

1 VROW-2025-0004

2 BILL NO. G-25-09-03

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 An alley located in Block 22 of Ewing's Addition to the City of Fort Wayne, recorded in Plat
18 Record 2, Page 40 in the Office of the Recorder of Allen County, Indiana. Surveyed by Nana
19 Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit
20 certified on August 19, 2025, as Apex Consulting & Surveying, Inc. Job Number 25020027,
21 and more particularly described as follows:

22 BEGINNING at a Mag Nail found at the Southeast corner of Lot 1 in said Block 22 of
23 Ewing's Addition; thence South 12 degrees 03 minutes 19 seconds (State Plane East
24 Projection bearing and basis of bearings to follow) along the Southerly extension of the East
25 line of said Lot 1, also being the West right-of-way line of Ewing Street, a distance of 14.00
26 feet to the Northeast corner of Lot 12 in said Block 22 of Ewing's Addition, said corner being
27 referenced by a Mag Nail found 0.4 feet North; thence South 78 degrees 04 minutes 39
28 seconds West along North lines of Lots 12, 11, 10, 9, 8, and 7 in said Block 22 of Ewing's
29 Addition, a distance of 310.00 feet to a Mag Nail found at the Northwest corner of Lot 7 in
30 said Block 22 of Ewing's Addition; thence North 12 degrees 03 minutes 19 seconds West
along the Northerly extension of said Lot 7, also being the East right-of-way line of Fairfield
Avenue, a distance of 14.00 feet to a Mag Nail found at the Southwest corner of Lot 6 in said
Block 22 of Ewing's Addition; thence North 78 degrees 04 minutes 39 seconds East along the
South lines of Lots 6, 5, 4, 3, 2, and 1 in said Block 22 of Ewing's Addition, a distance of
310.00 feet to the Point of Beginning. Containing 0.100 acres (4,340 square feet) of land
more or less.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Subject to rights-of-way, easements, and zoning restrictions of record.

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: VROW-2025-0004
Bill Number: G-25-09-03
Council District: 5 – Geoff Paddock

Introduction Date: September 9, 2025

Public Hearing Date: September 23, 2025 to be heard by Council

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

Synopsis of Ordinance: To vacate the 14-foot wide east-west alley between Fairfield and Ewing and between West Wayne and West Berry Streets

Location: South of 407 and 431 West Berry Street and north of 402, 420, and 434 West Wayne Street. (Section 2 of Wayne Township)

Reason for Request: To allow for loading dock improvements to the Scottish Rite Theatre

Applicant: Surack Enterprises

Property Owner: Surack Enterprises

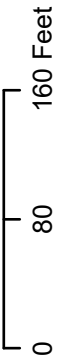
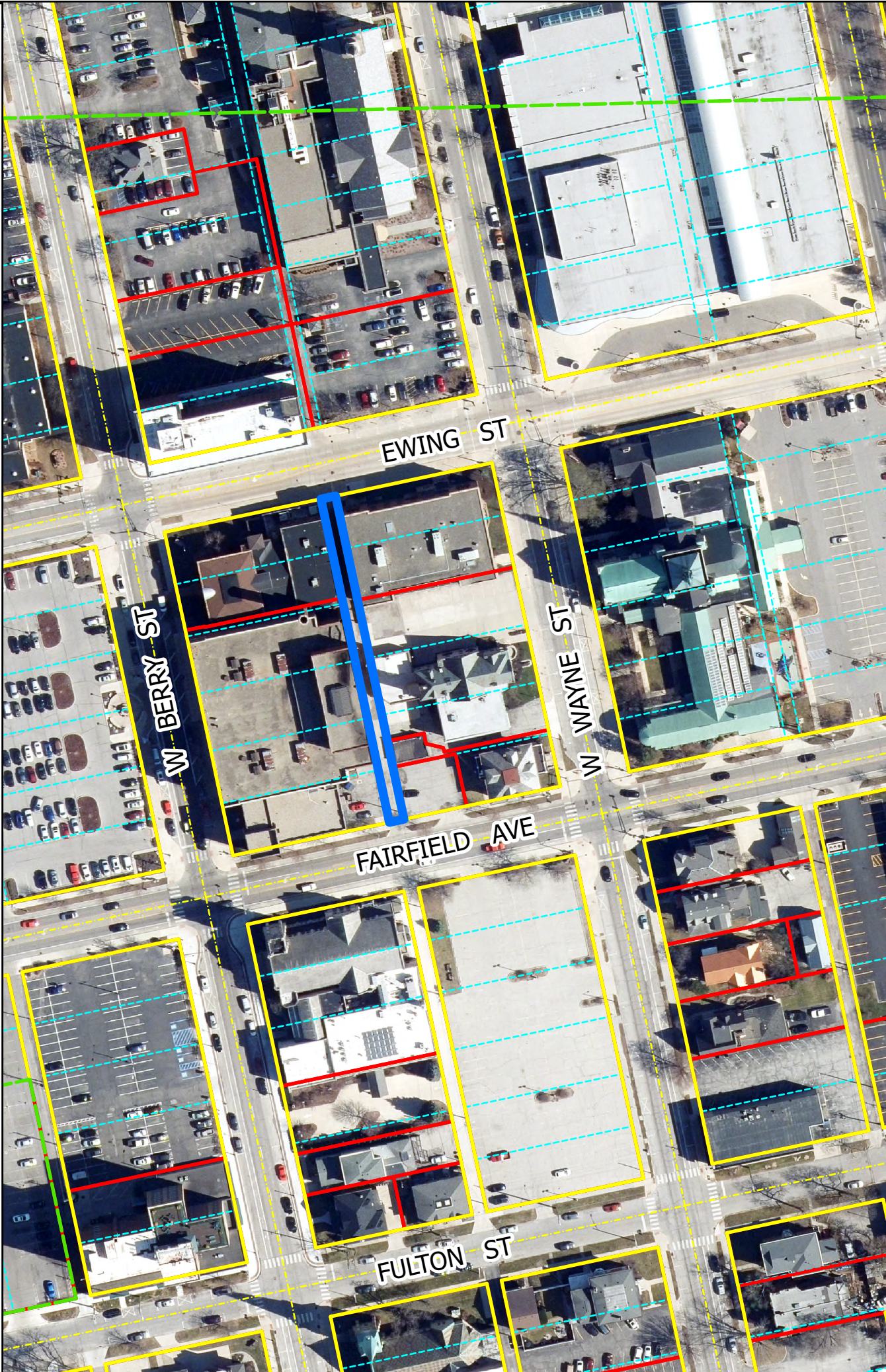
Related Petitions: none

Effect of Passage: Vacation of right of way will allow necessary improvements to be made to the Scottish Rite Theatre.

Effect of Non-Passage: The right-of-way will remain as mapped. Improving the theatre to the point of safety and viability will be hindered by retention of the right-of-way.



Fairfield Avenue to Ewing Street Alley Vacation

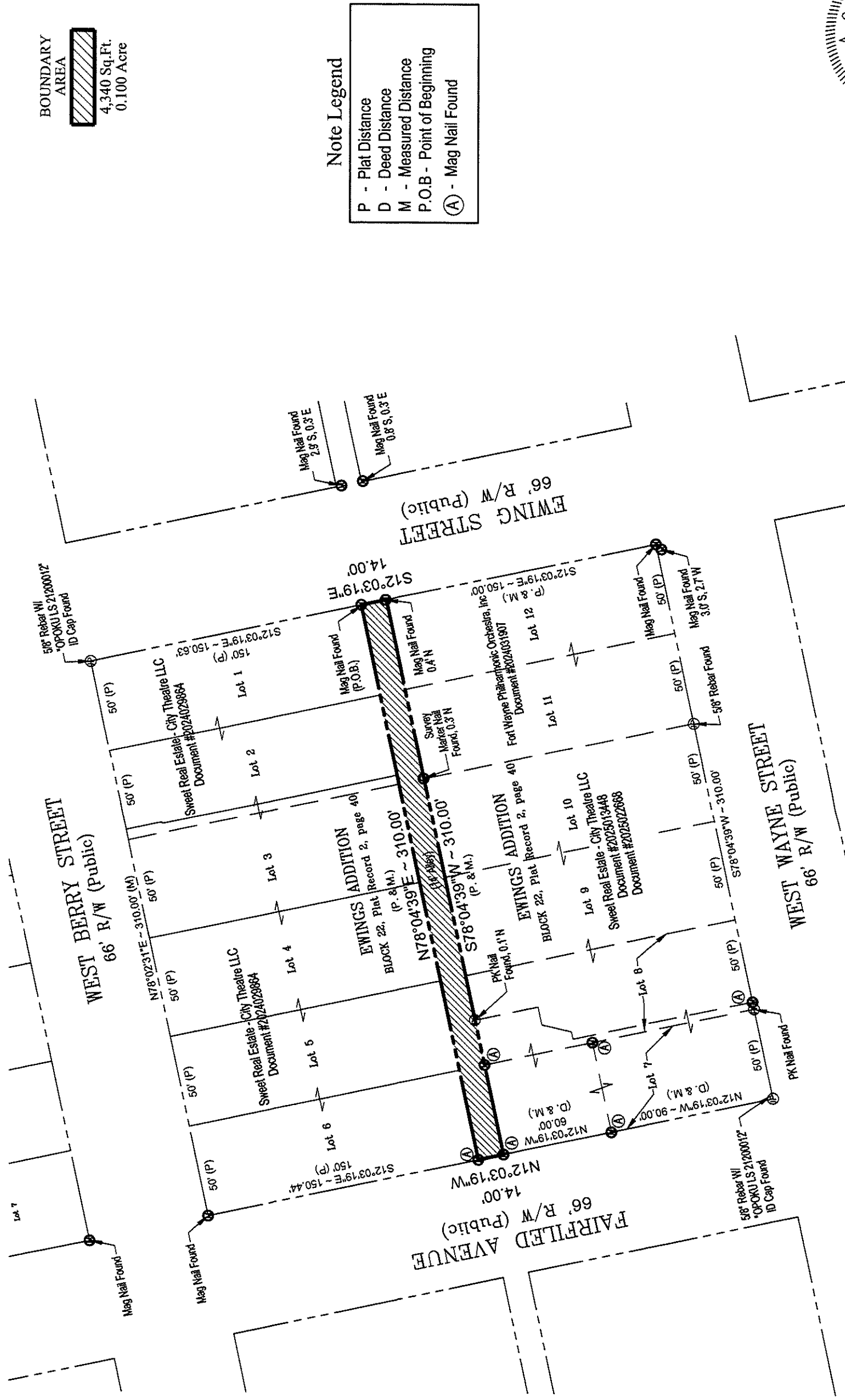


Although our accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 8/28/2025

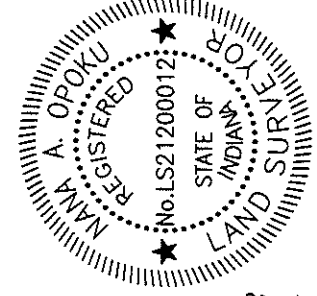
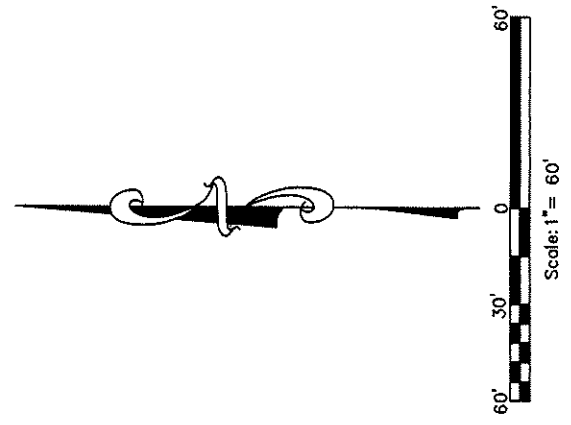
ALLEY SURVEY EXHIBIT

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a survey of the real estate depicted below. Measurements were made and monuments perpetuated as shown, in conformance with the record thereof in the office of the recorder of Allen County, Indiana. No encroachments existed. The description of the real estate is as follows, to wit: SEE ATTACHED



BOUNDARY AREA
 4,340 Sq.Ft.
 0.100 Acre

Note Legend
 P - Plat Distance
 D - Deed Distance
 M - Measured Distance
 P.O.B - Point of Beginning
 (A) - Mag Nail Found



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

DATE: July 14, 2025
 For: The City of Fort Wayne
 Job No. 25020027

IN WITNESS WHEREOF, I HEREUNTO PLACE MY HAND AND SEAL THIS
 19TH DAY OF AUGUST, 2025.
 I hereby certify that to the best of my knowledge and belief this plat
 represents a survey conducted under my supervision in accordance with
 Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.

BOUNDARY DESCRIPTION

An alley located in Block 22 of Ewing's Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 40, in the Office of the Recorder of Allen County, Indiana. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on August 19, 2025, as Apex Consulting & Surveying, Inc. Job Number 25020027, and more particularly described as follows:

BEGINNING at a Mag Nail found at the Southeast corner of Lot 1 in said Block 22 of Ewing's Addition; thence South 12 degrees 03 minutes 19 seconds East (State Plane East Projection bearing and basis of bearings to follow) along the Southerly extension of the East line of said Lot 1, also being the West right-of-way line of Ewing Street, a distance of 14.00 feet to the Northeast corner of Lot 12 in said Block 22 of Ewing's Addition, said corner being referenced by a Mag Nail found 0.4 feet North; thence South 78 degrees 04 minutes 39 seconds West along North lines of Lots 12, 11, 10, 9, 8, and 7 in said Block 22 of Ewing's Addition, a distance of 310.00 feet to a Mag Nail found at the Northwest corner of Lot 7 in said Block 22 of Ewing's Addition; thence North 12 degrees 03 minutes 19 seconds West along the Northerly extension of the West line of said Lot 7, also being the East right-of-way line of Fairfield Avenue, a distance of 14.00 feet to a Mag Nail found at the Southwest corner of Lot 6 in said Block 22 of Ewing's Addition; thence North 78 degrees 04 minutes 39 seconds East along the South lines of Lots 6, 5, 4, 3, 2, and 1 in said Block 22 of Ewing's Addition, a distance of 310.00 feet to the Point of Beginning. Containing 0.100 acres (4,340 square feet) of land more or less.

Subject to rights-of-way, easements, and zoning restrictions of record.

CITY OF FORT WAYNE

FORT WAYNE, INDIANA
FILED
AUG 26 2025
LANA R. KEESLING
CITY CLERK

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 X Public Right of Way (street or alley)

More particularly described as follows:

14' Alley located in the Ewings Addition, Block 22, Plat Record 2, Page 40

The 14' wide alley Alley runs east/west for 310' between Fairfield and Ewing on the 400 block of Berry and Wayne Streets,

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 2 **PAGE(S) NUMBER(S):** 40 (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:

Renovations and additions to the former Robert Goldstein performing arts theater (aka Scottish Rite) for purpose of new loading dock.

(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: Sweet Real Estate - City Theater LLC

Street Address: 7100 West Jefferson Blvd

City: Fort Wayne State: IN Zip: 46804 Phone: (260) 432-0370

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.

SAT [Signature]
Signature

Stephen T. YAGGY
Printed Name

8/22/2025
Date

7100 West Jefferson Blvd
Address

Fort Wayne, IN 46804
City/State/Zip

[Signature]
Signature

Nancy Townsend
Printed Name

8/22/2025
Date

7100 West Jefferson Blvd
Address

Fort Wayne, IN 46804
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): EVAN ROSECKER

Street Address: 7100 West Jefferson Blvd

City: Fort Wayne State: IN Zip: 46804 Phone: (812) 890-2145

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad accurate. If necessary a licensed surveyor's legal description may be required.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicant may be required to bear the cost of relocation, or of providing a replacement easement or easement's as needed.

For Office Use Only:

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

8/25/2025

City Clerk Citizens Square Building

Suite 110

200 East Berry Street

Fort Wayne, IN 46802

Re: Alley Vacation

Adjacent Property owners other than Sweet Real Estate – City Theater are:

Fort Wayne Philharmonic Orchestra, Inc.

Brittany Hall

President and CEO

4901 Fuller Drive

Fort Wayne, IN 46835

260.481.0775 (direct)

Sincerely,

Evan Bosecker, AIA

Surack 
Enterprises

Evan Bosecker

Architect | AIA, NCARB, LEED Green Associate

7100 W. Jefferson Blvd. | Fort Wayne, IN 46804

office (260) 432-0370 x8772 | cell (812) 890-2145

www.surack.com