

1 VALY-2022-0006

2 BILL NO. G-23-01-03

3
4 GENERAL ORDINANCE NO. G- 7-23

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:

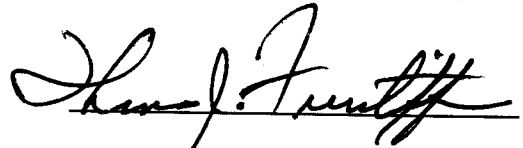
17 Part of Eckart's Subdivision of Lot 7 Well's Reserve, an Addition to the City of Fort Wayne,
18 according to the plat thereof, Recorded in Deed Record 107, Pages 522-523, in the Office of the
19 Recorder of Allen County, Indiana and more particularly described as follows:

20 BEGINNING at the Southwest Corner of Lot Number 11 in said Eckart's Addition; thence North
21 88 degrees 51 minutes 37 seconds East (Indiana Geospatial Coordinate System, Allen County
22 bearing and basis of bearings to follow), a distance of 57.00 feet (Plat) along the South line of said
23 Lot Number 11, also being along the North right-of-way line of a 12' Alley to the East line of said
24 Lot 11 said point being the point of curvature of a non-tangent, concave to the Northwest, having
25 a radius of 12077.48 feet; thence Northeasterly along said curve and said East line and also being
26 along the West right-of-way line of a 14' Alley a distance of 105.10 feet, having a central angle of
27 00 degrees 29 minutes 55 seconds, and a chord of 105.10 feet bearing North 22 degrees 53
28 minutes 03 seconds East to the South line of a Vacated Alley described in Document Number 90-
29 037426 in the Office of said Recorder; thence North 88 degrees 51 minutes 37 seconds East, a
30 distance of 1.09 feet along said South to the East line of said Vacated Alley said point also being
the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of
12101.52 feet; thence Northeasterly along said curve and said East line a distance of 76.38 feet,
having a central angle of 00 degrees 21 minutes 42 seconds and a chord of 76.38 feet bearing
North 22 degrees 27 minutes 07 seconds East to the North line of said Alley Vacation; thence
South 88 degrees 51 minutes 37 seconds West, a distance of 1.09 feet to the East line of Lot
Number 8 in said Eckart's Addition, said point also being the point of curvature of a non-tangent
curve, concave to the Northwest, having a radius of 12077.48 feet; thence Northeasterly along
said curve and also being along the West right-of-way line of a 14' Alley, a distance of 77.26 feet,

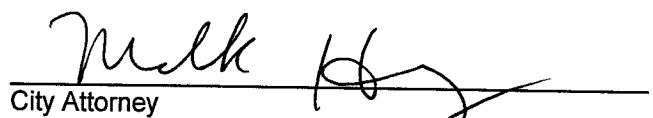
1 having a central angle of 00 degrees 22 minutes 00 seconds, and a bearing of 77.26 feet bearing
2 North 22 degrees 05 minutes 22 seconds East to the Southeast corner of existing tract described in
3 Document Number 2022038391 in the Office of said Recorder; thence North 88 degrees 51
4 minutes 37 seconds East, a distance of 15.21 feet to the East line of said 14' Alley, said point also
5 being the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of
6 12091.48 feet; thence Southwesterly along said curve and said East right-of-way line a distance of
7 271.86 feet, having a central angle of 01 degrees 17 minutes 18 seconds, and a bearing of 271.85
8 feet bearing South 22 degrees 31 minutes 19 seconds West to the South right-of-way line of said
9 12' Alley; thence South 88 degrees 51 minutes 37 seconds West, a distance of 67.01 feet along
10 said South right-of-way line to the East right-of-way line of North Harrison Street; thence North
11 00 degrees 58 minutes 09 seconds West, a distanced of 12.00 feet (Plat) along said East line to the
12 Point of Beginning. Containing 0.101 acres, more or less. Subject to easement of record.

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

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

17 
18 COUNCILMEMBER

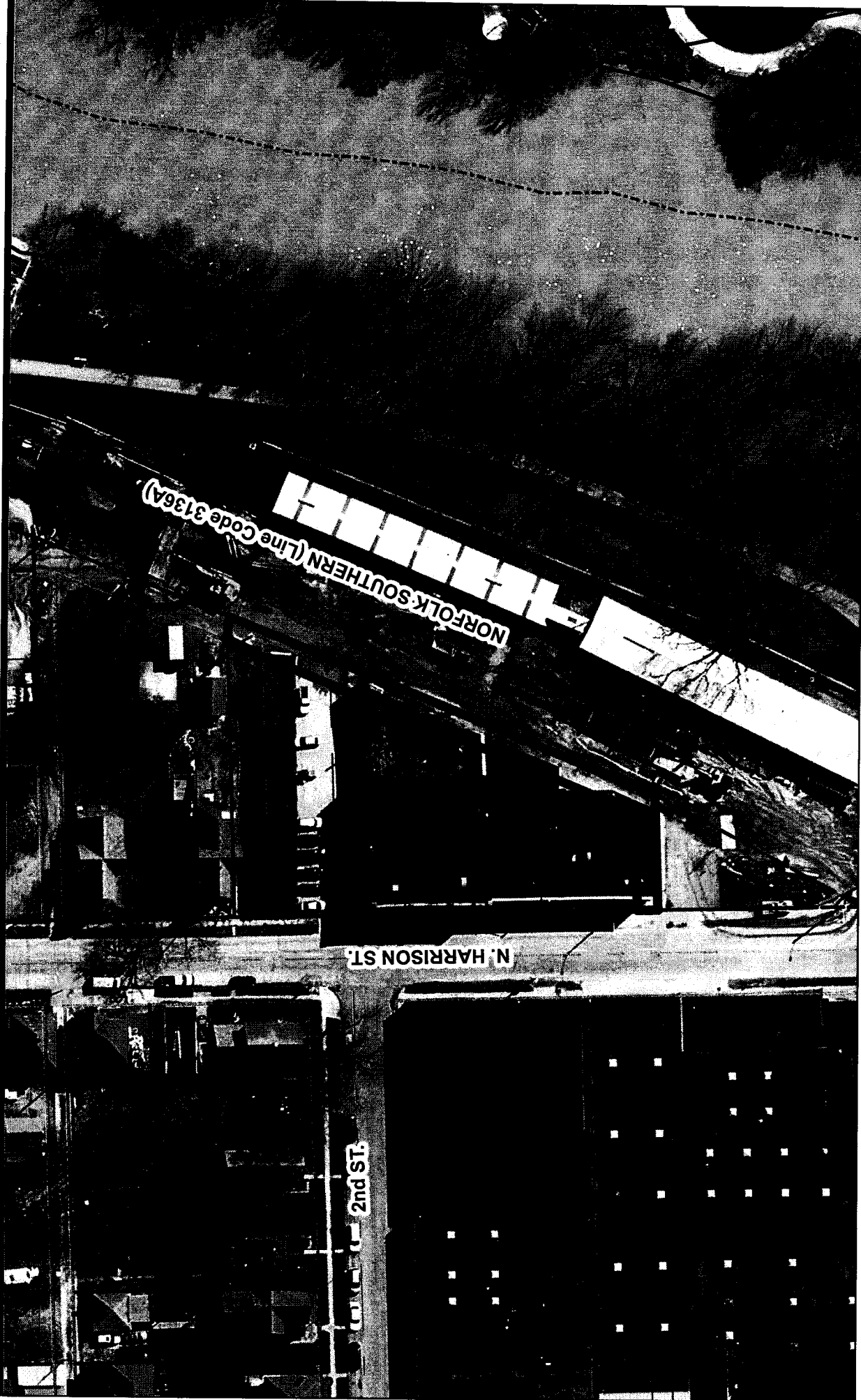
19 APPROVED AS TO FORM AND LEGALITY:

20 
21 City Attorney

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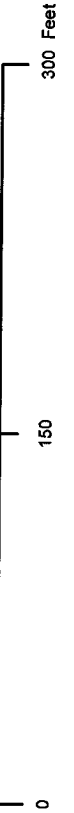


Alley Vacation behind 1616 N Harrison - with Schab Riverfront Plaza



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 Public Right of Way (street or alley)

More particularly described as follows:

see attached legal description and depiction

(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: 107 **PAGE(S) NUMBER(S):** 522-523 (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:
Within Phase II of Riverfront Public Space adjacent to subject alley, fill will be added to raise the grade by 2 or 3 feet to match the first floor elevation of the adjacent Schaab Metals building (1216 N Harrison St). This will reduce the visual/physical impact created by the levees and provide greater accessibility to the Riverfront. The fill is planned to extend across the subject alley, up to the wall of the Schaab building. It is anticipated that the alley will be permanently closed from vehicular traffic and used for outdoor dining/other complementary activities.

(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: City of Fort Wayne, Department of Redevelopment

Street Address: 200 E Berry St., Ste. 320

City: Fort Wayne State: IN Zip: 46805 Phone: 260-427-2323

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

Jonathan Leist, Redevelopment Director

11/17/2022

Printed Name

Date

200 E Berry St., Ste. 320

Fort Wayne, IN 46805

Address

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): Joe Giant

Street Address: 200 E Berry St., Ste. 320

City: Fort Wayne State: IN Zip: 46805 Phone: 260-427-2144

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 #: _____

Shaab Metals Alley Vacation

Other adjacent property owners:

Catherine Marie Anderson owns 1310 N Harrison Street, which is tangential to the northwest corner of the subject alley segment. It appears that the property was conveyed to Catherine Anderson from Josephine Anderson in July 2022. It is not clear if Catherine Anderson resides at the property.

The City of Fort Wayne, Department of Redevelopment owns all other adjacent property.

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.

ALLEY VACATION SKETCH

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

Brett R. Miller, P.S. No.LS20300059 Robert J. Marucci, P.S. No.LS20400028
Precision and Professionalism is where we draw the line.



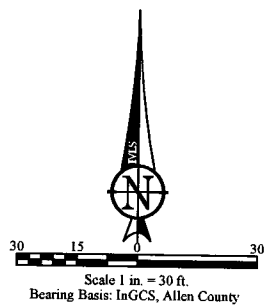
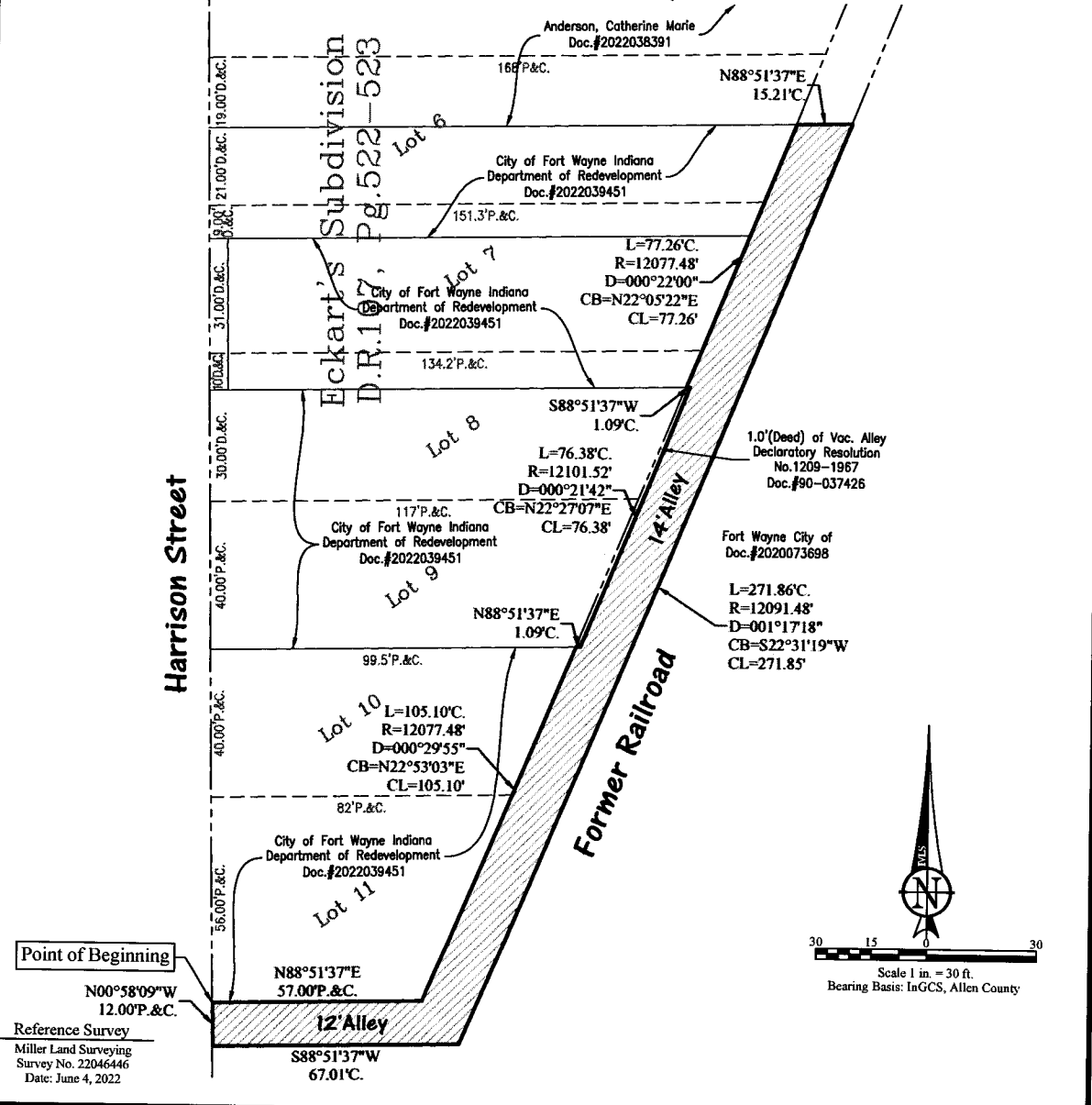
www.mlswebsite.us

