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RECORDED: 12/20/2022 02:15:39 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

1 VALY-2022-0004

2 BILL NO. G-22-08-02

3
4 GENERAL ORDINANCE NO. G-23-22

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

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

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


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

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

17 All of the north-south 12-foot wide alley located between Lots 70 and Lots 67 through 69 in Lewis
18 Addition, Amended to the City of Fort Wayne, as platted in Deed Record 27, Page 391, in the Office of
19 the Recorder of Allen County, Indiana.

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

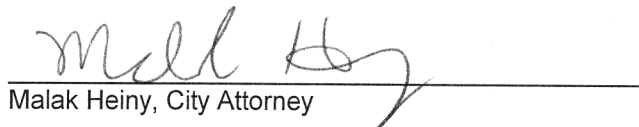
22 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
23 any and all necessary approval by the Mayor.

24 

COUNCILMEMBER

PAUL Ensley

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 Malak Heiny, City Attorney

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

28
29 DEC 20 2022

30 AUDITOR OF ALLEN COUNTY

call for PU

25

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VALY-2022-0004
Bill Number: G-22-08-02
Council District: 5 – Geoff Paddock

Introduction Date: August 9, 2022

Public Hearing Date: August 23, 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 12-foot wide alley between lots 70 and 67 through 69 in Lewis Addition, Amended.

Location: East of Lots 67 through 69, and east of 1325 Lafayette Street

Reason for Request: To allow for the combination of lots for an existing business.

Applicant: Windrose Learning Center, Inc.

Property Owners: Windrose Learning Center, Inc.

Related Petitions: none

Effect of Passage: The vacation of the alley will allow for the combination of lots and the use of the alley by the existing business.

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 Petition VALY-2022-0004



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: 8/3/2022



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:

<p><u> </u> Easement <u> X </u> Public Right of Way (street or alley)</p> <p>More particularly described as follows: This is the alley between 1325 Lafayette St (Parcel # 02-12-12-104-008.000-074) and 419 Brackenridge St. (Parcel 02-12-12-104-015.017-00074). This alley is not an active alley. Property is own by Windrose Learning and Leona Works. Both businesses are owned by petitioner.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)</p> <p>The reasons for the proposed vacation are as follows:</p> <p>_____</p> <p>Windrose Learning has submitted a proposal to obtain an external cooler that will be located on the west side of the 1325 Lafayette property. Additionally, the alley is frequently trafficked by employees of Windrose Learning going to the 419 property which is a community garden.</p> <p>_____</p> <p>_____</p> <p>If additional space is needed please attach separate page.)</p>

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: _____

Street Address: _____

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

FORT WAYNE, INDIANA
FILED
JUL 11 2022
LANA R. KEESLING
CITY CLERK

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.

<u>Stacey E Smith</u>	<u>Stacey E Smith</u>	<u>07.08.2022</u>
Signature	Printed Name	Date
<u>1325 Lafayette St</u>	<u>Fort Wayne, IN 46802</u>	
Address	City/State/Zip	
<u>Stacey E Smith</u>	<u>Stacey E Smith</u>	<u>07.08.2022</u>
Signature	Printed Name	Date
<u>419 Brackenridge St</u>	<u>Fort Wayne, IN 46802</u>	
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 #: _____



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Journal Gazette**.

Notice ID: guml4Tf8ZCWdYjLgVATA | **Proof Updated: Aug. 10, 2022 at 08:21am EDT**
Notice Name: G-22-08-02

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Shirrell Richardson shirrell.richardson@cityoffortwayne.org (260) 427-1221	Journal Gazette

Columns Wide: 1	Ad Class: Legals
------------------------	-------------------------

08/12/2022: Other	28.94
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Subtotal	\$28.94
Tax %	0.00
Total	\$28.94

See Proof on Next Page

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

ORDINANCE NO. G-22-08-02

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 23, 2022 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: To vacate the 12-foot wide alley between lots 70 and 67 through 69 in Lewis Addition, Amended, East of Lots 67 through 69, and east of 1325 Lafayette Street for Windrose Learning Center, Inc

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 23, 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
8--12 hspaxlp

Allen County Recorder's Office

Date & Time: Dec 20 2:09
Name: Fiana
Phone: 260-427-1221

12/20/2022 2:15:39 PM
VALUED CUSTOMER
0.00
SAMANTHA

TRANSACTION # 4598298
DOCUMENT # 2022066353

ORDINANCE

RECORDING FEES: 25.00
TOTAL: 25.00
CREDIT CARD: 25.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

Return Via:

- Mail: _____
- Inter Office: _____
- Office Box: _____
- Call for Pickup: _____
- Email: _____
- Recycle/Shred

Payment: Cash ___ Check ___ Card Escrow ___

Oversize page? NO YES # of pages _____

Notes: _____

Initials: SB TX Number: 4598298

BILL NO. G-22-08-02

**REPORT OF COMMITTEE ON REGULATIONS
December 13, 2022**




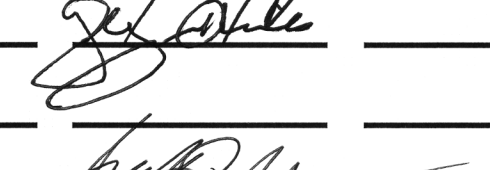
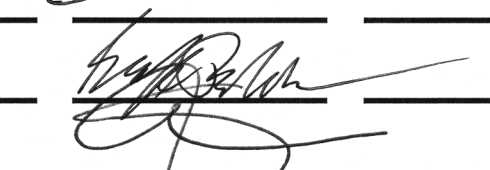

Paul Ensley Chair

Tom Freistroffer Co-Chair

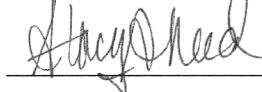
All Council Members

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

To vacate the 12-foot wide alley between lots 70 and 67 through 69 in Lewis Addition, Amended, East of Lots 67 through 69, and east of 1325 Lafayette Street for Windrose Learning Center, Inc

<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			

**STACY A. REED
DEPUTY CITY CLERK**



Public Hearing Date: August 23, 2022

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

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

Read the third time in full and on motion by Councilperson Ensley, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: December 13, 2022

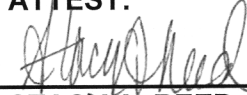


STACY A. REED, DEPUTY CITY CLERK

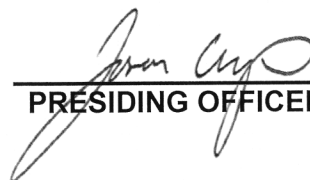
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-22-08-02 on the 13th day of December, 2022

ATTEST:



STACY A. REED
DEPUTY CITY CLERK



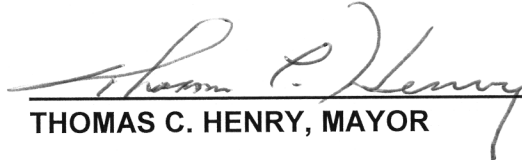
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of December 2022, at the hour of 9:25 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 15TH day of December 2022, at the hour of 11:00 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR

