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RECORDED: 09/12/2024 09:22:19 AM  
NICOLE KEESLING  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

VEAS-2024-0004

BILL NO. G-24-06-19

GENERAL ORDINANCE NO. G- 19-24

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:

Part of Lots Numbered 38-43 in Pfister Addition, Section "D", to the City of Fort Wayne, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 38 in said Pfister Addition, Section "D" as described in Plat Record 23, Page 140 in the Office of the Recorder of Allen County, Indiana; thence North 76 degrees 09 minutes 10 seconds West (Assumed bearing and basis of bearings to follow), a distance of 14.00 feet along the South line of said Lot 38 being the Northerly right-of-way of Lower Huntington Road to the Northwesterly line of a 14 foot Utility Easement; thence North 14 degrees 00 minutes 00 seconds East, a distance of 548.00 feet along said Easement to the North line of an existing tract being part of Lot 43 as described in Document Number 89-043009 in the Office of said Recorder; thence South 76 degrees 09 minutes 10 seconds East, a distance of 14.00 feet along said North line to the East line of said Pfister Addition, Section "D"; thence South 14 degrees 00 minutes 00 seconds West, a distance 548.00 feet along said West line to the point of Beginning. Containing 0.176 acres, more or less. Subject to easements of record.

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

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

SEP 12 2024

AUDITOR OF ALLEN COUNTY #25

*(17) Call for Dick*

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



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
Malak Heiny, City Attorney

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Easement Vacation  
Case Number: VEAS-2024-0004  
Bill Number: G-24-06-19  
Council District: 4 – Dr. Scott Myers

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Introduction Date: June 25, 2024

Public Hearing Date: July 9, 2024 to be heard by Council

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

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Synopsis of Ordinance: To vacate the platted utility easement running along the easternmost 14 feet of Lots Numbered 41-43 in Pfister Add, Sec D, as well as former Lots 38-40 in Pfister Add, Sec D, (owned by Avalon and previously vacated from Pfister Add, Sec D)

Location: 1500 Lower Huntington Rd (Section 27 of Wayne Township)

Reason for Request: To allow for the development of Lots 41-43.

Applicant: Avalon Missionary Church, Inc.

Property Owners: same

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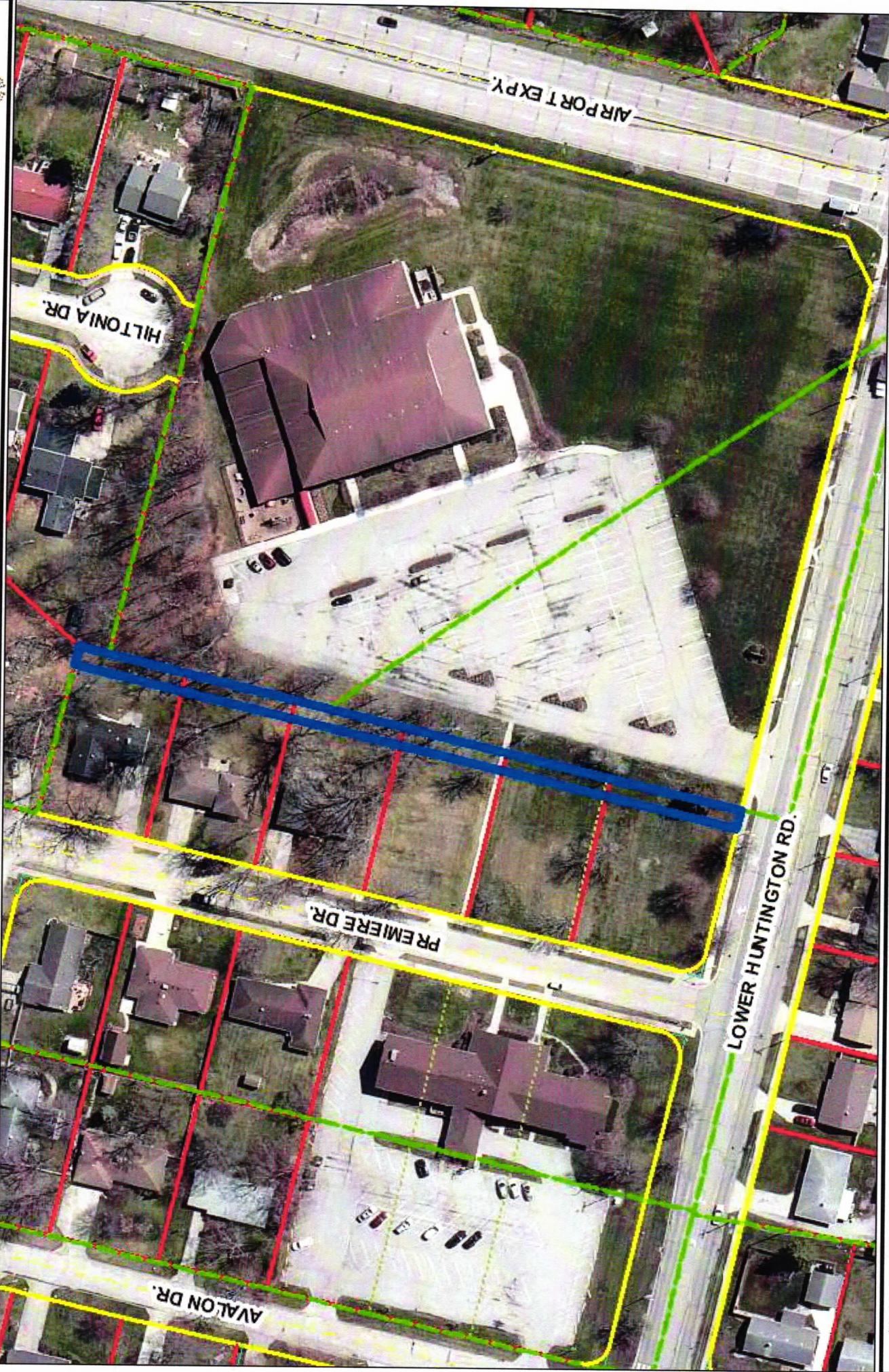
Related Petitions: Vacation Petition - VPLT-2024-0009

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Effect of Passage: The vacation of the easement will allow for the development of Lots 41-43.

Effect of Non-Passage: The easement will remain as dedicated and will impede the expanding development of site.

Vacation Petition VEAS-2024-0004 - Pfister Lots 38-43



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 therefrom. Any error or omission in this map is the responsibility of the County of Allen.

State Plane Coordinate System: NAD 83  
 Projection: North American Datum of 1983  
 Zone: 14N  
 Datum: NAD 83  
 Date: 6/18/2024



1 Incht = 100 feet

# CITY OF FORT WAYNE

## Vacation Petition - VEAS-2024-0004

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

Easement       Public Right of Way (street or alley)

More particularly described as follows:

See attached Exhibit B

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(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: 23 PAGE(S) NUMBER(S): 140 (This information can be obtained from the Allen County Recorder's Office on the 2<sup>nd</sup> Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

To allow Avalon to relocate or bury the utilities and have land unencumbered by the platted easement so that it may use this land to expand its church campus to meet the needs of its growing congregation.

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(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: Avalon Missionary Church, Inc.

Street Address: 1500 Lower Huntington Road

City: Fort Wayne State: IN Zip: 46819 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.

See attached Exhibit A

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ 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): Mark H. Bains

Street Address: 215 E. Berry Street

City: Seymour State: IN Zip: 46802 Phone: (260) 423-9551

**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  
Signature Page

By: Nancy I. Leming  
Name: Nancy I. Leming  
Its: Executive Director of Operations

Date: 6/3/2024

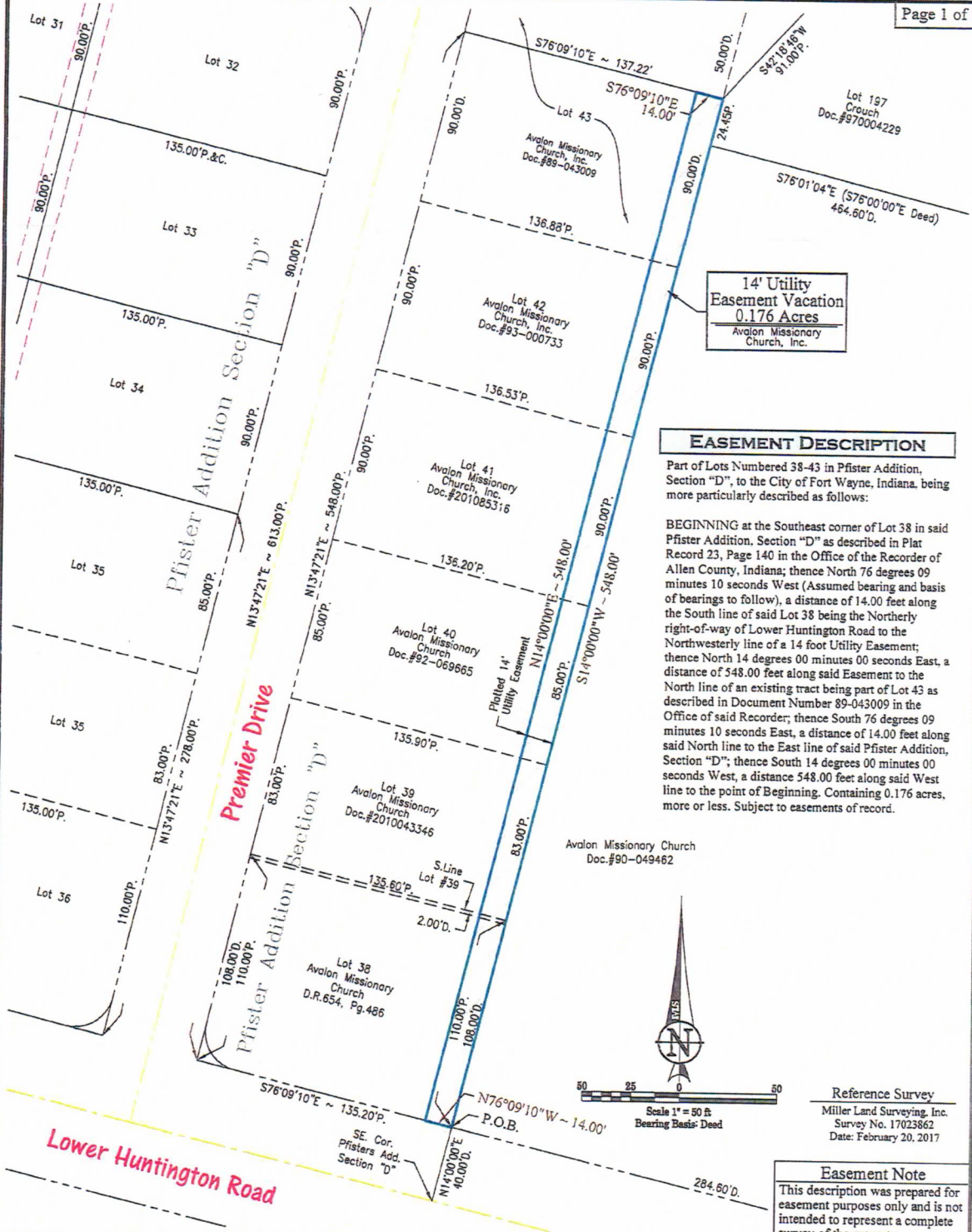
Brett R. Miller, P.S. No.LS20300059

Robert J. Marucci, P.S. No.LS20400028



www.mlswebsite.us

Precision and Professionalism is where we draw the line.



**14' Utility Easement Vacation**  
0.176 Acres  
Avalon Missionary Church, Inc.

**EASEMENT DESCRIPTION**

Part of Lots Numbered 38-43 in Pfister Addition, Section "D", to the City of Fort Wayne, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 38 in said Pfister Addition, Section "D" as described in Plat Record 23, Page 140 in the Office of the Recorder of Allen County, Indiana; thence North 76 degrees 09 minutes 10 seconds West (Assumed bearing and basis of bearings to follow), a distance of 14.00 feet along the South line of said Lot 38 being the Northerly right-of-way of Lower Huntington Road to the Northwesterly line of a 14 foot Utility Easement; thence North 14 degrees 00 minutes 00 seconds East, a distance of 548.00 feet along said Easement to the North line of an existing tract being part of Lot 43 as described in Document Number 89-043009 in the Office of said Recorder; thence South 76 degrees 09 minutes 10 seconds East, a distance of 14.00 feet along said North line to the East line of said Pfister Addition, Section "D"; thence South 14 degrees 00 minutes 00 seconds West, a distance 548.00 feet; along said West line to the point of Beginning. Containing 0.176 acres, more or less. Subject to easements of record.

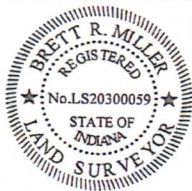
Reference Survey  
Miller Land Surveying, Inc.  
Survey No. 17023862  
Date: February 20, 2017

**Easement Note**  
This description was prepared for easement purposes only and is not intended to represent a complete survey of the property.

Survey No. 17023862  
County: Allen Subdivision: Pfister Addition, Section "D"  
For: Avalon Missionary Church Drawn by: JRM

IN WITNESS WHEREOF, I hereunto place my hand and seal this 31st day of May, 2024.  
Revised:

*Brett R. Miller*  
Brett R. Miller, P.S. NO. 20300059



**Legend**

POB	- Point of Beginning
M.	- Measured
R.	- Record
C.	- Calculated
D.	- Deed
- - - - -	- Right of Way (R/W)
- - - - -	- Building Setback Line
- - - - -	- Center Line



# Miller Land Surveying, Inc.

Precision and Professionalism is  
Where We Draw the Line.

Brett R. Miller, PS, President  
Robert J. Marucci, PS

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## 14' Utility Easement Vacation Description 0.176 Acres

Part of Lots Numbered 38-43 in Pfister Addition, Section "D", to the City of Fort Wayne, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 38 in said Pfister Addition, Section "D" as described in Plat Record 23, Page 140 in the Office of the Recorder of Allen County, Indiana; thence North 76 degrees 09 minutes 10 seconds West (Assumed bearing and basis of bearings to follow), a distance of 14.00 feet along the South line of said Lot 38 being the Northerly right-of-way of Lower Huntington Road to the Northwesterly line of a 14 foot Utility Easement; thence North 14 degrees 00 minutes 00 seconds East, a distance of 548.00 feet along said Easement to the North line of an existing tract being part of Lot 43 as described in Document Number 89-043009 in the Office of said Recorder; thence South 76 degrees 09 minutes 10 seconds East, a distance of 14.00 feet along said North line to the East line of said Pfister Addition, Section "D"; thence South 14 degrees 00 minutes 00 seconds West, a distance 548.00 feet along said West line to the point of Beginning. Containing 0.176 acres, more or less. Subject to easements of record.

Survey Job #17023862  
Date: May 31, 2024  
For: Avalon Missionary Church  
Miller Land Surveying, Inc.

June 4, 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: Avalon Missionary Church, Inc. // Pfister Addition, Section D // Platted Utility Vacation**

Dear Lana:

Barrett McNagny, LLP serves as legal counsel to Avalon Missionary Church, Inc. ("Avalon") with respect to real estate owned by Avalon on its growing campus. The enclosed application is being filed on behalf of Avalon.

Enclosed please find the following:


1. Vacation Petition Application (vacating a platted utility easement running along the easternmost 14 feet of Lots Numbered 41-43 in Pfister Addition, Section D (as well as former Lots 38-40 in Pfister Addition, Section D, which are owned by Avalon and were previously vacated from Pfister Addition, Section D));
2. The survey, legal descriptions, etc. required for the above-referenced Application;
3. The \$200.00 filing fee; and
4. The cover letter enclosing an application being filed with the Allen County Department of Planning Services related to Avalon's desired vacation of Lots Numbered 41-43 in Pfister Addition, Section D.

As to the vacation of platted utility easement, any utilities contained in the same will be addressed by way of private easements between the utility provider and Avalon, who would like to relocate the utilities and/or bury them to allow for the development of Lots 41-43 as part of the church's growing campus necessary to meet the needs of its growing congregation.

