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VALY-2015-0026

BILL NO. G-15-05-17

Plat Book: 103
Page No: 230

GENERAL ORDINANCE NO. G- 15-15

**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 14 foot platted alley located along the south line of Lots 1 through 15 and the north line of Lots 16 through 30 in Bond & Brandriff's Subdivision the City of Fort Wayne, as recorded in Deed Book W, Page 391 in the Office of the Recorder of Allen County, Indiana.

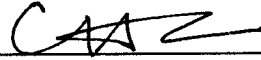
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2015-0026
Bill Number: G-15-05-17
Council District: 5-Geoff Paddock

Introduction Date: May 26, 2015
Public Hearing Date: June 9, 2015
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the east-west alley from Indiana Avenue to South Wayne Avenue between Home Avenue and Cottage Avenue.

Location: In the 2900 block of Indiana Avenue east to the 2900 block of South Wayne Avenue, bordered by Lots 1 through 15 and Lots 16 through 30 of Bond and Brandriff's Subdivision.

Reason for Request: Approval of the alley vacation will allow the property owner to combine parcels and use the surrounding land as a soft playground for the students of South Wayne Elementary School.

Applicant: Fort Wayne Community Schools-Darren Hess, Director of Facilities

Property Owner: Fort Wayne Community Schools

Related Petitions: none

Effect of Passage: The alley will be vacated and the property owner will use the surrounding land for a playground. Public vehicular access will no longer be available.

Effect of Non-Passage: The alley will remain as platted and vehicular traffic will bisect the property owned by Fort Wayne Community Schools.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2015-0026
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Council District: 5-Geoff Paddock

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Applicant: Fort Wayne Community Schools-Darren Hess, Director of Facilities

Property Owner: Fort Wayne Community Schools

Related Petitions: VROW-2015-0024, adjacent street vacation

Effect of Passage: The alley will be vacated and the property owner will use the surrounding land for a playground. Public vehicular access will no longer be available.

Effect of Non-Passage: The alley will remain as platted and vehicular traffic will bisect the property owned by Fort Wayne Community Schools.

Public Hearing Date, if applicable 6-9-15

Read the first time in full and on motion by Councilman Glynn Hines
Read the second time by title and referred to the Regulations

Committee. Read the third time in full and on motion by Councilman
Glynn Hines, 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>	<u> </u>	<u> </u>	<u> </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: 10-27-15 Angela K Davis
ANGELA K. DAVIS, DEPUTY 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-15-15 on the 27th day of
October, 2015

Angela K Davis ATTEST:
ANGELA K. DAVIS,
DEPUTY CITY CLERK

John N. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day
of October, 2015, at the hour of 2:00 o'clock AM. E.S.T.

Angela K Davis
ANGELA K. DAVIS, DEPUTY CITY CLERK

Approved and signed by me this 28th day of OCTOBER
2015, at the hour of 4:30 o'clock PM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

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:

 Basement Public Right of Way (street or alley)

More particularly described as follows:

Alley (14 ROW) running East/West from South Wayne
Avenue to Indiana Avenue mid-block of Home Avenue
and Cottage Avenue

(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: 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:

Wes has acquired all but one parcel in the block surrounding
Home Ave / South Wayne Ave / Cottage Avenue & Indiana Avenue and
have demolished all but one home and is in the process of
fire grading and seeding the area to create a soft play turf
playground. This request would allow safe passage to the new playground
(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: Fort Wayne Community Schools

Street Address: 1200 S. Clinton

City: FW State: IN Zip: 46802 Phone: 260-467-2075

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.

Darren P Hess
Signature

1200 S. Clinton St
Address

Darren P Hess, Director of Facilities 5/5/15
Printed Name Fort Wayne Community Schools Date

Fort Wayne IN 46802
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): DARREN P HESS, DIRECTOR OF FACILITIES
FORT WAYNE COMMUNITY SCHOOLS

Street Address: 1200 S. Clinton St

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 467-2075

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. ✓
understand

For Office Use Only:

Receipt #: N/A

Date Filed: May 19, 2015 - DPS

Map #: _____

Reference #: VALY-2015-0026

Adjacent Property Owner

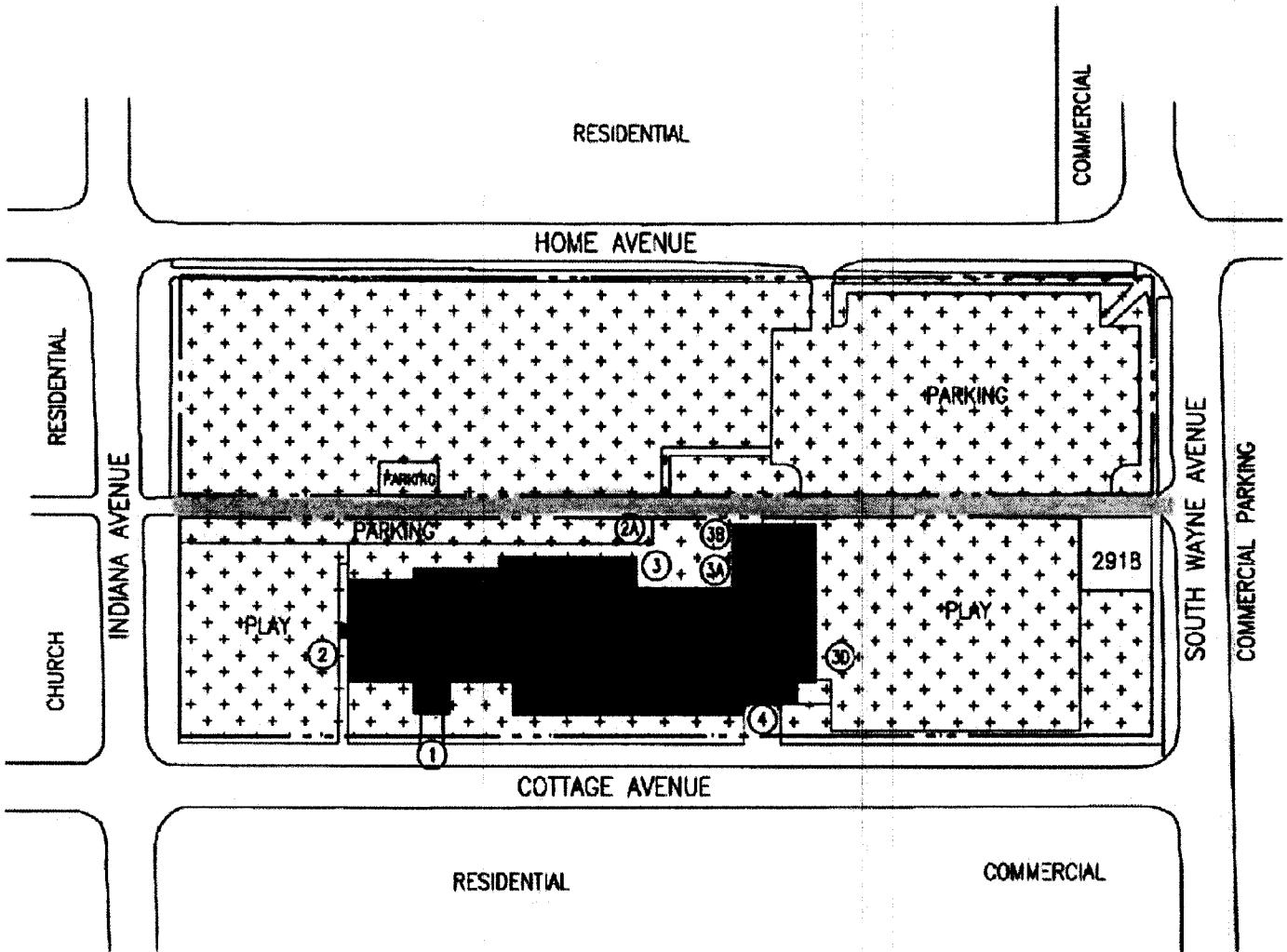
RE: Request to vacate alley (+/-14' ROW) running East/West from South Wayne Avenue to Indiana Avenue mid-block of Home Avenue and Cottage Avenue

2918 South Wayne Ave

Owner(s): San Jose 01 LLC

Address:10516 Wheelock Road Fort Wayne IN 46835

Phone Number: Unknown



FORT WAYNE COMMUNITY SCHOOLS
 FORT WAYNE, INDIANA MARCH 2015
 SOUTH WAYNE SITE.dwg



SOUTH WAYNE SCHOOL
 810 COTTAGE AVENUE
 SITE PLAN 0 25 50 100 FT

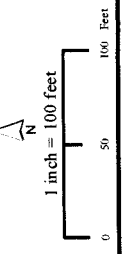
Vacation Petition VALY-2015-0026



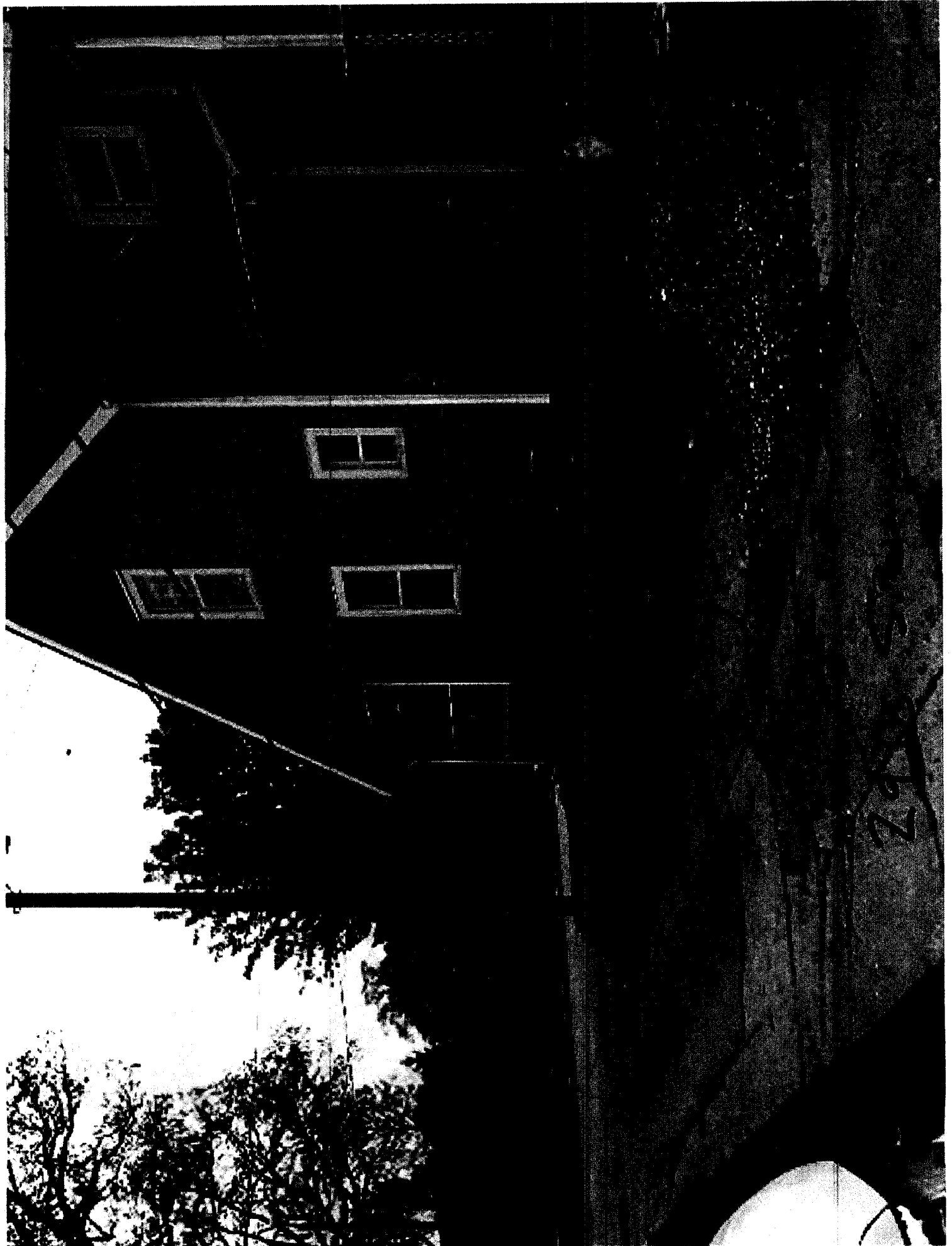
Project boundaries represented by bold colored lines are for representational purposes only.

© 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 street 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: 5/19/2015



2930

The Journal Gazette

Account # 1060008 - 1188828

Allen County, Indiana

FW Common Council

ATTACH COPY OF ADVERTISEMENT HERE

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice

74

COMPUTATION OF CHARGES

74 lines, 1 column(s) wide equals

74 equivalent lines at \$ 0.424 cents per line

\$ 31.38

Additional charges for notices containing rule or tabular work
(50 per cent of above amount) -

Charge for extra proofs of publication
(\$2.00 for each proof in excess of two) -

TOTAL AMOUNT OF CLAIM

\$ 31.38

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 2

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 2 times.

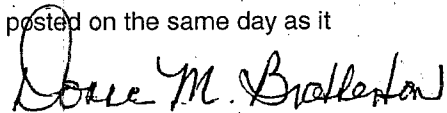
The dates of publication being as follows:

5/29/2015 - - -

- - -

- - -

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.



Donna M. Brotherton
Legal Clerk

Date: May 29, 2015

PUBLIC HEARING NOTICE
BILL NO. G-15-05-17

The Common Council of Fort Wayne, Indiana will hold a public hearing Tuesday June 9, 2015 at 5:30 p.m. The Council will hold the hearing in Room 030 of the Citizens Square Building at 200 East Berry Street. Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2015-0026
BILL NO: G-15-05-17
APPLICANT: Fort Wayne Community Schools-Darren Hess, Dir. of Facilities
REQUEST: To vacate the east-west alley from Indiana Avenue to South Wayne Avenue between Home Avenue and Cottage Avenue.
LOCATION: In the 2900 block of Indiana Avenue east to the 2900 block of South Wayne Avenue, bordered by Lots 1 through 15 and Lots 16 through 30 of Bond and Brandriff's Subdivision. (Section 14 of Wayne Township)
LAND AREA: Approximately 600 linear feet proposed to be vacated.

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request or you may have interest in the request. This public hearing is your chance to offer any input you may have regarding the request.

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 our office before 12:00 p.m. June 9, 2015. 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 mailing 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
5--29 1188828 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1188828
FW Common Council

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SANDRA E. KENNEDY
CITY CLERK
5--29 1188828 hspaxlp

BILL NO. G-15-05-17

REPORT OF COMMITTEE ON REGULATIONS

OCTOBER 27, 2015

*Glynn Hines, Chair
Mitch Harper, 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 in the 2900 block of Indiana Avenue east to the 2900 block of South Wayne Avenue, bordered by Lots 1 through 15 and Lots 16 through 30 of Bond and Brandriff's Subdivision.

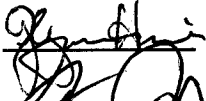
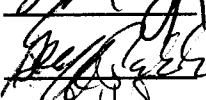

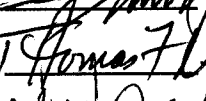
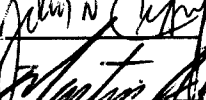

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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	_____	_____	_____
_____	_____	_____	_____

**SANDRA E. KENNEDY
CITY CLERK**