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Tx:4241407

VROW-2016-0005

BILL NO. G-16-08-14

2016056286

RECORDED: 10/18/2016 2:11:38 PM

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

GENERAL ORDINANCE NO. G-516

RECORDED
AS
RECEIVED

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:

All the part of a 10 foot wide alley lying south of Lots 1, 2, 3, and 4 and lying north of Lot 5 in Borkenstein's Subdivision recorded in Plat Book 5, Page 27 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

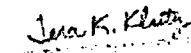
APPROVED AS TO FORM AND LEGALITY:

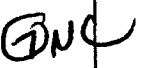


Carol T. Helton, City Attorney

Allen County Recorder
2016-10-18 2:11:38 PM
Document # 2016056286

OCT 18 2016





City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VROW-2016-0005
Bill Number: G-16-08-14
Council District: 6 – Glynn Hines

Introduction Date: August 23, 2016
Public Hearing Date: September 13, 2016 (to be held by City Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate approximately 140 feet of alley right-of-way.
Location: South of Lots 1, 2, 3, and 4 of Borkenstein's Subdivision and north of Lot 5 in said subdivision. South of 1628 East Pontiac Street.
Reason for Request: The same entity owns parcels on both sides of the alley. The alley has not been improved and is not vital to the City's transportation system.
Applicant: City of Fort Wayne, Traffic Engineering Department
Property Owner: City of Fort Wayne

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 right-of-way will remain as platted and will need to be maintained by the City.

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:

All the part of a 10 feet wide alley lying south of Lots 1, 2, 3, and 4 and lying
north of Lot 5 in Borkenstein's Subdivision recorded in Plat Book 5, Page 27
in the Office of the Recorder of Allen County, Indiana.

(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:

Non-publicly used alley. Paper street alley vacation as submitted
by the City of Fort Wayne

City of Fort Wayne doing this vacation on behalf of Mr. Derrick Dufor

(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:

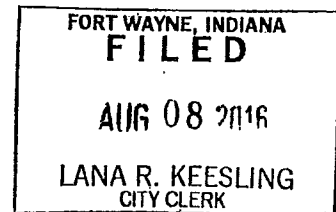
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne, Traffic Engineering Department

Street Address: 200 E Berry St. Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172



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

Derrick Dufor
Printed Name

8-8-16
Date

2909 Devon Drive
Address

Fort Wayne, IN 46815
City/State/Zip

Signature

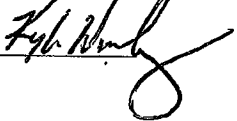
Printed Name

Date

Address

City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): Kyle Winling, Assistant Traffic Engineer 

Street Address: 200 E. Berry Street, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172

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 #: _____



Vacation Petition VROW-2016-0005



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

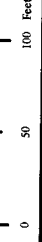
Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and does not assume any liability resulting from any error or omission in this map.

© 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: 8/17/2016



1 inch = 100 feet



REPORT OF COMMITTEE ON REGULATIONS

SEPTEMBER 27, 2016

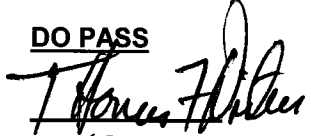
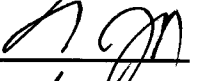
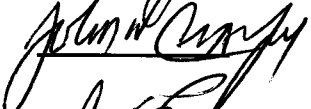


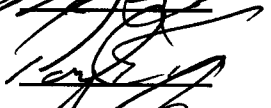
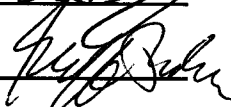
Tom Freistroffer Chair

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 in Borkenstein's Subdivision

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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	_____	_____	_____
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_____	_____	_____	_____

LANA R. KEESLING
CITY CLERK



Public Hearing Date: September 13, 2016

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 27, 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-16-08-14 on the 27th 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 28th
 of September 2016, at the hour of 10:15 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28th day of September 2016, at the
 hour of 2:00 O'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR