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VROW-2017-0001

BILL NO. G-17-01-26

2017024510

RECORDED: 05/16/2017 1:48:15 PM

ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 10-17

**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:

**NORFOLK AVENUE:**

All that part of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 10A, Page 13, in the Office of the Recorder of Allen County Indiana.

**FIGEL AVENUE:**

All that part of Figel Avenue that lies between the South right-of-way line of Norfolk Avenue and the Easterly projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 10A, Page 13, 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.

AUDITOR'S OFFICE  
July entered for taxation. Subject  
to final acceptance for transfer.

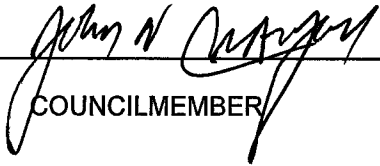
MAY 16 2017

AUDITOR OF ALLEN COUNTY

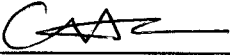
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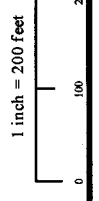
  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Carol T. Helton, City Attorney



Although great accuracy standards have been adopted 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 Contour: Spring 2009  
Date: 1/19/2017



# 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:

Part of Norfolk Avenue and part of Figel Avenue in Fort Wayne, IN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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: 10 PAGE(S) NUMBER(S): 13 (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:

New building addition  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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:

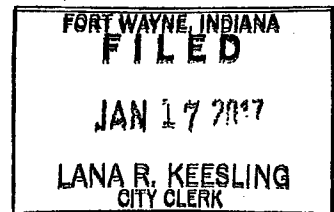
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

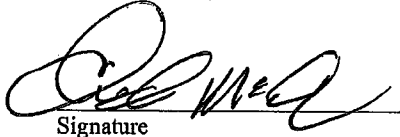
Name: Prairie Farms Dairy, Inc. c/o Chuck McQuaig

Street Address: PO Box 10419

City: Fort Wayne State: IN Zip: 46852 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 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

Chuck McQuaig

Printed Name

1-13-17

Date

3400 Lima Road

Fort Wayne, IN 46805

Address

City/State/Zip



Signature

Chuck McQuaig

Printed Name

1-13-17

Date

Address

City/State/Zip

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

Agent's Name (Print Legibly): T-E Incorporated c/o Justin Hoffman

Street Address: 8620 Bluffton Road

City: Fort Wayne State: IN Zip: 46809 Phone: 260-489-5541

**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: 1/17/17

Map #: Wash 26  
M-22

Reference #: JROW-2017-0001

**DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS:**

**NORFOLK AVENUE:**

All that part of Norfolk Avenue that lies between the West right-of-way line of Figel Avenue and the East terminus of Norfolk Avenue, in Figel's Addition to the City of Fort Wayne, Indiana.

**FIGEL AVENUE:**

All that part of Figel Avenue that lies between the South right-of-way line of Norfolk Avenue and the Easterly projection of the South line of Lot 15, in Figel's Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Vacated R/W: ±0.366 acres

**TE INCORPORATED**  
 8620 Brighton Road  
 Fort Wayne, IN 46825  
 Phone: (317) 836-9254  
 Fax: (317) 836-9254  
 Email: TE@te-inc.com



DATE	NO.	REVISION

**Prairie Farms Building Addition**  
 Right-of-Way Vacation & Rezoning Exhibit  
 3400 Lima Road, Fort Wayne, IN 46803  
 Zumburn Construction Company, Inc.  
 3110 Edwards Street  
 Fort Wayne, IN 46802

Date: 12/24/2016  
 Drawn by: JWH  
 Checked by: JWH  
 Job No.: 10187  
 Scale: as shown  
 Sheet No.: C1.0

**DESCRIPTION OF PROPOSED HIGHWAY VACATIONS:**  
 VACATION OF PORTION OF FIGOL AVENUE  
 FIGOL AVENUE AND THE EAST TERMINUS OF NORTOLK AVENUE, IN FIGOL ADDITION TO THE CITY OF FORT WAYNE, INDIANA.

**DESCRIPTION OF PROPOSED ZONE II PROJECTS:**  
 Lot Numbers 11, 12 and 13 together with the West 1/2 of the western side of the north-south alley, in the East Addition to the City of Fort Wayne, Indiana, except that portion of said lot 11 covered by the State of Indiana for highway purposes.

Also, Lot Numbers 14 and 15 together with the West 1/2 of the western side of the north-south alley, in the East Addition to the City of Fort Wayne, Indiana, except that portion of said lot 14 covered by the State of Indiana for highway purposes.

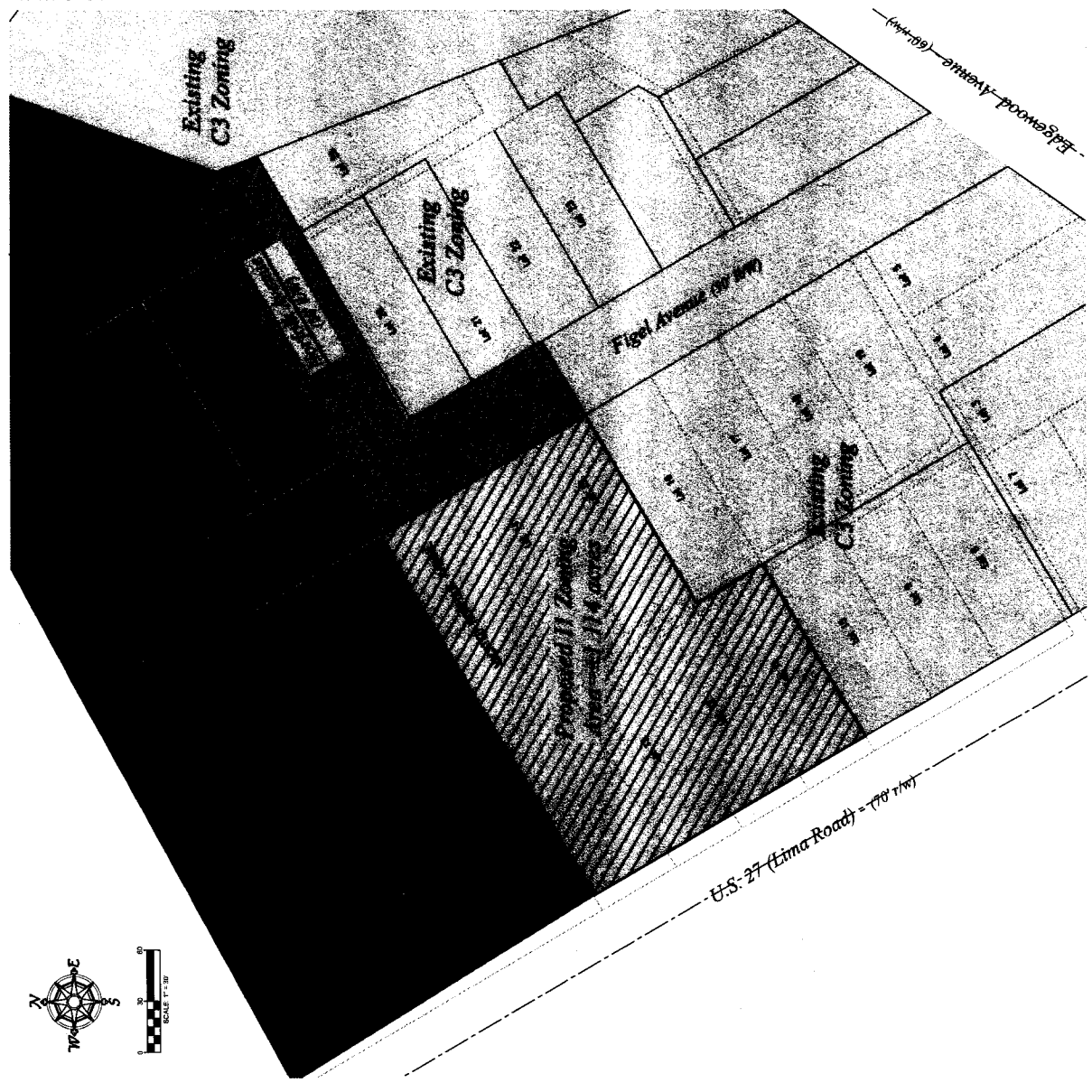
Also, the North 1/2 of Northolck Avenue that lies between the West right-of-way line of Figol Avenue and the East terminus of Northolck Avenue, in Figol Addition to the City of Fort Wayne, Indiana.

Also, the West 1/2 of Figol Avenue that lies between the North right-of-way line of Northolck Avenue and the East terminus of Figol Avenue, in Figol Addition to the City of Fort Wayne, Indiana.

Total area of Proposed Vacated R/W: 41,103.22 acres

- EXISTING ZONE I1
- EXISTING ZONE C3
- PROPOSED ZONE I1
- PROPOSED R/W VACATION

**RIGHT-OF-WAY VACATION & REZONING EXHIBIT**





**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-2017-0001  
Bill Number: G-17-01-26  
Council District: 3 – Tom Didier

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Introduction Date: January 24, 2017  
Public Hearing Date: February 14, 2017 (to be held by Council)  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

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Synopsis of Ordinance: To vacate a portion of the right-of way for Figel Avenue and Norfolk Avenue within Figel's Addition.

Location: North of 3332 Norfolk Avenue and East of 3328 Figel Avenue, all south of Prairie Farms Dairy at 3400 Lima Road.

Reason for Request: To expand the dairy operations.

Applicant: Prairie Farms Dairy, Inc.

Property Owner: Prairie Farms Dairy, Inc.

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Related Petitions: Primary Development Plan, Prairie Farms Dairy, Rezoning REZ-2017-0004

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Effect of Passage: Vacation of the roadways will allow the dairy to encroach into the area that was right-of-way and expand their operations.

Effect of Non-Passage: The ability to expand the operations to the south will be hindered.

# The Journal Gazette

Account # 1060008 - 1274490

Allen County, Indiana

**FW Common Council**

## 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 58

### COMPUTATION OF CHARGES

58 lines, 1 column(s) wide equals

58 equivalent lines at \$ 0.448 cents per line \$ 25.98

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 \$ 25.98

### DATA FOR COMPUTING COST

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

Number of Insertions . . . . 1

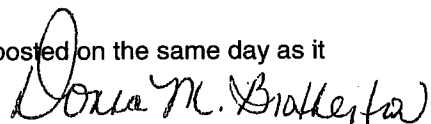
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

1/27/2017

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: January 27, 2017

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-17-01-26**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON FEBRUARY 14, 2017, AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: A portion of Figel Avenue and Norfolk Avenue within Figel's Addition, North of 3332 Norfolk Avenue and East of 3328 Figel Avenue, all south of Prairie Farms Dairy at 3400 Lima Road, (Section 26 of Washington Township)

LAND AREA: Approximately 0.29 acres proposed to be vacated.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, FEBRUARY 14, 2017.

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

1--27 1274490 hspaxlp



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1-27 1274490 hspaxlp

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Account # 1060008 - 1274490

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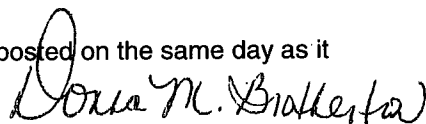
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LANA R. KEESLING  
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LANA R. KEESLING  
CITY CLERK

1--27 1274490 hspaxlp

**REPORT OF COMMITTEE ON REGULATIONS**

**May 9, 2017**

***John Crawford Chair***

***Michael Barranda Co-Chair***

***All Council Members***

An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

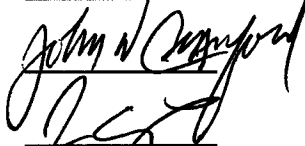
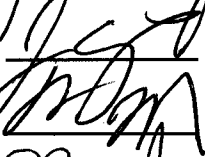
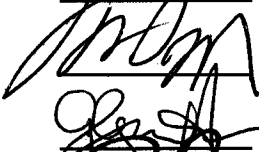

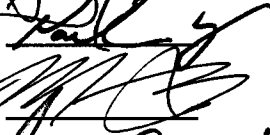

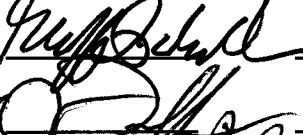
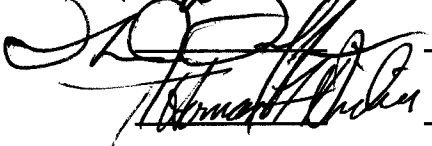
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: February 14, 2017

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

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

Read the third time in full and on motion by Councilman Crawford, 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 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: May 9, 2017

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-17-01-26 on the 9th day of May, 2017

ATTEST:

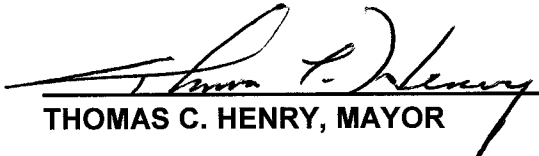
  
LANA R. KEESLING  
CITY CLERK

  
THOMAS C. HENRY  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of May 2017, at the hour of 10:30 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10<sup>TH</sup> day of MAY 2017, at the hour of 4:00 O'clock PM E.S.T.

  
THOMAS C. HENRY, MAYOR