ALLEY VACATION DESCRIPTION

Page 1 of 1

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Survey No. 22046446
County: Allen Subdivision: Eckart's
For: City of Fort Wayne Redevelopment Drawn by: BPJ

IN WITNESS WHEREOF, I hereunto place my hand and seal this 11th day of November, 2022.
Revised:

Brett R. Miller
Brett R. Miller, P.S. NO. 20300059



Legend	
POB	- Point of Beginning
M	- Measured
R	- Record
C	- Calculated
D	- Deed
---	- Right of Way (RAW)
---	- Building Setback Line
---	- Center Line



INTERIM AD DRAFT

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

Notice ID: SnLREjQgs9h5b7Vm3hch | **Proof Updated: Jan. 11, 2023 at 08:06am EST**
Notice Name: G-23-01-03

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

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

01/13/2023: Other	27.94
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Subtotal	\$27.94
Tax %	0
Total	\$27.94

See Proof on Next Page

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

ORDINANCE NO. G-23-01-03

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: The alley south and east of Schaab Metals building for riverfront redevelopment. South and East of 1216 North Harrison.

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

Allen County, Indiana Account Name
Gov: Fort Wayne City Clerk's Office
 Notice ID: SnLREjQgs9h5b7Vm3hch

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, $\frac{1}{4}$ column(s) wide equal: \$27.94
 56 equivalent lines at \$0.4990 cents per line
 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:

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

Shirley McCreary
 Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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LOCATION: The alley south and east of Schaab Metals building for redevelop- ment. South and East of 1216 North Harrison.

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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: VALY-2022-0006
Bill Number: G-23-01-03
Council District: 5-Geoff Paddock

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 the alley located between south and east of 1216 North Harrison

Location: South and East of 1216 North Harrison

Reason for Request: To allow the right-of-way to be combined with the adjacent parcels and redeveloped into active space.

Applicant: City of Fort Wayne Redevelopment Commission

Property Owner: City of Fort Wayne Redevelopment Commission

Related Petitions: REZ-2022-0071 and PDP-2022-0051 Schaab Riverfront Plaza

Effect of Passage: The vacation of the alley will allow for redevelopment of the area into outdoor activity space for Schaab Riverfront Plaza and Riverfront Phase II.

