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2019007862

RECORDED: 02/18/2019 02:42:57 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

1 VALY-2019-0002

2 BILL NO. G-19-01-03

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

GENERAL ORDINANCE NO. G- 4-19

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

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

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

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

18 A PORTION OF LOT NUMBER TWENTY-EIGHT (28) WITHIN BIRD'S PARTITION OF THE EAST  
19 HALF OF THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST,  
20 FORT WAYNE, INDIANA AS RECORDED IN DEED RECORD 71, PAGES 192 TO 195 WITHIN  
21 THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA. THIS REAL ESTATE  
22 DESCRIPTION HAS BEEN PREPARED BY FORESIGHT CONSULTING, LLC DECEMBER 20<sup>TH</sup>,  
23 2018 AS COMMISSION NUMBER 182261 AND CERTIFIED BY TODD R. BAUER, INDIANA  
24 REGISTERED PROFESSIONAL SURVEYOR NUMBER 29800007. THE SUBJECT REAL ESTATE  
25 IS FURTHER DESCRIBED AS FOLLOWS:

26 COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE  
27 EDWARD F. AND MARY M. RYAN'S ADDITION AS RECORDED IN PLAT BOOK 11, PAGE 65  
28 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID NORTHWEST  
29 CORNER ALSO BEING THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF  
30 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 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, BEING THE **POINT  
OF BEGINNING**; THENCE CONTINUING NORTH 00 DEGREES 42 MINUTES 40 SECONDS  
WEST ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF

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6.00 FEET; THENCE NORTH 87 DEGREES 23 MINUTES 56 SECONDS EAST EQUIDISTANT AND PARALLEL WITH 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 130.52 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF THE LANDS OF MAFCO LEASING, LLC AS RECORDED IN DOCUMENT NUMBER 2013064180 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THENCE SOUTH 00 DEGREES 42 MINUTES 31 SECONDS EAST ON AND ALONG THE WEST LINE OF MAFCO LEASING, LLC A DISTANCE OF 6.00 FEET TO A POINT ON THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF A SIX (6) FOOT PLATTED ALLEY WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID POINT BEING A POINT OF DEFLECTION OF THE BOUNDARY LINE OF MAFCO LEASING, LLC AND 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 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, A DISTANCE OF 130.52 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.018 ACRES (783 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.

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(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:** 71 **PAGE(S) NUMBER(S):** 192-195 (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.

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(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 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.

Mary Hasegger MAFCO LEASING, LLC  
Signature By: MARY HASEGGER-fx Date 1/2/19  
Printed Name Date  
3101 New Haven Avenue Fort Wayne, Indiana 46803  
Address City/State/Zip

Lawanda D. Vandall POA Alberta L. Jordan 12-31-18  
Signature Printed Name Date  
1803 Edsall Avenue Fort Wayne, Indiana 46803  
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 #: UAW-2019-0002  
G-19-01-03

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

**NORTHERN SIX (6) FEET "ALLEY" VACATION REAL ESTATE DESCRIPTION**

A PORTION OF LOT NUMBER TWENTY-EIGHT (28) WITHIN BIRD'S PARTITION OF THE EAST HALF OF THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST, FORT WAYNE, INDIANA AS RECORDED IN DEED RECORD 71, PAGES 192 TO 195 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:

COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE EDWARD F. AND MARY M. RYAN'S ADDITION AS RECORDED IN PLAT BOOK 11, PAGE 65 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, 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 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, BEING THE **POINT OF BEGINNING**;

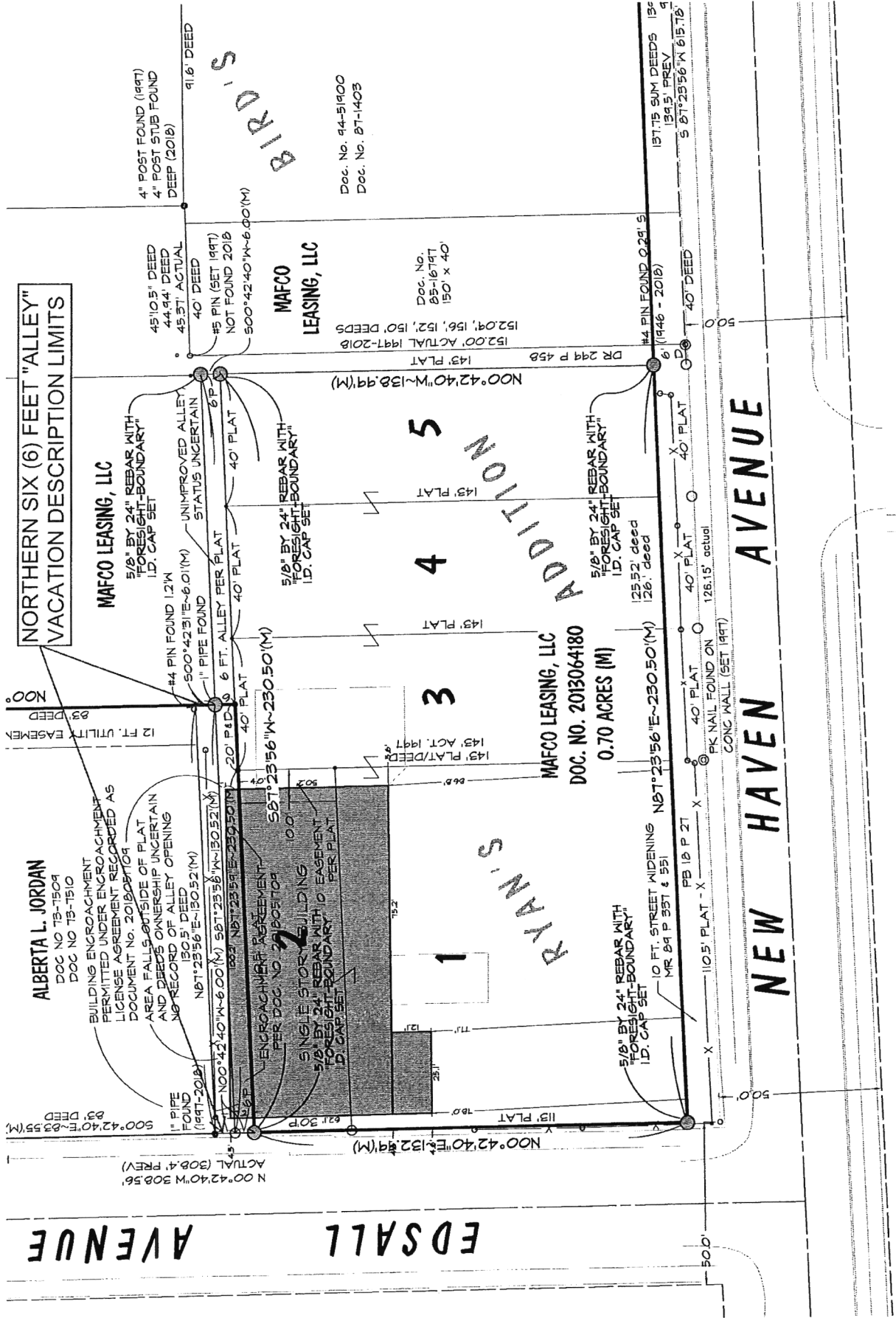
THENCE CONTINUING NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF 6.00 FEET;

THENCE NORTH 87 DEGREES 23 MINUTES 56 SECONDS EAST EQUIDISTANT AND PARALLEL WITH 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 130.52 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF THE LANDS OF MAFCO LEASING, LLC AS RECORDED IN DOCUMENT NUMBER 2013064180 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA;

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EDSALL AVENUE



**ALBERTA L. JORDAN**  
 DOC NO 73-1504  
 DOC NO 73-1510

BUILDING ENCROACHMENT  
 PERMITTED UNDER ENCROACHMENT  
 LICENSE AGREEMENT RECORDED AS  
 DOCUMENT NO. 201808104  
 AREA FALLS OUTSIDE OF PLAT  
 AND DEEDS OWNERSHIP UNCERTAIN  
 NO RECORD OF ALLEY OPENING

12 FT. UTILITY EASEMENT  
 83' DEED

100' DEED

45'10.5" DEED  
 44'9.4" DEED  
 45.57' ACTUAL

4" POST FOUND (1997)  
 4" POST STUB FOUND DEEP (2018)

45'10.5" DEED  
 44'9.4" DEED  
 45.57' ACTUAL

45'10.5" DEED  
 44'9.4" DEED  
 45.57' ACTUAL

MAFCO LEASING, LLC  
 5/8" BY 24" REBAR WITH  
 "FORESIGHT-BOUNDARY"  
 I.D. CAP SET

UNIMPROVED ALLEY  
 STATUS UNCERTAIN  
 6" P

5/8" BY 24" REBAR WITH  
 "FORESIGHT-BOUNDARY"  
 I.D. CAP SET

5/8" BY 24" REBAR WITH  
 "FORESIGHT-BOUNDARY"  
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5/8" BY 24" REBAR WITH  
 "FORESIGHT-BOUNDARY"  
 I.D. CAP SET

100' DEED

500'42.40"E-132.89(M)  
 ACTUAL (308.4' PREV)

500'42.40"E-132.89(M)  
 ACTUAL (308.4' PREV)

500'42.40"E-132.89(M)  
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 ACTUAL (308.4' PREV)

500'42.40"E-132.89(M)  
 ACTUAL (308.4' PREV)

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 ACTUAL (308.4' PREV)

500'42.40"E-132.89(M)  
 ACTUAL (308.4' PREV)

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

The petitioners are Alberta L. Jordan ("Jordan") and Mafco Leasing, LLC ("Mafco"). Jordan's property abuts the north boundary line of the public alley sought to be vacated (the "Alley"). Mafco's property abuts the east boundary line of the Alley. Mafco is currently (and separately) petitioning to vacate the Ryan's Addition platted public alley which abuts the south boundary line of the Alley; upon the vacation of this other alley Mafco's property would be deemed to abut the south boundary line of the Alley. To the petitioners' knowledge, the Alley has never been used as an alley or public right-of-way. Mafco's building is located, in part, in the Alley. Mafco has continuously used the Alley believing the Alley was part of its own property. The petitioners are committed to grant any and all necessary replacement easements which the Common Council of Fort Wayne requires.

To supplement the above and foregoing, the petitioners state 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

Alberta L. Jordan  
1803 Edsall Avenue  
Fort Wayne, IN 46803  
260-433-1440

**ALLEY VACATION – PUBLIC HEARING**  
**Department of Planning Services**

VALY 2019 0002	Bill #G-19-01-03	Project Start: 8 January 2019
<b>APPLICANT:</b> <b>REQUEST:</b> <b>LOCATION:</b> <b>LAND AREA:</b> <b>COUNCIL DISTRICT:</b> <b>PUBLIC HEARING DATE:</b> <b>ASSOCIATED PETITION:</b>	MAFCO, LLC To vacate the 6-foot wide east-west alley along the south line of 1803 Edsall Avenue, within Lot 28 of the Partition of John A. Bird’s Estate. Between 1803 Edsall Avenue and 3101 New Haven Avenue (Section 7 of Adams Township) Approximately 783 square feet proposed to be vacated. District 6 – Glynn Hines January 22, 2019 VALY-2019-0001 (G-19-01-02)	

**PROJECT SUMMARY**

The petitioner is MAFCO, LLC, owner of the property to the south and east of the alley to be vacated. The owner north of the alley also signed the application. This petition is accompanied by a second petition to vacate the alley immediately adjacent and south of this alley (VALY-2019-0001), also being heard at this public hearing. The applicant found that the existing building is located partially within both alleys. Approval of the vacation would clear up the survey and assist in transferring or receiving financing for the property. The alley is unimproved. A staff site visit found that there is an existing fence, plant material and electric utilities within the alley. There is also a sharp grade change in the alley, making it unsuitable for traffic. Having these two alleys vacated would resolve the issue of building encroachment on the public right-of-way. Staff has sent requests for comment from all affected utility agencies and all necessary easements will be granted by the applicant.

- |   |  |
|---|--|
| City Plan:<br><br>Traffic Engineering:<br>Stormwater Engineering:<br>Water Engineering:<br>WPC Engineering – Sanitary:<br>City Parks Department:<br>Fire Department:<br>Land Acquisition Agent:<br>Frontier:<br>Comcast Cable:<br>AEP:<br>NIPSCO: | 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.<br><br>Approved<br>Easement needed over both alleys<br>Approved<br>Easement needed over both alleys<br>Approved<br><br>Approved<br>Approved<br>Easement needed over both alleys<br><br>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-2019-0002**

Bill No. G-19-01-03

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 McNagny  
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

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\_\_\_\_\_ Easement       Public Right of Way (street or alley)

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**DEED BOOK NUMBER:** 71 **PAGE(S) NUMBER(S):** 192-195 (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.  
\_\_\_\_\_  
\_\_\_\_\_  
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(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 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.

MAFCO LEASING, LLC

Mary Harberger-Fox  
Signature

By: MARY HARBERGER-FOX  
Printed Name

11/2/19  
Date

3101 New Haven Avenue  
Address

Fort Wayne, Indiana 46803  
City/State/Zip

Lawanda D. Vandall POA  
Signature

Alberta L. Jordan  
Printed Name

12-31-18  
Date

Lawanda D. Vandall POA

1803 Edsall Avenue  
Address

Fort Wayne, Indiana 46803  
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**

**NORTHERN SIX (6) FEET "ALLEY" VACATION REAL ESTATE DESCRIPTION**

A PORTION OF LOT NUMBER TWENTY-EIGHT (28) WITHIN BIRD'S PARTITION OF THE EAST HALF OF THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST, FORT WAYNE, INDIANA AS RECORDED IN DEED RECORD 71, PAGES 192 TO 195 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:

COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER TWO (2) WITHIN THE EDWARD F. AND MARY M. RYAN'S ADDITION AS RECORDED IN PLAT BOOK 11, PAGE 65 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, 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;

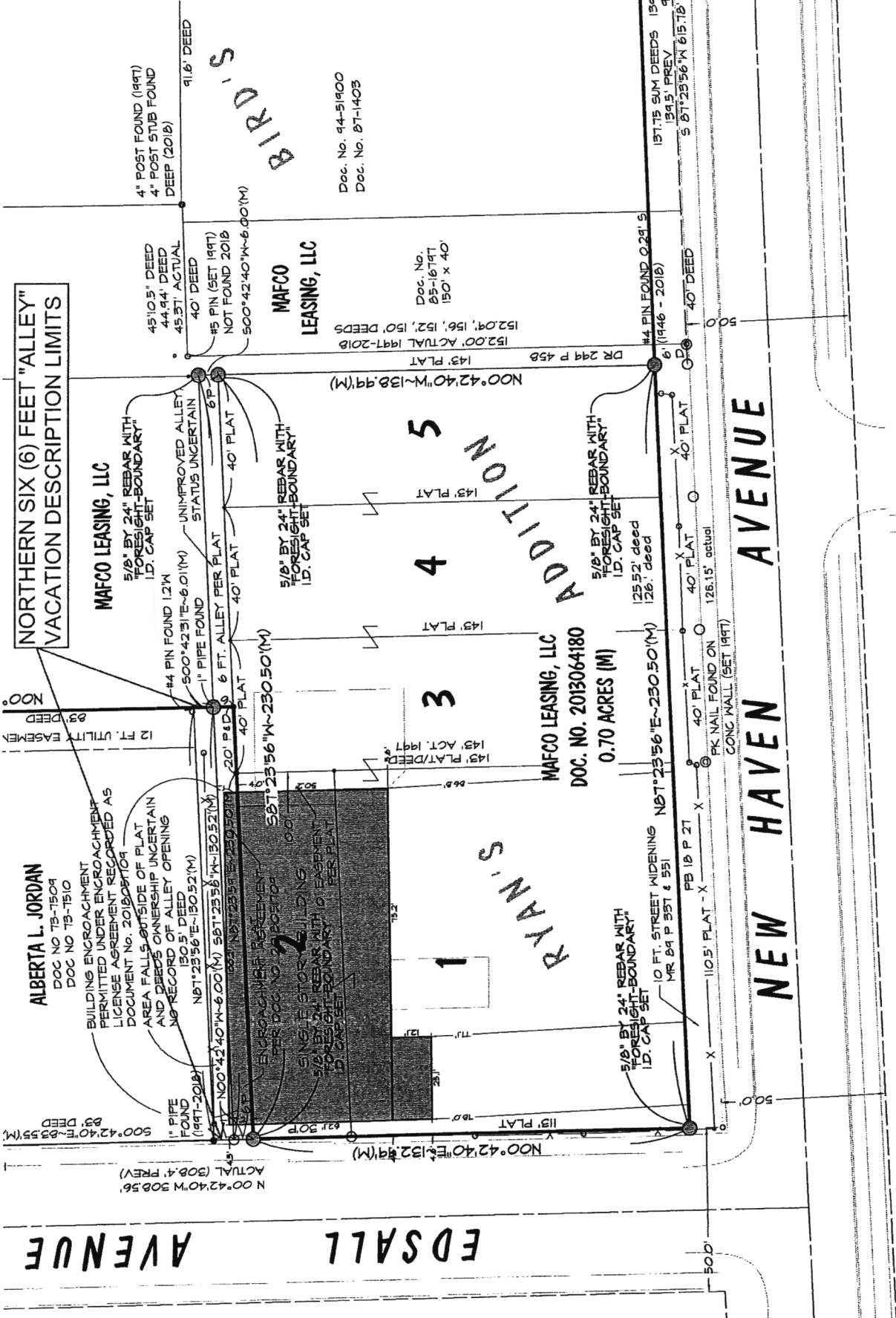
THENCE NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST (INDIANA STATE PLANE ZONE EAST GRID BEARING AND BASIS TO FOLLOW) ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF 6.00 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE AND NORTH LINE OF EDWARD F. 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, BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST ON AND ALONG THE EAST RIGHT OF WAY LINE OF EDSALL AVENUE A DISTANCE OF 6.00 FEET;

THENCE NORTH 87 DEGREES 23 MINUTES 56 SECONDS EAST EQUIDISTANT AND PARALLEL WITH 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 130.52 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF THE LANDS OF MAFCO LEASING, LLC AS RECORDED IN DOCUMENT NUMBER 2013064180 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA;

THENCE SOUTH 00 DEGREES 42 MINUTES 31 SECONDS EAST ON AND ALONG THE WEST LINE OF MAFCO LEASING, LLC A DISTANCE OF 6.00 FEET TO A POINT ON THE NORTH LINE OF EDWARD F. AND MARY M. RYAN'S ADDITION BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF A SIX (6) FOOT PLATTED ALLEY WITHIN EDWARD F. AND MARY M. RYAN'S ADDITION, SAID POINT BEING A POINT OF DEFLECTION OF THE BOUNDARY LINE OF MAFCO LEASING, LLC AND 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 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, A DISTANCE OF 130.52 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.018 ACRES (783 SQUARE FEET) OF LAND, MORE OR LESS.



**NORTHERN SIX (6) FEET "ALLEY" VACATION DESCRIPTION LIMITS**

**ALBERTA L. JORDAN**  
 DOC NO 73-1504  
 DOC NO 73-1510

BUILDING ENCROACHMENT PERMITTED UNDER ENCROACHMENT LICENSE AGREEMENT RECORDED AS DOCUMENT NO. 201508704  
 AREA FALLS OUTSIDE OF PLAT AND DEEDS OWNERSHIP UNCERTAIN NO RECORD OF ALLEY OPENING

**MAFCO LEASING, LLC**  
 5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" I.D. CAP SET

**MAFCO LEASING, LLC**

**ADDITION**

**RYAN'S**

**MAFCO LEASING, LLC**  
 DOC. NO. 2013064180  
 0.70 ACRES (M)

**NEW HAVEN AVENUE**

N 00°42'40"W 508.56' ACTUAL (308.4' PREV)

**EDSALL AVENUE**

4" POST FOUND (1997)  
 4" POST STUB FOUND DEEP (2018)

45'10.5" DEED  
 44'9.4" DEED  
 45.57' ACTUAL

40' DEED  
 #5 PIN (SET 1997)  
 NOT FOUND 2018  
 500°42'40"W~6.00'(M)

Doc. No. 94-51900  
 Doc. No. 87-1403

Doc. No. 85-16791  
 150' x 40'

152.00' ACTUAL 1997-2018  
 152.09', 156', 152', 150' DEEDS

143' PLAT  
 DR 294 P 458  
 N00°42'40"W~138.99'(M)

5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" I.D. CAP SET

10 FT. STREET WIDENING MR. 84 P 551 & 551

PB 18 P 21  
 110.5' PLAT - X

N 81°23'56"E~230.50'(M)

125.52' deed  
 126.15' actual

5/8" BY 24" REBAR WITH "FORESIGHT-BOUNDARY" I.D. CAP SET

44 PIN FOUND 0.281.5  
 6' (1946 - 2018)

157.75 SUM DEEDS 130  
 154.5' PREV 9  
 S 87°23'56"W 615.78'

PK NAIL FOUND ON CONC WALL (SET 1997)

40' DEED

40' PLAT

40' PLAT

40' DEED

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

The petitioners are Alberta L. Jordan ("Jordan") and Mafco Leasing, LLC ("Mafco"). Jordan's property abuts the north boundary line of the public alley sought to be vacated (the "Alley"). Mafco's property abuts the east boundary line of the Alley. Mafco is currently (and separately) petitioning to vacate the Ryan's Addition platted public alley which abuts the south boundary line of the Alley; upon the vacation of this other alley Mafco's property would be deemed to abut the south boundary line of the Alley. To the petitioners' knowledge, the Alley has never been used as an alley or public right-of-way. Mafco's building is located, in part, in the Alley. Mafco has continuously used the Alley believing the Alley was part of its own property. The petitioners are committed to grant any and all necessary replacement easements which the Common Council of Fort Wayne requires.

To supplement the above and foregoing, the petitioners state 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:**

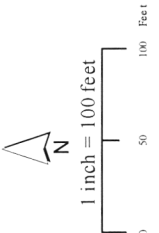
MAFCO Leasing, LLC  
3101 New Haven Avenue  
Fort Wayne, IN 46803  
260-615-9105

Alberta L. Jordan  
1803 Edsall Avenue  
Fort Wayne, IN 46803  
260-433-1440



Although strict accuracy standards 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 arising from the use of this map.  
© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Graphics: Spring 2009  
Date: 1/2/2019

**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



**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-19-01-03**

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 south line of 1803 Edsall Avenue, within Lot 28 of the Partition of John A. Bird's Estate, 1803 Edsall Avenue and 3101 New Haven Avenue (Section 7 of Adams Township). Approximately 783 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 1349250 hspaxlp

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**NOTICE OF PUBLIC HEARING  
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LANA R. KEESLING  
CITY CLERK  
1--11 1349250 hspaxlp

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

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**Department of Planning Services**

Title of Ordinance: Vacation of Right-of-Way  
Case Number: VALY-2019-0002  
Bill Number: G-19-01-03  
Council District: 6-Glynn Hines

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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 an alley within Lot 28 of the Partition of John A. Bird's Estate.  
Location: The east-west alley lies along the southern property line of 1803 Edsall Avenue.  
Reason for Request: The building at 3101 New Haven Avenue is partially located within the alley. Vacation of the unused alley will remove an unnecessary encumbrance on the property.  
Applicant: MAFCO Leasing, LLC  
Property Owners: MAFCO Leasing, LLC, Alberta Jordan

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Related Petitions: VALY-2019-0001 (G-19-01-02) for adjacent alley vacation

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Effect of Passage: Vacation of the alley right-of-way will return the land to the adjacent property owners. The building is partially over the alley, which is unused.  
Effect of Non-Passage: The right-of-way will remain under City jurisdiction. The applicant's survey shows an encroachment, which could cause title and/or financing issues.

**BILL NO. G-19-01-03**

**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 an alley within Lot 28 of the Partition of John A Bird's Estate along the southern property line of 1803 Edsall Avenue

MAFCO Leasing, LLC

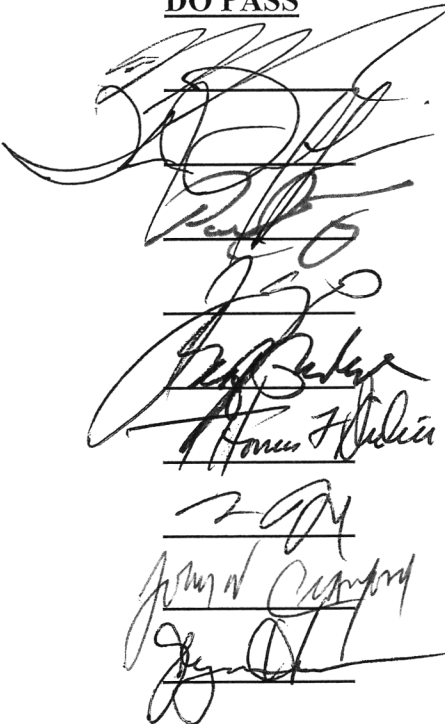
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

A column of handwritten signatures, including names like Michael Barranda, Tom Freistroffer, and others, written over the 'DO PASS' column.

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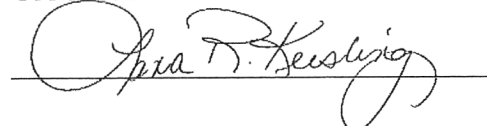
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**LANA R. KEESLING  
CITY CLERK**

Handwritten signature of Lana R. Keesling over a horizontal line.

Public Hearing Date: 1122119

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-19-01-03 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 day of February, 2019, at the hour of 10:05 o'clock A.M. E.S.T.

RECEIVED  
 FEB 15 2019  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 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.

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