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VALY-2014-0022

BILL NO. G-14-02-07

Plat Record: 0  
Page No: 116

GENERAL ORDINANCE NO. G- 18-14

**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.

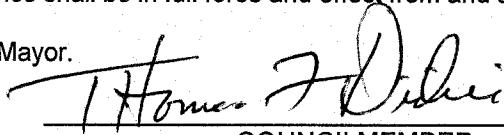
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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:

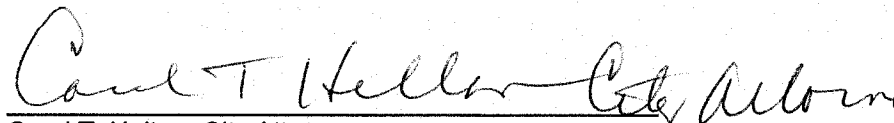
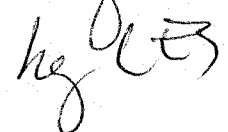
A 14 foot wide alley lying between Lots 492 through 495 and Lots 508 through 511, including that part located between the north and south portions of the 10-foot wide alley vacated in Dec. Res. 96-1903, in the West Part of Hanna's Addition to Fort Wayne, as originally recorded in Deed Record C, page 525 and reprinted in Plat Record 0, page 116 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

APPROVED AS TO FORM AND LEGALITY:

  
Carol T. Helton, City Attorney  


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

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**Department of Planning Services**

**Title of Ordinance:** Vacation of Public Right-of-way  
**Case Number:** VALY-2014-0022  
**Bill Number:** Z-14-02-07  
**Council District:** 5-Geoff Paddock

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

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**Synopsis of Ordinance:** To vacate a portion of a 14-foot wide east-west alley right-of-way.

**Location:** Between Harrison and Webster, south of Berry Street and north of Wayne Street.

**Reason for Request:** Approval of the alley vacation will allow the property to be redeveloped as the Emerald Skyline project, including a parking garage, office and retail building and residential tower.

**Applicant:** Redevelopment Department, City of Fort Wayne

**Property Owner:** City of Fort Wayne

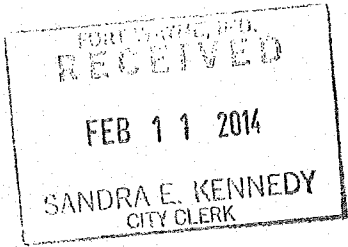
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**Related Petitions:** Primary Development Plan, Emerald Skyline

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**Effect of Passage:** Vacation of the alley will allow the parcels to be redeveloped. The current proposal is the Emerald Skyline project, including the Ash Headquarters.

**Effect of Non-Passage:** The alley will remain as platted and re-development capabilities may be limited. Without this vacation, the Emerald Skyline project, as proposed, will not continue.



# 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:

See attached  
E/W Alley North of Wayne between Harrison and  
Webster

(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: Record C PAGE(S) NUMBER(S): 525 (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

Construction of: Parking Garage, Residential Towers and  
office Towers

(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: Redevelopment Department, City of Fort Wayne  
Street Address: 200 E. Berry Suite 320  
City: Fort Wayne State: IN Zip: 46802 Phone: 260 427 1499

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.

*Greg Leatherman*      GREG LEATHERMAN      2/7/14  
Signature                      Printed Name                      Date

see attached                      \_\_\_\_\_  
Address                                      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): \_\_\_\_\_

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 #: VALY-2014-0022

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.

Anthony Thomas  
Signature

ANTHONY THOMAS 12/4/2013  
Printed Name Date

220 W Wayne  
Address

FW 46802  
City/State/Zip

LIGHT + BREWING, INC.  
Tim W. Brey, Pres.  
Signature

TIM W. BREWING 12/6/13  
Printed Name Date

221 W. BERRY  
Address

FORT WAYNE IN 46802  
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 easement's as needed.

