



DocId:9041571

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RECORDED: 05/30/2024 10:58:40 AM

NICOLE KEESLING

ALLEN COUNTY RECORDER

FORT WAYNE, IN

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VALY-2024-0001

BILL NO. G-24-02-16

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

GENERAL ORDINANCE NO. G- 8-24

**AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.**

MAY 30 2024

AUDITOR OF ALLEN COUNTY

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:

An alley located in the Amended Plat of Deer Park Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 17 in the Office of the Recorder of Allen County, Indiana. Said alley is bounded on the North by Lansing Avenue (platted name is Eleanor Avenue) and bounded on the East by the West right-of-way of the Norfolk Southern Railway Company. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on January 16, 2024, as Apex Consulting and Surveying, Inc. Job Number 23020038, and more particularly described as follows:

Beginning at a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northwest corner of Lot 13 in said Deer Park Addition; thence South 46 degrees 50 minutes 21 seconds East along the Southwest line of said Lot 13 and the Southwest line of Lot 12 in said Deer Park Addition, a distance of 214.81 feet to a Mag Nail with "OPOKU" identification disk found at the South corner of said Lot 12; thence North 88 degrees 52 minutes 19 seconds East along the South line of said Lot 12, and the South lines of Lot 11, Lot 10 and it's Easterly extension in said Deer Park Addition, a distance of 163.91 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the Easterly line of said Deer Park Addition, also being the Westerly right-of-way line of Norfolk Southern Railway Company; thence South 14 degrees 42 minutes 49 seconds East along said Westerly right-of-way line, a distance of 71.80 feet to the Northernmost corner of Lot 4 in said Deer Park Addition, referenced by a 1/4 inch steel rebar found 0.8 feet South and 0.6 feet West; thence South 43 degrees 10 minutes 02 seconds West along the Northwest line of said Lot 4, a distance of 14.57 feet to a 5/8 inch rebar with "OPOKU" identification cap found at the Northeasterly corner of Lot 5 in said Deer

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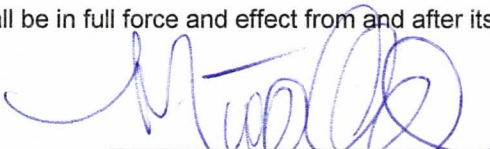
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Park Addition; thence North 46 degrees 50 minutes 21 seconds West along the Northeast line of said Lot 5 and Lot 6, a distance of 97.69 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northernmost corner of said Lot 6; thence South 88 degrees 52 minutes 19 seconds West along the North line of said Lot 6, Lot 7 and Lot 8 in said Deer Park Addition, a distance of 105.55 feet to a Mag Nail with "OPOKU" identification disk found at an angle point on the North line of said Lot 8; thence North 46 degrees 50 minutes 21 seconds West along the Northeasterly line of said Lot 8 and the Northeast lines of Lot 9, Lot 14, Lot 15, and Lot 16 in said Deer Park Addition, a distance of 232.00 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the South right-of-way line of Lansing Avenue; thence North 88 degrees 52 minutes 19 seconds East, a distance of 17.19 feet along said South right-of-way line to the Point of Beginning.

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.



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: VALY-2024-0001
Bill Number: G-24-02-16
Council District: 5 – Geoff Paddock

Introduction Date: February 27, 2024

Public Hearing Date: March 12, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate an unused alley within the plat of Deer Park Addition.

Location: Northeast of and behind 1300 Leesburg Road.

Reason for Request: To accommodate continued development of the University of St. Francis.

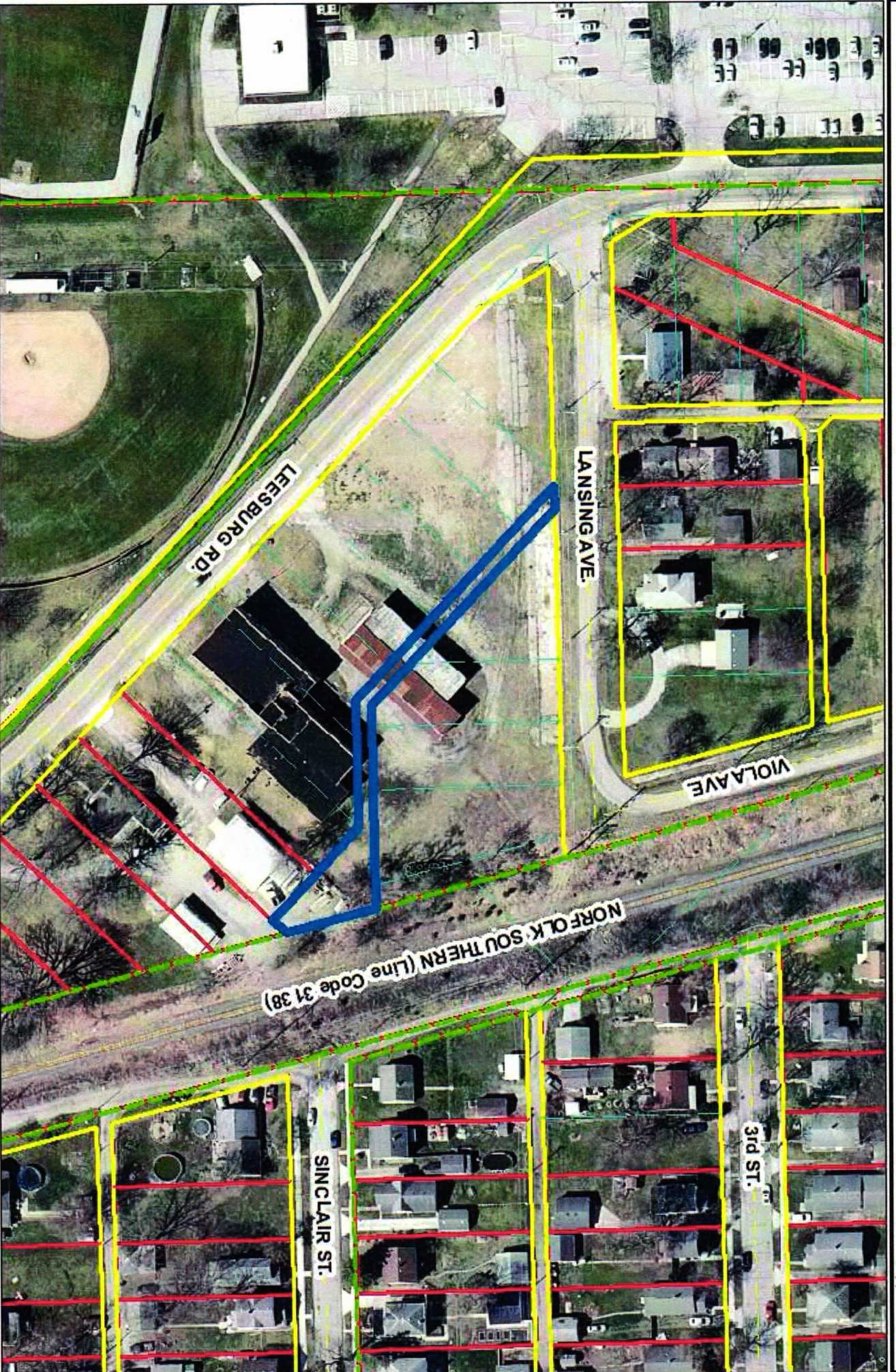
Applicant: University of St. Francis

Property Owner: University of St. Francis

Related Petitions: none

Effect of Passage: The vacation of the platted alley will allow for growth of University of St. Francis.

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.



Although vertical accuracy standards have been improved in the comparison of this map to aerial imagery, there are no vertical accuracy standards for this map and all data is based on ground truth. Any errors or omissions in this map are the responsibility of the user. North American Datum 1983. State Plane Coordinate System, Indiana East. Meters and Centimeters. Spring 2009. Date: 2/15/2024



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:

The alley in Amended Deer Park Addition as described in Exhibit A.

(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: 2 **PAGE(S) NUMBER(S):** 17 (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:

See Exhibit B.

(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: See Exhibit C.

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.


Signature

Mark H. Bains, Attorney for Applicant
Printed Name 02.06.24
Date

Barrett McNagny LLP, 215 E. Barry Street
Address

Fort Wayne, IN 46802
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): _____

Street Address: _____

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

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: _____



Mark H. Bains
(260) 423-8902
mhb@barrettlaw.com

February 6, 2024

Via Hand Delivery

City of Fort Wayne
Attn: Lana R. Keesling, Clerk
Citizen's Square Ste. 110
200 East Berry Street
Fort Wayne, IN 46802

Re: Amended Deer Park Addition // Platted Alley Vacation Petition

Dear Lana:

Barrett McNagny, LLP serves as legal counsel to University of Saint Francis ("USF") with respect to real estate owned by USF. The enclosed application is being filed on behalf of USF.

Enclosed please find the following:

1. Vacation Petition Application (vacating a platted alley);
2. The survey, legal descriptions, etc. required for the above-referenced Application; and
3. The \$300 filing fee.

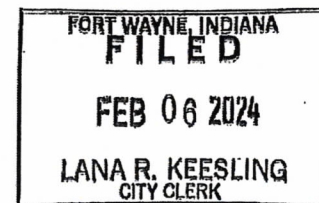
As to the vacation of the platted alley, any utilities contained in the same will be addressed by way of private easements between the utility provider and USF.

Should you have any questions or concerns regarding the foregoing or need anything further from me with respect to the enclosed applications, please contact me.

Sincerely,

BARRETT MCNAGNY, LLP

Mark H. Bains
MHB:kec:4030222 (41889-99)



Enclosures

Cc: Craig Teetsel (via email) (cteetsel@sf.edu)



EXHIBIT A
VACATION PETITION
LEGAL DESCRIPTION



APEX CONSULTING & SURVEYING

Page 2 of 2

BOUNDARY DESCRIPTION

An alley located in the Amended Plat of Deer Park Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 17, in the Office of the Recorder of Allen County, Indiana. Said alley is bounded on the North by Lansing Avenue (platted name is Eleanor Avenue) and bounded on the East by the West right-of-way of the Norfolk Southern Railway Company. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on January 16, 2024, as Apex Consulting & Surveying, Inc. Job Number 23020038, and more particularly described as follows:

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Containing 0.17 acres of land more or less.
Subject to rights-of-way, easements, and zoning restrictions of record.

1313 Broadway
Fort Wayne, IN 46802
Phone: 260-755-5993
Fax: 888-808-4177
Email: Info@apexsurveying.net

EXHIBIT B
VACATION PETITION
PURPOSE FOR PROPOSED VACATION

The vacation of the platted alley in The Amended Deer Park Addition will allow for future development of the former alley and the surrounding real estate by University of Saint Francis. The alley has served no purpose in recent history, if ever. A review of historical imagery suggests that a commercial building has existed within the alley from prior to the platting of Deer Park Addition through the present.

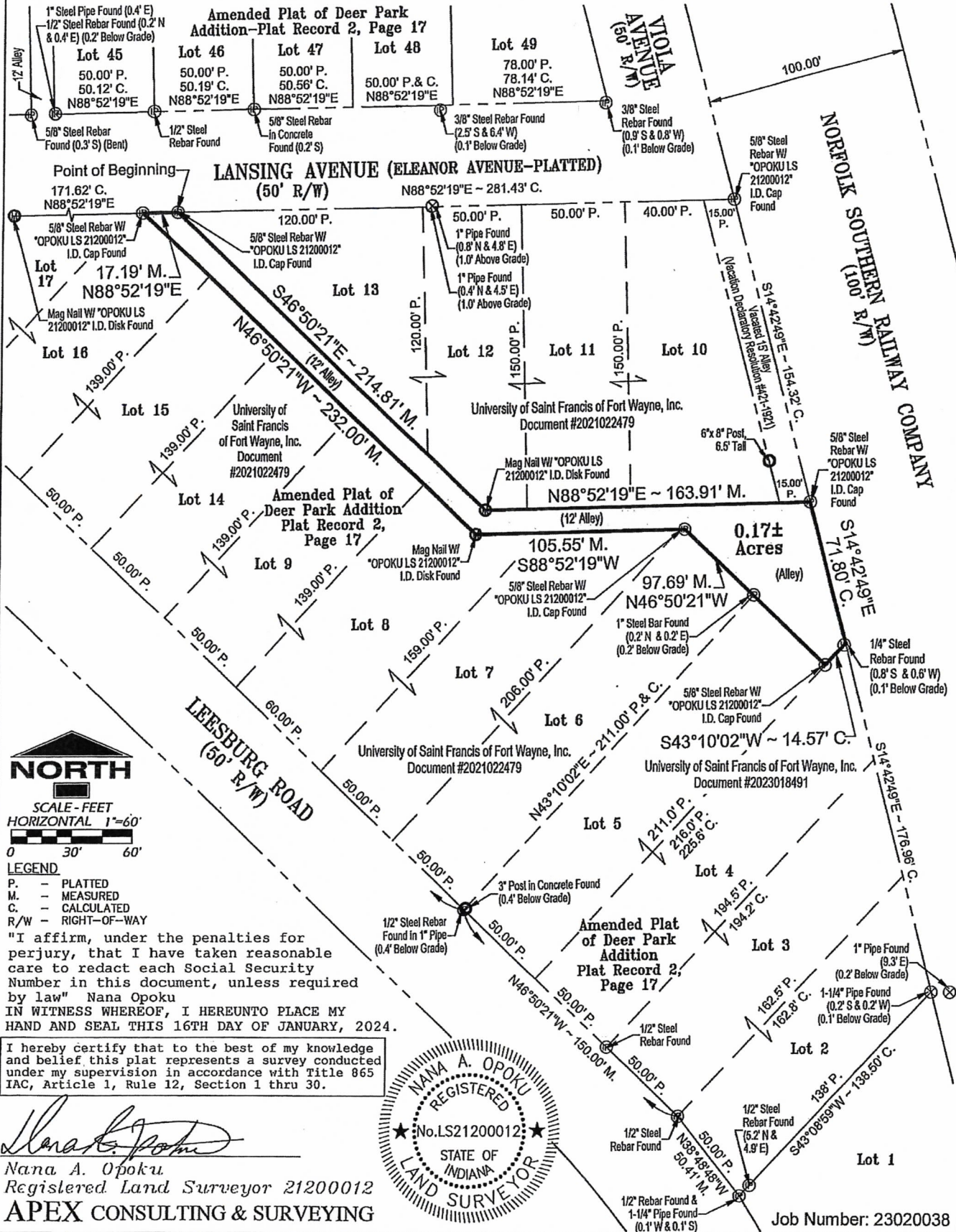
EXHIBIT C
VACATION PETITION
ADJACENT PROPERTY OWNERS

University of Saint Francis
2701 Spring Street
Fort Wayne, IN 46808

City of Fort Wayne
200 East Berry Street
Fort Wayne, IN 46802

Norfolk Southern Railway Company
3 Commercial Place
Taxation Box 209
Norfolk, VA 23510

ALLEY SURVEY EXHIBIT



LEGEND
 P. - PLATTED
 M. - MEASURED
 C. - CALCULATED
 R/W - RIGHT-OF-WAY

"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" Nana Opoku
 IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS 16TH DAY OF JANUARY, 2024.

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.



Nana A. Opoku
 Nana A. Opoku
 Registered Land Surveyor 21200012
 APEX CONSULTING & SURVEYING

Job Number: 23020038

RECEIPT

Violations Bureau

City of Fort Wayne
200 East Berry St, Suite 110
Ft Wayne, IN 46802
Phone (260) 427-1208

Receipt # 273043

Issued By Toni
Date Issued February 6, 2024

	Alley Vacation	
Qty: 1		\$200.00
Subtotal		\$200.00

Total Payments	\$200.00
Payment Description	Check

Change Due	\$0.00
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Approved by St Board of Acct for the
City of Ft Wayne

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

ORDINANCE NO. G-24-02-16

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MARCH 12, 2024 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 an unused alley within the plat of Deer Park Addition Northeast of and behind 1300 Leesburg Road to accommodate continued development of the University of St. Francis

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 12, 2024.

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: QS1wBTkKPkKIDeeljV99 | **Proof Updated: Feb. 28, 2024 at 08:57am EST**
Notice Name: G-24-02-16

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
-----------------	------------------

03/01/2024: Government Notice	29.18
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Subtotal	\$29.18
Tax %	0
Processing Fee	\$0.00
Total	\$29.18

See Proof on Next Page

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

ORDINANCE NO. G-24-02-16

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LANA R. KEESLING
CITY CLERK

3--1 hspaxlp

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VALY-2024-0001	Bill #G-24-02-16	Project Start: February 2024
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APPLICANT:	University of St. Francis
REQUEST:	To vacate an unused alley within the plat of Deer Park Addition
LOCATION:	Northeast of and behind 1300 Leesburg Road
COUNCIL DISTRICT:	5-Geoff Paddock
PUBLIC HEARING DATE:	March 12, 2024

PROJECT SUMMARY

The petitioner, University of Saint Francis, wishes to vacate the unused alley within the plat of Deer Park Addition as shown on the maps. The alley is located northeast of and behind 1300 Leesburg Road. The east end of the alley is adjacent to a Norfolk Southern Railway. The University of Saint Francis owns the land on both sides of the alley. The vacation of the platted alley in the Amended Deer Park Addition will allow for future development of the former alley and the surrounding real estate by University of Saint Francis. The alley has served no purpose in recent history. A review of historical imagery suggests that a commercial building has existed within the alley from prior to the platting of Deer Park Addition through the present. No existing access to other businesses will be affected. Staff has sent requests for comment from all affected utility agencies. When all responses are received, staff will return to Council for discussion.

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 Engineering:	Approved
Stormwater Engineering:	Easement Required
Water Engineering:	Easement Required
WPC Engineering – Sanitary:	Easement Required
City Parks Department:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
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.

VALY-2024-0001

Bill No. G-24-02-16

Right-of-Way Vacation – Notifications

**The Clerk's Office placed legal notification in the Fort Wayne Newspapers.
DPS Staff notified the following by Certified Mail or Hand Delivery:**

PIN/Property Address:

Property Owner of Record:

02-07-33-503-001.000-074
900 Leesburg Rd (Blk Of)

Norfolk Southern Railway Company
3 Commercial Pl
Taxation Box 209
Norfolk, VA 23510

02-12-03-102-001.000-074
1300 Leesburg Rd

University of Saint Francis of Fort Wayne Indiana Inc
2701 Spring St
Fort Wayne, IN 46808

0.17 acre alley
NE of and behind 1300 Leesburg Rd

City of Fort Wayne
200 East Berry Street
Fort Wayne, IN 46802

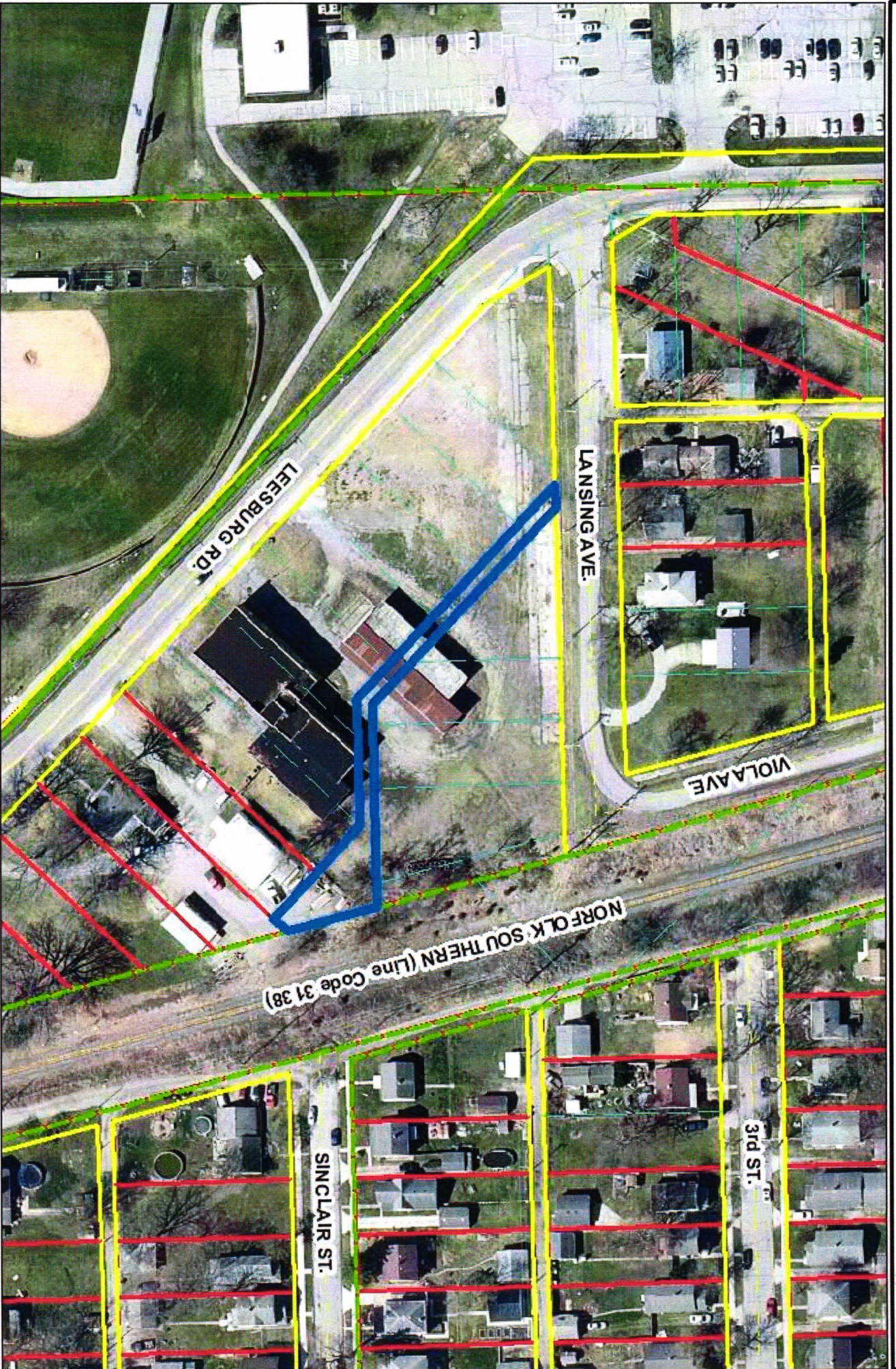
DPS Staff notified the following by Email as a courtesy:

Mark H. Bains

Barrett McNagny LLP

215 E Berry Street

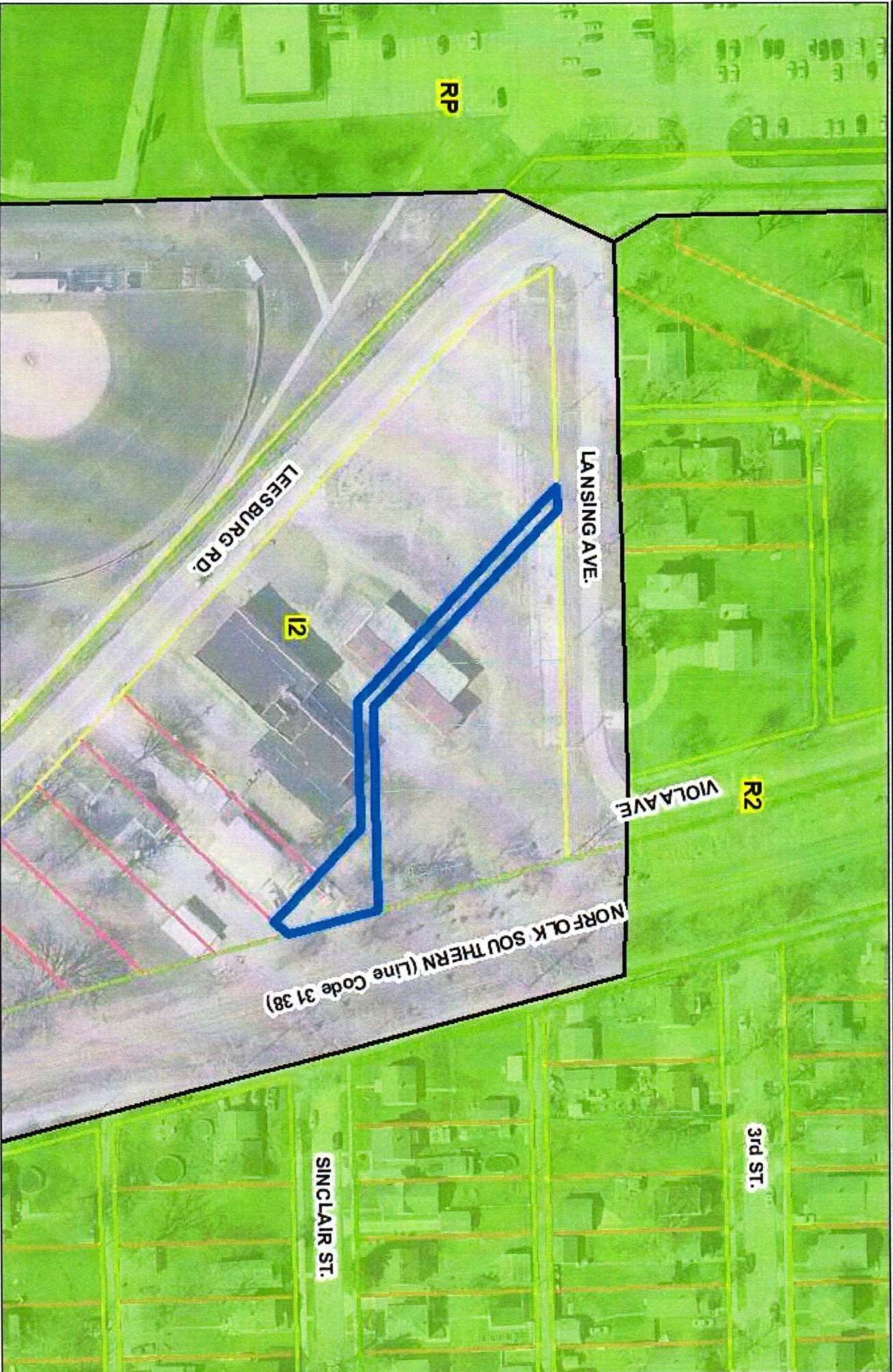
Fort Wayne, IN 46802



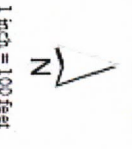
Although electronically generated, this map is intended to be used in conjunction with the original map. The accuracy of the map is not guaranteed. The County of Adams is not responsible for any errors or omissions in this map.

© 2004 State of Indiana, Department of the County of Adams
State Plane Coordinate System, Indiana East
North American Datum 1983
Shown and Contained: Spring 2009
Date: 2/13/2024





Although not a guarantee, the information provided in this map is based on the best available information. The City of Alton does not warrant the accuracy of the information provided herein and does not assume any liability for any errors or omissions in this map. © 2009 Alton, IL. All rights reserved. The City of Alton, Illinois. Prepared by: State Plane Coordinate System, Indiana State Plane and Contour, Spring 2009. Date: 01/15/2009





Mark H. Bains
(260) 423-8902
mhb@barrettlaw.com

February 6, 2024

Via Hand Delivery

City of Fort Wayne
Attn: Lana R. Keesling, Clerk
Citizen's Square Ste. 110
200 East Berry Street
Fort Wayne, IN 46802

Re: Amended Deer Park Addition // Platted Alley Vacation Petition

Dear Lana:

Barrett McNagny, LLP serves as legal counsel to University of Saint Francis ("USF") with respect to real estate owned by USF. The enclosed application is being filed on behalf of USF.

Enclosed please find the following:

1. Vacation Petition Application (vacating a platted alley);
2. The survey, legal descriptions, etc. required for the above-referenced Application; and
3. The \$300 filing fee.

As to the vacation of the platted alley, any utilities contained in the same will be addressed by way of private easements between the utility provider and USF.

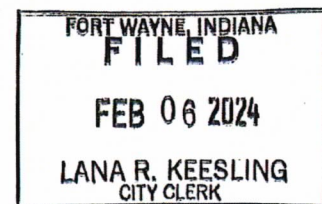
Should you have any questions or concerns regarding the foregoing or need anything further from me with respect to the enclosed applications, please contact me.

Sincerely,

BARRETT MCNAGNY, LLP

A handwritten signature in black ink, appearing to read 'M H Bains'.

Mark H. Bains
MHB:kec:4030222 (41889-99)



Enclosures
Cc: Craig Teetsel (via email) (cteetsel@sf.edu)



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:

The alley in Amended Deer Park Addition as described in Exhibit A.

(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: 2 PAGE(S) NUMBER(S): 17 (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:

See Exhibit B.

(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: See Exhibit C.

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.


Signature

Mark H. Bains, Attorney for Applicant
Printed Name

02.06.24
Date

Barrett McNagny LLP, 215 E. Barry Street
Address

Fort Wayne, IN 46802
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): _____

Street Address: _____

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

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 #: _____

EXHIBIT A
VACATION PETITION
LEGAL DESCRIPTION



APEX CONSULTING & SURVEYING

Page 2 of 2

BOUNDARY DESCRIPTION

An alley located in the Amended Plat of Deer Park Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 17, in the Office of the Recorder of Allen County, Indiana. Said alley is bounded on the North by Lansing Avenue (platted name is Eleanor Avenue) and bounded on the East by the West right-of-way of the Norfolk Southern Railway Company. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on January 16, 2024, as Apex Consulting & Surveying, Inc. Job Number 23020038, and more particularly described as follows:

BEGINNING at a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northwest corner of Lot 13 in said Deer Park Addition; thence South 46 degrees 50 minutes 21 seconds East along the Southwest line of said Lot 13 and the Southwest line of Lot 12 in said Deer Park Addition, a distance of 214.81 feet to a Mag Nail with "OPOKU" identification disk found at the South corner of said Lot 12; thence North 88 degrees 52 minutes 19 seconds East along the South line of said Lot 12, and the South lines of Lot 11, Lot 10 and it's Easterly extension in said Deer Park Addition, a distance of 163.91 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the Easterly line of said Deer Park Addition, also being the Westerly right-of-way line of Norfolk Southern Railway Company; thence South 14 degrees 42 minutes 49 seconds East along said Westerly right-of-way line, a distance of 71.80 feet to the Northernmost corner of Lot 4 in said Deer Park Addition, referenced by a 1/4 inch steel rebar found 0.8 feet South and 0.6 feet West; thence South 43 degrees 10 minutes 02 seconds West along the Northwest line of said Lot 4, a distance of 14.57 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northeasterly corner of Lot 5 in said Deer Park Addition; thence North 46 degrees 50 minutes 21 seconds West along the Northeast line of said Lot 5 and Lot 6, a distance of 97.69 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found at the Northernmost corner of said Lot 6; thence South 88 degrees 52 minutes 19 seconds West along the North line of said Lot 6, Lot 7 and Lot 8 in said Deer Park Addition, a distance of 105.55 feet to a Mag Nail with "OPOKU" identification disk found at an angle point on the North line of said Lot 8; thence North 46 degrees 50 minutes 21 seconds West along the Northeasterly line of said Lot 8 and the Northeast lines of Lot 9, Lot 14, Lot 15, and Lot 16 in said Deer Park Addition, a distance of 232.00 feet to a 5/8 inch steel rebar with "OPOKU" identification cap found on the South right-of-way line of Lansing Avenue; thence North 88 degrees 52 minutes 19 seconds East, a distance of 17.19 feet along said South right-of-way line to the Point of Beginning.

Containing 0.17 acres of land more or less.
Subject to rights-of-way, easements, and zoning restrictions of record.

1313 Broadway
Fort Wayne, IN 46802
Phone: 260-755-5993
Fax: 888-808-4177
Email: Info@apexsurveying.net

EXHIBIT B
VACATION PETITION
PURPOSE FOR PROPOSED VACATION

The vacation of the platted alley in The Amended Deer Park Addition will allow for future development of the former alley and the surrounding real estate by University of Saint Francis. The alley has served no purpose in recent history, if ever. A review of historical imagery suggests that a commercial building has existed within the alley from prior to the platting of Deer Park Addition through the present.

EXHIBIT C
VACATION PETITION
ADJACENT PROPERTY OWNERS

University of Saint Francis
2701 Spring Street
Fort Wayne, IN 46808

City of Fort Wayne
200 East Berry Street
Fort Wayne, IN 46802

Norfolk Southern Railway Company
3 Commercial Place
Taxation Box 209
Norfolk, VA 23510

ALLEY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

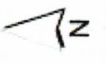
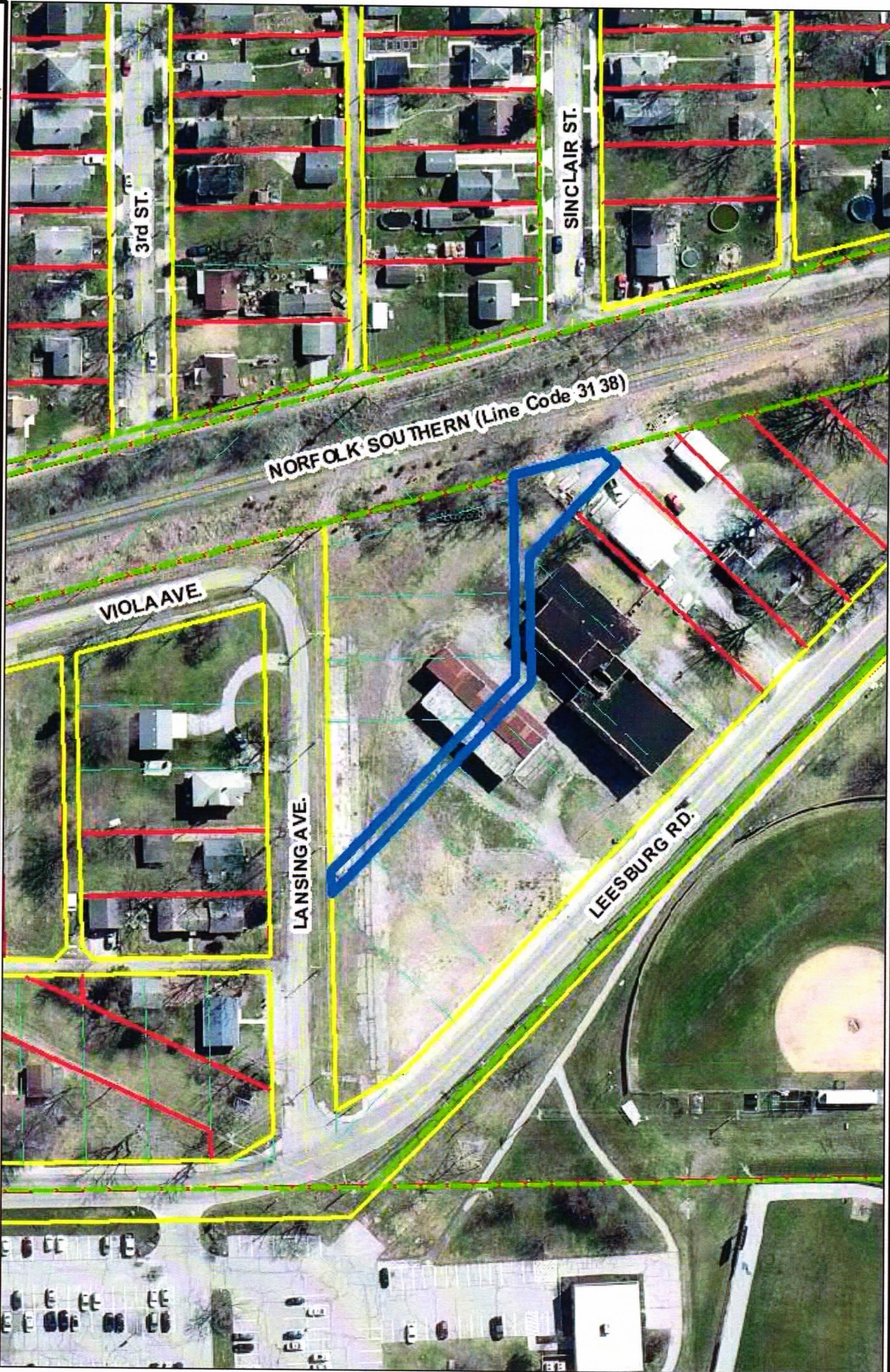
VALY-2024-0001	Bill #G-24-02-16	Project Start: February 2024										
<table style="width: 100%; border: none;"><tr><td style="width: 30%;">APPLICANT:</td><td>University of St. Francis</td></tr><tr><td>REQUEST:</td><td>To vacate an unused alley within the plat of Deer Park Addition</td></tr><tr><td>LOCATION:</td><td>Northeast of and behind 1300 Leesburg Road</td></tr><tr><td>COUNCIL DISTRICT:</td><td>5-Geoff Paddock</td></tr><tr><td>PUBLIC HEARING DATE:</td><td>March 12, 2024</td></tr></table>			APPLICANT:	University of St. Francis	REQUEST:	To vacate an unused alley within the plat of Deer Park Addition	LOCATION:	Northeast of and behind 1300 Leesburg Road	COUNCIL DISTRICT:	5-Geoff Paddock	PUBLIC HEARING DATE:	March 12, 2024
APPLICANT:	University of St. Francis											
REQUEST:	To vacate an unused alley within the plat of Deer Park Addition											
LOCATION:	Northeast of and behind 1300 Leesburg Road											
COUNCIL DISTRICT:	5-Geoff Paddock											
PUBLIC HEARING DATE:	March 12, 2024											

PROJECT SUMMARY

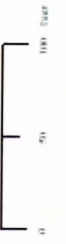
The petitioner, University of Saint Francis, wishes to vacate the unused alley within the plat of Deer Park Addition as shown on the maps. The alley is located northeast of and behind 1300 Leesburg Road. The east end of the alley is adjacent to a Norfolk Southern Railway. The University of Saint Francis owns the land on both sides of the alley. The vacation of the platted alley in the Amended Deer Park Addition will allow for future development of the former alley and the surrounding real estate by University of Saint Francis. The alley has served no purpose in recent history. A review of historical imagery suggests that a commercial building has existed within the alley from prior to the platting of Deer Park Addition through the present. No existing access to other businesses will be affected. Staff has sent requests for comment from all affected utility agencies. All responses have been received, and all have approved, with necessary easement agreements.

- | | |
|-----------------------------|--|
| 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 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 |

Vacation Petition VALY-2024-0001 - Deer Park

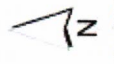
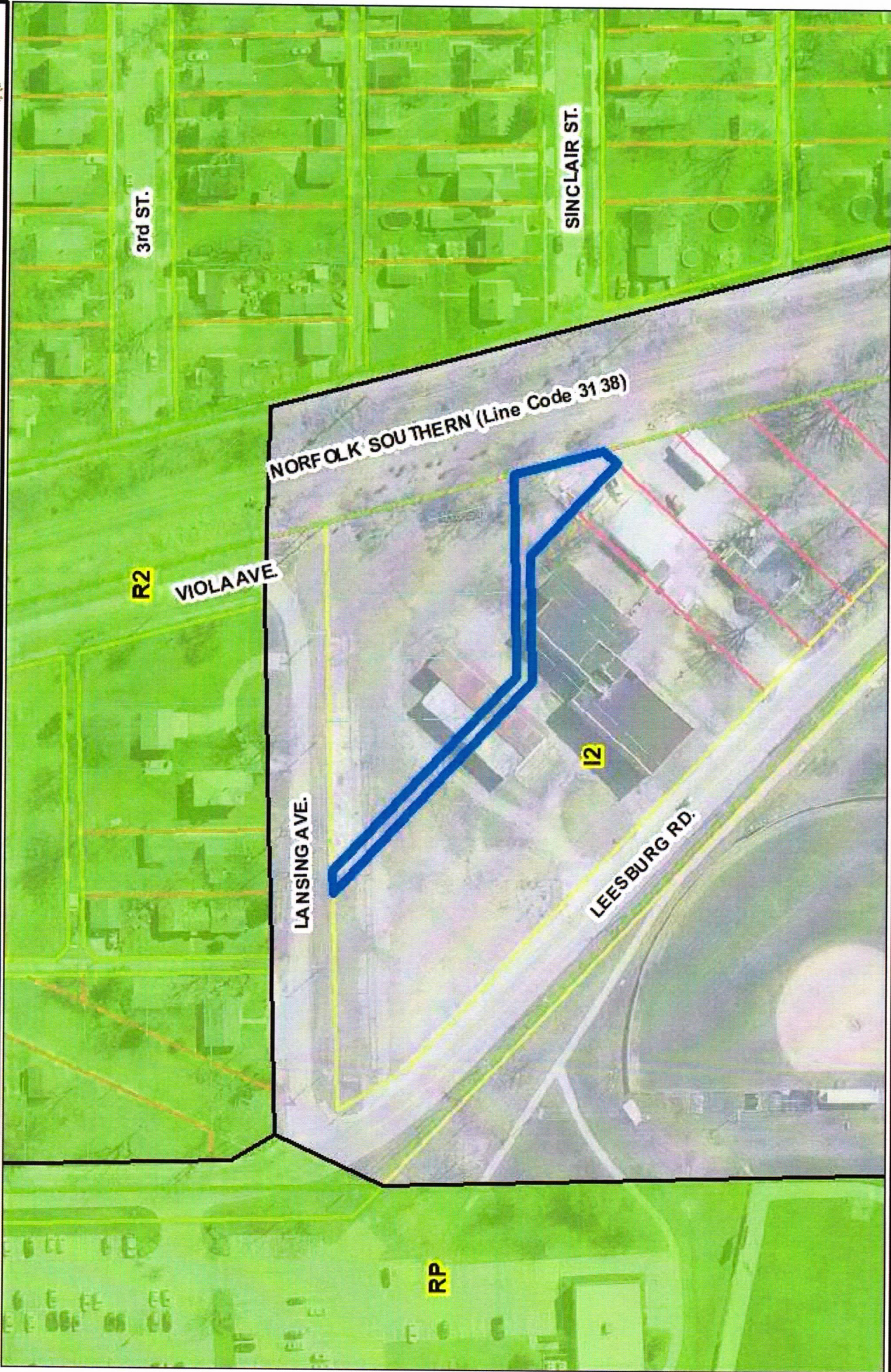


1 inch = 100 feet

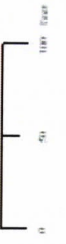


Although street accuracy standards have been employed in the completion of this map, Alcorn County does not warrant or guarantee the accuracy of the information contained herein and decisions are made at the user's own risk. © 2008 Inland Outcreek Services of the County of Alcorn, North American Division 1005 State #100, Columbus, Georgia 31906 Photos and Cartography: Spring 2009 Date: 2-15-2024

Vacation Petition VALY-2024-0001 - Deer Park



1 inch = 100 feet



Although street accuracy standards have been employed in the compilation of this map, Alton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any errors or omissions in this map.

© 2008 Board of Commissioners of the County of Alton
 South American Branch, 1905
 State # AL00000000000000000000000000000000
 Photos and Graphics: Spring 2009
 Date: 2/15/2024

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:

The alley in Amended Deer Park Addition as described in Exhibit A.

(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: 2 PAGE(S) NUMBER(S): 17 (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:

See Exhibit B.

(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: See Exhibit C.

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.


Signature

Mark H. Bains, Attorney for Applicant
Printed Name

02.06.24
Date

Barrett McNagny LLP, 215 E. Barry Street
Address

Fort Wayne, IN 46802
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): _____

Street Address: _____

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

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:

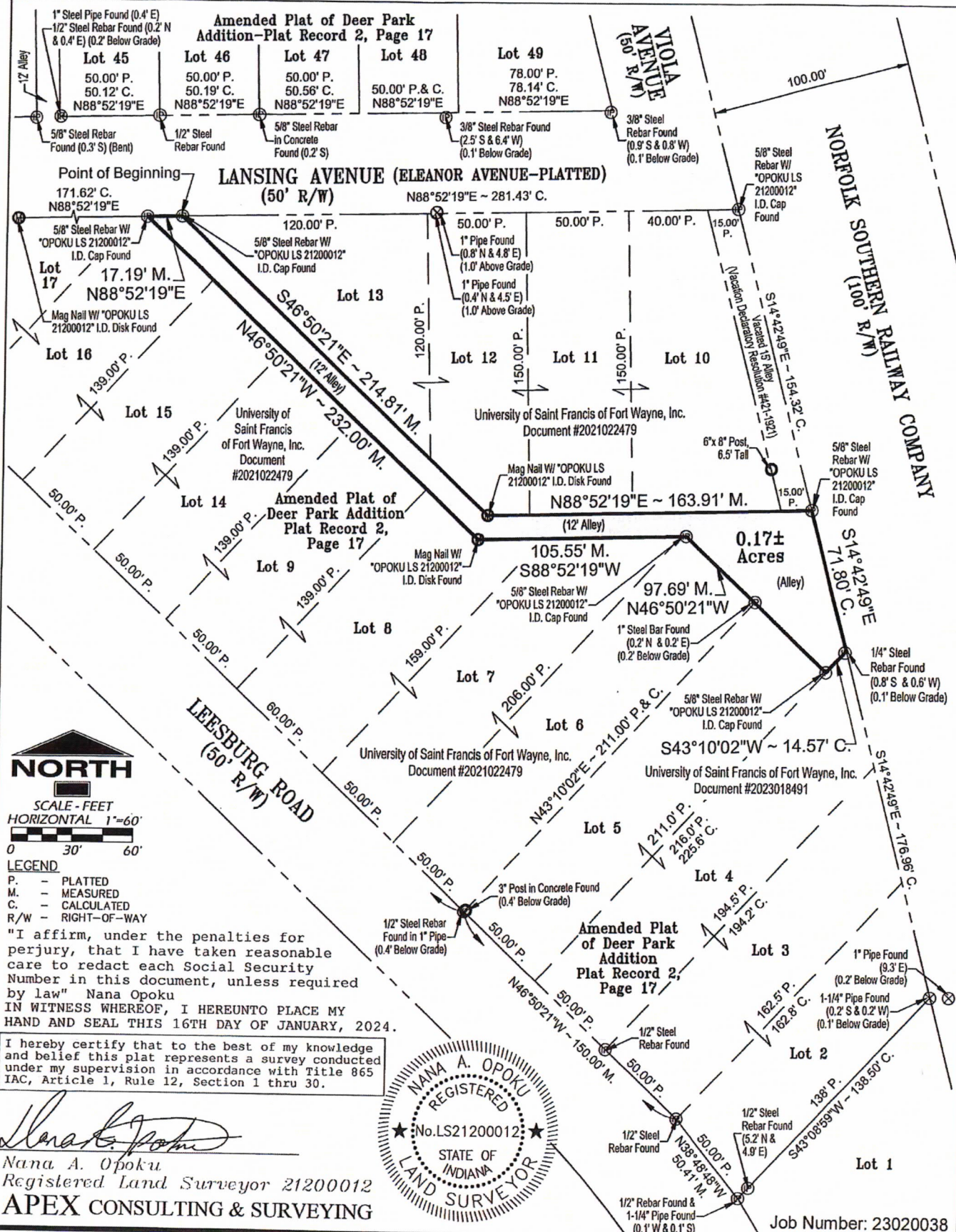
Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

ALLEY SURVEY EXHIBIT



"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" Nana Opoku

IN WITNESS WHEREOF, I HEREUNTO PLACE MY HAND AND SEAL THIS 16TH DAY OF JANUARY, 2024.

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.

Nana A. Opoku

Nana A. Opoku
Registered Land Surveyor 21200012
APEX CONSULTING & SURVEYING

05/30/2024 10:58:38 AM
CITY OF FT WAYNE
0.00
KEYANNA
TRANSACTION # 4670464

2024028115	ORDINANCE	25.00
2024028116	ORDINANCE	25.00
2024028117	ORDINANCE	25.00

RECORDING FEES: 75.00
TOTAL: 75.00
CREDIT CARD: 75.00

THANK YOU

NICOLE KEESLING
RECORDER
ALLEN COUNTY, IN

BILL NO. G-24-02-16

**REPORT OF COMMITTEE ON REGULATIONS
May 14, 2024**

Michelle Chambers Chair

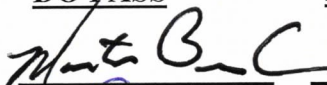


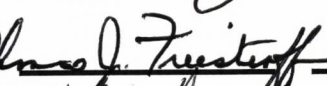


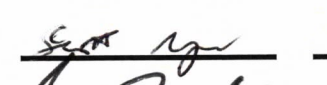

Scott Myers Co-Chair

All Council Members

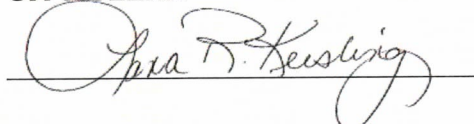
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate an unused alley within the plat of Deer Park Addition, northeast of and behind 1300 Leesburg Road to accommodate continued development of the University of St. Francis

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>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: 03/12/2024

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"/>
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: May 14, 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-24-02-16 on the 14th day of May, 2024

ATTEST:




 LANA R. KEESLING
 CITY CLERK



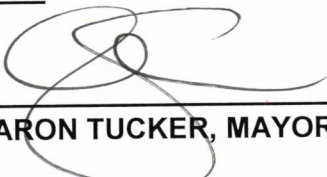
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th
 of May 2024, at the hour of 10:40 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 21st day of May 2024, at the
 hour of 10:12 o'clock AM E.S.T.



 SHARON TUCKER, MAYOR

