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2019061506

RECORDED: 11/27/2019 10:44:35 AM

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

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VROW-2018-0001

BILL NO. G-18-05-10

GENERAL ORDINANCE NO. G-27-19

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:

All that part of Tower Drive that lies between Lot 59 and Lot 60 in Cassel Hills Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 19, Page 148, in the Office of the Recorder of Allen County Indiana.

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


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


COUNCILMEMBER

City of Fort Wayne
Subject: [illegible]
Account: [illegible]

APPROVED AS TO FORM AND LEGALITY:

NOV 27 2019


Carol T. Helton, City Attorney


ANITA MATHER
ALLEN COUNTY RECORDER

18 NLC

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:

TOWER DRIVE

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

Plat

~~DEED~~ BOOK NUMBER: 19 PAGE(S) NUMBER(S): 154 (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 lived at our address for over 36 years. IN which this time we have cared for this vacant road by mowing and doing the up keep of this vacant road. This vacant tower drive which never became a road dead ends to a common area which is wet lands nature preserve. this so called road can't go anywhere do to houses on the other side of the commons area. please grant us this vacation and thank-you.

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:

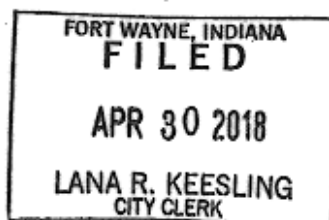
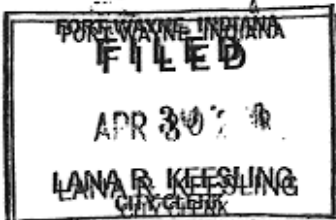
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Robert A. and Tamara L. Vachon

Street Address: 7710 Hessen Cassel Rd.

City: Fort Wayne State: IN Zip: 46816 Phone: (260) 615-9985



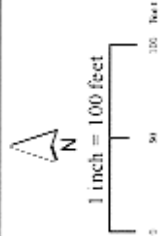


Vacation Petition VROW-2018-0001



Although some accuracy standards have been employed in the preparation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and neither makes any 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. Horizontal Contour System, Spring 2009. Date: 5/22/18

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



The Journal Gazette

Account # 1063561 - 1326475

FW City Clerk's Office

Allen County, Indiana

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	24

COMPUTATION OF CHARGES

<u>24</u> lines, <u>1</u> column(s) wide equals	
<u>24</u> equivalent lines at \$ <u>0.460</u> cents per line	\$ 11.04
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	\$ 11.04

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:

5/11/2018

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: May 11, 2018

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-18-05-10**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING MAY 22, 2018, 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 all of Tower Drive between Lots 59 and 60 in Cassel Hills Addition

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MAY 22, 2018.

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
5--11 1326475 hspaxlp

The Journal Gazette

Account # 1063561 - 1326475

Allen County, Indiana

FW City Clerk's Office

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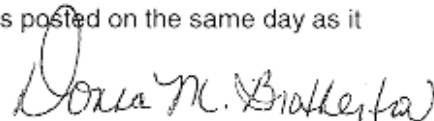
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Donna M. Brotherton
Legal Clerk

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LOCATION: To vacate all of Tower Drive between Lots 59 and 60 in Cassel Hills Addition

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LANA R. KEESLING
CITY CLERK
5-11 1326475 hspaxlp

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*LANA R. KEESLING
CITY CLERK*

RIGHT OF WAY VACATION – DISUCSSION & PASSAGE
Department of Planning Services

VROW 2018 0001	Bill #G-18-05-10	Project Start: 8 May 2018
APPLICANT:	Robert and Tamara Vachon	
REQUEST:	To vacate the unimproved right-of-way of Tower Drive between Lots 59 and 60 of Cassel Hills Addition.	
LOCATION:	Between 7710 and 7644 Hessen Cassel Road. (Section 31 of Adams Township)	
COUNCIL DISTRICT:	District 6 – Glynn Hines	
LAND AREA:	Approximately 0.27 acres proposed to be vacated.	
PUBLIC HEARING DATE:	May 22, 2018 (held by City Council)	

PROJECT SUMMARY

The petitioner is making this request to vacate the right-of-way of Tower Drive, as it has remained unimproved since being platted in 1952. Since the original plat, the land adjacent developed as common area “Block A” for Branning Hills, Section I, and there are no planned street extensions that would warrant a connection to Tower Drive. Certified legal notices have been sent to all adjacent property owners as listed below. The request has been sent to all utility agencies and easements have been prepared for recording.

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
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Easement needed
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Easement needed

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-2018-0001

Bill No. G-18-05-10

Right-of-Way Vacation – Notifications

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

DPS Staff notified the following by Certified Mail:

PIN/Property Address:

Property Owner of Record:

021331232002000070
7710 Hessen Cassel

Robert and Tamara Vachon
7710 Hessen Cassel Road
Fort Wayne, IN 46816

021331231009000070
7644 Hessen Cassel

Edward and Laurie Noble
7644 Hessen Cassel Road
Fort Wayne, IN 46816

021331232001000070
Common Area, Branning Hills

Bruce Walker
7610 Leswood Court
Fort Wayne, IN 46816

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership
Branning Hills

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:

TOWER DRIVE

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

Plot
~~DEED BOOK NUMBER:~~ 19 PAGE(S) NUMBER(S): 154 (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 lived at our address for over 36 years. In which this time we have cared for this vacant road by mowing and doing the up keep of this vacant road. This vacant tower drive which never became a road dead ends to a common area which is wet lands nature preserve. this so called road can't go anywhere do to houses on the other side of the commons area. please grant us this vacation and thank-you.

(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:

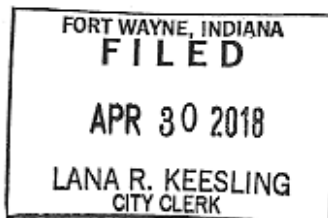
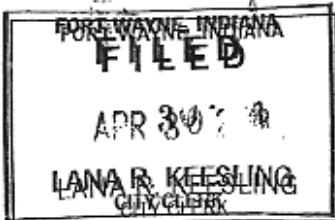
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Robert A. and Tamara L. Vachon

Street Address: 7710 Hessen Cassel Rd.

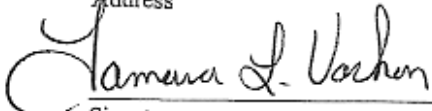
City: Fort Wayne State: IN. Zip: 46816 Phone: (260) 615-9985



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.

 Robert A. Vachon 4-30-18
Signature Printed Name Date

7710 Hessen Cassel Rd Fort Wayne, IN. 46814
Address City/State/Zip

 Tamara L. Vachon 4-30-18
Signature Printed Name Date

7710 Hessen Cassel Rd Fort Wayne, IN. 46814
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 #: _____

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VROW-2018-0001
Bill Number: G-18-05-10
Council District: 6-Glynn Hines

Introduction Date: May 8, 2018
Public Hearing Date: May 22, 2018 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate all of Tower Drive between Lots 59 and 60 in Cassel Hills Addition.
Location: Between 7644 and 7710 Hessen Cassel Road
Reason for Request: To return unimproved right-of-way to the adjacent land owners.
Applicant: Robert and Tamara Vachon
Property Owner: Robert and Tamara Vachon

Related Petitions: none

Effect of Passage: Vacation of the unimproved right-of-way will return the land to the two adjacent property owners to the north and south.
Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. It currently dead-ends into a common area of an adjacent subdivision and is unlikely to be developed into a public street.

11/27/2019 10:44:35 AM
CITY OF FT WAYNE CLERKS OFFICE
0.00
SUEN

TRANSACTION # 4396207
DOCUMENT # 2019061506

ORDINANCE

RECORDING FEES:	0.00
TOTAL:	0.00
CASH:	0.00 0

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

BILL NO. G-18-05-10

REPORT OF COMMITTEE ON REGULATIONS

November 12, 2019

Tom Freistroffer Chair







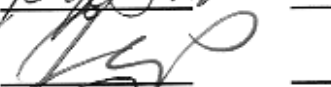

Michael Barranda Co-Chair

All Council Members

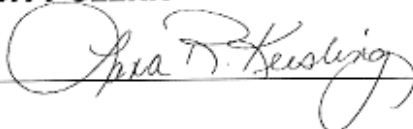
An Ordinance amending the Thoroughfare Plan of the City Comprehensive (Master) Plan by vacating public right-of-way

To vacate all of Tower Drive between Lots 59 and 60 in Cassel Hills Addition

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

<u>DO-PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: May 22, 2018

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: November 12, 2019




 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-18-05-10 on the 12th day of November, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of November 2019, at the hour of 2:45 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 19th day of November 2019, at the hour of 5:30 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 NOV 20 2019
 LANA R. KEESLING
 CITY CLERK