

1 VALY-2015-0058

2 BILL NO. G-15-11-06

3 Book: 31
4 Page No: 84
5 Plat Book: 4
6 Page: 71

7 GENERAL ORDINANCE NO. G- 19-15

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

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

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

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

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

20 An existing alley 12 feet in width from the east right-of-way line of Tacoma Avenue to the west
21 right-of-way line of the first platted fourteen-foot wide alley east of Tacoma Avenue opened as
22 Declaratory Resolution 1178-65 and recorded in Book 31, Page 84 in the Office of the
23 Recorder of Allen County, Indiana, said existing 12 foot wide alley being the south 12 feet of
24 Lot Number 205 within Fairfield Heights Addition as recorded in Plat Book 4, Page 71 within
25 the Office of the Recorder of Allen County, Indiana.

26 Together with:

27 An existing alley 14 feet in width, and being the first alley east of Tacoma Avenue, beginning
28 at the North right-of-way line of West Foster Parkway (formally Boerger Avenue) as
29 represented on the plat of Fairfield Heights Addition as recorded in Plat Book 4, Page 71
30 within the Office of the Recorder of Allen County, Indiana and extending north to the southern
limits of the prior alley vacation within said Fairfield Heights Addition, said southern limits
being 12 feet north of Lot Number 205 within said Fairfield Addition.

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

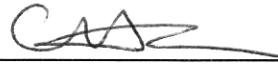
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
any and all necessary approval by the Mayor.



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: VALY-2015-0058
Bill Number: G-15-11-06
Council District: 5-Geoff Paddock

Introduction Date: November 10, 2015
Public Hearing Date: November 24, 2015
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a portion of the north-south alley and east-west alley Fairfield Heights Addition.

Location: The north-south portion is located east of Lots 200-204 of Fairfield Heights Addition; the east-west portion is located north of Lot 204 in Fairfield Heights Addition

Reason for Request: Approval of the alley vacation will allow the property owner to construct a porte cochere at one of the church entrances.

Applicant: First Missionary Church

Property Owner: First Missionary Church

Related Petitions: Permit for porte cochere construction

Effect of Passage: The alley(s) will be vacated and the property owner may construct a porte cochere to protect congregants from the weather.

Effect of Non-Passage: The alley will remain as platted and development setbacks will be measured from the alley.

FORT WAYNE, IND.
RECEIVED
OCT 22 2015
SANDRA E. KENNEDY
CITY CLERK

CITY OF FORT WAYNE

PAID
OCT 22 2015
VIOLATIONS BUREAU

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:

PLEASE SEE ATTACHED LEGAL DESCRIPTION AND
DRAWING SHOWING THE PROPERTY

(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:

CONSTRUCTION OF A PORTE COCHERE OVER THE
ALLEY TO BE VACATED

(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: FIRST MISSIONARY CHURCH

Street Address: 701 WEST RUDISILL BLVD.

City: FORT WAYNE State: IN Zip: 46807 Phone: 260-745-4994

VALY-2015-0058

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.

[Signature]
Signature

REV. ROBERT MARTIN
Printed Name

10-20-15
Date

701 W. RUDISILL BLVD.
Address

FORT WAYNE, IN 46807
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): MICHAEL D. OLINGER, P.E.
C3 CONSTRUCTION SERVICES, LLC

Street Address: 201 FIFTH ST., SUITE 100

City: FORT WAYNE State: IN Zip: 46808 Phone: 260 490-6460

NOTICE:

- o 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.
- o 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 #: _____



201 Fifth Street, Suite 100 Fort Wayne, IN 46808 office: 260-490-6460 fax: 260-969-3037 www.c3const.com

October 21, 2015

Ms. Sandra Kennedy, City Clerk
City of Fort Wayne
200 East Berry St., Suite 110
Fort Wayne, IN 46802-2733

Dear Ms. Kennedy,

Following is a Legal Description of the property requested to be vacated.

"An existing alley twelve feet in width from the east right of way line of Tacoma Avenue to the west right of way line of the first platted 14' alley east of Tacoma Avenue opened as Declaratory Resolution 1178-65 and recorded in Book 31, page 84 in the Office of the Recorder of Allen County, Indiana, said existing 12 foot alley being the south 12 feet of Lot Number 205 within Fairfield Heights Addition as recorded in Plat Book 4, Page 71 within the office of the Recorder of Allen County, Indiana.

Together with:

An existing alley fourteen feet in width, and being the first alley east of Tacoma Avenue, beginning at the north right of way line of West Foster Parkway (formerly Boerger Avenue) as represented on the plat of Fairfield Heights Addition as recorded in Plat Book 4, Page 71 within the office of the Recorder of Allen County, Indiana and extending to the southern limits of the prior alley vacation within said Fairfield Heights Addition, said southern limits being 12 north of the south line of Lot Number 205 within Fairfield Heights Addition."

Following is the List of All Abutting Property Owners associated with the Vacation Petition of the Alley/Public Right-of-Way described as

1. First Missionary Church, 701 West Rudisill Blvd., Fort Wayne, IN, 46807, (260) 745 - 4994

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael D. Olinger', with a horizontal line extending to the right and the initials 'PE' written below it.

Michael D. Olinger, P.E.
C3 Construction Services, LLC
molinger@c3builds.com

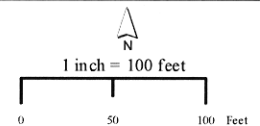


Project boundaries represented by bold colored lines are for representational purposes only.

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 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
Photos and Contours: Spring 2009

Date: 10/23/2015



Public Hearing Date, if applicable 11-24-15

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
Martin Bender, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u> </u>	<u>2</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>
SHOAF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 11-24-15 Michelle D. Chambers
MICHELLE D. CHAMBERS, 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-19-15 on the 24th day of
November, 2015

Michelle D. Chambers ATTEST: John N. Crawford
MICHELLE D. CHAMBERS, PRESIDING OFFICER
CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day
of November, 2015, at the hour of 6:00 o'clock P.M. E.S.T.

Michelle D. Chambers
MICHELLE D. CHAMBERS, CITY CLERK

Approved and signed by me this 1st day of December
2015, at the hour of 4:00 O'clock P.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-15-11-06

REPORT OF COMMITTEE ON REGULATIONS

November 24, 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. 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

Richard A. Bunch
James A. Crawford
Mitch Harper
Thomas E. Hines
John J. ...
...
...
...
...
...

MICHELLE D. CHAMBERS
CITY CLERK *Michelle D. Chambers*

The Journal Gazette

Account # 1060008 - 1215088

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

67

COMPUTATION OF CHARGES

67 lines, 1 column(s) wide equals

67 equivalent lines at \$ 0.424 cents per line

\$ 28.41

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

\$ 28.41

DATA FOR COMPUTING COST

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

Number of Insertions 1

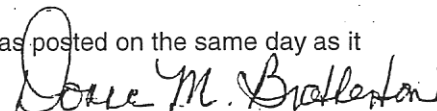
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

11/13/2015

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: November 13, 2015

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FOR G-15-11-06**

This notice is to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing Tuesday November 24, 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-2015-0058
BILL NO: G-15-11-06
APPLICANT: First Missionary Church
REQUEST: To vacate a portion of the north-south alley and east-west alley in Fairfield Heights Addition, situated south and west of the church at 701 West Rudisill Boulevard. (Section 14 of Wayne Township)
LAND AREA: Approximately 4,420 square feet proposed to be vacated.
PRESENT ZONING: R1-Single Family Residential
SEWER PROVIDER: City of Fort Wayne
WATER PROVIDER: City of Fort Wayne

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street. This public hearing is your chance to offer any input you may have regarding this 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. November 24, 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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

MICHELLE D. CHAMBERS
CITY CLERK
11--13 1215088 hspaxlp

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11--13 1215088 hspaxlp