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RECORDED: 07/15/2019 03:10:01 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

VROW-2019-0003

BILL NO. G-19-05-28

GENERAL ORDINANCE NO. G- 14-19

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:

The 12 feet wide platted alley lying north of and adjacent to Lots 23 through 26 in Swinney's Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Book 95, page 332 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

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

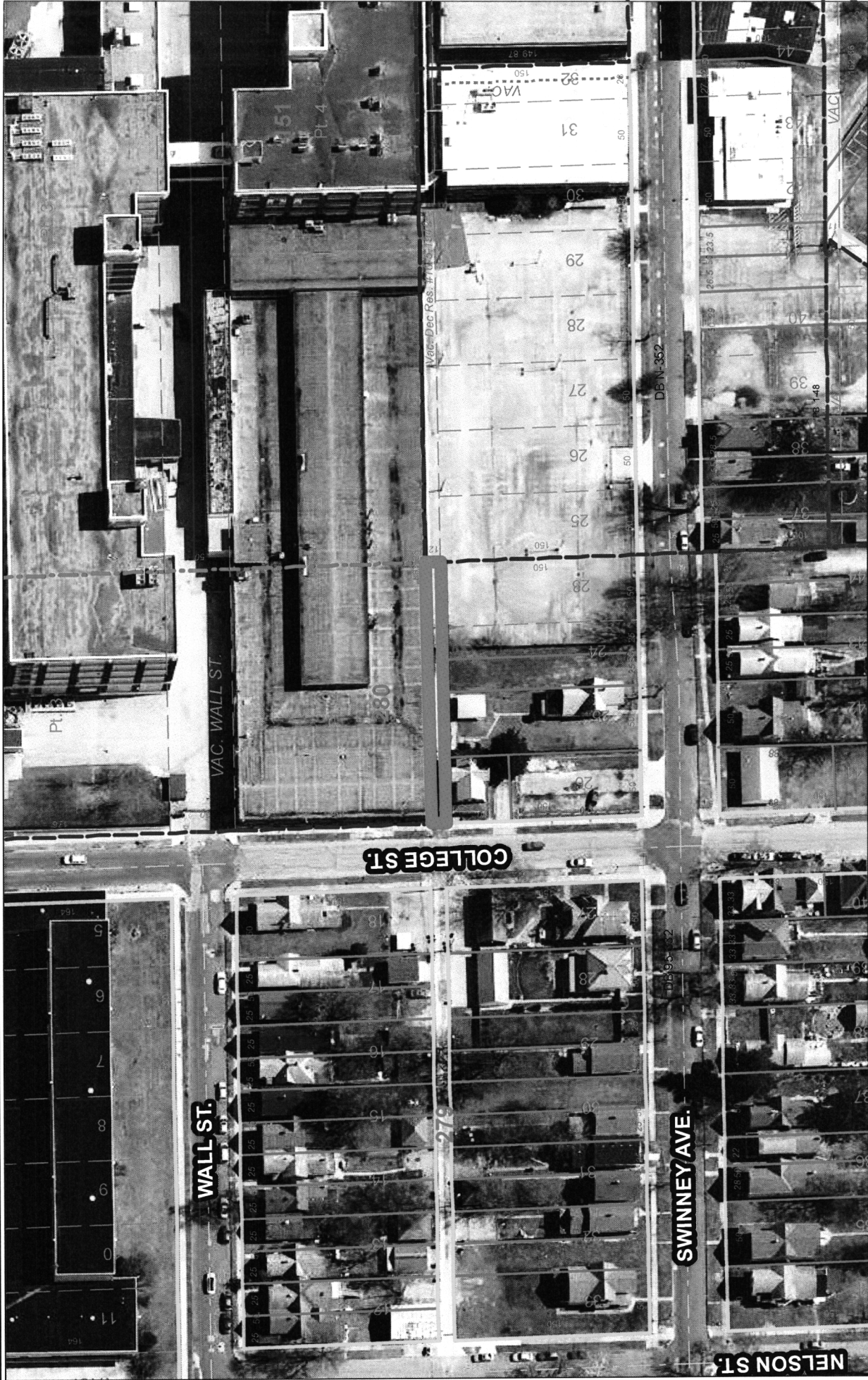
JUL 15 2019

AUDITOR OF ALLEN COUNTY

19
N/C



Vacation Petition VROW-2019-0003

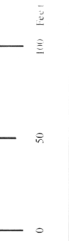


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2014 Board of Commissioners of the County of Allen
North American Map Information Systems, Inc.
State Plaza, Suite 200, Springdale, Indiana, East
Photos and Contours: Spring 2009
Date: 5/16/2019

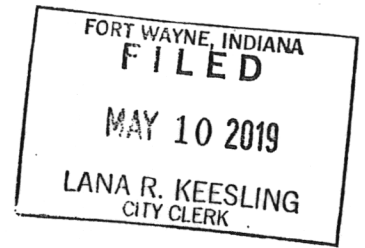


1 inch = 100 Feet



VPOW-2019-0003
2-19-05-28

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 EXHIBIT "A" ATTACHED

(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: 95 PAGE(S) NUMBER(S): 332 (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:

LAND DEVELOPMENT

(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: EW WEST CAMPUS LANDLORD, LLC

Street Address: c/o CROSS STREET PARTNERS, LLC, 2400 BOSTON STREET, SUITE 404

City: BALTIMORE State: MD Zip: 21224 Phone: _____

APPLICANTS CONTINUED ON ATTACHED SHEET

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.

SIGNATURES CONTINUED ON ATTACHED SHEET

BY: [Signature] EW WEST CAMPUS LANDLORD, LLC 5/9/19
Signature Printed Name Date
2400 BOSTON STREET, SUITE 404 BALTIMORE, MARYLAND 21224
Address City/State/Zip

BY: [Signature] BIGGS INDIANA PROPERTIES, LLC 5/9/19
Signature Printed Name Date
522 SOUTH 13TH STREET DECATUR, INDIANA 46733
Address City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): PETER G. MALLERS OF BEERS MALLERS BACKS & SALIN, LLP

Street Address: 110 WEST BERRY STREET, SUITE 1100
City: FORT WAYNE State: IN Zip: 46802 Phone: 260-426-9706

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: 5/13/19

Map #: K02
Wayne 10

Reference #: VPOW-2019-0003

Applicants:

BIGGS INDIANA PROPERTIES, LLC
522 SOUTH 13TH STREET
DECATUR, INDIANA 46733
PHONE: 260-724-4616

BROADWAY REDEVELOPMENT PARTNERS, LLC
c/o CROSS STREET PARTNERS, LLC
2400 BOSTON STREET, SUITE 404
BALTIMORE, MARYLAND 21224
PHONE: _____

Signatures:

BROADWAY REDEVELOPMENT PARTNERS, LLC

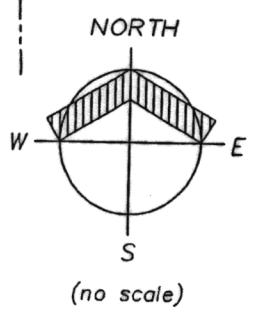
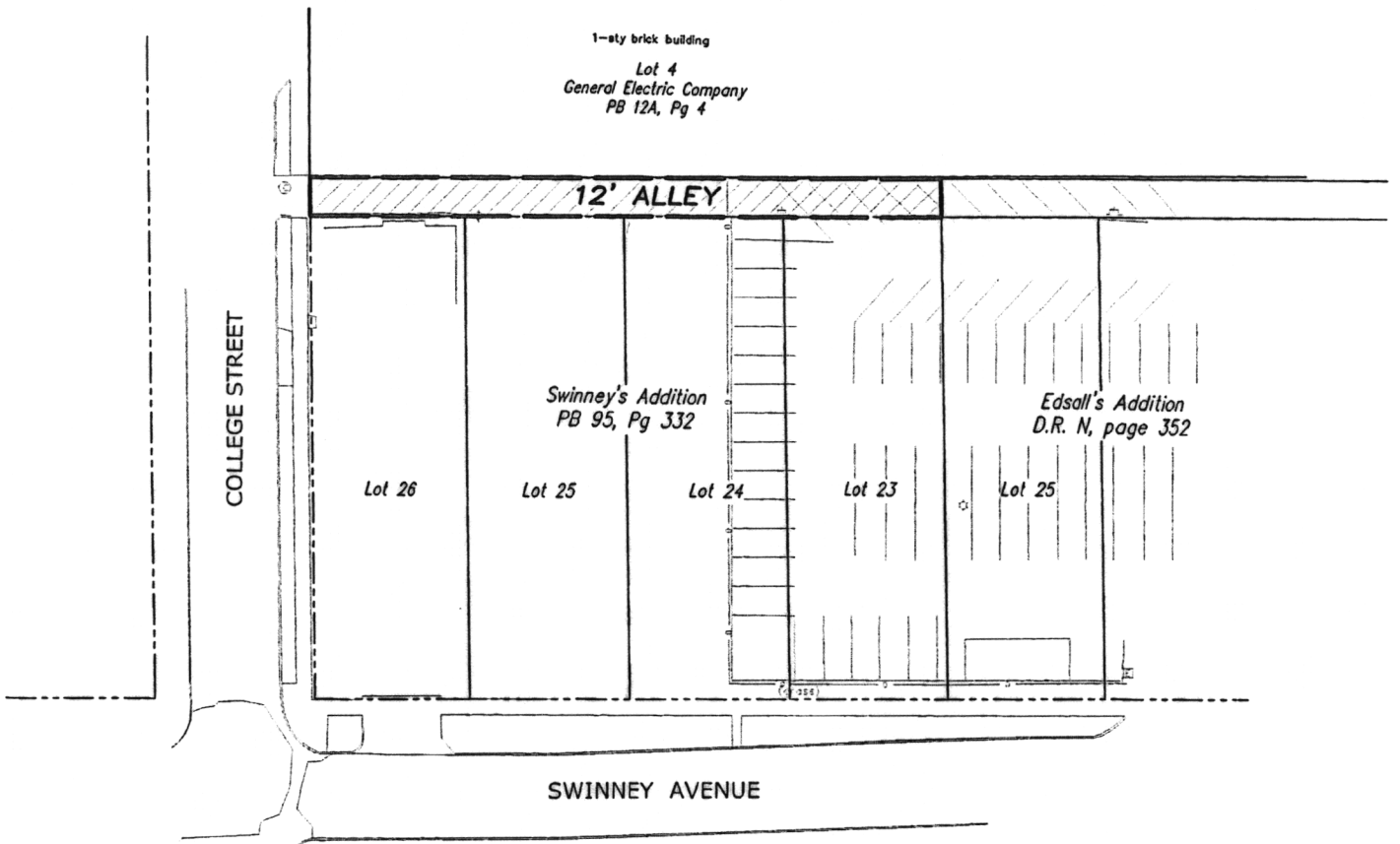
By: 


Printed Name: Joshua M. Parker
c/o CROSS STREET PARTNERS, LLC
2400 BOSTON STREET, SUITE 404
BALTIMORE, MARYLAND 21224
PHONE: _____

DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS (5)

The 12 feet wide platted alley lying north of and adjacent to Lots 23 through 26 in Swinney's Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Book 95, page 332 in the Office of the Recorder of Allen County, Indiana.

RIGHT-OF-WAY VACATION EXHIBIT



 = RIGHT-OF-WAY TO BE VACATED

The Journal Gazette

Account # 1063561 - 1360856

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	54

COMPUTATION OF CHARGES

<u>54</u> lines, <u>1</u> column(s) wide equals	
<u>54</u> equivalent lines at <u>\$.0473</u> cents per line	\$ 25.54
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	\$ 25.54

DATA FOR COMPUTING COST

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

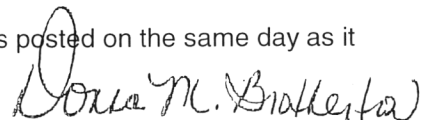
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

5/31/2019

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: May 31, 2019

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-19-05-28**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JUNE 11, 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 12 foot wide alley north of Lots 23 through 26 in Swinney's Addition, North of 1120 Swinney Avenue (Section 10 of Wayne Township)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JUNE 11, 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

5--31 1360856 hspaxlp

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

5--31 1360856 hspaxlp

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2019 0003	Bill #G-19-05-28	Project Start: 28 May 2019
APPLICANT:	Broadway Redevelopment Partners, LLC	
REQUEST:	To vacate the 12 foot wide alley north of Lots 23 through 26 in Swinney’s Addition.	
LOCATION:	North of 1120 Swinney Avenue (Section 10 of Wayne Township)	
COUNCIL DISTRICT:	District 5 – Geoff Paddock	
PUBLIC HEARING DATE:	June 11, 2019	

PROJECT SUMMARY

The petitioner is Broadway Redevelopment Partners, LLC, representing EW West Campus Landlord LLC, Cross Street Partners, LLC and Biggs Indiana Properties, LLC. The purpose of this vacation is to help facilitate the Electric Works campus redevelopment, a mixed-use development that will feature areas for retail, office, education, healthcare, and innovation. This is one of six areas of vacations requested by the developers. The requests are separated into groups of contiguous rights-of-way, all with the same purpose: to unencumber the real estate for ease of redevelopment. Staff has sent requests for comment from all affected utility agencies and their responses are below. The applicant is working with each agency as necessary and the petition is ready to be approved.

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:	Grant alley access to Lots 25 and 26
Frontier:	Easement needed
Comcast Cable:	Easement needed
AEP:	Easement needed
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-2019-0003

Bill No. G-19-05-28

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:

021211151001000074
2000 Broadway

EW West Campus Landlord LLC
c/o Cross Street Partners, LLC
2400 Boston Street, Suite 404
Baltimore, MD 21224

021211151005000074
1030 Swinney

EW West Campus Landlord LLC
c/o Cross Street Partners, LLC
2400 Boston Street, Suite 404
Baltimore, MD 21224

021210280001000074
1729 College

Biggs Indiana Properties, LLC
522 S 13th Street
Decatur, IN 46733

021210280003000074
1120 Swinney

Richard Wade
1120 Swinney Avenue
Fort Wayne, IN 46802

021210280004000074
1120 Swinney

Housing and Neighborhood Development Services
200 E Berry, Suite 320
Fort Wayne, IN 46802

021210280005000074
1102 Swinney

EW West Campus Landlord LLC
c/o Cross Street Partners, LLC
2400 Boston Street, Suite 404
Baltimore, MD 21224

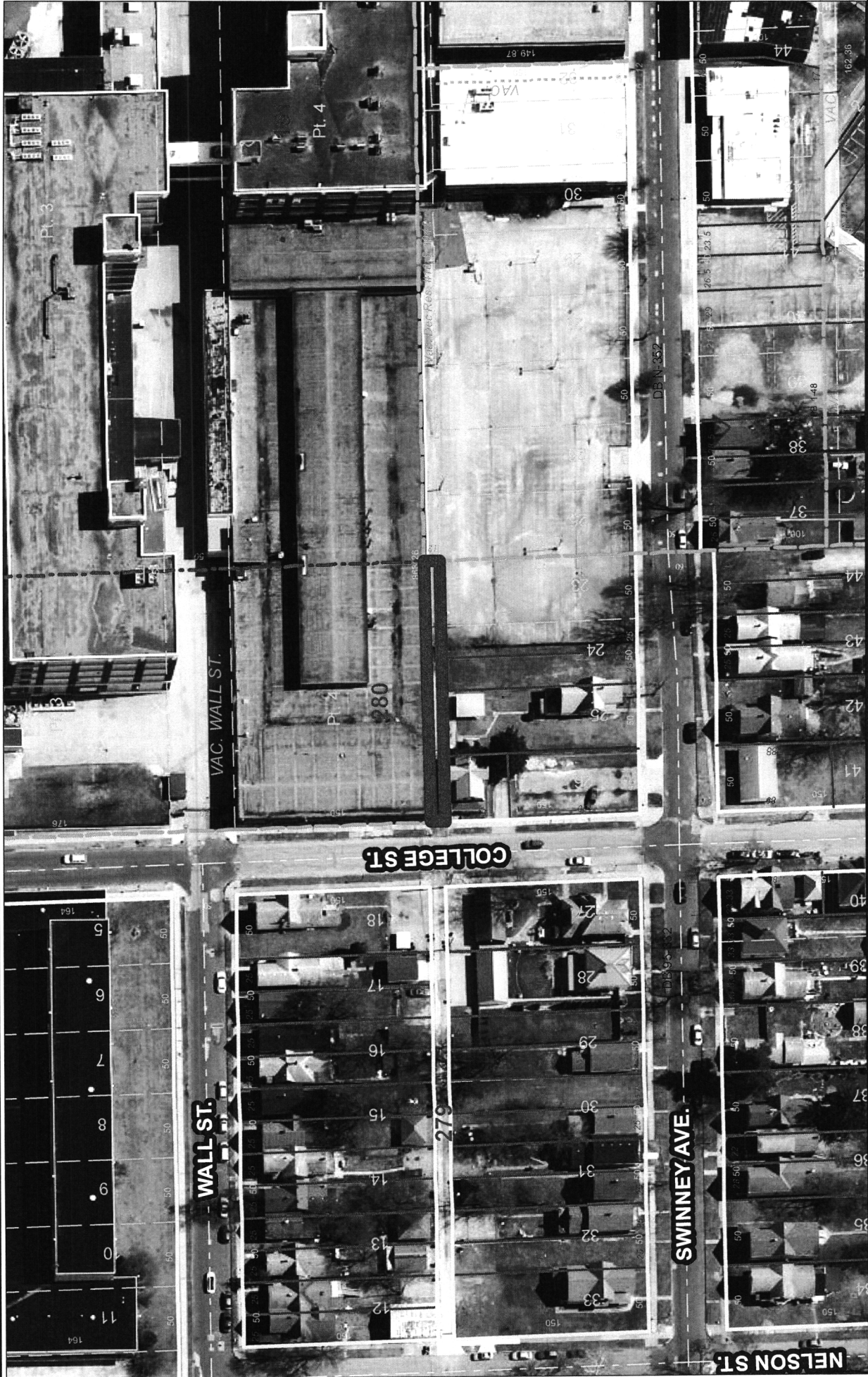
Representative:

Peter G. Mallers
Beers Mallers Backs and Salin LLP
110 W Berry Street, Suite 1100
Fort Wayne, IN 46802

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership
West Central Association

Vacation Petition VROW-2019-0003



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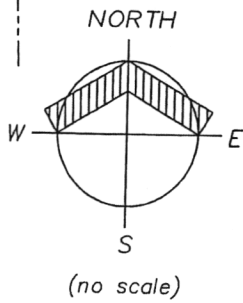
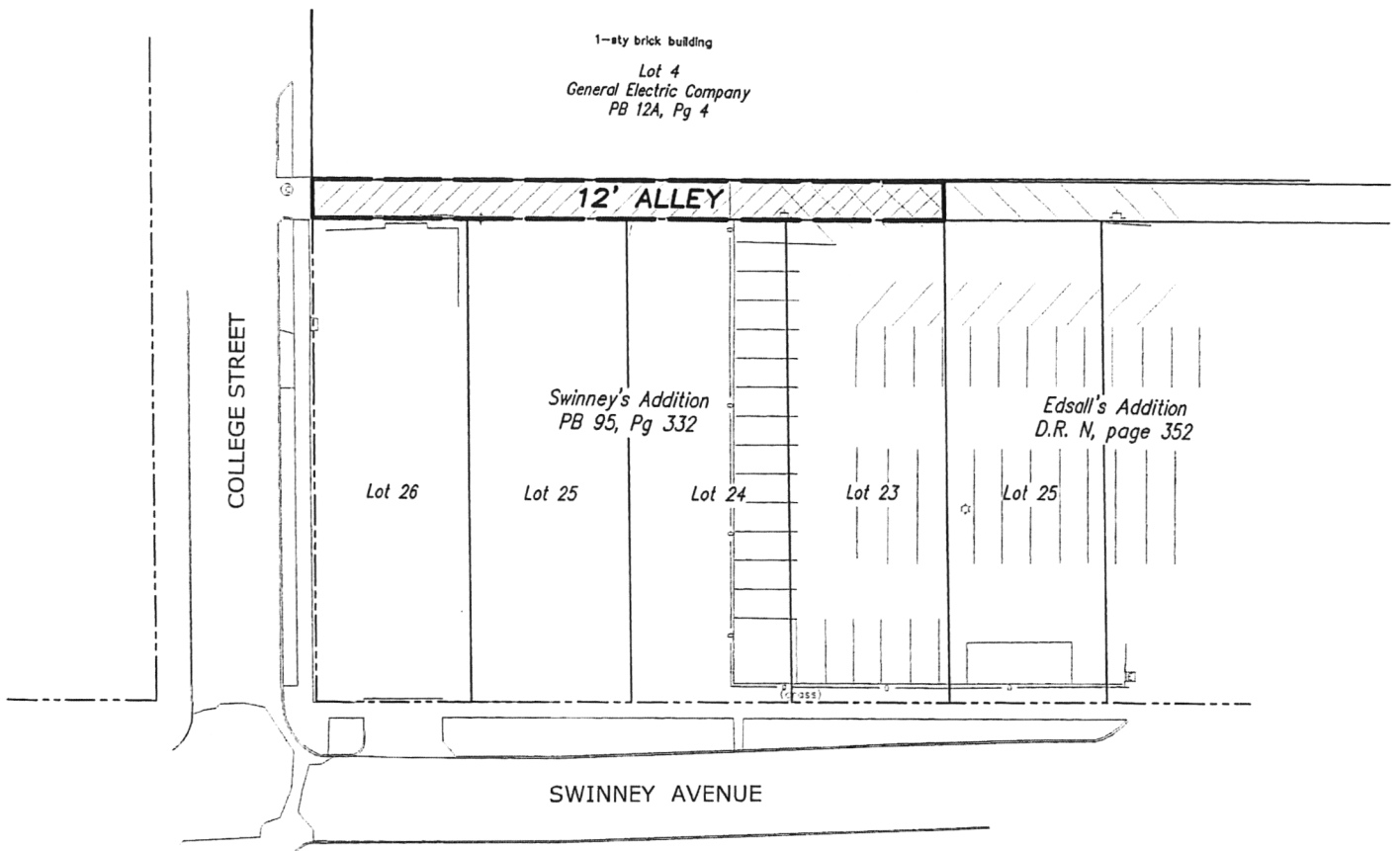
© 2004 Board of Geographic Names, City of Allen, North American Datum 1983

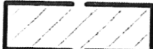
State Plane Coordinate System, Indiana East

Photos and Contours, Spring 2009

Date: 5/16/2019

RIGHT-OF-WAY VACATION EXHIBIT



 = RIGHT-OF-WAY TO BE VACATED

07/15/2019 3:10:01 PM
CITY OF FT WAYNE CLERKS OFFICE

0.00

JENNIFERG

TRANSACTION # 4374390

2019033653	ORDINANCE	0.00
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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: VROW-2019-0003
Bill Number: G-19-05-28
Council District: 5-Geoff Paddock

Introduction Date: May 28, 2019
Public Hearing Date: June 11, 2019 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate public right-of-way on the Electric Works campus.
Location: The 12 foot wide alley north of Lots 23 through 26 in Swinney's Addition to Fort Wayne. North of 1120 Swinney Avenue
Reason for Request: The applicant requires the vacation to redevelop the Electric Works campus.
Applicant: Broadway Redevelopment Partners, LLC
Property Owner: Broadway Redevelopment Partners, LLC

Related Petitions: VROW-2019-0004, 0005, 0006, 0007, and 0008

Effect of Passage: Vacation of the right-of-way will return the land to the adjacent property owner and allow for redevelopment of the Electric Works campus.
Effect of Non-Passage: The right-of-way will remain under City jurisdiction. Redevelopment of the Electric Works campus, as approved by the City of Fort Wayne Plan Commission, will have to be substantially altered.

BILL NO. G-19-05-28

**REPORT OF COMMITTEE ON REGULATIONS
July 9, 2019**

Tom Freistroffer Chair

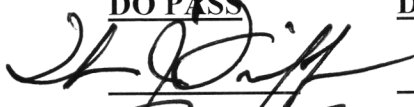



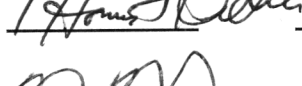
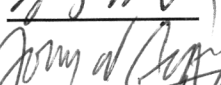
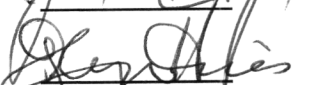
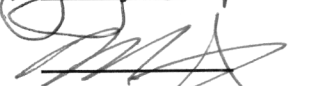

Michael Barranda Co-Chair

All Council Members

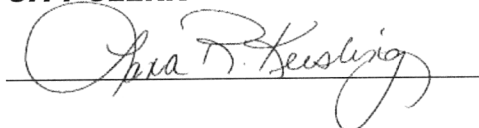
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate public right-of-way on the Electric Works campus - 12 foot wide alley north of Lots 23 through 26 in Swinney's Addition to Fort Wayne - North of 1120 Swinney Avenue

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

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 06-11-2019

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 Freistroffer, placed on passage by the following vote:

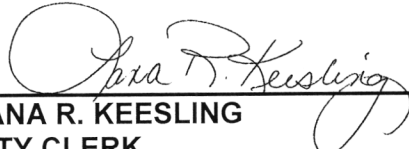
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: July 9, 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-19-05-28 on the 9th day of July, 2019



 LANA R. KEESLING
 CITY CLERK



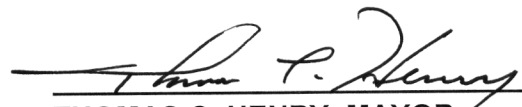
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
 of July 2019, at the hour of 9:45 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of July
 2019, at the hour of 11:00 o'clock Am. E.S.T.



 THOMAS C. HENRY, MAYOR

