



8 5 9 8 8 4 9  
Tx:4355195

2019007861

RECORDED: 02/18/2019 02:42:56 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

1 VALY-2019-0001

2 BILL NO. G-19-01-02

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

GENERAL ORDINANCE NO. G-519

6 FEB 18 2019 AN ORDINANCE amending the Thoroughfare  
7 Plan of the City Comprehensive ("Master")  
8 Plan by vacating public right-of-way.

9   
10 AUDITOR OF ALLEN COUNTY

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

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

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


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

20 **RYAN'S ADDITION PLATTED ALLEY VACATION REAL ESTATE DESCRIPTION**

21 AN ALLEY WITHIN THE PLAT OF EDWARD F. AND MARY M. RYAN'S ADDITION TO THE CITY  
22 OF FORT WAYNE, INDIANA AS RECORDED IN PLAT BOOK 11 PAGE 65 WITHIN THE OFFICE  
23 OF THE RECORDER OF ALLEN COUNTY, INDIANA. THIS REAL ESTATE DESCRIPTION HAS  
24 BEEN PREPARED BY FORESIGHT CONSULTING, LLC DECEMBER 20<sup>TH</sup>, 2018 AS COMMISSION  
25 NUMBER 182261 AND CERTIFIED BY TODD R. BAUER, INDIANA REGISTERED  
26 PROFESSIONAL SURVEYOR NUMBER 29800007. THE SUBJECT REAL ESTATE IS FURTHER  
27 DESCRIBED AS FOLLOWS:

28 **BEGINNING** AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE  
29 EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHWEST CORNER ALSO BEING  
30 THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND  
THE SOUTH RIGHT OF WAY LINE OF A SIX (6) FOOT PLATTED ALLEY INCLUDED WITHIN  
EDWARD F. AND MARY M. RYAN'S ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR  
WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP; THENCE NORTH 00 DEGREES 42  
MINUTES 40 SECONDS WEST (INDIANA STATE PLANE ZONE EAST GRID BEARING AND  
BASIS TO FOLLOW) ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A  
DISTANCE OF 6.00 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY  
LINE OF EDSALL AVENUE AND THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S  
ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE  
OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY; THENCE NORTH 87 DEGREES 23  
MINUTES 56 SECONDS EAST ON AND ALONG THE NORTH LINE OF EDWARD F. AND MARY  
M. RYAN'S ADDITION AND THE NORTH RIGHT OF WAY LINE OF THE SIX (6) FOOT  
PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE NORTHEAST CORNER OF EDWARD F.

I 10 City Clerk's Office

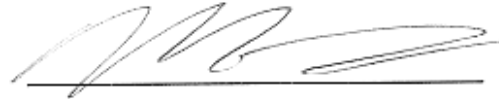


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER ALSO BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED SIX (6) FOOT ALLEY AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP; THENCE SOUTH 00 DEGREES 42 MINUTES 40 SECONDS WEST ON AND ALONG THE EAST LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION AND THE EAST LINE OF THE AFORMENTIONED SIX (6) FOOT ALLEY, A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF LOT NUMBER FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP; THENCE SOUTH 87 DEGREES 23 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH LINE OF LOTS TWO (2) THROUGH FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.032 ACRES (1,383 SQUARE FEET) OF LAND, MORE OR LESS.

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

# 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:

Public Alley legally described in Exhibit "A" attached hereto.

---

---

---

---

(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: 7C PAGE(S) NUMBER(S): 120 (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:

See Exhibit "B" attached hereto.

---

---

---

---

(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: \_\_\_\_\_

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.

