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RECORDED: 07/15/2019 03:10:04 PM

ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

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VALY-2019-0004

BILL NO. G-19-06-28

GENERAL ORDINANCE NO. G- 18-19

**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:

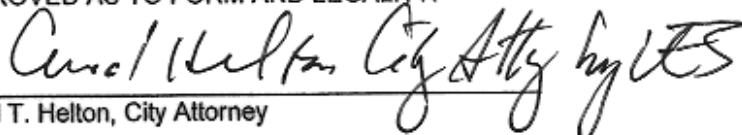
All of the 14 foot wide alley lying between Lots 78 and 79 in Lasellesville Addition as recorded in Deed Book 38, pages 485 and 486 in the Office of the Recorder of Allen County, Indiana.

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

(112)

nk

FORT WAYNE, INDIANA  
**FILED**  
JUN 18 2019  
LANA R. KEESLING  
CITY CLERK

# 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:

Alley paralleling Hanna St, between Buchanan St. and St. Martins St.

Legal Description: Lasalles Millon to Lasallesville  
between lots 78 & 79. 14 feet open alley way

(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: 38 PAGE(S) NUMBER(S): 485, 486 (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:

SPZP, Inc. owns the property to the north and south of the alley. See site plan attached. We are

proposing a 48-unit senior affordable housing building with 4500 SF of ground floor retail there.

Obtaining the alley is a critical part of our plan.

(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.

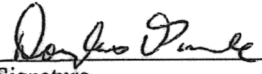
Applicant's name(s) if different from property owner(s):

Name: Same

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.

 Signature	Douglas P. Punke Nicole Ridtley Printed Name	6/18/2019 Date
1719 Forest Park Blvd Address	Fort Wayne, IN 46805 City/State/Zip	

(N/A) 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): (N/A) \_\_\_\_\_

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**NOTICE:**

- Legal Description is to be the area to be vacated and must be complete ad 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.

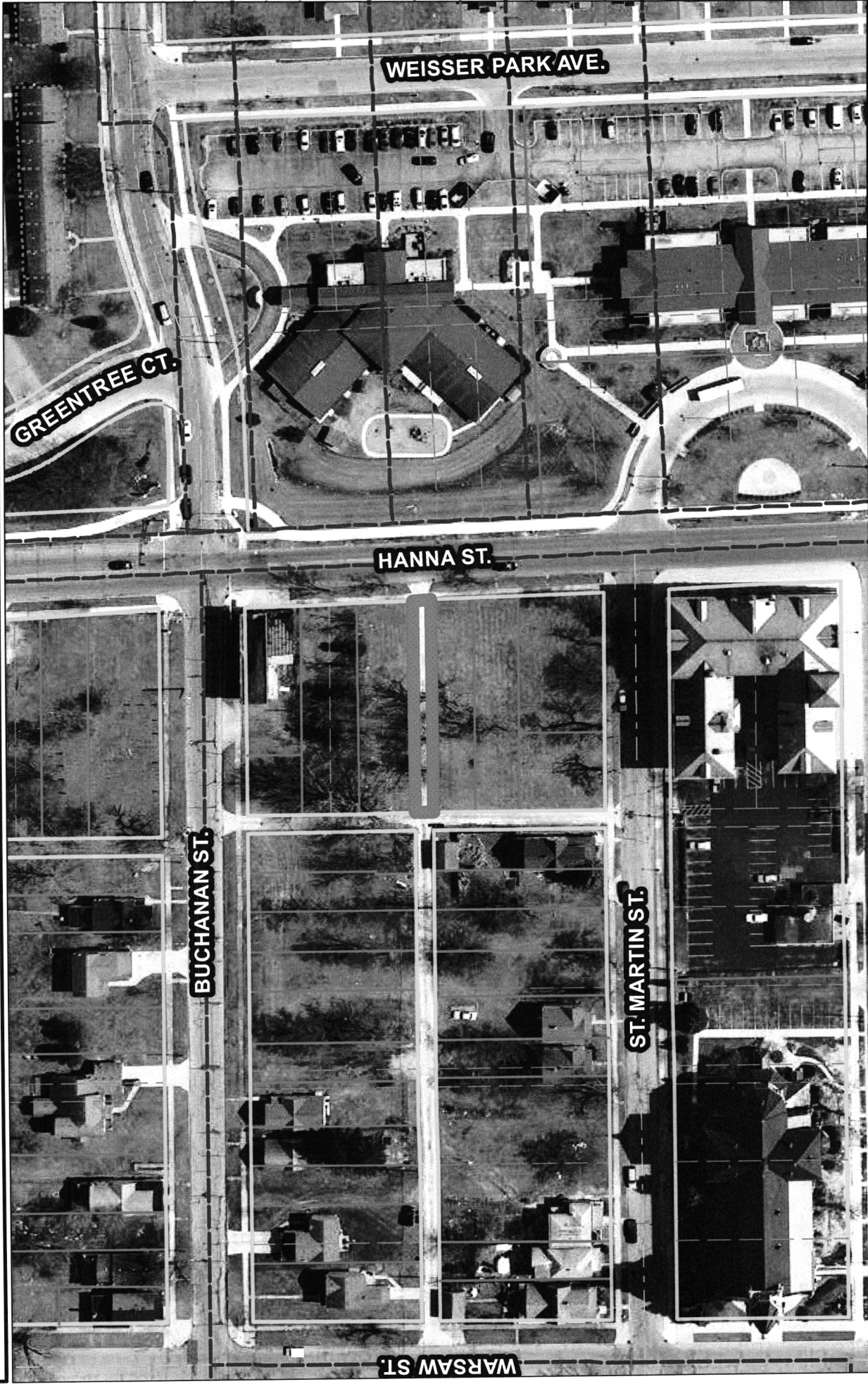
**For Office Use Only:**

Receipt #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_ Reference #: \_\_\_\_\_



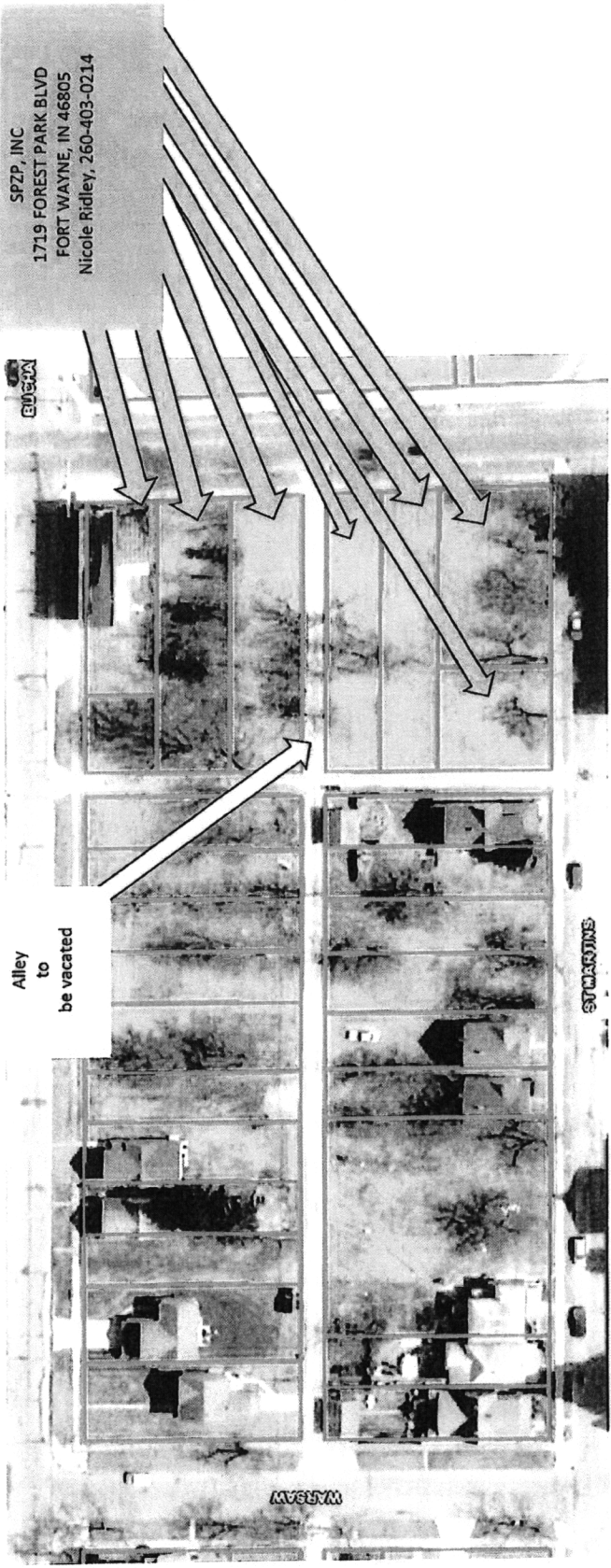
Vacation Petition VALY-2019-0004



1 inch = 100 feet



Although strict accuracy standards have been applied to the compilation of this map, the 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 Contours: Spring 2009  
Date: 6/17/2019



SPZP, INC  
1719 FOREST PARK BLVD  
FORT WAYNE, IN 46805  
Nicole Ridley, 260-403-0214

Alley  
to  
be vacated

WYMAN

STUBBINS

EDGECOM

# DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE  
200 EAST BERRY  
FORT WAYNE, IN 46802

260-449-7607  
260-449-7682  
WWW.ALLENCOUNTY.US

TO: All interested persons  
FROM: Michelle Wood, RLA  
Senior Land Use Planner  
RE: Public Hearing Notice  
DATE: June 25, 2019

We are sending this notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 9, 2019 at 5:30 p.m.** The Council will hold the hearing in **Room 030 of the Citizens Square Building at 200 East Berry Street.** Room 030 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2019-0004  
BILL NO: G-19-06-28  
APPLICANTS: Model Group  
REQUEST: To vacate the 14 foot wide alley between Lots 78 and 79 of Lassellesville Addition.  
LOCATION: On the west side of the 2100 block of South Hanna Street. (Section 12 of Wayne Township)

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

**If you are unable to attend the hearing but want to be heard, or are planning to attend and want to submit information for the Council to review at the hearing, please have 11 copies of your written comments to our office before 12:00 p.m. July 9, 2019. You may also email comments to [michelle.wood@allencounty.us](mailto:michelle.wood@allencounty.us).**

**Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.**

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

**ORDINANCE NO. G-19-06-28**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 9, 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 14 foot wide alley between Lots 78 and 79 of Lasselleville Addition. On the west side of the 2100 block of South Hanna Street. (Section 12 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, JULY 9, 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*

**ALLEY VACATION – PUBLIC HEARING  
DISCUSSION AND PASSAGE  
Department of Planning Services**

VALY 2019 0004	Bill #G-19-06-28	Project Start: 25 June 2019
APPLICANTS:	Model Group	
REQUEST:	To vacate the 14-foot wide alley between Lots 78 and 79 of Lassellesvilles Addition.	
LOCATION:	On the west side of the 2100 block of Hanna Street (Section 12 of Wayne Township)	
COUNCIL DISTRICT:	District 6 – Glynn Hines	
PUBLIC HEARING DATE:	July 9, 2019	

**PROJECT SUMMARY**

The petitioner represents the property owner of Lots 77 through 80 of Lassellesville Addition on the west side of South Hanna Street. SPZP, Inc. (St. Peter/Zion Project) is working on a plan to develop the block with housing and retail services. The alley between Lots 78 and 79 would interfere with the proposed location. Staff has sent requests for comment from all affected utility agencies and their responses. Three utilities will need easements or relocated services, and all are working with the applicant and have given approval to move ahead with the vacation.

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:	Need easement
Water Engineering:	Need easement
WPC Engineering – Sanitary:	Need easement
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Need easement
Comcast Cable:	Need easement
AEP:	Approved
NIPSCO:	Approved

**Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):**

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

**VALY-2019-0004**

Bill No. G-19-06-28

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:**

021212306028000074  
South of 2102 South Hanna

SPZP, Inc. c/o Tom Obergfeil  
1719 Forest Park Blvd.  
Fort Wayne, IN 46805

021212306029000074  
South of 2102 South Hanna

SPZP, Inc. c/o Tom Obergfeil  
1719 Forest Park Blvd.  
Fort Wayne, IN 46805

021212306011000074  
563 Buchanan

SPZP, Inc.  
2313 South Hanna  
Fort Wayne, IN 46803

021212306024000074  
535 Saint Martins

SPZP, Inc. c/o Tom Obergfeil  
1719 Forest Park Blvd.  
Fort Wayne, IN 46805

**Representative:**

Model Group, Tim Westrich  
1826 Race Street  
Cincinnati, OH 45202

**DPS Staff notified the following by Email as a courtesy:**

Community Liaison, Palermo Galindo  
Southeast Area Partnership  
La Rez Neighborhood Association

# DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE  
200 EAST BERRY  
FORT WAYNE, IN 46802

260-449-7607  
260-449-7682  
WWW.ALLENCOUNTY.US

TO: All interested persons  
FROM: Michelle Wood, RLA  
Senior Land Use Planner  
RE: Public Hearing Notice  
DATE: June 25, 2019

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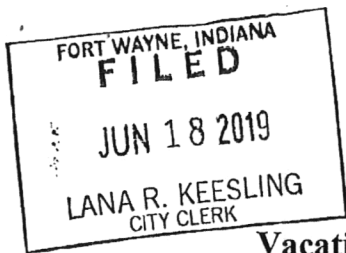
PROPOSAL: VALY-2019-0004  
BILL NO: G-19-06-28  
APPLICANTS: Model Group  
REQUEST: To vacate the 14 foot wide alley between Lots 78 and 79 of Lassellesville Addition.  
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We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street.

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**Correspondence may also be hand delivered to staff or the Council at the hearing. Please include your name and mailing address on all correspondence. Thank you for your attention to this matter. Please call this office if you have any questions.**



# 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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Alley paralleling Hanna St, between Buchanan St. and St. Martins St.

Legal Description: Lasalles Addition to Lasallesville  
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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.)

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Obtaining the alley is a critical part of our plan.

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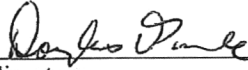
Applicant's name(s) if different from property owner(s):

Name: Same

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.

      Douglas P. Panke      6/18/2019  
Signature      Printed Name      Date  
1719 Forest Park Blvd      Fort Wayne, IN 46805  
Address      City/State/Zip

(N/A)      \_\_\_\_\_      \_\_\_\_\_  
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): (N/A)

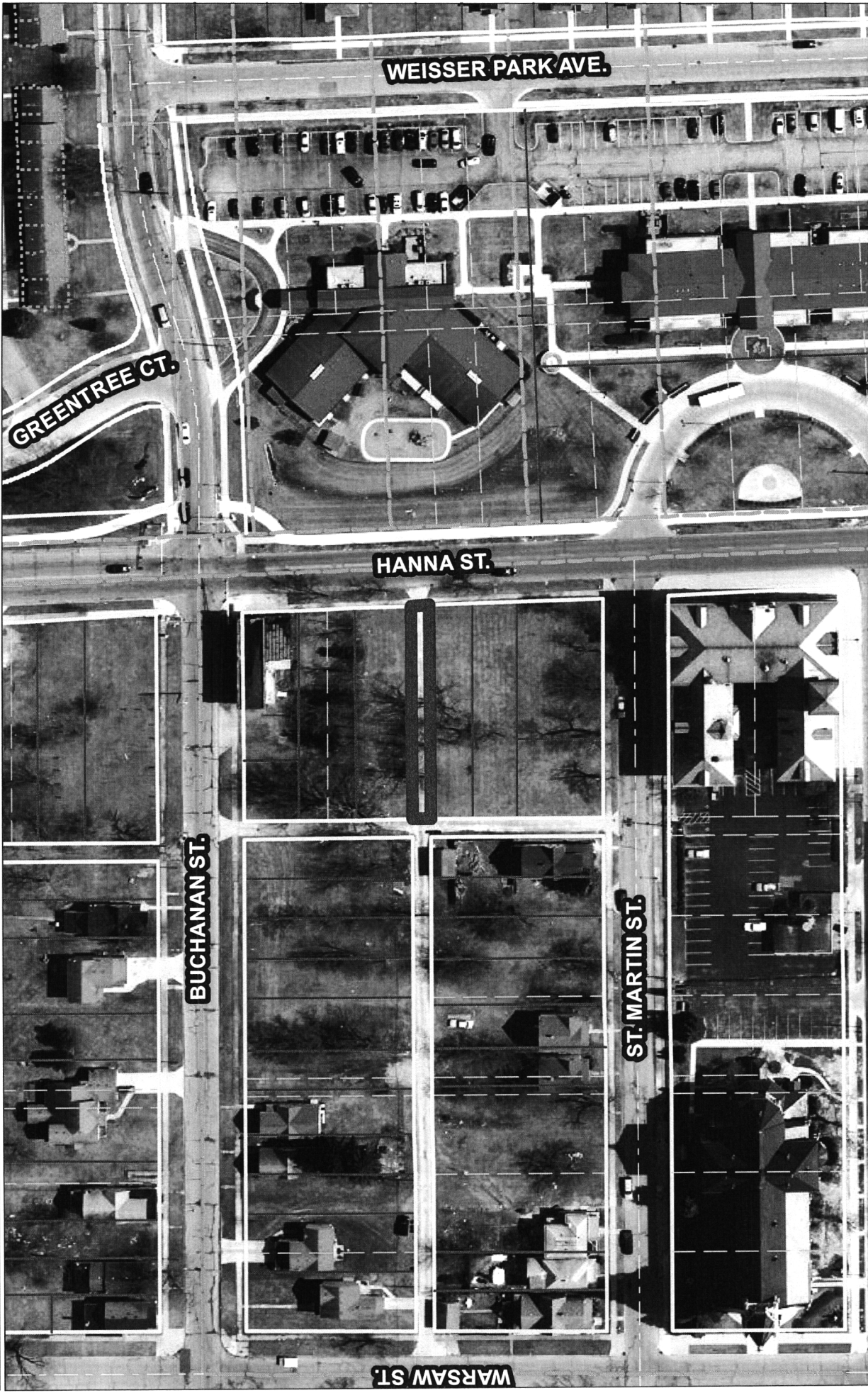
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**NOTICE:**

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

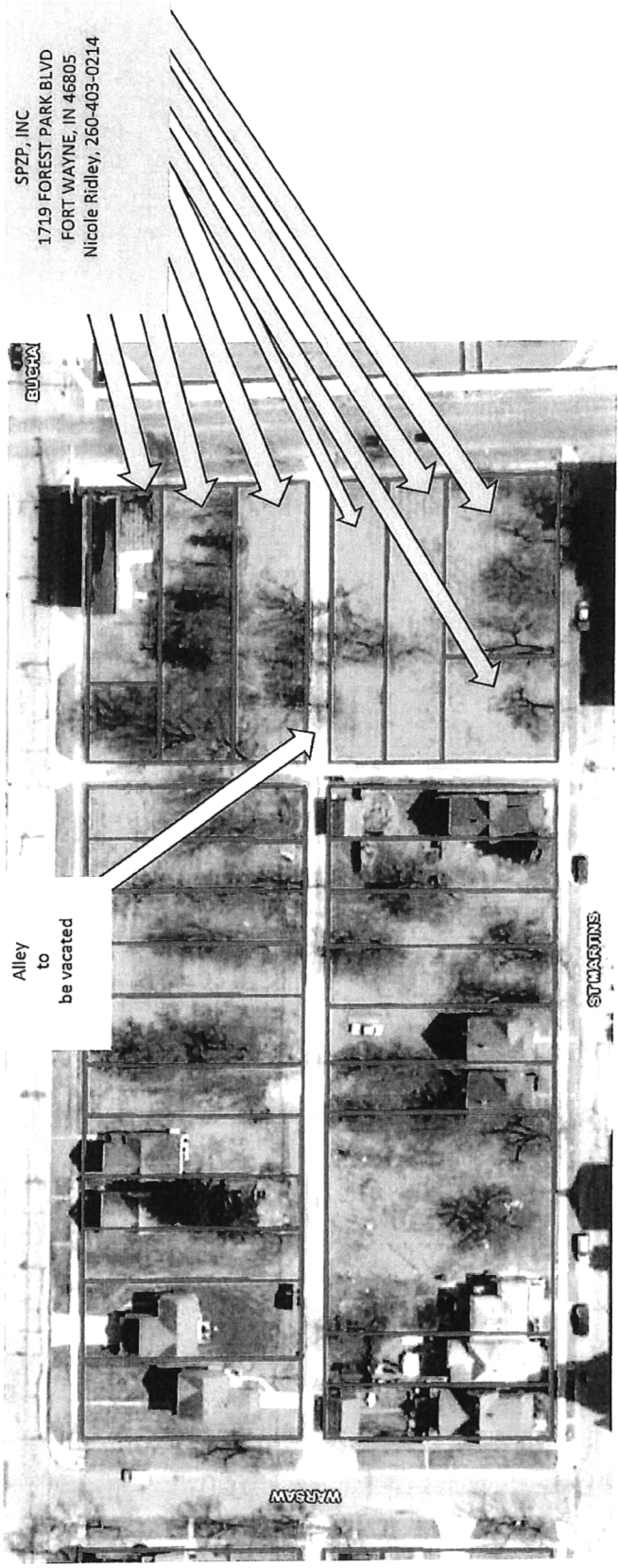


Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any liability for errors resulting from the use of this map.  
© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contour © Spring 2009  
Date 6/17/2019



1 inch = 100 Feet





Alley  
to  
be vacated

SPZP, INC  
1719 FOREST PARK BLVD  
FORT WAYNE, IN 46805  
Nicole Ridley, 260-403-0214

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
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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**

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**Department of Planning Services**

Title of Ordinance: Vacation of Platted Right-of-Way  
Case Number: VALY-2019-0004  
Bill Number: G-19-06-28  
Council District: 6-Glynn Hines

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Introduction Date: June 25, 2019  
Public Hearing Date: July 9, 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 14 foot wide alley right-of-way within Lassellesville Addition.  
Location: Between Lots 78 and 79 of Lassellesville Addition, in the 2100 block of South Hanna Street.  
Reason for Request: The applicant requests the vacation for the construction of a mixed use development.  
Applicant: Model Group – Tim Westrich  
Property Owners: SPZP, Inc.

---

Related Petitions: future development plan

---

Effect of Passage: Vacation of the right-of-way will return the land to the adjacent property owners. If there are no easements needed, or utilities are relocated, the two parcels may be redeveloped as one.  
Effect of Non-Passage: The right-of-way will remain under City jurisdiction. The alley will remain open for utilities and vehicular traffic. Redevelopment of the site may be hindered by the presence of the alley.

**BILL NO. G-19-06-28**

**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 a 14 foot wide alley right-of-way within Lassellesville Addition, between Lots 78 and 79 in the 2100 block of South Hanna Street*

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

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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\_\_\_\_\_

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**LANA R. KEESLING**  
**CITY CLERK**

*[Handwritten signature]*  
\_\_\_\_\_

Public Hearing Date: 07-09-2019

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

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

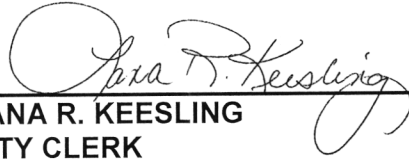
Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:


<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-19-06-28 on the 9th day of July, 2019

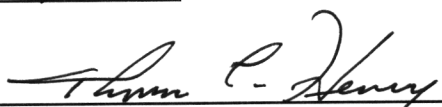
  
LANA R. KEESLING  
CITY CLERK

  
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 10<sup>TH</sup> day of JULY  
2019, at the hour of 11:00 o'clock AM E.S.T.

  
THOMAS C. HENRY, MAYOR

