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RECORDED: 08/21/2015 2:08:19 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

VROW-2015-0027

BILL NO. G-15-05-18

GENERAL ORDINANCE NO. G-12-15

**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 fifty foot wide right-of-way of Busche Drive, between Lots 19 and 20 of Cambridge Oaks, Section I, as recorded in Document No. 710010488 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

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2015-0027
Bill Number: G-15-05-18
Council District: 1 – Tom Smith

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 all of the right-of-way of Busche Drive between Lots 19 and 20 in Cambridge Oaks, Section I subdivision.

Location: Between 7131 and 7211 Chartercrest Drive.

Reason for Request: Busche Drive within Cambridge Oaks, Section I ends at a developed property with multi-family housing. The western property owner wishes to have the right-of-way vacated in order to install a fence closer to the property line.

Applicant: Andrew Powell and Brittney Wilson

Property Owner: Andrew Powell and Brittney Wilson, and Sarah McAbee

Related Petitions: none

Effect of Passage: Vacation of Busche Drive, between Lots 19 and 20 in Cambridge Oaks, Section I, will allow property owners on either side of the right-of-way to extend their yards and install improvements closer to the drive.

Effect of Non-Passage: Busche Drive will remain platted as public right-of-way, and all current setback requirements will apply.

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:

Bugche Drive

(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:

To build a fence on our lot we have to be in 20 ft from property line because of the laws + the fact its considered on a street we want all our property fenced, 20ft is a lot to leave out

(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: Andrew Powell + Brittany Wilson
Street Address: 7131 Chartercrest Drive
City: Ft. Wayne State: IN Zip: 46815 Phone: 260-246-2748

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.

Bri Wilson
Signature

Brittney Wilson
Printed Name

4-29-15
Date

713 Chartercrest Drive
Address

Ft. Wayne IN 46815
City/State/Zip

Andrew Powell
Signature

ANDREW POWELL
Printed Name

4-29-15
Date

713 Chartercrest Dr
Address

Ft. Wayne, IN 46815
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 #: _____

