

VROW-2025-0006

BILL NO. G-26-01-11

GENERAL ORDINANCE NO. G-_____

**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:

WELLS STREET

A PART OF WELLS STREET WITHIN WELLS RESERVE LOT 7, RECORDED IN DEED BOOK "B", PAGE 325, LYING NORTH OF THE ST. MARY'S RIVER, AS DESCRIBED IN MISCELLANEOUS RECORD 15, PAGES 408-417, RECORDED ON JANUARY 17, 1885 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 AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WELLS STREET AND THE WEST RIGHT-OF-WAY LINE OF CASS STREET; THENCE NORTH 46 DEGREES 01 MINUTES 30 SECONDS WEST, 188.09 FEET; THENCE SOUTH 69 DEGREES 49 MINUTES 31 SECONDS WEST, 55.56 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELLS STREET; THENCE SOUTH 46 DEGREES 01 MINUTES 30 SECONDS EAST, 286.32 FEET TO THE SOUTHEAST CORNER OF AN EXISTING 1.08 ACRE PARCEL DESCRIBED TO THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE IN DOCUMENT NUMBER 2023048436 IN THE OFFICE OF SAID RECORDER, ALSO BEING THE WATER'S EDGE OF THE SAINT MARY'S RIVER; THENCE NORTH 40 DEGREES 41 MINUTES 21 SECONDS EAST, 50.08 FEET ALONG THE WATER'S EDGE OF SAID RIVER TO INTERSECTION OF THE EAST RIGHT-OF-WAY OF CASS STREET WITH THE NORTHERLY RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 46 DEGREES 01 MINUTES 30 SECONDS WEST, 71.14 FEET TO THE POINT OF BEGINNING, CONTAINING 0.313 ACRES MORE OR LESS.

1 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
2 and is hereby approved in all respects.
3

4 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
5 any and all necessary approval by the Mayor.
6

7
8 _____
COUNCILMEMBER

9
10 APPROVED AS TO FORM AND LEGALITY:

11 _____
12 Malak Heiny, City Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VROW-2025-0006
Bill Number: G-26-01-11
Council District: 5– Geoff Paddock

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.

Synopsis of Ordinance: To vacate a portion (0.313 acres) of the right of way of Wells Street located north of the St. Mary's River within Wells Reserve Lot 7.

Location: A portion of Wells Street north of the St. Mary's River (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

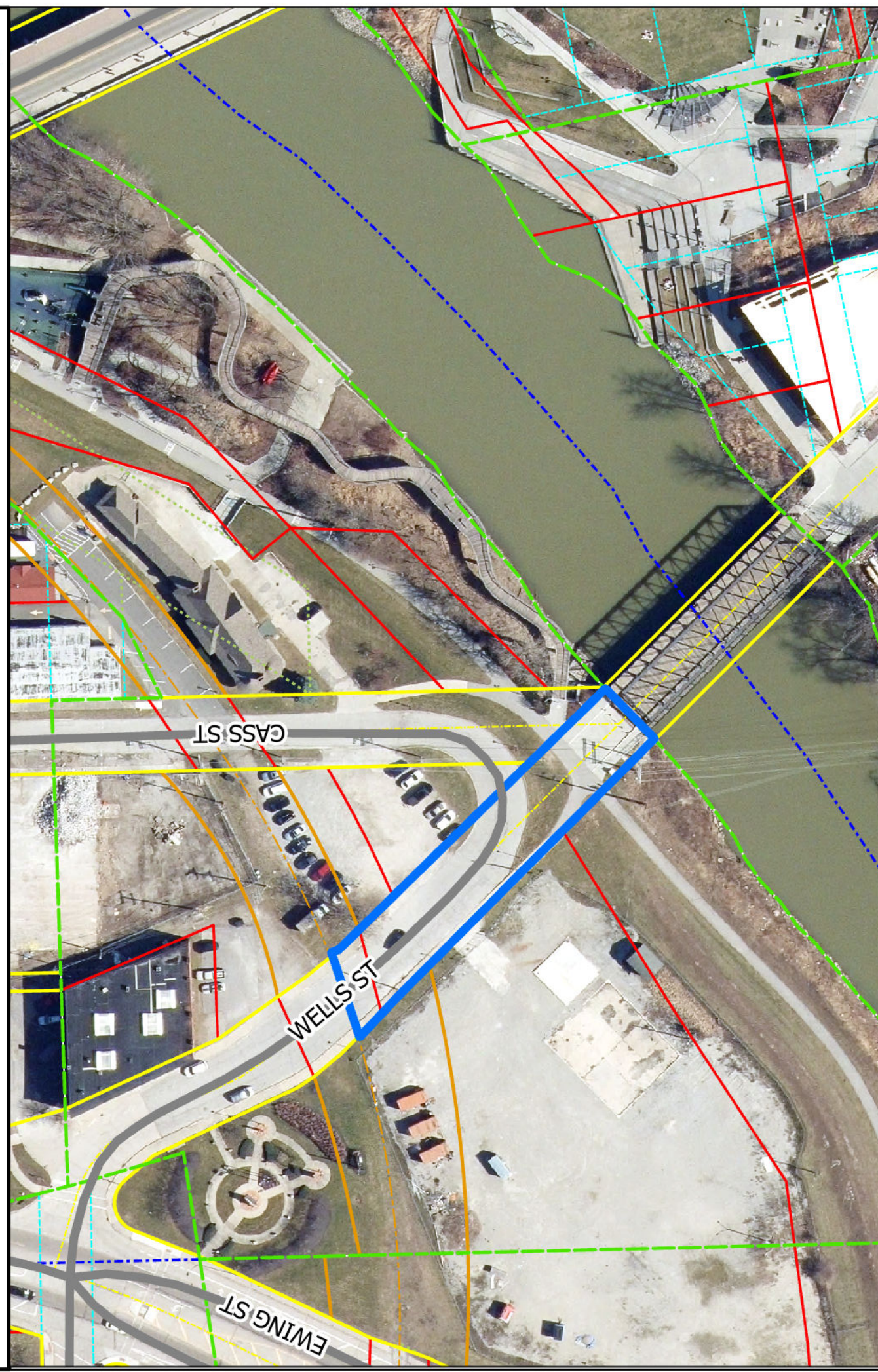
Related Petitions: VALY-2025-0003, VROW-2025-0005, and VROW-2025-0007

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-2025-0006 - Wells St (N of St. Mary's River)



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.

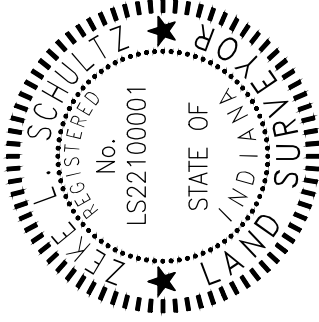
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/14/2025

Exhibit "A"

Wells Street Right-of-way Vacation Legal Description

A PART OF WELLS STREET WITHIN WELLS RESERVE LOT 7, RECORDED IN DEED BOOK "B", PAGE 325, LYING NORTH OF THE ST. MARY'S RIVER, AS DESCRIBED IN MISCELLANEOUS RECORD 15, PAGES 408-417, RECORDED ON JANUARY 17, 1885 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 AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WELLS STREET AND THE WEST RIGHT-OF-WAY LINE OF CASS STREET; THENCE NORTH 46 DEGREES 01 MINUTES 30 SECONDS WEST, 188.09 FEET; THENCE SOUTH 69 DEGREES 49 MINUTES 31 SECONDS WEST, 55.56 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELLS STREET; THENCE SOUTH 46 DEGREES 01 MINUTES 30 SECONDS EAST, 286.32 FEET TO THE SOUTHEAST CORNER OF AN EXISTING 1.08 ACRE PARCEL DESCRIBED TO THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE IN DOCUMENT NUMBER 2023048436 IN THE OFFICE OF SAID RECORDER, ALSO BEING THE WATER'S EDGE OF THE SAINT MARY'S RIVER; THENCE NORTH 40 DEGREES 41 MINUTES 21 SECONDS EAST, 50.08 FEET ALONG THE WATER'S EDGE OF SAID RIVER TO INTERSECTION OF THE EAST RIGHT-OF-WAY OF CASS STREET WITH THE NORTHERLY RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 46 DEGREES 01 MINUTES 30 SECONDS WEST, 71.14 FEET TO THE POINT OF BEGINNING, CONTAINING 0.313 ACRES MORE OR LESS.



Zeke Schultz
ZEKE L. SCHULTZ, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 22100001

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.

BFA

BERTSCH-FRANK & ASSOCIATES
LAND SURVEYING & CONSULTING

LAND PLANNING | LAND SURVEYING

811 LAWRENCE DRIVE
FORT WAYNE, IN 46804

PHONE: (260) 459-9393
FAX: (260) 459-9303

**Treeline District
R/W Vacation Ex. "A"
Wells Street
Fort Wayne, Allen County, IN**

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

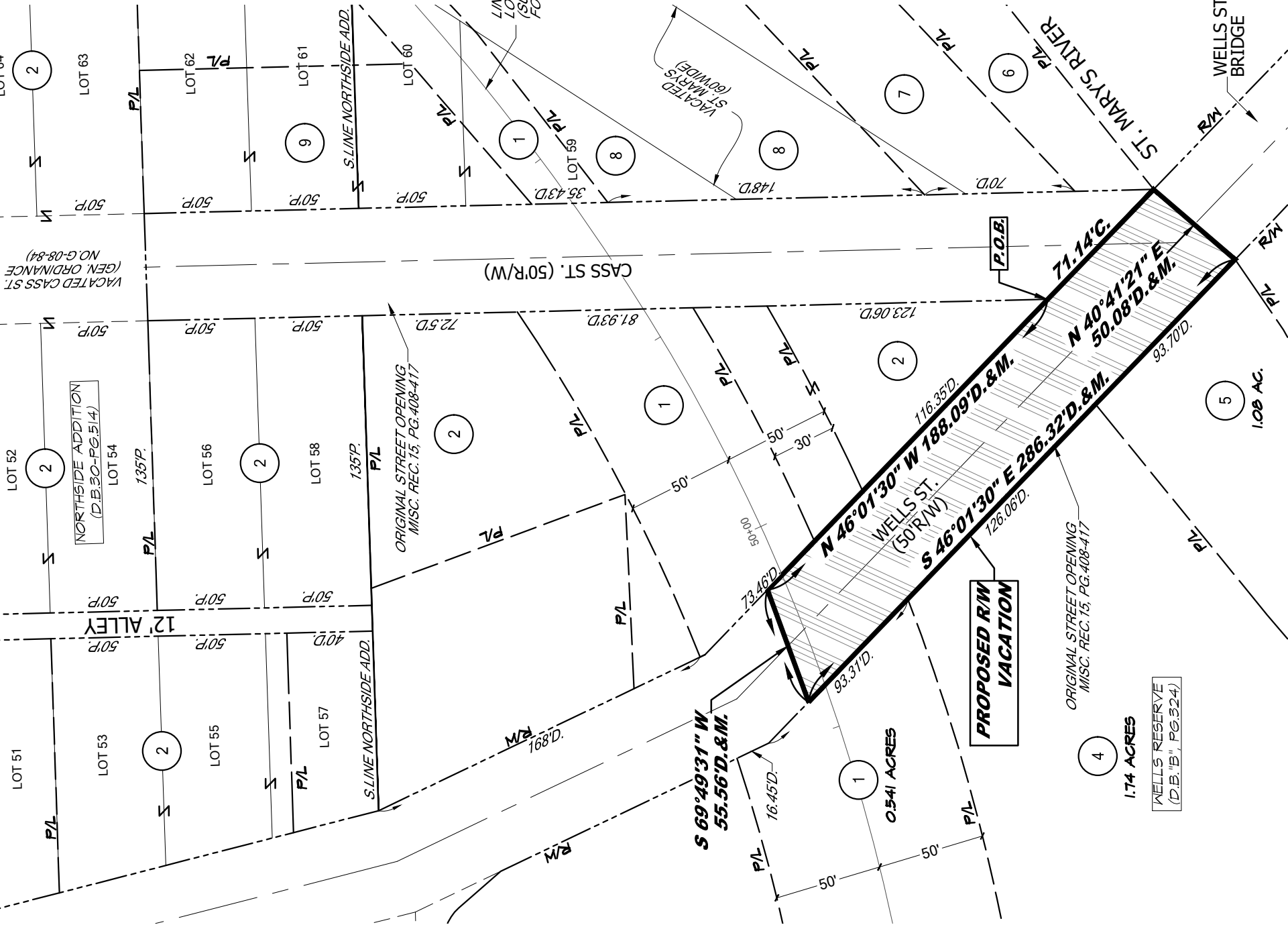
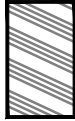


Exhibit "B"

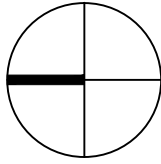
Right-of-way Vacation Limits

OWNERSHIP LEGEND

- 1 LANDS OF THE CITY OF FORT WAYNE, INDIANA, DEPARTMENT OF REDEVELOPMENT PER DOC. #2020073698, RECORDED NOV. 23, 2020.
- 2 LANDS OF THE CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT PER DOC. #2020060874, RECORDED NOV. 15, 2022.
- 4 LANDS OF THE CITY OF FORT WAYNE DEPARTMENT OF REDEVELOPMENT PER DOC. #2022010259, RECORDED FEB. 22, 2022.
- 5 LANDS OF BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE PER DOC. #2023048436, RECORDED NOV. 6, 2023.
- 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. #83-015566, RECORDED JULY 18, 1983.
- 8 LANDS OF HALL DRIVE-INS, INC. PER MERGER DOC. #78-23132., RECORDED AUGUST 1, 1978, DESCRIBED WITHIN DOC. #77-03540, RECORDED DEC. 6, 1977 TO HALLS REALTY CORPORATION.
- 9 LANDS OF OVER THE TRACKS, LLC PER DOC. #20140402486, RECORDED SEPT. 5, 2014.



PROPOSED WELL ST.
R/W VACATION LIMITS



NORTH

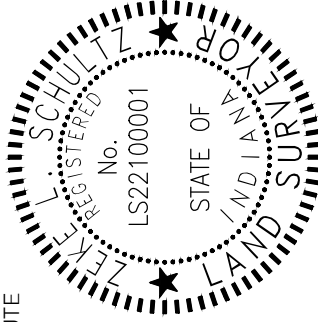
SCALE: 1" = 60'

SCALE 1" = 60'

Right-of-way Vacation Exhibit

Right-of-way Vacation Notes:

1. BEING A PART OF THE EXISTING RIGHT-OF-WAY WELLS STREET PER AS DESCRIBED IN THE ORIGINAL STREET OPENING RECORDED IN MISCELLANEOUS RECORD 15, PAGES 408 - 417, RECORDED JANUARY 17, 1885 IN THE OFFICE OF ALLEN COUNTY RECORDER.
2. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RE-TRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Zeke Schultz

ZEKE L. SCHULTZ, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 22100001

Treeline District Exhibit "B" Wells Street Fort Wayne, Allen County, IN

BERTSCH-FRANK & ASSOCIATES
LAND SURVEYING & CONSULTING

LAND PLANNING | LAND SURVEYING

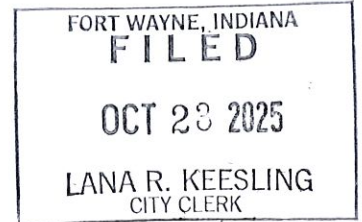
811 LAWRENCE DRIVE
FORT WAYNE, IN 46804
PHONE: (260) 459-9393
FAX: (260) 459-9303

REVISIONS

MARK	DATE	DESCRIPTION

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

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 X Public Right of Way (street or alley)

More particularly described as follows:

Wells 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: B PAGE(S) NUMBER(S): 325 (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:

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 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.


Signature

Alec Johnson
Printed Name

9/29/2015
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 #: _____