

1 VROW-2015-0047

2 BILL NO. G-15-09-16

3 GENERAL ORDINANCE NO. G- 416

4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating public right-of-way.

7 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
8 more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne,
9 Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

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

14 SECTION 1. That the petition filed herein to partially vacate a public right-of-way within the
15 City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 Part of Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorders
17 Office of Allen County, Indiana, more particularly described as follows:

18 Beginning at the Northwest comer of Lot 13 in Figel's Addition as recorded in Plat Record 10,
19 page 13 in the Recorder Office of Allen County, Indiana; thence Northeasterly along the
20 Northwesterly line of Lot 13 and 14 and the Southeasterly right of way line of Norfolk Avenue
21 (Northwood Avenue, recorded) a distance of 256.0 feet to the Northeast comer of Lot 14;
22 thence Northwesterly with a deflection angle to the left of 90 degrees 00 minutes along the
23 Southwesterly right of way line of Figel Avenue a distance of 50.0 feet to the intersection of
24 the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) and the
25 Southwesterly right of way line of Figel Avenue; thence Southwesterly with a deflection angle
26 to the left of 90 degrees 00 minutes along the Northwesterly right of way line of Norfolk
27 Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to a point on the original
28 Northeasterly right of way line of Northrop Avenue (North Clinton Street, recorded) said point
29 being 25.0 feet Northeast of the centerline of said Northrop Avenue; thence Southeasterly with
30 a deflection angle to the left of 90 degrees 00 minutes along the said right of way line a
distance of 50.0 feet to the point of beginning, containing 0.294 acres.

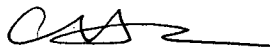
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
and is hereby approved in all respects.

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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: VROW-2015-0047
Bill Number: G-15-09-16
Council District: 3 – Tom Didier

Introduction Date: September 22, 2015
Public Hearing Date: October 13, 2015
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a portion of the right-of-way of Norfolk Avenue.

Location: Along the north side of Lots 13 and 14 in Figels Addition, between Lima Road and Figel Avenue.

Reason for Request: Prairie Farms Dairy, 3400 Lima Road, owns property on both sides of Norfolk Drive near Lima Road. An expansion is planned and vacation of this right-of-way will help facilitate those plans.

Applicant: Prairie Farms

Property Owner: Prairie Farms c/o Chuck McQuaig

Related Petitions: future expansion

Effect of Passage: Vacation of Norfolk Avenue will aid in expansion possibilities for Prairie Farms Dairy. The eastern portion will remain and continue to serve adjacent properties.

Effect of Non-Passage: Norfolk Avenue right-of-way will remain and any expansion efforts by Prairie Farms will need to meet all ordinance requirements regarding setbacks from public 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 X Public Right of Way (street or alley)

More particularly described as follows:

Vacation of Norfolk Ave. between S.R. 3 and Fugal Ave.

(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:

Expansion of Existing Prairie Farms Dairy Facilities located at 3400 Lima road.

(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:

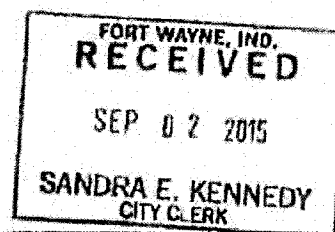
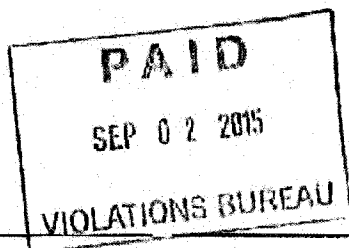
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: Prairie Farms

Street Address: 3400 Lima Road, P.O. Box 10419

City: Fort Wayne State: IN Zip: 46805 Phone: 260-483-6436



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.

Chuck McQuaig
Signature

Chuck McQuaig
Printed Name

Date

3400 Lima Road, P.O. Box 10419
Address

Fort Wayne / IN / 46805
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): Chuck McQuaig

Street Address: 3400 Lima Road, P.O. Box 10419

City: Fort Wayne State: IN Zip: 46805 Phone: 260-483-6436

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 #: _____

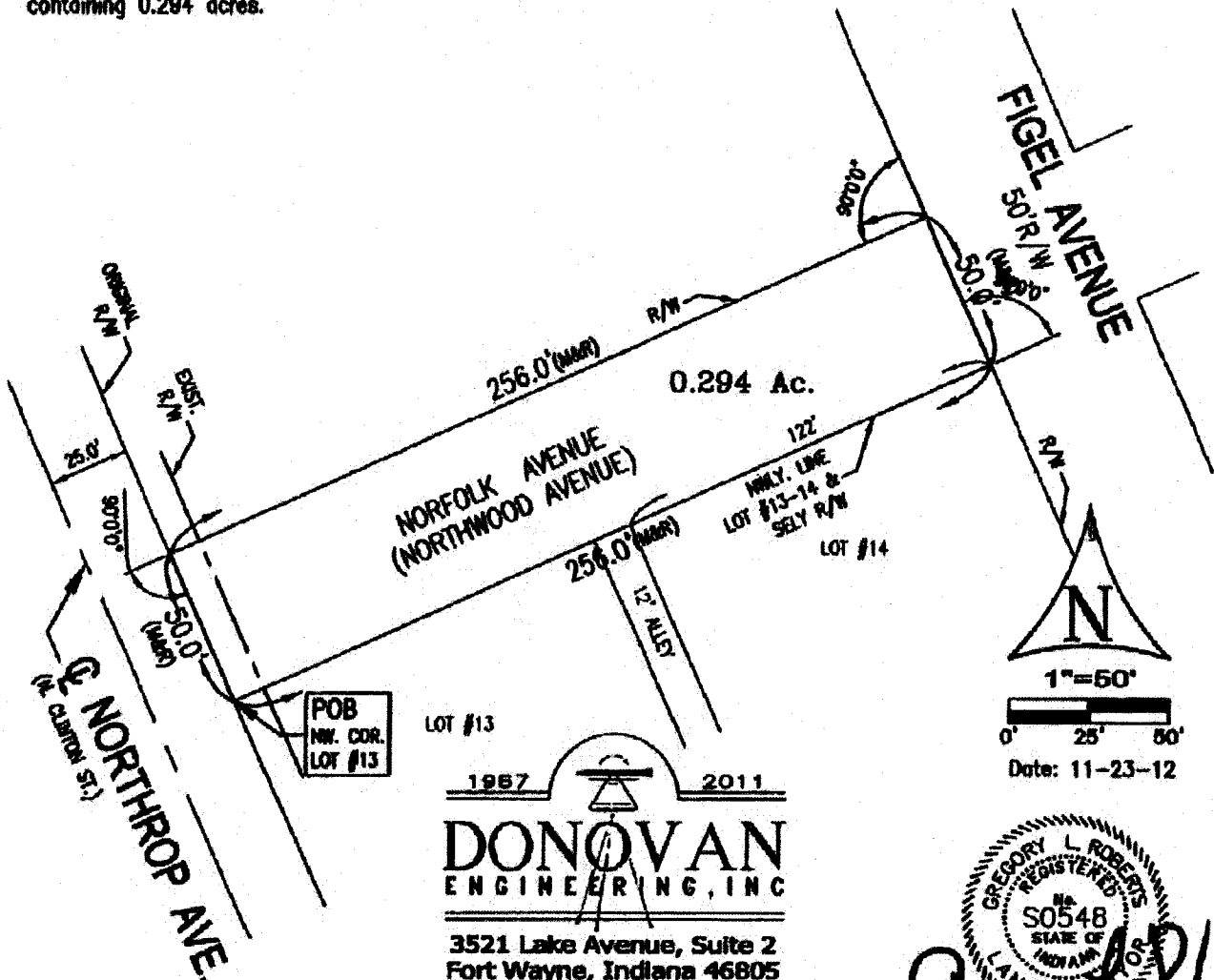
Reference #: _____

STREET VACATION

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorder's Office of Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 13 in Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorder's Office of Allen County, Indiana; thence Northeasterly along the Northwestern line of Lot 13 and 14 and the Southeastery right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to the Northeast corner of Lot 14; thence Northwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Southwesterly right of way line of Figel Avenue a distance of 50.0 feet to the intersection of the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) and the Southwesterly right of way line of Figel Avenue; thence Southwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to a point on the original Northeasterly right of way line of Northrop Avenue (North Clinton Street, recorded) said point being 25.0 feet Northeast of the centerline of said Northrop Avenue; thence Southeastery with a deflection angle to the left of 90 degrees 00 minutes along the said right of way line a distance of 50.0 feet to the point of beginning, containing 0.294 acres.




LOT #13

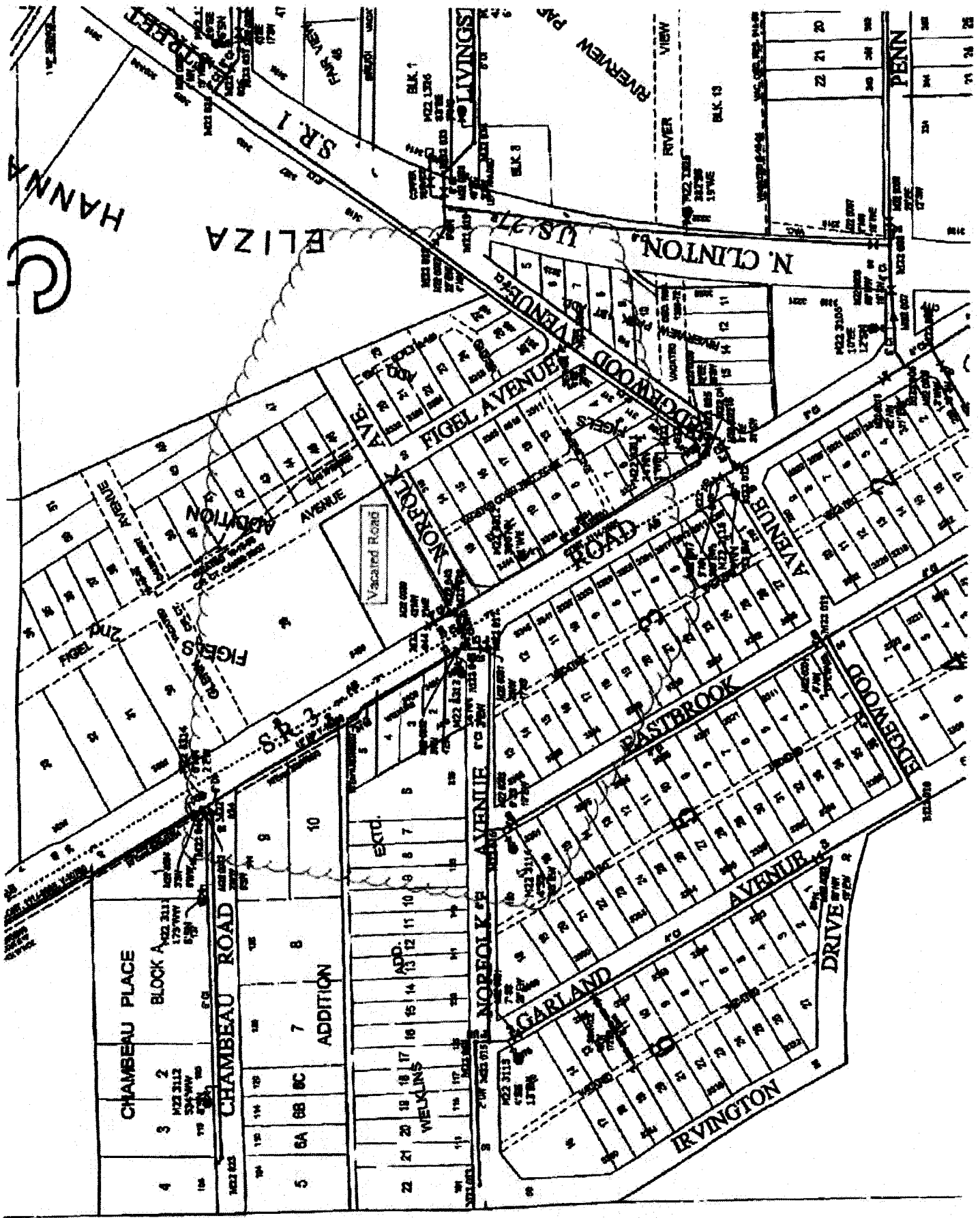
POB
NW COR.
LOT #13

1987  2011
DONOVAN
ENGINEERING, INC

3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office 260.424.7418
Fax 260.424.1918
www.donovan-eng.com

1"=50'
0' 25' 50'
Date: 11-23-12


GREGORY L. ROBERTS P.L.S./S.E.
SHEET 1 OF



HANNAN

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CHAMBEAU PLACE
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NORFOLK AVENUE
EASTBROOK AVENUE
GARLAND AVENUE
IRVINGTON AVENUE
EDENWOOD AVENUE

ROCKWOOD AVENUE
FIGEL AVENUE
NORFOLK AVE
VACATED ROAD

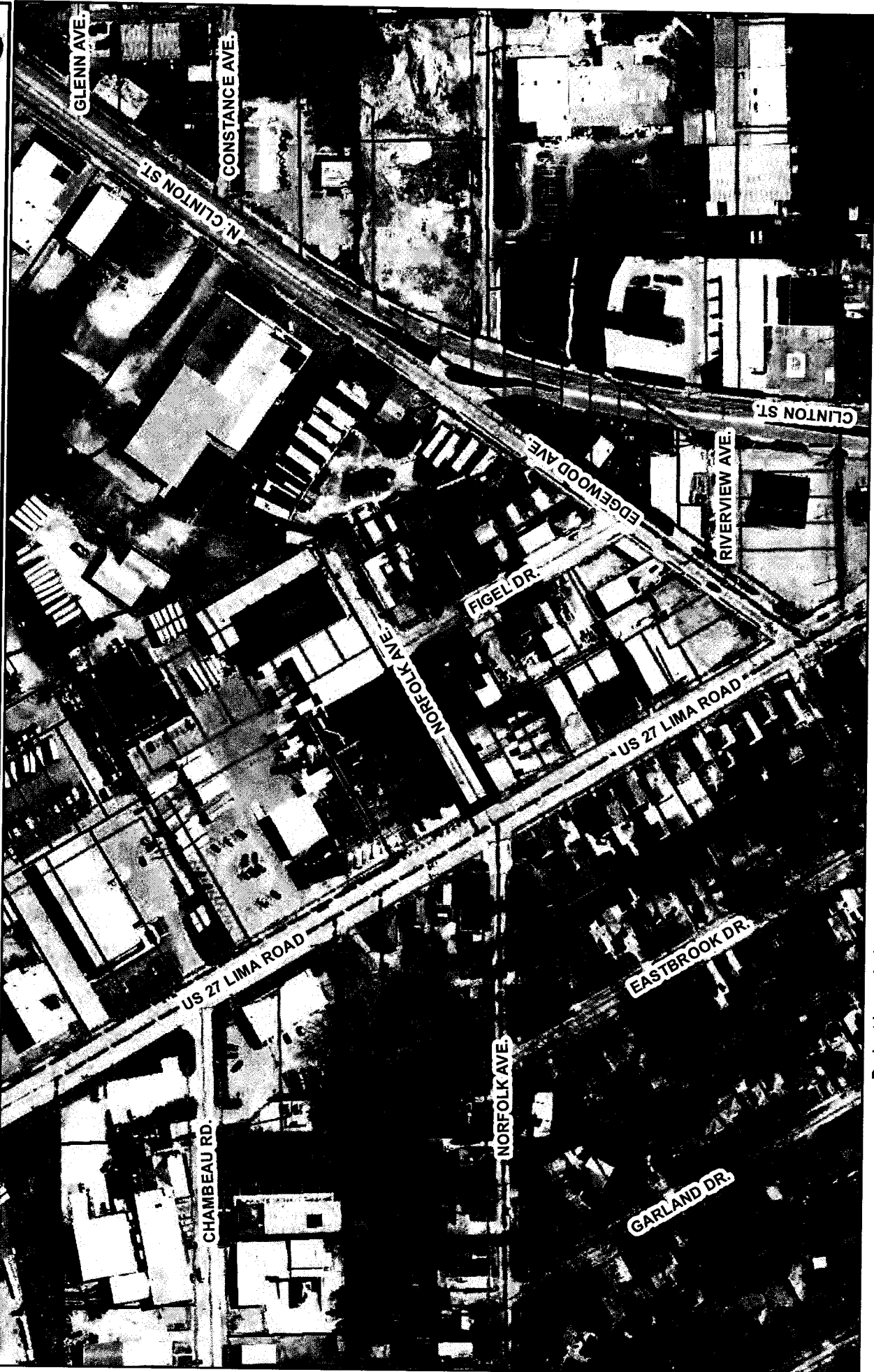
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Vacation Petition VROW-2015-0047

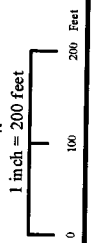


Project boundaries represented by bold colored lines are for representational purposes only.

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 declines 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
Photos and Contours: Spring 2009

Date: 9/4/2015



The Journal Gazette

Account # 1060008 - 1208095
FW Common Council

Allen County, Indiana

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

64

COMPUTATION OF CHARGES

64 lines, 1 column(s) wide equals

64 equivalent lines at \$ 0.424 cents per line

\$ 27.14

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

\$ 27.14

DATA FOR COMPUTING COST

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

Number of Insertions 1

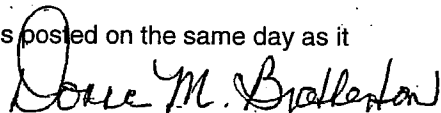
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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 1 times.

The dates of publication being as follows:

9/30/2015

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: September 30, 2015

ATTACH COPY OF ADVERTISEMENT HERE

NOTICE OF PUBLIC HEARING

The Common Council of the City of Fort Wayne, Indiana will hold a public hearing Tuesday October 13, 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-2015-0047

BILL NO: G-15-09-16

APPLICANT: Prairie Farms

REQUEST: To vacate a portion of the right-of-way of Norfolk Avenue along the north side of Lots 13 and 14 in Figels Addition, between Lima Road and Figel Avenue. South of 3400 Lima Road, (Section 26 of Washington Township).

LAND AREA: Approximately 0.29 acres proposed to be vacated.

Additional information can be obtained at Planning Services in Suite 150, Citizens Square, 200 East Berry Street.

This public hearing is your chance to offer 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, provide 11 copies of your written comments to Planning Services before 12:00 p.m. October 13, 2015. You may also email comments to michelle.wood@allencounty.us.

Correspondence may be hand delivered to staff or the Council at the hearing. Be sure to 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 PUBLIC INFORMATION OFFICE (260) 427-1120. TTY (260) 1200. AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK
1208095 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1208095
FW Common Council

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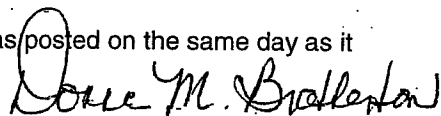
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BILL NO: G-15-09-16
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LAND AREA: Approximately 0.29 acres proposed to be vacated.

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9--30 SANDRA E. KENNEDY
CITY CLERK
1208095 hspaxlp

Public Hearing Date, if applicable October 13, 2015 N/A.

Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

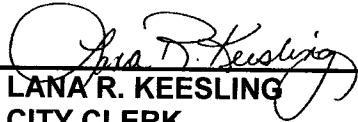
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 14, 2016


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
General No. G-15-09-16 on the 14th day of June, 2016

ATTEST:



LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th
of June 2016, at the hour of 0900 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 21st day of June
2016, at the hour of 10:00 O'clock Am E.S.T.


THOMAS C. HENRY, MAYOR

BILL NO. G-15-09-16

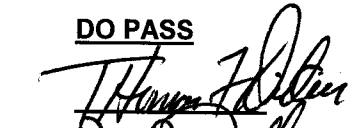
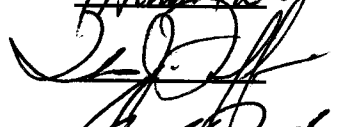
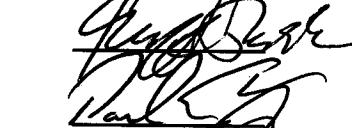
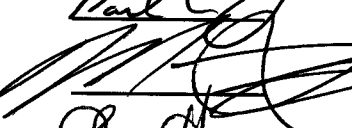
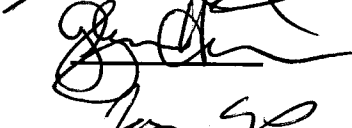
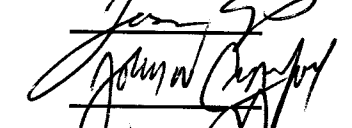

REPORT OF COMMITTEE ON REGULATIONS

JUNE 14, 2016

*Tom Didier, Chair
Tom Freistroffer, Co-Chair
All Council Members*

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way.

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

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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LANA R. KEESLING
CITY CLERK
