

1 **VEAS-2021-0002**

2 **BILL NO. G-21-05-12**

3 **Plat Cabinet B**
4 **Page 28**

5 **GENERAL ORDINANCE NO. G-_____**

6 **AN ORDINANCE for the purpose of**
7 **Vacating a platted utility easement.**

8 WHEREAS, a petition to vacate a platted utility easement within the City of Fort Wayne,
9 Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort
10 Wayne, 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 portion of a platted utility easement
16 within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:


17 The East five (5) feet of the 25-foot Utility and Surface Drainage Easement located
18 on Lot 88 in Westchester Glens, Section IV, as recorded in Plat Cabinet B, Page 28
and Document No. 90-27732, in the Office of the Recorder of Allen County, Indiana.

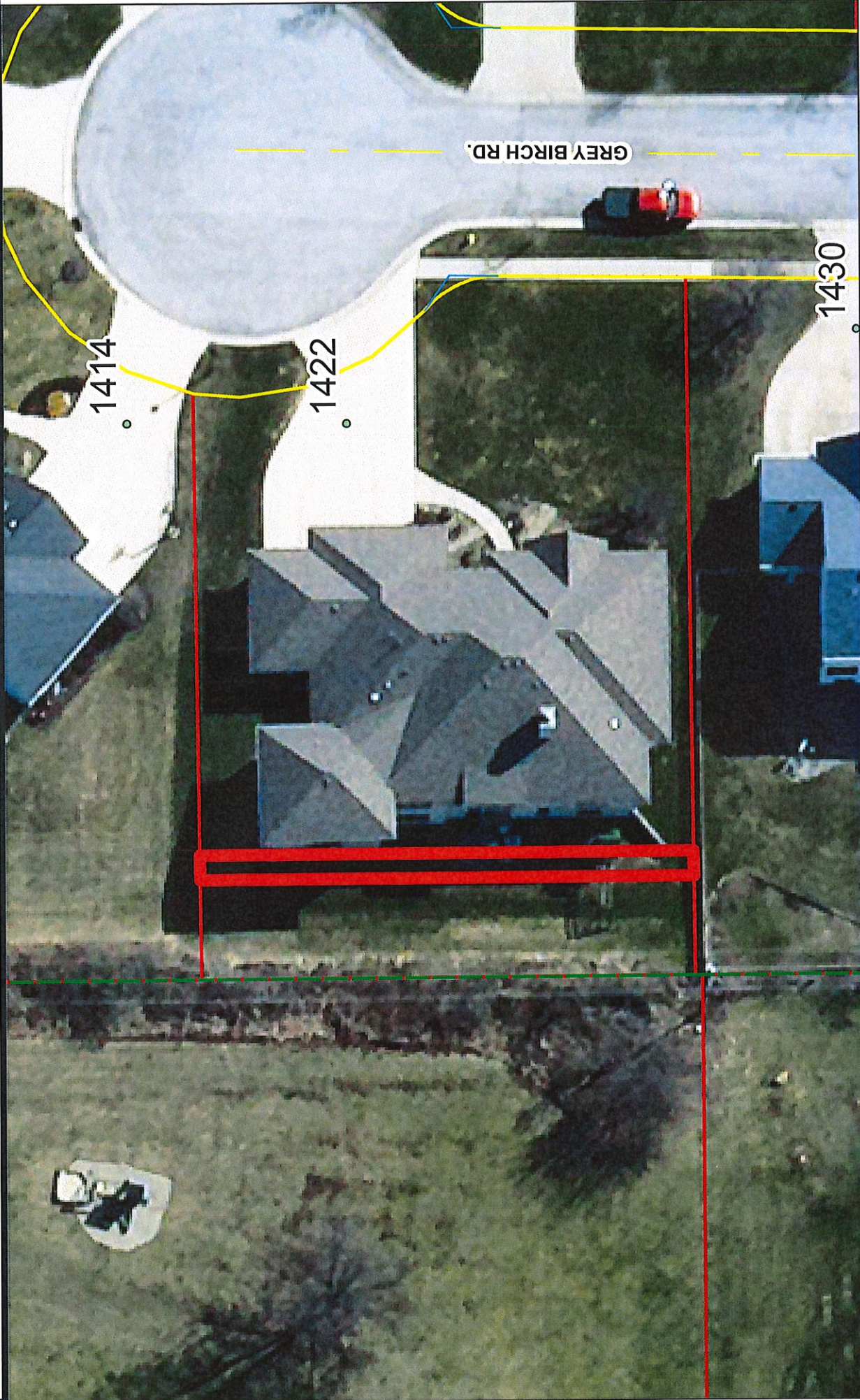
19 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
20 and is hereby approved in all respects.

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

23 _____
24 **COUNCILMEMBER**

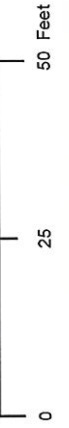
25
26 **APPROVED AS TO FORM AND LEGALITY:**

27 
28 _____
29 Carol T. Helton, City Attorney
30



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/18/2021



1 inch = 26 feet

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:

platted on The East 5 feet of the 25-foot Utility and Surface Drainage Easement
Lot No. 88 in Westchester Glens, Section IV AS
Recorded in Plat Cabinet B, page 28 And
Document No. 90-27732, in the office of the Recorder
of Allen County, Indiana

(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: See below PAGE(S) NUMBER(S): See Below (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) Document NUMBER: 202092307

The reasons for the proposed vacation are as follows:

We would like to add An outdoor living Area
And patio in the backyard.

(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:

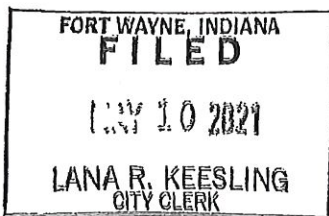
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

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 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.

[Signature]
Signature

Frank L. Gallucci, Jr. 5-7-21
Printed Name Date

1422 Grey Birch Road
Address

Fort Wayne, Indiana 46814
City/State/Zip

Tina M. Gallucci
Signature

Tina M. Gallucci 5-7-21
Printed Name Date

1422 Grey Birch Road
Address

Fort Wayne, Indiana 46814
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 #: _____

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

ORDINANCE NO. G-21-05-12

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JUNE 8, 2021 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: Five (5) feet of the 25-foot wide utility and surface drainage easement located on Lot 88 of Westchester Glens, Section IV. 1422 Grey Birch Road

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, JUNE 8, 2021.

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.

FOR YOUR SAFETY AND OF OTHERS, THE PLAN COMMISSION WILL BE FOLLOWING SOCIAL DISTANCING GUIDELINES RECOMMENDED BY GOVERNOR HOLCOMB AND THE CDC. PLEASE REVIEW THE FOLLOWING:

- ❖ THERE WILL BE LIMITED CAPACITY IN THE HEARING ROOM. IF YOU KNOW YOU WOULD LIKE TO ATTEND THE MEETING, PLEASE CALL THE CITY CLERK'S OFFICE AT 260-427-1221 ON OR BEFORE THE DAY OF THE HEARING.
- ❖ BECAUSE OF SPACE LIMITATIONS, PLEASE COORDINATE ONE PERSON TO SPEAK FOR A GROUP, OR CONSIDER EMAILING OR MAILING YOUR COMMENTS TO STAFF AT MICHELLEWOOD@ALLEN COUNTY.US
- ❖ PLEASE MAINTAIN 6 FEET BETWEEN YOURSELF AND OTHERS. AVAILABLE SEATING WILL BE MARKED.
- ❖ SANITATION STATIONS ARE AVAILABLE IN THE BUILDING. YOU ARE ENCOURAGED TO WEAR A MASK.

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*

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Platted Easement Vacation
Case Number:	VEAS-2021-0002
Bill Number:	G-21-05-12
Council District:	4 – Jason Arp

Introduction Date:	May 25, 2021
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Plan Commission Public Hearing Date:	June 8, 2021 to be heard by Council
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Next Council Action:	Ordinance will return to Council after recommendation by reviewing agencies.
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Synopsis of Ordinance:	To vacate the east five (5) feet of the 25-foot utility and surface drainage easement located on Lot 88 in Westchester Glens, Section IV.
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Location:	The rear yard of Lot 88, Westchester Glens, 1244 Grey Birch Road.
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Reason for Request:	To allow for an outdoor living area and patio.
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Applicant:	Frank and Tina Gallucci
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Property Owners:	Frank and Tina Gallucci
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Related Petitions:	none
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Effect of Passage:	A portion of the platted easement will be vacated to allow for an expansion of the outdoor living space, conditioned on approval from reviewing agencies.
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Effect of Non-Passage:	The easement will remain as platted. No structures will be permitted within the easement.
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ALLEY VACATION – PUBLIC HEARING
Department of Planning Services

VEAS 2021 0003	Bill #G-21-05-12	Project Start: May 25, 2021
APPLICANT:	Frank and Tina Gallucci	
REQUEST:	To vacate the east five (5) feet of the 25-foot utility and surface drainage easement located on Lot 88 in Westchester Glens, Section IV.	
LOCATION:	The rear yard of Lot 88, Westchester Glens, 1422 Grey Birch Road.	
COUNCIL DISTRICT:	District 4 – Jason Arp	
PUBLIC HEARING DATE:	June 8, 2021	

PROJECT SUMMARY

The petitioners are the property owners Frank and Tina Gallucci. The rear yard is shallow, with a 25-foot wide utility and surface drainage easement. The Galluccis would like to expand their patio space which would encroach into the easement by five feet. Staff has sent requests for comment from all affected utility agencies and their responses. No objections were 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:	Approved
Stormwater Engineering:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
City Parks Department:	Approved
Fire Department:	No comment
Land Acquisition Agent:	No comment
Frontier:	Approved
Comcast Cable:	No comment
AEP:	No comment
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.

VEAS-2021-0003

Bill No. G-21-05-12

Easement Vacation – Notifications

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

PIN/Property Address:

Property Owner of Record:

021110127003000075
1422 Grey Birch Road

Frank and Tina Gallucci
1422 Grey Birch Road
Fort Wayne, IN 46814

021214105008000074
1414 Grey Birch Road

Robert and Tammi Ewing
1414 Grey Birch Road
Fort Wayne, IN 46814

021110127004000075
1430 Grey Birch Road

Taylor Hayes
1430 Grey Birch Road
Fort Wayne, IN 46814

DPS Staff notified the following by Email as a courtesy:
Community Liaison, Palermo Galindo

DEPARTMENT OF PLANNING SERVICES

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

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

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: May 19, 2021

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday June 8, 2020 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VEAS-2021-0002
BILL NO: G-21-05-12
APPLICANT: Frank and Tina Gallucci
REQUEST: To vacate five (5) feet of the 25-foot wide utility and surface drainage easement located on Lot 88 of Westchester Glens, Section IV.
LOCATION: 1422 Grey Birch Road
COUNCIL DISTRICT: 4 – Jason Arp

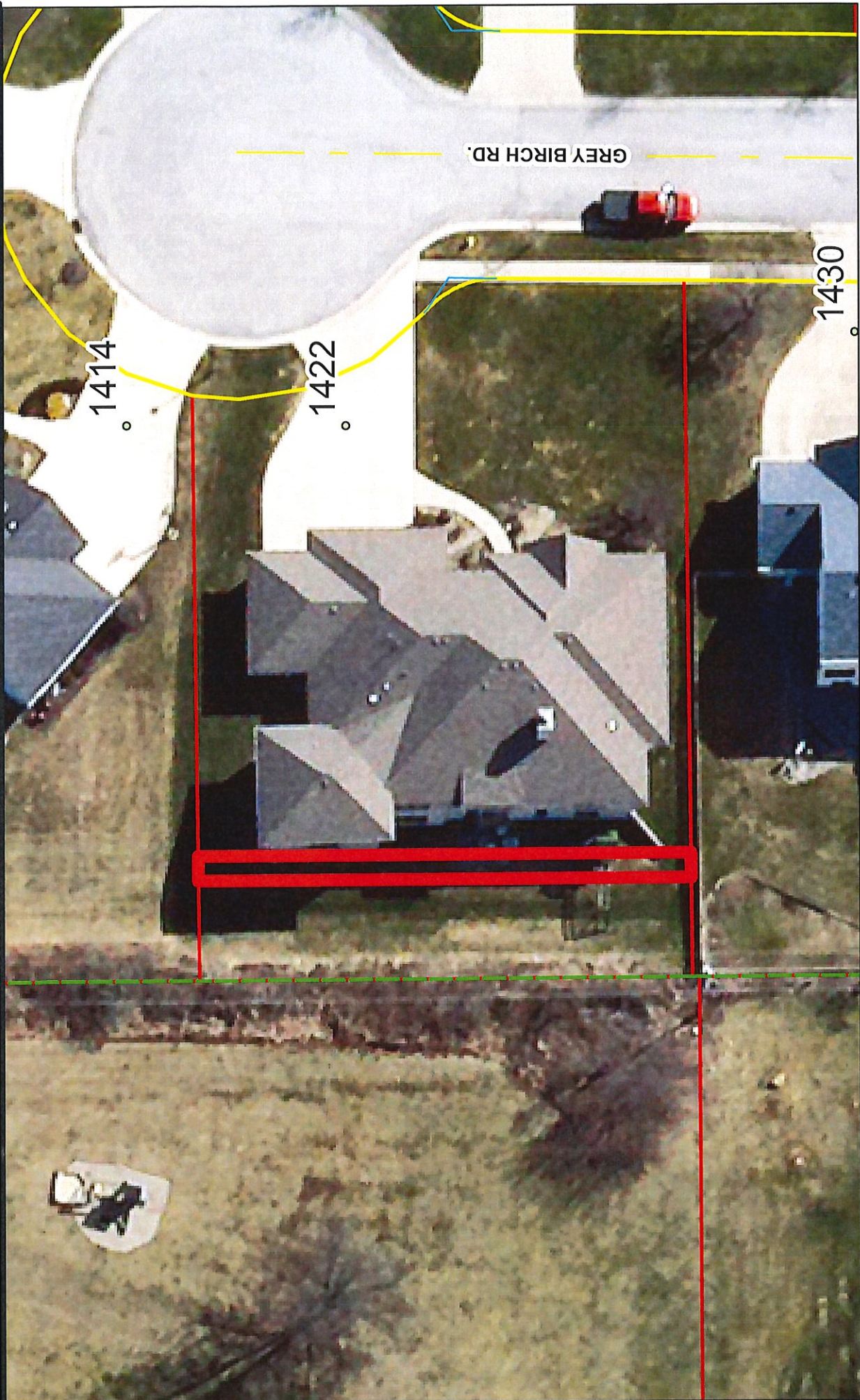
We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street. We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

For your safety and of others, the Plan Commission will be following social distancing guidelines recommended by Governor Holcomb and the CDC. Please review the following:

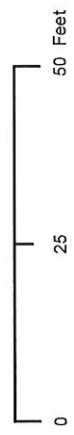
- ❖ There will be limited capacity in the hearing room. If you know you would like to attend the meeting, please call the City Clerk's Office at 260-427-1221 on or before the day of the hearing.
- ❖ Because of space limitations, please coordinate one person to speak for a group, or consider emailing or mailing your comments to staff at michellewood@allencounty.us
- ❖ Please maintain 6 feet between yourself and others. Available seating will be marked.
- ❖ Sanitation stations are available in the building. You are encouraged to wear a mask.

Thank you for your attention to this matter. Please call this office if you have any questions.

Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607



1 inch = 26 feet



© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/18/2021

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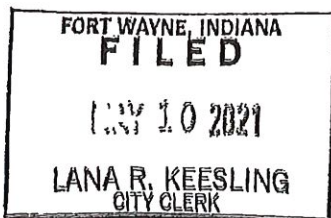
Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

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

Name: _____

Street Address: _____

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



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Frank L. Gallucci, Jr.
Signature

Frank L. Gallucci, Jr. 5-7-21
Printed Name Date

1422 Grey Birch Road
Address

Fort Wayne, Indiana 46814
City/State/Zip

Tina M. Gallucci
Signature

Tina M. Gallucci 5-7-21
Printed Name Date

1422 Grey Birch Road
Address

Fort Wayne, Indiana 46814
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: _____

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