**For Office Use Only:**

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_

**Adjacent Property Owners**

201 W Berry

Metro Venture LLC

c/o CBRE Sturges, LLC

202 W. Berry Suite 800

Fort Wayne, IN 46802

260 424-8448

800 Blk S. Harrison Street

Metro Venture LLC

c/o CBRE Sturges, LLC

202 W. Berry Suite 800

Fort Wayne, IN 46802

260 424-8448

208 W. Wayne

Robert S. Walters

1919 Forest Park Blvd

Fort Wayne, IN 46805

(260) 423-9551

220 W. Wayne

222-228 W. Wayne

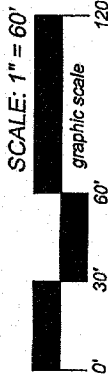
232 W. Wayne

827 Webster

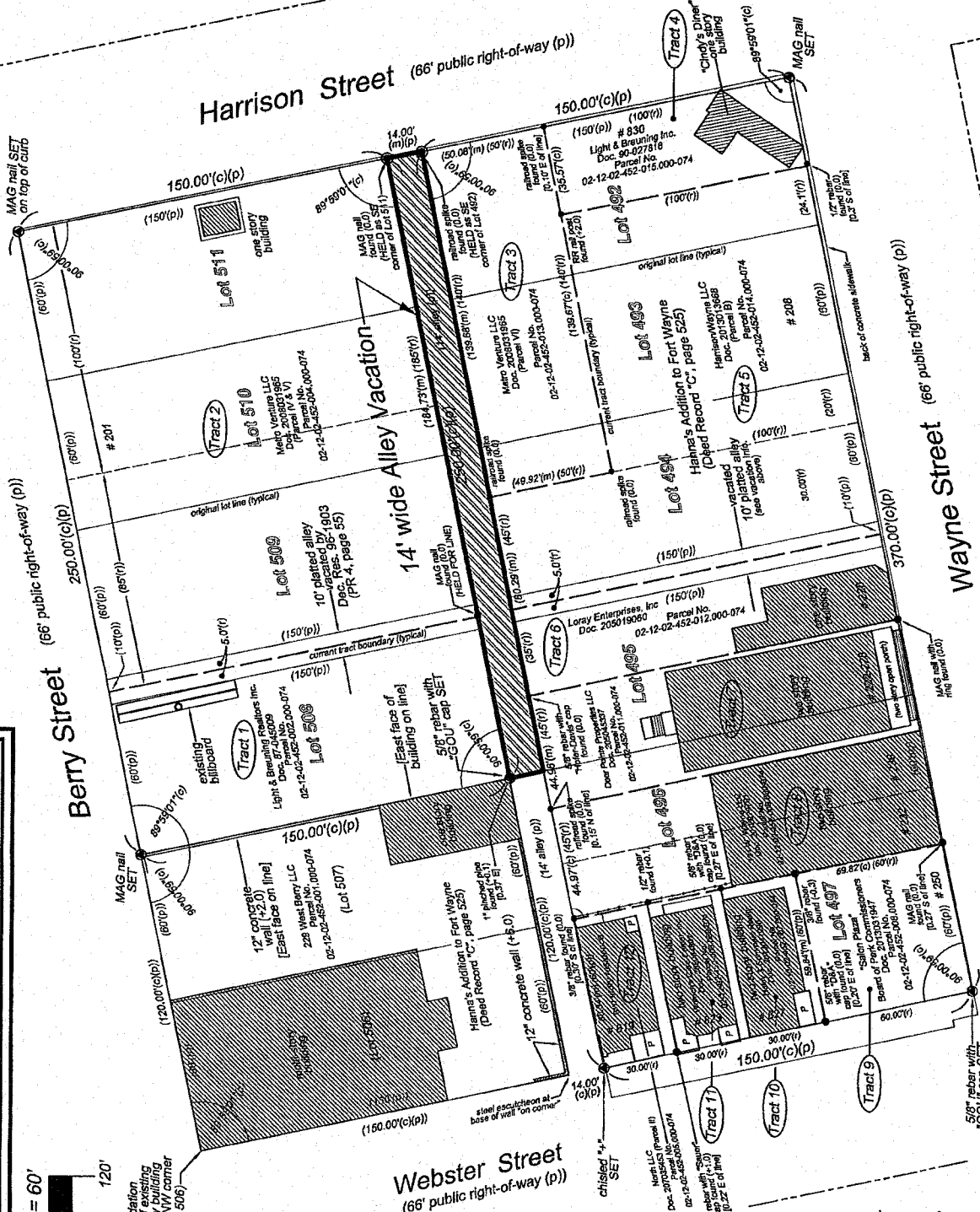
821-823 Webster

819 Webster

**Exhibit for Alley Vacation**



foundation  
 corner of existing  
 building  
 (HELD as NW corner  
 of Lot 506)



