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Tx:4337288

1 VROW-2017-0007

2018049431

2 BILL NO. G-17-11-01 (as amended)

RECORDED: 09/25/2018 9:53:02 AM

ANITA MATHER

ALLEN COUNTY RECORDER

3 GENERAL ORDINANCE NO. G- 22-18 FORT WAYNE, IN

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

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

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

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

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

16 Part of Liberty Gardens Addition to the City of Fort Wayne as recorded in Plat Book 8, page 61 in
17 the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

18 Commencing at a 5/8-inch diameter iron pin marking the Southeast corner of Lot 23 in Liberty
19 Gardens Addition to the City of Fort Wayne as recorded in Plat Book 8, page 61 in the Office
20 of the Recorder of Allen County, Indiana; thence North 33 degrees 43 minutes 51 seconds West
21 (recorded bearing and basis for this description) along the East line of Lot Number 23 a
22 distance of 176.5 feet to a 5/8-inch diameter iron pin at the Northeast corner of Lot 23, said
23 point being the Point of Beginning; thence South 71 degrees 25 minutes 06 seconds West
24 along the North line of Lot 23 a distance of 68.66 feet (67.0 feet, plat) to a 5/8-inch diameter
25 iron pin located on the East right of way line of Bluffton Road (formerly Indiana State
26 Highway #1 and #3), said point being 50 feet perpendicular to the centerline of Bluffton Road;
27 thence Northeasterly along a line parallel to the centerline of Bluffton Road, on a curve to the
28 right having a radius of 3769.72 feet, a chord bearing of North 11 degrees 18 minutes 38
29 seconds East, and an arc distance of 53.0 feet to a 5/8-inch diameter iron pin, thence North 78
30 degrees 43 minutes 40 seconds East a distance of 31.13 feet to a point on the Westerly right of
way line of Liberty Drive extended Northerly; thence South 33 degrees 43 minutes 51 seconds
East along the Westerly right of way line of Liberty Drive extended a distance of 43.5 feet to the
point of beginning, containing 0.052 acres.

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

ALLEN COUNTY RECORDER
RECORDED IN THE OFFICE OF THE
RECORDER OF ALLEN COUNTY, INDIANA

SEP 25 2018

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M/C

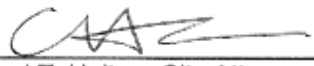
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any and all necessary approval by the Mayor.



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

| | | |
|-----------------------------|--|----------------------------------|
| VROW 2017 0007 | Bill #G-17-11-01 | Project Start: 14 November, 2017 |
| APPLICANT: | Suman Patel | |
| REQUEST: | To vacate road right-of-way at the intersection of Bluffton Road and Liberty Drive. | |
| LOCATION: | Within the plat of Liberty Gardens addition, also known as 6511 Bluffton Road (Section 27 of Wayne Township) | |
| COUNCIL DISTRICT: | District 4 – Jason Arp | |
| LAND AREA: | 0.064 acres | |
| PUBLIC HEARING DATE: | November 28, 2017 (to be held by City Council) | |
| NEXT COUNCIL ACTION: | Petition will return to Council for action following responses from utility agencies. | |

PROJECT SUMMARY (updated 9/5/18)

The petitioner is the owner of 6511 Bluffton Road, which is also the location of the Fair Oak Motel. There is a triangular shaped portion of right-of-way at the intersection of Liberty Drive and Bluffton Road. This area is currently in grass and contains a fence. The adjacent property owner has maintained this portion of right-of-way over the years and would like to vacate it to add to his property for the hotel. Requests were sent to all appropriate utility agencies for their response. The only response that needs attention is related to the northern portion of the area to be vacated. Transportation and City planning comments require that the “point” be pulled back about 40 feet to accommodate the new trail and possible future improvements. A new legal description has been completed and the petition can be approved based on agency approvals.

| | |
|-----------------------------|--|
| City Plan: | Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded. |
| Traffic Engineering: | Approved with legal revision. |
| Water Engineering: | Approved |
| WPC Engineering – Sanitary: | Approved |
| City Parks Department: | Approved |
| Fire Department: | Approved |
| Land Acquisition Agent: | Approved with legal revision. |
| Frontier: | Approved |
| Comcast Cable: | No comments |
| AEP: | Approved |
| NIPSCO: | Approved |

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VROW-2017-0007

Bill No. G-17-11-01

Right-of-Way Vacation – Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

021227301001000074
6511 Bluffton Road

021227302002000074
6441 Bluffton Road

021227302003000074
6507 Liberty Drive

021228429010000074
6510 Bluffton Road

021228429008000074
6502 Bluffton Road

Property Owner of Record:

Suman C. Patel
6511 Bluffton Road
Fort Wayne, IN 46809

American Way, LLC
PO Box 680
New Haven, IN 46774

American Way, LLC
PO Box 680
New Haven, IN 46774

Jeffrey T. Hey
6510 Bluffton Road
Fort Wayne, IN 46809

JAG Investments, LLC
6502 Bluffton Road
Fort Wayne, IN 46809

DPS Staff notified the following by Email as a Courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership
Waynedale Business Chamber

1 VROW-2017-0007

2 BILL NO. G-17-11-01 (as amended)

3
4 GENERAL ORDINANCE NO. G-_____

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 Liberty Gardens Addition to the City of Fort Wayne as recorded in Plat Book 8, page 61 in
18 the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

19 Commencing at a 5/8-inch diameter iron pin marking the Southeast corner of Lot 23 in Liberty
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21 of the Recorder of Allen County, Indiana; thence North 33 degrees 43 minutes 51 seconds West
22 (recorded bearing and basis for this description) along the East line of Lot Number 23 a
23 distance of 176.5 feet to a 5/8-inch diameter iron pin at the Northeast corner of Lot 23, said
24 point being the Point of Beginning; thence South 71 degrees 25 minutes 06 seconds West
25 along the North line of Lot 23 a distance of 68.66 feet (67.0 feet, plat) to a 5/8-inch diameter
26 iron pin located on the East right of way line of Bluffton Road (formerly Indiana State
27 Highway #1 and #3), said point being 50 feet perpendicular to the centerline of Bluffton Road;
28 thence Northeasterly along a line parallel to the centerline of Bluffton Road, on a curve to the
29 right having a radius of 3769.72 feet, a chord bearing of North 11 degrees 18 minutes 38
30 seconds East, and an arc distance of 53.0 feet to a 5/8-inch diameter iron pin, thence North 78
degrees 43 minutes 40 seconds East a distance of 31.13 feet to a point on the Westerly right of
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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.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2017-0007
Bill Number: G-17-11-01
Council District: 4-Jason Arp

Introduction Date: November 14, 2017
Public Hearing Date: November 28, 2017 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate road right-of-way at the intersection of Bluffton Road and Liberty Drive.

Location: At the point of intersection of Bluffton Road and Liberty Drive, within the plat of Liberty Gardens Addition to the City of Fort Wayne; also known as 6511 Bluffton Road.

Reason for Request: The excess right-of-way is unimproved and has been maintained by the adjacent property owner.

Applicant: Suman Patel

Property Owner: Suman Patel

Related Petitions: none

Effect of Passage: If approved, the platted right-of-way will revert to the adjacent property owner for maintenance.

Effect of Non-Passage: The right-of-way will remain as platted.

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite #122 / City-County Building / One Main Street / Fort Wayne, Indiana 46802-4871 / 317.427.1221

I/We do hereby petition to vacate the following:

Easement Public Right of Way (street or alley)

More particularly described as follows:

the corner of Bluffton RD and Liberty dr

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

Liberty Gardens Add. Plat Book B Page 61
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:

We have been taking care of the property for the past 15 years we would like to acquire the area to build a new garage in the future.

(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:

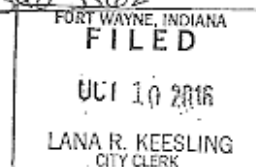
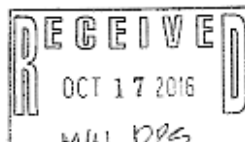
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Suman C. Patel

Street Address: 851 Bluffton RD

City: Fort Wayne State: IN Zip: 46809 Phone: (260) 348-3502



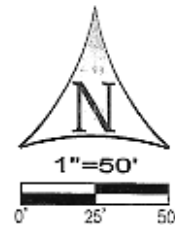
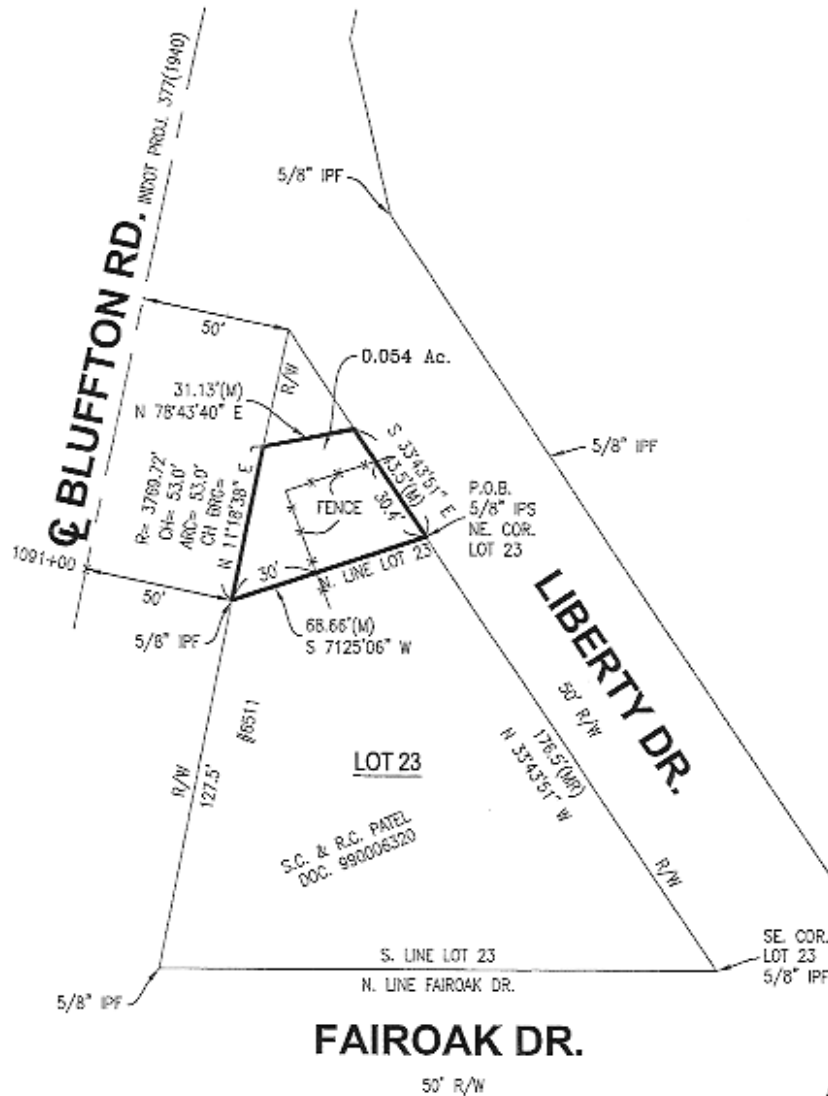
PLAT OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
 KENNETH W. HARRIS PLS 29500021 IN
 MICHAEL W. HARRIS PLS 21100018 IN

DONOVAN ENGINEERING, INC.
 3521 LAKE AVENUE, SUITE 2
 FORT WAYNE, INDIANA 46805
 260.424.7418
 www.donovan-eng.com

JOHN R. DONOVAN PE, PLS (RETIRED)

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET



Job No.: 17-1174
 Job for: PATEL

Date: 3-16-17
 Rev: 11-22-17
 Rev: 8-30-18

LEGEND

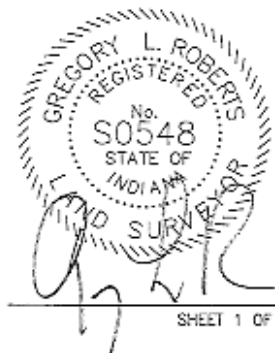
- IPF Iron Pin (Rebar) Found
 - PF Pipe Found
 - RRF Railroad Spike Found
 - PKF P.K. Nail Found
 - MNF Mag Nail Found
 - MNS Mag Nail Set
 - IPS 5/8" rebar set w/cap stamped "DI IBM #0027"
- (M) Measured (P) Platted
 (R) Recorded (C) Calculated

Date of latest field work: 3-10-17

AutoCAD/Lot Survey/23 Liberty Garden, 0.054 Ac, Liberty Dr.dwg, 202018 1:50:59 PM

All monuments are at grade except as noted.
 All Property line distances are recorded
 dimensions, except as noted. Monuments found
 have no documented history except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in B65 IAC 1-12.



PLAT OF SURVEY

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Job No.: 17-1174
Job for: PATEL

Date: 3-16-17
Rev: 11-22-17
Rev: 8-30-18

LEGEND

| | |
|-----|--|
| IPF | Iron Pin (Rebar) Found |
| PF | Pipe Found |
| RRF | Railroad Spike Found |
| PKF | P.K. Nail Found |
| MNF | Mag Nail Found |
| MNS | Mag Nail Set |
| IPS | 5/8" rebar set w/cap stamped "DE FIRM #0027" |
| | (M) Measured (P) Platted |
| | (R) Recorded (C) Calculated |

All monuments are at grade except as noted.
All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

Date of latest field work: 3-10-17

AutoCAD/Geo Survey/23 Liberty Gardens, 0.054 Ac, Liberty Drive,
3/20/17 1:51:44 PM

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 IC 1-12.





Drive Smart - Drive Safe
Kyle Winling, CPII
Traffic Engineering Department - City of Fort Wayne
Kyle.Winling@cityoffortwayne.org
260-427-2781

1 VROW-2017-0007

2 BILL NO. G-17-11-01

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27 Highway #1 and #3), said point being 50 feet perpendicular to the centerline of Bluffton Road;
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degrees 43 minutes 51 seconds East along the Westerly right of way of Liberty Drive extended
a distance of 83.42 feet to the point of beginning, containing 0.064 acres.

