



8 1 8 7 5 8 3
Tx:4103058

2013056060

RECORDED: 09/30/2013 11:02:19 AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

#VROW-2013-0027

BILL NO. G-13-03-06

GENERAL ORDINANCE NO. G- 19-13

**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:

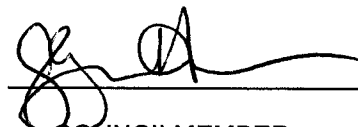
SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Part of West Louisedale Drive in West Trixholme Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 21, Page 23, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Lot 4 in said West Trixholme Addition, said point being on the northerly right-of-way line of the east portion of West Louisedale Drive; thence easterly along the south line of Lots 4, 5 and 6 in said West Trixholme Addition, a distance of 415 feet, to the southeast corner of Lot 6 in said West Trixholme Addition; thence southerly along the east terminus of the right-of-way of said West Louisedale Drive, a distance of 50 feet, to the northeast corner of Lot 7 in said West Trixholme Addition; thence westerly along the north line of Lots 7, and 8 and 9 in said West Trixholme Addition, a distance of 415 feet, to the northwest corner of Lot 9 in said West Trixholme Addition; thence northerly, a distance of 50 feet, to the Point of Beginning, containing approximately 20,750 square feet, more or less.

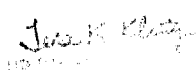
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

SEP 27 2013





R
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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: Vacation of Public Right-of-way
Case Number: VROW-2013-0027
Bill Number: Z-13-3-06
Council District: 3 – Tom Didier

Introduction Date: March 12, 2013
Public Hearing Date: March 26, 2013
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the east 415 feet of West Louisedale Drive.

Location: In the West Trixholme Addition, adjacent to Lots 4 through 9, east of Parkside Drive.

Reason for Request: The right-of-way is unimproved and there are no homes located on the frontage. The applicant has purchased all the land adjacent to the right-of-way and wishes to develop one single-family residence with access to Parkside Drive.

Applicant: Marlin Yoder

Property Owner: Marlin Yoder

Related Petitions: none

Effect of Passage: Vacation of the unimproved West Louisedale Drive, along with vacation of the platted building lines for Lots 4 through 9, will allow the 4+ acre property to be developed by a single property owner as a single family residence.

Effect of Non-Passage: Under current circumstances, only Lot 9 can be developed, because it is the only lot with access to a built public street. The remaining lots will likely never develop unless the public street is completed.

Public Hearing Date, if applicable March 26, 2013

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</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: 8-27-13 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-19-13 on the 27th day of
August, 2013

ATTEST: Sandra E. Kennedy Thomas F. Didier
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day
of August, 2013, 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 3rd day of SEPTEMBER
2013, at the hour of 10:30 o'clock A.M. E.S.T.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Thomas C. Henry
THOMAS C. HENRY, MAYOR

Michelle Wood
(name printed, stamped or signed w/print)

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Barry 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:

Undeveloped Street Between Undeveloped Lots
45, 6, 7 & 39 of West Trixholme Addition
445' Long x 50' wide part of West Louisedale Drive
East of Parkside Drive

(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: 21 PAGE(S) NUMBER(S): 23 (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:

Vacate Undeveloped Street Right of Way to
build a single family residence for applicant
on property with a private driveway
coming off Parkside Drive

(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:

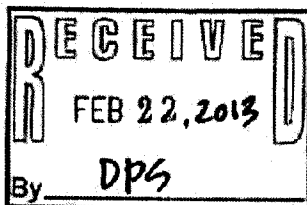
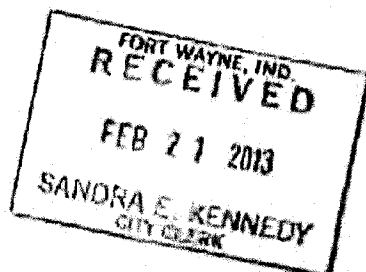
Applicant owns all adjacent property.
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s): recent
land purchase 2/20/13

Name: Marlin Yoder

Street Address: 9652N 300E

City: Roanoke State: IN Zip: 46783 Phone: 437-2295



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.

Marlin E. Yoder
Signature

Marlin Yoder
Printed Name

2/21/13
Date

9652 N. 300E
Address

Proanoke, IN 46783
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): Mona Berghoff

Street Address: 1012 Delaware Ave

City: FT Wayne State: IN Zip: 46805 Phone: 424-6129

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.

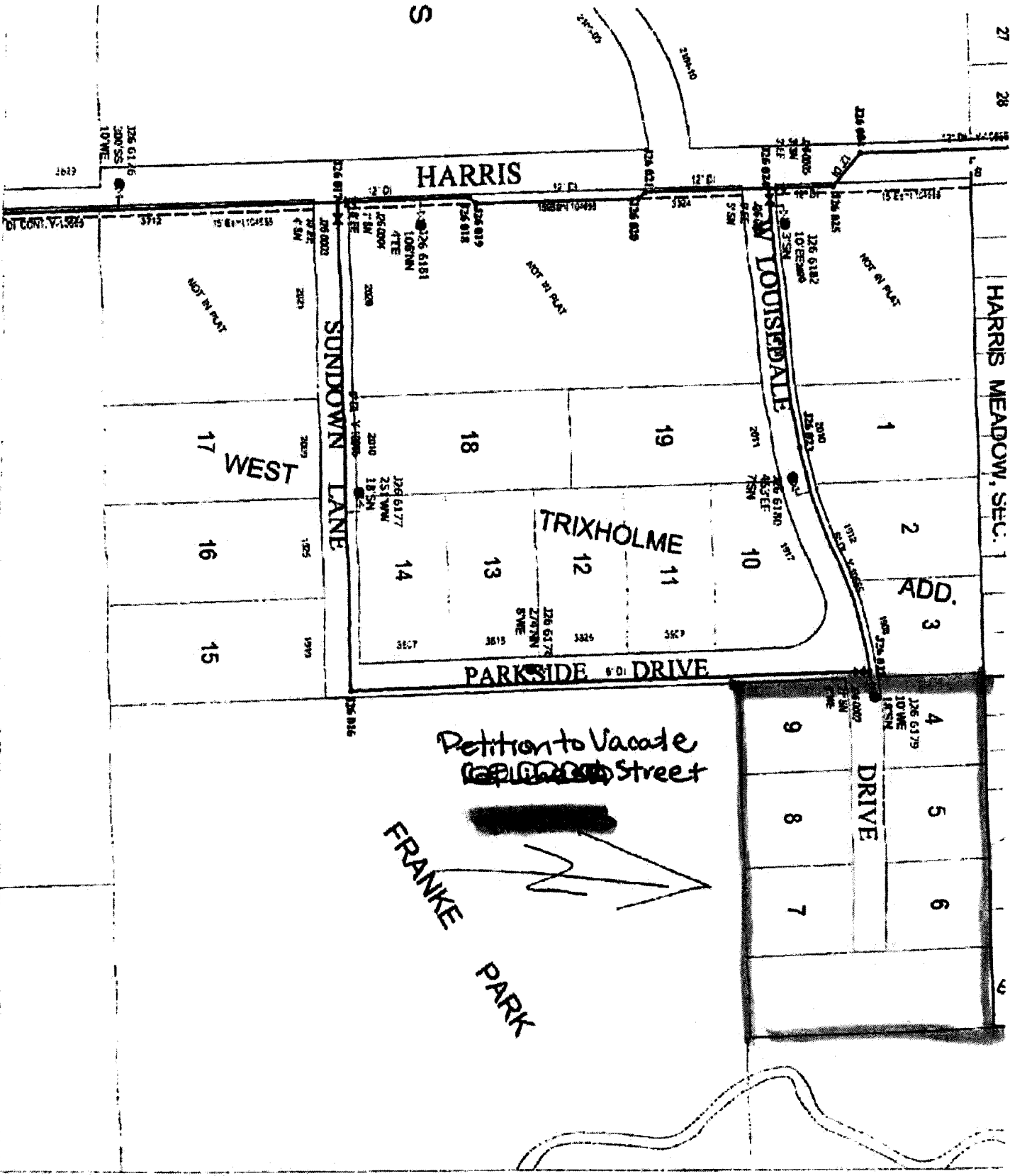
For Office Use Only:

Receipt #: _____

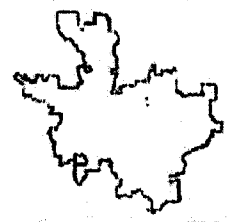
Date Filed: _____

Map #: _____

Reference #: _____



126



NW 1/4 SEC. 27
 TOWNSHIP 31 N, RANGE 12 E
 WASHINGTON TWP, ALLEN CO.
 MAP SCALE : 1" = 200'

CITY OF FORT W.
 WATER UTILI
 CITY COUNTY BUILDING
 ONE EAST MAIN STREET
 FORT WAYNE, IN 46802



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

Vacation Petition VROW-2013-0027

Printed: March 7, 2013
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos: Spring 2006 / Contours: 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.



PUBLIC HEARING FOR VACATION
Department of Planning Services

VROW 2013-0027	Bill # G-13-03-06	Project Start: 12 March 2013
APPLICANT:	Marlin Yoder	
REQUEST:	To vacate a portion of public street right-of-way.	
LOCATION:	The right-of-way to be vacated is the east 415 feet of West Louisedale Drive, east of Parkside Drive in the West Trixholme Addition. (Section 7 of Washington Township)	
COUNCIL DISTRICT:	3-Tom Didier	
LAND AREA:	Approximately 20,750 square feet	
SURROUNDINGS:	North: Residential zoning (single-family neighborhood) South: Residential zoning (Franke Park) East: Residential zoning (single-family neighborhood) West: Residential zoning (single-family neighborhood)	
RELATED PETITIONS:	none	
NEXT ACTION:	Project will return to Council when necessary easements are prepared and accepted.	

PROJECT SUMMARY:

The applicant, Marlin Yoder, has recently purchased lots 4-9 in West Trixholme Addition, as well as an unplatted lot at the east end of West Louisedale Drive. Mr. Yoder now owns all of the land that would have access to the right-of-way to be vacated. Mr. Yoder wishes to build and reside in a single-family home on this property, with driveway access to Parkside Drive. By vacating the unbuilt right-of-way for West Louisedale, more of the property can be used and he will have greater flexibility. Under current circumstances, only Lot 9 can be developed, because it is the only lot with access to a built public street. The remaining lots will likely never develop unless the public street is completed.

West Louisedale Drive History:

West Trixholme Addition was platted in 1954 and this portion of West Louisedale Drive was included in the original plat. Every part of the plat has developed except for the east 415 feet of West Louisedale Drive and Lots 4 through 9.

Site History:

The right-of-way for West Louisedale does not continue through to Louisedale Drive to the east. There are two unplatted parcels separating the two rights-of-way, one owned by Mr. Yoder and one owned by Aimee Nelson, who lives at 1506 Louisedale and has access to her property from the Louisedale right-of-way. Floodplain covers most of the two unplatted parcels. Lots 4 through 9 are vacant and partially wooded.

Utility Review:

All utility agencies have responded with comments for this petition. None oppose the vacation, as long as easements are dedicated for existing utilities. The only easement needed is for City Development Services, for sanitary sewer.

Transportation Engineering:	Approved
Stormwater Engineering:	Approved
Water Engineering:	Approved
Sanitary Engineering:	Require an easement for existing sanitary facilities.
Park Department:	Approved
Fire Department:	Approved
Frontier:	Approved
Comcast:	Approved
NIPSCO:	Approved
Indiana Michigan Power:	Approved
Land Acquisition Agent:	Approved

Staff has forwarded the comments and contact information to the applicant. It is the applicant's responsibility to grant the necessary easements.

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

No calls or letters were received from the adjacent property owners or neighborhood associations.

VROW-2013-0027

Bill No. G-13-03-06

Partial Vacation of West Louisedale Drive - Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

020727176005000073

1908 West Louisedale Drive

020727177008000073

1917 West Louisedale Drive

Property Owner of Record:

Ramiz Mustedanagic

1908 West Louisedale Drive

Fort Wayne, IN 46808

John B. Wilt

1917 West Louisedale Drive

Fort Wayne, IN 46808

Representative:

Mona Berghoff

1012 Delaware Avenue

Fort Wayne, IN 46805

Owner:

Marlin Yoder

9652 N 300 E

Roanoke, IN 46783

DPS Staff notified the following by Email with read-receipt:

Palermo Galindo, City of Fort Wayne

Northwest Area Partnership

North Franke Park

DPS Staff notified the following by regular mail:

Harris Meadows

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Barry 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:

Undeveloped Street Between Undeveloped Lots
45, 6, 7, 8, 9 of West Trixholme Addition
415' Long x 50' wide part of West Louisedale Drive
East of Parkside Drive

(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: 21 PAGE(S) NUMBER(S): 23 (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:

Vacate Undeveloped Street Right of Way to
Build a single family residence for applicant
on property with a private driveway
coming off Parkside Drive

(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:

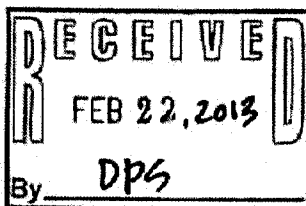
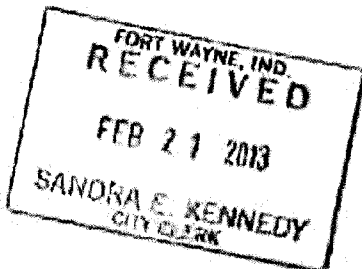
Applicant owns all adjacent property.
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s): recent
land purchase 2/20/13

Name: Marlin Yoder

Street Address: 9652N 300E

City: Roanoke State: IN Zip: 46783 Phone: 437-2295



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.

Marlin E. Yoder
Signature

9652 N. 300 E
Address

Marlin Yoder
Printed Name

Proanoke, IN 46783
City/State/Zip

2/21/13
Date

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): Mona Berghoff

Street Address: 1012 Delaware Ave

City: Fort Wayne State: IN Zip: 46805 Phone: 424-6129

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.

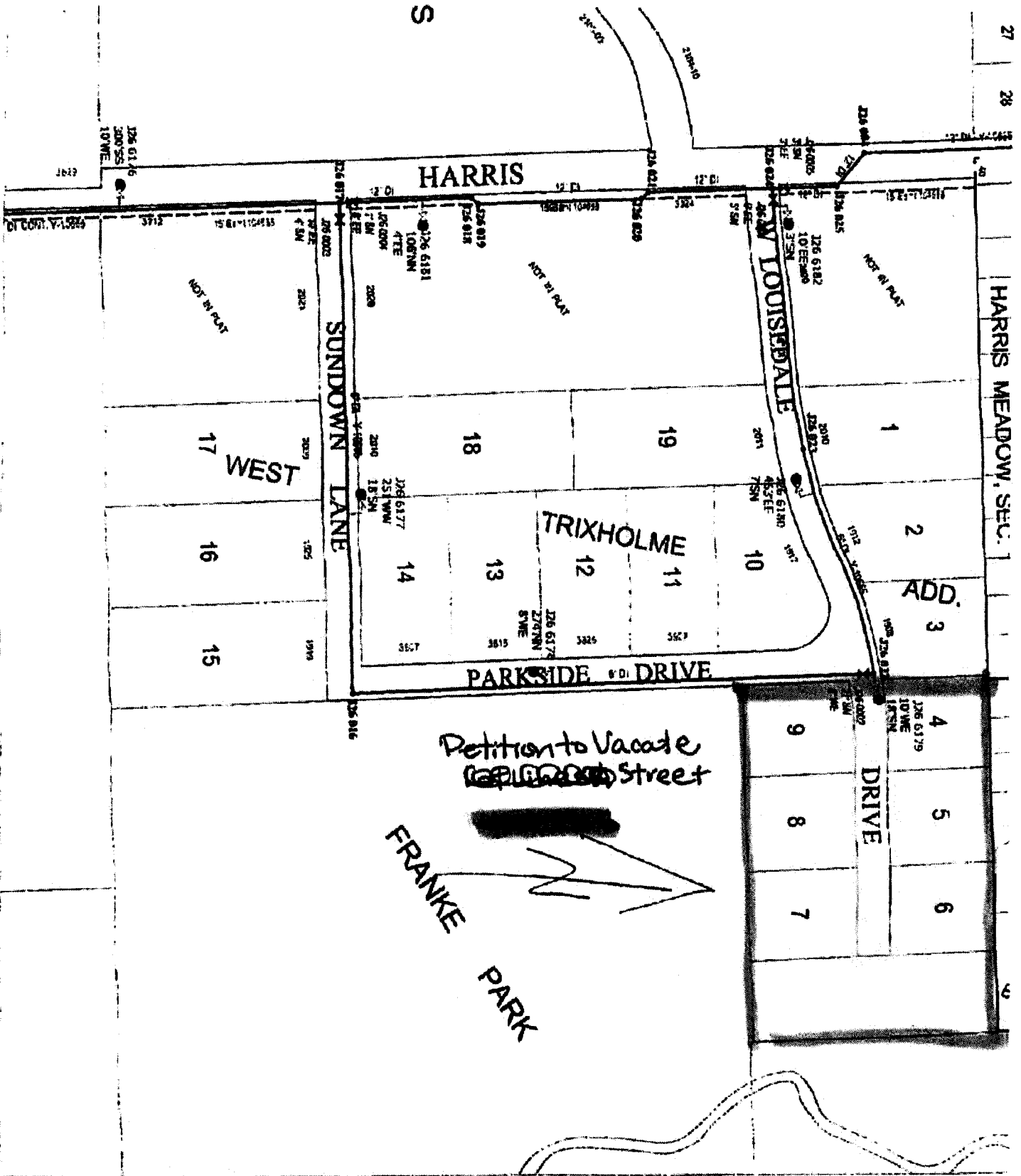
For Office Use Only:

Receipt #: _____

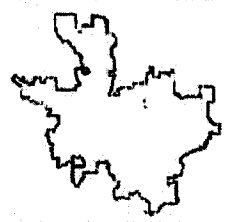
Date Filed: _____

Map #: _____

Reference #: _____



126



NW 1/4 SEC. 27
 TOWNSHIP 31 N, RANGE 12 E
 WASHINGTON TWP, ALLEN CO.
 MAP SCALE : 1" = 200'

CITY OF FORT W.
 WATER UTILI
 CITY COUNTY BUILDING
 ONE EAST MAIN STREET
 FORT WAYNE, IN 46802



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

Vacation Petition VROW-2013-0027

Printed: March 7, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo: Spring 2006 / Contours: 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.



BILL NO. G-13-03-06

REPORT OF THE COMMITTEE ON REGULATIONS

AUGUST 27, 2013

RUSSELL JEHL - CHAIR
GLYNN HINES - CO- CHAIR
ALL COUNCIL MEMBERS



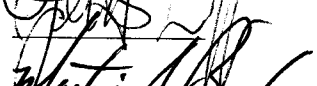
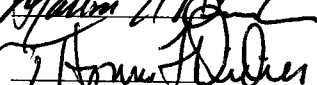
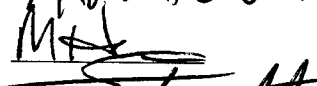
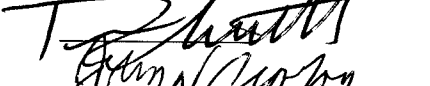
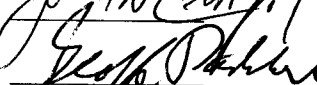

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN ORDINANCE AMENDING THE THOROUGHFARE PLAN OF THE CITY COMPREHENSIVE ("MASTER") PLAN BY VACATING PUBLIC RIGHT-OF-WAY. TO VACATE THE EAST 415 FEET OF WEST LOUISDALE DRIVE HAVE HAD SAID RESOLUTION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMON COUNCIL THAT SAID RESOLUTION

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

SANDRA E. KENNEDY
CITY CLERK