VROW-2022-0011

BILL NO. G-22-09-02

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:

LEGAL DESCRIPTION for Vacation of a portion of Roxbury Drive:

Part of Lot Number 6 of a subdivision of R.L. Britton Estate, recorded in Deed Record "N", page 403 as found in the Office of the Recorder of Allen County, Indiana, described as follows:

Beginning at the intersection of the West right-of-way line of Southwood Avenue and the North right-of-way line of Roxbury Drive, as shown on the plat of Southwood Park Addition, Section "G", recorded in Plat Book 14A, page 16, said point also being the Southeast corner of real estate described in Document #2021034585; thence South, on the extended West right-of-way line of said Southwood Avenue, 30 feet to the centerline of said Roxbury Drive; thence West, on said centerline, 140 feet to a point on the extended West line of said real estate described in Document #2021034585; thence North, said extended West line, 30 feet to the Southwest corner thereof on the North right-of-way line of said Roxbury Drive; thence East, on said North right-of-way line, also being the South line of said real estate described in Document #2021034585, a distance of 140 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 by LES

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-2022-0011
Bill Number:	G-22-09-02
Council District:	5-Geoff Paddock
Introduction Date:	September 13, 2022
Public Hearing Date:	September 27, 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 right-of-way of Roxbury Drive within Southwood Park Addition, Section G.
Location:	South of 5020 Southwood Avenue
Reason for Request:	The right-of-way is unimproved and the property owners would like to make improvements in the rear yard.
Applicant:	Teresa and Michael Masanz
Property Owners:	Teresa and Michael Masanz
Related Petitions:	none
Effect of Passage:	The vacation of the right-of-way will allow for improvements to made in the rear yard of 5020 Southwood Avenue.
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.

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:

Roxbury Drive (60' unimproved)

(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: N/ **PAGE(S) NUMBER(S):** 403 **(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:

Area of Roxbury Drive, unimproved land, is maintained by us. Over the last 11 years we have trimmed the trees, seeded and mowed the grass of the property. Requesting vacation of right of way to allow for improvement of property at 5020 Southwood Ave. Request modification from Right of Way to Easement of unimproved "Roxbury Drive." Recently, both City Utilities and public utility have easily accessed the area to place sewers and erect utility pole with no impediment.

(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: _____

Street Address: _____

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

FORT WAYNE, INDIANA
FILED
JUL 01 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 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.

Michael Mosanz — Signature
Michael Mosanz — Printed Name
7-1-22 — Date

5020 Southwood Ave — Address
Fort Wayne IN 46807 — City/State/Zip

Theresa Mosanz — Signature
Theresa Mosanz — Printed Name
7-1-22 — Date

5020 Southwood Ave — Address
Fort Wayne IN 46807 — 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:

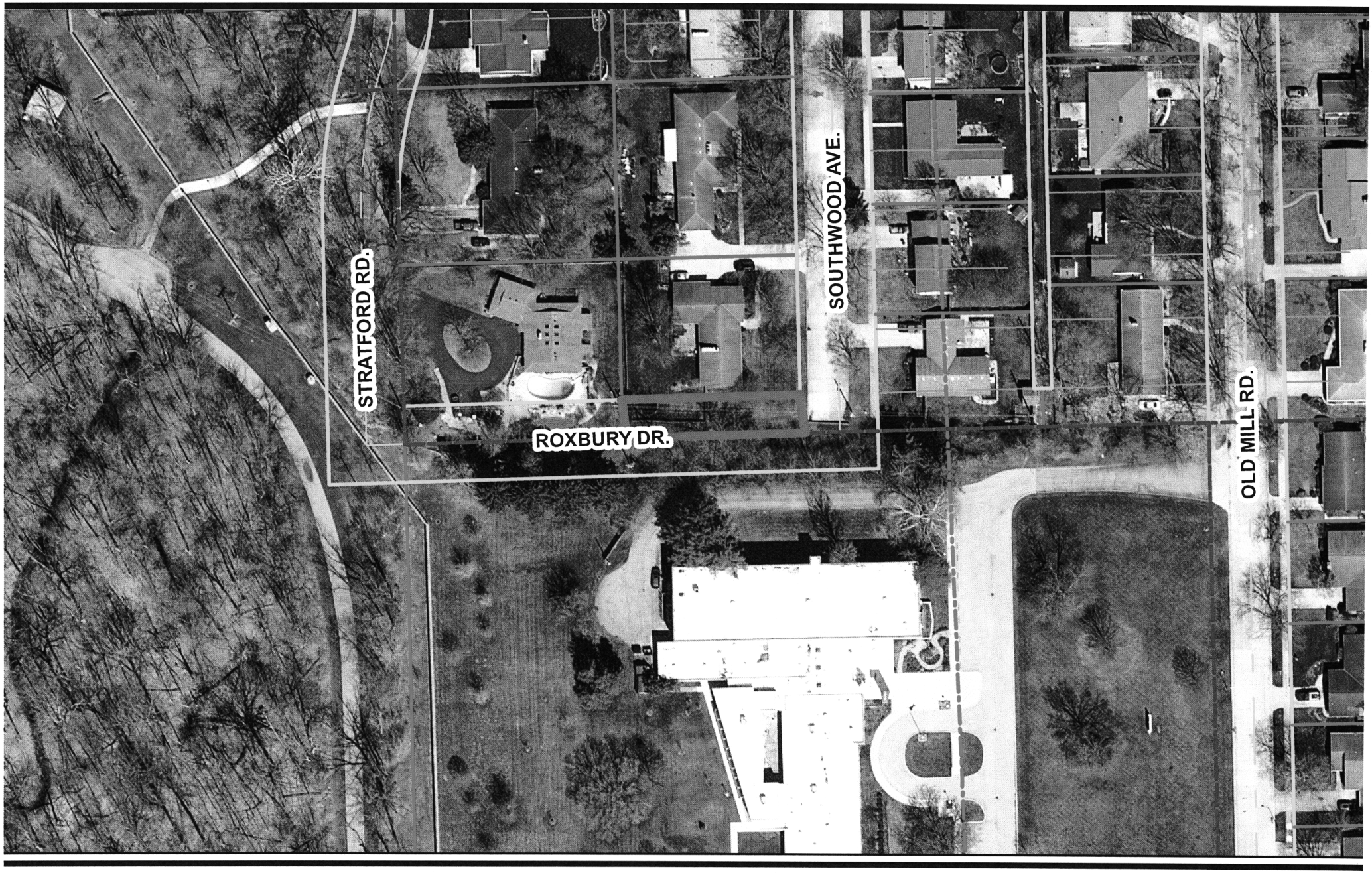
- Legal Description is to be the area to be vacated and must be complete ad accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the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

For Office Use Only:

Receipt #: _____ Date Filed: _____

Map #: _____ Reference #: _____

Right of Way Vacation VROW-2022-0011 - Roxbury Drive



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: 9/6/2022

0 50 100 Feet

N

1 inch = 100 feet

92-015432

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

ZK tazian
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONE: 219/424-0232
219/424-0234 FAX

CIVIL ENGINEERING SURVEYING LAND PLANNING

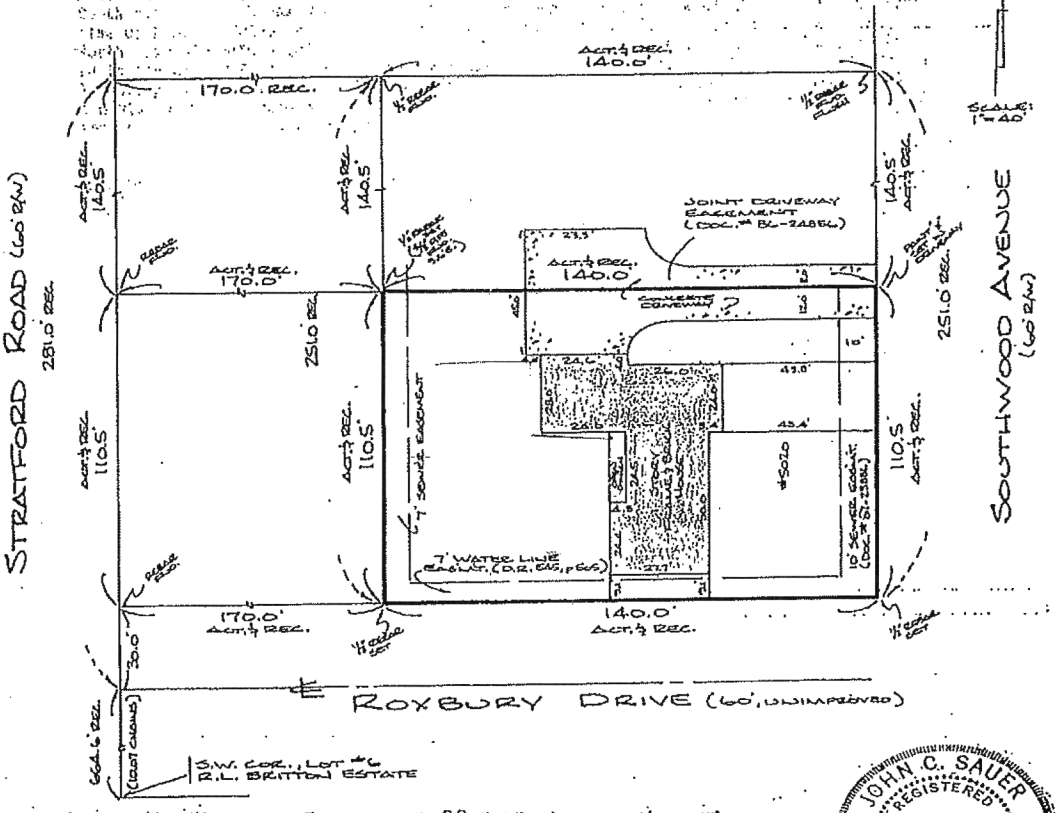
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

See page two for legal description.

92 MAR 27 AM 8:33
ALLEN COUNTY RECORDER



I hereby certify on the 27th day of June, 19 90 that the above survey is correct.
Surveyed for: Schmitz
Survey No.: QT-125

JOHN C. SAUER
REGISTERED
No. 50364
STATE OF INDIANA
LAND SURVEYOR

92 015432

Column

OFFICIAL AD PROOF

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

Notice ID: zXolMNCVkSr7SRd9OWm5 | **Proof Updated: Sep. 14, 2022 at 08:11am EDT**
Notice Name: G-22-09-02

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

09/16/2022: Other	27.94
Subtotal	$27.94
Tax %	0.00
Total	**$27.94**

See Proof on Next Page

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL

ORDINANCE NO. G-22-09-02

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 27, 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 a portion of the right-of-way of Roxbury Drive within Southwood Park Addition, Section G, south of 5020 Southwood Avenue

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, SEPTEMBER 27, 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
9--16 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: zXolMNCVkSr7SRd9OWm5

ATTACH COPY OF ADVERTISEMENT

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	56

COMPUTATION OF CHARGES

56 lines, 1 column(s) wide equal:
56 equivalent lines at $ 0.4990 cents per line — $27.94

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

Electronic processing fee — $0.00

TOTAL AMOUNT OF CLAIM — $27.94

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:

9/16/22

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: 9/16/2022

Brenda McClure
Legal Clerk

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