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Tx: 4266670

VALY-2017-0002

2017020007

RECORDED: 04/19/2017 3:07:05 PM

BILL NO. G-17-03-18

Plat Book: 2A
Page No: 40

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 7-17

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

Beginning at the Northwest corner of Lot numbered 7 of Block 18 in Ewing Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 2, page 40 in the Office of the Recorder of Allen County, Indiana; thence North 3 degrees 53 minutes 53 seconds West, 14.00 feet to the Southwest corner of Lot numbered 6 in said Ewing Addition; thence North 86 degrees 07 minutes 12 seconds East along the South line of Lots 1 through 6, a distance of 305.22 feet to the Southwest corner of a tract of land conveyed to the City of Fort Wayne in document numbered 2014021718; thence South 9 degrees 40 minutes 39 seconds East, 14.07 feet to the North line of Lot numbered 12 in said addition also being the Northwest corner of a tract of land owned by the City of Fort Wayne as recorded in document numbered 2014026777 in the Office of the Recorder of Allen County; thence South 86 degrees 07 minutes 12 seconds West along the North line of Lots 7 through 12 in said Ewing Addition, 306.64 feet to the Point of Beginning, containing 4282.6 square feet more or less.

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.

John N. Crawford
COUNCILMEMBER

M/C
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APPROVED AS TO FORM AND LEGALITY:

Carol Helton

Carol T. Helton, City Attorney

City Att

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

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-way
Case Number: VALY-2017-0002
Bill Number: G-17-03-18
Council District: 5 – Geoff Paddock

Introduction Date: March 28, 2017
Public Hearing Date: April 11, 2017 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate the east-west, 14 foot wide alley located between lots 1 through 6 and 7 through 12 of Ewing's Addition to the City of Fort Wayne.

Location: Between West Main Street and West Berry Street, extending from Fairfield Avenue to Ewing Street, on the block north of the downtown Saint Francis campus.

Reason for Request: Approval of the alley vacation will allow improvements to the existing parking lot and allow better access to and from the St. Francis University downtown properties.

Applicant: University of St. Francis

Property Owner: University of St. Francis

Related Petitions: none

Effect of Passage: Vacation of the alley will allow more flexibility of site improvements and allow for better access.

Effect of Non-Passage: The alley will remain as platted and redevelopment capabilities of the project site may be limited. The site may still be used as a parking lot.

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:

That certian alley situated south of Lots 1 through 6 and north of Lots 7 through 12 in Block 18 in Ewing's Addition
to the City of Fort Wayne, Allen County, Indiana and bounded to the east by Ewing Street and to the west by
Fairfield Avenue.

(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: B2A **PAGE(S) NUMBER(S):** 40 (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:

The Applicant owns all of the real estate adjacent to the alley, which is currently used as a parking lot. The Applicant is requesting
to vacate the alley in order to facilitate better access to and from and more efficient use of its parking facilities.

(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:

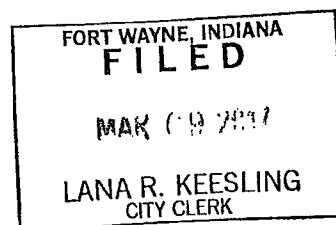
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

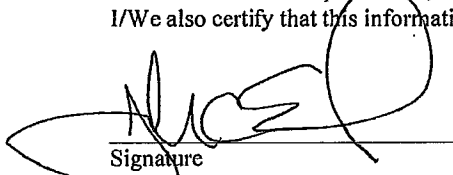
Name: University of Saint Francis of Fort Wayne, Indiana, Inc.

Street Address: 2701 Spring Street

City: Fort Wayne State: IN Zip: 46802 Phone: 399-7700 ext 6508



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.


Signature
2701 Spring Street
Address

Joshua C. Neal, attorney
Printed Name
March 3, 2017
Date
Fort Wayne, Indiana 46802
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 #: see clerk

Date Filed: 3/9/17

Map #: L-06

Reference #: VALY-2017-0002



Barrett McNagny

ATTORNEYS AT LAW

Joshua C. Neal
Direct (260) 423-8935
jcn@barrettlaw.com

March 8, 2017

Via Hand Delivery

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, IN 46802

Re: University of Saint Francis // Vacation Petition

Dear Michelle:

By way of follow up to our recent correspondence, I am enclosing herewith for filing with the City of Fort Wayne Common Council the following documents:

1. A Vacation Petition, which I have executed as the attorney for USF;
2. A check in the amount of Three Hundred and No/100 Dollars (\$300.00) made payable to the City of Fort Wayne to cover the filing fee for the requested vacation; and
3. One (1) survey, drawn to scale, prepared by Apex Consulting & Surveying, Inc. ("Apex") and showing the location of the subject right of way.

As we have previously discussed, we have secured all of the necessary easements from the utility providers that are maintaining improvements within the alley, copies of which have been provided to you. Moreover, and as you will recall, USF owns the lands that abut the subject right of way to the north and south. The lands to the east and west of the alley are public right of way comprising Fairfield and Ewing Streets. As such, the instant petition will not impact any other property owner. Given the location of the subject right of way entirely within USF's parking lot, the vacation will not hinder the growth or development of the surrounding neighborhood, nor will it hinder access to any adjacent street or neighborhood.



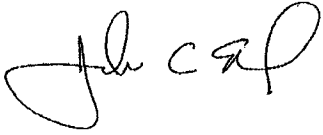
Michelle Wood
March 8, 2017
Page 2

It is my understanding that the vacation petition will be before the City Council on March 14th for introduction and will be scheduled for a public hearing on March 28th. If there is anything you need from me before then, please let me know.

Thank you in advance for your assistance in this matter.

Very truly yours,

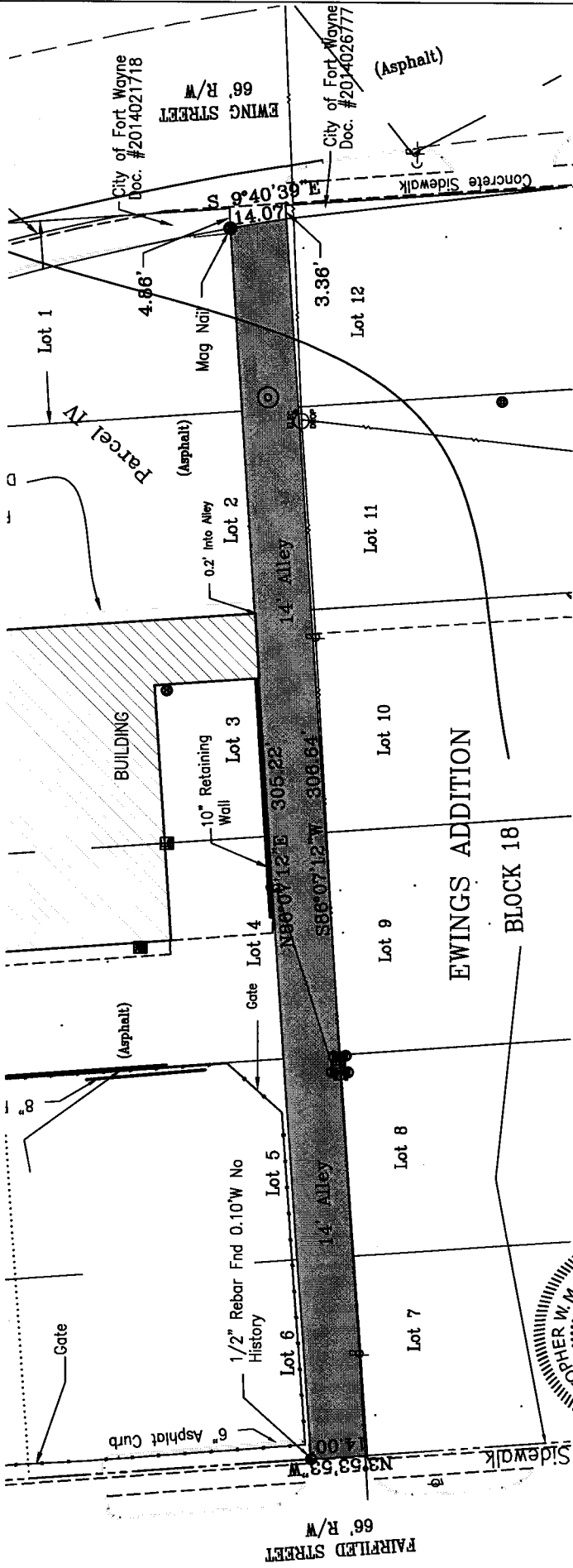
BARRETT McNAGNY LLP

A handwritten signature in black ink, appearing to read "J.C. Neal". The signature is written in a cursive, flowing style.

Joshua C. Neal

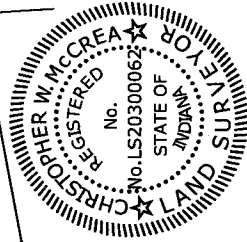
JCN:msj:1775433
Enclosures

VACATION OF 14' ALLEY PLAT



ALLEY DESCRIPTION

Beginning at the Northwest corner of Lot numbered 7 of Block 18 in Ewing Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 2, page 40 in the Office of the Recorder of Allen County, Indiana; thence North 3° 53' 53" West, 14.00 feet to the Southwest corner of Lot numbered 6 in said Ewing Addition; thence North 86° 07' 12" East along the south line of lots 1 through 6, a distance of 305.22 feet to the Southwest corner of a tract of Land conveyed to the City of Fort Wayne in document numbered 2014021718; thence South 9° 40' 39" East, 14.07 feet to the North line of Lot numbered 12 in said Addition also being Northwest corner of a tract of Land owned by the City of Fort Wayne as recorded in document numbered 2014026777 in the Office of the Recorder of Allen County; thence South 86° 07' 12" West along the north line of lots 7 through 12 in said Ewing Addition, 306.64 feet to the Point of Beginning, containing 4282.6 square feet more or less.



Christopher W. McCrea 6/3/15

Prepared by: **JOHN KIMPEL & ASSOCIATES, INC.**
 1019 MARINERS DRIVE - SUITE B
 WARSAW, INDIANA 46582

University of Saint Francis of Fort Wayne, Indiana, Inc.



Vacation Petition VALY-2015-0019



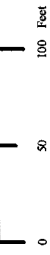
Project boundaries represented by bold colored lines are for representational purposes only.

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



1 inch = 100 feet



Date: 4/23/2015

04/19/2017 3:07:04 PM

VALUED CUSTOMER

0.00

SUEN

TRANSACTION # 4266670

201702006	ORDINANCE	0.00
201702007	ORDINANCE	0.00

RECORDING FEES: 0.00

TOTAL: 0.00

CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

The Journal Gazette

Account # 1060008 - 1282212

Allen County, Indiana

FW Common Council

ATTACH COPY OF ADVERTISEMENT HERE

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:

3/31/2017

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: March 31, 2017

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

ORDINANCE NO. G-17-03-18

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON APRIL 11, 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: The east-west, 14 foot wide alley between W Main St and W Berry St, extending from Fairfield Ave to Ewing St on the block north of the downtown University of Saint Francis Campus (Parking Lot)

LAND AREA: Approximately 4282.6 square feet 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, APRIL 11, 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

3-31

1282212 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1282212
FW Common Council

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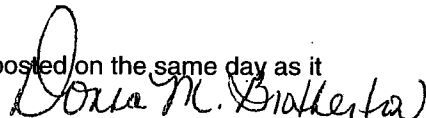
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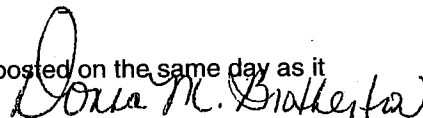
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LANA R. KEESLING
CITY CLERK

3--31 1282212 hspaxlp

REPORT OF COMMITTEE ON REGULATIONS

April 11, 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

Vacating the east-west, 14 foot wide alley between W Main St and W Berry St, extending from Fairfield Ave to Ewing St on the block north of the downtown University of Saint Francis Campus (Parking Lot)

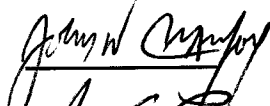
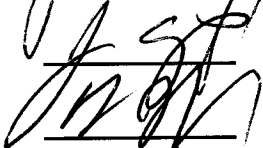
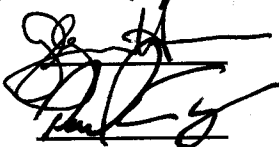
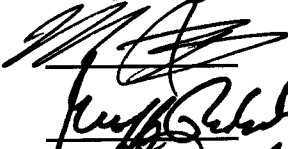

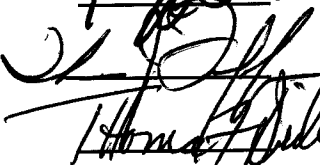
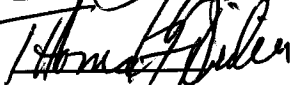
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

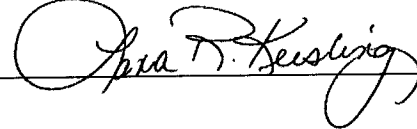
ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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LANA R. KEESLING

CITY CLERK



Public Hearing Date: April 11, 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: April 11, 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-17-03-18 on the 11th day of April, 2017

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of April 2017, at the hour of 10:00 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 12th day of APRIL 2017, at the hour of 2:00 O'clock PM E.S.T.


THOMAS C. HENRY, MAYOR