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VROW-2017-0004

2017031350

RECORDED: 06/21/2017 8:45:01 AM

BILL NO. G-17-05-28

ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 15-17

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:

A 50 foot wide strip of right-of-way in White's Fourth Addition to the City of Fort Wayne, per plat thereof, as recorded October 18, 1873 in Deed Record 60, page 476, in the Office of the Recorder of Allen County, State of Indiana, as depicted on the attached Easement Plat labeled Exhibit "B", and described as follows:

Commencing at a 5/8 inch diameter rebar with "Trav Pt GAI 0007" identification cap marking a deflection point in "Line S" and being shown as Survey Reference Point "44" on a Location Control Route Survey plat by GAI Consultants, Inc., dated 02/26/2016 and recorded as Document Number 2016012723 in the Office of the Recorder of Allen County, Indiana (said Location Control Route Survey plat being the basis of bearings for this description); thence North 29 degrees 41 minutes 04 seconds East 166.84 feet, along said "Line S"; thence North 60 degrees 18 minutes 56 seconds West 26.58 feet, to the Southernmost corner of Lot 159 in said White's Fourth Addition, being on the Northwesterly right-of-way line of Glasgow Avenue; thence North 27 degrees 09 minutes 28 seconds East 305.00 feet, along said Northwesterly right-of-way line, to the Point of Beginning; thence continuing North 27 degrees 09 minutes 27 seconds East 575.00 feet, along said Northwesterly right-of-way line, to the Southerly line of the Maumee River; thence North 86 degrees 11 minutes 38 seconds East 58.31 feet, along said Southerly line of the Maumee River, to the Southeasterly right-of-way line of said Glasgow Avenue; thence South 27 degrees 09 minutes 28 seconds West 605.00 feet, along said Southeasterly right-of-way line; thence North 62 degrees 50 minutes 32 seconds West 50.00 feet, to the Point of Beginning, containing 29,500 square feet (0.677 acres), more or less.

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

JUN 20 2017

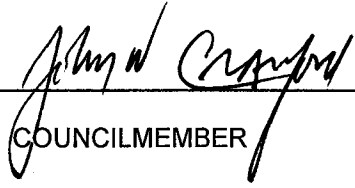
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*[Handwritten signature]*

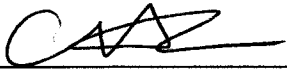
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and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

**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-2017-0004  
Bill Number: G-17-05-28  
Council District: 5 – Geoff Paddock

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Introduction Date: May 23, 2017  
Public Hearing Date: June 13, 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 the northern 600 feet of right-of way of Glasgow Avenue (approximate).

Location: Beginning approximately 190 feet north of Dwenger Avenue and extending north approximately 600 feet to the south bank of the Maumee River.

Reason for Request: To allow Fort Wayne City Utilities to secure property owned by the City at the Water Pollution Control Plant.

Applicant: City of Fort Wayne

Property Owner: City of Fort Wayne

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Related Petitions: none

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Effect of Passage: Vacation of the northern portion of Glasgow Avenue will allow the City to install secure fencing for the Water Pollution Control property.

Effect of Non-Passage: The northern portion of Glasgow Avenue currently splits properties owned by the City. It would be difficult to secure the site with the right-of-way intact. No other properties are accessed from this area of roadway.

# 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:

Glasgow Avenue north of N62°50'32" W  
to the Maumee River including all of  
the right of way on either side of the  
street.

(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: 60 PAGE(S) NUMBER(S): 476 (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:

Fort Wayne owns property on both sides of  
the street. Vacation of the area will allow  
Fort Wayne City Utilities to secure the site  
at the water Pollution Control Plant.

(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:

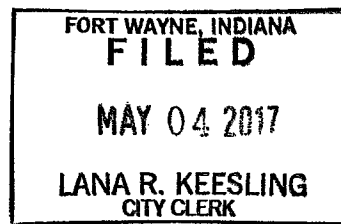
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne

Street Address: 200 E Berry, Suite 250

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-2740



*district 5*  
*Geoff Paddock*

*Adams 6 Pole*

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.

T.J. Short                      T.J. Short                      05/04/2017  
Signature                              Printed Name                              Date  
Fort Wayne City Utilities  
200 E Berry St., Suite 250                      Fort Wayne, IN 46802  
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 #: \_\_\_\_\_ Reference #: VR0W-2017-0004

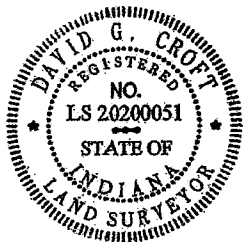
**EXHIBIT "A"**

GAI Project No.: D170070.02  
Three Rivers Protection and Overflow Reduction Tunnel – Working Shaft Site  
Glasgow right-of-way vacation

A 50 foot wide strip of right-of-way in White's Fourth Addition to the City of Fort Wayne, per plat thereof, as recorded October 18, 1873 in Deed Record 60, page 476, in the Office of the Recorder of Allen County, State of Indiana, as depicted on the attached Easement Plat labeled Exhibit "B", and described as follows:

**COMMENCING** at a 5/8 inch diameter rebar with "Trav Pt GAI 0007" identification cap marking a deflection point in "Line S" and being shown as Survey Reference Point "44" on a Location Control Route Survey plat by GAI Consultants, Inc., dated 02/26/2016 and recorded as Document Number 2016012723 in the Office of the Recorder of Allen County, Indiana (said Location Control Route Survey plat being the basis of bearings for this description); thence North 29 degrees 41 minutes 04 seconds East 166.84 feet, along said "Line S"; thence North 60 degrees 18 minutes 56 seconds West 26.58 feet, to the Southernmost corner of Lot 159 in said White's Forth Addition, being on the Northwesterly right-of-way line of Glasgow Avenue; thence North 27 degrees 09 minutes 28 seconds East 305.00 feet, along said Northwesterly right-of-way line, to the **POINT OF BEGINNING**; thence continuing North 27 degrees 09 minutes 27 seconds East 575.00 feet, along said Northwesterly right-of-way line, to the Southerly line of the Maumee River; thence North 86 degrees 11 minutes 38 seconds East 58.31 feet, along said Southerly line of the Maumee River, to the Southeasterly right-of-way line of said Glasgow Avenue; thence South 27 degrees 09 minutes 28 seconds West 605.00 feet, along said Southeasterly right-of-way line; thence North 62 degrees 50 minutes 32 seconds West 50.00 feet, to the **point of beginning**, containing 29,500 square feet (0.677 acres), more or less.

This description was prepared for the City of Fort Wayne by David G. Croft, Indiana Registered Land Surveyor #20200051, on the 3<sup>rd</sup> day of May, 2017.



A handwritten signature in black ink that reads "David G. Croft".

David G. Croft

R/W VACATION PLAT


200 East Berry Street, Suite 250  
 Fort Wayne, IN 46802  
 Phone: (260) 427-5066 Fax: (260) 427-5738

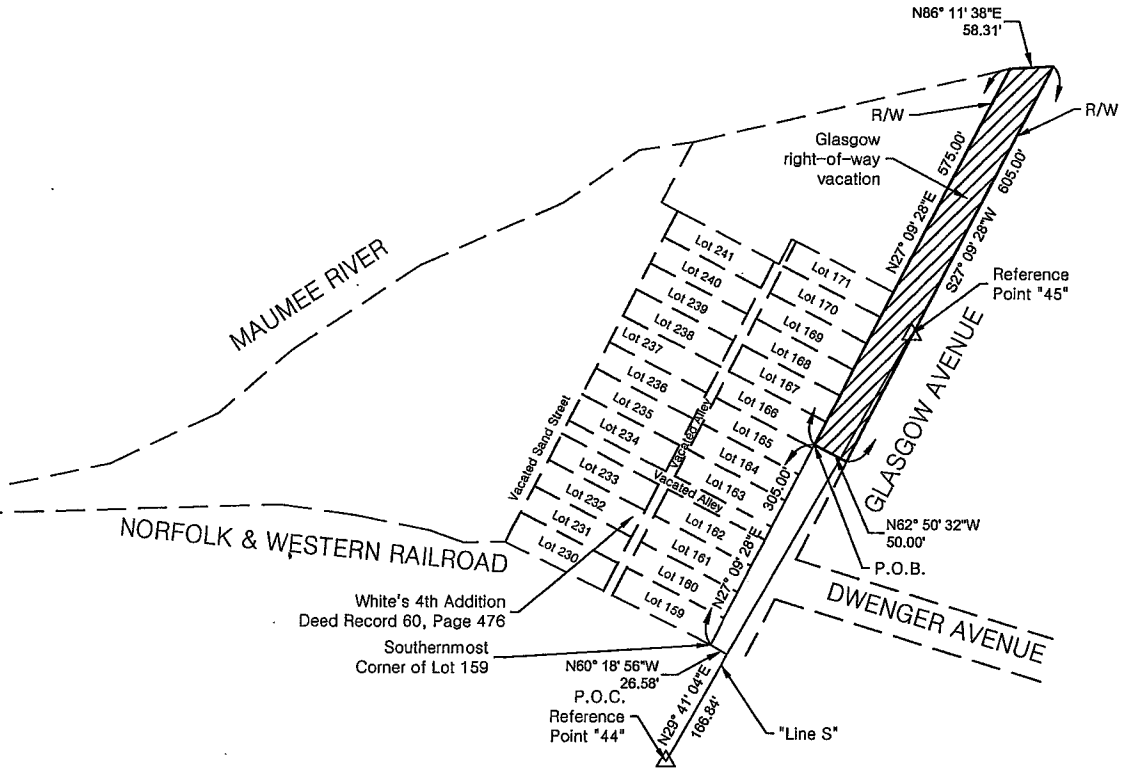


PREPARED FOR:  
 FORT WAYNE CITY UTILITIES  
 ENGINEERING DEPARTMENT

EXHIBIT B

WAYNE TOWNSHIP  
 County: Allen Section 6  
 T. 30 N., R. 13 E.

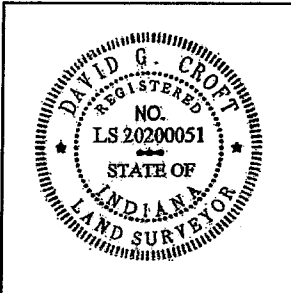
VACATED R/W  
  
 29,500 S.F.



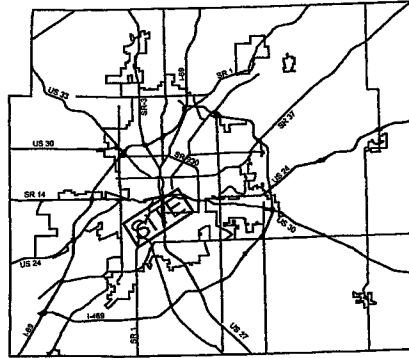
NOTE: See Location Control Route Survey Recorded as Document Number 201601273 For Information on Reference Points "44" & "45".

P.O.C.: Point of Commencement  
 P.O.B.: Point of Beginning

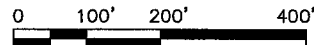
VACATED R/W LEGAL DESCRIPTION:  
 SEE EXHIBIT A



Property Address:  
 800 Glasgow Avenue  
 Fort Wayne, IN 46803



Location Map  
 Not to Scale



To the best of my knowledge and belief this plat, together with the "Location Control Route Survey" recorded as Document Number 2016012723, in the Office of the Recorder of Allen County, Indiana, comprise a Route Survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 25.

*David G. Croft*  
 David G. Croft

5-03-2017

Indiana Registered Land Surveyor No. 20200051

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."

**gai consultants**  
 1502 Magnavox Way  
 Fort Wayne, Indiana 46804  
 Tel: (260)969-8800 Fax: (260)969-8888  
 www.gaicconsultants.com



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  
Digit: 5/12/2017

**REPORT OF COMMITTEE ON REGULATIONS**

**June 13, 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

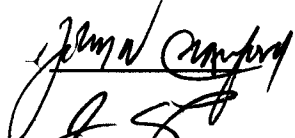
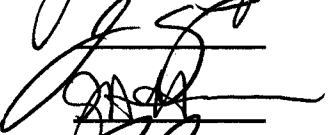

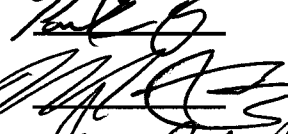
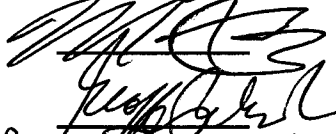
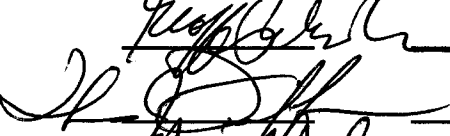
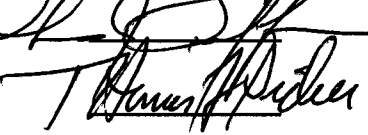
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

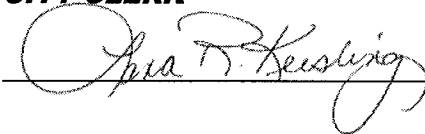
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: June 13, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: June 13, 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-17-05-28 on the 13th day of June, 2017

ATTEST:

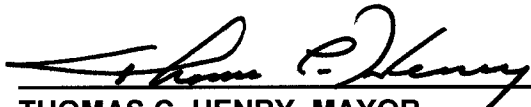
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

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

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of June 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 16<sup>TH</sup> day of June 2017, at the hour of 12:30 O'clock PM . E.S.T.

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