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**VROW-2016-0003**

**BILL NO. G-16-07-03**

**GENERAL ORDINANCE NO. G- 12-16**

**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 vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:


Part of the West Half of the Northwest Quarter of Section 13, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Southwest corner of Lot 1 in the Plat of Sunnyside Addition Amended, as recorded in Plat Book 5A, Page 25, in the Office of the Recorder of Allen County, Indiana, thence Easterly along the South line of said Lot 1 of Sunnyside Addition amended to the Southeast corner of Said Lot 1 of Sunnyside Addition Amended, a distance of 139.4 feet; thence Southerly to the Northeast corner of Lot 1 of Lafayette Addition as recorded in Plat Book 3A, Page 39, in the Office of the Recorder of Allen County, Indiana; thence Westerly along the North line of said Lot 1 of Lafayette Addition, a distance of approximately 140 feet to the Northwest corner of said Lot 1 of Lafayette Addition; thence northerly to the point of beginning.


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

## 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:

Alley between Lot 1 Sunnyside Addition (Plat Book 5A Page 25)  
and Lot 1 Lafayette Addition (Plat Book 3A Page 39)

(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 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

Please see attachment.

(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: Pedro MARQUEZ

Street Address: 1119 WINNSBORO PASS

City: FORT WAYNE State: IN Zip: 46845 Phone: 260 417-6661

marquezauto1111@yahoo.com

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 Printed Name Date

\_\_\_\_\_  
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 #: Wayne 13  
N-07

Reference #: VR0W-2016-0003

Glynn Hines - 6

9-16-07-03



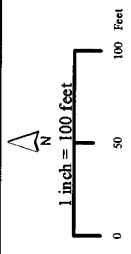
Vacation Petition VROW-2016-0003



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: 7/6/2016

**Reasons for Partial Vacation of Alley.**

To whom it may concern,

I, Pedro Marquez, am writing this description of ideas for the proposed alley vacation portion.

The alley portion that I would like to vacate is located between Lot 1 Sunny Addition (410 Eckart St) and Lot 1 Lafayette Addition.

I want to be able to expand Marquez Auto Sales & Services, which is located on 410 Eckart St, by vacating the alley. Once the alley is vacated I will be paving the alley and Lot 1 of the Lafayette Addition so it's more presentable and safe for vehicles. I will also partially add a decorative fence along the alley and lot 1 of the Lafayette Addition, not fully inclosing the lots. Greenery can be added along the fence following city requirements. On the 410 Eckart St. building I will make sure to add additional lighting near the vacated alley to prevent theft or crimes. Vehicles would be parked along the alley and the Lafayette Addition lot 1 in a presentable manner. The lot will be always maintained clean and decent. By doing these changes I will be preventing through traffic from speeding onto the alley and or entering abruptly.

Thank You ,

  
Pedro Marquez.

