



1 VALY-2018-0003

2 BILL NO. G-18-02-24

3  
4 Plat Book 21  
Page 34

5  
6 GENERAL ORDINANCE NO. G-218

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

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

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

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

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

19 All of the 6 foot wide alley lying north of Lots 7 and 8 in Townley Place Addition, recorded in  
20 Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana.

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

23 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,  
24 any and all necessary approval by the Mayor.

25  
26 Thomas J. Dillier  
COUNCIL MEMBER

27 APPROVED AS TO FORM AND LEGALITY:

28 Carol T. Helton by [Signature]  
29 Carol T. Helton, City Attorney

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

30 city clerks office

2018013994  
RECORDED: 03/21/2018 11:14:25 AM  
ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

MAR 21 2018  
[Signature]  
AUDITOR OF ALLEN COUNTY

n/c  
16

# CITY OF FORT WAYNE

## Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

\_\_\_\_\_ Easement                      X Public Right of Way (street or alley)

More particularly described as follows:

All of the 6' wide alley lying north of Lots 7-8 in Townley Place Addition, recorded  
in Plat Book 21, Page 34 in the Office of the Recorder of Allen County, Indiana.

(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:** \_\_\_\_\_ **PAGE(S) NUMBER(S):** \_\_\_\_\_ (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:

Alleyway was never developed and has been maintained by adjacent  
property owners. Property owner would use additional land area for  
private use. City would have no use for this land and is petitioning on  
behalf of the affected property owner.

Due to width of alley - it is inaccessible by vehicle and Public Works Dept. is acceptable  
(If additional space is needed please attach separate page.) to the dead end not having a turn-around  
at the east end of the vacated right of way.

**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:**

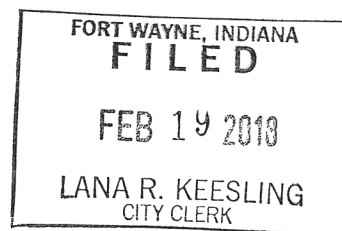
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne, Traffic Engineering Department

Street Address: 200 E Berry St, Suite 210

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172

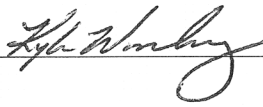


I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the For Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City 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 \_\_\_\_\_ Printed Name Wyatt Cox Date \_\_\_\_\_  
2151 E. Rudisill Blvd Fort Wayne, IN 46806  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

See additional Signature Pages for neighboring properties  
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): Kyle Winling   
Street Address: 200 E Berry St. Suite 210  
City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1172

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



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

*Kyle Winling*  
*Traffic Engineer*

Date: February 19, 2018  
Subject: 2151 E Rudisill Avenue - Alley Vacation

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Reviewers:

City of Fort Wayne Public Works Department has worked with the homeowner at 2125 E Rudisill Boulevard. Transportation and Traffic Engineering Department have reviewed this proposed vacation petition and due to the 6' wide alley width, it has been determined that vehicular access would not be feasible. Therefore, only walkable access is likely without encroaching onto private property and a turnaround is not necessary. The homeowner has already signed all related easements which would be required in this alleyway.

Due to this restriction in alley width, our departments feel that providing a turn-around is unnecessary. Therefore, vacating only a portion of the requested alley versus the entire alley would be acceptable in this circumstance.

A handwritten signature in black ink, appearing to read "Kyle Winling".

Kyle Winling  
Traffic Engineer  
City Public Works

A handwritten signature in black ink, appearing to read "Mario Trevino".

Mario Trevino  
Manager Transportation Engineering Services  
City Public Works



# 2151 E. Rudisill 6' Alley Vacation



Area to be Vacated

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



Date: 10/5/2016 1" = 42'

**ALLEY VACATION – PUBLIC HEARING  
DISCUSSION AND PASSAGE  
Department of Planning Services**

VALY 2018 0003	Bill #G-18-02-24	Project Start: 27 February 2018
<b>APPLICANT:</b>	City of Fort Wayne Transportation	
<b>REQUEST:</b>	To vacate the unimproved, east-west alley right-of-way located north of Lots 7 and 8 in Townley Place Addition.	
<b>LOCATION:</b>	North of 2151 East Rudisill Boulevard. (Section 18 of Wayne Township)	
<b>LAND AREA:</b>	Approximately 540 square feet proposed to be vacated.	
<b>COUNCIL DISTRICT:</b>	District 6 – Glynn Hines	
<b>PUBLIC HEARING DATE:</b>	March 13, 2018	

**PROJECT SUMMARY**

The petitioner is the City of Fort Wayne Transportation division, in an effort to eliminate some unimproved alleyways in the City. The right-of-way runs east to west on the north side of 2151 E. Rudisill Boulevard. There is no access served by this right-of-way and it is only six feet wide, which is not sufficient in size to serve as a drive. In 2017, this request was brought before Council as VALY-2017-0004, and the request was to vacate the entire east-west alley. There was no opposition to the original request, however Transportation Department staff was unable to reach all of the adjacent property owners to obtain necessary easements, so this request has been reduced to just the alley portion behind one home. This vacation will continue to benefit the adjacent property owner as he would like to use the land for a shed. Staff has sent requests for comment from all affected utility agencies and all necessary easements are granted.

- |                             |  |
|-----------------------------|--|
| 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   |
| Stormwater Engineering:     | Approved with easement   |
| Water Engineering:          | Approved   |
| WPC Engineering – Sanitary: | Approved with easement   |
| City Parks Department:      | No comment   |
| Fire Department:            | Approved   |
| Land Acquisition Agent:     | Approved   |
| Frontier:                   | Approved with easement   |
| Comcast Cable:              | No comment   |
| AEP:                        | Approved with easement   |
| 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.

**VALY-2017-0004** (*VALY-2018-0003 Bill No. G-18-02-24*)

Bill No. G-17-04-20

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:**

**Property Owner of Record:**

021318326041000074  
2151 East Rudisill

Wyatt and Lillie Cox  
2151 East Rudisill  
Fort Wayne, IN 46806

021318326040000074  
2125 East Rudisill

Corine Turner  
2125 East Rudisill  
Fort Wayne, IN 46806

021318326039000074  
2025 East Rudisill

James and Cheryl Teachey  
2025 East Rudisill  
Fort Wayne, IN 46806

021318326038000074  
2001 East Rudisill

Annie Shelton  
2001 East Rudisill  
Fort Wayne, IN 46806

021318326017000074  
3815 Central Drive

Max J. Graf, IV  
3815 Central Drive  
Fort Wayne, IN 46806

021318326035000074  
3816 Plaza Drive

Willie James Lee  
3816 Plaza Drive  
Fort Wayne, IN 46806

**Representative:**

Kyle Winling  
City of Fort Wayne Transportation  
200 East Berry, Suite 210  
Fort Wayne, IN 46802

**DPS Staff notified the following by Email:**

Community Liaison, Palermo Galindo  
Southeast Area Partnership

# 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: February 26, 2018

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday March 13, 2018 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: VALY-2018-0003  
BILL NO: G-17-02-24  
APPLICANT: City of Fort Wayne Transportation Department  
REQUEST: To vacate the unimproved, east-west alley right-of-way located north of Lots 7 and 8 in Townley Place Addition.  
LOCATION: North of 2151 East Rudisill Boulevard. (Section 18 of Wayne Township)  
LAND AREA: Approximately 540 square feet proposed to be vacated.

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. March 13, 2018. You may also email comments to [michelle.wood@allencounty.us](mailto: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 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

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The reasons for the proposed vacation are as follows:

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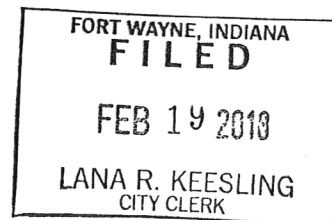
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: City of Fort Wayne, Traffic Engineering Department

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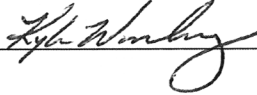


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Signature \_\_\_\_\_ Printed Name Wyatt Cox Date \_\_\_\_\_  
2151 E. Rudisill Blvd Fort Wayne, IN 46806  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

See additional Signature Pages for neighboring properties  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_  
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Receipt #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_ Reference #: \_\_\_\_\_



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

---

*Kyle Winling*  
*Traffic Engineer*

Date: February 19, 2018  
Subject: 2151 E Rudisill Avenue - Alley Vacation

---

## Reviewers:

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Handwritten signature of Kyle Winling in black ink.

Kyle Winling  
Traffic Engineer  
City Public Works

Handwritten signature of Mario Trevino in black ink.

Mario Trevino  
Manager Transportation Engineering Services  
City Public Works



# 2151 E. Rudisill 6' Alley Vacation



Area to be Vacated

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© 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East



Date: 10/5/2016 1" = 42'

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

---

**Department of Planning Services**

Title of Ordinance: Vacation of Public Right-of-way  
Case Number: VALY-2018-0003  
Bill Number: G-18-02-24  
Council District: 6 – Glynn Hines

---

Introduction Date: February 27, 2018  
Public Hearing Date: March 13, 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, 6 foot wide alley located north of Lots 7 and 8 in Townley Place Addition.  
Location: North of 2151 East Rudisill Boulevard.  
Reason for Request: The City of Fort Wayne is submitting this request as the alley is unimproved.  
Applicant: City of Fort Wayne Transportation Department  
Property Owner: City of Fort Wayne

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Related Petitions: none

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Effect of Passage: Vacation of the alley will allow more flexibility of site improvements.  
Effect of Non-Passage: The alley will remain as platted and unimproved.

**BILL NO. G-18-02-24**

**REPORT OF COMMITTEE ON REGULATIONS  
March 13, 2018**

***Thomas Didier Chair***

***Paul Ensley Co-Chair***

***All Council Members***

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

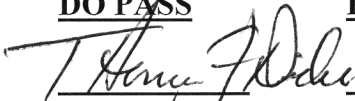
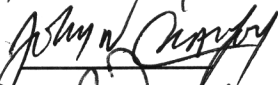


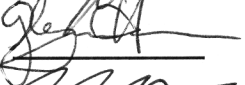


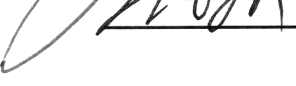
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

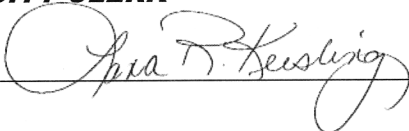
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: 03/13/18

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

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

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input 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: March 13, 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-18-02-24 on the 13th day of March, 2018

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 March 2018, at the hour of 9:50 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of MARCH

2017, at the hour of 1:30 O'clock Pm . E.S.T.

  
THOMAS C. HENRY, MAYOR