



DocId:8963084

Tx:4617407

2023019969

RECORDED: 05/17/2023 08:46:54 AM

NICOLE KEESLING

ALLEN COUNTY RECORDER

FORT WAYNE, IN

1 VALY-2023-0001

2 BILL NO. G-23-02-43

3
4 GENERAL ORDINANCE NO. G- 12-23

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 That certain alley way lying between the east right-of-way of Walter Street on the west and
18 west of the right-of-way of Schick Street on the east, said alley being 14 feet in width and 300
19 feet in length, in Section One (1) of Wayne Township, Fort Wayne, Allen County, more
20 particularly described as follows:

21 Beginning at the southeast corner of Lot 56 in College Addition (Deed Book 35, Page 163),
22 then west 300 feet along the south lot lines of Lots 56 through 61 of College Addition to the
23 southwest corner of Lot 61 College Addition, also being on the east right-of-way of Walter
24 Street, then south along the east right-of-way of Walter Street 14 feet to the northwest corner
25 of Lot 50 College Addition, then east 300 feet along the north lot lines of Lots 50 through 55
26 of College Addition to the northeast corner of Lot 55 College Addition, also being on the west
27 right-of-way of Schick Street, then north 14 feet along the west right of way of Schick Street to
28 the southeast corner of Lot 56 of College Addition, being the point of beginning of this
29 description.

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

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

MAY 17 2023

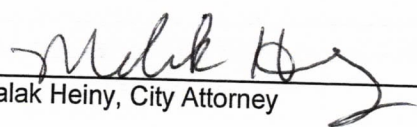

AUDITOR OF ALLEN COUNTY

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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: VALY-2023-0001
Bill Number: G-23-02-43
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 the alley located between Schick Street and Walter Street, north of East Washington Boulevard.

Location: North of 1311 through 1331 East Washington Boulevard

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

Applicant: Indiana Tech

Property Owner: Indiana Tech

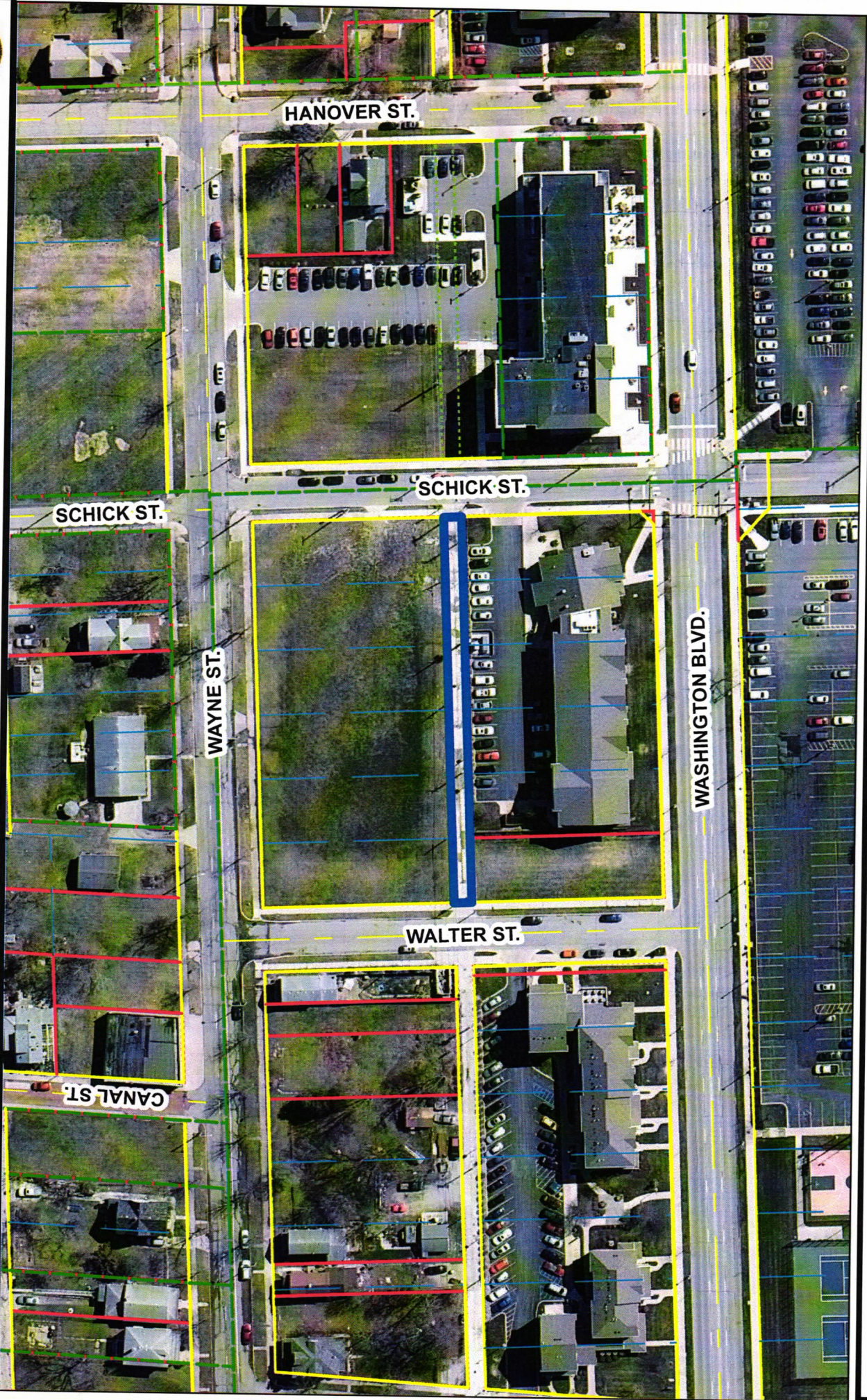
Related Petitions: VROW-2023-0003 and REZ-2023-0007 and PDP-2023-0007

Effect of Passage: The vacation of the alley will allow for redevelopment of the area into student living for Indiana Tech.

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

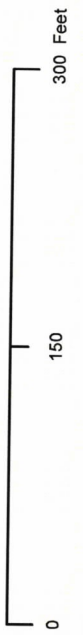


Alley Vacation VALY-2023-0001 (Schick and Walter)



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

Alley

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 Alley 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: 35 **PAGE(S) NUMBER(S):** 163 (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 a new residence hall for Indiana Tech.

(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
1600 E. Washington Blvd.
Address

Judy Roy
Printed Name
02/06/2023
Date
Fort Wayne, IN 46803
City/State/Zip

Signature

Address

Printed Name

Date

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 #: _____

ALLEY VACATION DESCRIPTION

That certain alley way lying between the east right of way of Walter Street on the west and west the right of way of Schick Street on the east, said alley being 14 feet in width and 300 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 56 in College Addition (Deed Book 35, Page 163), then west 300 feet along the south lot lines of Lots 56 through 61 of College Addition to the southwest corner of Lot 61 College Addition, also being on the east right of way of Walter Street, then south along the east right of way of Walter Street 14 feet to the northwest corner of Lot 50 College Addition, then east 300 feet along the north lot lines of Lots 50 through 55 of College Addition to the northeast corner of Lot 55 College Addition, also being on the west right of way of Schick Street, then north 14 feet along the west right of way of Schick Street to the southeast corner of Lot 56 College Addition, being the point of beginning of this description.


END OF DESCRIPTION

Alley 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-23-02-43

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: The alley located between Schick Street and Walter Street, north of East Washington Boulevard (north of 1311 through 1331 East Washington Boulevard)

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: u9IYo8kOpkePcksKK3Jh | **Proof Updated: Mar. 01, 2023 at 08:46am EST**
Notice Name: G-23-02-43

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 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-23-02-43

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LOCATION: The alley located between Schick Street and Walter Street, north of East Washington Boulevard (north of 1311 through 1331 East Washington Boulevard)

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

3--3 hspaxlp

The Journal Gazette

Allen County, Indiana Account Name
Gov: Fort Wayne City Clerk's Office
 Notice ID: u9IY08kOpkePcksKK3Jh

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:

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 _____

Bhndae McCure

 Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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

ORDINANCE NO. G-23-02-43

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING IN ROOM 0354, COUNCIL CHAMBERS COURTROOM - GARFIELD COUNTY COURTHOUSE, 200 E. BERRY, COLUMBIAN SQUARE, 200 E. BERRY, A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: The alley located between Schick Street and Walter Street, north of East Washington Boulevard (north of Boulevard) 1331 East Washington Boulevard.

COMMON COUNCIL WILL CONDUCT THE ABOVE DESCRIBED HEARING ON MARCH 14, 2023, AT 5:30 P.M. IN ROOM 0354, COUNCIL CHAMBERS COURTROOM - GARFIELD COUNTY COURTHOUSE, 200 E. BERRY, COLUMBIAN SQUARE, 200 E. BERRY. A REQUEST TO VACATE AN AREA KNOWN AS:

ADDITIONAL INFORMATION CAN BE VIEWED AT THE OFFICE OF PLANNING SERVICES OFFICE IN SUITE 190, 200 E. BERRY ST. SUITE 190.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABILITY OR PERSONS WHO ARE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW WILL BE PROVIDED AT THE PUBLIC HEARING. A REASONABLE PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 447-1120 AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK

3-3 hrcantp

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

VALY 2023 0001	Bill #G-23-02-43	Project Start: March 2023
APPLICANT: REQUEST: LOCATION: COUNCIL DISTRICT: PUBLIC HEARING DATE:	Indiana Tech To vacate the alley located between Schick Street and Walter Street north of East Washington Boulevard North of 1311 through 1331 East Washington Boulevard 5-Geoff Paddock 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 for the student housing courtyard and parking. Schick Street is also requested to be vacated under a separate petition. 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: 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 Approved with easement Approved with easement Approved with easement Approved No comment Approved with easement Approved with easement Approved with easement Approved
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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-23-02-43

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

Tom Freistroffer Chair








Sharon Tucker Co-Chair

All Council Members

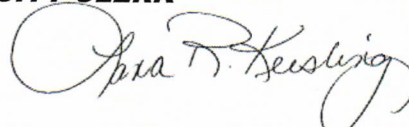
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate the alley located between Schick Street and Walter Street, north of East Washington Boulevard (north of 1311 through 1331 East Washington Boulevard) to allow the right-of-way to be combined with the adjacent parcels and redeveloped into student living space 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-23-02-43 on the 9th day of May, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

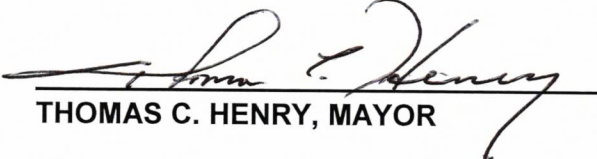
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
 of May 2023, at the hour of 11:40 o'clock A.M. E.S.T.



 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