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.

ALLEY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VALY 2022 0006	Bill #G-23-01-03	Project Start: January 2023
APPLICANT:	City of Fort Wayne Redevelopment Commission	
REQUEST:	To vacate the alley south and east of the Schaab Metals building for riverfront development.	
LOCATION:	South and east of 1216 North Harrison.	
COUNCIL DISTRICT:	5-Geoff Paddock	
PUBLIC HEARING DATE:	January 24, 2023	

PROJECT SUMMARY

The alley portion to be vacated is located along the east side of the Schaab Metals building, between the building and the riverfront. The City Redevelopment Commission purchased the property and is selling it to a private development team to be repurposed as a mixed-use amenity along the riverfront. Work will be performed over the alley to improve the rear façade of the building and add architectural features. An existing 15-inch pipe is located within the alley. The developers are working with City Utilities on the new construction plans and approval has been given to move forward with the vacation. All other agencies have signed off or have no comments.

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.
Right-of-Way	Approved
Traffic/Transportation Engineering:	Approved
City Utilities:	Approved, conditional on proposed plans. Easement required.
City Parks Department:	Approved
Fire Department:	No comment
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	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.

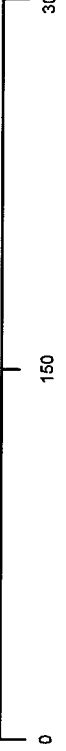


Alley Vacation behind 1616 N Harrison - with Schab Riverfront Plaza



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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



300 Feet

150

0



1 inch = 75 feet

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.

ALLEY VACATION SKETCH

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8371

Brett R. Miller, P.S. No.LS20300059

Robert J. Marucci, P.S. No.LS20400028



www.mlswebsite.us

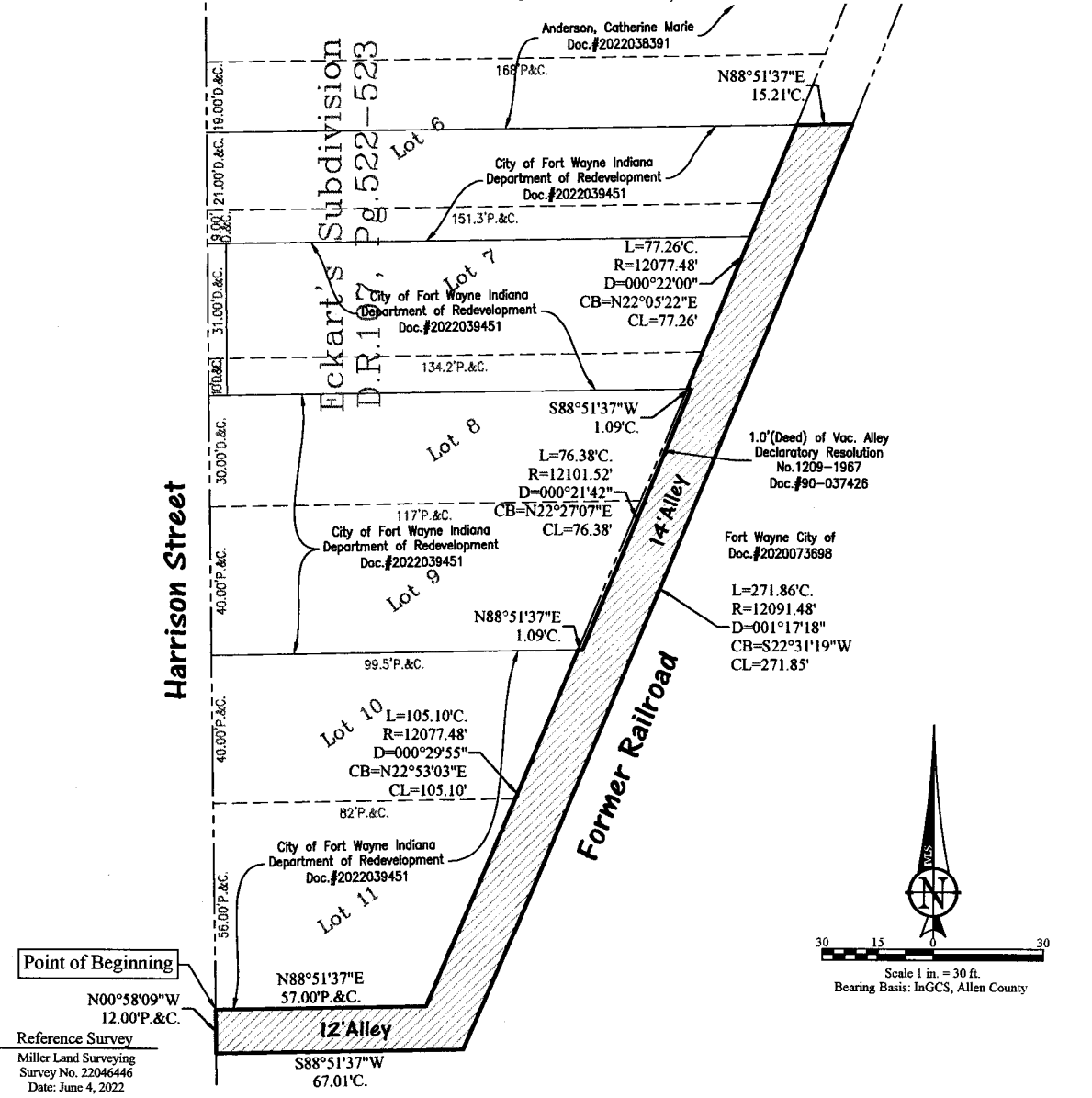
Precision and Professionalism is where we draw the line.

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Survey No. 22046446
County: Allen Subdivision: Eckart's
For: City of Fort Wayne Redevelopment Drawn by:BPJ

IN WITNESS WHEREOF, I hereunto place my hand and seal this 11th day of November, 2022.

Revised:

B. R. Miller
Brett R. Miller, P.S. NO. 20300059



Legend	
POB	- Point of Beginning
M.	- Measured
R.	- Record
C.	- Calculated
D.	- Deed
---	- Right of Way (R/W)
---	- Building Setback Line
---	- Center Line



DocId:8951065

Tx:4608342

2023010208

RECORDED: 03/10/2023 02:31:31 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.

¹⁰ ^{7B}
MAR 09 2023


AUDITOR OF ALLEN COUNTY

18

call for p/u

25

03/10/2023 2:31:31 PM
VALUED CUSTOMER
0.00
SAMANTHA

TRANSACTION # 4608342
DOCUMENT # 2023010208

ORDINANCE

RECORDING FEES: 25.00
TOTAL: 25.00
CREDIT CARD: 25.00

THANK YOU

NICOLE KEESLING
RECORDER
ALLEN COUNTY, IN

BILL NO. G-23-01-03

**REPORT OF COMMITTEE ON REGULATIONS
February 28, 2023**

Tom Freistroffer Chair




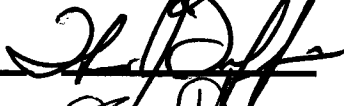
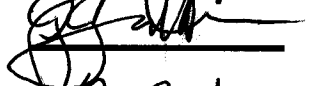
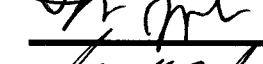


Sharon Tucker Co-Chair

All Council Members

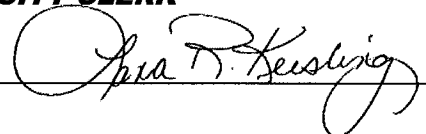
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate the alley located between south and east of 1216 North Harrison

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 28, 2023



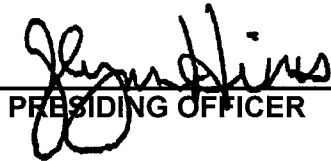
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-01-03 on the 28th 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 1st of March 2023, at the hour of 3:20 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 9TH day of MARCH 2023, at the hour of 9:00 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

