

1 VROW-2022-0002

2 BILL NO. G-22-03-25

3
4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
Plan by vacating platted easements and public right-of-way

7 WHEREAS, a petition to vacate platted easements and public right-of-way within the City of
8 Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the
9 City of Fort Wayne, Indiana; and

10 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing
11 and approved said petition, as provided in I.C. 36-7-3-12.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
13 FORT WAYNE, INDIANA:

14 SECTION 1. That the petition filed herein to vacate a platted easement and a public right-of-
15 way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

16 Utility Easements:

17 The North 15 feet of Lots 36, 37, and 38, the North 15 feet of Lots 39, 40, and 41, and the East 7
18 feet of Lots 41, 43, and 45 in Poplar Ridge Second Addition, according to the plat thereof,
recorded in Plat Record 22, Page 140, in the Office of the Recorder of Allen County.

19 Public Right of Way:

20 A PORTION OF RIGHT-OF-WAY OF REWILL DRIVE AS SHOWN ON THE PLAT OF POPLAR RIDGE
21 ADDITION, SECOND SECTION, RECORDED DECEMBER 14, 1955 IN PLAT RECORD 22, PAGE 140 IN
22 THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING PART OF THE SOUTHWEST
23 QUARTER OF SECTION 6, TOWNSHIP 30 NORTH, RANGE 12 EAST, WAYNE TOWNSHIP OF THE
24 SECOND PRINCIPAL MERIDIAN, ALLEN COUNTY, INDIANA AND DEPICTED ON AN EXHIBIT
COMPLETED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH
(P.S.#20200087) ON DECEMBER 22, 2021 UNDER PROJECT NUMBER 20298.100; BEING MORE
25 PARTICULARLY DESCRIBED AS FOLLOWS:

26 BEGINNING AT THE NORTHWEST CORNER OF LOT 43 OF SAID POPLAR RIDGE ADDITION,
27 SECOND SECTION; THENCE SOUTH 00 DEGREES 07 MINUTES 53 SECONDS EAST (NAD83 INDIANA
28 STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 330.14 FEET ALONG THE
EAST RIGHT-OF-WAY LINE OF REWILL DRIVE TO THE WESTERLY EXTENSION OF THE NORTH 70
29 FOOT RIGHT-OF-WAY LINE OF ILLINOIS ROAD AS DESCRIBED TO THE CITY OF FORT WAYNE PER
30

1 DOCUMENT NUMBER 2015053638, RECORDED ON OCTOBER 16, 2015 IN THE OFFICE OF SAID
2 RECORDER; THENCE SOUTH 89 DEGREES 41 MINUTES 23 SECONDS WEST, 25.00 FEET ALONG
3 SAID WESTERLY EXTENSION TO THE CENTERLINE OF REWILL DRIVE; THENCE NORTH 00 DEGREES
4 07 MINUTES 53 SECONDS WEST, 5.00 FEET ALONG SAID CENTERLINE TO THE EASTERLY
5 EXTENSION OF THE NORTH 75 FOOT RIGHT-OF-WAY LINE OF ILLINOIS ROAD AS SHOWN ON THE
6 STATE HIGHWAY PLANS FOR INTERSTATE 69, PROJECT NO.69-4(13)105, DATED 1959 AND
7 GRANTED IN DEED BOOK 568, PAGE 140 ON MAY 31, 1960 IN THE OFFICE OF SAID RECORDER;
8 THENCE SOUTH 89 DEGREES 41 MINUTES 23 SECONDS WEST, 25.00 FEET ALONG SAID EASTERLY
9 EXTENSION TO THE WEST RIGHT-OF-WAY LINE OF REWILL DRIVE PER THE PLAT OF POPLAR
10 RIDGE ADDITION, SECOND SECTION; THENCE NORTH 00 DEGREES 07 MINUTES 53 SECONDS
11 WEST, 337.89 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF REWILL DRIVE TO A POINT 12.69
12 FEET NORTH OF THE NORTHEAST CORNER OF LOT 42; THENCE NORTH 89 DEGREES 46 MINUTES
13 16 SECONDS EAST, 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF REWILL DRIVE AT A POINT
14 12.69 FEET NORTH OF THE NORTHWEST CORNER OF LOT 43; THENCE SOUTH 00 DEGREES 07
15 MINUTES 53 SECONDS EAST, 12.69 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT
16 OF BEGINNING, CONTAINING 0.391 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

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

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

21 _____
22 COUNCILMEMBER

23 APPROVED AS TO FORM AND LEGALITY:

24 _____
25 Carol T. Helton, City Attorney
26
27
28
29
30

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:

 X Easement X Public Right of Way (street or alley)

More particularly described as follows:

Those certain platted utility easements in the Poplar Ridge Addition, Second Section, Lots 36-45
_____ and a portion of Rewill Drive legally 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: 22 PAGE(S) NUMBER(S): 140 (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 attached 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 attached 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.

See Exhibit D.

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, Barrett McNagny, LLP

Street Address: 215 E. Berry Street

City: Fort Wayne 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.

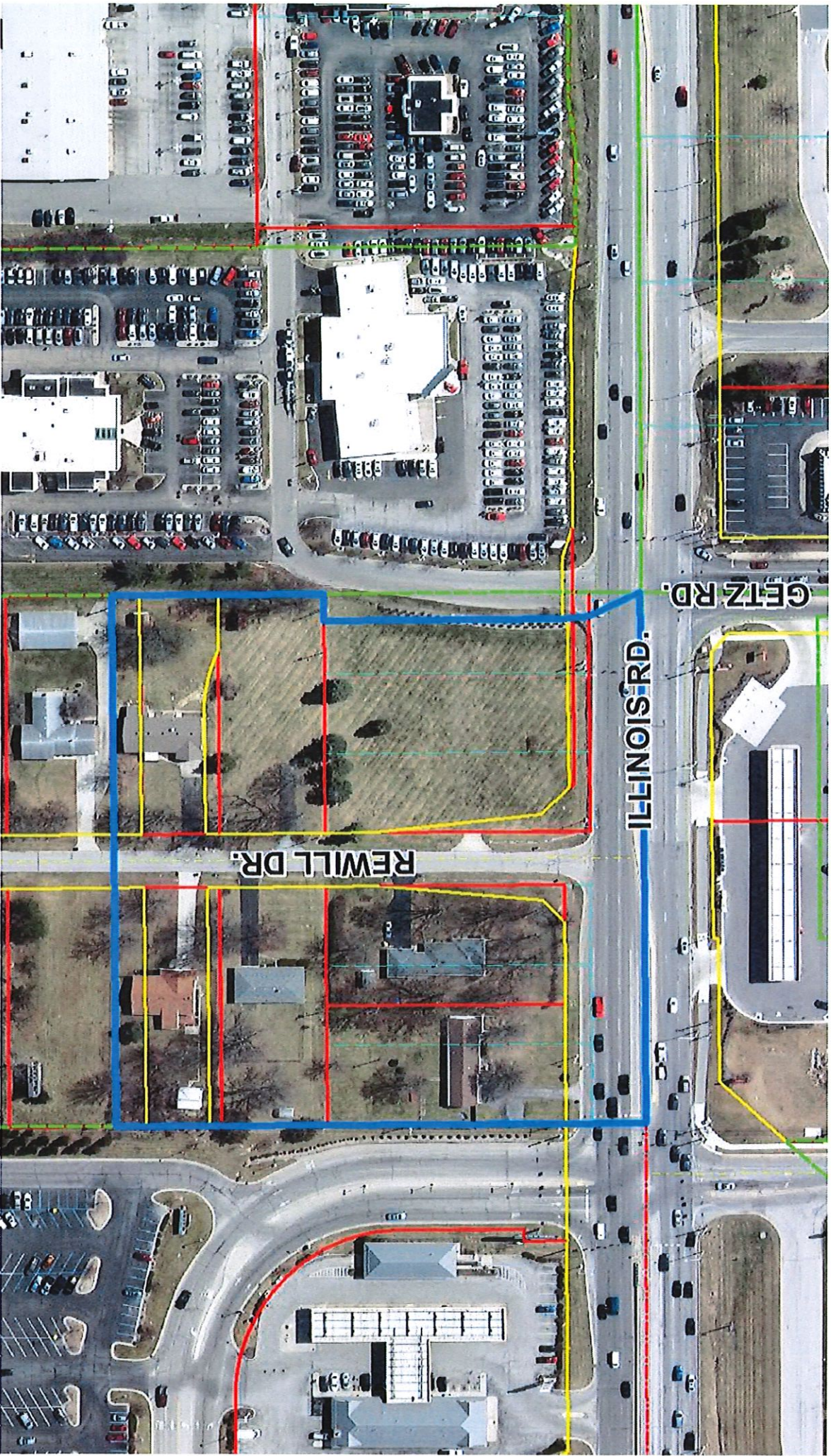
For Office Use Only:

Receipt #: _____

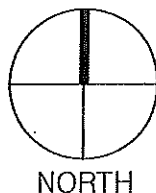
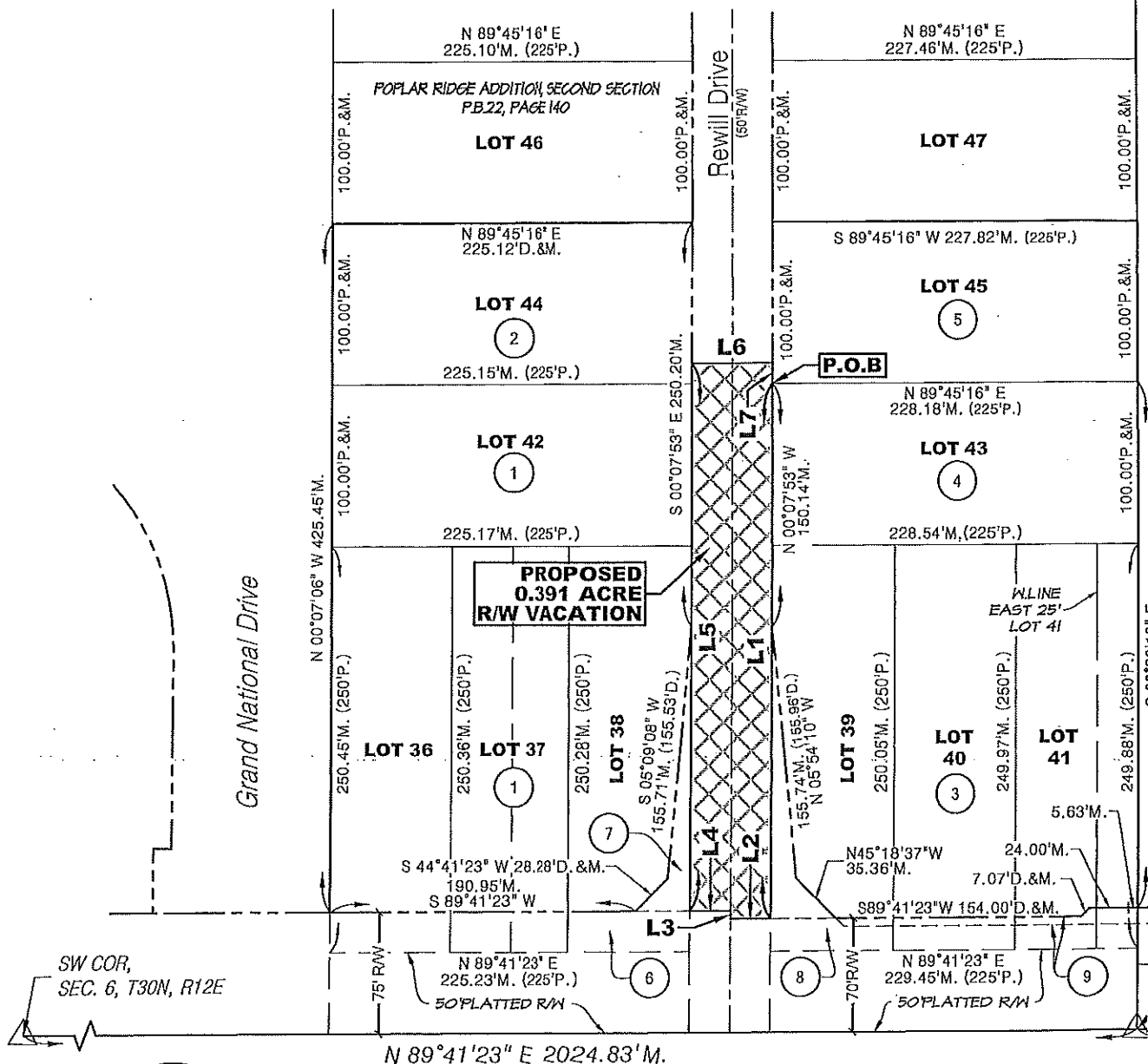
Date Filed: _____

Map #: _____

Reference #: _____



N/4 COR,
SEC. 6, T30N, R12E



Right-of-way Vacation Exhibit

SCALE: 1" = 30'



Line Table

Line #	Length	Direction
L1	330.14'	S00°07'53"E
L2	25.00'	S89°41'23"W
L3	5.00'	N00°07'53"W
L4	25.00'	S89°41'23"W

Line Table

Line #	Length	Direction
L5	337.89'	N00°07'53"W
L6	50.00'	N89°46'16"E
L7	12.69'	S00°07'53"E

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EXHIBIT A
VACATION PETITION
DESCRIPTION OF REAL ESTATE

Utility Easements:

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EXHIBIT B
VACATION PETITION
PURPOSE FOR PROPOSED VACATION

The vacation of the platted easements within Poplar Ridge Addition, Section 2, Lots 36-45 and the vacation of a portion of Rewill Drive is being done in connection with a project whereby the City of Fort Wayne, through its Board of Public Works, will be constructing a new roadway running east and west connecting Grand National Drive to another newly constructed roadway that is believed to be named Getz Road Extended. This project will result in the portion of Rewill Drive being unnecessary, as anyone going to and from Poplar Ridge (the only users of the portion of Rewill Drive previously), will be able to get to safer intersections controlled by traffic signals at Grand National Drive or Getz Road Extended. The vacation will also allow for commercial development on the property owned by Rohrman Family Realty, L.P. and Menard, Inc. The vacation of the platted easements are being done to allow for the commercial development. Any utility improvements located within the same will be addressed by private easements or located within the new right-of-way.

EXHIBIT C
VACATION APPLICATION
ADJACENT PROPERTY OWNERS

Mark Meyers

Eckert Enterprises, Inc.

EXHIBIT D
VACATION APPLICATION
PROPERTY OWNER SIGNATURE PAGE

ROHRMAN FAMILY REALTY, LP

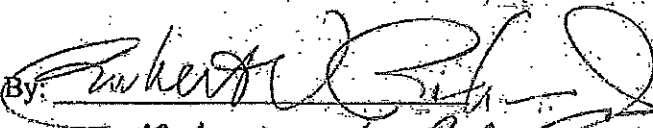
By: 
Name: Robert V Rohman, Jr
Its: Member

EXHIBIT D
VACATION APPLICATION
PROPERTY OWNER SIGNATURE PAGE

MENARD, INC.

By: 

Name: Theron J. Berg

Its: Real Estate Manager

EXHIBIT C
VACATION APPLICATION
PROPERTY OWNER SIGNATURE PAGE

CITY OF FORT WAYNE
REDEVELOPMENT COMMISSION

By: 
Jonathan Leist, Director

EXHIBIT D
VACATION APPLICATION
PROPERTY OWNER SIGNATURE PAGE

THE CITY OF FORT WAYNE
BY AND THROUGH ITS
BOARD OF PUBLIC WORKS

By:



Name:

PATRICK ZAHARUK

Its:

City Engineer

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way and Platted Easement Vacation
Case Number: VROW-2022-0002
Bill Number: G-22-03-25
Council District: 4 – Jason Arp

Introduction Date: March 22, 2022

Public Hearing Date: April 12, 2022 to be heard by Council

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

Synopsis of Ordinance: To vacate Rewill Drive from the south line of Lots 44 and 45 in Poplar Ridge Addition to the north line of Illinois Road. Also to vacate platted easements on Lots 36-45 in Poplar Ridge Addition.

Location: From 1028 Rewill Drive south to Illinois Road.

Reason for Request: To redirect residential traffic to signalized intersections at Getz Road and Grand National Drive, and to allow for new commercial development along Illinois Road.

Applicant: Rohrman Family Realty LP, Menard Inc., the City of Fort Wayne Redevelopment Commission and the City of Fort Wayne Board of Works

Property Owners: same as above

Related Petitions: REZ-2022-0010, PDP-2022-0003, and VPLT-2022-0001

Effect of Passage: The vacation of the southern portion of Rewill Drive will allow for improved access for the residents of Poplar Ridge Addition, as well as create a tract of land sufficient in size for reinvestment by Bob Rohrman Toyota and a future retail tenant.

Effect of Non-Passage: The right of way and easements will remain as platted. Access from Rewill Drive will continue to be limited at Illinois Road. The right of way and platted easements prevent the remaining vacant lots along Illinois Road from being redeveloped.