

1 VROW-2016-0004 (as amended)

2 BILL NO. G-16-08-18

3  
4 GENERAL ORDINANCE NO. G-1476

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

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

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

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

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

17 Part of the West Half of Section 25, Township 31 North, Range 12 East, Allen County,  
18 Indiana, more particularly described as follows, to wit:

19 All that part of platted Parkhill Avenue, 50 feet wide, extending north from the north right-of-  
20 way line of Ridgewood Drive a distance of approximately 270 feet as measured along the  
21 centerline of said Parkhill Avenue to the southeast right-of-way line of North Clinton Street,  
22 and extending from the west right-of-way line to the east right-of-way line of said Parkhill  
23 Avenue, as recorded in the Highland Park Forest Addition to the City of Fort Wayne, Plat Book  
24 8A, Page 32, in the Office of the Recorder of Allen County, Indiana.

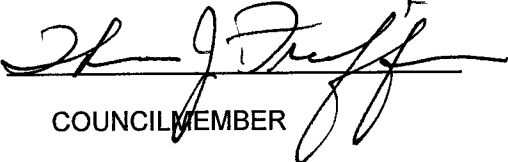
25 TOGETHER WITH:

26 All that part of a platted alley, 10 feet wide, extending east from the southeast right-of-way  
27 line of North Clinton Street a distance of approximately 72 feet as measured along the  
28 centerline of said alley to the west right-of-way line of Parkhill Avenue, and extending from  
29 the north right-of-way line to the south right-of-way line of said alley, as recorded in the  
30 Highland Park Forest Addition to the City of Fort Wayne, Plat Book 8A, Page 32, 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.

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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.

  
COUNCIL MEMBER

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        X   Public Right of Way (street or alley)

More particularly described as follows:

We, Highland Gospel Community Church (Gospel Community Inc), are requesting the vacation of the public right of way of the northernmost section of Parkhill Avenue. This portion of Parkhill Ave is from the intersection of westbound Ridgewood Drive up to the intersection of North Clinton Street.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

Plat

DEED BOOK NUMBER: 8A PAGE(S) NUMBER(S): 32 (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 2

(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: Nathaniel Bretz

Street Address: 1829 Glenwood Ave

City: Ft. Wayne State: IN Zip: 46805 Phone: (256) 529-8940

Primary

Alternate

David Mervar  
2311 North Clinton Street  
Ft. Wayne, IN 46805 (260) 750-8527

8-16-07-15

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.

*Nate Schumacher*  
Signature

NATE SCHUMACHER  
Printed Name

7/15/16  
Date

605 RIDGEWOOD DR  
Address

FT. 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): N/A

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 #: \_\_\_\_\_

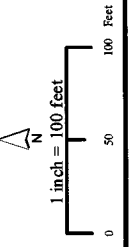


Project boundaries represented by bold colored lines are for representational purposes only.

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  
Photo and Contours: Spring 2009

Date: 8/18/2016



# Attachment 2

Highland Gospel Community Church (Gospel Community Inc) is requesting the vacation of this right of way for the safe use of the property by the members of our church. Vehicles turning left from driving southbound on North Clinton Street onto this section of Parkhill Avenue frequently travel at a high rate of speed. The risk to our congregation was highlighted on January 13, 2016 when a driver involved in an accident fled the scene and traveled down this section of Parkhill Avenue and crashed into a vehicle parked at our church along Parkhill Avenue. This occurred at a time when AWANA, a popular children's outreach ministry, was taking place at our church. Highland Gospel Community Church has purchased the properties on the east side of Parkhill Avenue (lots 55 - 60) with the intent of expanding our campus and foot traffic from our church building (lots 63 - 66) across Parkhill Avenue will increase. For this reason, Highland Gospel Community church is requesting the City of Fort Wayne to vacate the public right of way of this portion of Parkhill Avenue.

# **Attachment 3**

## **Adjacent Property Owners**

**Highland Park Forest Addition Lots 63 – 66**

**Property Owner: Gospel Community Inc.**

**Street Address: 3800 North Clinton Street, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lot 55**

**Property Owner: Gospel Community Inc.**

**Street Address: 605 Ridgewood Drive, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lot 56**

**Property Owner: Gospel Community Inc.**

**Street Address: 3818 Parkhill Avenue, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lot 57**

**Property Owner: Gospel Community Inc.**

**Street Address: 3818 Parkhill Avenue, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lot 58**

**Property Owner: Gospel Community Inc.**

**Street Address: 3824 Parkhill Avenue, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lot 59**

**Property Owner: Gospel Community Inc.**

**Street Address: 3904 Parkhill Avenue, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

**Highland Park Forest Addition Lots 60 & 61**

**Property Owner: Gospel Community Inc.**

**Street Address: 3912 Clinton Street, Fort Wayne, Indiana 46805**

**Phone Number: (260) 749-5483**

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

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**Department of Planning Services**

Title of Ordinance: Vacation of Public Right-of-way  
Case Number: VROW-2016-0004 (as amended)  
Bill Number: G-16-08-18  
Council District: 3 – Tom Didier

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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.

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Synopsis of Ordinance: To vacate approximately 300 feet of the right-of-way of Parkhill Drive, along with an adjacent east-west alley.

Location: Between Lots 63-64 and Lots 55-59 of Highland Park Forest Addition, from North Clinton to Ridgewood Drive; alley is located between North Clinton and Parkhill Drive.

Reason for Request: The applicant owns the properties on both sides of the street and both sides of the alley and would like to eliminate public vehicular traffic for the safety of their members utilizing services on various properties.

Applicant: Gospel Community, Inc.

Property Owner: Gospel Community, Inc.

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Related Petitions: none

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Effect of Passage: Vacation of the street and 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 continue to carry traffic. The right-of-way will also affect setbacks for any expansion of the Highland Gospel Community Church.

REPORT OF COMMITTEE ON REGULATIONS

SEPTEMBER 27, 2016

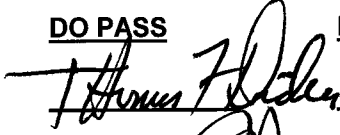
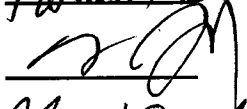
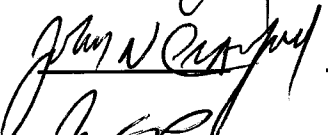



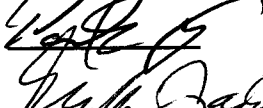

**Tom Frelstroffer Chair**

**Tom Didler Co-Chair**

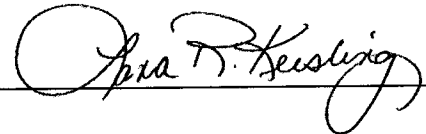
**All Council Members**

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way on Parkhill Avenue in Highland Park Forest 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>
			
			
			
			
			
			
			
			

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-16-08-18 on the 27th day of September, 2016

ATTEST:

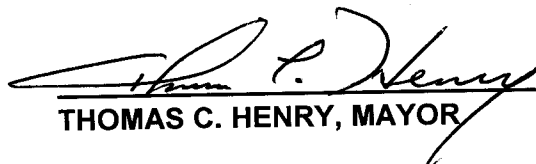
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
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 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.

  
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 LANA R. KEESLING, CITY CLERK

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

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