

2018062767

RECORDED: 12/13/2018 01:45:07 PM



1 VALY-2018-0005

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

2 BILL NO. G-18-08-05

3 GENERAL ORDINANCE NO. G- 25-18

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 Commencing at the Southeast Corner of Lot 4 in College 2nd Addition as shown in
17 Plat Book 69, Pages 432-433 in the Office of the Recorder of Allen County, Indiana;
18 thence North 02 degrees 27 minutes 07 seconds West, a distance of 149.85 feet
19 (150.00 feet Deed) along the West right-of-way line of Hanover Street to the South
20 right-of-way line of a 14 foot alley, said point also being the POINT OF BEGINNING
21 of the herein described vacation; thence South 87 degrees 30 minutes 38 seconds
22 West a distance of 246.35 feet (247.00 feet Deed) along said South line to the East
23 right-of-way line of Schick Street; thence North 02 degrees 17 minutes 02 seconds
24 West, a distance of 14.00 feet along said East right-of-way line to the North right-of-
25 way line of said 14 foot alley; thence North 87 degrees 30 minutes 38 seconds East, a
26 distance of 246.30 feet (247.00 feet Deed) along said North right-of-way line to the
27 West right-of-way line of Hanover Street; thence South 02 degrees 27 minutes 07
28 seconds East, a distance of 14.00 feet along said West right-of-way line to the Point of
29 Beginning. Containing 0.079 acres, more or less. Subject to easements of record.

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

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

DEC 13 2018

DEC 13 2018

STACEY O'DAY
ALLEN COUNTY ASSESSOR

AUDITOR OF ALLEN COUNTY

33
NK

City Clerk


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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

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

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:

See attached Exhibit "A."

(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 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

To create a continuous development parcel for retail, campus housing and parking for Indiana Tech.

(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):

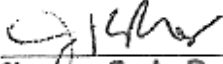
Name: _____

Street Address: _____

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

COPY

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.


Signature Judy Roy, V-P
Finance & Admin.
1600 E. Washington Blvd.
Address

Indiana Tech
Printed Name
Fort Wayne, IN 46803
City/State/Zip

8/2/18
Date

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): Patrick R. Hess, Beckman Lawson, LLP

Street Address: 201 W. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-422-0800

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 #: _____



Miller Land Surveying, Inc.

Precision and Professionalism is
Where We Draw the Line.

Brett R. Miller, PS, President
Robert J. Marucchi, PS

Page 2 of 2

Alley Vacation Description 0.079 Acres

Part of the Southeast Quarter of Section 1, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, more particularly described as follows:

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Survey Job #18074669
Date: August 6, 2018
For: Indiana Tech
Miller Land Surveying, Inc.



Project Boundaries Represented with Bold Lines are for Representational Purposes Only

Although these features should have been employed in the completion 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 the map.
© 2014 Board of Commissioners of the County of Allen
North American Map, Inc.
State Plane Coordinate System, Indiana East
Photo and Contour System, 2015
Date: 08/29/18



The Journal Gazette

Account # 1063561 - 1336250

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-18-08-05**

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 14-foot wide east-west alley north of Lot 1, 2, 3, and 4 of College 2nd Addition, North of 1405-1419 East Washington Boulevard, between Schick Street and Hanover Street, (Section 1 of Wayne Township). Approximately 3,445 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 1336280 hspaxlp

The Journal Gazette

Account # 1063561 - 1336250
FW City Clerk's Office

Allen County, Indiana

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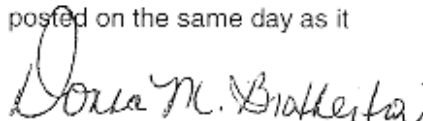
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Legal Clerk

Date: August 17, 2018

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LOCATION: The 14-foot wide east-west alley north of Lot 1, 2, 3, and 4 of College 2nd Addition, North of 1405-1419 East Washington Boulevard, between Schick Street and Hanover Street. (Section 1 of Wayne Township). Approximately 3,445 square feet proposed to be vacated.

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LANA R. KILLSLING
CITY CLERK

8-17 1336250 hspaxlp

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

VALY 2018 0005	Bill #G-18-08-05	Project Start: 14 August 2018
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APPLICANT:	Indiana Tech
REQUEST:	To vacate the 14-foot wide east-west alley north of Lot 1, 2, 3, and 4 of College 2 nd Addition.
LOCATION:	North of 1405-1419 East Washington Boulevard, between Schick Street and Hanover Street. (Section 1 of Wayne Township)
COUNCIL DISTRICT:	District 5 – Geoff Paddock
LAND AREA:	Approximately 3,445 square feet proposed to be vacated.
PUBLIC HEARING DATE:	August 28, 2018 (to be held by City Council)
NEXT COUNCIL ACTION:	Staff will schedule discussion when all comments are received.

PROJECT SUMMARY

The petitioner is making this request to allow the combination of all the lots on the block between Schick Street and Hanover Street, and East Wayne Street and East Washington Boulevard, except for 912 Hanover Street. The purpose is to redevelop these lots with student housing, retail services and parking for the Indiana Tech campus. The existing house at 912 Hanover does not have access to the alley, nor is it adjacent to the alley. The proposed development plan shows a new building over a portion of the alley, so utilities may need to be relocated or easements granted. Indiana Tech owns all of the parcels adjacent to the alley, but staff sent courtesy notice to 912 Hanover and to the Neighborhood Associations. The request has been sent to all utility agencies with possible interest in this petition and their responses are below. Four entities requested easements and these have been signed and are ready to record.

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 with easement
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved with easement
Comcast Cable:	Approved with easement
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-2018-0005

Bill No. G-18-08-05

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:

021201431001000074
1402 East Wayne

Indiana Tech
1600 East Washington Boulevard
Fort Wayne, IN 46803

021201431003000074
1406 East Wayne

021201431004000074
1412 East Wayne

021201431005000074
East of 1412 East Wayne

021201431014000074
916 Hanover

021201431022000074
1419 East Washington

021201431021000074
1417 East Washington

021201431020000074
1411 East Washington

021201431019000074
1407 East Washington

021201431018001074
1405 East Washington

0212014310017000074
West of 1405 East Washington

021201431016000074
Northwest of 1405 East Washington

Courtesy Notice was sent by regular mail to:

021201431013000074
912 Hanover

John and Julia Tubbs
912 Hanover Street
Fort Wayne, IN 46803

021201431012000074
North of 912 Hanover

021201431011000074
North of 912 Hanover

Representative:

Patrick Hess, Beckman Lawson
201 West Wayne
Fort Wayne, IN 46802

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership
East Central

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

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:

See attached Exhibit "A."

(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 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

To create a continuous development parcel for retail, campus housing and parking for Indiana Tech.

(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):

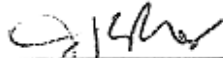
Name: _____

Street Address: _____

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

COPY

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 Judy Roy, V-P
Finance & Admin.
1600 E. Washington Blvd.
Address

Indiana Tech
Printed Name
Fort Wayne, IN 46803
City/State/Zip

8/2/18
Date

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): Patrick R. Hess, Beckman Lawson, LLP

Street Address: 201 W. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-422-0800

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For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



Miller Land Surveying, Inc.

Precision and Professionalism is
Where We Draw the Line.

Brett R. Miller, PS, President
Robert J. Marucci, PS

Page 2 of 2

Alley Vacation Description 0.079 Acres

Part of the Southeast Quarter of Section 1, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, more particularly described as follows:

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Survey Job #18074669
Date: August 6, 2018
For: Indiana Tech
Miller Land Surveying, Inc.

Corporate Office: 221 Tower Drive - Monroe, IN 46772 - Phone: 260-692-6166

Fort Wayne Office: 10060 Bent Creek Blvd. - Fort Wayne, IN 46825 - Phone: 260-489-8571

Exhibit "A" p 2 of 2

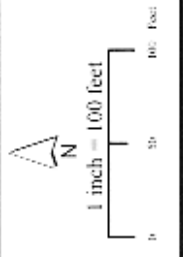


Vacation Petition VALY-2018-0005



Along street scenes, standards have been employed in the compilation of this map. Allen County does not warrant or guarantee the accuracy of the information contained herein. Projections are not all fully verified from any 2016 to 2018 or otherwise. © 2024 Board of Commissioners of the County of Allen, North American Datum: 1983. State Plane Coordinate System, 161405 Feet. Printed and Contoured: Spring 2024. Date: 2024-11

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



**NOTICE OF PUBLIC HEARING
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*LANA R. KEESLING
CITY CLERK*

12/13/2018 1:45:07 PM
CITY OF FT WAYNE CLERKS OFFICE
0.00
JENNIFERG

TRANSACTION # 4347641
DOCUMENT # 2018062767

ORDINANCE

RECORDING FEES: 0.00
TOTAL: 0.00
CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VALY-2018-0005
Bill Number: G-18-08-05
Council District: 5-Geoff Paddock

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 the east-west alley between Schick Street and Hanover Street, south of East Wayne Street, and north of East Washington Boulevard.

Location: The east-west alley lies north of 1405 through 1419 East Washington Boulevard.

Reason for Request: To enable the property owner of both sides of alley to combine tax parcels for the purpose of redeveloping the property for retail, parking and student housing for Indiana Tech.

Applicant: Indiana Tech

Property Owner: Indiana Tech

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 majority of the parcels on the block will allow the redevelopment of the parcels owned by Indiana Tech.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. The applicant will not be permitted to combine the parcels and redevelopment will be hindered by the presence of the public right-of-way.

BILL NO. G-18-08-05

REPORT OF COMMITTEE ON REGULATIONS

November 13, 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 the east-west alley between Schick Street and Hanover Street, south of East Wayne Street, and north of East Washington Boulevard - Indiana Tech


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

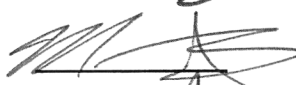
DO PASS

DO NOT PASS

ABSTAIN

NO REC

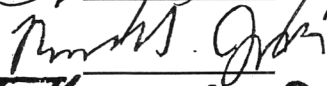


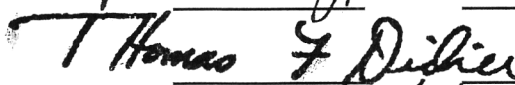


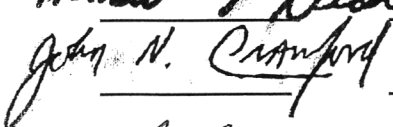




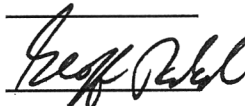




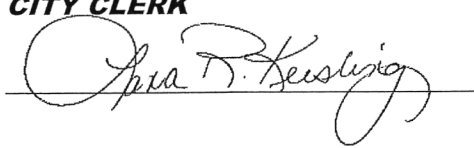








**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 08/28/18

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

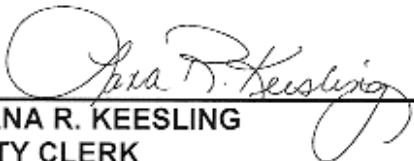
DATED: November 13, 2018



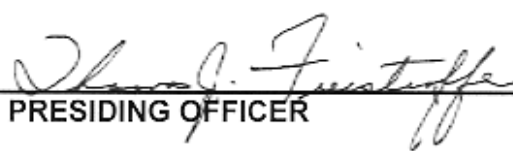
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-18-08-05 on the 13th day of November, 2018



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th of November 2018, at the hour of 1:00 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of November 2018, at the hour of 1:30 O'clock PM E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 NOV 19 2018
 LANA R. KEESLING
 CITY CLERK



THOMAS C. HENRY, MAYOR