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VROW-2018-0002
BILL NO. G-18-08-06

2018049432
RECORDED: 09/25/2018 9:53:03 AM
ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 21-18

**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:

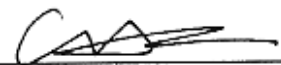
That portion of Seddlemeyer Avenue lying North of Lot 8 in Curdes South Acre Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof, recorded in Plat Record 8, page 12, as found in the Office of the Recorder of Allen County, Indiana.

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

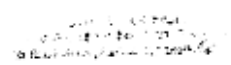
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

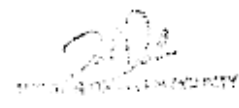
APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney



SEP 25 2018



14 N/C

EXHIBIT A
 Street Vacation North of Lot 8 - Curdes's South Acre Addition
 Seddlemeier Avenue, Fort Wayne, IN 46816

GOULOFF - JORDAN
 SURVEYING AND DESIGN, INC.
 1133 BROADWAY FORT WAYNE, IN 46802
 PH (260) 424-5362 FAX (260) 424-4916



- LEGEND**
- (m) MEASURED
 - (r) RECORDED
 - (c) CALCULATED
 - (p) PLATTED INFORMATION

SEDDLEMEYER AVENUE VACATION DESCRIPTION

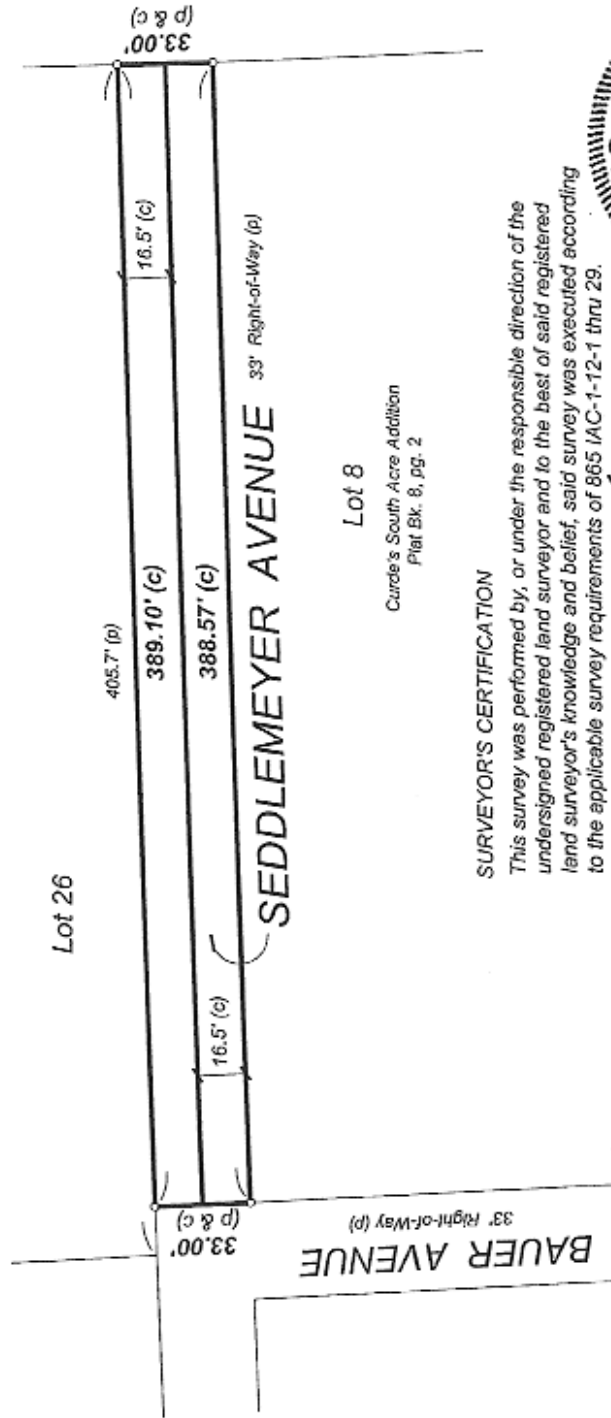
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NORTH HALF OF SEDDLEMEYER AVENUE VACATION DESCRIPTION

The North Half of that portion of Seddlemeier Avenue lying North of Lot 8 in Curdes South Acre Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof, recorded in Plat Record 8, page 12, as found in the Office of the Recorder of Allen County, Indiana.

SOUTH HALF OF SEDDLEMEYER AVENUE VACATION DESCRIPTION

The South Half of that portion of Seddlemeier Avenue lying North of Lot 8 in Curdes South Acre Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof, recorded in Plat Record 8, page 12, as found in the Office of the Recorder of Allen County, Indiana.



SHEET 1 OF 1

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

Timothy C. Gouloff
 Timothy C. Gouloff, R.L.S. 29500017



For the exclusive use of:
Burmese Muslim Education and Community Center
 Date: June 30, 2016
 Job No.: 20120113 EX

SEDDLEMEYER AVENUE VACATION DESCRIPTION

That portion of Seddlemeyer Avenue lying North of Lot 8 in Curdes South Acre Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof, recorded in Plat Record 8, page12, as found in the Office of the Recorder of Allan County, Indiana.

NORTH HALF OF SEDDLEMEYER AVENUE VACATION DESCRIPTION

The North Half of that portion of Seddlemeyer Avenue lying North of Lot 8 in Curdes South Acre Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof, recorded in Plat Record 8, page12, as found in the Office of the Recorder of Allan County, Indiana.

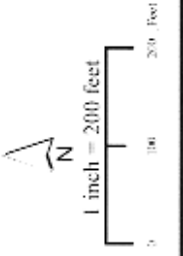
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Project Boundaries Represented with Bold Lines are for Representational Purposes Only

Although street names may have been completed or in the process of completion, the City of Allen County does not warrant or guarantee the accuracy of the names or locations of the streets and easements and all liability resulting from use hereof or in connection with the map is the responsibility of the user.
North American Datum 1983
Scale: Plan Coordinate System: UTM Zone 18Q
Photo and Contour: Spring 2019
Date: 4/8/2018



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

VROW 2018 0002	Bill #G-18-08-06	Project Start: 14 August 2018
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APPLICANT:	Burmese Muslim Education and Community Center
REQUEST:	To vacate the eastern portion of Seddlemeyer Avenue, east of Bauer Avenue in Curdes South Acre Addition.
LOCATION:	South of 2121 Seddlemeyer Avenue. (Section 30 of Adams Township)
COUNCIL DISTRICT:	District 6 – Glynn Hines
LAND AREA:	Approximately 1,000 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

Seddlemeyer Avenue right-of-way, east of Bauer Avenue, is a paper street, and dead ends at the east end of 2121 Seddlemeyer, and 7115 Bauer Avenue. It does not continue east to the next street. The petitioner is the Burmese Muslim Education and Community Center, which uses the right-of-way for a part of the entrance drive for the center. Staff spoke with the property owner of 7115 Bauer Avenue, Estelle Brown, who will gain half the right-of-way if vacated. Ms. Brown has met with representatives from the center and could like to convey her portion to the center after approval, so there is no conflict in vacating the right-of-way. Staff sent the request to all utility agencies with possible interest in this petition and received approval from all.

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:	Approved
Comcast Cable:	Approved
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-2018-0002

Bill No. G-18-08-06

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:

021330376005000070
2121 Seddlemeyer

Burmese Muslim Education and Community Center
2121 Seddlemeyer
Fort Wayne, IN 46816

021211283009000074
7115 Bauer Avenue

Estelle Brown
7115 Bauer Avenue
Fort Wayne, IN 46816

Representative:

Kyaw Soe
2717 Dexter Drive
Fort Wayne, IN 46816

DPS Staff notified the following by Email:

Community Liaison, Palermo Galindo
Southeast Area Partnership

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Platted Right-of-Way
Case Number: VROW-2018-0002
Bill Number: G-18-08-06
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 Seddlemeyer Avenue lying North of Lot 8 in Curdes South Acre Addition.

Location: That portion lying east of Bauer Avenue, at 2121 Seddlemeyer Avenue.

Reason for Request: To return unimproved right-of-way to the adjacent land owners.

Applicant: Burmese Muslim Education and Community Center

Property Owner: Burmese Muslim Education and Community Center

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. Seddlemeyer Avenue currently ends at Bauer Avenue.

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:

Burmese Muslim Education & Community
Center (BMECC)

(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:

see attached.

(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:

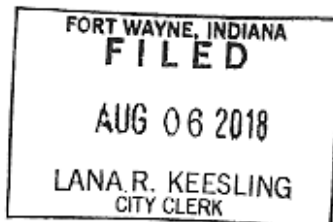
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: Burmese Muslim Education & Community Center (BMECC)

Street Address: 2121 Saddlemeier Ave

City: Fort Wayne State: IN Zip: 46816 Phone: 260-786-5858



VROW-2018-0002
G-18-08-06

The Journal Gazette

Account # 1063561 - 1336260

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	56

COMPUTATION OF CHARGES

<u>56</u> lines, <u>1</u> column(s) wide equals	
<u>56</u> equivalent lines at \$ <u>0.460</u> cents per line	\$ 25.76
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>\$ 25.76</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-18-08-06**

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: Vacate the eastern portion of Seddlemeyer Avenue, east of Bauer Avenue in Curdes South Acre Addition, South of 2121 Seddlemeyer Avenue, (Section 30 of Adams Township), Approximately 0.25 acres 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 1336260 hspaklp

The Journal Gazette

Account # 1063561 - 1336260

Allen County, Indiana

FW City Clerk's Office

ATTACH COPY OF ADVERTISEMENT HERE

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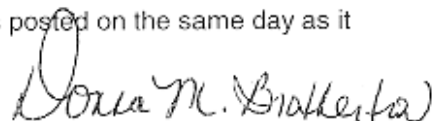
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LANA R. KEESLING
CITY CLERK
8-17 1336260 hspaxlp

BILL NO. G-18-08-06

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 Seddlemeyer Avenue lying North of Lot 8 in Curdes South Acre Addition - Burmese Muslim Education and Community Center


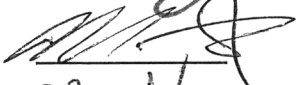
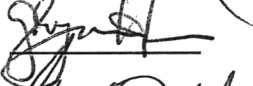


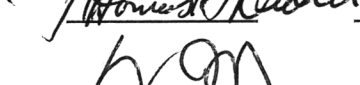
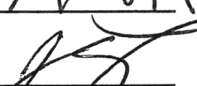
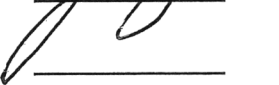
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

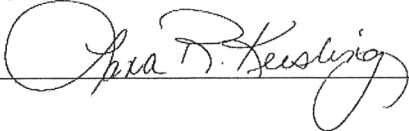
ABSTAIN

NO REC

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	_____	_____	_____

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:

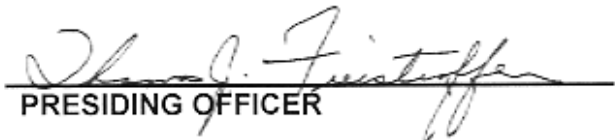
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input 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-18-08-06 on the 11th day of September, 2018


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

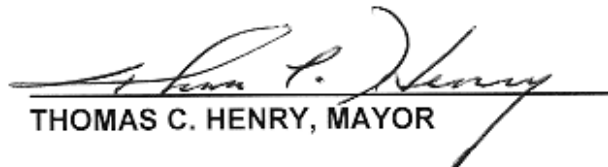
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th
of September 2018, at the hour of 8:35 o'clock A.M. E.S.T.


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.

RECEIVED
SEP 17 2018
LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR