

VALY-2024-0002

BILL NO. G-24-05-02 (as amended)

GENERAL ORDINANCE NO. G- 2-25

**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:

The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

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

AUDITOR'S OFFICE
July entered for taxator
Subject to final
acceptance for transfer

JAN 17 2025

25

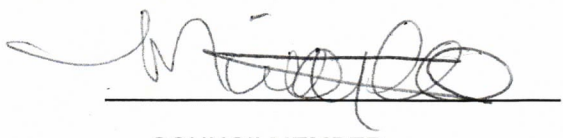
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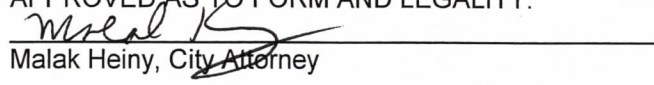
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
any and all necessary approval by the Mayor.



A handwritten signature in black ink, appearing to be 'M. ...', is written over a horizontal line.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:



A handwritten signature in black ink, appearing to be 'Malak Heiny', is written over a horizontal line.

Malak Heiny, City Attorney

1
2 VALY-2024-0002

3 BILL NO. G-24-05-02

4 GENERAL ORDINANCE NO. G- _____

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 PARCEL I:

18 That part of Lot Numbered Three Hundred Seventy-One (371) in Hanna's Addition to the City of Fort
Wayne, described as follows:

19 Commencing at the Northeast corner of Hanna and Wayne Streets in said City of Fort Wayne; thence
20 East along the North line of Wayne Street Thirty One (31) feet; thence in a Northerly direction on a
21 straight line to the mid-point of the North line of said Lot; thence West along the North line of said Lot
to the Northwest corner thereof; thence in a Southerly direction along the West line of said Lot to the
place of beginning, according to the plat of said Addition.

22 Excepting therefrom:

23 The North 14 feet of the above described real estate taken for alley purposes in Declaratory Resolution
No. 326-1916. (Commonly known as 701 E. Wayne St.)

24 PARCEL II:

25 East Thirty (30) feet of Lot Number Three Hundred Seventy-One (371), Hanna Addition to the City of
Fort Wayne, according to the recorded plat thereof as shown in the Recorder's Office of Allen County,
Indiana. (Commonly known as 703 E. Wayne St.)

26 PARCEL III:

27 The West One-half of Lot 370 in Hanna's Addition to the City of Fort Wayne, Indiana. (Commonly
28 known as 707 E. Wayne St.)
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PARCEL IV:
The East One-half (1/2) of Lot Number 370, Hanna's Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 3, page 526, in the Office of the Recorder of Allen County, Indiana. (Commonly known as 711 E. Wayne St.)

PARCEL V:
The West 32 feet of Lot Numbered 369 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 715 E. Wayne St.)


PARCEL VI:
28 feet off the East side of Lot Number 369, except the North 14 feet condemned by Declaratory Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 717 E. Wayne St.)

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: VALY-2024-0002
Bill Number: G-24-05-02
Council District: 5 – Geoff Paddock

Introduction Date: May 14, 2024

Public Hearing Date: May 28, 2024 to be heard by Council

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

Synopsis of Ordinance: To vacate the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna's Addition.

Location: The north side of 701-717 E Berry Street and adjacent to E Berry Street.

Reason for Request: To allow the commercial development of a new warehouse on Lots 369 through 371 of Hanna's Addition.

Applicant: Wayne-Vaughn Equipment Co., Inc

Property Owner: Wayne-Vaughn Equipment Co., Inc

Related Petitions: Primary Development Plan – Wayne Vaughn Warehouse

Effect of Passage: The vacation of the platted alley will allow for the construction of a new warehouse.

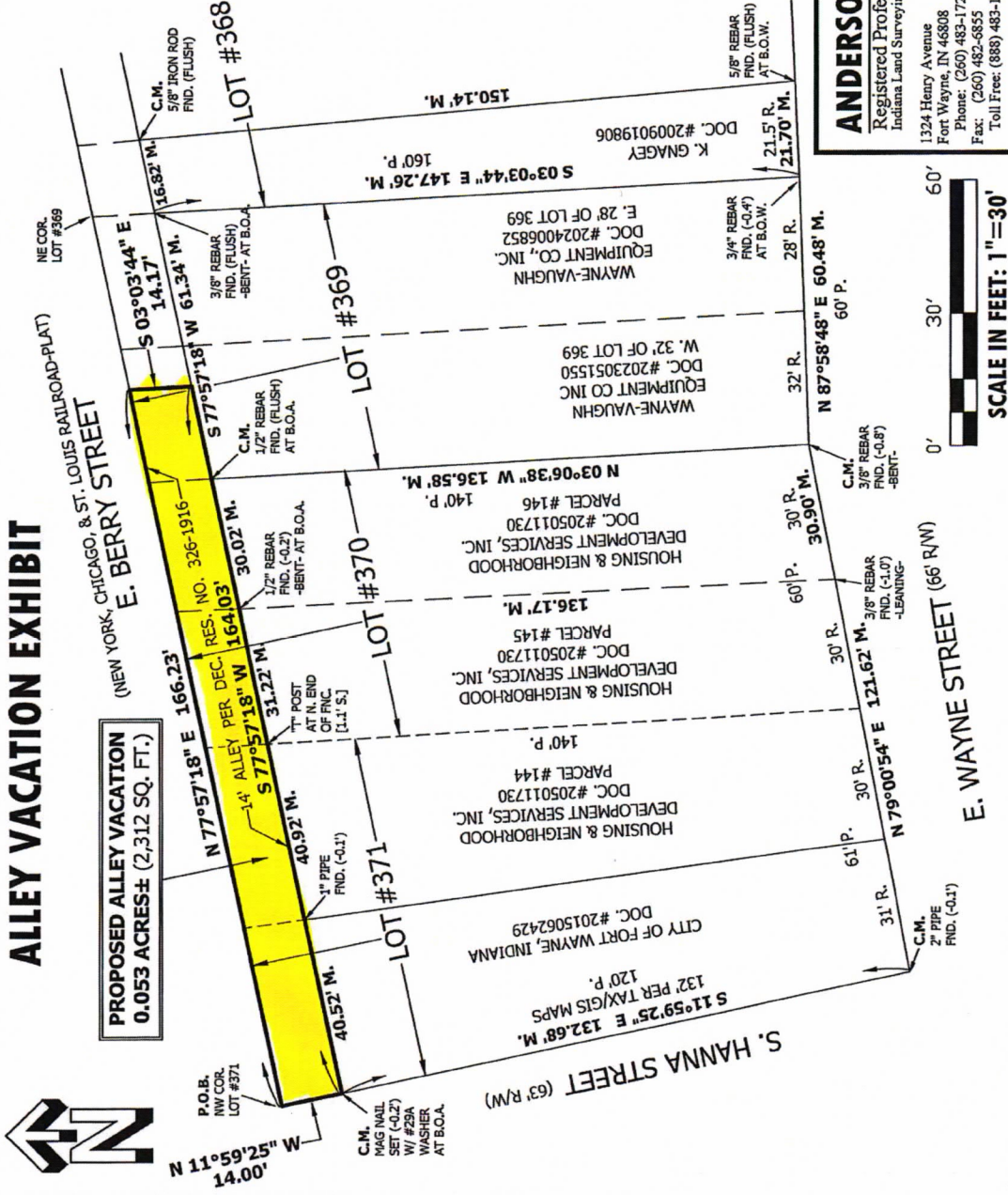
Effect of Non-Passage: The right of way will remain as platted. Redevelopment of the property may be hindered by retention of the right-of-way.

ALLEY VACATION EXHIBIT



PROPOSED ALLEY VACATION
0.053 ACRES± (2,312 SQ. FT.)

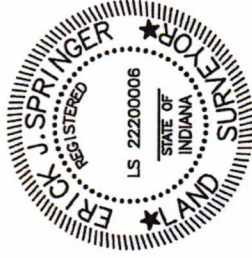
(NEW YORK, CHICAGO, & ST. LOUIS RAILROAD-PLAT)
E. BERRY STREET



PROPOSED ALLEY VACATION DESCRIPTION:
The North 14.0 feet by parallel lines of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

Prepared this 24th day of April, 2024
Prepared exclusively for: Wayne-Vaughn Equipment Co., Inc.
Job Number: 23-09-104 (2)



ERICK J. SPRINGER, PS #22200006

ANDERSON SURVEYING, INC.

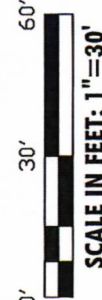
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A



EST. 1978
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

1947 E. Schug Road
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

WWW.ANDERSONSURVEYING.COM



PARCEL I:

That part of Lot Numbered Three Hundred Seventy-One (371) in Hanna's Addition to the City of Fort Wayne, described as follows:

Commencing at the Northeast corner of Hanna and Wayne Streets in said City of Fort Wayne; thence East along the North line of Wayne Street Thirty One (31) feet; thence in a Northerly direction on a straight line to the mid-point of the North line of said Lot; thence West along the North line of said Lot to the Northwest corner thereof; thence in a Southerly direction along the West line of said Lot to the place of beginning, according to the plat of said Addition.

Excepting therefrom:

The North 14 feet of the above described real estate taken for alley purposes in Declaratory Resolution No. 326-1916. (Commonly known as 701 E. Wayne St.)

PARCEL II:

East Thirty (30) feet of Lot Number Three Hundred Seventy-One (371), Hanna Addition to the City of Fort Wayne, according to the recorded plat thereof as shown in the Recorder's Office of Allen County, Indiana. (Commonly known as 703 E. Wayne St.)

PARCEL III:

The West One-half of Lot 370 in Hanna's Addition to the City of Fort Wayne, Indiana. (Commonly known as 707 E. Wayne St.)

PARCEL IV:

The East One-half (1/2) of Lot Number 370, Hanna's Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 3, page 526, in the Office of the Recorder of Allen County, Indiana. (Commonly known as 711 E. Wayne St.)

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The West 32 feet of Lot Numbered 369 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 715 E. Wayne St.)

PARCEL VI:

28 feet off the East side of Lot Number 369, except the North 14 feet condemned by Declaratory Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 717 E. Wayne St.)

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:

A 14 foot alley (Dec. Res. 326-1916) comprised of the north 14 feet of Lots 369, 370 and 371 of

Hanna's Addition to the City of Fort Wayne, and south of and adjacent to E. Berry St. (See attached survey 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: C PAGE(S) NUMBER(S): 525-526 (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:

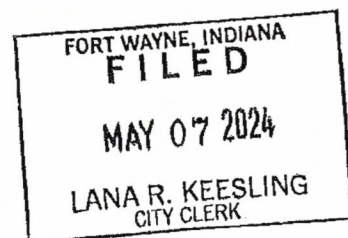
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.
(See attached Exhibit "C.")

Applicant's name(s) if different from property owner(s):

Name: Wayne-Vaughn Equipment Co., Inc. (applicant and adjacent property owner)

Street Address: 716 E. Wayne St.

City: Fort Wayne State: IN Zip: 46802 Phone: 260-424-4044



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 Fort 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.

Shane Replogle
Signature
716 E. Wayne St.
Address
Shane Replogle
Printed Name
Fort Wayne, IN 46802
City/State/Zip
2/22/24
Date

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 #: _____



OFFICIAL AD PROOF

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

Notice ID: yOk4vSuvbc6gri5jAezu | **Proof Updated: May. 15, 2024 at 08:25am EDT**
Notice Name: G-24-05-02

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

05/17/2024: Government Notice 29.70
Notice

Subtotal	\$29.70
Tax %	0
Processing Fee	\$0.00
Total	\$29.70

See Proof on Next Page

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

ORDINANCE NO. G-24-05-02

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MAY 28, 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 the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna's Addition to allow the commercial development of a new warehouse on Lots 369 through 371 of Hanna's Addition

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED OR RESCINDED ON TUESDAY, MAY 28, 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
5--17 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office

Notice ID: yOk4vSuvbc6gri5jAezu

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 58

COMPUTATION OF CHARGES

58 lines, 1 column(s) wide equal:

58 equivalent lines at \$ 0.5120 cents per line \$29.70

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$29.70

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:

5/17/24 _____

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: 5/17/2024


Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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

ORDINANCE NO. G-24-05-02

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MAY 28, 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 the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna's Addition to allow the commercial development of a new warehouse on Lots 369 through 371 of Hanna's Addition

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MAY 28, 2024.

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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

5--17 hspaxlp

ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VALY-2024-0002	Bill #G-24-05-02	Project Start: May 2024
APPLICANT:	Wayne-Vaughn Equipment Co., Inc	
REQUEST:	To vacate the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna’s Addition for a new warehouse.	
LOCATION:	The north side of 701-717 E Wayne Street and adjacent to E Berry Street.	
COUNCIL DISTRICT:	5-Geoff Paddock	
PUBLIC HEARING DATE:	May 28, 2024	

PROJECT SUMMARY

The petitioner, Wayne-Vaughn Equipment Co., Inc. is expanding their service and constructing a new warehouse at 715 East Wayne Street. There is a 14-foot wide alley running along the north edge of the property, parallel to Berry Street. This is an unused alley that will interfere with the proposed construction of a drive and loading dock. There are utilities within the alley, so an easement over the area to be vacated is expected. The request has been sent to all interested utilities for their responses and this item will return to Council when all responses have been received.

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:	Under review
Stormwater Engineering:	Under review
Water Engineering:	Under review
WPC Engineering – Sanitary:	Under review
City Parks Department:	Under review
Fire Department:	Approved
Frontier:	Easement required
Comcast Cable:	Easement required
AEP:	Easement required
NIPSCO:	Approved

Vacation Petition VALY-2024-0002 - E Berry Vacation



1 inch = 100 feet



Although strict accuracy standards have been employed in the preparation 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 State of Texas, owners of the County of Allen State Plane Coordinate System, by James Lee Brown and Catherine Stroup 2009

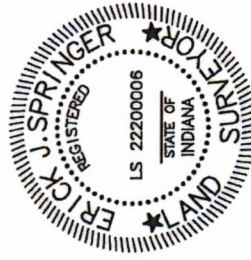
Date: 4/9/2024

ALLEY VACATION EXHIBIT

PROPOSED ALLEY VACATION DESCRIPTION:
 The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

Prepared this 24th day of April, 2024
 Prepared exclusively for: Wayne-Vaughn Equipment Co., Inc.
 Job Number: 23-09-104 (2)



ERICK J. SPRINGER, PS #22200006

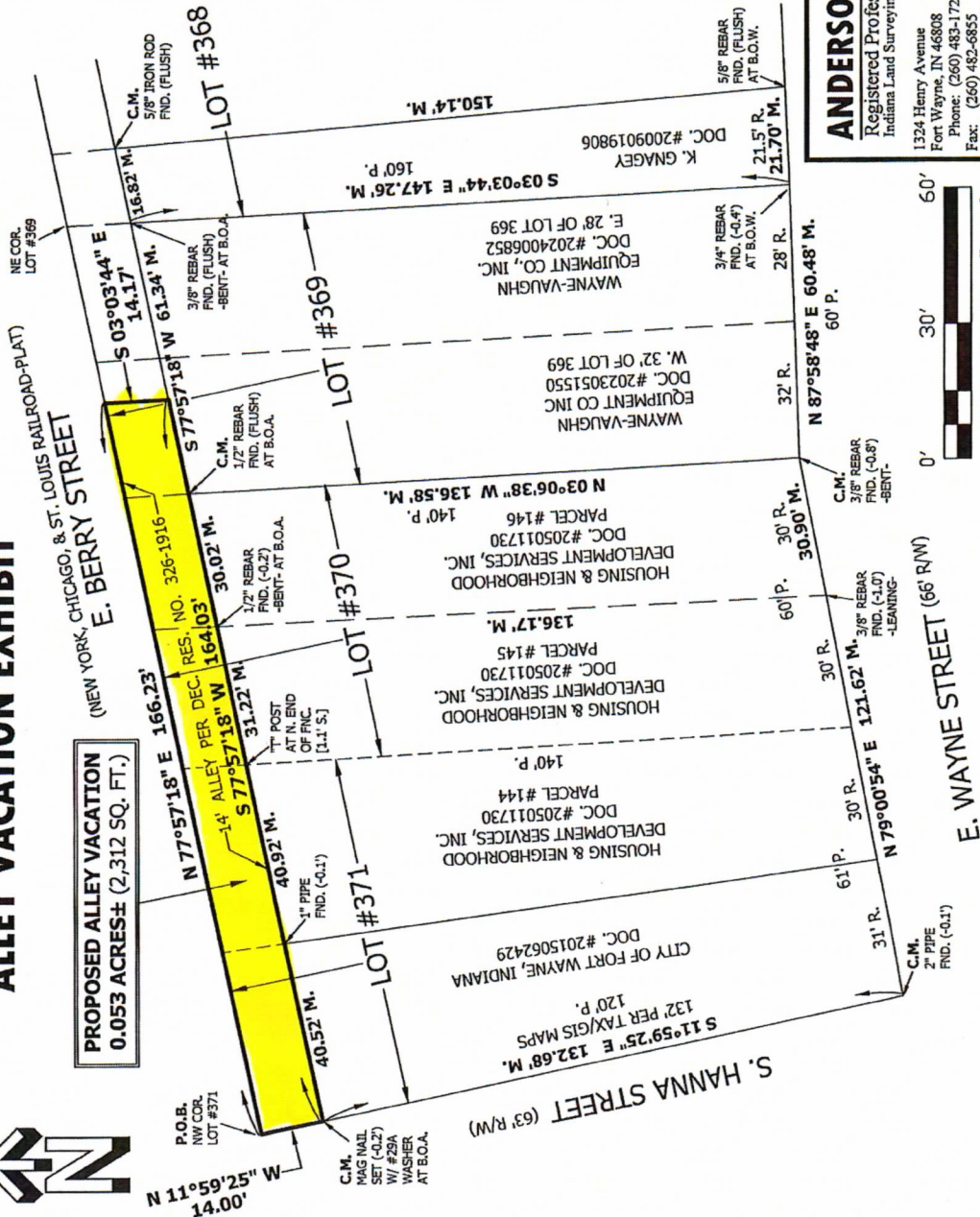
ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors
 Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
 Columbia City, IN 46725
 Phone: (260) 691-3425
 Fax: (260) 482-6855

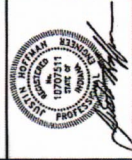


WWW.ANDERSONSURVEYING.COM





485 ARCHER AVE. FORT WAYNE, IN 46802 (317) 735-1111
 The concepts, designs, plans, details and specifications shown on this drawing were prepared by Brooks Engineering, Inc. and have been prepared for the specific project, name of the university, and other information shown on this drawing. It is the responsibility of the client to ensure that the information shown on this drawing is accurate and that the client has the authority to execute the project. Brooks Engineering, Inc. does not accept any liability for errors or omissions on this drawing. This drawing is the property of Brooks Engineering, Inc. and shall remain confidential. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Brooks Engineering, Inc.



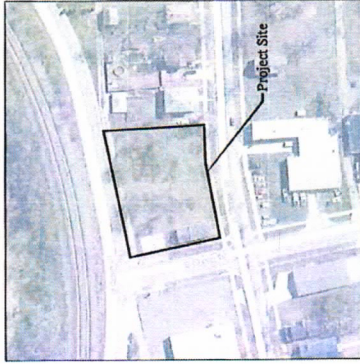
Wayne-Vaughn
 Location: 701 E. Wayne Street, Fort Wayne, Indiana
 Prepared for: Wayne-Vaughn Equipment Co., Inc.
 716 E. Wayne Street
 Fort Wayne, IN 46802
 (317) 424-1044

JOB NUMBER	100000
DRAWN BY	SLM
CHECKED BY	SMH
SCALE	AS SHOWN
DATE	02/02/2011

TITLE: Preliminary Site Plan
 SHEET: C-1.0



Vicinity Map (n.t.s.)



Location Map (n.t.s.)

Legal Description: 3.26 Acres, more or less, in Adams Township, Adams County, Indiana, being the same as shown on the plat of the Wayne-Vaughn Equipment Co., Inc. 100000, recorded in Adams County, Indiana, on 02/02/2011, at 10:00 AM, and as shown on the plat of the Wayne-Vaughn Equipment Co., Inc. 100000, recorded in Adams County, Indiana, on 02/02/2011, at 10:00 AM, and as shown on the plat of the Wayne-Vaughn Equipment Co., Inc. 100000, recorded in Adams County, Indiana, on 02/02/2011, at 10:00 AM.

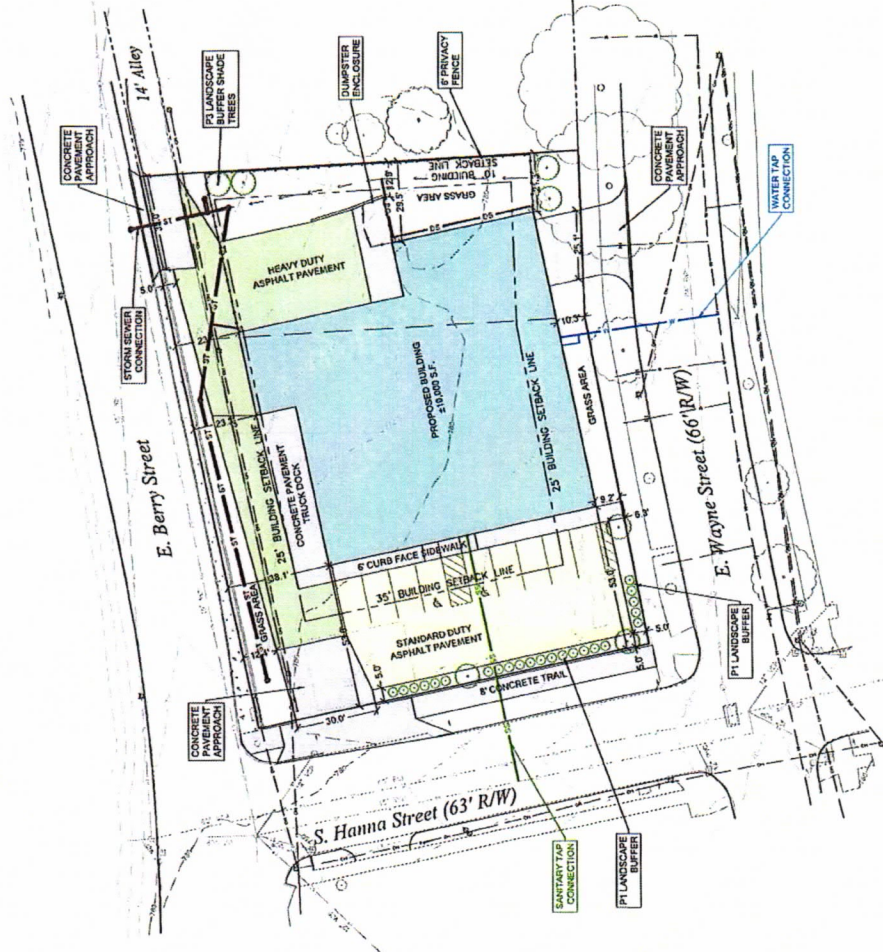
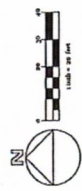


EXHIBIT "B"



DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

MEMORANDUM

To: Clerk Lana Keesling, Atty. Joe Bonahoom, Members of the Common Council
From: Michelle Wood, Senior Land Use Planner
Date: December 10, 2024
RE: Amendment to legal description for G-24-05-02

Hello,

Vacation Petition VALY-2024-0002 (G-24-05-02) was submitted to Council with an overall legal description of the entire project site, which includes the alley to be vacated.

Staff respectfully requests to amend the ordinance at the table to include only the legal description of the alley to be vacated – as attached herein.

If you have any questions or concerns, please let me know.

260-449-7607.

Thank you.

ALLEY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VALY-2024-0002	Bill #G-24-05-02	Project Start: May 2024
APPLICANT:	Wayne-Vaughn Equipment Co., Inc	
REQUEST:	To vacate the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna’s Addition for a new warehouse.	
LOCATION:	The north side of 701-717 E Wayne Street and adjacent to E Berry Street.	
COUNCIL DISTRICT:	5-Geoff Paddock	
PUBLIC HEARING DATE:	May 28, 2024	

PROJECT SUMMARY

The petitioner, Wayne-Vaughn Equipment Co., Inc. is expanding their service and constructing a new warehouse at 715 East Wayne Street. There is a 14-foot wide alley running along the north edge of the property, parallel to Berry Street. This is an unused alley that will interfere with the proposed construction of a drive and loading dock. The request has been sent to all interested utilities and necessary easements have been prepared, allowing for the request to be approved.

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
- Water Engineering: Approved
- WPC Engineering – Sanitary: Approved
- City Parks Department: Approved
- Fire Department: Approved
- Frontier: Approved with easement
- Comcast Cable: Approved with easement
- AEP: Approved with easement
- NIPSCO: Approved

1 VALY-2024-0002

2 BILL NO. G-24-05-02 (as amended)

3
4 GENERAL ORDINANCE NO. G-_____

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
18 The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of
19 Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne,
20 according to the plat thereof, recorded in Deed Record C, pages 525-526, in
21 the Office of the Recorder of Allen County, Indiana, being part of that same
22 strip of land condemned and opened for Alley purposes per Declaratory
23 Resolution No. 326-1916, more particularly described as follows:

24 BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's
25 Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18
26 seconds East (all bearings in this description are based on the Indiana East
27 (Zone 1301) State Plane coordinate system) on the north line of said Lots
28 Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03
29 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South
30 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west
line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds
West on said west line, a distance of 14.00 feet to the Point of Beginning,
containing 0.053 acres (2,312 square feet) of land, more or less.

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

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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

1 VALY-2024-0002

2 BILL NO. G-24-05-02 (as amended)

3
4 GENERAL ORDINANCE NO. G-_____

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 **PARCEL I:**

~~That part of Lot Numbered Three Hundred Seventy-One (371) in Hanna's Addition to the City of Fort
Wayne, described as follows:~~

~~Commencing at the Northeast corner of Hanna and Wayne Streets in said City of Fort Wayne; thence
East along the North line of Wayne Street Thirty One (31) feet; thence in a Northerly direction on a
straight line to the mid-point of the North line of said Lot; thence West along the North line of said Lot
to the Northwest corner thereof; thence in a Southerly direction along the West line of said Lot to the
place of beginning, according to the plat of said Addition.~~

~~Excepting therefrom:~~

~~The North 14 feet of the above described real estate taken for alley purposes in Declaratory Resolution
No. 326-1916. (Commonly known as 701 E. Wayne St.)~~

23 **PARCEL II:**

~~East Thirty (30) feet of Lot Number Three Hundred Seventy-One (371), Hanna Addition to the City of
Fort Wayne, according to the recorded plat thereof as shown in the Recorder's Office of Allen County,
Indiana. (Commonly known as 703 E. Wayne St.)~~

26 **PARCEL III:**

~~The West One-half of Lot 370 in Hanna's Addition to the City of Fort Wayne, Indiana. (Commonly
known as 707 E. Wayne St.)~~

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PARCEL IV:

The East One-half (1/2) of Lot Number 370, Hanna's Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 3, page 526, in the Office of the Recorder of Allen County, Indiana. (Commonly known as 711 E. Wayne St.)

PARCEL V:

The West 32 feet of Lot Numbered 369 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 715 E. Wayne St.)

PARCEL VI:

28 feet off the East side of Lot Number 369, except the North 14 feet condemned by Declaratory Resolution Number 326-1916 for alley purposes, in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526 in the Office of the Recorder of Allen County, Indiana. (Commonly known as 717 E. Wayne St.)

The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

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

EXHIBIT "A"

The North 14.0 feet by parallel lines of part of Lot Numbered 369 and all of Lots Numbered 370 and 371 in Hanna's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record C, pages 525-526, in the Office of the Recorder of Allen County, Indiana, being part of that same strip of land condemned and opened for Alley purposes per Declaratory Resolution No. 326-1916, more particularly described as follows:

BEGINNING at the northwest corner of Lot Numbered 371 in said Hanna's Addition to the City of Fort Wayne; thence North 77 degrees 57 minutes 18 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the north line of said Lots Numbered 371, 370, and 369, a distance of 166.23 feet; thence South 03 degrees 03 minutes 44 seconds East, a distance of 14.17 feet; thence South 77 degrees 57 minutes 18 seconds West, a distance of 164.03 feet to the west line of said Lot Numbered 371; thence North 11 degrees 59 minutes 25 seconds West on said west line, a distance of 14.00 feet to the Point of Beginning, containing 0.053 acres (2,312 square feet) of land, more or less.

EXHIBIT "B"

The reasons for the proposed vacation are as follows:

The alley is required to be vacated (as described on Exhibit "A") to allow the commercial/industrial development of Lots 369 through 371 of Hanna's Addition to the City of Fort Wayne. The concrete pavement approach located within the alley shown on the site plan included with this Exhibit "B" is not included in the vacation request. This is so the remainder of the alley east of these Lots still has access to E. Berry St.

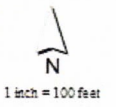
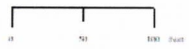
Pursuant to Declaration Resolution 326-1916, the alley was taken from the owners of Lots 369 through 371 in its entirety. Therefore, upon vacation, the entirety of the width of the vacated portion should revert to the present owner of Lots 369 to 371, the Wayne-Vaughn Equipment Co., Inc. The Ordinance of vacation should note that title to the vacated alley is to be vested in Wayne-Vaughn Equipment Co., Inc.



Vacation Petition VALY-2024-0002 - E Berry Vacation



Although strict accuracy stated with this
 been adopted 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 there-
 any other person in this map.
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana, Zone
 Western and Central, Spring 2009
 Date: 4/8/2024





AllPaid
7820 Innovation Boulevard Suite 250
Indianapolis, IN 46278
24hr. Customer Service #: 888-604-7888

Document Fees Payment Confirmation (Ref #: 44577927)

PLC: Allen County Recorder
7357 1 E Main Street #100
Fort Wayne, Indiana 48625
For: Document Fees

Date: 01/17/2025 09:04 EST

TRANSACTION INFORMATION

Name: Lana R Keesling
Transaction #: Eg
Document Type: Ordinance

Transaction Reference #: 44577927
Transaction Date/Time: 01/17/2025 09:04 EST

BILLING INFORMATION

Name: Lana R Keesling
Address: Msr
Msr
City, State Zip: Msr, AI 46802
Phone #: (260)427-1221
Card #: xxxx-xxxx-xxxx-2284

PAYMENT INFORMATION

Approval #: 021335
Payment Amount: \$25.00
Service Fee: \$3.99
Total Amount: \$28.99

The service fee is not refundable.

ATTENTION CARDHOLDER

If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid

BILL NO. G-24-05-02

REPORT OF COMMITTEE ON REGULATIONS

January 14, 2025

Michelle Chambers Chair

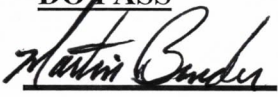
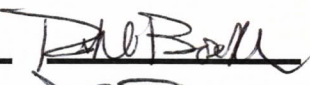



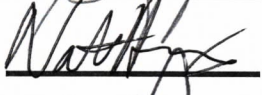

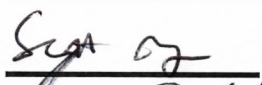
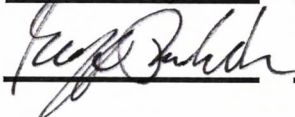
Thomas Freistroffer Co-Chair

All Council Members

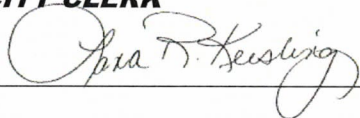
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate the platted alley comprised of the north 14 feet of Lots 369, 370, and 371 of Hanna's Addition to allow the commercial development of a new warehouse on Lots 369 through 371 of Hanna's Addition

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: 05/28/2024

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"/>
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: January 14, 2025

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-24-05-02-AA on the 14th day of January, 2025

ATTEST:

Lana R. Keesling

LANA R. KEESLING
CITY CLERK

Sharon Tucker

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of January 2025, at the hour of 2:10 o'clock P.M. E.S.T.

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of January 2025, at the hour of 4:34 o'clock P.M. E.S.T.

Sharon Tucker

SHARON TUCKER, MAYOR

