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ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

VROW-2020-0005

BILL NO. G-20-10-31

GENERAL ORDINANCE NO. G- 1321

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:

Part of platted Nuttman Avenue, a 25 foot public right-of-way in Riverside Terrace Addition as recorded on Plat Book 11, page 102 in the Office of the Recorder of Allen County, Indiana, and being more particularly described as follows:

Beginning at the Southeast corner of Lot 80 in said Riverside Terrace Addition; thence South 02 degrees 04 minutes 46 seconds East (state plane bearing and basis of bearings to follow) along the Southerly extension of the East line of said Lot 80, a distance of 25.00 feet to the platted centerline of said Nuttman Avenue, also being the North line of the Southwest Quarter of Section 15, Township 30 North, Range 12 East, Allen County, Indiana; thence South 88 degrees 41 minutes 24 seconds West along said centerline and said North line, a distance of 399.78 feet to the point of intersection of said centerline with the Southerly extension of the West line of Lot 89 in said Riverside Terrace Addition; thence North 02 degrees 04 minutes 46 seconds West along said West line, a distance of 25.00 feet to the Southwest corner of said Lot 89; thence North 88 degrees 41 minutes 24 seconds East along platted North right-of-way line of said Nuttman Avenue, a distance of 399.78 feet to the Point of Beginning. Containing 0.229 acres (9,975 square feet) more or less.

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

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

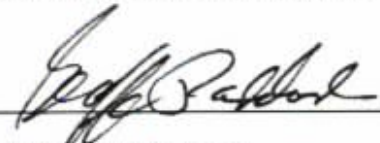
OCT 04 2021


AUDITOR OF ALLEN COUNTY

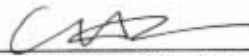
NIC

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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

1 VROW-2020-0005

2 BILL NO. G-20-10-31

3 GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

16 Part of platted Nuttman Avenue, a 25 foot public right-of-way in Riverside Terrace
17 Addition as recorded on Plat Book 11, page 102 in the Office of the Recorder of Allen
18 County, Indiana, and being more particularly described as follows:

19 Beginning at the Southeast corner of Lot 80 in said Riverside Terrace Addition; thence
20 South 02 degrees 04 minutes 46 seconds East (state plane bearing and basis of
21 bearings to follow) along the Southerly extension of the East line of said Lot 80, a
22 distance of 25.00 feet to the platted centerline of said Nuttman Avenue, also being the
23 North line of the Southwest Quarter of Section 15, Township 30 North, Range 12 East,
24 Allen County, Indiana; thence South 88 degrees 41 minutes 24 seconds West along said
25 centerline and said North line, a distance of 399.78 feet to the point of intersection of
26 said centerline with the Southerly extension of the West line of Lot 91 in said Riverside
27 Terrace Addition; thence North 02 degrees 04 minutes 46 seconds West along said
28 West line, a distance of 25.00 feet to the Southwest corner of said Lot 91; thence North
29 88 degrees 41 minutes 24 seconds East along platted North right-of-way line of said
30 Nuttman Avenue, a distance of 399.78 feet to the Point of Beginning. Containing 0.229
acres (9,975 square feet) more or less.

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

1 VROW-2020-0005

2 BILL NO. G-20-10-31

3 (~~20-10-31~~)

4 REDLINE,
SCRIVENER'S
5 ERROR

6 GENERAL ORDINANCE NO. G-_____

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

10 WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as
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12 Indiana; and

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18 Fort Wayne, Indiana, more specifically described as follows, to-wit:

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20 Addition as recorded on Plat Book 11, page 102 in the Office of the Recorder of Allen
21 County, Indiana, and being more particularly described as follows:

22 Beginning at the Southeast corner of Lot 80 in said Riverside Terrace Addition; thence
23 South 02 degrees 04 minutes 46 seconds East (state plane bearing and basis of
24 bearings to follow) along the Southerly extension of the East line of said Lot 80, a
25 distance of 25.00 feet to the platted centerline of said Nuttman Avenue, also being the
26 North line of the Southwest Quarter of Section 15, Township 30 North, Range 12 East,
27 Allen County, Indiana; thence South 88 degrees 41 minutes 24 seconds West along said
28 centerline and said North line, a distance of 399.78 feet to the point of intersection of
29 said centerline with the Southerly extension of the West line of Lot ~~91-89~~ in said
30 Riverside Terrace Addition; thence North 02 degrees 04 minutes 46 seconds West along
said West line, a distance of 25.00 feet to the Southwest corner of said Lot 89; thence
North 88 degrees 41 minutes 24 seconds East along platted North right-of-way line of
said Nuttman Avenue, a distance of 399.78 feet to the Point of Beginning. Containing
0.229 acres (9,975 square feet) more or less.

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

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:

Approximately 400 feet of the north 25 feet of the public right of way designated as Nuttman Avenue, from the west right of way line of Ozark Avenue to the west property boundary of Lot 91 of the Riverview Addition, more particularly described and depicted in the legal description attached hereto.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 11B **PAGE(S) NUMBER(S):** 102 (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:

Creation of a dry detention basin to improve neighborhood stormwater drainage.

(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: Fort Wayne City Utilities

Street Address: 200 E. Berry St., Suite 250

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1330

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

_____	Seth Weinglass, Program Manager	10/2/2020
Signature	Printed Name	Date
200 E. Berry St., Suite 250	Fort Wayne, IN 46802	
Address	City/State/Zip	

_____	_____	_____
Signature	Printed Name	Date
_____	_____	_____
Address	City/State/Zip	

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

Agent's Name (Print Legibly): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

- Legal Description is to be the area to be vacated and must be complete and accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the cost of relocation, or of providing a replacement easement or easement's as needed.

For Office Use Only:

Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

LEGAL DESCRIPTION

613 W. Brackenridge St.
Fort Wayne, IN 46802
Phone: (260) 755-5993
Fax: (888) 808-4177

APEX Consulting & Surveying

Prepared for the City of Fort Wayne

EXHIBIT A

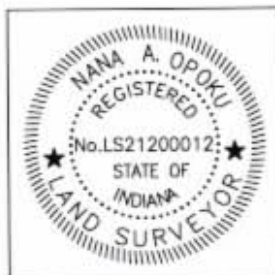
Nana A. Opoku, PLS No. LS21200012

WAYNE TOWNSHIP


RIGHT-OF-WAY VACATION — LEGAL DESCRIPTION

Part of platted Nuttman Avenue, a 25 foot public right-of-way in Riverside Terrace Addition as recorded in Plat Book 11, page 102 in the Office of the Recorder of Allen County, Indiana, and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 80 in said Riverside Terrace Addition; thence South 02 degrees 04 minutes 46 seconds East (state plane bearing and basis of bearings to follow) along the Southerly extension of the East line of said Lot 80, a distance of 25.00 feet to the platted centerline of said Nuttman Avenue, also being the North line of the Southwest Quarter of Section 15, Township 30 North, Range 12 East, Allen County, Indiana; thence South 88 degrees 41 minutes 24 seconds West along said centerline and said North line, a distance of 399.78 feet to the point of intersection of said centerline with the Southerly extension of the West line of Lot 9 in said Riverside Terrace Addition; thence North 02 degrees 04 minutes 46 seconds West along said West line, a distance of 25.00 feet to the Southwest corner of said Lot 91; thence North 88 degrees 41 minutes 24 seconds East along the platted North right-of-way line of said Nuttman Avenue, a distance of 399.78 feet to the Point of Beginning. Containing 0.229 Acres (9,975 Square Feet) more or less.



To the best of my knowledge and belief, this description is prepared in accordance with Indiana Administrative Code Title 865, Article 1, Rule 12, Sections 20-25.


Nana A. Opoku, PLS No. 21200012

IN WITNESS WHEREOF, I hereunto place my hand and seal this 13th day of January, 2019.
Job No. 18110271

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."
Nana A. Opoku

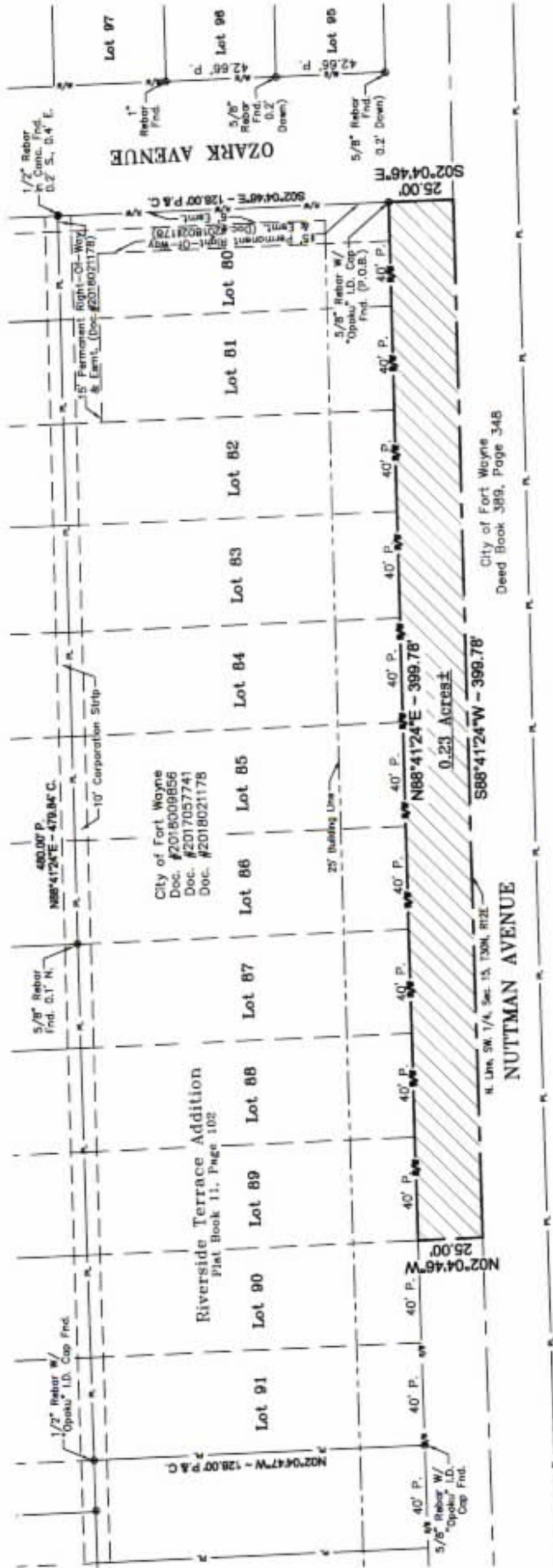
County: Allen
Section 15
Township 30 North
Range 12 East

RIGHT-OF-WAY VACATION PLAT

Prepared for the City of Fort Wayne

EXHIBIT B

WAYNE TOWNSHIP



To the best of my knowledge and belief, this description is prepared in accordance with Indiana Administrative Code Title 865, Article 1, Rule 12, Sections 20-25.

Nana A. Opoka
 NANA A. OPOKA, P.L.S. No. 21200012
 IN WITNESS WHEREOF, I hereunto place my hand and seal this 13th day of January, 2018.
 Job No. 18110271

I affirm, under the penalties for perjury that I have taken reasonable care to review each Social Security number in this document, unless required by law.
 Nana A. Opoka

Legend

P.O.B. - Part of Easement
P.B. - Part Book
Prop. - Proposed
Temp. - Temporary

County: Allen
 Section: 15
 Township: 30 North
 Range: 12 East

APEX CONSULTING & SURVEYING

OwnerName	PIN	MailingAddress	MailingAddressCity	MailingAddressState	MailingAddressZip	PropertyAddress	PropertyAddressCity	PropertyAddressState	PropertyAddressZip	Phone
Robinson Lillie & Robert	02-12-15-253-000-000-074	1705 Kinsmoor Ave	Fort Wayne	IN	46809	1705 Kinsmoor Ave	Fort Wayne	IN	46809	(260)415-7813
MacDonald Mary	02-12-15-253-001-000-074	3401 Oak Ave	Fort Wayne	IN	46809	3401 Oak Ave	Fort Wayne	IN	46809	(260)422-6958
Alliance Property Management Ltd	02-12-15-181-007-000-074	3016 N Harrison St	Fort Wayne	IN	46809	1809 Kinsmoor Ave	Fort Wayne	IN	46809	(260)426-1428
Kaufmann Curtis W & Katrina I	02-12-15-181-000-000-074	6844 Leeward Dr	Fort Wayne	IN	46815	1813 Kinsmoor Ave	Fort Wayne	IN	46820	(260)766-1555
Siman David A & Rozanne F	02-12-15-181-000-000-074	1705 Kinsmoor Ave	Fort Wayne	IN	46809	1775 Kinsmoor Ave	Fort Wayne	IN	46820	(260)943-2758
Pippert Curtis E	02-12-15-253-010-000-074	1705 Kinsmoor Ave	Fort Wayne	IN	46809	1721 Kinsmoor Ave	Fort Wayne	IN	46809	(260)747-0478
Aldrich Rosemarie S	02-12-15-181-005-000-074	1817 Kinsmoor Ave	Fort Wayne	IN	46809	1805 Kinsmoor Ave	Fort Wayne	IN	46809	(260)348-1162
Benetti Gary Ermer Jr	02-12-15-253-003-000-074	1805 Kinsmoor Ave	Fort Wayne	IN	46809	1805 Kinsmoor Ave	Fort Wayne	IN	46809	(260)797-6729
Knott Richard Lee	02-12-15-253-005-000-074	3421 Oak Ave	Fort Wayne	IN	46845	3421 Oak Ave	Fort Wayne	IN	46809	(260)747-4189
Groffacker Ryan	02-12-15-255-004-000-074	3120 Woodwood Tr	Fort Wayne	IN	46809	3417 Oak Ave	Fort Wayne	IN	46809	(260)766-0530
Steele Cynthia J	02-12-15-255-006-000-074	1520 Nuttman Ave	Fort Wayne	IN	46809	1520 Nuttman Ave	Fort Wayne	IN	46809	(260)396-7790
Hall Drive Inc	02-12-15-401-010-000-074	216 Us Highway 10 W	New Haven	IN	46774	1502 Bluffton Rd	Fort Wayne	IN	46809	(260)747-4644
Iglesia Evangelica Christiana	02-12-15-181-000-000-074	Epiphany Church	Fort Wayne	IN	46809	1800 Blk Kinsmoor Ave	Fort Wayne	IN	46809	(260)415-3259
EquityPoint Management Inc Trs under the provisions of a Trust Ag	02-12-15-253-010-000-074	4817 Lima Rd	Fort Wayne	IN	46809	1719 Kinsmoor Ave	Fort Wayne	IN	46809	(260)959-8883
Solinger David W	02-12-15-253-003-000-074	1719 Kinsmoor Ave	Fort Wayne	IN	46809	1800 Kinsmoor Ave (Bk C)	Fort Wayne	IN	46809	(260)747-0738
Iglesia Evangelica Christiana	02-12-15-181-009-000-074	Epiphany Church	Fort Wayne	IN	46809	3406 Vesley Ave	Fort Wayne	IN	46809	(260)415-3259
Albert Douglas M	02-12-15-255-008-000-074	3406 Vesley Ave	Fort Wayne	IN	46809	3406 Vesley Ave	Fort Wayne	IN	46809	(260)747-9716
Frontier Park Plaza LLC	02-12-15-327-008-000-074	c/o Segel Properties LLC	San Antonio	TX	78216	1850 Bluffton Rd	Fort Wayne	IN	46809	(210)346-3836
Kind Real Estate LLC	02-12-15-401-009-000-074	1808 Bluffton Rd	Fort Wayne	IN	46809	Bluffton Rd	Fort Wayne	IN	46809	(260)747-0989
Perisley Timothy T	02-12-15-255-007-000-074	16617 Garnet Ridge Ct	Fort Wayne	IN	46845	1500 Nuttman Ave	Fort Wayne	IN	46809	(260)448-9009
Lozano Francisco F & Felipe	02-12-15-255-013-000-074	3411 Oak Ave	Fort Wayne	IN	46807	3411 Oak Ave	Fort Wayne	IN	46809	(260)466-1574
Iglesia Evangelica Christiana	02-12-15-181-004-000-074	Epiphany Church	Fort Wayne	IN	46809	1813 Kinsmoor Ave	Fort Wayne	IN	46809	(260)415-3259
Dahman Dennis Michael & May Ruth	02-12-15-253-002-000-074	1713 Kinsmoor Ave	Fort Wayne	IN	46809	1713 Kinsmoor Ave	Fort Wayne	IN	46809	(260)941-4460
Ransley Ryan D	02-12-15-181-010-000-074	1810 Nuttman Ave	Fort Wayne	IN	46809	1810 Nuttman Ave	Fort Wayne	IN	46809	(260)715-6211

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

ORDINANCE NO. G-20-10-31

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 10, 2020 AT 5:30 P.M., IN ROOM 035 – COUNCIL CHAMBERS COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: A portion of Nuttman Avenue within Riverside Terrace Addition, to construct a dry detention basin to improve neighborhood stormwater drainage. Approximately 400 feet of the north 25 feet of the public right-of-way designated as Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 91 of Riverside Terrace Addition.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, NOVEMBER 10, 2020.

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*

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: October 26, 2020

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday November 10, 2020 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2020-0005
BILL NO: G-20-10-31
APPLICANT: City of Fort Wayne Utilities
REQUEST: To vacate a portion of the public right-of-way designated as Nuttman Avenue, to create a dry detention basin to improve neighborhood stormwater drainage.
LOCATION: Approximately 400 feet of the north 25 feet of Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 91 of the Riverview Addition, as recorded in Deed Book 11B, Page 102) Section xx of Wayne Township)
COUNCIL DISTRICT: 5 – Geoff Paddock

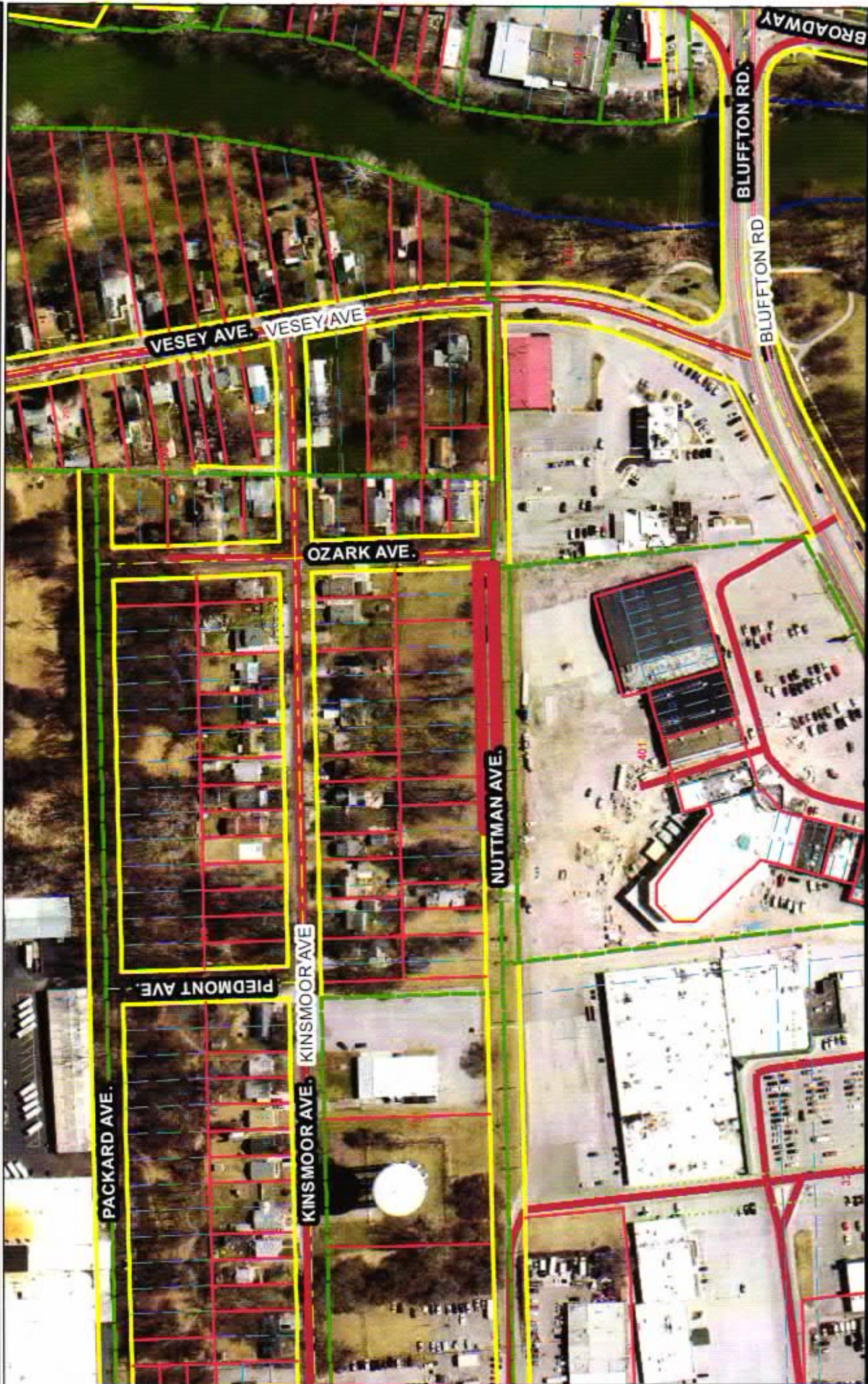
We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street. We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

For your safety and of others, Common Council will be following social distancing guidelines recommended by Governor Holcomb and the CDC. Please review the following:

- ❖ There will be limited capacity in the hearing room. If you know you would like to attend the meeting, please call the City Clerk's Office at 260-427-1221 on or before the day of the hearing.
- ❖ Because of space limitations, please coordinate one person to speak for a group, or consider emailing or mailing your comments to staff at michellewood@allencounty.us
- ❖ Please maintain 6 feet between yourself and others. Available seating will be marked.
- ❖ Sanitation stations are available in the building. You are encouraged to wear a mask.

Thank you for your attention to this matter. Please call this office if you have any questions.

Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607



1 inch = 200 feet



Although every measure has been taken to ensure the accuracy of this map, the City of Dallas does not warrant the accuracy of the information shown here. The City of Dallas is not liable for any damages, including consequential damages, arising from the use of this map.

©2020 Board of Commissioners of the City of Dallas
 Main Plate Coordinate System: NAD 83 East
 Datum: North American Datum 1983
 Projection: Universal Transverse Mercator
 Units: Meter
 Date: 10/15/2020

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2020 0005	Bill #G-20-10-31	Project Start: October 27, 2020
APPLICANT:	City of Fort Wayne Utilities	
REQUEST:	To vacate a portion of the public right-of-way designated as Nuttman Avenue, to create a dry detention basin to improve neighborhood stormwater drainage.	
LOCATION:	Approximately 400 feet of the north 25 feet of Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 89 of the Riverside Terrace Addition, as recorded in Deed (Book 11B, Page 102) Section 15 of Wayne Township)	
COUNCIL DISTRICT:	District 5 – Geoff Paddock	
PUBLIC HEARING DATE:	November 10, 2020	

PROJECT SUMMARY

The petitioner is The City of Fort Wayne Utilities. The purpose of the partial right-of-way vacation is to install stormwater improvements over the right-of-way and the adjacent vacant lots for the benefit of the neighborhood. There is also a request to the Plan Commission to vacate Lots 80 through 91 of Riverside Terrace Addition for the same purpose. The City is the current owner of all lots to be vacated. A separate public hearing will be held in December. Staff has sent requests for comment from all affected utility agencies and their responses.

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

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-2020-0005

Bill No. G-20-10-31

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:

021215253010000074
1701 Kinsmoor

021215253009000074
1705 Kinsmoor

020703326001000073
1725 Kinsmoor

021215253003000074
1729 Kinsmoor

021215253002000074
1733 Kinsmoor

021215253001000074
1805 Kinsmoor

021215181007000074
1809 Kinsmoor

Property Owner of Record:

Carla Pippert
1701 Kinsmoor
Fort Wayne, IN 46809

Lillie and Robert Robinson
1705 Kinsmoor
Fort Wayne, IN 46809

David and Rozanna Niman
1725 Kinsmoor
Fort Wayne, IN 46809

David Bolinger
1729 Kinsmoor
Fort Wayne, IN 46809

David and May Ruth Dahman
1733 Kinsmoor
Fort Wayne, IN 46809

Gary Elmer Bennett, Sr.
1805 Kinsmoor
Fort Wayne, IN 46809

Alliance Property Management Ltd
1616 N. Harrison
Fort Wayne, IN 46808

021215181006000074 1813 Kinsmoor	Curtis and Katrina Kaufmann 6844 Lawnwood Ave Fort Wayne, IN 46815
021215181005000074 1817 Kinsmoor	Rosemarie Abbott 1817 Kinsmoor Fort Wayne, IN 46809
021215181004000074 1833 Kinsmoor	Evangelica Christiana Iglesia 1833 Kinsmoor Fort Wayne, IN 46809
021215181010000074 1810 Nuttman	Ryan Ramey 1810 Nuttman Fort Wayne, IN 46809
021215255005000074 3421 Ozark	Richard Lee Knox 3421 Ozark Fort Wayne, IN 46809
021215255004000074 3417 Ozark	Ryan Goldacker 3320 Windwood Trail Fort Wayne, IN 46845
021215255003000074 3411 Ozark	Francisco and Felipa Lozano 3411 Ozark Fort Wayne, IN 46809
021215255001000074 3401 Ozark	Mary McDonald 3401 Ozark Fort Wayne, IN 46809
021215255006000074 1620 Nuttman	Cynthia Steele 1620 Nuttman Fort Wayne, IN 46809
021215401009000074 Bluffton Road (Quimby Village)	Sweet Real Estate LLC 5501 US Highway 30 W Fort Wayne, IN 46818
021215327008000074 1850 Bluffton Road	Foster Park Plaza LLC c/o Spigel Properties, LLC 70 NE Loop 410 Suite 185 San Antonio, TX 78216

021215255007000074
1500 Bluffton Road

Timothy Presley
16617 Garnet Ridge Court
Fort Wayne, IN 46845

021215255008000074
3406 Vesey Avenue

Douglas Alberts
3406 Vesey Avenue
Fort Wayne, IN 46809

021215255010000074
3412 Vesey Avenue

Equity Point Management Inc
4617 Lima Road
Fort Wayne, IN 46808

021215255010000074
3418 Vesey Avenue

David Gaunt
3418 Vesey Avenue
Fort Wayne, IN 46809

021215401010000074
1502 Bluffton Road

Hall Drive-ins, Inc.
216 US Highway 30 W
New Haven, IN 46774

DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership

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: October 28, 2020

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday November 10, 2020 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VALY-2020-0005
BILL NO: G-20-10-31
APPLICANT: City of Fort Wayne Utilities
REQUEST: To vacate a portion of the public right-of-way designated as Nuttman Avenue, to create a dry detention basin to improve neighborhood stormwater drainage.
LOCATION: Approximately 400 feet of the north 25 feet of Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 89 of the Riverside Terrace Addition, as recorded in Deed Book 11B, Page 102) Section 15 of Wayne Township
COUNCIL DISTRICT: 5 – Geoff Paddock

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.

For your safety and of others, Common Council will be following social distancing guidelines recommended by Governor Holcomb and the CDC. Please review the following:

- ❖ There will be limited capacity in the hearing room. If you know you would like to attend the meeting, please call the City Clerk's Office at 260-427-1221 on or before the day of the hearing.
- ❖ Because of space limitations, please coordinate one person to speak for a group, or consider emailing or mailing your comments to staff at michellewood@allencountv.us
- ❖ Please maintain 6 feet between yourself and others. Available seating will be marked.
- ❖ Sanitation stations are available in the building. You are encouraged to wear a mask.

Thank you for your attention to this matter. Please call this office if you have any questions.

Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607



1 inch = 200 feet



Although every measure undertaken was employed in the completion of this map, Alton Guaranty 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.

© 2024 Board of Commissioners of the County of Alton
 North American Datum, 1983
 State Plane Coordinate System, Indiana East
 Projection/Ground's Survey 1810
 Date: 10/15/2024

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:

Approximately 400 feet of the north 25 feet of the public right of way designated as Nuttman Avenue, from the west right of way line of Ozark Avenue to the west property boundary of Lot 89 of the Riverview Addition, more particularly described and depicted in the legal description attached hereto.

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 11B **PAGE(S) NUMBER(S):** 102 (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:

Creation of a dry detention basin to improve neighborhood stormwater drainage.

(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: Fort Wayne City Utilities

Street Address: 200 E. Berry St., Suite 250

City: Fort Wayne State: IN Zip: 46802 Phone: 260-427-1330

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

_____	Seth Weinglass, Program Manager	10/2/2020
Signature	Printed Name	Date
200 E. Berry St., Suite 250	Fort Wayne, IN 46802	
Address	City/State/Zip	

_____	_____	_____
Signature	Printed Name	Date
_____	_____	_____
Address	City/State/Zip	

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

Agent's Name (Print Legibly): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

- Legal Description is to be the area to be vacated and must be complete and accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the cost of relocation, or of providing a replacement easement or easement's as needed.

For Office Use Only:

Receipt #: _____ Date Filed: _____

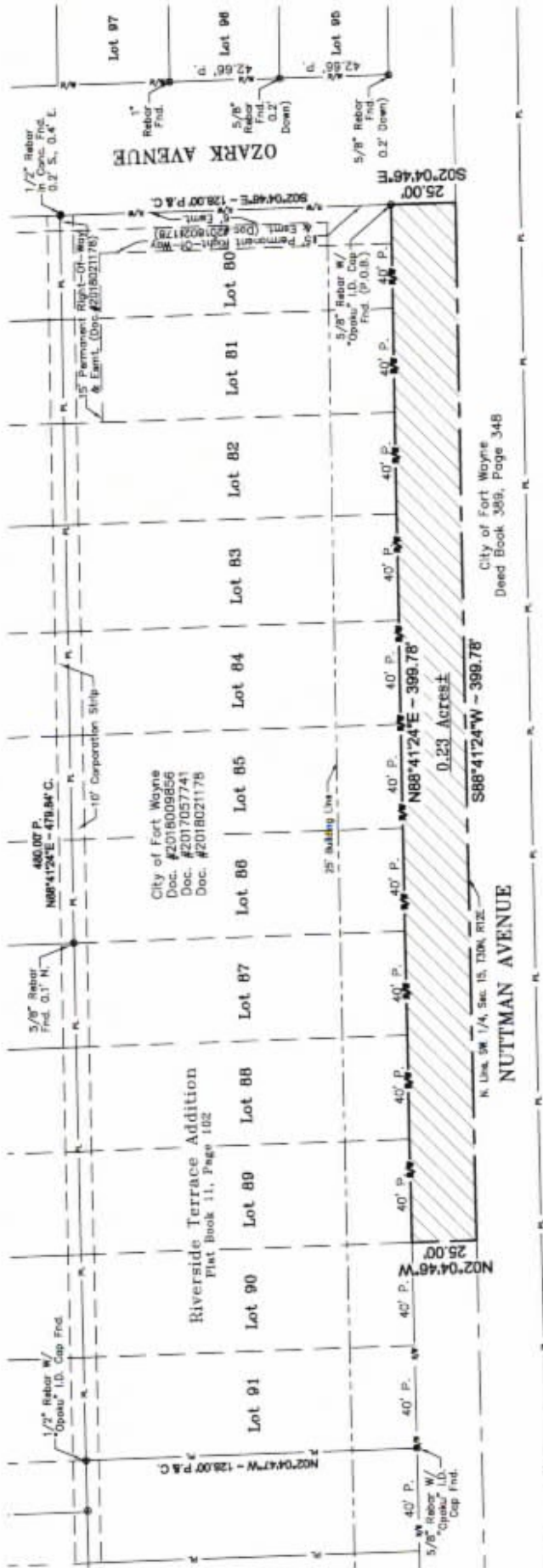
Map #: _____ Reference #: _____

RIGHT-OF-WAY VACATION PLAT

Prepared for the City of Fort Wayne

EXHIBIT B

WAYNE TOWNSHIP



City of Fort Wayne
Deed Book 309, Page 348



To the best of my knowledge and belief, this description is prepared in accordance with Indiana Administrative Code Title 865, Article 1, Rule 12, Sections 20-23.

Nana A. Opolko
Nana A. Opolko, PLS No. 21200012
IN WITNESS WHEREOF, I hereunto place my hand and seal this 13th day of January, 2018.
Job No. 18110271

Legend
 P.O.B. - Part of Figure
 P.L. - Partial
 Prop. - Proposed
 Temp. - Temporary

I affirm, under the penalties for perjury, that I have taken reasonable care to record each Social Security number in this document, unless required by law.
Nana A. Opolko

APEX CONSULTING & SURVEYING
 County: Allen
 Section: 15
 Township: 30 North
 Range: 12 East

LEGAL DESCRIPTION

613 W. Brackenridge St.
Fort Wayne, IN 46802
Phone: (260) 755-5993
Fax: (888) 808-4177

APEX Consulting & Surveying

Prepared for the City of Fort Wayne

EXHIBIT A

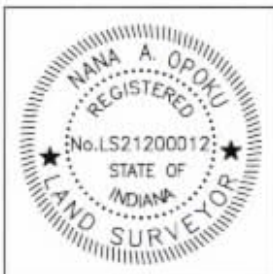
Nana A. Opoku, PLS No. LS21200012

WAYNE TOWNSHIP

RIGHT-OF-WAY VACATION – LEGAL DESCRIPTION

Part of platted Nuttman Avenue, a 25 foot public right-of-way in Riverside Terrace Addition as recorded in Plat Book 11, page 102 in the Office of the Recorder of Allen County, Indiana, and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 80 in said Riverside Terrace Addition; thence South 02 degrees 04 minutes 46 seconds East (state plane bearing and basis of bearings to follow) along the Southerly extension of the East line of said Lot 80, a distance of 25.00 feet to the platted centerline of said Nuttman Avenue, also being the North line of the Southwest Quarter of Section 15, Township 30 North, Range 12 East, Allen County, Indiana; thence South 88 degrees 41 minutes 24 seconds West along said centerline and said North line, a distance of 399.78 feet to the point of intersection of said centerline with the Southerly extension of the West line of Lot 89 in said Riverside Terrace Addition; thence North 02 degrees 04 minutes 46 seconds West along said West line, a distance of 25.00 feet to the Southwest corner of said Lot 89; thence North 88 degrees 41 minutes 24 seconds East along the platted North right-of-way line of said Nuttman Avenue, a distance of 399.78 feet to the Point of Beginning. Containing 0.229 Acres (9,975 Square Feet) more or less.



To the best of my knowledge and belief, this description is prepared in accordance with Indiana Administrative Code Title 865, Article 1, Rule 12, Sections 20-25.

Nana A. Opoku, PLS No. 21200012
IN WITNESS WHEREOF, I hereunto place my hand and seal this 13th day of January, 2019.
(Revised October 29, 2020)
Job No. 18110271

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."
Nana A. Opoku

County: Allen
Section 15
Township 30 North
Range 12 East

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Vacation of Public Right-of-Way
Case Number: VROW-2020-0005
Bill Number: G-20-10-31
Council District: 5- Geoff Paddock

Introduction Date: October 27, 2020
Public Hearing Date: November 10, 2020 (to be held by Council)
Next Council Action: Ordinance will return to Council after approvals from reviewing agencies.

Synopsis of Ordinance: To vacate a portion of Nuttman Avenue within Riverside Terrace Addition.

Location: Approximately 400 feet of the north 25 feet of the public right-of-way designated as Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 91 of Riverside Terrace Addition.

Reason for Request: To construct a dry detention basin to improve neighborhood stormwater drainage.

Applicant: Fort Wayne City Utilities

Property Owner: Fort Wayne City Utilities

Related Petitions: none

Effect of Passage: If approved, the platted right-of-way will be combined with additional parcels to create the detention basin.

Effect of Non-Passage: The right-of-way will remain as platted. The stormwater management project will not proceed as planned.

The Journal Gazette

Account # 1063561 - 1396532

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

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 **62**

COMPUTATION OF CHARGES

62 lines, 1 column(s) wide equals _____

62 equivalent lines at \$ 0.486 cents per line **\$ 30.13**

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 \$ 30.13

DATA FOR COMPUTING COST

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

Number of Insertions 3

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 3 times.

The dates of publication being as follows:

10/30/2020

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Pamela K. Thornton

Pamela K. Thornton
Legal Clerk

Date: October 30, 2020

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-20-10-31**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 10, 2020 AT 5:30 P.M. IN ROOM 035 COUNCIL CHAMBERS COURTRROOM - GARDEN LEVEL, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: A portion of Nuttman Avenue within Riverside Terrace Addition, to construct a dry detention basin to improve neighborhood stormwater drainage. Approximately 400 feet of the north 25 feet of the public right-of-way designated as Nuttman Avenue, from the west right-of-way line of Ozark Avenue to the west property boundary of Lot 91 of Riverside Terrace Addition.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, NOVEMBER 10, 2020.

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
10-30 1396532 hspaxip

The Journal Gazette

Account # 1063561 - 1396532

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

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Pamela K. Thornton

Pamela K. Thornton
 Legal Clerk

Date: October 30, 2020

ATTACH COPY OF ADVERTISEMENT HERE

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LANA R. KEESLING
CITY CLERK
10-30 1396532 hspaxp

10/04/2021 1:03:51 PM
CITY OF FT WAYNE CLERKS OFFICE
0.00
NICOLEK

TRANSACTION # 4523068
DOCUMENT # 2021066380

ORDINANCE

RECORDING FEES: 0.00
TOTAL: 0.00
CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

BILL NO. G-20-10-31

REPORT OF COMMITTEE ON REGULATIONS

September 28, 2021

Geoff Paddock Chair


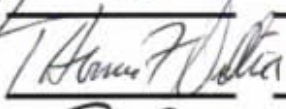
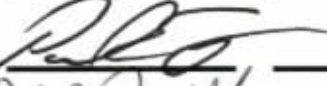
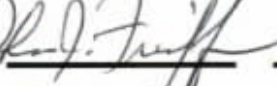

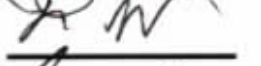


Tom Freistroffer Co-Chair

All Council Members

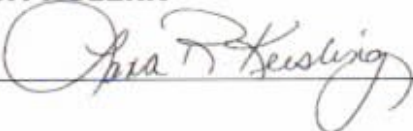
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

Vacate a portion of Nuttman Avenue within Riverside Terrace Addition to construct a dry detention basin to improve neighborhood stormwater drainage

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: November 10, 2020

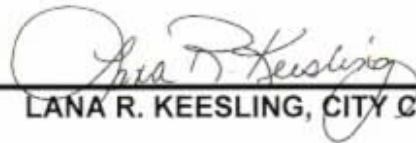
Read the first time in full and on motion by Councilperson Freistroffer.

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

Read the third time in full and on motion by Councilperson Paddock, 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 28, 2021


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
General Ordinance No. G-20-10-31 on the 28th day of September, 2021

ATTEST:

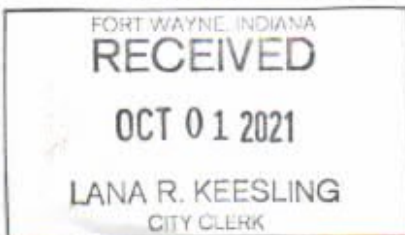

LANA R. KEESLING
CITY CLERK

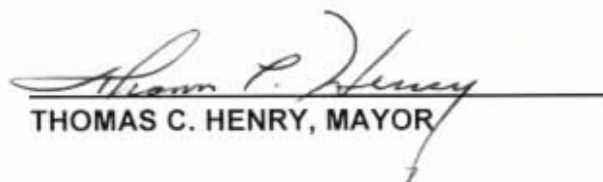

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th
of September 2021, at the hour of 11:20 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30th day of SEPTEMBER 2021, at the
hour of 12:00 o'clock PM E.S.T.




THOMAS C. HENRY, MAYOR