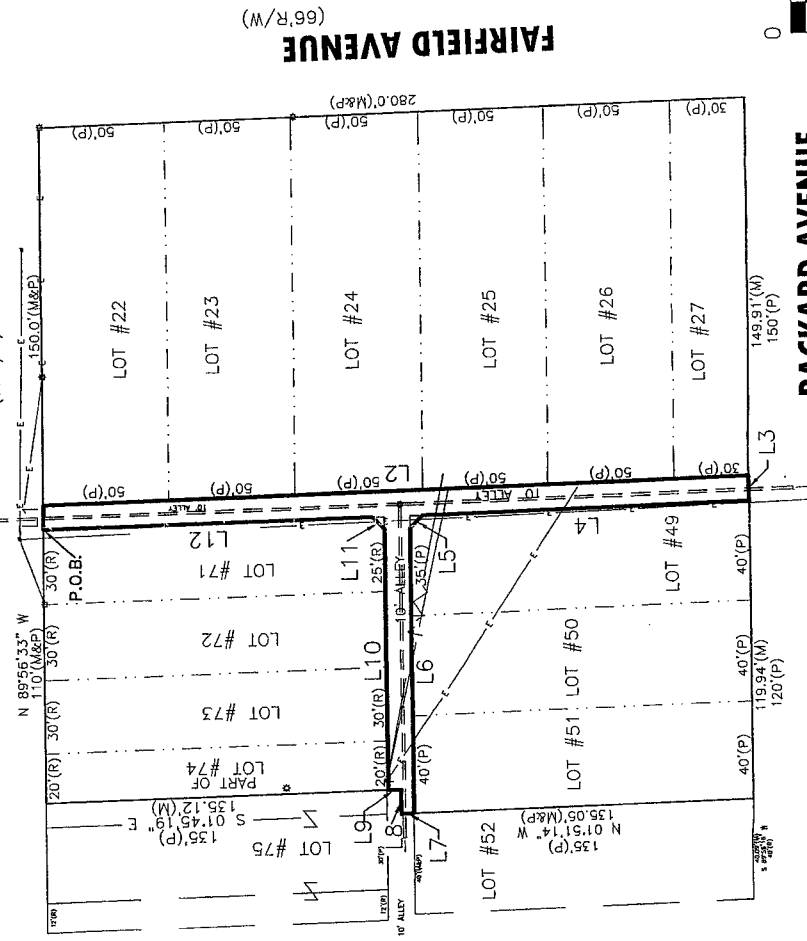
DATE: MARCH 14, 2012



*Michael C. Vodge*

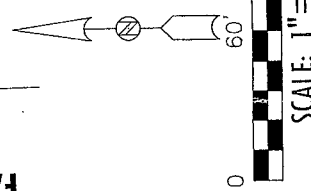
DESCRIPTION NUMBER: 09-09-140 ALLEY

## KINNAIRD AVENUE (50'R/W)



## FAIRFIELD AVENUE (66'R/W)

## PACKARD AVENUE (50'R/W)



Read the first time in full and on motion by Bender 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 Thursday the 28<sup>th</sup> day of August, 2012, at 5:20 o'clock P. M., E.S.T.

DATED: 8-14-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bender, and duly adopted, placed on its passage. PASSED LOST  
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>	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	_____	<u>✓</u>	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 10-23-12

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. 6-33-12 on the 23<sup>rd</sup> day of October, 2012

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

SEAL  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24<sup>th</sup> day of October, 2012, at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20<sup>th</sup> day of October, 2012, at the hour of 9:30 o'clock P. M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. G-12-08-04

**REPORT OF THE COMMITTEE ON  
REGULATIONS**

MARTY BENDER -CHAIR  
JOHN CRAWFORD - CO-CHAIR  
ALL COUNCIL MEMBERS

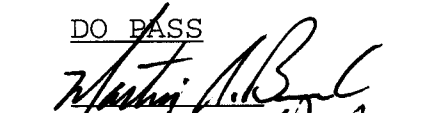
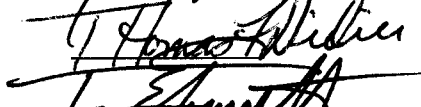

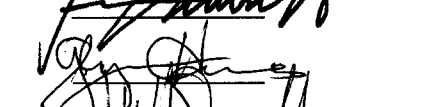
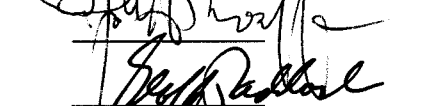
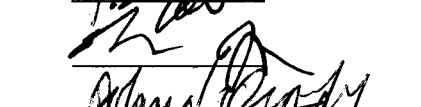
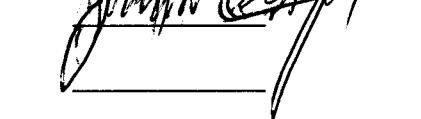
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED. **AN ORDINANCE AMENDING THE THOROUGHFARE PLAN OF THE CITY COMPREHENSIVE ("MASTER") PLAN BY VACATING PUBLIC RIGHT-OF-WAY.** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

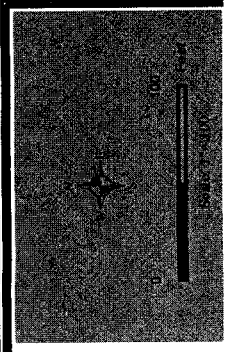
NO REC

SANDRA E. KENNEDY  
CITY CLERK



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



Vacation Petition 1293/12

Printed: August 9, 2012  
 © 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Projection: 2006 / Contour: 90'

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.



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

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**Department of Planning Services**

Title of Ordinance: Public Alley Right-of-Way Vacation  
Case Number: 1293/12  
Bill Number: G-12-08-04  
Council District: 5-Geoff Paddock

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Introduction Date: August 14, 2012  
Public Hearing Date: August 28, 2012  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

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Synopsis of Ordinance: To vacate a portion of public alley right-of-way.

Location: The right-of-way to be vacated is the north-south alley between Kinnaird Avenue and Packard Avenue, located 150 feet west of Fairfield Avenue.

Request: As a condition of the loan for the existing retail center and gas station, the title must be clear, which requires vacation of the alley.

Applicant: Balbir, Amrik and Tajinder, LLC

Property Owner: Balbir, Amrik and Tajinder, LLC

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Related Petitions: none

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Effect of Passage: The alley will be vacated and the lender will be satisfied with the title. An easement may be granted over the ground to maintain some amount of public access.

Effect of Non-Passage: The alley will remain as platted. According the lender, the loan will be in default.