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VALY-2013-0166

BILL NO. G-13-11-08

**Deed Book: 45, Page No: 195
Plat Book: 8, Page 95**

GENERAL ORDINANCE NO. G- 14-14

**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 twelve foot wide north-south alley located along the west property line of Lot 14 and Lot 15 in McLachlin Addition to Mechanicsburg, as recorded in Deed Book 45, page 195, in the Office of the Recorder of Allen County, more particularly described as follows:

Beginning at the northwest corner of Lot 14 in said McLachlin Addition to Mechanicsburg, as recorded in Deed Book 45, page 195, in the Office of the Recorder of Allen County; thence southerly a distance of 112 feet to the Southwest corner of Lot 15 in said McLachlin Addition to Mechanicsburg; thence westerly a distance of 12 feet to the Southeast corner of Lot 6 in said McLachlin Addition to Mechanicsburg; thence northerly a distance of 112 to the Northeast corner of Lot 7 in said McLachlin Addition to Mechanicsburg; thence easterly a distance of 12 feet to the point of beginning.

Together with:

A twelve foot wide north-south alley located along the east property line of Lots 1, 2, and 3 of Lehmans Addition to the City of Fort Wayne, as recorded in Plat Book 8, page 95 in the Office of the Recorder of Allen County, more particularly described as follows:

Beginning at the Northeast corner of Lot 1 in said Lehmans Addition to the City of Fort Wayne, as recorded in Plat Book 8, page 95 in the Office of the Recorder of Allen County; thence easterly a distance of 12 feet to the southwest corner of Lot 15 in McLachlin Addition to Mechanicsburg, recorded in Deed Book 45, page 195, in the Office of the Recorder of Allen County; thence southerly, along the east line of the alley to be vacated, a distance of 82.5 feet to a point on the north line of the east-west alley running along the north property line of Lot 21 in Fleming and Esmonds Addition to the City of Fort Wayne, as recorded in Deed Book 104, page 617 in the Office of the Recorder of Allen County; thence westerly a distance of 12

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feet along the north line of said east-west alley, to the Southeast corner of Lot 3 in said Lehman's Addition; thence northerly along the east line of Lots 1, 2 and 3 in said Lehman's Addition, a distance of approximately 82.5 feet to the Northeast corner of Lot 1 in said Lehman's addition, also being 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

Public Hearing Date, if applicable 12-10-13

Read the first time in full and on motion by Councilman Russell Jehl
Read the second time by title and referred to the Regulation Committee
Committee. Read the third time in full and on motion by Councilman
Tom Didier, 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: 6-10-14 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-14-14 on the 10th day of
June, 2014

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

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day
of June, 2014, at the hour of 11:00 o'clock A.m. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of June

2014, at the hour of 10:30 o'clock am E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-13-11-08

REPORT OF THE COMMITTEE ON REGULATIONS

JUNE 10, 2014

THOMAS DIDIER - CHAIR
MITCH HARPER- 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 EAST OF 2836 SO. CLINTON STREET AND 2819 JAMES STREET 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

Thomas Didier
Mitch Harper
Martin B. Borden
[Signature]
[Signature]
[Signature]
[Signature]

SANDRA E. KENNEDY
CITY CLERK

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2013-0166
Bill Number: Z-13-11-08
Council District: 5-Geoff Paddock

Introduction Date: November 26, 2013
Public Hearing Date: December 10, 2013
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a twelve foot wide alley within the McLachlin Addition to Mechanicsburg and adjacent to Lehmans Addition.
Location: East of 2836 South Clinton and 2819 James Street.
Reason for Request: Approval of the alley vacation will allow the property owner to combine parcels and use the existing asphalt lot as a parking lot for redevelopment of the existing commercial zoning, with the rezoning of the parking lot.
Applicant: Cornelius Key
Property Owner: Cornelius Key

Related Petitions: Rezoning Petition REZ-2013-0162

Effect of Passage: Vacation of the alley will allow the parcels to be combined. This will aid in redevelopment of the existing commercial building and parking lot.

Effect of Non-Passage: The alley will remain as platted and re-development capabilities may be limited.

CITY OF FORT WAYNE

FORT WAYNE, IND.
RECEIVED
NOV 08 2013
SANDRA E. KENNEDY
CITY CLERK

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 entire length of the public alley, oriented north-to- south, and the entire width of the public alley, oriented east-to-west, as it exists west of the properties from the south edge of the existing east-west alley north of 2818 South Clinton Street (Lot 14 McLachlin to Mechanicsburg Addition) to the north edge of the existing east-west alley south of 2834/36 South Clinton Street (SP 82.5'X150' S of Lot 15 McLach'n to Mech'c).
(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: 45/8 PAGE(S) NUMBER(S): 195/95 (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:

In an effort to bring existing (dormant) development into compliance, current developer is cooperating with Dept. of Planning Staff to re-zone R2 properties to CM2 (2834/26 S. Clinton). N-S alley that is subject of vacation petition extends between two existing E-W alleys. The petition includes the entire length of the alley west of properties from 2818 S. Clinton Street to 2836 S. Clinton Street.
(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: Cornelius Key

Street Address: 9310 Wallen Court

City: Fort Wayne State: IN Zip: 46825 Phone: 260/414-6438

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.

Cornelius Key
Signature

Cornelius Key
Printed Name

11-8-13
Date

9310 Wallen Court
Address

Fort Wayne, IN 46825
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): Kelty Tappy Design, Inc. / Matthew G. Kelty
(matt@keltytappy.com)

Street Address: 116 East Berry Street, Suite 700

City: Fort Wayne State: IN Zip: 46802 Phone: 260/426-7770

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 #: _____

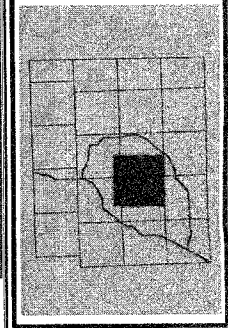
Date Filed: _____

Map #: _____

Reference #: _____

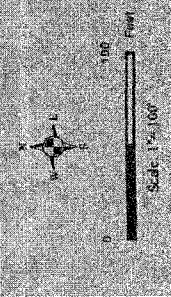


This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Vacation Petition VALY-2013-0166

Revised: November 17, 2013
 City of Alameda
 Planning Department
 1000 Broadway, Suite 206
 Alameda, CA 94601
 Phone: 925.763.2006
 Fax: 925.763.2007
 Website: www.ci.alameda.ca.us



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

Sarah A. Rogers

From: Michelle Wood
Sent: Monday, June 02, 2014 8:05 AM
To: Sarah A. Rogers
Subject: RE: ORDINANCES

I don't have any new ones, but they held one I had for discussion and passage on last week's agenda. Will it be put on this Tuesday, or I can wait and do it all next Tuesday. That would be my preference.

G-13-11-08

From: Sarah A. Rogers
Sent: Friday, May 30, 2014 12:05 PM
To: Michelle Wood
Subject: ORDINANCES

Michelle,

Are there any Ordinances going up for Discussion on June 3rd?