



8 5 7 1 1 6 1
Tx:4337288

1 VALY-2018-0004

2018049430

2 BILL NO. G-18-08-04

RECORDED: 09/25/2018 9:53:01 AM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

3
4 GENERAL ORDINANCE NO. G- 2018

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.

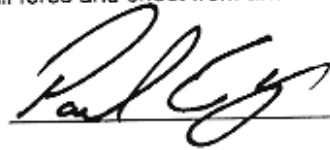
13 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
14 FORT WAYNE, INDIANA:

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 That portion of the platted east-west alley lying south of lots 129 and 130 and north of
18 Lots 161 and 162 in Hamilton's 4th Addition to the City of Fort Wayne, as recorded in
19 Deed Book 69, Page 397 in the Office of the Recorder of Allen County, Indiana.

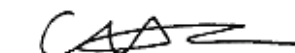
20 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
21 and is hereby approved in all respects.

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

24 

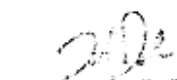
COUNCILMEMBER

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 Carol T. Helton, City Attorney

28
29
30
RECORDED & INDEXED
TO THE OFFICE OF THE RECORDER
OF ALLEN COUNTY, INDIANA

SEP 25 2018


ANITA MATHER
ALLEN COUNTY RECORDER

12 NIC

FORT WAYNE, INDIANA
FILED
AUG 07 2018
LANA R. KEESLING
CITY CLERK

CITY OF FORT WAYNE

FORT WAYNE, INDIANA
FILED
AUG 07 2018
LANA R. KEESLING
CITY CLERK

Vacation Petition

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

I/We do hereby petition to vacate the following:

_____ Easement Public Right of Way (street or alley)

More particularly described as follows:

That portion of the alley running East and West separating the property located at the common address of 302 East Wallace Street, Fort Wayne, Indiana 46803, which is located to the north of the alley, and the properties located at common addresses of 301, 305, and 309 East Masterson Avenue, Fort Wayne, Indiana 46803, which are located to the south of the alley.

See attached legal description.

(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: 69 **PAGE(S) NUMBER(S):** 397 (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

The applicant is the owner of all the lots on the north and south sides of the portion of the alley in question. The purpose of the vacation of the alley is to allow the applicant to combine the vacant lots 161 and 162 (to the south of the alley with common addresses of 301, 305, and 309 East Masterson Avenue) with the improved lots 129 and 130 (to the north of the alley with a common address of 302 East Wallace Street), which would permit the owner to utilize the vacant lots to the south of the alley for uses that are accessory to property located 302 East Wallace Street to the north of the alley. The primary use of the vacant lots to the south of the alley following a vacation would be for the parking and/or storage of employee and company vehicles, which the applicant requires for its business. The applicant will grant all easements required by all parties having an interest in the above-described portion of the alley so as maintain their current rights in and to the alley, including the continued rights of ingress and egress to the alley and to maintain the alley. The vacation will not result in a dead end on either end of the alley. The applicant will not construct a fence in a manner that would block any entrances to the alley.

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: N/A


Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

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.

RELIABLE REAL ESTATE, LLC


By: Greg Batterton, Managing Member


Date

302 E. Wallace St., Fort Wayne, IN 46803
Address

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 #: _____



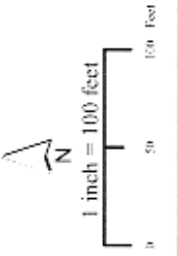
Vacation Petition VALY-2018-0004



Project Boundaries Represented with Bold Lines are for Representational Purposes Only

Although this document has been prepared in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and shall not be liable for any errors or omissions in this map.

© 2004 Board of Commissioners of the County of Allen
 State Plane Coordinate System, Indiana East
 Professional Surveyors, Spring 2009
 Date: 08/29/18



The Journal Gazette

Account # 1063561 - 1336271

Allen County, Indiana

FW City Clerk's Office

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	57

COMPUTATION OF CHARGES

<u>57</u> lines, <u>1</u> column(s) wide equals	
<u>57</u> equivalent lines at \$ <u>0.460</u> cents per line	\$ 26.22
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	\$ <u>26.22</u>

DATA FOR COMPUTING COST

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

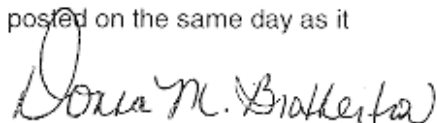
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

8/17/2018

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
Legal Clerk

Date: August 17, 2018

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-18-08-04**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 28, 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: The western half of a 10-foot wide east-west alley between Lots 129 and 130 and Lots 161 and 162 of Hamilton's 4th Addition, South of 302 East Wallace Street, (Section 11 of Wayne Township). Approximately 1,000 square feet proposed to be vacated.

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

8-17 1336271 hspaxlp

The Journal Gazette

Account # 1063561 - 1336271

Allen County, Indiana

FW City Clerk's Office

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	<u>57</u>

COMPUTATION OF CHARGES

<u>57</u> lines, <u>1</u> column(s) wide equals	
<u>57</u> equivalent lines at \$ <u>0.460</u> cents per line	\$ 26.22
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	<u>\$ 26.22</u>

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:

8/17/2018

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: August 17, 2018

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-18-08-04**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 28, 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: The western half of a 10-foot wide east-west alley between Lots 129 and 130 and Lots 161 and 162 of Hamilton's 4th Addition, South of 302 East Wallace Street, (Section 11 of Wayne Township). Approximately 1,000 square feet proposed to be vacated.

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

8-17 1336271 hspaxlp

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

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VALY-2018-0004
Bill Number: G-18-08-04
Council District: 6-Glynn Hines

Introduction Date: August 14, 2018
Public Hearing Date: August 28, 2018 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a portion of an alley between lots 129 and 130, and 161 and 162 of Hamilton's 4th Addition.

Location: The east-west alley lies between 302 East Wallace Street and 301, 305, and 309 East Masterton Avenue.

Reason for Request: To enable the property owner of both sides of alley to combine tax parcels for the purpose of having accessory uses on the southern property.

Applicant: Reliable Real Estate, LLC

Property Owner: Reliable Real Estate, LLC

Related Petitions: none

Effect of Passage: Vacation of the alley right-of-way will return the land to the adjacent property owners to the north and south, which is the same entity. Combining the two parcels will allow the existing business to expand onto the southern parcel. Access and utility easements will be rededicated, causing no change or impact of access for adjacent properties.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. The applicant will not be permitted to use the south parcel for uses accessory to the business located on the north parcel.

BILL NO. G-18-08-04

REPORT OF COMMITTEE ON REGULATIONS

August 28, 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 an alley between lots 129 and 130, and 161 and 162 of Hamilton's 4th Addition – 302 E Wallace St and 301/305/309 E Masterson

Reliable Real Estate, LLC

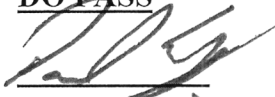
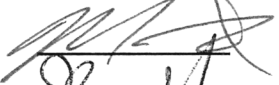

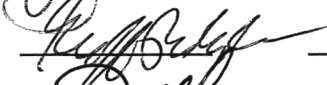


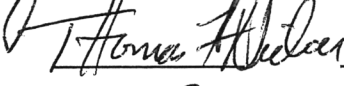


COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

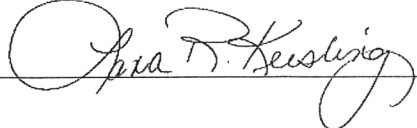
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

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:

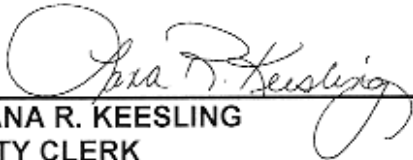
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input 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: August 28, 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-18-08-04 on the 28th day of August, 2018



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th
of August 2018, at the hour of 8:55 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29th day of August

2018, at the hour of 12:30 O'clock PM E.S.T.

FORT WAYNE, INDIANA
RECEIVED

AUG 30 2018

LANA R. KEESLING
CITY CLERK



THOMAS C. HENRY, MAYOR