**VROW-2022-0010**

**BILL NO. G-22-07-12**

**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:

A portion of Herbert Street lying North of Lots 3, 4, 5, and 6 of John H. Vesey's First Addition to the City of Fort Wayne, recorded in Plat Record 5, page 10, as found in the Office of the Recorder of Allen County, Indiana described as follows:

Beginning at the Northwest corner of Lot 3 in said John H. Vesey's First Addition; thence along the Northerly extension of the West line of said Lot 3, a distance of 40.8 feet, more or less, to a point on the South line of Lot 18 in said Addition; thence Northeasterly, along said South line, 38.3 feet, more or less, to deflection point in said South line; thence Easterly along said South line and the South line of Easterly adjoining Lot 19, a distance of 93.6 feet, more or less, to the Southeast corner of said Lot 19, being on the Northwesterly right-of-way line of Coombs Street; thence Southwesterly along said Northwesterly right-of-way line, 41.6 feet to a point on the North line of Lot 6 in said Addition; thence Westerly on said North line and the North line of Westerly adjoining Lots 5 and 4, a distance of 83.5 feet, more or less, to the Northeast corer of the aforementioned Lot 3; thence Southwesterly on the North line of said Lot 3, a distance of 38.8 feet, more or less, to the Point of Beginning, containing 5,041 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.

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: | VROW-2022-0010 |
| Bill Number: | G-22-07-12 |
| Council District: | 5-Geoff Paddock |
| Introduction Date: | July 12, 2022 |
| Public Hearing Date: | July 26, 2022 to be heard by Council |
| Next Council Action: | Ordinance will return to Council after recommendation by reviewing agencies. |
| Synopsis of Ordinance: | To vacate the right-of-way of Herbert Street between Tecumseh Street and the Maumee River |
| Location: | West of Coombs Street and Tecumseh Street and east of the Maumee River |
| Reason for Request: | The property is owned by Woodruff Contracting and Sales, LLC and is currently landlocked by the unimproved right-of-way of Herbert Street. |
| Applicant: | James Woodruff |
| Property Owners: | Woodruff Contracting and Sales, LLC |
| Related Petitions: | none |
| Effect of Passage: | The vacation of the right-of-way will allow for future redevelopment of the property. |
| Effect of Non-Passage: | The right of way will remain as platted. The right-of-way currently splits the applicant's parcel and landlocks the northern portion. |

# Herbert Street Vacation




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: 7/6/2022

0 50 100 Feet

N

1 inch = 100 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 __X__Public Right of Way (street or alley)

More particularly described as follows:

Legal description as transcribed on exhibit 2.

(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:** 5 **PAGE(S) NUMBER(S):** 10 **(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:

Property is currently land-locked and is only accessible through the curb-cut on an unimproved street (Herbert St).

(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: Woodruff Contracting and Sales, LLC

Street Address: 1130 Herbert Street

City: Fort Wayne State: IN Zip: 46803 Phone: 260-410-3865

FORT WAYNE, INDIANA
FILED
JUN 27 2022
LANA R. KEESLING
CITY CLERK

Paid Check # 1028

**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 | James Woodruff<br>Printed Name | 6/27/2022<br>Date |
|---|---|---|
| 1130 Herbert St<br>Address | Fort Wayne, IN 46805<br>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 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.

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**For Office Use Only:**

Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

Adjacent property owner:
Fort Wayne City Of Board Of Public Works
Property Management
200 E Berry St, Ste 470
Fort Wayne, IN 46802

Parcel Number:
02-12-01-255-001.000-074

Location Address:
1100 HERBERT ST (BLK OF)
FORT WAYNE, IN 46803

GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

# RIGHT-OF WAY VACATION EXHIBIT

*Part of J.H. Vesey's 1st Addition in the East 1/2 of*
*Section 1 - T30N - R12E, Wayne Township, Allen County*
*Property Address: 1130 Herbert Street, Fort Wayne, IN 46805*

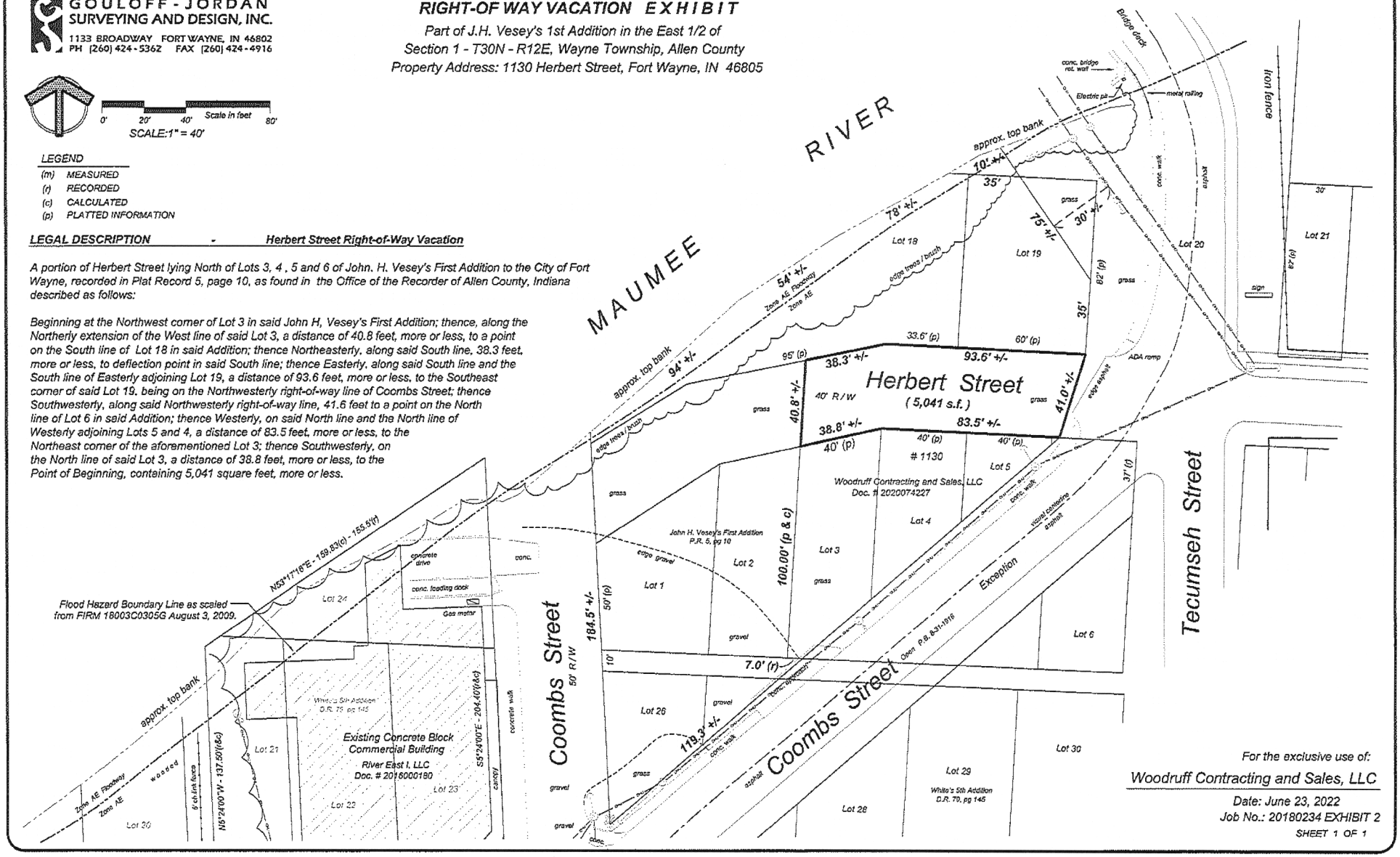
0' 20' 40' Scale in feet 80'
SCALE:1" = 40'

LEGEND
(m) MEASURED
(r) RECORDED
(c) CALCULATED
(p) PLATTED INFORMATION

**LEGAL DESCRIPTION - Herbert Street Right-of-Way Vacation**

A portion of Herbert Street lying North of Lots 3, 4 , 5 and 6 of John. H. Vesey's First Addition to the City of Fort Wayne, recorded in Plat Record 5, page 10, as found in the Office of the Recorder of Allen County, Indiana described as follows:

Beginning at the Northwest corner of Lot 3 in said John H, Vesey's First Addition; thence, along the Northerly extension of the West line of said Lot 3, a distance of 40.8 feet, more or less, to a point on the South line of Lot 18 in said Addition; thence Northeasterly, along said South line, 38.3 feet, more or less, to deflection point in said South line; thence Easterly, along said South line and the South line of Easterly adjoining Lot 19, a distance of 93.6 feet, more or less, to the Southeast corner of said Lot 19, being on the Northwesterly right-of-way line of Coombs Street; thence Southwesterly, along said Northwesterly right-of-way line, 41.6 feet to a point on the North line of Lot 6 in said Addition; thence Westerly, on said North line and the North line of Westerly adjoining Lots 5 and 4, a distance of 83.5 feet, more or less, to the Northeast corner of the aforementioned Lot 3; thence Southwesterly, on the North line of said Lot 3, a distance of 38.8 feet, more or less, to the Point of Beginning, containing 5,041 square feet, more or less.




For the exclusive use of:
Woodruff Contracting and Sales, LLC

Date: June 23, 2022
Job No.: 20180234 EXHIBIT 2
SHEET 1 OF 1

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

**ORDINANCE NO. G-22-07-12**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 26, 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: To vacate the right-of-way of Herbert Street between Tecumseh Street and the Maumee River**

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 26, 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
7--15 hspaxlp

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: 1cjNZa89SgxZ9VF42C6e

**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

Head – number of lines

Body – number of lines

Tail – number of lines

Total number of lines in notice 55

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:

7/15/22

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: 7/15/2022

Brenda McClure
Legal Clerk