LEGEND

(m)	MEASURED
(r)	RECORDED
(c)	CALCULATED
(p)	PLATTED INFORMATION
P	PORCH

Date: November 3, 2013  
 Job No.: 20130150  
 Sheet: 1 of 1

**DESCRIPTION OF ALLEY VACATION**

A 14 feet wide alley lying between Lots 492 through 495 and Lots 508 through 511 in The West Part of Hanna's Addition to Fort Wayne, as originally recorded in Deed Record C, page 525 and reprinted in Plat Record 0, page 116 in the Office of the Recorder of Allen County, Indiana.

Vacation Petition VALY-2014-0022

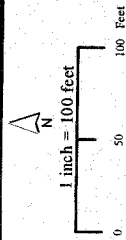


Project boundaries represented by bold colored lines are for representational purposes only.

© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: 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-14-02-06**

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:	Vacation VROW-2014-0021
BILL NO:	G-14-02-06
APPLICANT:	Turnstone Properties, LLC
REQUEST:	To vacate approximately 500 feet of the west end of Livingston Avenue, approximately 555 feet of the east end of Livingston Avenue and all of Kreigh Avenue, as platted in Riverview Park Extended Addition. (Section 26 of Washington Township)
LAND AREA:	Approximately 1.9 acres proposed to be vacated
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](mailto: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 \_\_\_\_\_

Read the first time in full and on motion by Councilman Mitch Harper,  
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>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: 7-22-14 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-18-14 on the 22<sup>nd</sup> day of  
July, 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 23<sup>rd</sup> day  
of July, 2014, at the hour of 12:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23<sup>rd</sup> day of July  
2014, at the hour of 4:00 o'clock P.M. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**Sarah A. Rogers**

---

**From:** Michelle Wood  
**Sent:** Friday, July 11, 2014 8:15 AM  
**To:** Sarah A. Rogers; Sandra Kennedy  
**Cc:** Angie Davis  
**Subject:** items for discussion

Good morning,  
Please place two items on the July 15<sup>th</sup> agenda for discussion:

VALY-2014-0022

Bill Number: G-14-02-07

REZ-2014-0061

Bill Number: Z-14-05-20

I am finishing the documents and will bring them to you this morning.  
Please hold all other petitions from my Department.  
Thank you!



MICHELLE BYRD WOOD, RLA  
SENIOR LAND USE PLANNER  
DEPARTMENT OF PLANNING SERVICES

200 EAST BERRY, SUITE 150  
CITIZENS SQUARE  
FORT WAYNE, IN 46802  
260.449.7607 P  
260.449.7682 F

[HTTP://WWW.ALLENCOUNTY.US](http://www.allencounty.us)

**BILL NO. G-14-02-07**

**REPORT OF COMMITTEE ON REGULATIONS**

**JULY 15, 2014**

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

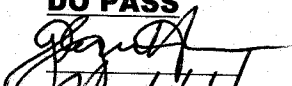
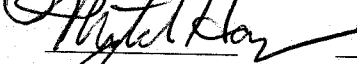


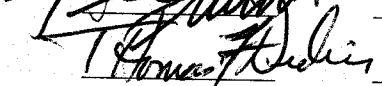
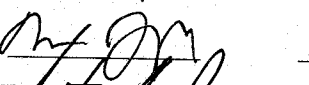
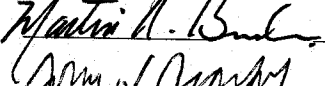
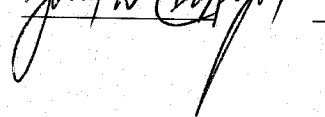
**AN ORDINANCE** amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way. The location is between Harrison and Webster, south of Berry Street and north of Wayne Street. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

	_____	_____	_____
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**SANDRA E. KENNEDY  
CITY CLERK**