

1 VROW-2013-0160

2 BILL NO. G-13-11-01, as amended

3 Plat Book: 5A

4 Page No: 8

5 GENERAL ORDINANCE NO. G- 1-14

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

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

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

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

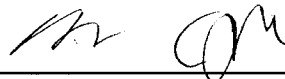
16 SECTION 1. That the petition filed herein to partially vacate a public right-of-way within the
17 City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

18 The eastern 150 feet of Ormsby Street, west of Wayne Trace and east of the north-south
19 alley between Lots 3 and 4 of Gandy's Addition to the City of Fort Wayne, as recorded in Plat
20 Book 5A, Page 8, in the Office of the Recorder of Allen County, Indiana, more particularly
21 described as follows:

22 Beginning at the Southeast corner of Lot 4 in said Gandy's Addition, thence Southerly to the
23 Northeast corner of Lot 3, in said Gandy's Addition, as it now exists; thence Westerly to the
24 Northwest corner of Lot 3 in said Gandy's Addition, thence Northerly to the Southwest corner
25 of Lot 4 of said Gandy's Addition, thence Easterly to the point of beginning.

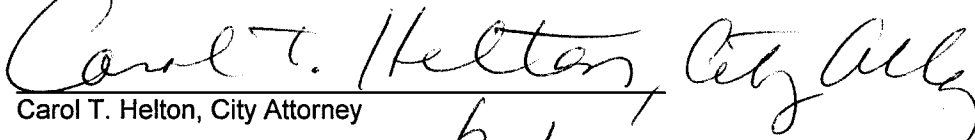
26 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
27 and is hereby approved in all respects.

28 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
29 any and all necessary approval by the Mayor.

30 

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: Vacation of Public Right-of-way
Case Number: VROW-2013-0160
Bill Number: Z-13-11-01
Council District: 6 – Glynn Hines

Introduction Date: November 12, 2013

Public Hearing Date: November 26, 2013

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

Synopsis of Ordinance: To vacate the east 150 feet of Ormsby Street.

Location: Between Lots 3 and 4 of Gandy's Addition to the City of Fort Wayne, just west of Wayne Trace.

Reason for Request: The right-of-way is unimproved and there are no homes located on the frontage. The applicant owns the property on the north side of the right-of-way and a gas station is located on the south side. The applicant would like to add the vacated right-of-way to his property for a retail sales development.

Applicant: John Dorsett

Property Owner: John Dorsett

Related Petitions: none

Effect of Passage: Vacation of the unimproved east end of Ormsby Street will ease redevelopment of the existing commercial property.

Effect of Non-Passage: The right-of-way will remain as platted and building setbacks for new development will be measured from the edge of right-of-way.

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:

The eastern 150 feet of Ormsby Street
east of the north/south alley and west
of Wayne Trace between Lots 3 & 4
of Gandy's Addition

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

Gandy's Addition

DEED BOOK NUMBER: 5A PAGE(S) NUMBER(S): P8 (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:

This has never been a street only grass. I have
mowed and maintained it for 20 years. My property
joins this right of way. It will not ever need to be
a street. I would like to add it to my property.

(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:

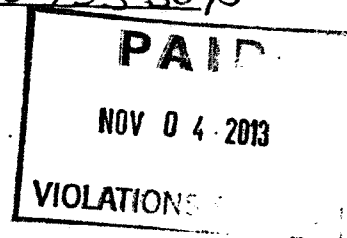
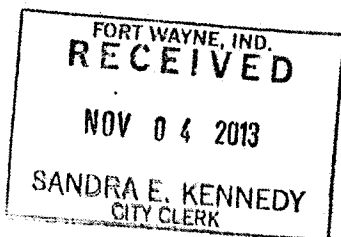
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: John Dorsett

Street Address: 2933 Ormsby St

City: Fort Wayne State: IN Zip: 46806 Phone: 260 433 3045



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.

John Dorsett
Signature

John Dorsett
Printed Name

11/04/13
Date

2933 Ormsby St
Address

Fort Wayne IN 46806
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): Same

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 easement's as needed.

For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



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

Vacation Petition VROW-2013-0160

Printed: November 5, 2013
 © 2004 by Board of Commissioners of the County of Allen
 State Plane Coordinate System, Indiana State Plane
 Zone 14 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.



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VROW-2013-0160

BILL NO. G-13-11-01

Plat Book: 5A

Page No: 8

GENERAL ORDINANCE NO. G-_____

**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:

The eastern 150 feet of Ormsby Street, west of Wayne Trace and east of the north-south alley between Lots 3 and 4 of Gandy's Addition to the City of Fort Wayne, as recorded in Plat Book 5A, Page 8, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 4 in said Gandy's Addition, thence Southerly to the Northeast corner of Lot 3 in said Gandy's Addition, thence Westerly to the Northwest corner of Lot 3 in said Gandy's Addition, thence Northerly to the Southwest corner of Lot 4 of said Gandy's Addition, thence Easterly 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.

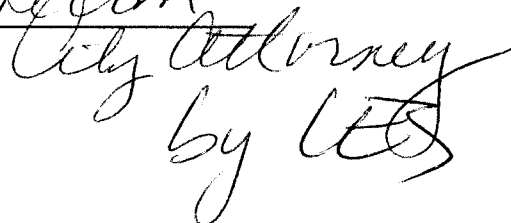

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

by 

BILL NO. G-13-11-01, (AS AMENDED)

REPORT OF COMMITTEE ON REGULATIONS

JANUARY 14, 2014

ALL COUNCIL MEMBERS

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way. The location sits between Lots 3 and 4 of Gandy's Addition to the City of Fort Wayne, just west of Wayne Trace.

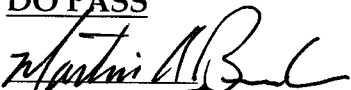


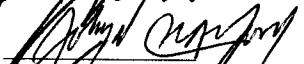






COMMITTEE ON REGULATION HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**SANDRA E. KENNEDY
CITY CLERK**

Public Hearing Date, if applicable 11-26-2013

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
Mitch Harper, 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> |
| SHOAFF | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| SMITH | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |

DATED: 1-14-14 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-1-14 on the 14th day of
January, 2014

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

Marshall A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 17th day
of January, 2014, at the hour of 3:00 o'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17th day of JANUARY
2014, at the hour of 4:00 o'clock PM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR