VALY-2022-0001

BILL NO. G-22-05-05

GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

The north-south alley located west of Lot 383 in Hanna's Addition East Part to the City of Fort Wayne recorded in Deed Book C, Page 526, in the Office of the Recorder of Allen County, more particularly described as follows:

Beginning at the northwest corner of said Lot 383 thence southerly along the west line of said Lot 383, a distance of 150 feet to the southwest corner of said Lot 383; thence westerly along the north right-of-way line of East Berry Street a distance of 10 feet to the southeast corner of Lot 3 in Skinners Subdivision recorded in Deed Book 52, Page 379, in the Office of the Recorder of Allen County, Indiana; thence northerly a distance of 150 feet to a point on the east line of Lot 4 in said Skinners Subdivision; thence easterly a distance of 10 feet to the point of beginning.

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:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Right of Way Vacation
Case Number:	VALY-2022-0001
Bill Number:	G-22-05-05
Council District:	5 – Geoff Paddock
Introduction Date:	May 10, 2022
Public Hearing Date:	May 24, 2022 to be heard by Council
Next Council Action:	Ordinance will return to Council after recommendation by reviewing agencies.
Synopsis of Ordinance:	To vacate a portion of the north-south alley west of Lot 383 in Hanna's Addition East Part.
Location:	Along the east boundary of 817 East Berry.
Reason for Request:	To allow for use as a private driveway and aid in redevelopment of the adjacent vacant parcel.
Applicant:	Juan Williams
Property Owners:	Juan and Demeta Williams
Related Petitions:	none
Effect of Passage:	The vacation of the unimproved alley will allow for greater land to redevelop into housing options, and provide driveway space for the existing residence.
Effect of Non-Passage:	The right of way will remain as platted. Any new development will need to conform to setbacks from the existing right-of-way.

Vacation of Alley VALY-2022-0001 Berry Street



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.

© 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: 5/3/2022

0 25 50 Feet

N

1 inch = 50 feet

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:

Refer to file

(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: _____ **PAGE(S) NUMBER(S):** _____**(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:

We have been taking care of the alley for decades (Keep grass cut, Picking up trash) We also own the land on both sides of the alley (which is no longer used) We would also like to use it as a driveway.

(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: Joan Williams

Street Address: 817 E Berry St.

City: Fort Wayne State: IN Zip: 46803 Phone: (260) 418-6528

FORT WAYNE, INDIANA
FILED
JAN 18 2022
LANA R. KEESLING
CITY CLERK

VALV-2022-0001

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.

Juan Williams — Signature
Juan Williams — Printed Name
1/18/22 — Date
817 E Berry St. — Address
Ft Wayne, IN 46803 — City/State/Zip

Dameta Williams — Signature
Dameta Williams — Printed Name
1-18-22 — Date
817 E. Berry St. — Address
Ft Wayne IN. 46803 — 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:

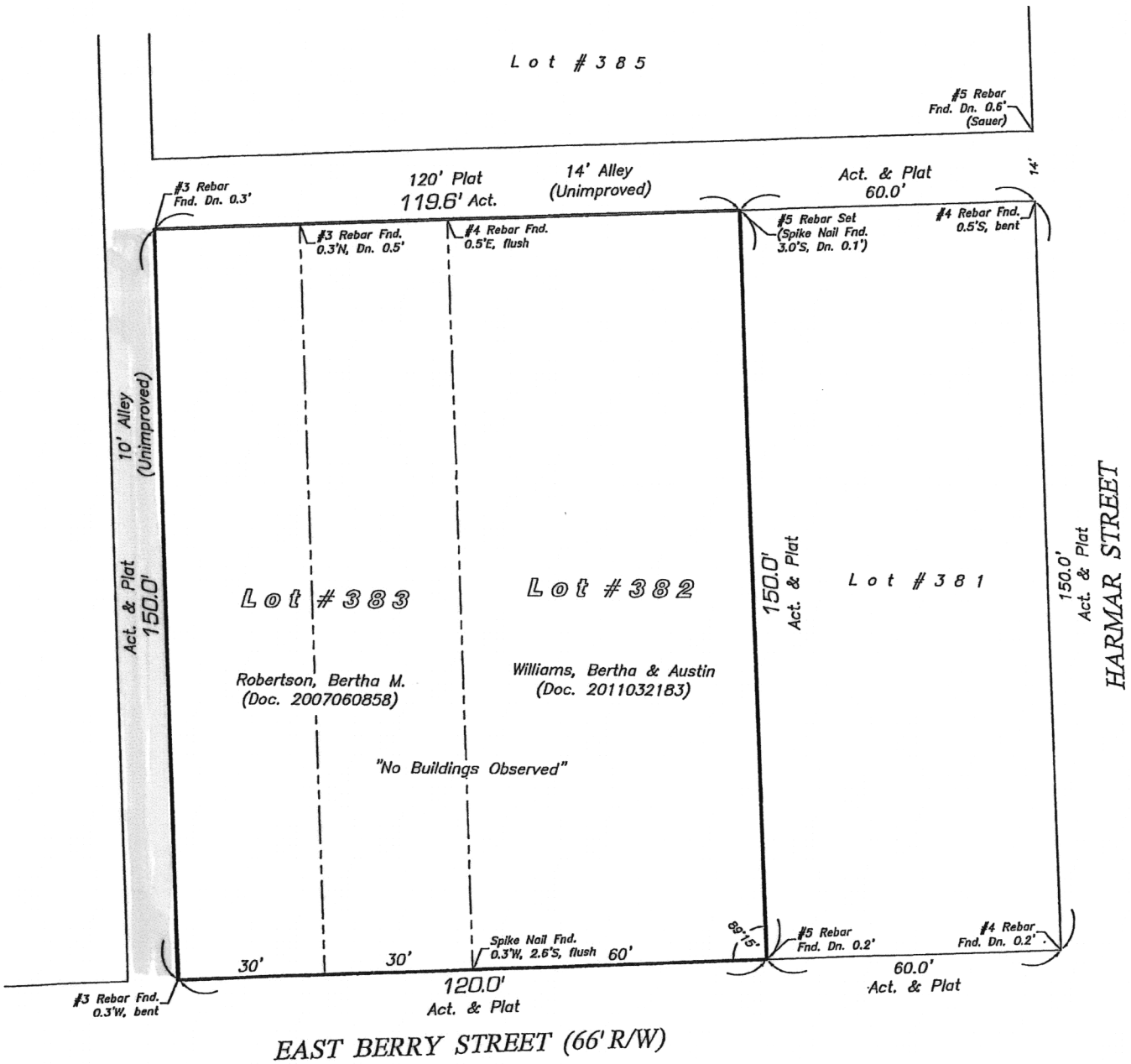
- Legal Description is to be the area to be vacated and must be complete ad accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the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

For Office Use Only:

Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

PLAT OF SURVEY
Scale: 1"=30'



NORTH

SCALE IN FEET:
0 15 30

October 27, 2021
Survey No. 136-122
Williams, Bertha & Austin

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: Applicants/Adjacent Property Owners
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: May 9, 2022

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday May 24, 2022 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-2022-0001
BILL NO:	G-22-05-05
APPLICANTS:	Juan Williams
REQUEST:	To vacate a portion of the north-south alley west of Lot 383 in Hanna's Addition East Part.
LOCATION:	Along the east boundary of 817 East Berry Street.
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 near to the above request. This public hearing is your chance to offer input you may have regarding the request.

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

Prescribed by State Board of Accounts

General Form No. 99P
(Rev. 2009A)

The Journal Gazette

Account **Name**

Allen County, Indiana

Gov: Fort Wayne City Clerk's Office

Notice ID: IplAjC6O1wxDX7fwHEnF

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

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 _____

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COMPUTATION OF CHARGES

55 lines, 1 column(s) wide equal:

55 equivalent lines at $ 0.4990 cents per line $27.45

Additional charges for notices containing rule or tabular work (50 percent of above amount) $ _____

Electronic processing fee $0.00

TOTAL AMOUNT OF CLAIM $27.45

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.

The dates of publication being as follows:

5/13/22 _____ _____

_____ _____ _____

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

Date: 5/13/2022

Brenda McClure

Legal Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL

ORDINANCE NO. G-22-05-05

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MAY 24, 2022 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 the north-south alley along the east boundary of 817 E Berry St

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MAY 24, 2022.

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--13 hspaxlp

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VALY 2022 0001	Bill #G-22-05-05	Project Start: May 2022

APPLICANTS:	Juan Williams
REQUEST:	To vacate a portion of the north-south alley west of Lot 383 in Hanna's Addition East Part.
LOCATION:	Along the east boundary of 817 East Berry Street.
COUNCIL DISTRICT:	5-Geoff Paddock
PUBLIC HEARING DATE:	May 24, 2022

PROJECT SUMMARY

The petitioner owns property on both sides of the alley requested to be vacated. The alley is unimproved and does not serve as access to any adjacent property. The petitioner would like to redevelop the vacant adjacent parcel and use the alley area for a driveway. Staff has sent requests for comment from all affected utility agencies. When all responses are received, staff will return to Council for discussion.

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.

VALY-2022-0001
Bill No. G-22-05-05
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 or Hand Delivery:

PIN/Property Address:	**Property Owner of Record:**
021201327005000074 801 East Berry	Donald Terlosky 2924 Crescent Avenue Fort Wayne, IN 46805
021201327006000074 815 East Berry	Bertha Robertson 2430 Trentman Ave Fort Wayne, IN 46806
021201327008000074 817 East Berry	Juan and Demeta Williams 817 East Berry Fort Wayne, IN 46803

DPS Staff notified the following by Email as a courtesy:
SEAP
Dan Baisden, Neighborhood Activation

Vacation of Alley VALY-2022-0001 Berry Street



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Name: Juan Williams

Street Address: 817 E Berry St.

City: Fort Wayne State: IN Zip: 46803 Phone: (260) 418-6528

FORT WAYNE, INDIANA
FILED
JAN 18 2022
LANA R. KEESLING
CITY CLERK

VACY-2022-0001

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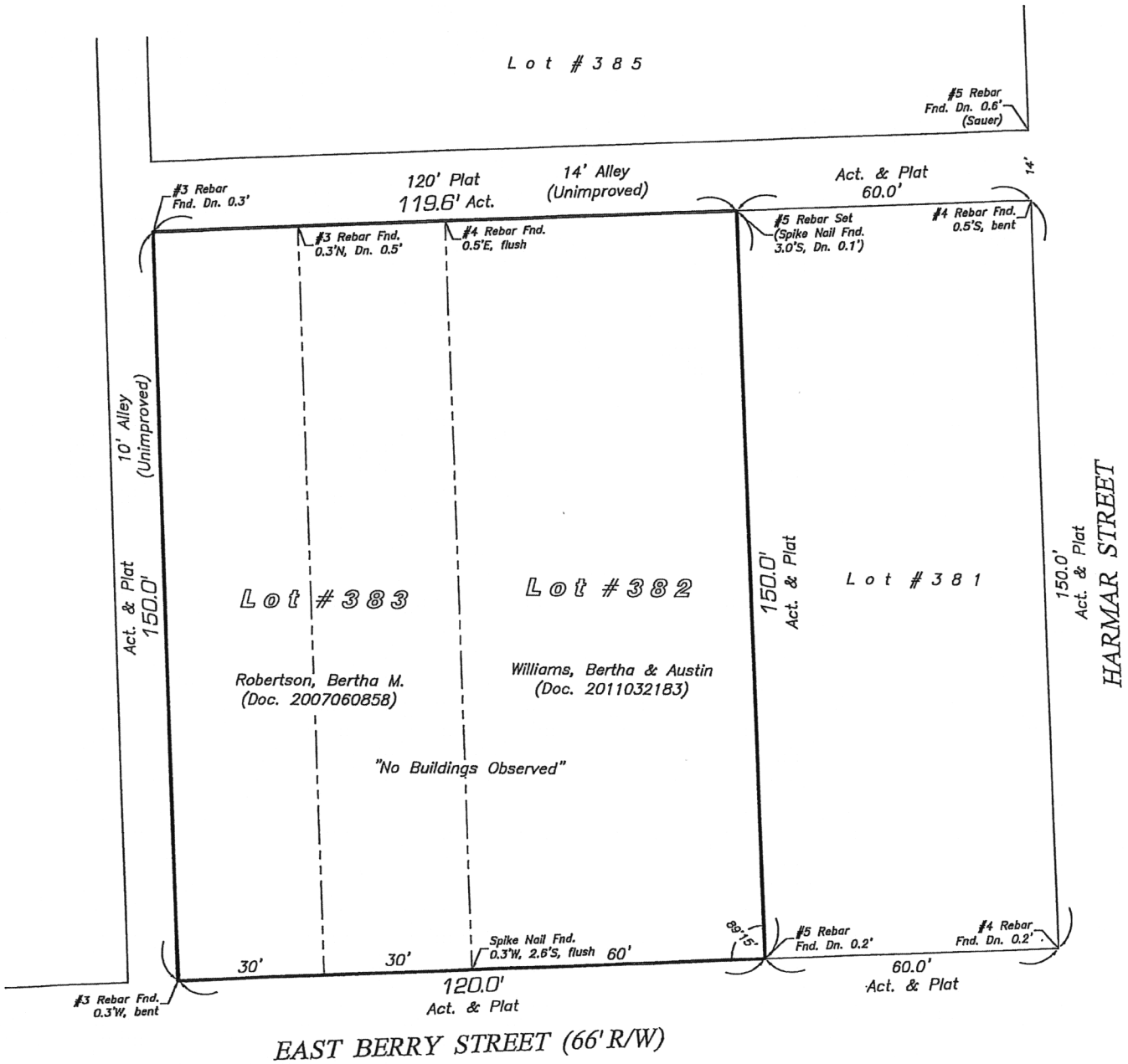

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LANA R. KEESLING
CITY CLERK
5--13 hspaxlp

0202300003573

Prescribed by State Board of Accounts

General Form No. 99P
(Rev. 2009A)

The Journal Gazette

Allen County, Indiana

Account **Name**
Gov: Fort Wayne City Clerk's Office
Notice ID: IplAjC6O1wxDX7fwHEnF

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Date: 5/13/2022

Brenda McClure
Legal Clerk