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RECORDED: 09/30/2013 11:02:20 AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

VALY-2013-0067

BILL NO. G-13-07-08

Plat Book: 4A

Page No: 15

GENERAL ORDINANCE NO. G- 18-13

**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 partially vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A 10 foot platted alley being described as follows: Beginning at the Southwest corner of Lot 4 Zorbaugh's Amended. Subdivision to the City of Fort Wayne, Allen County, Indiana, thence East along the South line of said Lot 4, 145.00 feet to the Southeast corner of said Lot 4; thence South 10.0 feet to the Northeast Corner of Lot 1 in Doctor's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 4A, page 15 in the office of the Recorder of Allen County, Indiana; thence West along the North line of said Lot 1 145.0 feet to the Northwest corner of said Lot 1; thence north 10.0 feet to the point of beginning.

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

SEP 27 2013

John K. Helton

NC
2

ALLEY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VALY 2013 0067

Bill #G-13-07-08

Project Start: 9 July 2013

APPLICANT: Lewis Pointdexter
REQUEST: To vacate an alley right-of-way to combine two parcels into one development parcel.
LOCATION: The ten-foot wide alley right-of-way between 2617 and 2615 South Anthony to combine the parcels into one parcel. (Section 07 of Adams Township)
COUNCIL DISTRICT: District 6-Glynn Hines
LAND AREA: Approximately 1,400 square feet proposed to be vacated.
PRESENT ZONING: R2-Attached Single Family and Two Family Residential and CM2-Limited Retail and Commercial
SURROUNDINGS: North: Residential zoning (vacant lot)
South: Commercial zoning (commercial building, liquor store)
East: Residential zoning (residences)
West: Commercial zoning (residences and vacant lots)

PROJECT SUMMARY

This petition was brought before Council in 2010. A public hearing was held with no public opposition. Easements had not been granted before the petition expired, requiring the petition to be re-introduced. New notices were sent in 2013 and a second public hearing was held in July. No one spoke in support or opposition at this hearing and staff did not receive any calls or correspondence.

The petitioner owns the parcels on either side of the alley in this vacation proposal. No development plan currently accompanies this request. The applicant has stated that the alley is no longer in use and with the vacation the two parcels can be combined. The two adjacent parcels and additional parcels north and south of the alley have transitioned from the original residential uses. Parcels to the north are mostly vacant and parcels to the south have been rezoned and are used commercially. Council reviewed a vacation request and rezoning request for a gas station and convenience store on this property in 2010. The rezoning request was denied and the development plan was denied by the Plan Commission.

While the current applicant offers no plans for future use, staff recognizes that the surrounding parcels will likely develop with a commercial or office use. Approval of the alley vacation will enable the surrounding parcels to be combined and create a larger development parcel to help rehabilitate this intersection. Unless future development is residential in nature, any proposed plans will likely require approval from the Plan Commission and a rezoning approval from the Common Council. All City agencies have approved the vacation request without the need for easements. Comcast and AEP both need easements for existing lines. The easements have been prepared and signed and will be recorded following approval of the petition.

The following comments were received from reviewing agencies:

City Plan:	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.
Traffic Engineering:	Approved.
Stormwater Engineering:	Approved.
Water Engineering:	Approved.
WPC Engineering – Sanitary:	Approved.
City Parks Department:	Approved.
Fire Department:	Approved.
Land Acquisition Agent:	See outside utilities requirements below.
Verizon:	Approved.
Comcast Cable:	An easement is required for existing utilities.
AEP:	An easement is required for existing utilities.
NIPSCO:	Approved.

CITY OF FORT WAYNE



Vacation Petition

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

1193/10
FORT WAYNE, IND.
RECEIVED
DEC 28 2009
SANDRA E. KENNEDY
CITY CLERK

I/We do hereby petition to vacate the following:

Easement

Public Right of Way (street or alley)

More particularly described as follows:

(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:

Alley not being used; merge jointing properties

(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.

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

Name: *Lewis Pindexler*

Street Address: *530 E. 10th*


City: *Fort Wayne*


State: *IN*

Zip: *46803*

Phone: *(260) 744-2942*

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.

 Lewis Poindexter 12/13/09
Signature Printed Name Date
2617 S Anthony Blvd Fort Wayne IN 46806
Address Lot 1 doctors add EX St. City/State/Zip

 Lewis Poindexter 12/13/09
Signature Printed Name Date
2615 S. Anthony Blvd Fort Wayne IN 46806
Address Lot 4 Zorbaughs Ams Sub Add 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:

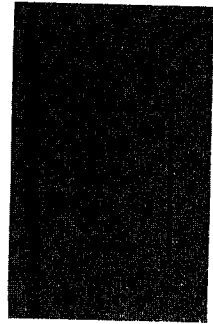
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

November 20, 2002



Vacation Petition 1193/10

Printed December 29, 2010
2010 Budget Commission is on the Court of St. Louis
North St. Louis and Downtown
Six Maps of St. Louis are in the file
Map No. 1193/10 - Court of St. Louis
Map No. 1193/10 - Court of St. Louis

Although strict accuracy standards have been employed in the compilation of this map, Allet Court 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.



VEAS-2013-0067

Bill No. G-13-07-08

Alley Right-of-Way Vacation – Notifications

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

DPS Staff notified the following by Certified Mail:

PIN/Property Address:	Property Owner of Record:
021307355004000074 2615 South Anthony	Lewis Poindexter 530 East Taber Street Fort Wayne, IN 46803
021307355005000074 2617 South Anthony	Lewis Poindexter 530 East Taber Street Fort Wayne, IN 46803
021307355008000074 1818 Antoinette Street	Glenda Watkins 1818 Antoinette Street Fort Wayne, IN 46803
021307355013000074 2616 Euclid Avenue	Gwendolyn Peterson 2616 Euclid Avenue Fort Wayne, IN 46803

DPS Staff notified the following as a courtesy by regular mail:

02130735006000074 2619 South Anthony	William H. and Rose Mary Atkins 221 West Holis Lane Fort Wayne, IN 46803
021307355007000074 2631 South Anthony	Clair T. Druley 3305 North Anthony Fort Wayne, IN 46803
02130735505000074 1817 East Pontiac Street	Administrator of Veteran Affairs 575 North Pennsylvania Street Indianapolis, IN 46204-1526
021307355014000074 2620 Euclid Avenue	Thomas J. Macon 2620 Euclid Avenue Fort Wayne, IN 46803
021307355003000074 2611 South Anthony	Jackie Gibson 2611 South Anthony Fort Wayne, IN 46803
021307355002000074 2607 South Anthony	Gomez Temple AME Church P.O. Box 11802 Fort Wayne, IN 46803

021307355008000074
1820 Antoinette

John E. Clark
2617 Euclid Avenue
Fort Wayne, IN 46803

021307355010000074
1828 Antoinette

Teneka Kizer
6234 Décor Avenue
Fort Wayne, IN 46816

021307355011000074
2610 Euclid Avenue

Malcolm Banks
1924 King Avenue
Fort Wayne, IN 46222

Owner/Representative:

Lewis Poindexter
530 East Taber Street
Fort Wayne, IN 46803

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership, Co-Chairs
Renaissance Pointe

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2013-0067
Bill Number: Z-13-07-08
Council District: 6 – Glynn Hines

Introduction Date: July 9, 2013

Public Hearing Date: July 23, 2013

Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate an east-west 10-foot wide platted alley. This petition was in front of Council in 2010. The petition expired before the applicant granted the necessary easements. There was no opposition to the request at that time.

Location: Between Lot 4 of Zorbaugh's Amended Subdivision and Lot 1 of Doctor's Addition in the City of Fort Wayne. The alley is between 2615 and 2617 South Anthony Boulevard.

Reason for Request: Approval of the alley will allow the property owner to combine the two lots into one parcel to aid in future development.

Applicant: Louis Poindexter

Property Owner: Louis Poindexter

Related Petitions: none

Effect of Passage: Vacation of the alley will allow the parcels to be combined. This will aid in future development by creating a larger parcel and removing setbacks along the alley.

Effect of Non-Passage: The alley will remain as platted and re-development capabilities may be limited, due to lot size and setbacks.

CITY OF FORT WAYNE



Vacation Petition

City Clerk / Room #122 / City-County Building / One Main Street / Fort Wayne IN 46802 / 266.427.1221

1193/10
FORT WAYNE, IND.
RECEIVED
DEC 28 2009
SANDRA E. KENNEDY
CITY CLERK

I/We do hereby petition to vacate the following:

Easement Public Right of Way (street or alley)

More particularly described as follows:

(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:

Alley not being used; merge jointing properties

(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: *Lewis Poindecker*

Street Address: *530 E. Taber*

City: *Fort Wayne* State: *IN* Zip: *46803* Phone: *(317) 744-2942*

I/We, your petitioner/s, 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 Lewis Poindexter 12 13 09
Printed Name Date
 2617 S. Anthony Blvd Fort Wayne IN 46806
 Address Lot 1 Doctors Blvd EX St. City/State/Zip


 Signature Lewis Poindexter 12/13/09
Printed Name Date
 2615 S. Anthony Blvd Fort Wayne IN 46806
 Address Lot 4 Zorbaugh's Ams Sub PMS 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 varied 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:

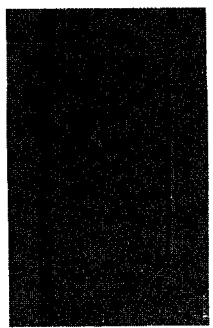
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

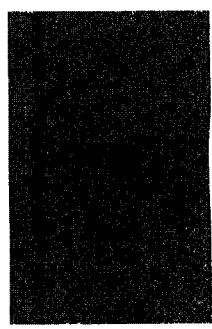
November 20, 2002



Vacation Petition 1193/10

Final: 04/27/2010
City of Chicago
North Branch of the Chicago River
South Branch of the Chicago River
Sue P. Jones, Clerk of the Board
Public Hearing: 04/27/2010

Although great care has been taken 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.



DEPARTMENT OF PLANNING SERVICES

CITY OF FORT WAYNE
COUNTY CLERK
300 EAST BERRY STREET
FORT WAYNE, IN 46702

PHONE: 317.422.1100
FAX: 317.422.1101
WWW.ALLENCOUNTY.IN

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: July 9, 2013

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 23, 2013 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2013-0067
BILL NO: G-13-07-08
APPLICANT: Lewis Poindexter
REQUEST: To vacate the ten (10) foot wide alley right-of-way between 2617 and 2615 South Anthony to combine the parcels into one parcel. (Section 07 of Adams Township)
LAND AREA: Approximately 1,400 square feet proposed to be vacated.
PRESENT ZONING: R2-Attached Single Family and Two Family Residential and CM2-Limited Retail and Commercial
SEWER PROVIDER: City of Fort Wayne
WATER PROVIDER: City of Fort Wayne

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request. You may either present information to the Council at the public hearing itself, or send information to the staff prior to the public hearing, as indicated below.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. July 23, 2013. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

The Journal Gazette

Account # 1060008 - 1069788
FW Common Council

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice 71

COMPUTATION OF CHARGES

71 lines, 1 column(s) wide equals

71 equivalent lines at \$ 0.402 cents per line \$ 28.54

Additional charges for notices containing rule or tabular work
(50 per cent of above amount) -

Charge for extra proofs of publication
(\$1.00 for each proof in excess of two) -

TOTAL AMOUNT OF CLAIM \$ 28.54

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

7/12/2013	-	-	-
	-	-	-
	-	-	-

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

T. Brown-Smith
Legal Clerk

Date: July 12, 2013

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

BILL NO. G-13-07-08

The Common Council of the City of Fort Wayne, Indiana will hold a public hearing Tuesday, July 23, 2013 at 5:30 p.m. The Council will hold the hearing in Room 035 of the Citizens Square Building at 200 East Berry Street. Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request:

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BILL NO. G-13-07-08
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LAND AREA: Approximately 1,400 square feet proposed to be vacated
PRESENT ZONING: R-2-Attached Single Family and Two Family Residential and CM2-Limited Retail and Commercial
SEWER PROVIDER: City of Fort Wayne
WATER PROVIDER: City of Fort Wayne

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review, have 11 copies of your written comments to the Department of Planning Services before 12:00 p.m. July 23, 2013. You may also email comments to michelle.wood@allencounty.us

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 23, 2013.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

7--12 1069788 hspaxlp

The News-Sentinel

Account # 1060008 - 1069788
FW Common Council

Allen County, Indiana

ATTACH COPY OF ADVERTISEMENT HERE

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I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 3 times.

The dates of publication being as follows:

7/12/2013	-	-	-
-	-	-	-
-	-	-	-

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The News-Sentinel.

T. Brown-Smith
Legal Clerk

Date: July 12, 2013

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CITY CLERK
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The News-Sentinel

Allen County, Indiana

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Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The News-Sentinel.

Date: July 12, 2013

T. Brown-Smith
Legal Clerk

Public Hearing Date, if applicable 7-23-13

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>8</u>	<u> </u>	<u> </u>	<u>1</u>
BENDER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
PADDOCK	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SHOAF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 8-13-13 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. 6-18-13 on the 14th day of
August, 2013

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

T. Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day
of August, 2013, at the hour of 11:30 o'clock Am. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of August
2013, at the hour of 3:00 o'clock Pm. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

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.

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

BILL NO. G-13-07-08

REPORT OF COMMITTEE ON PUBLIC WORKS

AUGUST 13, 2013

RUSS JEHL, CHAIR
GLYNN HINES, CO-CHAIR
ALL COUNCIL MEMBERS

AN ORDINANCE amending the thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating Public right-of-way.

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures under "DO PASS"]

SANDRA E. KENNEDY
CITY CLERK