

1 **VROW-2013-0191**

2 **BILL NO. G-13-12-26**

3 **Plat Book: 11B**

4 **Page No: 73-A**

5 **GENERAL ORDINANCE NO. G- 9-19**

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 western 493 feet (more or less) of Conklin Avenue, located south of Lots 64, 65, 66, 67,
19 and 68 and north of Lots 51, 52, 53, 54, and 55 of the Thompsonville Extended Addition, as
20 recorded in Plat Book 11B, page 73 in the Office of the Recorder of Allen County Indiana;
21 more particularly described as follows:

22 Beginning at the Southeast corner of Lot 64 in said Thompsonville Extended Addition, thence
23 southerly, along the West right-of-way line of Stanley Avenue, a distance of 50 feet, to the
24 Northeast corner of Lot 55 in said Thompsonville Extended Addition; thence westerly along
25 the North line of Lots 55, 54, 53, 52, and 51, a distance of 492.7 feet, to the Northwest
26 corner of Lot 51 in said Thompsonville Extended Addition; thence northerly along the East
27 right-of-way line of Forester Avenue, a distance of 50 feet, to the Southwest corner of Lot 68
28 in said Thompsonville Extended Addition; thence easterly along the South line of Lots 68, 67,
29 66, 65, and 64 in said Thompsonville Extended Addition, a distance of 492.9 feet to the point
30 of Beginning, containing 21,495 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

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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-2013-0191
Bill Number: G-13-12-26
Council District: 3 – Tom Didier

Introduction Date: December 17, 2013
Public Hearing Date: January 14, 2014
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the west 493 feet of Conklin Avenue.

Location: Between Lots 51-55 and Lots 64-68 of Thompsonville Extended Addition to the City of Fort Wayne, just south of Till Road and west of Lima Road.

Reason for Request: The right-of-way is unimproved and there are no homes located on the frontage. The applicant owns the property on both sides of the right-of-way. There is a natural ditch running through the group of lots, making them hard to develop as platted. The applicant would like to recombine the lots to make them more feasible for sale and/or development.

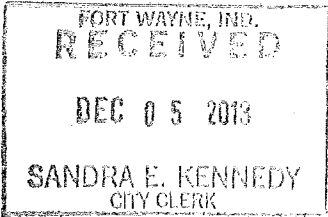
Applicant: Robert Calhoun

Property Owner: Robert Calhoun

Related Petitions: none

Effect of Passage: Vacation of the unimproved west end of Conklin Avenue will not affect access for any surrounding property owners and will increase ease development potential of the residential 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:

Platted but unopened Conklin Avenue from the West line of Stanley Avenue 493 feet, more or less, to the East line of Forester Avenue (also platted but unopened).

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

PLAT
DEED BOOK NUMBER: 11B PAGE(S) NUMBER(S): 73-A (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:
The street has never been opened, is not necessary or appropriate for access to any other property, and is not necessary for development. The petitioners are the owners of all adjacent real estate.

(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: _____

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.

Robert Calhoun
Signature

Robert Calhoun
Printed Name

11-27-13
Date

10127 Arcola Road
Address

Fort Wayne, IN 46818
City/State/Zip

Janet Calhoun
Signature

Janet Calhoun
Printed Name

11-27-13
Date

10127 Arcola Road
Address

Fort Wayne, IN 46818
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): Carl M. Miller

Street Address: 618 Professional Park Drive

City: New Haven State: IN Zip: 46774 Phone: 260-749-5858

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 #: VR0W-2013-0191

G-13-12-26

Corporate Office

221 Tower Drive
 Monroe, IN 46772
 Phone: (260) 692-6166
 Fax: (260) 692-6242

Miller Land Surveying, Inc.

VACATION SKETCH

Fort Wayne Office

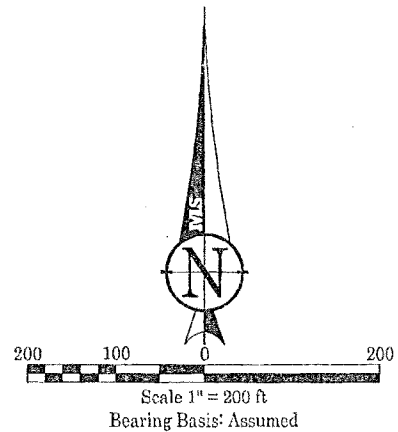
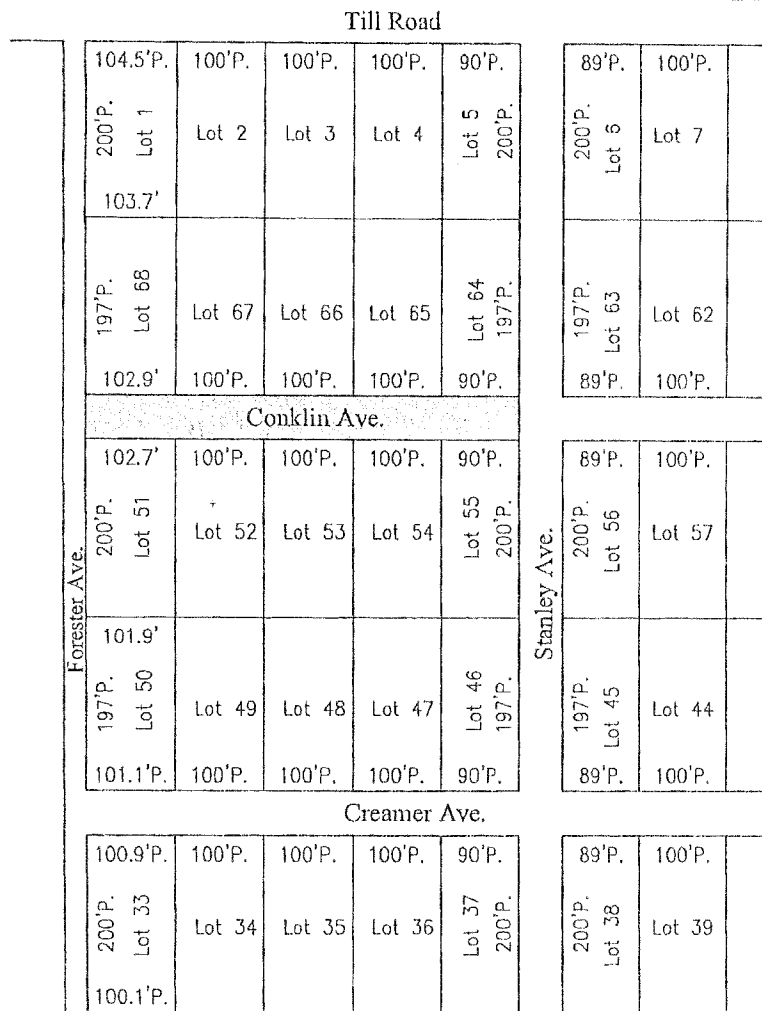
217 Airport North Office Park
 Fort Wayne, IN 46825
 Phone: (260) 489-8571
 Fax: (260) 489-8570

Brett R. Miller, PLS No.LS20300059
 Robert J. Marucci, PLS No.LS20400028

Larry W. Owen, PLS No. S-0334

www.mlswebsite.us

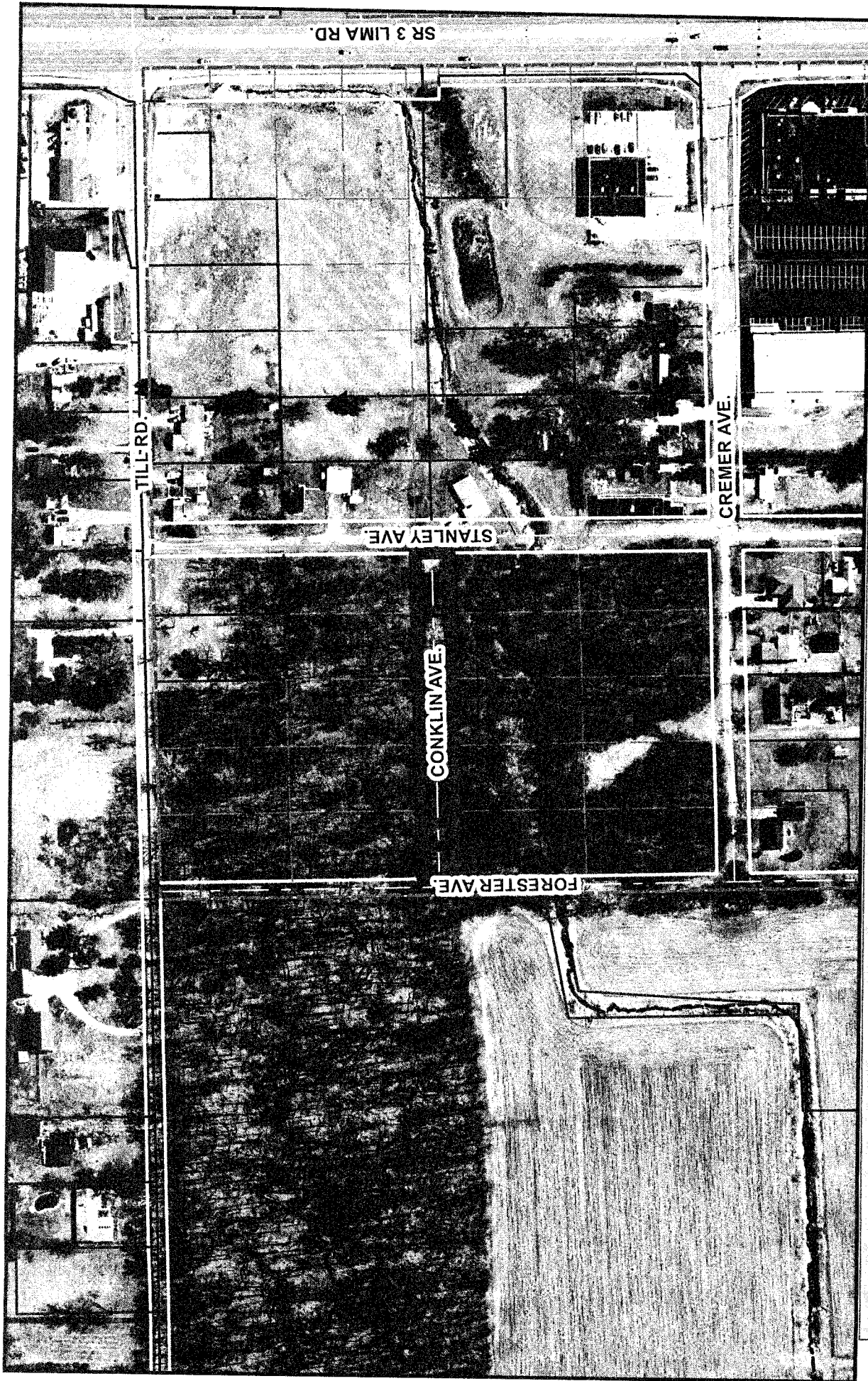
Precision and Professionalism is where we draw the line.



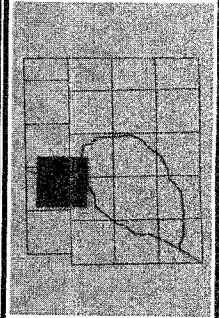
County: Allen
 For: Miller
 Date: November 25, 2013

EXHIBIT A



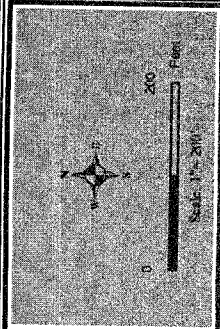


This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Vacation Petition VROW-2013-0191

Printed: December 9, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 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 Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Didier
Read the second time by title and referred to the Regulations Committee
Committee. Read the third time in full and on motion by Councilman
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>1</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: 5-13-14 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. 69-14 on the 13th day of
May, 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 14th day
of May, 2014, at the hour of 4:00 o'clock p.m. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of MAY
2014, at the hour of 2:00 o'clock PM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