ECKART ST

410 Eckart st

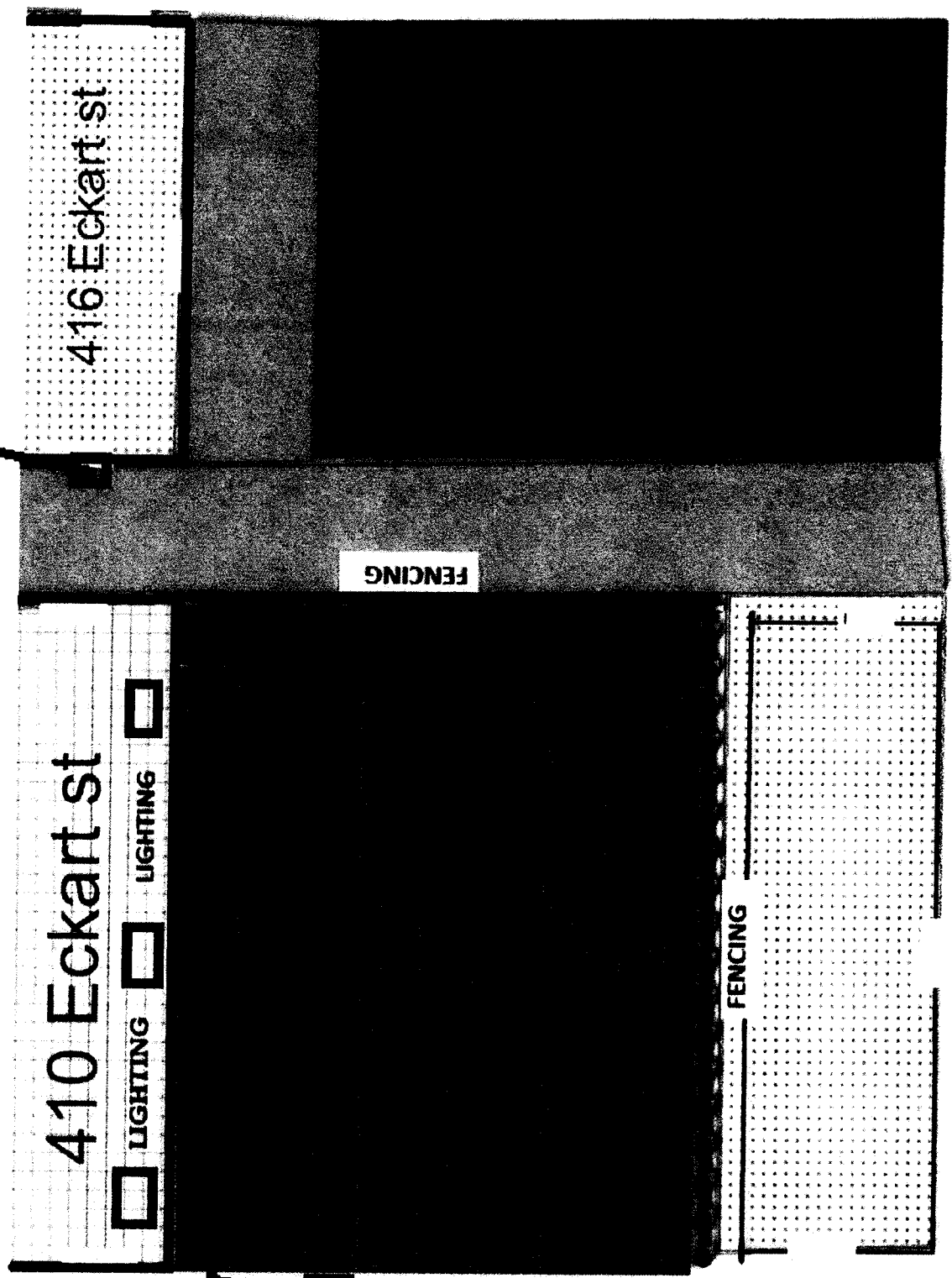
LIGHTING LIGHTING

416 Eckart st

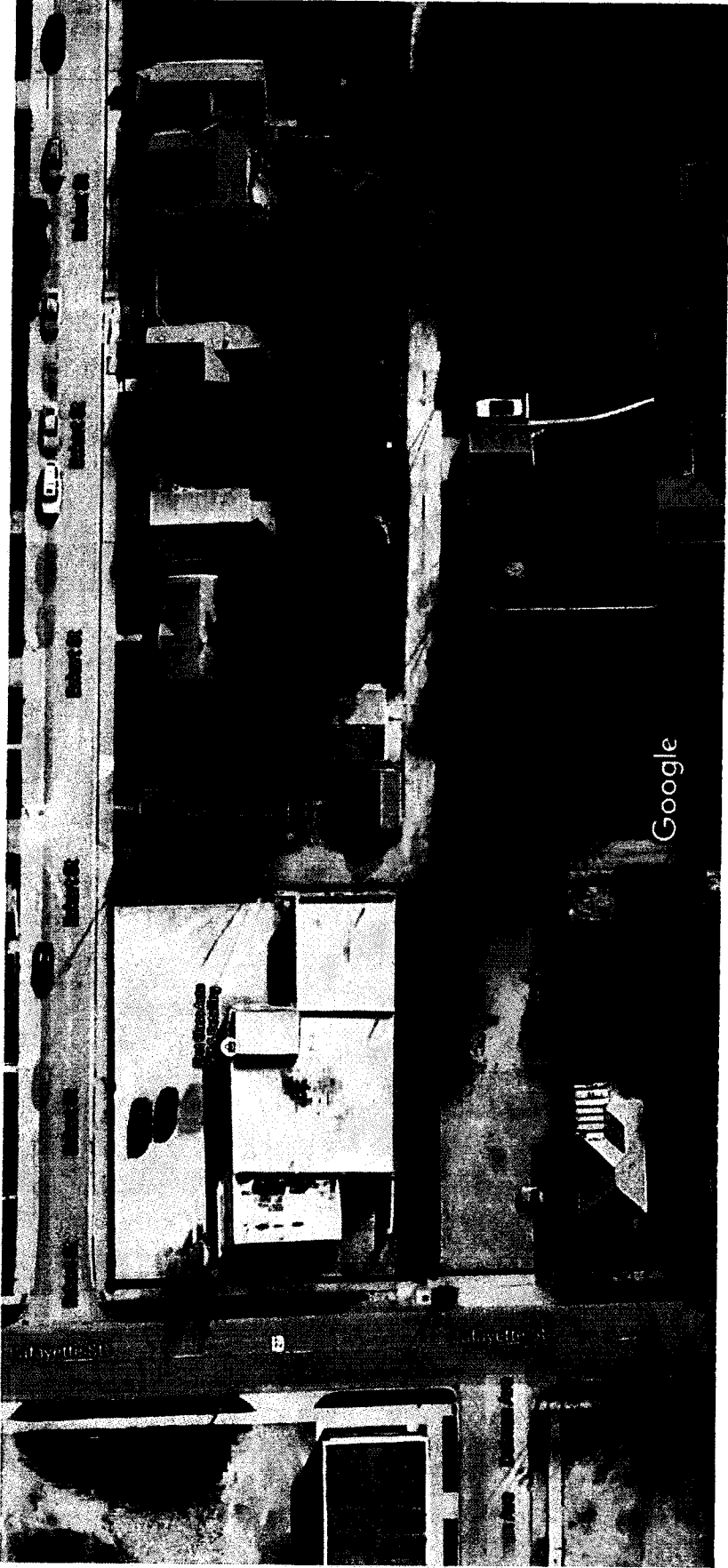
FENCING

FENCING

LAFAYETTE ST.



Google Maps



Imagery ©2016 Google, Map data ©2016 Google 20 ft

**Area to be vacated shaded in black.**

# The Journal Gazette

Account # 1060008 - 1249277

**FW Common Council**

Allen County, Indiana

## 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	_____
<b>Total number of lines in notice</b>	<b>53</b>

### COMPUTATION OF CHARGES

<u>53</u> lines, <u>1</u> column(s) wide equals	
<u>53</u> equivalent lines at \$ <u>0.436</u> cents per line	\$ 23.11
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)	-
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$ <u>23.11</u></b>

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.  
Number of Insertions . . . . 1

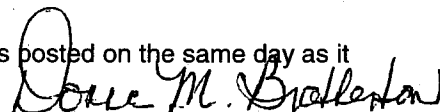
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

<u>7/15/2016</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: July 15, 2016

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

ORDINANCE NO. G-16-07-03

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 26, 2016, AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802;

Part of the West Half of the Northwest Quarter of Section 13, Township 30 North, Range 12 East, Allen County, Indiana

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED OR RESCINDED ON TUESDAY, JULY 26, 2016.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"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) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING  
CITY CLERK

7--15

1249277 hspaxlp

# The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1249277  
**FW Common Council**

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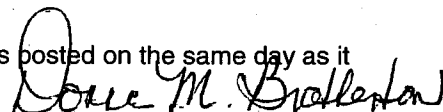
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Legal Clerk

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LANA R. KEESLING  
CITY CLERK

7--15 1249277 hspaxlp

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Allen County, Indiana

**FW Common Council**

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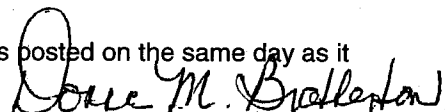
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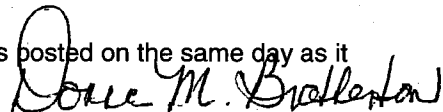
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LANA R. KEESLING  
CITY CLERK

7-15 1249277 hspaxlp

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

---

**Department of Planning Services**

Title of Ordinance: Vacation of Public Right-of-way  
Case Number: VROW-2016-0003  
Bill Number: G-16-07-03  
Council District: 6 – Glynn Hines

---

Introduction Date: July 12, 2016  
Public Hearing Date: July 26, 2016  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

---

Synopsis of Ordinance: To vacate the alley south of 410 Eckart Street.  
Location: Beginning at Lafayette Street, on the south property line of Lot 1 of Sunnyside Addition, and continuing east approximately 140 feet.  
Reason for Request: Applicant would like to utilize the southern property for the existing auto sales business and beautify the lot.  
Applicant: Pedro Marquez  
Property Owner: Pedro Marquez

---

Related Petitions: none

---

Effect of Passage: Vacation of the alley right-of-way will place the property back on the tax roll, adding the land to the adjacent owner's properties.

Effect of Non-Passage: This portion of the alley will remain as platted and will affect setbacks for development of the southern lot.

BILL NO. G-16-07-03

REPORT OF COMMITTEE ON REGULATIONS

SEPTEMBER 13, 2016

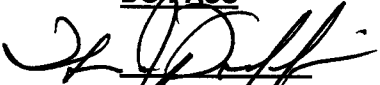





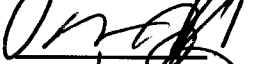
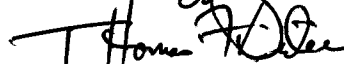
**Tom Freistroffer Chair**

**Tom Didier Co-Chair**

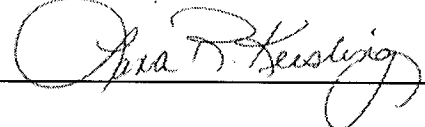
**All Council Members**

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way Southwest corner Lot 1 Sunnyside Addition

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

  
\_\_\_\_\_

Public Hearing Date: JULY 26, 2016

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 13, 2016


  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 General Ordinance No. G-16-07-03 on the 13th day of September, 2016

ATTEST:


  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK


  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th  
 of September 2016, at the hour of 10:30 o'clock P.M. E.S.T.


  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 20<sup>TH</sup> day of SEPTEMBER 2016, at the  
 hour of 10:00 O'clock AM E.S.T.


  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR