

1 VROW-2023-0001

2 BILL NO. G-23-01-02

3
4 GENERAL ORDINANCE NO. G-2-23

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 A PORTION OF AVONDALE DRIVE AS PLATTED AS LAFAYETTE STREET IN THE
18 PLAT OF SOUTHVIEW ADDITION AS RECORDED IN PLAT BOOK 11 PAGE 79 AND
19 FURTHER DEDICATED IN 1971 BY STREET DEDICATION AS RECORDED IN
20 DOCUMENT 71-06935 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY
21 INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

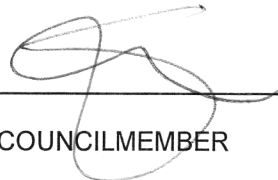
22 BEGINNING AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF
23 AVONDALE DRIVE AND THE SOUTH RIGHT OF WAY LINE OF SOUTHVIEW AVENUE,
24 SAID POINT BEING THE NORTHWEST CORNER OF LOT 102 OF SAID SOUTHVIEW
25 ADDITION; THENCE SOUTH 01 DEGREE 39 MINUTES 06 SECONDS EAST (BEARINGS
26 BASED UPON INDIANA STATE PLANE COORDINATE, EAST ZONE, GRID), ON AND
27 ALONG THE EAST RIGHT OF WAY LINE OF AVONDALE DRIVE, A DISTANCE OF
28 115.71 FEET (115 FEET, PLAT) TO THE SOUTHWEST CORNER OF SAID LOT 102, BEING
29 ONE AND THE SAME AS THE NORTHWEST CORNER OF SAID 1971 STREET
30 DEDICATION; THENCE NORTH 88 DEGREES 23 MINUTES 35 SECONDS EAST ON AND
ALONG THE SOUTH LINE OF SAID LOT 102, A DISTANCE OF 5.00 FEET TO THE
NORTHEAST CORNER OF SAID 1971 STREET DEDICATION; THENCE SOUTH 01
DEGREE 39 MINUTES 06 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID
1971 STREET DEDICATION, A DISTANCE OF 113.64 FEET TO THE POINT OF
INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF PAULDING ROAD AND THE
EAST RIGHT OF WAY LINE OF AVONDALE DRIVE; THENCE SOUTH 88 DEGREES 20
MINUTES 54 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF
SAID PAULDING ROAD, A DISTANCE OF 35.00 FEET TO A POINT ON THE WEST

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RIGHT OF WAY LINE OF AVONDALE DRIVE, SAID WEST RIGHT OF WAY LINE BEING ONE AND SAME AS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 30 NORTH, RANGE 12 EAST; THENCE NORTH 01 DEGREE 39 MINUTES 06 SECONDS WEST ON AND ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 229.35 FEET TO THE POINT OF INTERSECTION OF SAID WEST RIGHT OF WAY LINE AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF SOUTHVIEW AVENUE; THENCE NORTH 88 DEGREES 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.171 ACRES AND BEING SUBJECT TO EASEMENTS OF RECORD.

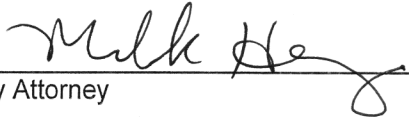
and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

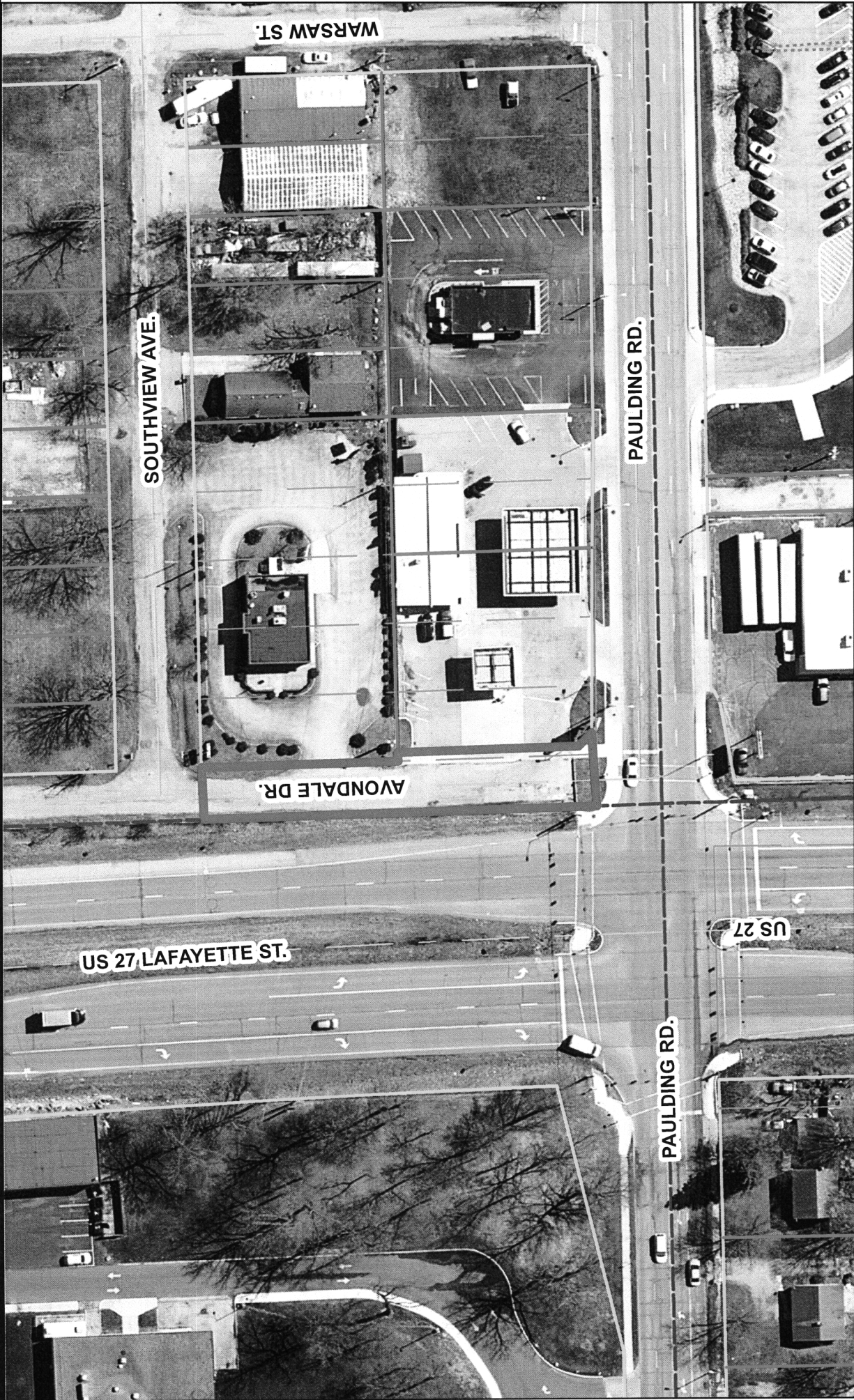
APPROVED AS TO FORM AND LEGALITY:



City Attorney



Right of Way Vacation Avondale Drive with 411 E Paulding Road Rezoning

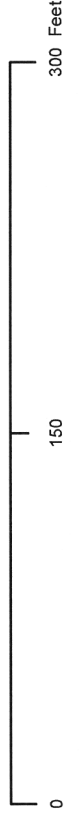


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 1/4/2023



1 inch = 75 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:

Avondale Drive from the south right-of-way line of Southview Avenue south to its terminus at Paulding Road.

(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:

Avondale Drive no longer connects with Paulding Road and is not used by the public as a right-of-way as it is a dead end.

(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):

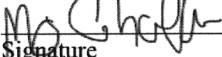
Name: _____

Street Address: _____

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

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.

Solar Petroleum, LLC

By: 
Signature

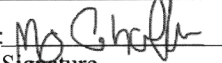
Mohammad Abdelalghaffar, Member
Printed Name

11/15/2022
Date

624 McKinney Avenue
Address

Fort Wayne, IN 46806
City/State/Zip

A & M Enterprise LLC

By: 
Signature

Mohammad Abdelalghaffar, Member
Printed Name

11/15/2022
Date

624 McKinney Avenue
Address

Fort Wayne, IN 46806
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): Scott M. Federoff, Snyder Morgan Federoff & Kuchmay, LLP

Street Address: 4211 Clubview Drive

City: Fort Wayne State: IN Zip: 46804 Phone: 260-602-8000

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.

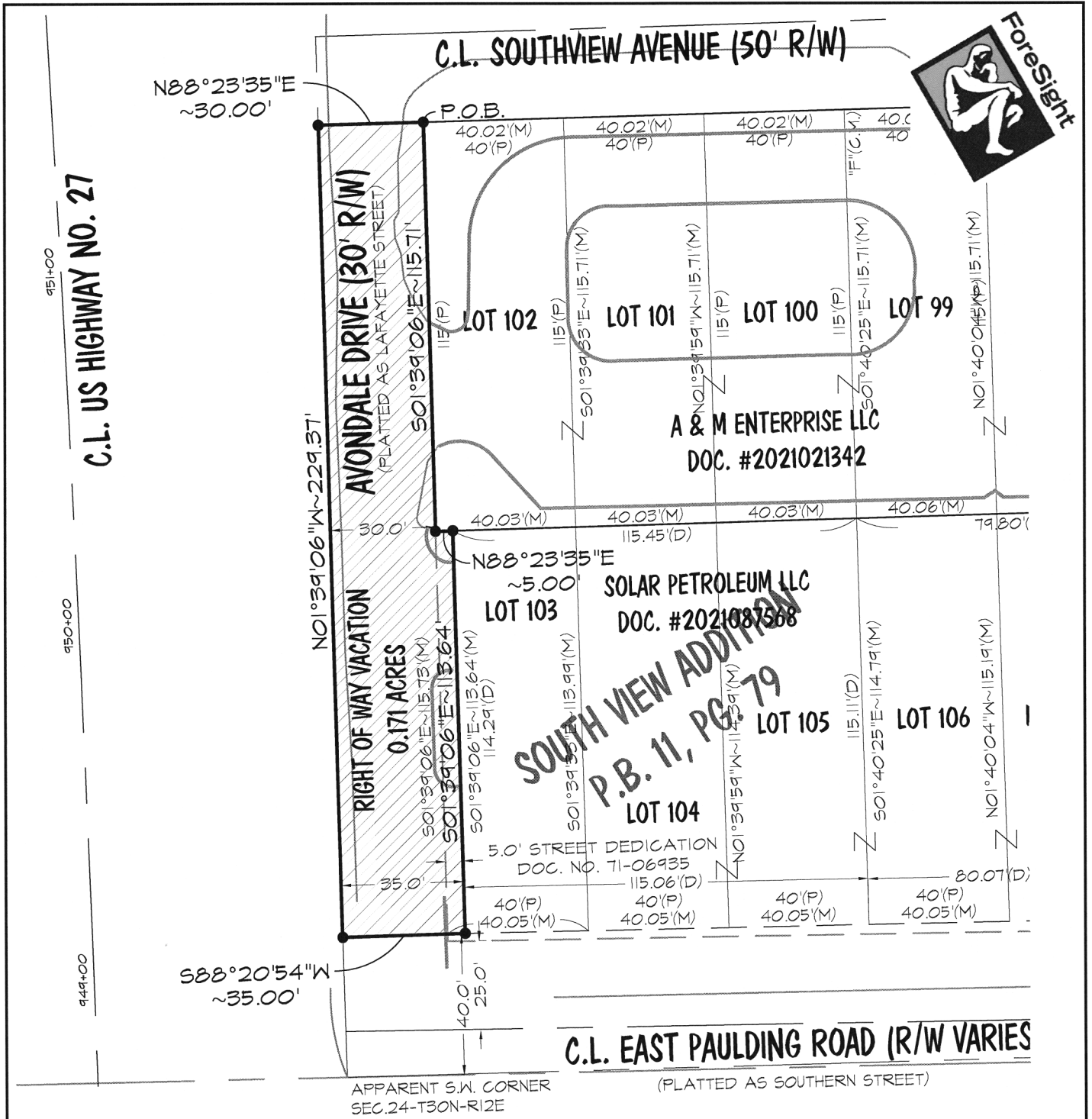
For Office Use Only:

Receipt #: _____

Date Filed: _____

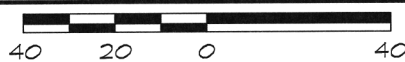
Map #: _____

Reference #: _____



Right of Way Vacation Exhibit

SCALE: 1" = 40'



Commission Number
223515

Date
12/02/2022

Sheet
S2.2

Right of Way Vacation Exhibit

Southview Avenue, Fort Wayne, Indiana 46806

ForeSight Consulting, LLC

Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz

EXPERIENCE. INNOVATION. RESULTS.



INTERIM AD DRAFT

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

Notice ID: J4gYdwKOQHqGUJYNkINz | **Proof Updated: Jan. 11, 2023 at 08:04am EST**
Notice Name: G-23-01-02

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

Lisa Petretta
lisa.petretta@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

01/13/2023: Other 28.44

Subtotal	\$28.44
Tax %	0
Total	\$28.44

See Proof on Next Page

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

ORDINANCE NO. G-23-01-02

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JANUARY 24, 2023 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: Avondale Drive from Paulding Road to the south right-of-way line of Southview Avenue, East of 411 East Paulding and 412 Southview Avenue.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JANUARY 24, 2023.

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

1--13 hspaxlp

The Journal Gazette

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: J4gYdwKQQHqGUYNkINz

Allen County, Indiana

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 57

COMPUTATION OF CHARGES

57 lines, 1 column(s) wide equal: _____
57 equivalent lines at \$ 0.4990 cents per line \$28.44

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

Electronic processing fee \$ 0.00

TOTAL AMOUNT OF CLAIM \$28.44

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:

1/13/23 _____

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: 1/13/2023 _____
Brenda McCune
Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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

ORDINANCE NO. G-23-01-02

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LOCATION: Avondale Drive from Paulding Road to the south right-of-way line of Southview Avenue, East of 411 East Paulding and 412 Southview Avenue.

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LANA R. KEESLING
CITY CLERK

1--13 hspaxlp

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2023-0001
Bill Number: G-23-01-02
Council District: 6 – Sharon Tucker

Introduction Date: January 10, 2023

Public Hearing Date: January 24, 2023 to be heard by Council

Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate Avondale Drive from Southview Avenue to Paulding Road.

Location: West of 412 Southview Avenue.

Reason for Request: To allow the right-of-way to be combined with the adjacent commercial parcels.

Applicant: Solar Petroleum, LLC

Property Owner: Solar Petroleum, LLC

Related Petitions: REZ-2022-0068

Effect of Passage: The vacation of Avondale Drive will allow for the underutilized right-of-way to be returned as developable land. The access to Avondale from Paulding was recently closed by the City of Fort Wayne.

Effect of Non-Passage: The right of way will remain as platted. Redevelopment of the property may be hindered by retention of the unused right-of-way.

RIGHT-OF-WAY VACATION – DISCUSSION and PASSAGE
Department of Planning Services

VROW 2023 0001	Bill #G-23-01-02	Project Start: January 2023
APPLICANT: REQUEST: LOCATION: COUNCIL DISTRICT: PUBLIC HEARING DATE:	Solar Petroleum, LLC To vacate Avondale Drive from Paulding Road to the south right-of-way line of Southview Avenue. East of 411 East Paulding and 412 Southview Avenue. 6 - Sharon Tucker January 24, 2023 (no public comments received)	

PROJECT SUMMARY

The portion of Avondale Drive to be vacated is located west of an existing Lassus Handy Dandy gas station and convenience store at the intersection of Paulding and US 27, and a former Dairy Queen building, at the intersection of Avondale and Southview Avenue. Access to Avondale Drive at Paulding has been closed by the City of Fort Wayne. The vacation of Avondale will allow the existing gas station and convenience store to make improvements to the site, and potential improvements or redevelopment of the Dairy Queen property. No existing access to other properties will be affected. Land on the northern portion of Avondale has access to Southview Avenue and Hawthorne Street. Staff has sent requests for comment from all affected utility agencies. City Utilities requires an easement and is currently working with the applicant to secure the necessary documentation. All other agencies have signed off or have no comments, allowing for this vacation to move forward.

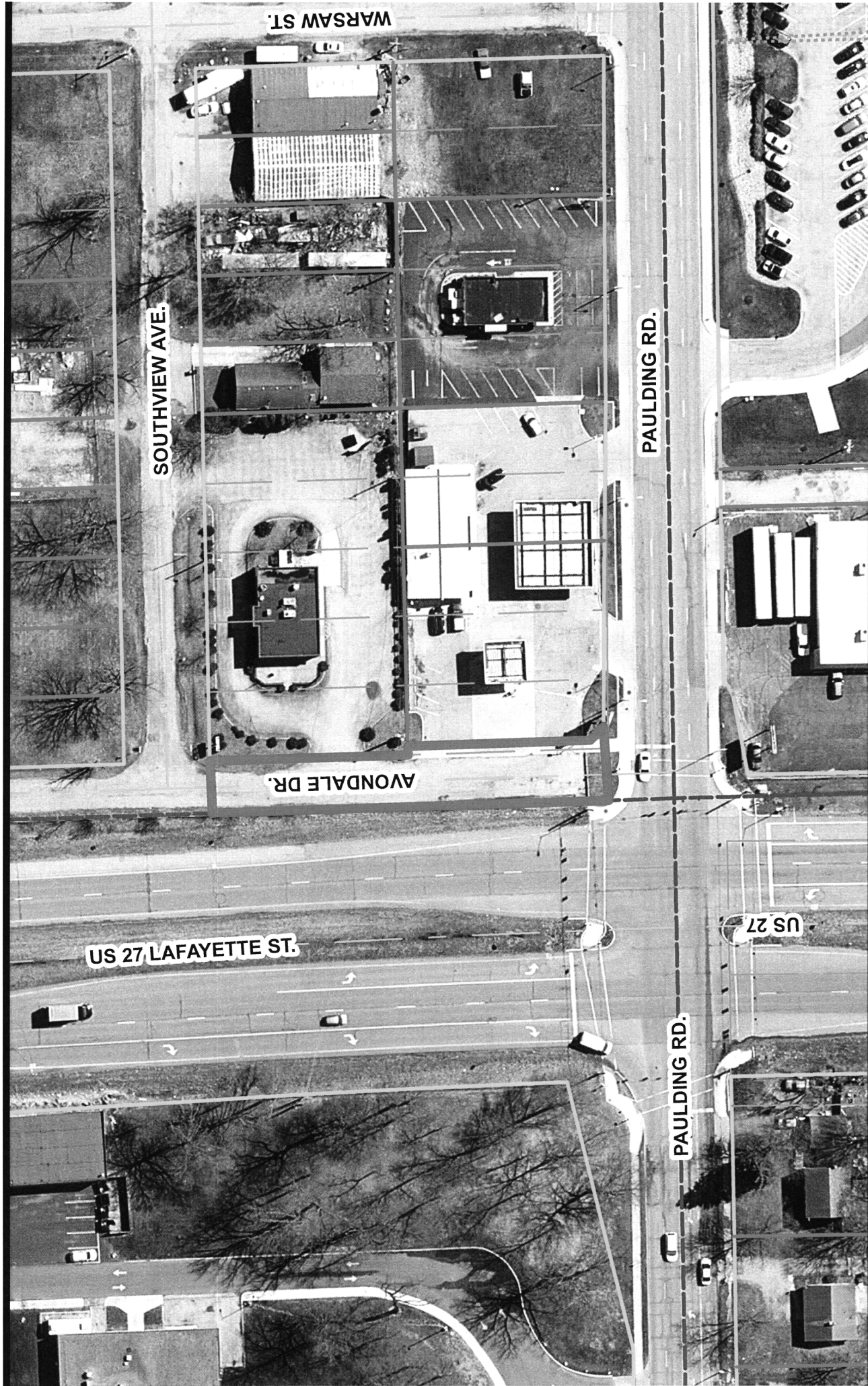
City Plan: Traffic/Transportation Engineering: Right-of-Way: Stormwater Engineering: Water Engineering: WPC Engineering – Sanitary: City Parks Department: Fire Department: Frontier: Comcast Cable: AEP: NIPSCO:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement 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. Approved Approved, with physical barrier to Avondale, or removal of pavement. Easement required Easement required Approved Approved No comment Approved Lines to remain, no easement required. Approved 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.



Right of Way Vacation Avondale Drive with 411 E Paulding Road Rezoning



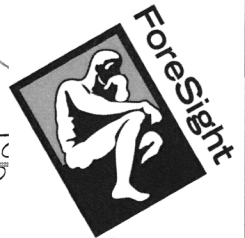
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 1/4/2023



1 inch = 75 feet





C.L. SOUTHVIEW AVENUE (50' R/W)

N88°23'35"E
~30.00'

C.I. US HIGHWAY NO. 27

AVONDALE DRIVE (30' R/W)
(PLATTED AS LAFAYETTE STREET)

P.O.B.
40.02'(M) 40'(P) 40.02'(M) 40'(P) 40.02'(M) 40'(P) 40.02'(M) 40'(P)

LOT 102 LOT 101 LOT 100 LOT 99

A & M ENTERPRISE LLC
DOC. #2021021342

LOT 103
SOLAR PETROLEUM LLC
DOC. #2021087568

SOUTH VIEW ADDITION
P.B. 11, PG. 79

LOT 105 LOT 106

LOT 104

5.0' STREET DEDICATION
DOC. NO. 71-06935

40'(P) 40.05'(M) 40'(P) 40.05'(M) 40'(P) 40.05'(M) 40'(P) 40.05'(M)

S88°20'54"W
~35.00'

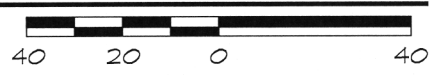
C.L. EAST PAULDING ROAD (R/W VARIES)

APPARENT S.W. CORNER SEC. 24-T30N-R12E (PLATTED AS SOUTHERN STREET)



Right of Way Vacation Exhibit

SCALE: 1" = 40'



Commission Number
223515
Date
12/02/2022
Sheet
S2.2

Right of Way Vacation Exhibit
Southview Avenue, Fort Wayne, Indiana 46806

ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz
EXPERIENCE. INNOVATION. RESULTS.



DocId:8947368

Tx:4605644

2023007199

RECORDED: 02/17/2023 02:26:07 PM

NICOLE KEESLING
ALLEN COUNTY RECORDER
FORT WAYNE, IN

Recording Cover Page

Prepared by: Jill Helfrich

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Iliana Phillips

(name printed, stamped or signed w/print)

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

FEB 17 2023

[Signature]
AUDITOR OF ALLEN COUNTY

Allen County Recorder's Office

Date & Time: 2/17/2023 2:20
Name: Iliana Phillips
Phone: 260-427-1221

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: 4605644

02/17/2023 2:26:07 PM
VALUED CUSTOMER
0.00
SAMANTHA

TRANSACTION # 4605644
DOCUMENT # 2023007199

ORDINANCE

RECORDING FEES: 25.00
TOTAL: 25.00
CREDIT CARD: 25.00

THANK YOU

NICOLE KEESLING
RECORDER
ALLEN COUNTY, IN

BILL NO. G-23-01-02

**REPORT OF COMMITTEE ON REGULATIONS
February 14, 2023**

Tom Freistroffer Chair

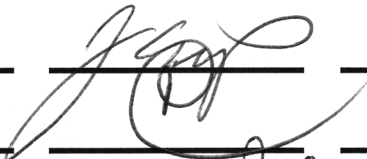
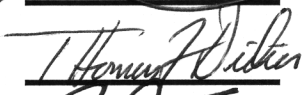

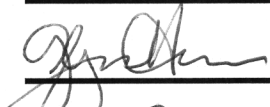
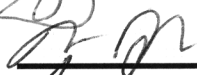

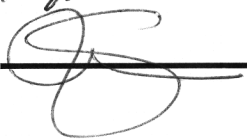
Sharon Tucker Co-Chair

All Council Members

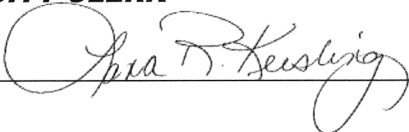
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate Avondale Drive from Southview Avenue to Paulding Road

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: January 24, 2023

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 Freistroffer, 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: February 14, 2023



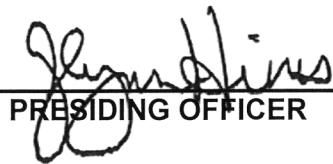
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-01-02 on the 14th day of February, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



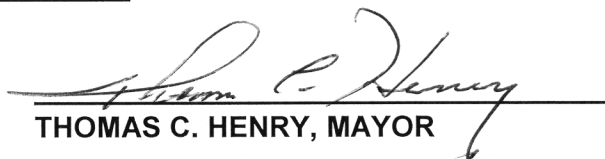
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of February 2023, at the hour of 2:10 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16th day of FEBRUARY 2023, at the hour of 10:00 o'clock Am E.S.T.



 THOMAS C. HENRY, MAYOR

