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VEAS-2021-0003  
BILL NO. G-21-06-33

2021051418  
RECORDED: 08/02/2021 10:53:14 AM  
ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

GENERAL ORDINANCE NO. G- 6-21

**AN ORDINANCE for the purpose of  
Vacating a platted easement.**

WHEREAS, a petition to vacate a platted easement 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 portion of a platted easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

The fifty-foot wide easement located on Lot 5 and Lot 6 of Brames South Side Acres, as dedicated in Deed Book 499, pages 525 and 526 in the Office of the Recorder of Allen County, Indiana.

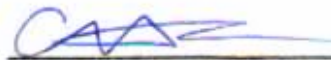
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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  
Geoff Paddock

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

APPROVED AS TO FORM AND LEGALITY:

  
Carol T. Helton, City Attorney

AUG 01 2021

  
AUDITOR OF ALLEN COUNTY

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

---

**Department of Planning Services**

Title of Ordinance: Platted Easement Vacation  
Case Number: VEAS-2021-0003  
Bill Number: G-21-06-33  
Council District: 6 – Sharon Tucker

---

Introduction Date: June 22, 2021  
Public Hearing Date: July 13, 2021 to be heard by Council  
Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

---

Synopsis of Ordinance: To vacate the fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres.

Location: 5005 South Anthony Boulevard.

Reason for Request: To have residential properties without encumbrances, for future redevelopment.

Applicant: Ross Grant

Property Owners: Ross Grant

---

Related Petitions: none

---

Effect of Passage: The easement was dedicated in 1955 after the plat was recorded. There are no utilities within the easement. Vacation of the easement will allow for more building flexibility on the property.

Effect of Non-Passage: The easement will remain as platted. No structures will be permitted within the easement.

# 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:

The 50' wide easement located on Lot 6 of Brames  
South Side Acres, as dedicated in Deed Book 499,  
pages 525-526 8/11/55

(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: 499 PAGE(S) NUMBER(S): 525-26 (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:

To have a complete residential lot with no  
encumbrances

(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: Ross Grant  
Street Address: 5030 Cloverbrook Dr.  
City: Fort Wayne State: IN Zip: 46806 Phone: 260-413-9092



VEAS-2021-0003



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.

© 2003 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Project and Contours: Spring 2009  
 Date: 07/4/2021



1 inch = 104 feet

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

**ORDINANCE NO. G-21-06-33**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 13, 2021 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: The fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres at 5005 S Anthony Blvd**

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 13, 2021.

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.

FOR YOUR SAFETY AND OF OTHERS, THE CITY 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 [CLERK@CITYOFFORTWAYNE.ORG](mailto:CLERK@CITYOFFORTWAYNE.ORG).
- ❖ 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.

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: June 18, 2021

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday July 13, 2021 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: VEAS-2021-0003  
BILL NO: G-21-06-33  
APPLICANT: Ross Grant  
REQUEST: To vacate the fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres.  
LOCATION: 5005 South Anthony Boulevard  
COUNCIL DISTRICT: 6 – Sharon Tucker

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, the Plan Commission 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](mailto: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

**EASEMENT VACATION – DISCUSSION AND PASSAGE**  
**Department of Planning Services**

VEAS 2021 0003	Bill #G-21-06-33	Project Start: June 22, 2021
APPLICANT:	Ross Grant	
REQUEST:	To vacate the 50-foot wide easement on Lots 5 and 6 of Brames South Side Acres.	
LOCATION:	5005 South Anthony Boulevard	
COUNCIL DISTRICT:	District 6 – Sharon Tucker	
PUBLIC HEARING DATE:	July 13, 2021	

**PROJECT SUMMARY**

The petitioner is Ross Grant, owner of Lots 5 and 6 of Brames South Side Acres, at 5005 South Anthony. The residential lots along South Anthony are very deep, with a 50-foot wide easement (dedicated in 1955) bisecting the lots. The owner would like to vacate the unused easement to have full use of the lots. The properties are currently vacant and zoned R1/Single Family Residential. Staff has sent requests for comment from all affected utility agencies. All agencies have signed off or declined comment and staff recommends approval.

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
Fire Department:	No comment
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	No comment
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-2021-0001**

Bill No. G-21-06-25

Alley Vacations – Notifications

**The Clerk's Office placed legal notification in the Fort Wayne Newspaper.  
DPS Staff notified the following by Certified Mail:**

**PIN/Property Address:**

**Property Owner of Record:**

021319301008000070  
021319301009000070

Ross Grant  
5030 Cloverbrook Drive  
Fort Wayne, IN 46806

021319301004000070  
East of 4925 South Anthony

John and Lou McNight  
1904 East Pettit Avenue  
Fort Wayne, In 46806

021212155001000074  
5021 South Anthony

Neal Jordan  
2021 Sherman Boulevard  
Fort Wayne, IN 46808

**DPS Staff notified the following by Email as a courtesy:  
Community Liaison, Palermo Galindo**

# 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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(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: 499 PAGE(S) NUMBER(S): 525-26 (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)

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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: Ross Grant  
Street Address: 5030 Cloverbrook Dr.  
City: Fort Wayne State: IN Zip: 46806 Phone: 260-413-9092

VEAS-2021-0003



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© 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: 6/14/2021



1 inch = 104 feet



# The Journal Gazette

Account # 1063561 - 1411021

Allen County, Indiana

FW City Clerk's Office

## 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 82

### COMPUTATION OF CHARGES

82 lines, 1 column(s) wide equals \_\_\_\_\_

82 equivalent lines at \$ 0.499 cents per line \$ 40.92

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 \$ 40.92

### 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:

6/25/2021

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: June 25, 2021

ATTACH COPY OF ADVERTISEMENT HERE

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

**ORDINANCE NO. G-21-06-33**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 13, 2021 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: The fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres at 5005 S Anthony Blvd

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LANA R. KEESLING  
CITY CLERK

6--25 1411021 hspaxlp

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Legal Clerk

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LANA R. KEESLING  
CITY CLERK

6-25 1411021 hspaxlp

08/02/2021 10:53:12 AM  
CITY OF FT WAYNE CLERKS OFFICE

0.00

NICOLEK

TRANSACTION # 4510704

2021051416	ORDINANCE	0.00
2021051417	ORDINANCE	0.00
2021051418	ORDINANCE	0.00

RECORDING FEES: 0.00

TOTAL: 0.00

CASH: 0.00

THANK YOU

ANITA MATHER  
RECORDER  
ALLEN COUNTY, IN

**BILL NO. G-21-06-33**

**REPORT OF COMMITTEE ON REGULATIONS**

**July 27, 2021**

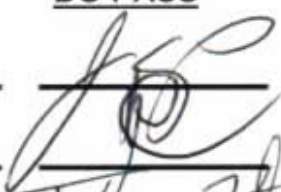
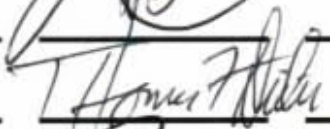
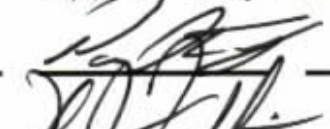


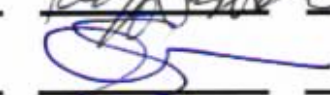


***Geoff Paddock Chair***

***Tom Freistroffer Co-Chair***

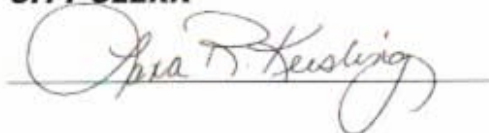
***All Council Members***

An Ordinance for the purpose of Vacating a platted easement - *To vacate the fifty-foot wide easement located on Lots 5 and 6 of Brames South Side Acres*

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: July 13, 2021


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:

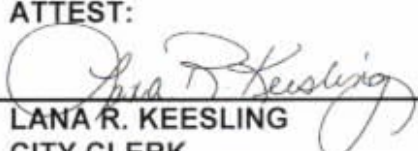
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: July 27, 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-21-06-33 on the 27th day of July, 2021

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th  
 of July 2021, at the hour of 10:15 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29<sup>TH</sup> day of JULY 2021, at the  
 hour of 9:00 o'clock AM E.S.T.

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

