

VROW-2025-0007

BILL NO. G-26-01-12

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:

1ST STREET (WEST OF CASS STREET)

THAT PART OF 1ST STREET LYING WEST OF A VACATED PORTION OF 1ST STREET PER GENERAL ORDINANCE NO.G-08-84 AND LYING EAST 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 AT THE SOUTHWEST CORNER OF LOT 47 OF SAID NORTHSIDE ADDITION, BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF 1ST STREET AND THE EAST RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 88 DEGREES 05 MINUTES 51 SECONDS EAST, 147.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF 1ST STREET TO THE EAST RIGHT-OF-WAY OF A 12 FOOT ALLEY, ALSO BEING THE WEST LINE OF VACATED 1ST STREET PER GENERAL ORDINANCE NO.G-08-84; THENCE SOUTH 01 DEGREES 23 MINUTES 12 SECONDS EAST, 50.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF LOT 50 ON THE SOUTH RIGHT-OF-WAY OF 1ST STREET; THENCE SOUTH 88 DEGREES 05 MINUTES 51 SECONDS WEST, 147.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY TO THE EAST RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 01 DEGREES 23 MINUTES 44 SECONDS WEST, 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.169 ACRES MORE OR LESS.

1
2 **TOGETHER WITH:**

3 **1ST STREET (EAST OF CASS STREET)**

4 THAT PART OF 1ST STREET LYING EAST OF A VACATED PORTION OF 1ST STREET PER
5 GENERAL ORDINANCE NO.G-08-84 AND LYING WEST OF HARRISON STREET IN
6 NORTHSIDE ADDITION, RECORDED IN DEED BOOK 30, PAGE 514 ON APRIL 20, 1863 IN
7 THE OFFICE OF THE ALLEN COUNTY RECORDER, AND AS SHOWN ON A RIGHT-OF-WAY
8 VACATION EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED
9 BY ZEKE L. SCHULTZ (P.S.#22100001) ON JUNE 10, 2025 UNDER PROJECT NUMBER
10 24365.200; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 BEGINNING AT THE SOUTHEAST CORNER OF LOT 69 OF SAID NORTHSIDE ADDITION,
12 BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF 1ST STREET AND THE
13 WEST RIGHT-OF-WAY OF HARRISON STREET; THENCE SOUTH 13 DEGREES 10 MINUTES
14 14 SECONDS EAST, 50.98 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY
15 LINE OF 1ST STREET AND THE WEST RIGHT-OF-WAY OF HARRISON STREET; THENCE
16 SOUTH 88 DEGREES 05 MINUTES 51 SECONDS WEST, 142.46 FEET ALONG THE SOUTH
17 LINE OF 1ST STREET TO THE WEST RIGHT-OF-WAY OF A 12 FOOT ALLEY, ALSO BEING
18 THE EAST LINE OF VACATED 1ST STREET PER GENERAL ORDINANCE NO.G-08-84;
19 THENCE NORTH 01 DEGREES 21 MINUTES 59 SECONDS WEST, 50.00 FEET ALONG SAID
20 EAST LINE TO THE NORTH RIGHT-OF-WAY OF 1ST STREET; THENCE NORTH 88
21 DEGREES 05 MINUTES 51 SECONDS EAST, 132.03 FEET ALONG SAID NORTH LINE TO
22 THE POINT OF BEGINNING, CONTAINING 0.158 ACRES MORE OR LESS.

23
24 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan
25 and is hereby approved in all respects.

26
27 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
28 any and all necessary approval by the Mayor.

29
30 _____
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-2025-0007
Bill Number: G-26-01-12
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 two portions (0.327 acres) of the right of way of 1st Street located west of Cass Street between lots 47 & 49, and east of Cass Street between lots 69-71 and 66/68 in Northside Addition.

Location: Portions of 1st Street located west and east of Cass Street respectively (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

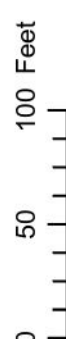
Related Petitions: VALY-2025-0003, VROW-2025-0005, and VROW-2025-0006

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-2025-0007 - 1st St (E of Wells & W of Harrison)



Although street 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.

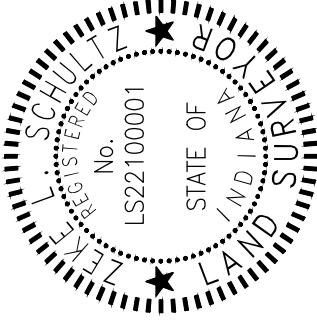
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/14/2025

Exhibit "A"

1ST STREET (WEST OF CASS ST.) Right-of-way Vacation Legal Description

THAT PART OF 1ST STREET LYING WEST OF A VACATED PORTION OF 1ST STREET PER GENERAL ORDINANCE NO.G-08-84 AND LYING EAST 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 AT THE SOUTHWEST CORNER OF LOT 47 OF SAID NORTHSIDE ADDITION, BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF 1ST STREET AND THE EAST RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 88 DEGREES 05 MINUTES 51 SECONDS EAST, 147.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF 1ST STREET TO THE EAST RIGHT-OF-WAY OF A 12 FOOT ALLEY, ALSO BEING THE WEST LINE OF VACATED 1ST STREET PER GENERAL ORDINANCE NO.G-08-84; THENCE SOUTH 01 DEGREES 23 MINUTES 12 SECONDS EAST, 50.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF LOT 50 ON THE SOUTH RIGHT-OF-WAY OF 1ST STREET; THENCE SOUTH 88 DEGREES 05 MINUTES 51 SECONDS WEST, 147.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY TO THE EAST RIGHT-OF-WAY OF WELLS STREET; THENCE NORTH 01 DEGREES 23 MINUTES 44 SECONDS WEST, 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.169 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"
1st Street (West)
Fort Wayne, Allen County, IN**

REVISIONS	
MARK	DATE

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

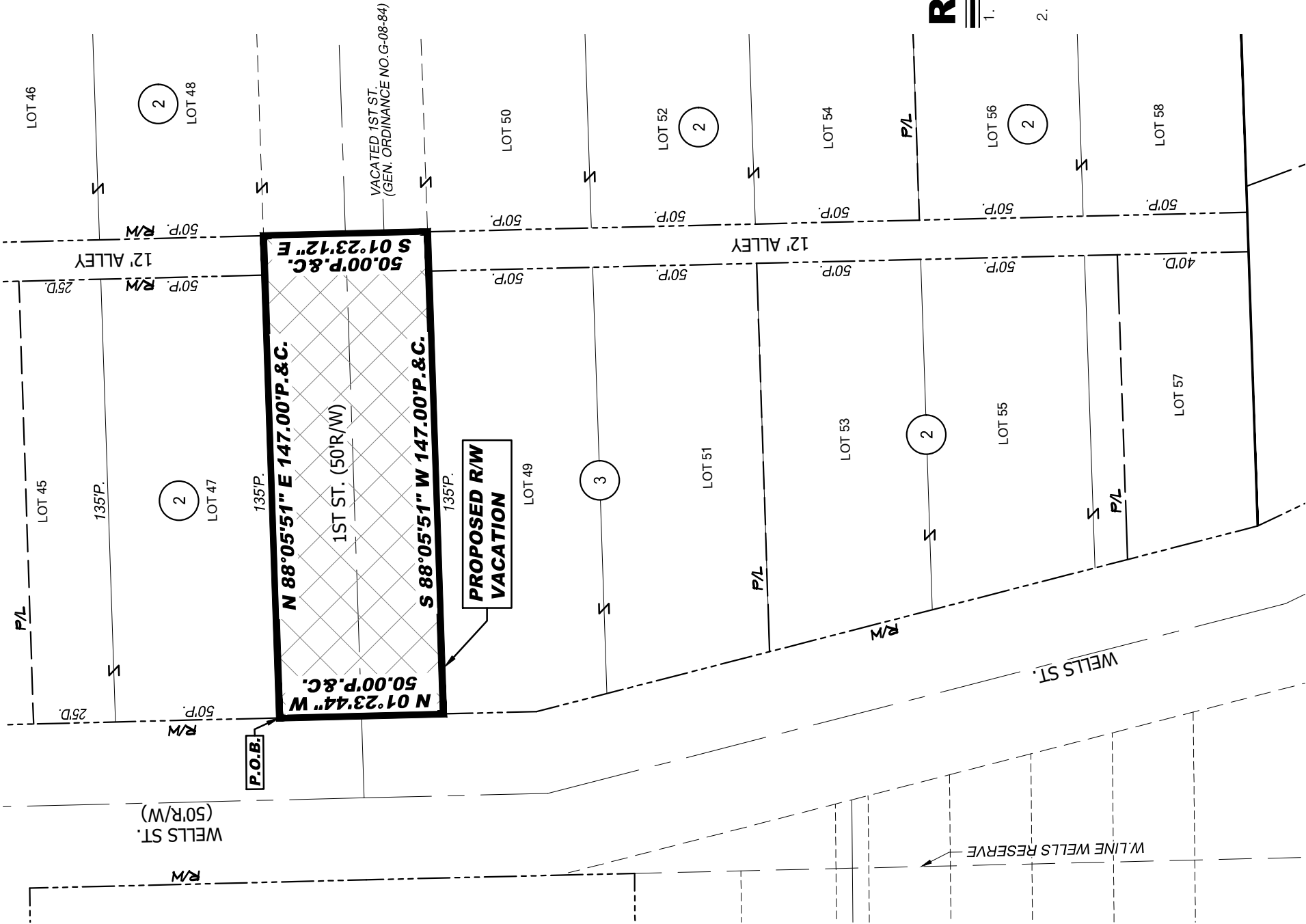


Exhibit "B"

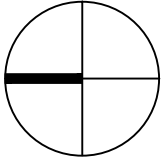
Right-of-way Vacation Limits

OWNERSHIP LEGEND

- 2 LANDS OF THE CITY OF FORT WAYNE,
DEPARTMENT OF REDEVELOPMENT PER
DOC. #2020060874, RECORDED NOV. 15, 2022.
- 3 LANDS OF THE CITY OF FORT WAYNE, INDIANA,
DEPARTMENT OF REDEVELOPMENT PER
DOC. #2023053873, RECORDED DEC. 15, 2023.



PROPOSED 1ST ST.
R/W VACATION LIMITS



NORTH

Right-of-way Vacation Exhibit

SCALE: 1" = 40'



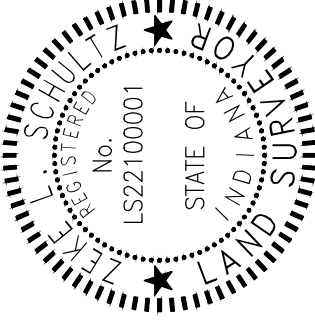
SCALE 1" = 40'

Right-of-way Vacation Notes:

- BEING A PART OF THE EXISTING RIGHT-OF-WAY OF 1ST STREET PER THE PLAT OF NORTHSIDE ADDITION RECORDED IN DEED BOOK 30, PAGE 514 ON APRIL 20, 1863 IN THE OFFICE OF ALLEN COUNTY RECORDER.
- 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" 1st Street (West) Fort Wayne, Allen County, IN

BERTSCH-FRANK & ASSOCIATES
LAND SURVEYING & CONSULTING

LAND PLANNING | LAND SURVEYING

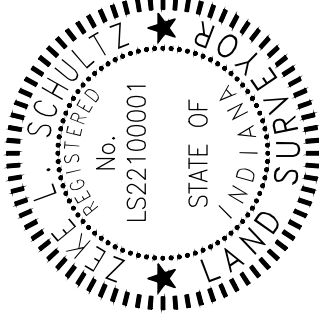
811 LAWRENCE DRIVE
FORT WAYNE, IN 46804
PHONE: (260) 459-9393
FAX: (260) 459-9303

Exhibit "C"

1ST STREET (EAST OF CASS ST.) Right-of-way Vacation Legal Description

THAT PART OF 1ST STREET LYING EAST OF A VACATED PORTION OF 1ST STREET PER GENERAL ORDINANCE NO.G-08-84 AND LYING WEST OF HARRISON 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 AT THE SOUTHEAST CORNER OF LOT 69 OF SAID NORTHSIDE ADDITION, BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF 1ST STREET AND THE WEST RIGHT-OF-WAY OF HARRISON STREET; THENCE SOUTH 13 DEGREES 10 MINUTES 14 SECONDS EAST, 50.98 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 1ST STREET AND THE WEST RIGHT-OF-WAY OF HARRISON STREET; THENCE SOUTH 88 DEGREES 05 MINUTES 51 SECONDS WEST, 142.46 FEET ALONG THE SOUTH LINE OF 1ST STREET TO THE WEST RIGHT-OF-WAY OF A 12 FOOT ALLEY, ALSO BEING THE EAST LINE OF VACATED 1ST STREET PER GENERAL ORDINANCE NO.G-08-84; THENCE NORTH 01 DEGREES 21 MINUTES 59 SECONDS WEST, 50.00 FEET ALONG SAID EAST LINE TO THE NORTH RIGHT-OF-WAY OF 1ST STREET; THENCE NORTH 88 DEGREES 05 MINUTES 51 SECONDS EAST, 132.03 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 0.158 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.



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

**Treeline District
R/W Vacation Ex. "C"
1st Street (East)
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

NORTHSIDE ADDITION
(D.B.30-PG.514)

2

LOT 73

2

LOT 72

2

LOT 71

2

LOT 69

50.00' P. & C.
N 01°21'59" W
VACATED 1ST ST.
(GEN. ORDINANCE
NO. G-08-84)

2

N 88°05'51" E 132.03'C.

1ST ST. (50'R/W)

S 88°05'51" W 142.46'C.

78'P.

PROPOSED R/W
VACATION

LOT 65

LOT 64

LOT 66

LOT 68

LOT 63

LOT 67

NORTHSIDE ADDITION
(D.B.30-PG.514)

LOT 63

53.27'D.

LOT 62

LOT 61

LOT 60

LOT 60

P.O.B.

S 13°10'14" E
50.98'C.

HARRISON ST.

VACATED
ST. MARK'S
(60' WIDE)

WELLS RESERVE
(D.B.'B", PG.324)

Exhibit "D"

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

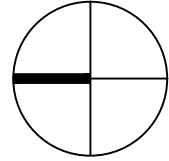
LANDS OF THE CITY OF FORT WAYNE,
DEPARTMENT OF REDEVELOPMENT PER
DOC. #2020060874, RECORDED NOV. 15, 2022.

10

LANDS OF HEADWATERS JUNCTION PER
DOC. #2021020032, RECORDED MARCH 25, 2021.

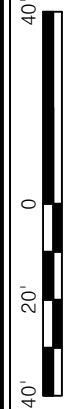


PROPOSED 1ST ST.
R/W VACATION LIMITS



NORTH

SCALE: 1" = 40'



SCALE 1" = 40'

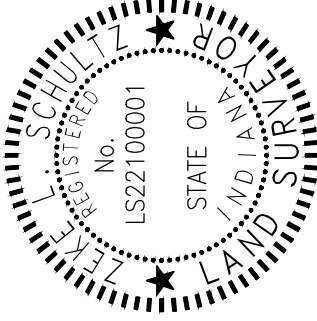
Right-of-way Vacation Exhibit

Right-of-way Vacation Notes:

- BEING A PART OF THE EXISTING RIGHT-OF-WAY OF 1ST STREET PER THE PLAT OF NORTHSIDE ADDITION RECORDED IN DEED BOOK 30, PAGE 514 ON APRIL 20, 1863 IN THE OFFICE OF ALLEN COUNTY RECORDER.
- 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 "D" 1st Street (East) 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

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:

1st 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 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.

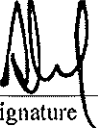
Applicant's name(s) if different from property owner(s):

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 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 #: _____