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,

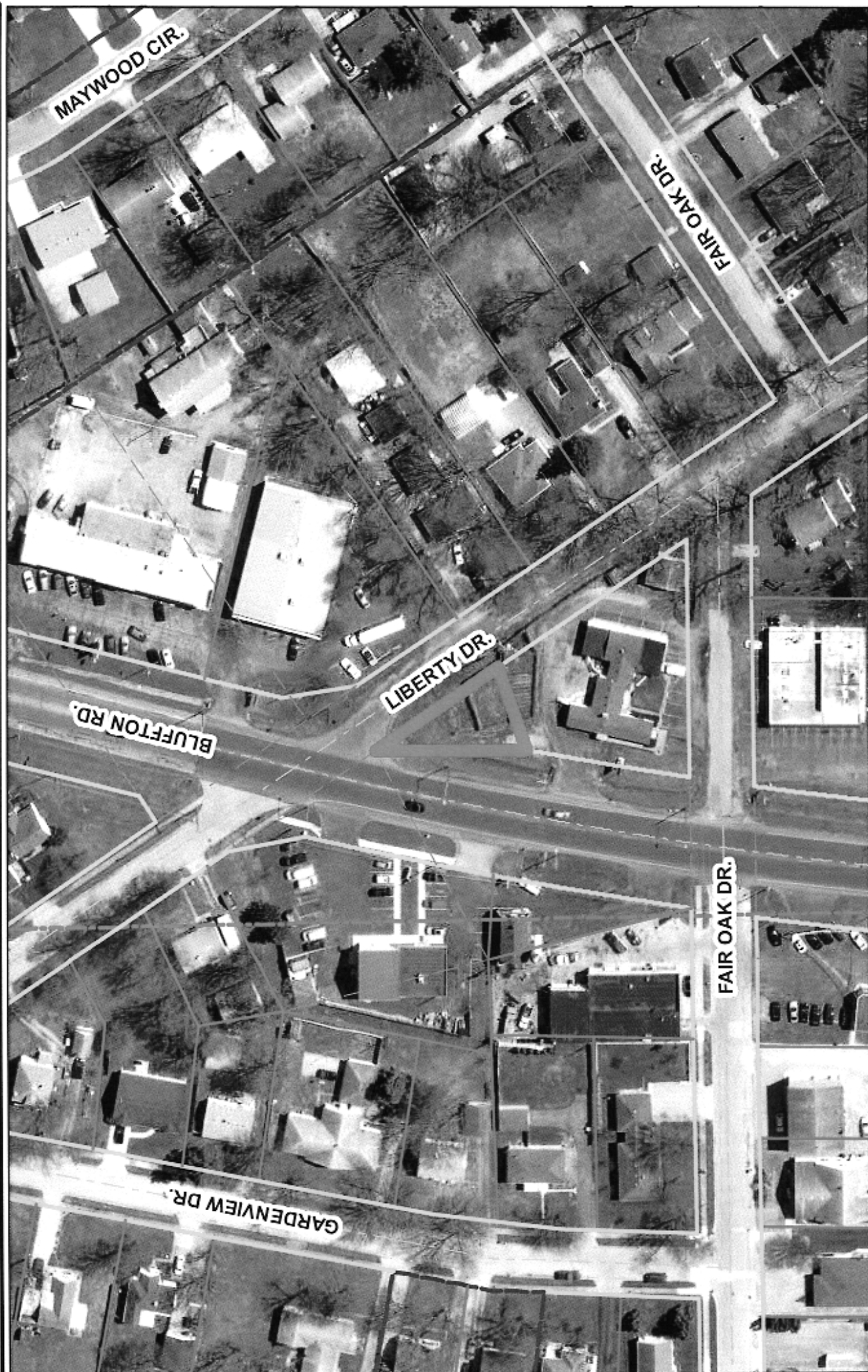
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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney



Areas depicted with bold lines are for representational purposes only.

Although every effort has been made to ensure the accuracy of the information contained herein, the County does not warrant or guarantee the accuracy of the information, resulting from any error or omission in the map. © 2014 Board of Commissioners of the County of Santa Clara. North American Datum, 1983. Base Image Courtesy: GeoEye, Inc. Spring 2010. File: 10312017



1 inch = 100 feet
0 50 100 Feet

CITY OF FORT WAYNE

Vacation Petition

City Clerk/Room #102/City-County Building/100 East Park Street, Fort Wayne, IN 46802-4871/260.427.1221

I/We do hereby petition to vacate the following:

Basement Public Right of Way (street or alley)

More particularly described as follows:

the corner of Bluffton Rd and Liberty dr

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

Liberty Gardens Add. Plat Book B Page 61
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:

We have been taking care of the property for the past 15 years we would like to acquire the area to build a well safely in the future.

(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: Suman C. Patel

Street Address: 851 Bluffton RD

City: Fort Wayne State: IN Zip: 46809 Phone: (260) 348-3562

RECEIVED
OCT 17 2016
MHI DRS

FORT WAYNE, INDIANA
FILED
OCT 10 2016
LANA R. KEESLING
CITY CLERK

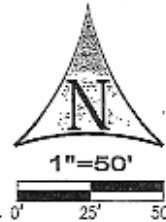
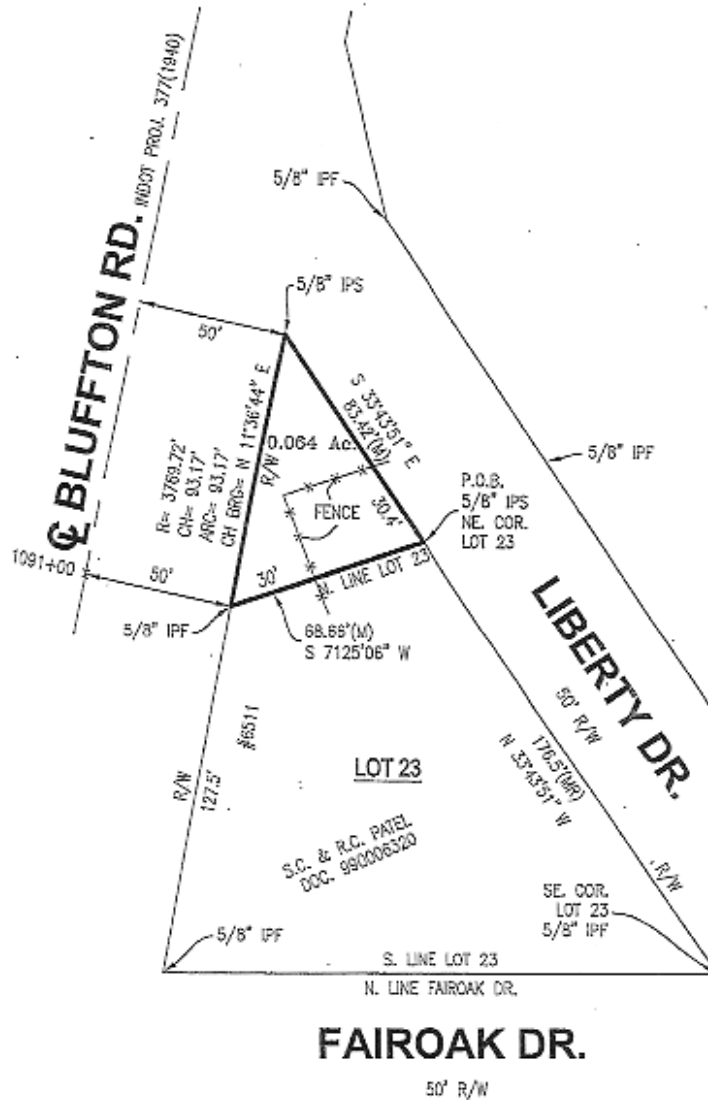
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Job No.: 17-1174
 Job for: PATEL

Date: 3-16-17

LEGEND

- IPF Iron Pin (Rebar) Found
 - PF Pipe Found
 - RRF Railroad Spike Found
 - PKF P.K. Nail Found
 - MNF Mag Nail Found
 - MNS Mag Nail Set
 - IPS 5/8" rebar set w/cap stamped "DE FIRM #0027"
- (M) Measured (P) Platted
 (R) Recorded (C) Calculated

Date of latest field work: 3-10-17

Li AutoCAD (Lot Survey) 23 Liberty Gardens, 0.064 Ac, Liberty Dr., 3/21/2017 9:24:47 AM

All monuments are at grade except as noted.
 All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 885 IAC 1-12.

GREGORY L. ROBERTS
 REGISTERED
 No. S0548
 STATE OF INDIANA
 LAND SURVEYOR
 SHEET 1 OF 3

LAT OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 29500021 IN
MICHAEL W. HARRIS PLS 21100018 IN

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Job for: PATEL

Date: 3-16-17

LEGEND

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PF Pipe Found
RRF Railroad Spike Found
PKF P.K. Nail Found
MNF Mag Nail Found
MNS Mag Nail Set
IPS 5/8" rebor set w/cap stamped "D&E FIRM #0027"

(M) Measured (P) Platted
(R) Recorded (C) Calculated

All monuments are at grade except as noted.
All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

Date of latest field work: 3-10-17

I:\AutoCAD\Lot Surveys\23 Liberty Gardens, 0.064 Ac. Liberty Drive.dwg
3/16/2017 11:43:03 AM

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 885 IAC 1-12.



SHEET 2 OF 3

**RIGHT OF WAY VACATION – PUBLIC HEARING
DISCUSSION AND PASSAGE
Department of Planning Services**

| | | |
|-----------------------------|--|---|
| VROW 2017 0007 | Bill #G-17-11-01 | Project Start: 14 November, 2017 |
| APPLICANT: | Suman Patel | |
| REQUEST: | To vacate road right-of-way at the intersection of Bluffton Road and Liberty Drive. | |
| LOCATION: | Within the plat of Liberty Gardens addition, also known as 6511 Bluffton Road (Section 27 of Wayne Township) | |
| COUNCIL DISTRICT: | District 4 – Jason Arp | |
| LAND AREA: | 0.064 acres | |
| PUBLIC HEARING DATE: | November 28, 2017 (to be held by City Council) | |
| NEXT COUNCIL ACTION: | Petition will return to Council for action following responses from utility agencies. | |

PROJECT SUMMARY (11/21/17)

The petitioner is the owner of 6511 Bluffton Road, which is also the location of the Fair Oak Motel. There is a triangular shaped portion of right-of-way at the intersection of Liberty Drive and Bluffton Road. This area is currently in grass and contains a fence. The adjacent property owner has maintained this portion of right-of-way over the years and would like to vacate it to add to his property for the hotel. Requests were sent to all appropriate utility agencies for their response. The only response that needs attention is related to the northern portion of the area to be vacated. Transportation and City planning comments require that the “point” be pulled back about 40 feet to accommodate the new trail and possible future improvements. Staff has alerted the applicant and a revised legal description is being created. The petition should not be approved until this revision is made.

| | |
|-----------------------------|--|
| City Plan: | Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded. |
| Traffic Engineering: | Not approved as drawn. Move northern point 40 feet to south to allow for improvements. |
| Water Engineering: | Approved |
| WPC Engineering – Sanitary: | Approved |
| City Parks Department: | Approved |
| Fire Department: | Approved |
| Land Acquisition Agent: | Not approved. See transportation comments. |
| Frontier: | Approved |
| Comcast Cable: | No comments |
| AEP: | Approved |
| NIPSCO: | Approved |

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VROW-2017-0007

Bill No. G-17-11-01

Right-of-Way Vacation – Notifications

The Clerk's Office placed legal notification in the Fort Wayne Newspapers.

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

021227301001000074

6511 Bluffton Road

021227302002000074

6441 Bluffton Road

021227302003000074

6507 Liberty Drive

021228429010000074

6510 Bluffton Road

021228429008000074

6502 Bluffton Road

Property Owner of Record:

Suman C. Patel

6511 Bluffton Road

Fort Wayne, IN 46809

American Way, LLC

PO Box 680

New Haven, IN 46774

American Way, LLC

PO Box 680

New Haven, IN 46774

Jeffrey T. Hey

6510 Bluffton Road

Fort Wayne, IN 46809

JAG Investments, LLC

6502 Bluffton Road

Fort Wayne, IN 46809

DPS Staff notified the following by Email as a Courtesy:

Community Liaison, Palermo Galindo

Southwest Area Partnership

Waynedale Business Chamber

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: November 9, 2017

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday November 28, 2017 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VROW-2017-0007
BILL NO: G-17-11-01
APPLICANT: Suman C. Patel
REQUEST: To vacate road right-of-way at the intersection of Bluffton Road and Liberty Drive.
LOCATION: At the point of intersection of Bluffton Road and Liberty Drive, within the plat of Liberty Gardens Addition, also known as 6511 Bluffton Road. (Section 27 of Wayne Township)
LAND AREA: 0.064 acres

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. November 28, 2017. You may also email comments to michelle.wood@allencounty.us.

Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite #122 / City-County Building / 500 West Park Street / Fort Wayne, IN 46801-4221 / 317.427.1221

I/We do hereby petition to vacate the following:

Easement Public Right of Way (street or alley)

More particularly described as follows:

the corner of bluffton rd and liberty dr

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

Liberty Gardens Add. Plat Book B Page 61
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:

We have been taking care of the property for the past 15 years we would like to acquire the area to build a new school in the future.

(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: Suman C. Patel

Street Address: 651 Bluffton RD

City: Fort Wayne State: IN Zip: 46809 Phone: (260) 348-3572

RECEIVED
OCT 17 2016
MAIL ROOM

FORT WAYNE, INDIANA
FILED
OCT 10 2016
LANA R. KEESLING
CITY CLERK

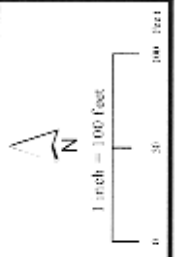


Vacation Petition VROW-2017-0007



Although great care was taken in the preparation of this map, the City of Allen is not responsible for any errors or omissions. The accuracy of the information contained herein and the liability for any errors or omissions is the responsibility of the user. This map is not to be used for any other purpose without the express written consent of the City of Allen. © 2017 City of Allen, Texas. All rights reserved. State of Texas, County of Collin, Texas. Printed on Recycled Paper. 10/17/17

Areas depicted with bold lines are for representational purposes only.



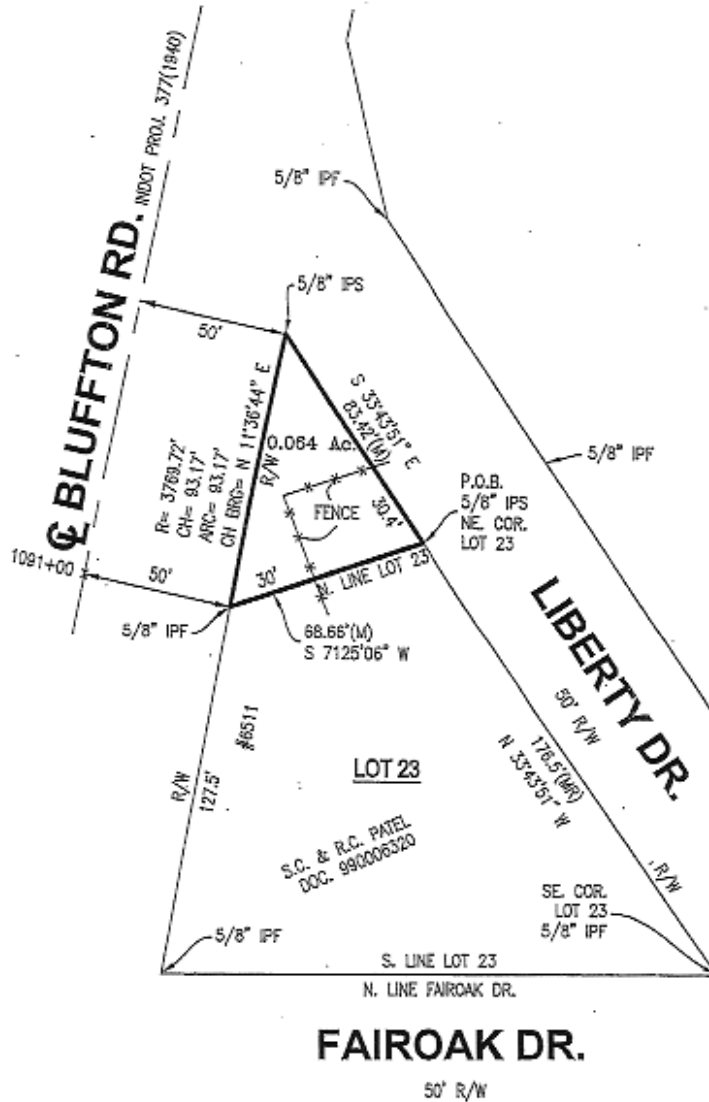
LAT OF SURVE

GREGORY L. ROBERTS PLS S0548 IN
 KENNETH W. HARRIS PLS 29500021 IN
 MICHAEL W. HARRIS PLS 21100018 IN

DONOVAN ENGINEERING, INC.
 3521 LAKE AVENUE, SUITE 2
 FORT WAYNE, INDIANA 46805
 260.424.7418
 www.donovan-eng.com

JOHN R. DONOVAN PE, PLS (RETIRED)

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET



Job No.: 17-1174
 Job for: PATEL

Date: 3-16-17

LEGEND

- IPF Iron Pin (Rebar) Found
- PF Pipe Found
- RRF Railroad Spike Found
- PKF P.K. Nail Found
- MNF Mag Nail Found
- MNS Mag Nail Set
- IPS 5/8" rebar set w/ cap stamped "DE FIRM #0027"

Date of latest field work: 3-10-17

AutoCAD/Land Survey/23 Liberty Gardens, 0.064 Ac, Liberty Dr, Ind
 3/21/2017 8:54:47 AM

(M) Measured (P) Plotted
 (R) Recorded (C) Calculated
 All monuments are at grade except as noted.
 All Property line distances are recorded
 dimensions, except as noted. Monuments found
 have no documented history except as noted.



I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 MC 1-12.

LAT OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 29500021 IN
MICHAEL W. HARRIS PLS 21100018 IN

DONOVAN ENGINEERING, INC.
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www.donovan-eng.com

JOHN R. DONOVAN PE, PLS (RETIRED)

Part of Liberty Gardens Addition to the City of Fort Wayne as recorded in Plat Book 8, page 61 in the Office of the Recorder of Allen County, Indiana more particularly described as follows:

Commencing at a 5/8-inch diameter iron pin marking the Southeast corner of Lot Number 23 in Liberty Gardens Addition to the City of Fort Wayne as recorded in Plat Book 8, page 61 in the Office of the Recorder of Allen County, Indiana; thence North 33 degrees 43 minutes 51 seconds West (recorded bearing and basis for this description) along the East line of Lot Number 23 a distance of 176.5 feet to a 5/8-inch diameter iron pin at the Northeast corner of Lot 23, said point being the POINT OF BEGINNING; thence South 71 degrees 25 minutes 06 seconds West along the North line of Lot 23 a distance of 68.66 feet (67.0 feet, plat) to a 5/8-inch diameter iron pin located on the East right of way line of Bluffton Road (formerly Indiana State Highway #1 and #3), said point being 50 ft. perpendicular to the centerline of Bluffton Road; thence Northeasterly along a line parallel to the centerline of Bluffton Road, on a curve to the right having a radius of 3769.72 feet, a chord bearing of North 11 degrees 36 minutes 44 seconds East, and an arc distance of 93.17 feet to a 5/8-inch diameter iron pin, said point being on the Westerly right of way line of Liberty Drive extended Northerly; thence South 33 degrees 43 minutes 51 seconds East along the Westerly right of way line of Liberty Drive extended a distance of 83.42 feet to the point of beginning, containing 0.064 acres.

Job No.: 17-1174
Job for: PATEL

Date: 3-16-17

LEGEND

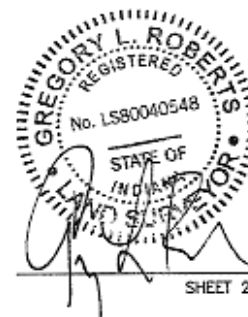
Date of latest field work: 3-10-17

IPF Iron Pin (Rebar) Found
PF Pipe Found
RRF Railroad Spike Found
PKF P.K. Nail Found
MNF Mag Nail Found
MNS Mag Nail Set
IPS 5/8" rebar set w/cap stamped "DE FRM #0027"
(M) Measured (P) Plotted
(R) Recorded (C) Calculated

LSAutoCAD\Lot Survey\23 Liberty Gardens, 0.064 Ac Liberty Drive.dwg
3/16/2017 11:43:00 AM

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have no documented history except as noted.

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2017-0007
Bill Number: G-17-11-01
Council District: 4-Jason Arp

Introduction Date: November 7, 2017
Public Hearing Date: November 21, 2017 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate road right-of-way at the intersection of Bluffton Road and Liberty Drive.

Location: At the point of intersection of Bluffton Road and Liberty Drive, within the plat of Liberty Gardens Addition to the City of Fort Wayne; also known as 6511 Bluffton Road.

Reason for Request: The excess right-of-way is unimproved and has been maintained by the adjacent property owner.

Applicant: Suman Patel

Property Owner: Suman Patel

Related Petitions: none

Effect of Passage: If approved, the platted right-of-way will revert to the adjacent property owner for maintenance.

Effect of Non-Passage: The right-of-way will remain as platted.

The Journal Gazette

Account # 1060008 - 1309249

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 | 55 |

COMPUTATION OF CHARGES

| | |
|---|-----------------|
| <u>55</u> lines, <u>1</u> column(s) wide equals | |
| <u>55</u> equivalent lines at \$ <u>0.448</u> cents per line | \$ 24.64 |
| 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 | \$ 24.64 |

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:

11/17/2017

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

Donna M. Brotherton
Legal Clerk

Date: November 17, 2017

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-17-11-01**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 28, 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: To vacate road right-of-way at the point of intersection of Bluffton Road and Liberty Drive, within the plat of Liberty Gardens Addition to the City of Fort Wayne; also known as 6511 Bluffton Road

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, NOVEMBER 28, 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. KLESLING
CITY CLERK

11-17 1309249 hspaxlp

The Journal Gazette

Account # 1060008 - 1309249

FW Common Council

Allen County, Indiana

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 **55**

COMPUTATION OF CHARGES

55 lines, 1 column(s) wide equals _____

55 equivalent lines at \$ 0.448 cents per line \$ 24.64

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 \$ 24.64

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 1

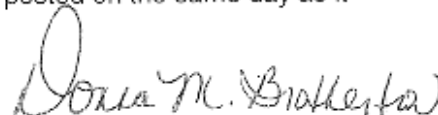
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

11/17/2017

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: November 17, 2017

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-17-11-01**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 28, 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: To vacate road right-of-way at the point of intersection of Bluffton Road and Liberty Drive, within the plat of Liberty Gardens Addition to the City of Fort Wayne; also known as 5511 Bluffton Road

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, NOVEMBER 28, 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

11-17 1309249 hspaxlp

BILL NO. G-17-11-01 AA

REPORT OF COMMITTEE ON REGULATIONS

September 11, 2018

Paul Ensley Chair

Thomas Didier Co-Chair

All Council Members

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

To vacate a portion of the intersection of Bluffton Road and Liberty Drive at 6511 Bluffton Road



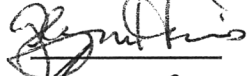


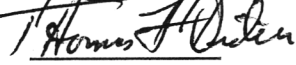
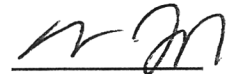

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

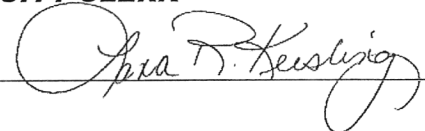
DO NOT PASS

ABSTAIN

NO REC

| | | | |
|---|-------|-------|-------|
|  | _____ | _____ | _____ |
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|  | _____ | _____ | _____ |
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|  | _____ | _____ | _____ |
|  | _____ | _____ | _____ |

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 11/21/17


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

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

Read the third time in full and on motion by Councilman Ensley, 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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: September 11, 2018

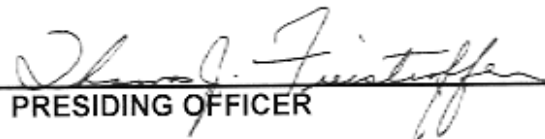


 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-11-01AA on the 11th day of September, 2018



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of September 2018, at the hour of 8:35 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 17TH day of SEPTEMBER 2018, at the hour of 9:00 O'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 SEP 17 2018
 LANA R. KEESLING
 CITY CLERK