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 "Mark H. Bains". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mark H. Bains

MHB:4171435 (51691-2)

Enclosures

cc: Nancy Leming



## INTERIM AD DRAFT

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

Notice ID: U47uczrd1YlwwNf0tNMy | **Proof Updated: Jun. 28, 2024 at 04:50pm EDT**  
Notice Name: G-24-06-19

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

07/03/2024: Government Notice 31.23

Subtotal	\$31.23
Tax %	0
Processing Fee	\$0.00
<b>Total</b>	<b>\$31.23</b>

See Proof on Next Page

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

**ORDINANCE NO. G-24-06-19**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 9, 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 utility easement running along the eastern-most 14 feet of Lots Numbered 41-43 in Piester Add, Sec D, as well as former Lots 38-40 in Piester Add, Sec D at 1500 Lower Huntington Rd (Section 27 of Wayne Township) to allow for the development of Lots 41-43 for Avalon Missionary Church, Inc.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JULY 9, 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  
7--3 hspaxlp

# The Journal Gazette

Allen County, Indiana

Account Name  
Gov: Fort Wayne City Clerk's Office

Notice ID: U47uczrd1YlwvNf0tNMy

## 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

61

### COMPUTATION OF CHARGES

61 lines, 1 column(s) wide equal:

61 equivalent lines at \$ 0.5120 cents per line

\$ 31.23

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

\$ \_\_\_\_\_

Electronic processing fee

\$ 0.00

TOTAL AMOUNT OF CLAIM

\$ 31.23

### 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:

7/3/24    \_\_\_\_\_    \_\_\_\_\_

\_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

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: 7/3/2024

  
Legal Clerk

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

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LANA R. KEESLING  
CITY CLERK

7--3 hspaxlp  
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09/12/2024 9:22:19 AM  
VALUED CUSTOMER  
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TRANSACTION # 4686090  
DOCUMENT # 2024045300

ORDINANCE

RECORDING FEES: 25.00  
TOTAL: 25.00  
CREDIT CARD: 25.00

THANK YOU

NICOLE KEESLING  
RECORDER  
ALLEN COUNTY, IN

**BILL NO. G-24-06-19**

**REPORT OF COMMITTEE ON REGULATIONS  
September 10, 2024**

**Scott Myers Chair**

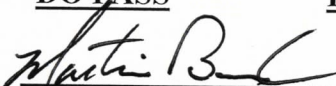
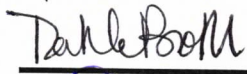


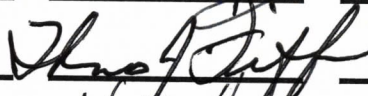

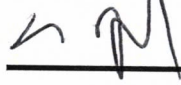
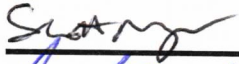

**Michelle Chambers Co-Chair**

**All Council Members**

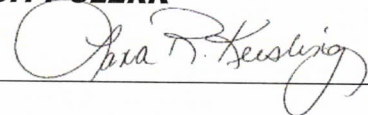
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

*To vacate the platted utility easement running along the easternmost 14 feet of Lots Numbered 41-43 in Pfister Add, Sec D, as well as former Lots 38-40 in Pfister Add, Sec D at 1500 Lower Huntington Rd (Section 27 of Wayne Township) to allow for the development of Lots 41-43 for Avalon Missionary Church, Inc.*

**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: 07/09/24

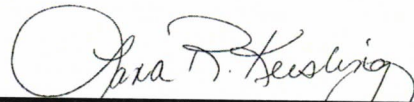
Read the first time in full and on motion by Councilperson Myers.

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

Read the third time in full and on motion by Councilperson Myers, 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"/>

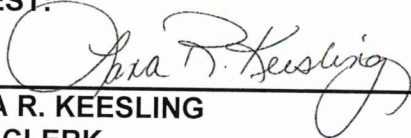
DATED: September 10, 2024



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-24-06-19 on the 10th day of September, 2024

ATTEST:




LANA R. KEESLING  
CITY CLERK



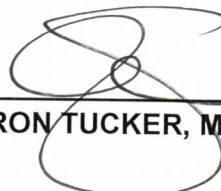
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of September 2024, at the hour of 8:55 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 11<sup>th</sup> day of Sept 2024, at the hour of 10:17 o'clock A.M. E.S.T.



SHARON TUCKER, MAYOR