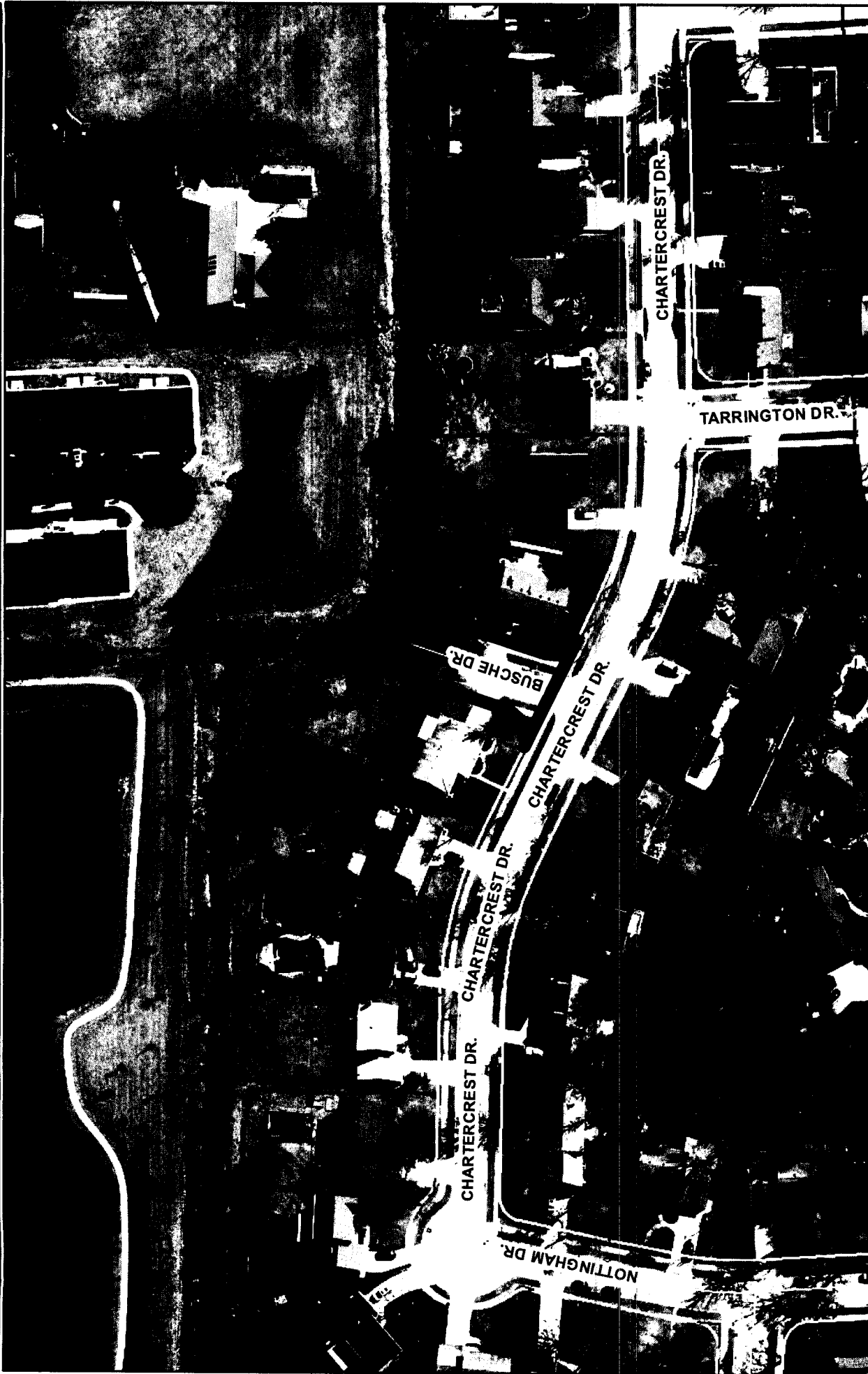
VR0W - 2015 - 0027

Sarah McAbee
7211 Chartercrest Dr.
Ft. Wayne IN 46815

Sarah L McAbee 429-15
Sarah McAbee



Vacation Petition VROW-2015-0027

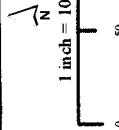


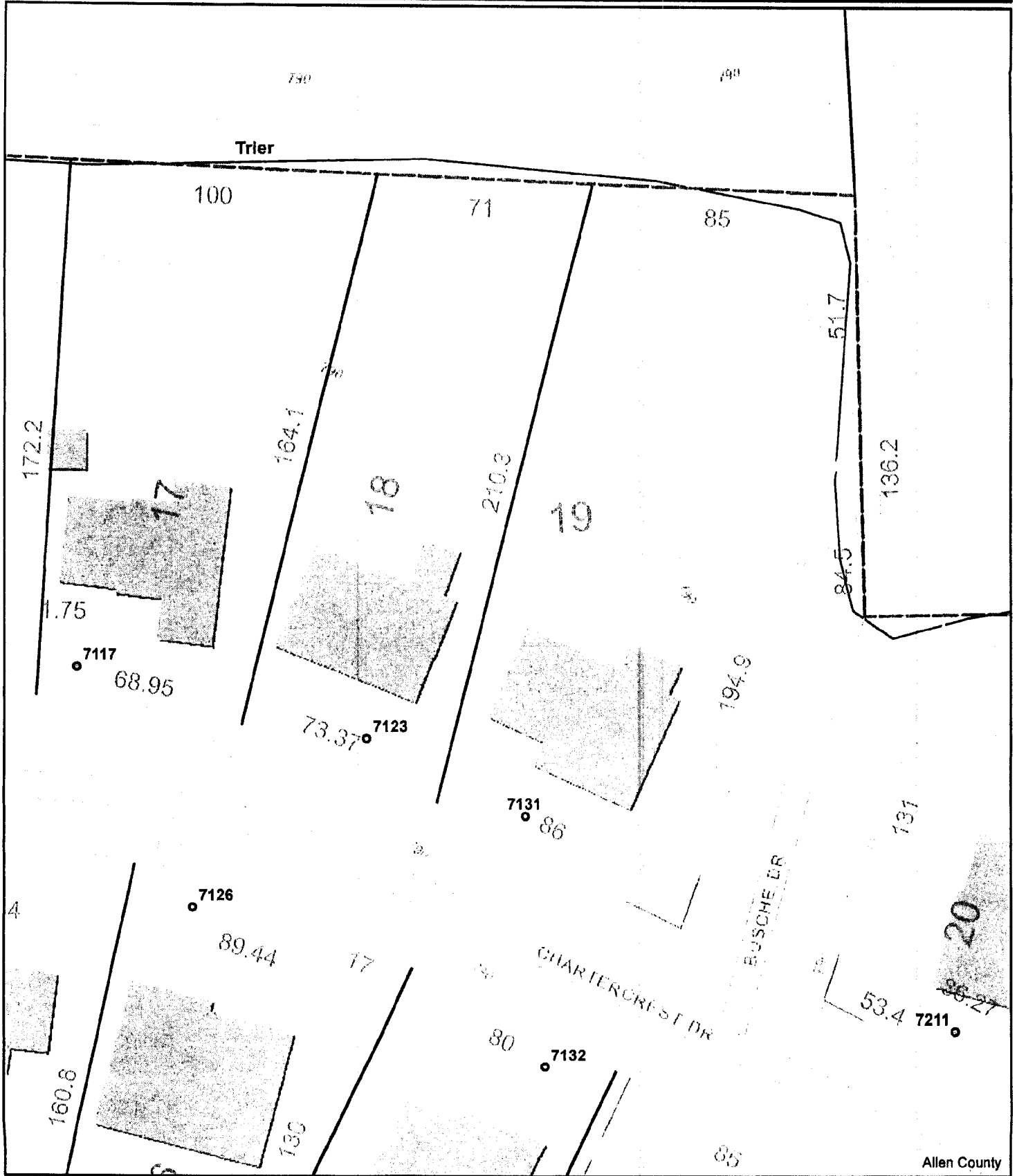
Project boundaries represented by bold colored lines are for representational purposes only.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State plane coordinate system, East
Photos and Contours: Spring 2009

Although our accuracy standards have
been employed in the creation of this map,
Allan 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: 5/20/2015





Allen County

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.
 © 2004 Board of Commissioners of the County of Allen
 North American Datum, 1983
 State Plane Coordinate System, Indiana East

N
 1" = 42'
 Date: 4/28/2015

Public Hearing Date, if applicable 6-9-15

Read the first time in full and on motion by Councilman Harper
Read the second time by title and referred to the Russ Jehl
Committee. Read the third time in full and on motion by Councilman
Russ Jehl, 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: 8-11-15 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-12-15 on the _____ day of _____
_____, 2015

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

John W. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day
of August, 2015, at the hour of 11:30 O'clock Am. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of August
2015, at the hour of 11:00 O'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-15-05-18

REPORT OF COMMITTEE ON REGULATIONS

AUGUST 11, 2015

*Glynn Hines, Chair
Mitch Harper, Co-Chair
All Council Members*






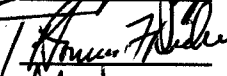

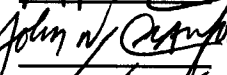
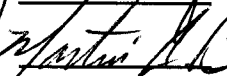
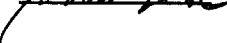
AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way. The location of the vacation is between 7131 and 7211 Chartercrest Drive. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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

The Journal Gazette

Account # 1060008 - 1188830

Allen County, Indiana

FW Common Council

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

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 **68**

COMPUTATION OF CHARGES

68 lines, 1 column(s) wide equals
68 equivalent lines at \$ 0.424 cents per line \$ 28.83

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 \$ 28.83

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 2

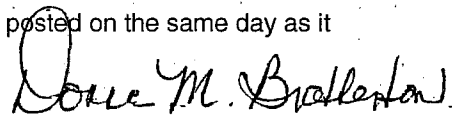
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

<u>5/29/2015</u>	-	-	-
-	-	-	-
-	-	-	-

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-15-05-18

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: VROW-2015-0027
BILL NO: G-15-05-18
REQUEST: To vacate all of the right-of-way of Busche Drive between Lots 19 and 20 in Cambridge Oaks, Section 1 subdivision.
LOCATION: Between 7131 and 7211 Chartercrest Drive (Section 27 of St. Joseph Township)
LAND AREA: Approximately 110 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 1188830 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1188830
FW Common Council

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SANDRA E. KENNEDY
CITY CLERK

5--29 1188830 hspaxlp