

1 VROW-2025-0005

2 BILL NO. G-26-01-10

3  
4 GENERAL ORDINANCE NO. G-\_\_\_\_\_

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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:

THAT PART OF CASS STREET LYING SOUTH OF A VACATED PORTION OF CASS STREET PER GENERAL ORDINANCE NO.G-08-84 AND LYING NORTH OF WELLS STREET IN NORTHSIDE ADDITION, RECORDED IN DEED BOOK 30, PAGE 514 ON APRIL 20, 1863 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AND AS SHOWN ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY ZEKE L. SCHULTZ (P.S.#22100001) ON JUNE 10, 2025 UNDER PROJECT NUMBER 24365.200; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF VACATED CASS STREET PER GENERAL ORDINANCE NO. G-08-84 AT THE SOUTHEAST CORNER OF LOT 54 OF SAID NORTHSIDE ADDITION; THENCE NORTH 88 DEGREES 05 MINUTES 51 SECONDS EAST, 50.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF LOT 63 AND THE EAST RIGHT-OF-WAY OF CASS STREET; THENCE SOUTH 01 DEGREES 21 MINUTES 59 SECONDS EAST, 470.65 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF CASS STREET TO THE NORTH RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 46 DEGREES 01 MINUTES 30 SECONDS WEST, 71.14 FEET ALONG SAID NORTH RIGHT-OF-WAY TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF CASS STREET; THENCE NORTH 01 DEGREES 21 MINUTES 59 SECONDS WEST, 419.59 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 0.511 ACRES 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:

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Malak Heiny, City Attorney

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

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**Department of Planning Services**

Title of Ordinance: Right of Way Vacation  
Case Number: VROW-2025-0005  
Bill Number: G-26-01-10  
Council District: 5– Geoff Paddock

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Introduction Date: January 13, 2026

Public Hearing Date: January 27, 2026 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 a portion (0.511 acres) of the right of way of Cass Street located between lots 56 & 58, and 60-62 in Northside Addition, and parts of lot 7 in Wells Reserve Subdivision.

Location: A portion of Cass Street south of a vacated portion of Cass Street and north of Wells St (Section 2 of Wayne Township)

Reason for Request: To vacate public right-of-way as part of a mixed-use development project

Applicant: City of Fort Wayne Community Development

Property Owner: City of Fort Wayne

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Related Petitions: VALY-2025-0003, VROW-2025-0006, and VROW-2025-0007

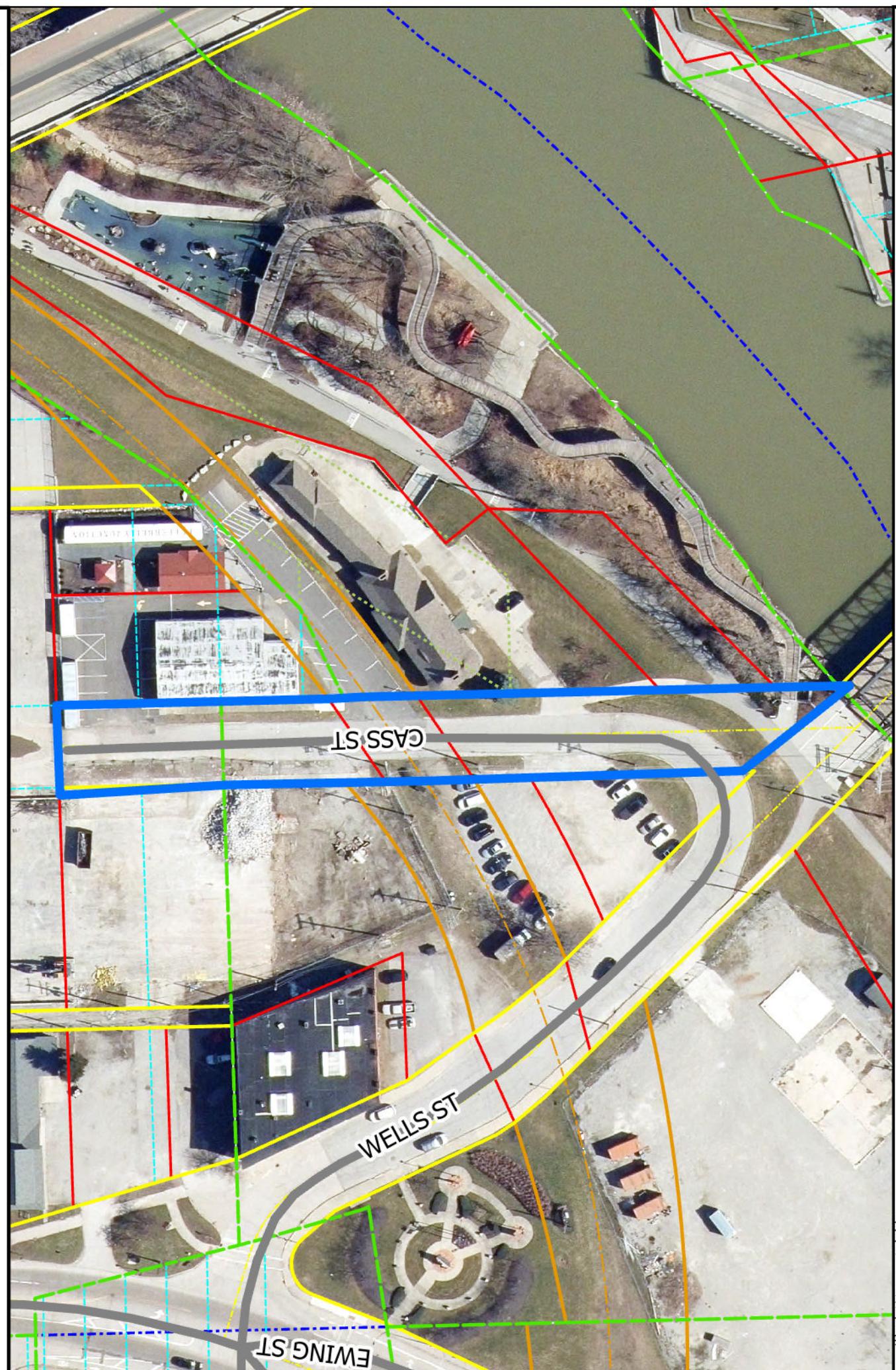
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Effect of Passage: Vacation of right of way will allow the underutilized ground to be available for development.

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



## Vacation Petition - VROW-2025-0005 - Cass St (N of Wells)



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  
StatePlane Indiana East  
Photos and Contours: Spring 2009  
Date: 11/4/2005

0 50 100 Feet



# Exhibit "A"

## Cass Street Right-of-way Vacation Legal Description

THAT PART OF CASS STREET LYING SOUTH OF A VACATED PORTION OF CASS STREET PER GENERAL ORDINANCE NO. G-08-84 AND LYING NORTH OF WELLS STREET IN NORTHSIDE ADDITION, RECORDED IN DEED BOOK 30, PAGE 514 ON APRIL 20, 1863 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AND AS SHOWN ON A RIGHT-OF-WAY VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY ZEKE L. SCHULTZ (P.S.#22100001) ON JUNE 10, 2025 UNDER PROJECT NUMBER 24365.200; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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*Zeke Schultz*

This description was prepared for Engineering Resources by Bertsch-Frank & Associates, LLC, and certified by Zeke L. Schultz, P.L.S. Indiana Registered Land Surveyor No. 222100001.

<b>Treeline District R/W Vacation Ex. "A"</b>		REVISIONS	
MARK	DATE	DESCRIPTION	
		CAD FILE:	24365.2_RW Vac.dwg
		DRAWN BY:	ZLS
		CHECKED BY:	MGB
		DATE:	06/10/2025
		PRJCT. NO.:	24365.200
<b>BERTSCH-FRANK - &amp; ASSOCIATES - LAND SURVEYING &amp; CONSULTING</b>		LAND SURVEYING	
LAND PLANNING		PHONE: (260) 459-9393 FAX: (260) 459-9303	
811 LAWRENCE DRIVE FORT WAYNE, IN 46804			



**Cass Street**  
**Exhibit "B"**  
**Treeline District**

MARK	DATE	DESCRIPTION

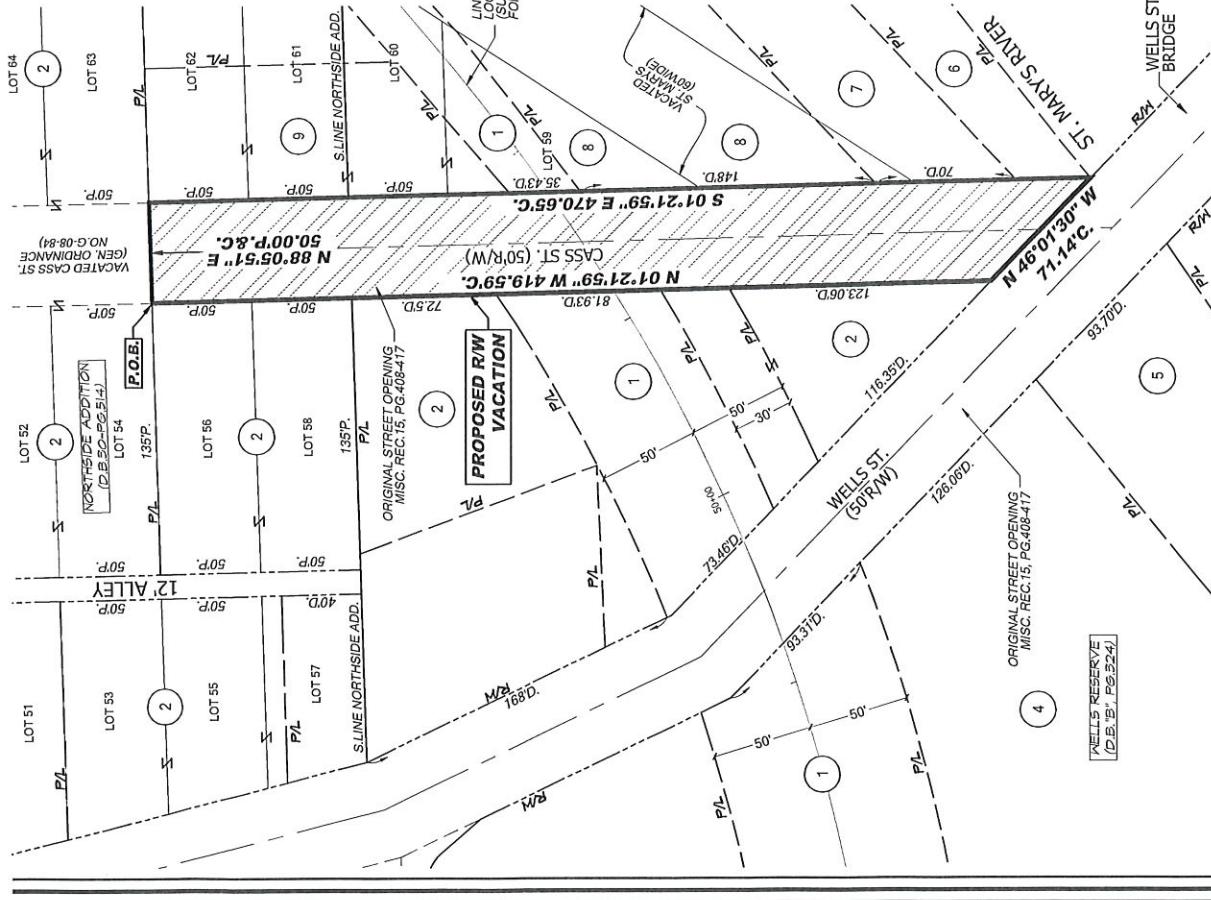
CAD FILE:	24365.2-RW Vac
DRAWN BY:	ZLS
CHECKED BY:	MGB
DATE:	06/10/2025
PRCT. NO.:	24365.200

**Exhibit "B"**

**Right-of-way Vacation Limits**

**OWNERSHIP LEGEND**

- (1) LANDS OF THE CITY OF FORT WAYNE, INDIANA, DEPARTMENT OF REDEVELOPMENT PER DOC. #2020073688, RECORDED NOV. 23, 2020.
- (2) LANDS OF THE CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT PER DOC. #202006814, RECORDED NOV. 15, 2022.
- (3) LANDS OF THE CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT PER DOC. #2020101259, RECORDED FEB. 22, 2022.
- (4) LANDS OF BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. #2023044326, RECORDED NOV. 6, 2023.
- (5) LANDS OF BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. #83-05666, RECORDED JULY 18, 1983.
- (6) LANDS OF BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. #2017021421, RECORDED MAY 1, 2017.
- (7) LANDS OF BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. #83-05666, RECORDED JULY 18, 1983.
- (8) LANDS OF HALL DRIVE-INS, INC. PER MERGER DOC. #19-20132, RECORDED AUGUST 1, 1978, DESCRIBED WITHIN DOC. #7-13540, RECORDED DEC. 6, 1977 TO HALLS REALTY CORPORATION.
- (9) LANDS OF OVER THE TRACKS, LLC PER DOC. #20140402486, RECORDED SEPT. 5, 2014.



**Right-of-way Vacation Exhibit**

SCALE: 1" = 60'

LINE "A" - HEADWATER JUNCT. SURVEY PH.2  
(LOCATION CONTROL ROUTE SURVEY  
(FORMER C.L. NORFOLK & SOUTHERN RAILROAD

50.00' P.R. & C.

N 88-05-51" E

N 01-21-59" W 419-59" C.

S 01-21-59" E 470-65" C.

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# CITY OF FORT WAYNE

FORT WAYNE, INDIANA  
FILED  
OCT 23 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  Public Right of Way (street or alley)

More particularly described as follows:

Cass Street (See Attached)

(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: 30 PAGE(S) NUMBER(S): 514** (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:

Treeline District Development

(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: Fort Wayne City of Department of Redevelopment (Attn: Alec Johnson)

Street Address: 200 E. Berry St, STE 320

City: Fort Wayne State: IN Zip: 46802 Phone: (260)427-1127

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

Alec Johnson

Printed Name

9/29/2025

Date

200 E. Berry St, STE 320

Address

Fort Wayne, IN 46802

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): \_\_\_\_\_

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 #: \_\_\_\_\_