



1 VROW-2023-0004

2 BILL NO. G-23-05-05

3
4 GENERAL ORDINANCE NO. G- 15-24

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 THE INTENT OF THIS REAL ESTATE DESCRIPTION IS TO DESCRIBE A PORTION
18 OF PUBLIC ROW TO BE VACATED FOR THE WORLD BASEBALL ACADEMY
19 PROJECT LOCATED IN SECTION 9, TOWNSHIP 30 NORTH, RANGE 12 EAST,
20 ALLEN COUNTY, INDIANA. THE REAL ESTATE DESCRIPTION AND
21 ACCOMPANYING EASEMENT EXHIBIT ARE BASED UPON A BOUNDARY
22 RETRACEMENT SURVEY PREPARED BY FORESIGHT CONSULTING, LLC AS
23 COMMISSION NUMBER 080604 DATED JUNE 2ND, 2009, CERTIFIED BY TODD R.
24 BAUER INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007.

25 A PART OF THE THIRD COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK
26 4B, PAGE 48 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY,
27 INDIANA, BEING THAT PART OF MORRIS STREET FROM THE WESTERLY
28 EXTENSION OF THE SOUTH LINE OF LOTS 401 THROUGH 412 INCLUSIVE TO THE
29 WESTERLY EXTENSION OF THE NORTH RIGHT OF WAY OF CULBERTSON
30 STREET AND ALL PART OF SAID CULBERTSON STREET FROM THE EAST RIGHT
OF WAY OF MORRIS STREET TO THE WEST RIGHT OF WAY OF CATALPA
AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST
CORNER OF BLOCK E IN SAID THIRD COMMERCIAL ADDITION; THENCE NORTH
01 DEGREE 01 MINUTES 29 SECONDS WEST (BEARINGS BASED UPON INDIANA
STATE PLANE COORDINATE, EAST ZONE, GRID) ALONG THE EAST LINE OF

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

Jun 28 2024

17

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1 VROW-2023-0004

2 BILL NO. G-23-05-05

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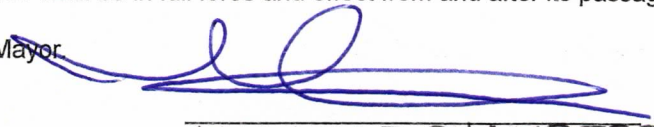
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
any and all necessary approval by the Mayor.



MICHELLE CHAMBERS
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


Malak Heiny, City Attorney

Prepared by and
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.
JILL HELFRICH
(name printed, stamped or signed w/print)

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2023-0004
Bill Number: G-23-05-05
Council District: 5 – Geoff Paddock

Introduction Date: May 9, 2023
Public Hearing Date: May 23, 2023 to be heard by Council
Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

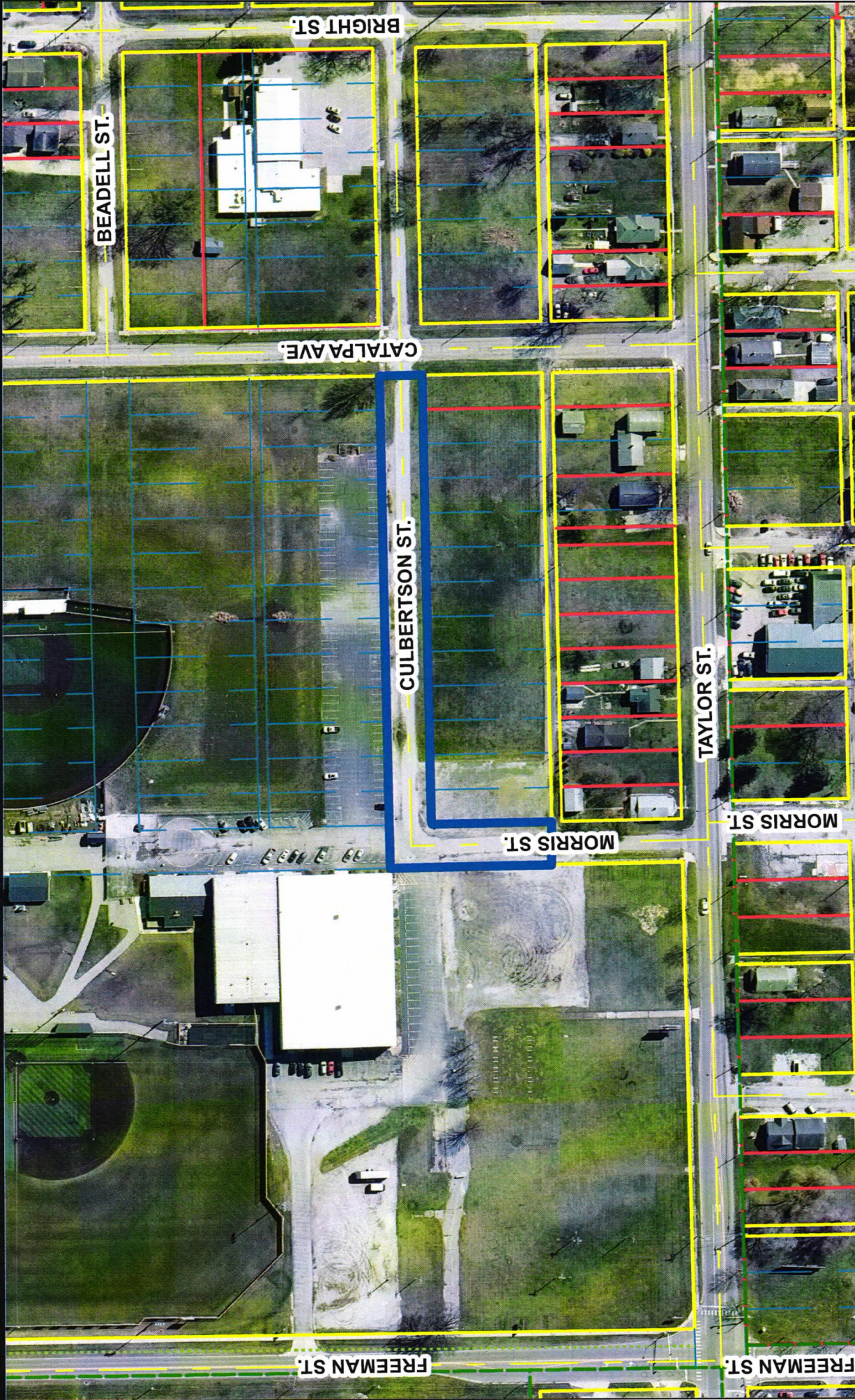
Synopsis of Ordinance: To vacate portions of Culbertson and Morris Streets
Location: Culbertson, between Catalpa and Morris; Morris from Culbertson south approximately 140 feet to the first east-west alley
Reason for Request: To accommodate construction of new parking for World Baseball Academy
Applicant: Caleb Kimmel – World Baseball Academy
Property Owner: World Baseball Academy

Related Petitions: Rezoning REZ-2023-0014 and Primary Development Plan, World Baseball Academy

Effect of Passage: The vacation of the two streets will allow for the expansion of the World Baseball Academy. They own property on both sides of the area to be vacated.
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.



Right of Way Vacation Morris and Culbertson Street



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: 5/3/2023



1 inch = 150 feet

STREET VACATION DESCRIPTION:

THE INTENT OF THIS REAL ESTATE DESCRIPTION IS TO DESCRIBE A PORTION OF PUBLIC ROW TO BE VACATED FOR THE WORLD BASEBALL ACADEMY PROJECT LOCATED IN SECTION 9, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA. THE REAL ESTATE DESCRIPTION AND ACCOMPANYING EASEMENT EXHIBIT ARE BASED UPON A BOUNDARY RETRACEMENT SURVEY PREPARED BY FORESIGHT CONSULTING, LLC AS COMMISSION NUMBER 080604 DATED JUNE 2ND, 2009, CERTIFIED BY TODD R. BAUER INDIANA PROFESSIONAL SURVEYOR NUMBER 24800007.

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TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF BLOCK E IN SAID THIRD COMMERCIAL ADDITION; THENCE NORTH 1 DEGREE 01 MINUTES 24 SECONDS WEST (BEARINGS BASED UPON INDIANA STATE PLANE COORDINATE, EAST ZONE GRID) ALONG THE EAST LINE OF SAID BLOCK E AS COINCIDENT WITH THE WEST RIGHT OF WAY OF SAID MORRIS STREET, A DISTANCE OF 152.14 FEET TO THE POINT OF BEGINNING INITIALLY REFERRED TO; THENCE CONTINUING NORTH 1 DEGREE 01 MINUTES 24 SECONDS WEST ALONG THE LINES AFORESAID A DISTANCE OF 184.86 FEET TO THE WESTERLY PROJECTION OF THE NORTH LINE OF CULBERTSON STREET; THENCE NORTH 88 DEGREES 48 MINUTES 54 SECONDS EAST ALONG SAID PROJECTION AND THE NORTH LINE OF SAID CULBERTSON STREET AS COINCIDENT WITH THE SOUTH LINE OF LOTS 413-425 INCLUSIVE, A DISTANCE OF 570.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 425 AS SITUATED ON THE WESTERLY RIGHT OF WAY OF CATALPA AVENUE; THENCE SOUTH 0 DEGREES 54 MINUTES 26 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 50.24 FEET TO THE NORTHEAST CORNER OF LOT 400 IN SAID THIRD COMMERCIAL ADDITION; THENCE SOUTH 84 DEGREES 08 MINUTES 51 SECONDS WEST ALONG THE NORTH LINE OF LOTS 400 THROUGH 412 INCLUSIVE AS COINCIDENT WITH THE SOUTH RIGHT OF WAY OF CULBERTSON STREET, A DISTANCE OF 520.15 FEET TO THE NORTHWEST CORNER OF SAID LOT 412; THENCE SOUTH 1 DEGREE 01 MINUTES 24 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 412 AS COINCIDENT WITH THE EASTERLY RIGHT OF WAY OF SAID MORRIS STREET, A DISTANCE OF 140.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 412; THENCE SOUTH 88 DEGREES 58 MINUTES 51 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.816 ACRES OF LAND, MORE OR LESS.

ForeSight Consulting, LLC
 Professional Engineers & Surveyors
 1910 St. Joe Center Road, Suite #61
 Fort Wayne, Indiana 46825
 260.484.9900
 260.484.9980 Fax
 www.fsinc.biz

Certification:



TODD R. BAUER, P.E.
 No. 24800007
 State of Indiana

Performed for:

World Baseball Academy
 1701 Freeman Street, Fort Wayne, IN 46802

Exhibit & Description for ROW Vacation:

Drafting: Revit/In

Commission Number	223386
Date	April 27th, 2023
Title	
ROW Vacation Description & Exhibit Sheet Number	
E1.1	



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 ROW Vacation Description & Exhibit
and Boundary Retracement Survey

(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:

World Baseball Academy would like to develop and
incorporate the portion of the public roadway that
currently serve their property.

(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: Caleb Himmel

Street Address: 1701 Freeman Street

City: Fort Wayne State: IN Zip: 46802 Phone: 260-437-9349

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

ORDINANCE NO. G-23-05-05

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MAY 23, 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: To vacate portions of Culbertson, between Catalpa and Morris; Morris from Culbertson south approximately 140 feet to the first east-west alley

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MAY 23, 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: 4YOzE4lvkISH5kWObQsg | **Proof Updated: May. 10, 2023 at 10:32am EDT**
Notice Name: G-23-05-05

See Proof on Next Page

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

Columns Wide: 1	Ad Class: Legals
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05/12/2023: Other	27.94
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Subtotal	\$27.94
Tax %	0
Total	\$27.94

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LANA R. KEESLING
CITY CLERK
5--12 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: 4YOzE4lvkISH5kWOObQsg

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) – number of equivalent lines _____

Head – number of lines _____

Body – number of lines _____

Tail – number of lines _____

Total number of lines in notice 56

COMPUTATION OF CHARGES

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

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$27.94

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper.

The dates of publication being as follows:

5/12/23 _____ _____
_____ _____ _____

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: 5/12/2023


Legal Clerk

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LANA R. KEESLING
CITY CLERK
5--12 hspaxlp

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VROW 2023 0004	Bill #G-23-05-05	Project Start: April 2023
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APPLICANT:	Caleb Kimmel – World Baseball Academy
REQUEST:	To vacate portions of Culbertson and Morris Streets
LOCATION:	Culbertson, between Catalpa and Morris; Morris from Culbertson south approximately 140 feet to the first east-west alley
COUNCIL DISTRICT:	5 – Geoff Paddock
PUBLIC HEARING DATE:	May 23, 2023 (no public comments)

PROJECT SUMMARY

The petitioner, World Baseball Academy, wishes to vacate portions (1.0 acres) of Culbertson and Morris Streets. The noted right-of-ways to be vacated are located on Culbertson Street, between Catalpa and Morris, and Morris Street from Culbertson south approximately 140 feet to the first east-west alley. World Baseball Academy owns the land on both sides of these sections of Culbertson and Morris Streets. Accord to GIS mapping, these portions of Culbertson and Morris Streets have historically (since late 1990’s) been used to access parking at the World Baseball Academy, located on both sides of these streets. The vacation of these portions of Culbertson and Morris Streets will allow for construction of new parking for World Baseball Academy. Staff has sent requests for comment from all affected utility and reviewing agencies. All responses have been received and are noted below.

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
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved with easement
WPC Engineering – Sanitary:	Approved with easement
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Approved with easement



Right of Way Vacation Morris and Culbertson Street



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© 2004 Board of Commissioners of the County of Allen
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 Date: 5/3/2023



1 inch = 150 feet

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ASH CENTER SINGLE
STORY METAL BUILDING
WITH GYMNASIUM

G-24-02-20

G-23-05-05

06/28/2024 9:34:50 AM

VALUED CUSTOMER

0.00

SAMANTHA

TRANSACTION # 4674621

2024032733	ORDINANCE	25.00
2024032734	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-23-05-05


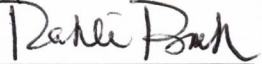






**REPORT OF COMMITTEE ON REGULATIONS
June 18, 2024**

Michelle Chambers Chair
Scott Myers Co-Chair
All Council Members

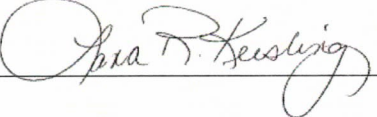
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate portions of Culbertson and Morris Streets to accommodate construction of new parking for World Baseball Academy

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>
<u>BENDER</u>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 05-23-23

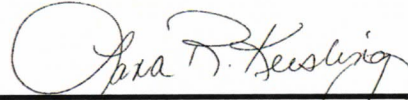
Read the first time in full and on motion by Councilperson Chambers.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Chambers, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<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"/>

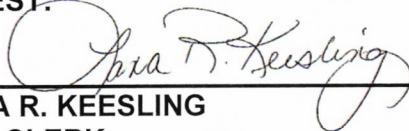
DATED: June 25, 2024



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-05-05 on the 25th day of June, 2024

ATTEST:

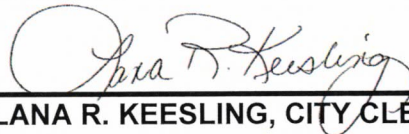


LANA R. KEESLING
CITY CLERK



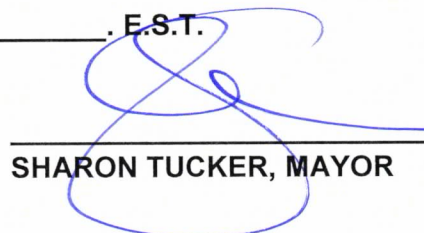
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of June 2024, at the hour of 11:15 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26th day of June 2024, at the hour of 4:51 o'clock PM E.S.T.



SHARON TUCKER, MAYOR

FORT WAYNE, INDIANA
RECEIVED
JUN 27 2024
LANA R. KEESLING
CITY CLERK