



DocId:8963085

Tx:4617407

2023019970

RECORDED: 05/17/2023 08:46:55 AM

NICOLE KEESLING

ALLEN COUNTY RECORDER

FORT WAYNE, IN

VROW-2023-0003

BILL NO. G-23-02-42

GENERAL ORDINANCE NO. G- 11-23

**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:

That certain public street right of way for Schick Street lying between the south right of way of Wayne Street on the north and the north right of way of Washington Boulevard on the south, 45 feet in width and 314 feet in length, in Section one (1) of Wayne Township, Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at the southeast corner of Lot 55 College Addition (Deed Book 35, Page 163L then north 150 feet along the east line of said Lot 55, also being the west right of way of Schick Street to the northeast corner of Said Lot 55, then continuing north along the west right of way of Schick Street 14 feet to the southeast corner of Lot 56 College addition, then continuing north along the east line of Lot 56 College Addition, also being the west right of way of Schick Street, to the northeast corner of said Lot 56, also being on the south right of way of Wayne Street, then east along the south right of way of Wayne Street a distance of 45 feet to the northwest corner of a parcel described in a Trustee's Deed recorded on August 11, 2014 as Document No. 2014037771 in the Allen County Recorder's Office, then south along the west property line of said parcel, also being the east right of way of Schick Street, a distance of 198 feet to the northwest corner of Lot 1 College 2nd Addition (Deed Book 69, Page 432L then continuing south along the west line of Lot 1 College 2nd Addition, also being the east right of way of Schick Street, a distance of 116 feet to the southwest corner of said Lot 1, also being on the north right of way of Washington Boulevard, then west along the north right of way of Washington Boulevard a distance of 45 feet to the southeast corner of Lot 55 College Addition, being the point of beginning of this description.

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

MAY 17 2023

[Handwritten signature]

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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-2023-0003
Bill Number: G-23-02-42
Council District: 5 – Geoff Paddock

Introduction Date: February 28, 2023

Public Hearing Date: March 14, 2023 to be heard by Council

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

Synopsis of Ordinance: To vacate Schick Street from East Washington Boulevard to East Wayne Street

Location: 914 to 982 Schick Street

Reason for Request: To accommodate construction of new residential facilities and parking.

Applicant: Indiana Tech

Property Owner: Indiana Tech

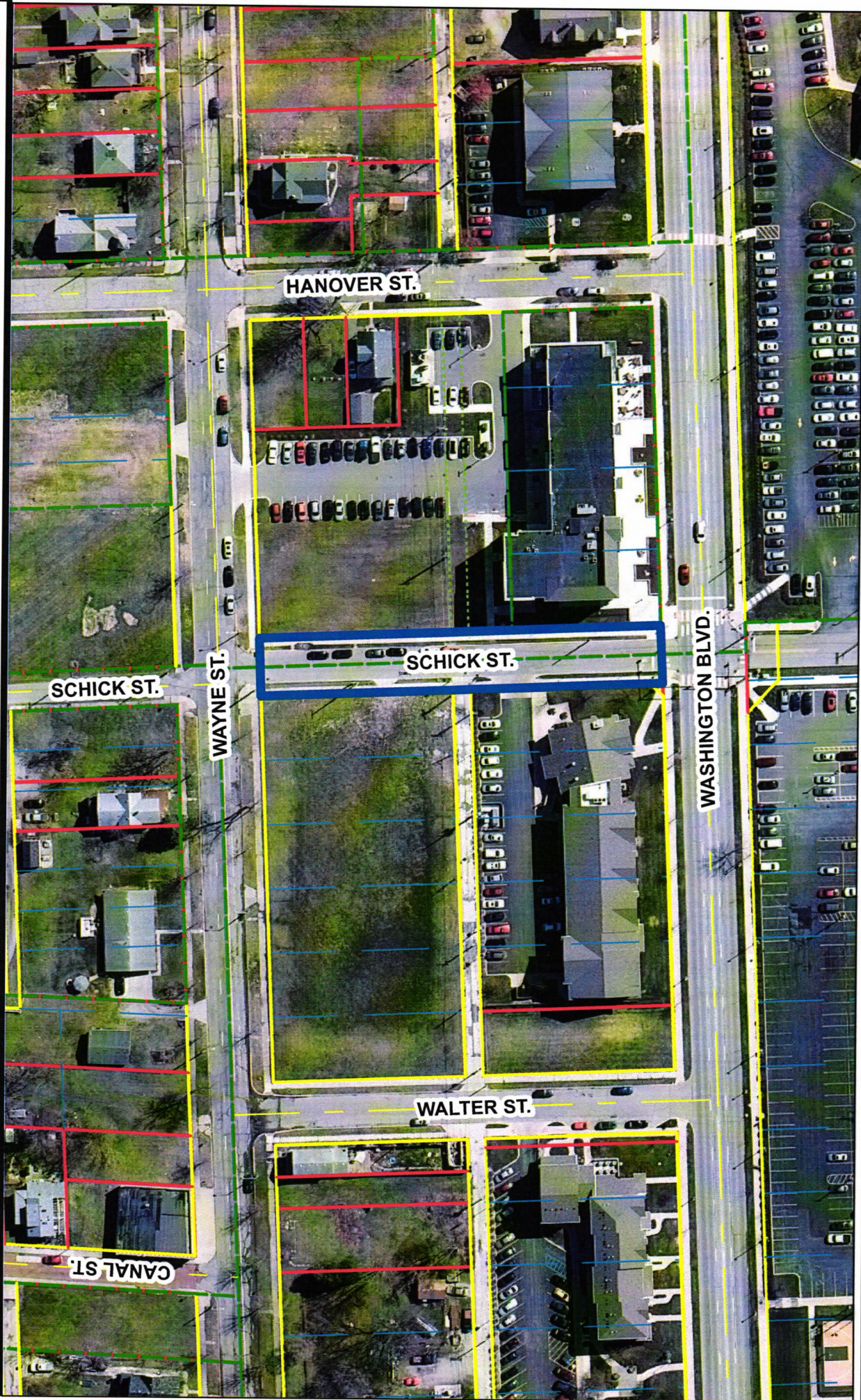
Related Petitions: VALY-2023-0001 and REZ-2023-0007 and PDP-2023-0007

Effect of Passage: The vacation of Schick Street will allow for better circulation and a more efficient use of space on the property.

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

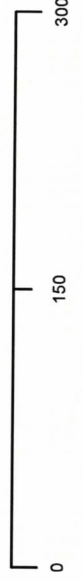


Vacation of Right of Way VROW-2023-0003 (Schick)



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: 2/22/2023



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:

See attached Schick Street Vacation Description.

(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/A PAGE(S) NUMBER(S): N/A (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:

 To accommodate construction of new residential facilities and parking.

(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: Indiana Institute of Technology, Inc.

Street Address: 1600 E. Washington Blvd.

City: Fort Wayne State: IN Zip: 46803 Phone: 260-422-5561

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.

J. Roy
Signature

Judy Roy
Printed Name

02/06/2023
Date

1600 E. Washington Blvd.
Address

Fort Wayne, IN 46803
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): Patrick R. Hess, Beckman Lawson, LLP

Street Address: 201 W. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-422-0800

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 #: _____

SCHICK STREET VACATION DESCRIPTION

That certain public street right of way for Schick Street lying between the south right of way of Wayne Street on the north and the north right of way of Washington Boulevard on the south, 45 feet in width and 314 feet in length, in Section one (1) of Wayne Township, Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at the southeast corner of Lot 55 College Addition (Deed Book 35, Page 163), then north 150 feet along the east line of said Lot 55, also being the west right of way of Schick Street to the northeast corner of Said Lot 55, then continuing north along the west right of way of Schick Street 14 feet to the southeast corner of Lot 56 College addition, then continuing north along the east line of Lot 56 College Addition, also being the west right of way of Schick Street, to the northeast corner of said Lot 56, also being on the south right of way of Wayne Street, then east along the south right of way of Wayne Street a distance of 45 feet to the northwest corner of a parcel described in a Trustee's Deed recorded on August 11, 2014 as Document No. 2014037771 in the Allen County Recorder's Office, then south along the west property line of said parcel, also being the east right of way of Schick Street, a distance of 198 feet to the northwest corner of Lot 1 College 2nd Addition (Deed Book 69, Page 432), then continuing south along the west line of Lot 1 College 2nd Addition, also being the east right of way of Schick Street, a distance of 116 feet to the southwest corner of said Lot 1, also being on the north right of way of Washington Boulevard, then west along the north right of way of Washington Boulevard a distance of 45 feet to the southeast corner of Lot 55 College Addition, being the point of beginning of this description.

END OF DESCRIPTION

Schick St. 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



Date: 2/6/2023

1" = 83'

ADJACENT PROPERTY OWNERS

Name

Address

Phone Number

Indiana Institute of Technology, Inc.

1600 E. Washington Blvd.
Fort Wayne, INM 46803

260-422-5561

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

ORDINANCE NO. G-23-02-42

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MARCH 14, 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: Schick Street from East Washington Boulevard to East Wayne Street (914 to 982 Schick Street)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 14, 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*



INTERIM AD DRAFT

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

Notice ID: PoQx1WsmrdYbPIQ1HWaN | **Proof Updated: Mar. 01, 2023 at 08:44am EST**
Notice Name: G-23-02-42

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

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

03/03/2023: Other 27.94

Subtotal	\$27.94
Tax %	0
Total	\$27.94

See Proof on Next Page

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

ORDINANCE NO. G-23-02-42

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LOCATION: Schick Street from East Washington Boulevard to East Wayne Street (914 to 982 Schick Street)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 14, 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

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The Journal Gazette

Allen County, Indiana

PUBLISHER'S CLAIM

Account Name

Gov: Fort Wayne City Clerk's Office

Notice ID: PoQx1WsmrdYbPIQ1HWa1N

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 5-1-10-1, 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:

3/3/23

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: 3/3/23



Legal Clerk

ATTACH COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ORDINANCE NO. G-23-02-42

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF INDIANA WILL CONDUCT A PUBLIC HEARING ON MARCH 14, 2023 AT 9:00 AM IN ROOM 1037 OF THE PEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46701. THE AGENDA ITEM IS TO VACATE AN AREA KNOWN AS:

LOCATION: Schick Street from East to West from 951st to 953rd Schick Street

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE ENACTED, REPEALED, AMENDED, OR RECONSIDERED ON TUESDAY, MARCH 14, 2023.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN ST. SUITE 150.

INTERESTED PERSONS ARE INVITED TO ATTEND AND PARTICIPATE AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR OTHER DISABLING CONDITIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT. INDIVIDUALS WITH DISABILITIES WHO REQUIRE ACCOMMODATIONS SHOULD NOTIFY PUBLIC INFORMATION OFFICER, 429 E. BERRY, FORT WAYNE, INDIANA 46701, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK

3-3 hepawp

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

VROW 2023 0003	Bill #G-23-02-42	Project Start: March 2023
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APPLICANT:	Indiana Tech
REQUEST:	To vacate Schick Street from East Washington Boulevard to East Wayne Street
LOCATION:	914 to 982 Schick Street
COUNCIL DISTRICT:	5 – Geoff Paddock
PUBLIC HEARING DATE:	March 14, 2023 (no public comments received)

PROJECT SUMMARY

The petitioner is constructing a student housing building for Indiana Tech. Indiana Tech has continued to develop the blocks between East Washington Boulevard and East Wayne Street for various uses to support the college campus. The parcel is completely surrounded by right of way. The alley to the south of the development parcel is petitioned to be vacated along with this request to vacate Schick Street. Indiana Tech is providing easements where necessary. The remaining utilities have signed off or have no comments, allowing for this vacation to move forward.

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.
Traffic/Transportation Engineering:	Approved – Maintain easements for traffic signal detection
Right-of-Way:	Approved
Stormwater Engineering:	Approved with easements
Water Engineering:	Approved with easements
WPC Engineering – Sanitary:	Approved with easements
City Parks Department:	Approved
Fire Department:	No comment
Frontier:	Approved with easement
Comcast Cable:	Approved with easement
AEP:	Approved with easement
NIPSCO:	Approved with easement

05/17/2023 8:46:54 AM

VALUED CUSTOMER

0.00

SAMANTHA

TRANSACTION # 4617407

2023019969	ORDINANCE	25.00
2023019970	ORDINANCE	25.00

RECORDING FEES: 50.00

TOTAL: 50.00

CREDIT CARD: 50.00

THANK YOU

NICOLE KEESLING
RECORDER
ALLEN COUNTY, IN

BILL NO. G-23-02-42

**REPORT OF COMMITTEE ON REGULATIONS
May 9, 2023**

Tom Freistroffer Chair




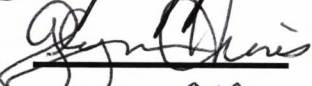



Sharon Tucker Co-Chair

All Council Members

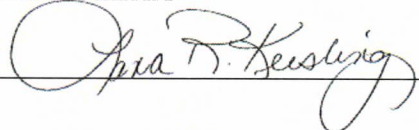
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate Schick Street from East Washington Boulevard to East Wayne Street at 914 to 982 Schick Street to accommodate construction of new residential facilities and parking for Indiana Tech

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: N/A


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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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: May 9, 2023



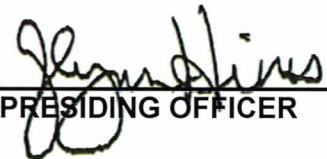
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. G-23-02-42 on the 9th day of May, 2023

ATTEST:




 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

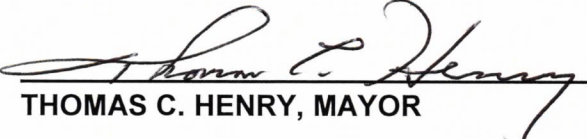
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
 of May 2023, at the hour of 11:40 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 11TH day of MAY 2023, at the
 hour of 9:30 o'clock Am . E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 MAY 12 2023
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR