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VROW-2014-0021

2014062892

RECORDED: 12/31/2014 2:42:11 PM

BILL NO. G-14-02-06

ANITA MATHER

Plat Book: 16

ALLEN COUNTY RECORDER

Page No: 45

FORT WAYNE, IN

GENERAL ORDINANCE NO. G-22-14

**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.

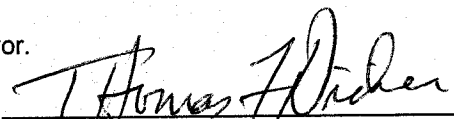
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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:


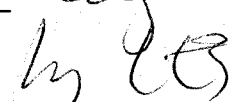
All of Kreigh Avenue, all that part of Livingston Avenue lying West of the West line of the East 285 feet of Block #2, and all that part of Livingston Avenue lying over 230 feet East of the East line of said Block #2 in Riverview Park Extended Addition to the City of Fort Wayne, as recorded in Plat Record 16, Page 45 as found in the Office of the Recorder of Allen County, Indiana.

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
Thomas Didier

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney


AUDITOR'S OFFICE
Duty entered for taxation.
Subject to final
acceptance for transfer

DEC 31 2014

010 - City Clerks Off
St 110 - Citizens Square

MC
a

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2014-0021
Bill Number: Z-14-02-06
Council District: 3-Tom Didier

Introduction Date: February 25, 2014
Public Hearing Date: March 11, 2014
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the west 500 feet (approx.) of Livingston Avenue, the east 555 feet (approx.) of Livingston Avenue, and all of Kreigh Avenue.

Location: The west portion extends from North Clinton Street, within the 3300 block of North Clinton. The east portion extends from Spy Run Avenue, also within the 3300 block. The east portion is unbuilt. The right-of-way for Kreigh Avenue is located parallel to Spy Run Avenue and is unbuilt.

Reason for Request: The applicant wishes to rebuild the west portion of Livingston Avenue to intersect with North Clinton at a point further north. The plan also includes extending Livingston out to Spy Run Avenue. Livingston currently ends approximately 850 feet west of Spy Run Avenue.

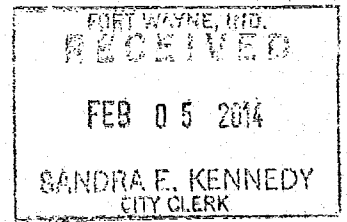
Applicant: Turnstone Properties, LLC

Property Owner: Turnstone Properties, LLC and Turnstone Center to Children and Adults with Disabilities

Related Petitions: Primary Development Plan, Turnstone Big Dream Project

Effect of Passage: Vacation of Tam Street, as requested, will allow Livingston Avenue to serve a greater part of the Turnstone property. It will allow a vehicular and pedestrian connection between North Clinton and Spy Run Avenue. It will also allow for a more convenient and safer intersection for Livingston at North Clinton.

Effect of Non-Passage: Livingston may be rebuilt as desired without the vacation of the existing right-of-way. The vacation will reduce limitations on the property and allow for better planned development as Turnstone expands.



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 X Public Right of Way (street or alley)

More particularly described as follows:

All of Kreigh Avenue, all that part of Livingston Avenue lying West of the West line of the East 285 feet of Block #2 and all that part of Livingston Avenue lying over 230 feet East of the East Line of said Block #2 in Riverview Park Extended Addition to the City of Fort Wayne, as recorded in Plat Record 16, Page 45 and found in the Office of the Recorder of Allen County, Indiana.

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

The Last Deeds of Record for the Petitioner's adjacent real estate are recorded at Document Numbers: 2008041772; 85-031664; 2012007138 and 2011053662.

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:

To allow for the relocation and future dedication of Livingston Avenue to better service the Petitioners real estate, allowing access to and from the property from both North Clinton Street and Spy Run Boulevard.

(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: See Exhibit "B"

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: Turnstone Properties, LLC and Turnstone Center for Children and Adults with Disabilities, Inc.

Street Address: 3320 North Clinton Street

City: Fort Wayne State: IN Zip: 46805 Phone: 260.483.2100

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.

See Exhibit "A"

Signature Printed Name Date

Address City/State/Zip

See Exhibit "A"

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): Thomas M. Niezer, Esq., Barrett & McNagny LLP

Street Address: 215 East Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260.423.9551

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: 2/5/14

Map #: _____

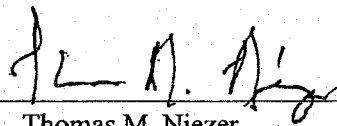
Reference #: YROW-2014-0021

EXHIBIT "A"
SIGNATURE PAGE FOR CITY OF FORT WAYNE
VACATION PETITION

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.

"PETITIONERS"

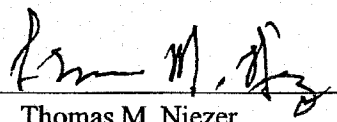
TURNSTONE CENTER FOR CHILDREN AND
ADULTS WITH DISABILITIES, INC.

By: 
Thomas M. Niezer

Its: Attorney

Address:
3320 North Clinton Street
Fort Wayne, Indiana 46805

TURNSTONE PROPERTIES, LLC

By: 
Thomas M. Niezer

Its: Attorney

Address:
3320 North Clinton Street
Fort Wayne, Indiana 46805

EXHIBIT "B"

CITY OF FORT WAYNE VACATION PETITION
LIST OF ADJACENT PROPERTY OWNERS

1. Turnstone Center for Children and Adults with Disabilities, Inc.
3320 North Clinton Street
Fort Wayne, Indiana
Telephone: (260) 438-2100

2. Turnstone Properties, LLC
3320 North Clinton Street
Fort Wayne, Indiana
Telephone: (260) 438-2100

3. Fire Police City County Federal Credit Union
3306 North Clinton Street
Fort Wayne, Indiana 46805
Telephone: (260) 484-2102

Vacation Petition VROW-2014-0021

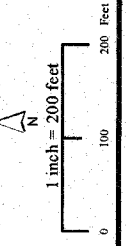


Project boundaries represented by bold colored lines are for representational purposes only.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contour: Spring 2009

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.

Date: 2/19/2014



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

BILL NO. G-14-02-07

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, MARCH 11, 2014 AT 5:30 P.M. THE HEARING WILL BE HELD IN ROOM 030 OF THE CITIZENS SQUARE BUILDING; 200 EAST BERRY STREET; ON THE GARDEN LEVEL (BASEMENT) OF THE BUILDING. THE AGENDA FOR THE HEARING INCLUDES THE FOLLOWING REQUEST.

PROPOSAL:	VALY-2014-0022
BILL NO:	G-14-02-07
APPLICANT:	City of Fort Wayne Redevelopment
REQUEST:	To vacate a portion of the fourteen (14) foot wide alley right-of-way south of Berry Street, north of Wayne Street and between Harrison and Webster Streets. (Section 2 of Wayne Township)
LAND AREA:	Approximately 3,500 square feet proposed to be vacated.
PRESENT ZONING:	CM5A- Central Downtown District
SEWER PROVIDER:	City of Fort Wayne
WATER PROVIDER:	City of Fort Wayne

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING. 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 PLANNING SERVICES, STE 150, 200 E. BERRY STREET, BEFORE 12:00 P.M. MARCH 11, 2014. 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 ADDRESS ON ALL CORRESPONDENCE.

“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 AT (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

Public Hearing Date, if applicable 3-11-14

Read the first time in full and on motion by Councilman Thomas 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
Thomas 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>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: 10-14-14 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. B-27-14 on the 14th day of
October, 2014

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

Thomas A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day
of October, 2014, at the hour of _____ o'clock _____ E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of OCTOBER
2014, at the hour of 1:00 o'clock Pm E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-14-02-06

REPORT OF COMMITTEE ON REGULATIONS

OCTOBER 7, 2014

*Mitch Harper, Chair
Tom Didier, Co-Chair
All Council Members*

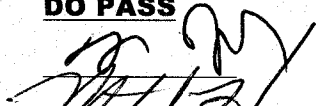
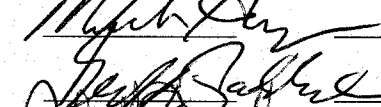
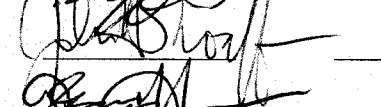
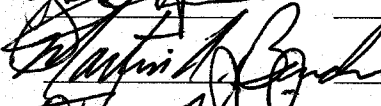
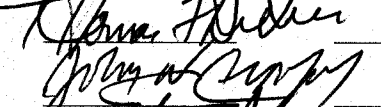


AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating Public Right-Of-Way. The area of the vacation is the west 500 feet of Livingston Avenue, the east 555 feet of Livingston Avenue, and all of Kreigh Avenue. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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

**SANDRA E. KENNEDY
CITY CLERK**