MAPCO LEASING, LLC

Mary Haezger  
Signature

By: Mary Haezger  
Printed Name

1/2/19  
Date

3101 New Haven Avenue  
Address

Fort Wayne, Indiana 46803  
City/State/Zip

\_\_\_\_\_  
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): \_\_\_\_\_

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: 1/2/19

Map #: Q-02  
Adams 7

Reference #: VALY-2019-0001  
G-19-01-02

**EXHIBIT "A"**  
**To**  
**Vacation Petition**

**RYAN'S ADDITION PLATTED ALLEY VACATION REAL ESTATE DESCRIPTION**

AN ALLEY WITHIN THE PLAT OF EDWARD F. AND MARY M. RYAN'S ADDITION TO THE CITY OF FORT WAYNE, INDIANA AS RECORDED IN PLAT BOOK 11 PAGE 65 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA. THIS REAL ESTATE DESCRIPTION HAS BEEN PREPARED BY FORESIGHT CONSULTING, LLC DECEMBER 20<sup>TH</sup>, 2018 AS COMMISSION NUMBER 182261 AND CERTIFIED BY TODD R. BAUER, INDIANA REGISTERED PROFESSIONAL SURVEYOR NUMBER 29800007. THE SUBJECT REAL ESTATE IS FURTHER DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHWEST CORNER ALSO BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND THE SOUTH RIGHT OF WAY LINE OF A SIX (6) FOOT PLATTED ALLEY INCLUDED WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST (INDIANA STATE PLANE ZONE EAST GRID BEARING AND BASIS TO FOLLOW) ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF 6.00 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY;  
THENCE NORTH 87 DEGREES 23 MINUTES 56 SECONDS EAST ON AND ALONG THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION AND THE NORTH RIGHT OF WAY LINE OF THE SIX (6) FOOT PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE NORTHEAST CORNER OF EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER ALSO BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED SIX (6) FOOT ALLEY AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE SOUTH 00 DEGREES 42 MINUTES 40 SECONDS WEST ON AND ALONG THE EAST LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION AND THE EAST LINE OF THE AFORMENTIONED SIX (6) FOOT ALLEY, A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF LOT NUMBER FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE SOUTH 87 DEGREES 23 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH LINE OF LOTS TWO (2) THROUGH FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.032 ACRES (1,383 SQUARE FEET) OF LAND, MORE OR LESS.



**EXHIBIT "B"**  
**To**  
**Vacation Petition**

The petitioner is Mafco Leasing, LLC ("Mafco"). Mafco's property abuts the south, east and north boundary lines of the platted public alley sought to be vacated (the "Alley"). Mafco, in fact, owns all of the property comprising the pertinent Ryan's Addition plat. To the petitioner's knowledge, the Alley has never been used as an alley or public right-of-way. Mafco's building is located in the Alley. Mafco has continuously used the Alley believing the Alley was part of its own property. The petitioner is committed to grant any and all necessary replacement easements which the Common Council of Fort Wayne requires.

To supplement the above and foregoing, the petitioner states the following:

1. The vacation would not hinder the growth or orderly development of any neighborhood;
2. The vacation would not make access to the lands of other persons by means of public way difficult or inconvenient;
3. The vacation would not hinder the public's access to a church, school or other public building or place; and
4. The vacation would not hinder the use of a public way by any neighborhood.

**List of adjacent property owners:**

MAFCO Leasing, LLC  
3101 New Haven Avenue  
Fort Wayne, IN 46803  
260-615-9105



**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-2019-0001**

Bill No. G-19-01-02

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:**

021307282008000074  
3101 New Haven Ave

MAFCO Leasing, LLC  
3101 New Haven Ave  
Fort Wayne, IN 46803

021307282001000074  
1803 Edsall Avenue

Alberta Jordan  
1803 Edsall Avenue  
Fort Wayne, IN 46803

**Representative:**

Henry Najdeski  
Barrett McNaghy  
215 East Berry  
Fort Wayne, IN 46802

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

Community Liaison, Palermo Galindo  
Southeast Area Partnership  
Harvester Community

# 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:

Public Alley legally described in Exhibit "A" attached hereto.

---

---

---

---

(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: 7C PAGE(S) NUMBER(S): 120 (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:

See Exhibit "B" attached hereto.

---

---

---

---

(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: \_\_\_\_\_

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.

MAPCO LEASING, LLC

Mary Haezger  
Signature

By: Mary Haezger  
Printed Name

1/2/19  
Date

3101 New Haven Avenue  
Address

Fort Wayne, Indiana 46803  
City/State/Zip

\_\_\_\_\_  
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): \_\_\_\_\_

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

**EXHIBIT "A"**  
**To**  
**Vacation Petition**

**RYAN'S ADDITION PLATTED ALLEY VACATION REAL ESTATE DESCRIPTION**

AN ALLEY WITHIN THE PLAT OF EDWARD F. AND MARY M. RYAN'S ADDITION TO THE CITY OF FORT WAYNE, INDIANA AS RECORDED IN PLAT BOOK 11 PAGE 65 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA. THIS REAL ESTATE DESCRIPTION HAS BEEN PREPARED BY FORESIGHT CONSULTING, LLC DECEMBER 20<sup>TH</sup>, 2018 AS COMMISSION NUMBER 182261 AND CERTIFIED BY TODD R. BAUER, INDIANA REGISTERED PROFESSIONAL SURVEYOR NUMBER 29800007. THE SUBJECT REAL ESTATE IS FURTHER DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHWEST CORNER ALSO BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND THE SOUTH RIGHT OF WAY LINE OF A SIX (6) FOOT PLATTED ALLEY INCLUDED WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST (INDIANA STATE PLANE ZONE EAST GRID BEARING AND BASIS TO FOLLOW) ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF 6.00 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY;  
THENCE NORTH 87 DEGREES 23 MINUTES 56 SECONDS EAST ON AND ALONG THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION AND THE NORTH RIGHT OF WAY LINE OF THE SIX (6) FOOT PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE NORTHEAST CORNER OF EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER ALSO BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED SIX (6) FOOT ALLEY AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE SOUTH 00 DEGREES 42 MINUTES 40 SECONDS WEST ON AND ALONG THE EAST LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION AND THE EAST LINE OF THE AFOREMENTIONED SIX (6) FOOT ALLEY, A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF LOT NUMBER FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTHEAST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" IDENTIFICATION CAP;  
THENCE SOUTH 87 DEGREES 23 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH LINE OF LOTS TWO (2) THROUGH FIVE (5) WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID NORTH LINE BEING COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF THE AFOREMENTIONED SIX (6) FOOT PLATTED ALLEY, A DISTANCE OF 230.50 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.032 ACRES (1,383 SQUARE FEET) OF LAND, MORE OR LESS.



**EXHIBIT "B"**  
**To**  
**Vacation Petition**

The petitioner is Mafco Leasing, LLC ("Mafco"). Mafco's property abuts the south, east and north boundary lines of the platted public alley sought to be vacated (the "Alley"). Mafco, in fact, owns all of the property comprising the pertinent Ryan's Addition plat. To the petitioner's knowledge, the Alley has never been used as an alley or public right-of-way. Mafco's building is located in the Alley. Mafco has continuously used the Alley believing the Alley was part of its own property. The petitioner is committed to grant any and all necessary replacement easements which the Common Council of Fort Wayne requires.

To supplement the above and foregoing, the petitioner states the following:

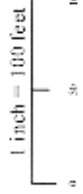
1. The vacation would not hinder the growth or orderly development of any neighborhood;
2. The vacation would not make access to the lands of other persons by means of public way difficult or inconvenient;
3. The vacation would not hinder the public's access to a church, school or other public building or place; and
4. The vacation would not hinder the use of a public way by any neighborhood.



All boundaries shown on this map were prepared by the City of Allentown. All City of Allentown maps are prepared to a standard of accuracy that is not warranted by the City of Allentown. The City of Allentown is not responsible for any errors or omissions on this map.

© 2019 City of Allentown  
 North American Datum, 1983  
 846 Pine Grove Dr., Allentown, PA 18101  
 Date: 1/22/19

**Project Boundaries Represented with Bold Lines are for Representational Purposes Only**



02/18/2019 2:42:56 PM  
CITY OF FT WAYNE CLERKS OFFICE  
0:00  
JENNIFERG  
TRANSACTION # 4355195

2019007861	ORDINANCE	0.00
2019007862	ORDINANCE	0.00

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-2019-0001  
Bill Number: G-19-01-02  
Council District: 6-Glynn Hines

---

Introduction Date: January 8, 2019  
Public Hearing Date: January 22, 2019 (to be held by Council)  
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

---

Synopsis of Ordinance: To vacate a platted alley north of Lots 1-5 of Ryan's Addition to Fort Wayne.

Location: The east-west alley lies along the northern property line of Lots 1-5 in Ryan's Addition, which is also located at 3101 New Haven Avenue.

Reason for Request: The property owner's building is partially located within the alley. Vacation of the unused alley will remove an unnecessary encumbrance on the property.

Applicant: MAFCO Leasing, LLC

Property Owner: MAFCO Leasing, LLC

---

Related Petitions: VALY-2019-0002 (G-19-01-03) for adjacent alley vacation

---

Effect of Passage: Vacation of the alley right-of-way will return the land to the adjacent property owners to the south and east of the alley, which is the same entity. The building is partially over the alley, which is unused.

Effect of Non-Passage: The platted right-of-way will remain under City jurisdiction. The applicant's survey shows an encroachment, which could cause title and/or financing issues.

# The Journal Gazette

Account # 1063561 - 1349246

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>0.473</u> cents per line	\$ 26.96
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>\$ 26.96</u>

### DATA FOR COMPUTING COST

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

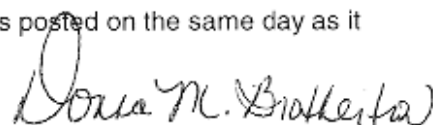
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

1/11/2019

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:    January 11, 2019

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

**ORDINANCE NO. G-19-01-02**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JANUARY 22, 2019, 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 the 6-foot wide east-west alley along the north line of Lots 1-5 in Ryan's Addition, 3101 New Haven Avenue (Section 7 of Adams Township). Approximately 1,383 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, JANUARY 22, 2019.

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

1--11

1349246 hspaxlp

# The Journal Gazette

Account # 1063561 - 1349246

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>0.473</u> cents per line	\$ 26.96
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>\$ 26.96</u>

### DATA FOR COMPUTING COST

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

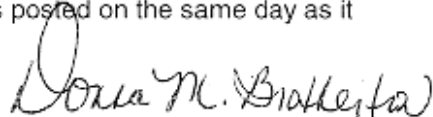
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

1/11/2019

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: January 11, 2019

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

**ORDINANCE NO. G-19-01-02**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JANUARY 22, 2019, AT 4:30 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 the 6-foot wide east-west alley along the north line of Lots 1-5 in Ryan's Addition, 3101 New Haven Avenue (Section 7 of Adams Township). Approximately 1,383 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, JANUARY 22, 2019.

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 B. KEESLING  
CITY CLERK

1--11 1349246 hspaxlp

**BILL NO. G-19-01-02**

**REPORT OF COMMITTEE ON REGULATIONS**

**February 12, 2019**

***Michael Barranda Chair***

***Tom Freistroffer 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 platted alley north of Lots 1-5 of Ryan's Addition, 3101 New Haven Avenue

MAFCO Leasing, LLC


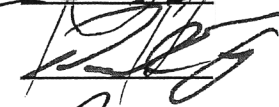
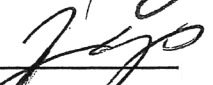
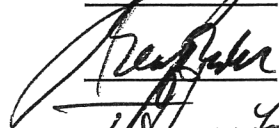
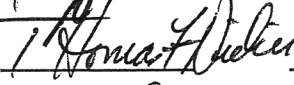
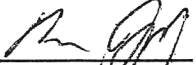
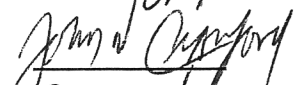
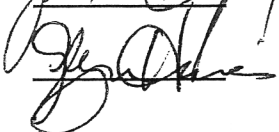
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

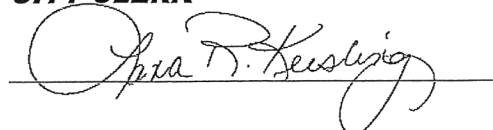
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: 01/22/19

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

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

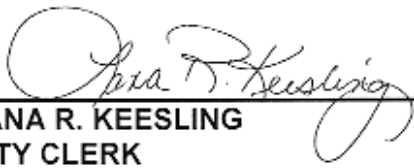
Read the third time in full and on motion by Councilman Barranda, placed on passage by the following vote:

<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: February 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-19-01-02 on the 12th day of February, 2019

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

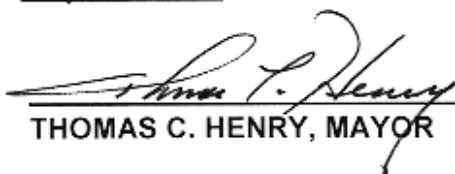
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of February 2019, at the hour of 10:05 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14<sup>TH</sup> day of FEBRUARY

2019, at the hour of 10:00 o'clock AM E.S.T.

FORT WAYNE, INDIANA  
**RECEIVED**  
 FEB 15 2019  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR