



8 6 2 8 0 9 0
Tx:4374390

2019033655

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

ANITA MATHER

ALLEN COUNTY RECORDER
FORT WAYNE, IN

1 VROW-2019-0008

2 BILL NO. G-19-05-33

3
4 GENERAL ORDINANCE NO. G- 17-19

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

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

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

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

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

17 That part of Park View Avenue lying southeasterly of the southeasterly line of
18 Lindley Avenue and northwesterly of the southwesterly extension of the
19 northwesterly line of Lot 42 in Nuttman Place Addition to the City of Ft. Wayne,
20 Indiana, according to the plat thereof, recorded in Plat Record 3, page 83 in the
21 Office of the Recorder of Allen County, Indiana.

22 The 12 feet wide alley lying southeasterly of and adjacent to Lots 43 through 51,
23 easterly of and adjacent to Lots 51 through 53, and northeasterly of and adjacent
24 to Lot 53 in Nuttman Place Addition to the City of Ft. Wayne, Indiana, according to
25 the plat thereof, recorded in Plat Record 3, page 83 in the Office of the Recorder of
26 Allen County, Indiana.

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

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

Duly entered for taxation. Subject
to final acceptance for transfer.

JUL 15 2019

AUDITOR OF ALLEN COUNTY

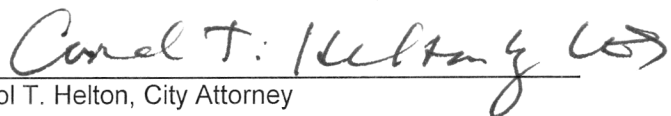
W/C

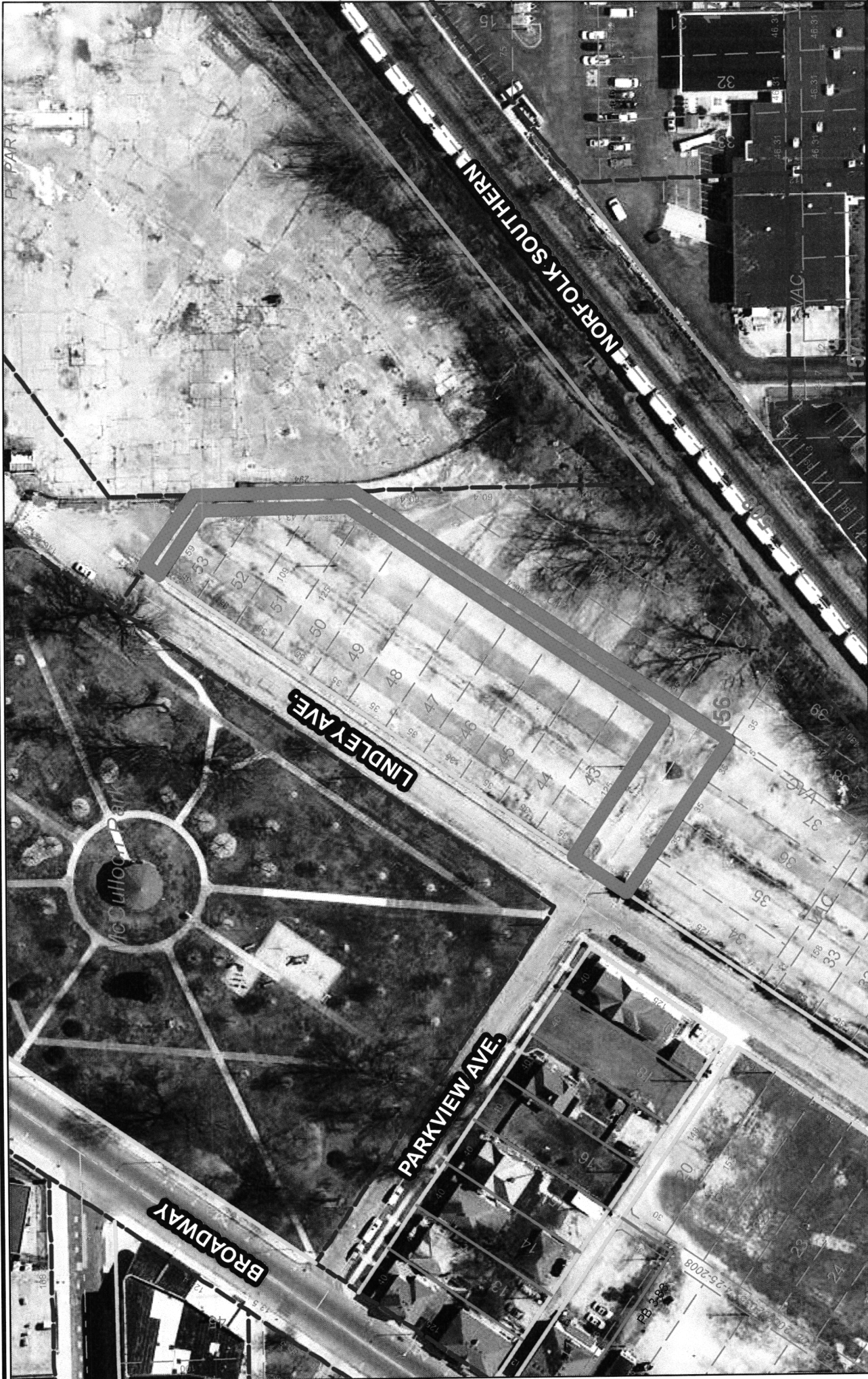
30

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


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

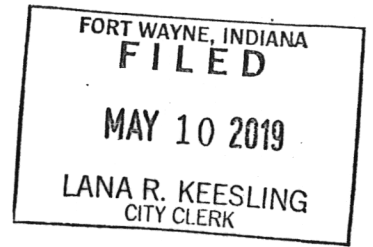


1 inch = 100 Feet

0 50 100 Feet

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 Datum 1983
 State Plane Coordinate System, Illinois East
 Photos and Graphics by Spring 2009
 Date: 5/16/2019



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.)

PLAT RECORD

DEED BOOK NUMBER: 3 PAGE(S) NUMBER(S): 83 (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: BROADWAY REDEVELOPMENT PARTNERS, 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

L-02
Wayne 11
1-1

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] BROADWAY REDEVELOPMENT PARTNERS, LLC 5/9/19
Signature Printed Name Date
2400 BOSTON STREET, SUITE 404 BALTIMORE, MARYLAND 21224
Address City/State/Zip

BY: [Signature] EW EAST CAMPUS LANDLORD, LLC 5/9/19
Signature Printed Name Date
2400 BOSTON STREET, SUITE 404 BALTIMORE, MARYLAND 21224
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 #: L-02 Reference #: ✓ ROW-2019-0008
Wayne 11

Signatures:

EW WEST CAMPUS LANDLORD, LLC

By:  _____

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

Applicants:

EW EAST CAMPUS LANDLORD, LLC
c/o CROSS STREET PARTNERS, LLC
2400 BOSTON STREET, SUITE 404
BALTIMORE, MARYLAND 21224
PHONE: _____

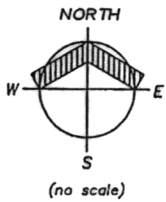
EW WEST CAMPUS LANDLORD, LLC
c/o CROSS STREET PARTNERS, LLC
2400 BOSTON STREET, SUITE 404
BALTIMORE, MARYLAND 21224
PHONE: _____


DESCRIPTION OF PROPOSED RIGHT-OF-WAY VACATIONS (6)

That part of Park View Avenue lying southeasterly of the southeasterly line of Lindley Avenue and northwesterly of the southwesterly extension of the northwesterly line of Lot 42 in Nuttman Place Addition to the City of Ft. Wayne, Indiana, according to the plat thereof, recorded in Plat Record 3, page 83 in the Office of the Recorder of Allen County, Indiana.

The 12 feet wide alley lying southeasterly of and adjacent to Lots 43 through 51, easterly of and adjacent to Lots 51 through 53, and northeasterly of and adjacent to Lot 53 in Nuttman Place Addition to the City of Ft. Wayne, Indiana, according to the plat thereof, recorded in Plat Record 3, page 83 in the Office of the Recorder of Allen County, Indiana.

RIGHT-OF-WAY VACATION EXHIBIT



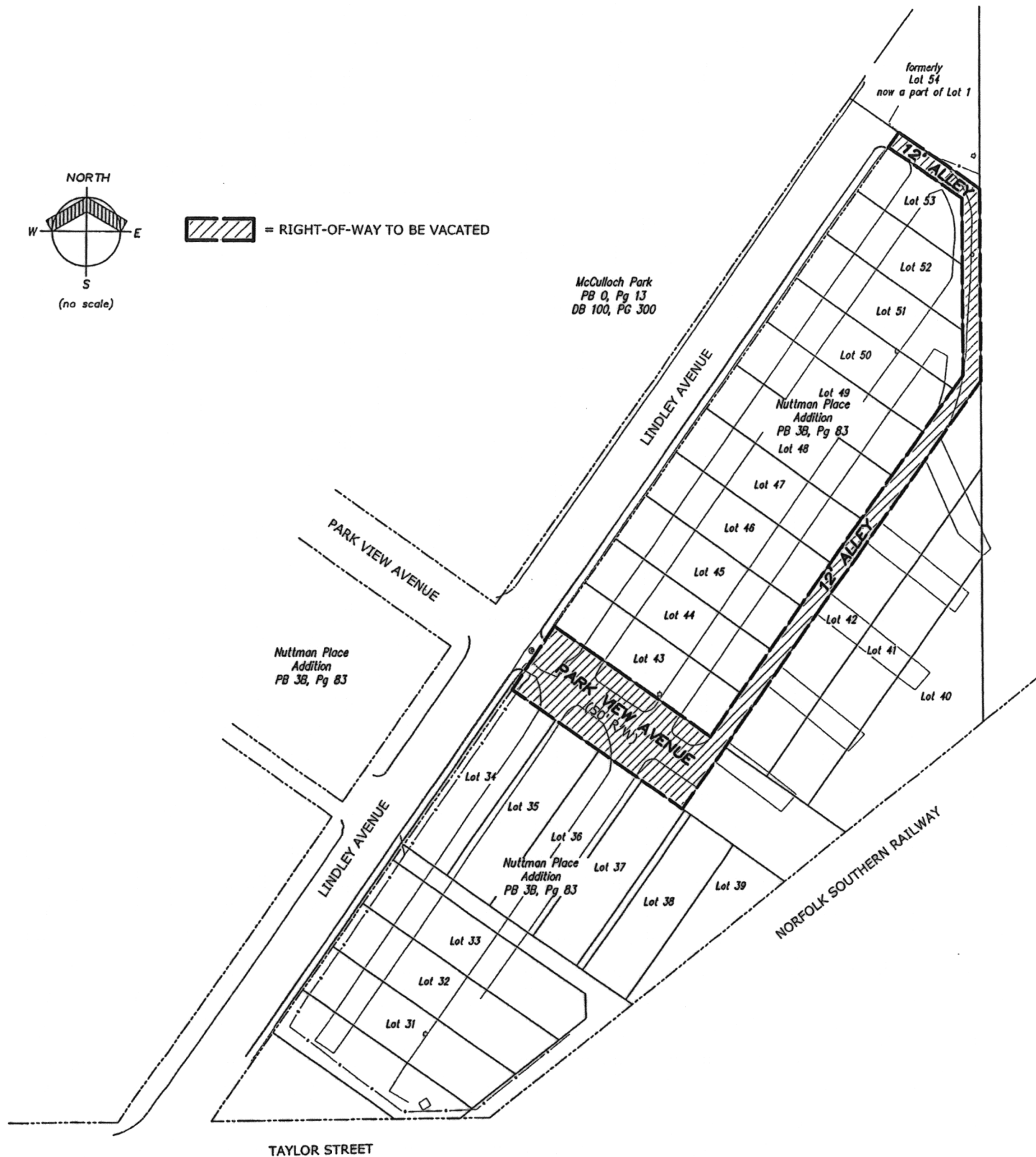
 = RIGHT-OF-WAY TO BE VACATED

McCulloch Park
PB 0, Pg 13
DB 100, PG 300

Nuttman Place
Addition
PB 38, Pg 83

Nuttman Place
Addition
PB 38, Pg 83

formerly
Lot 54
now a part of Lot 1



ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2019 0008	Bill #G-19-05-33	Project Start: 28 May 2019
APPLICANT: REQUEST: LOCATION: COUNCIL DISTRICT: PUBLIC HEARING DATE:	Broadway Redevelopment Partners, LLC Park View Avenue, southeast of Lindley Avenue, and the 12 foot wide alley southeast of Lots 43 through 53 of Nuttman Place Addition and northeast of Lot 53 in Nuttman Place Addition. On the southeast side of McCulloch Park. (Section 11 of Wayne Township) District 5 – Geoff Paddock 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:	
Water Engineering:	Approved
WPC Engineering – Sanitary:	
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Easement needed
NIPSCO:	Easement needed

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-2019-0008

Bill No. G-19-05-33

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

021211176001000074
1600 Fairfield

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

021211156001001074
1731 Lindley

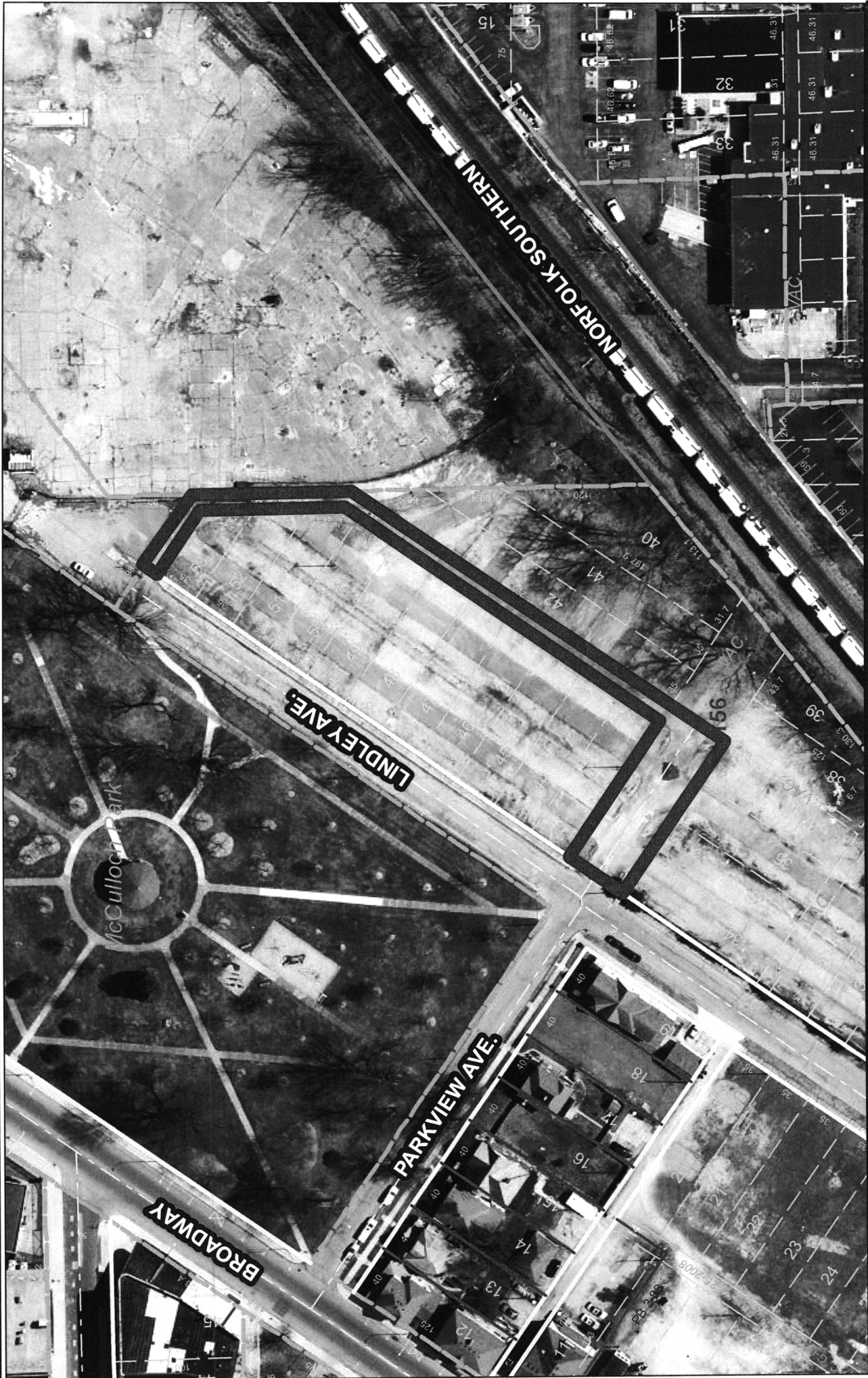
Broadway Redevelopment Partners, LLC
c/o Cross Street Partners, LLC
2400 Boston Street, Suite 404
Baltimore, MD 21224

Representative:

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

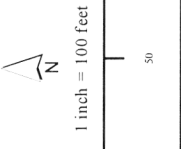
DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership
West Central Association

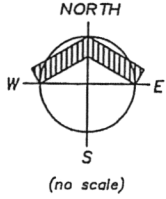



Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability, resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contour © Spring 2009
 Date: 5/16/2019



RIGHT-OF-WAY VACATION EXHIBIT



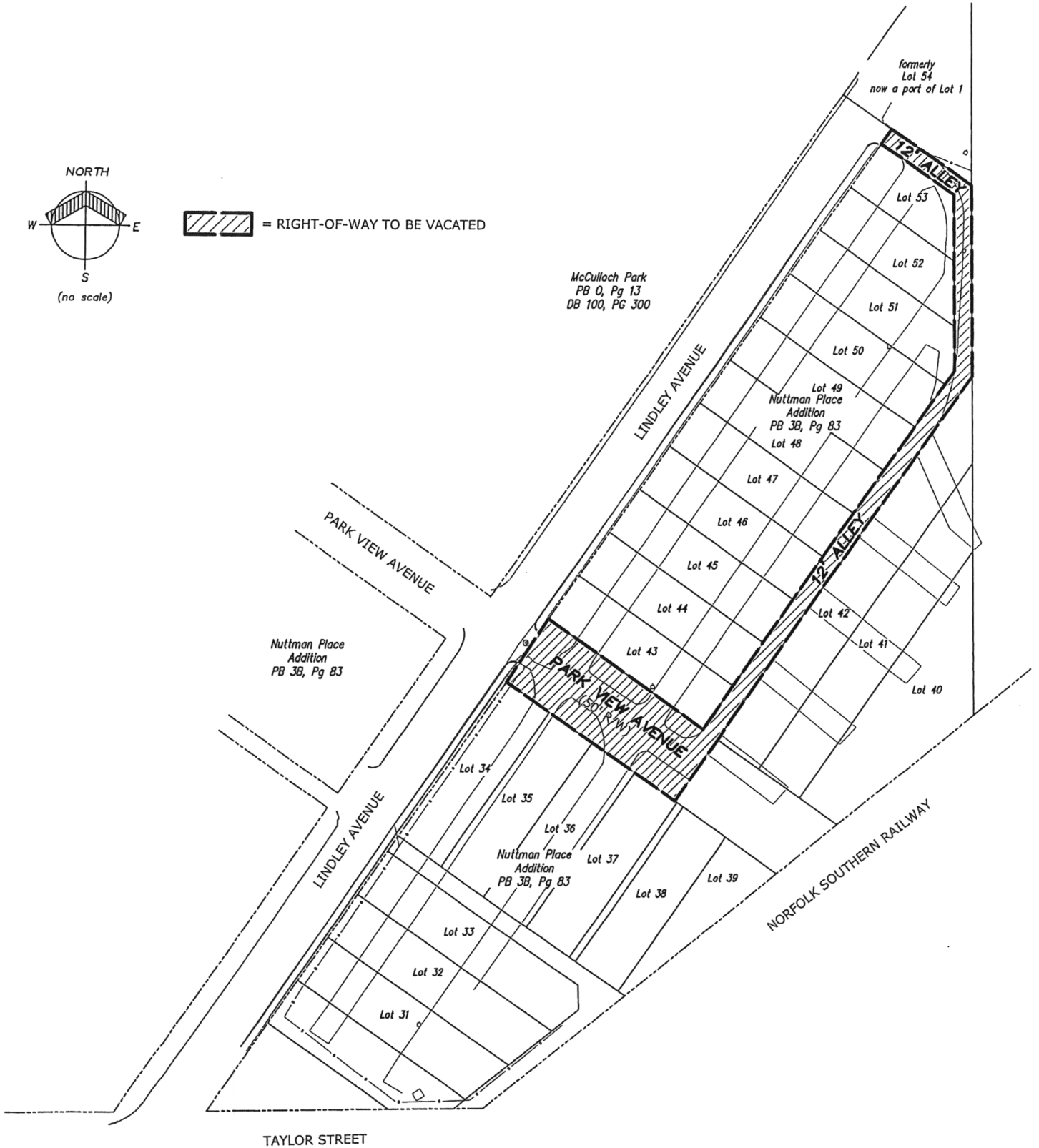
 = RIGHT-OF-WAY TO BE VACATED

McCulloch Park
PB 0, Pg 13
DB 100, PG 300

Nuttman Place
Addition
PB 38, Pg 83

Nuttman Place
Addition
PB 38, Pg 83

formerly
Lot 54
now a part of Lot 1



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

ORDINANCE NO. G-19-05-33

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 Park View Avenue, southeast of Lindley Avenue, and the 12 foot wide alley southeast of Lots 43 through 53 of Nuttman Place Addition and northeast of Lot 53 in Nuttman Place Addition. On the southeast side of McCulloch Park. (Section 11 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 1360852 hspaxlp

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

ORDINANCE NO. G-19-05-33

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 Park View Avenue, southeast of Lindley Avenue, and the 12 foot wide alley southeast of Lots 43 through 53 of Nuttman Place Addition and northeast of Lot 53 in Nuttman Place Addition. On the southeast side of McCulloch Park. (Section 11 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 1360852 hspaxlp

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

0.00

JENNIFERG

TRANSACTION # 4374390

2019033653	ORDINANCE	0.00
2019033654	ORDINANCE	0.00
2019033655	ORDINANCE	0.00
2019033656	ORDINANCE	0.00
2019033657	ORDINANCE	0.00
2019033658	ORDINANCE	0.00
2019033659	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: VROW-2019-0008
Bill Number: G-19-05-33
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: Park View Avenue, southeast of Lindley Avenue, and the 12 foot wide alley southeast of Lots 43 through 53 of Nuttman Place Addition and northeast of Lot 53 in Nuttman Place Addition; all southeast of McCulloch Park.

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-2019-0003, 0004, 0005, 0006, and 0007

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-19-05-33

REPORT OF COMMITTEE ON REGULATIONS

July 9, 2019

Tom Freistroffer Chair

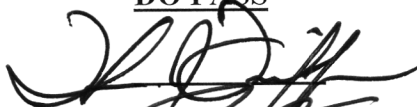

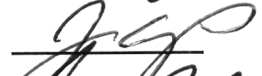

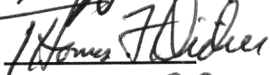

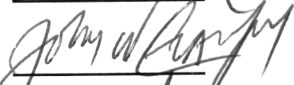
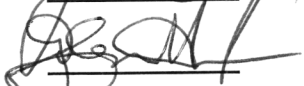
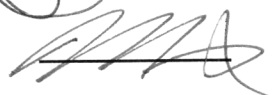
Michael Barranda Co-Chair

All Council Members

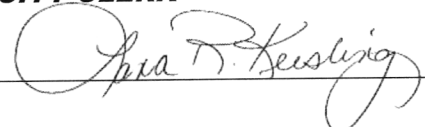
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate public right-of-way on the Electric Works campus - Park View Avenue, southeast of Lindley Avenue, and the 12 foot wide alley southeast of Lots 43 through 53 of Nuttman Place Addition and northeast of Lot 53 in Nuttman Place Addition; all southeast of McCulloch Park.

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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**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"/>

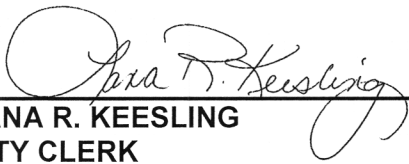
DATED: July 9, 2019



 LANA R. KEESLING, CITY CLERK

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

General Ordinance No. G-19-05-33 on the 9th day of July, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

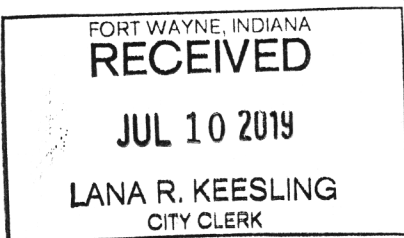
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of July 2019, at the hour of 9:45 o'clock A.M. E.S.T.



 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