

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:

Part of the right-of-way of Shady Brook Drive located in the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, and shown on the plat of Woodland Heights Addition, recorded in Plat Record 6, page 85, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East right-of-way line of the aforementioned Shady Brook Drive with the North right-of-way line of New Haven Avenue, located in the City of Fort Wayne, Indiana; thence South 88 degrees 47 minutes 28 seconds West (Indiana State Plane Coordinate System East Zone GPS Grid bearing and the basis of the bearings in this description), a distance of 70.00 feet to the intersection of the West right-of-way line of the Shady Brook Drive with the North right-of-way line of New Haven Avenue; thence North 01 degrees 21 minutes 49 seconds West along the West right-of-way line of Shady Brook Drive, a distance of 404.34 feet to a 5/8-inch rebar (0027); thence North 88 degrees 47 minutes 28 seconds East, a distance of 70.00 feet to a point on the East right-of-way line of Shady Brook Drive; thence South 01 degrees 21 minutes 49 seconds East along said right-of-way line, a distance of 404.34 feet to the point of beginning, containing 0.650 acres.

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

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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-2026-0003
Bill Number: G-26-05-01
Council District: 6 – Rohli Booker

Introduction Date: May 12, 2026

Public Hearing Date: May 26, 2026 to be heard by Council

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

Synopsis of Ordinance: To vacate approximately 0.650 acres of the right-of-way of Shady Brook Drive

Location: Shady Brook Drive (part of) - South of Lots 18 & 19 and north of New Haven Ave in Woodland Heights subdivision (Section 8 of Adams Township)

Reason for Request: Unimproved right-of-way. Applicant states no longer in use.

Applicant: Richard Phillips

Property Owner: City of Fort Wayne

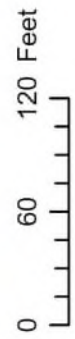
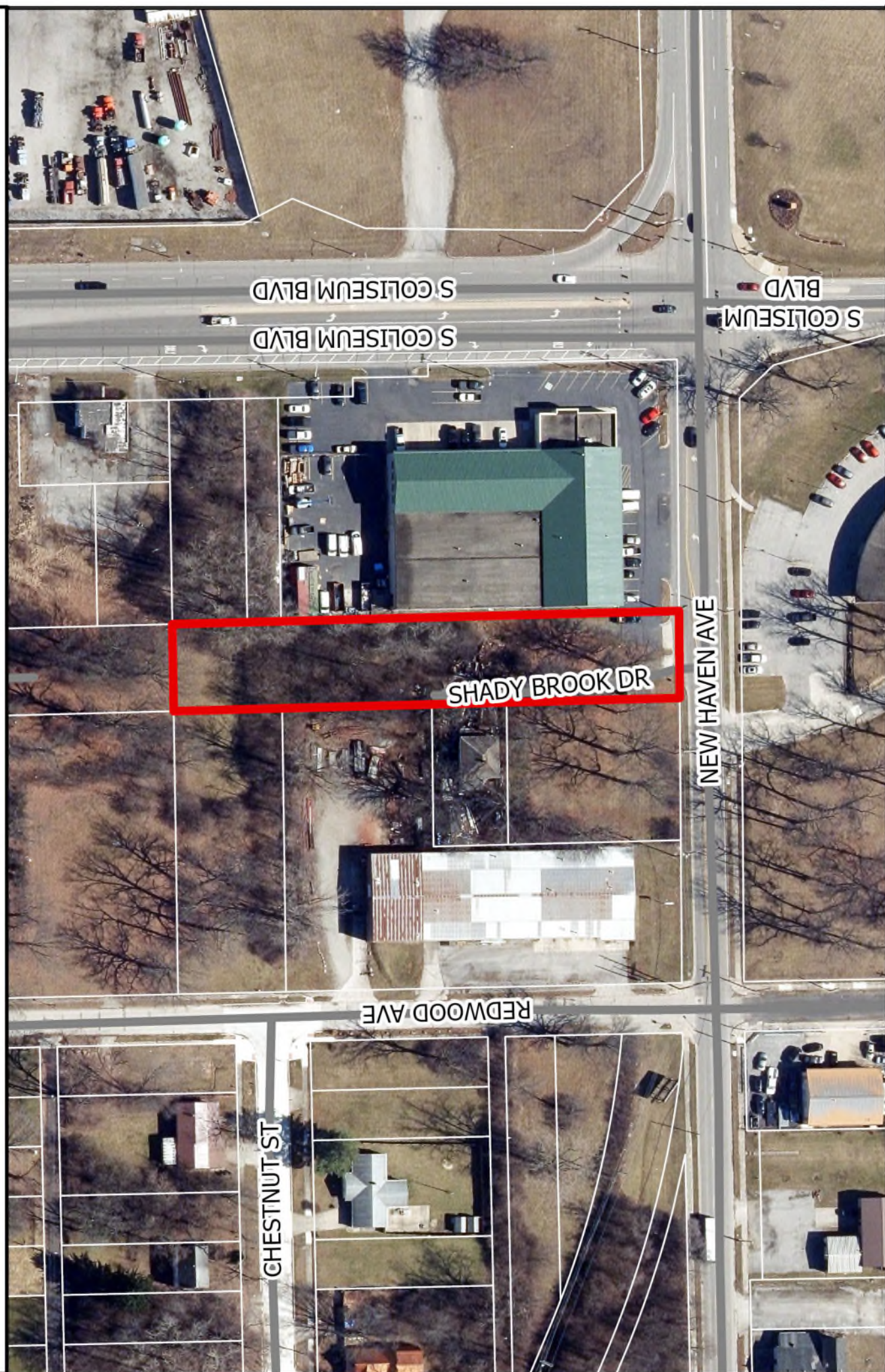
Related Petitions: None

Effect of Passage: Vacated right-of-way will revert back to adjacent property owners. There is a single family home utilizing this right-of-way as the sole access to the property. Vacation of right-of-way will cause the property owner to lose the legally required frontage to their property and will be non-compliant with Fort Wayne Zoning Ordinance standards. No new permits may be issued for this property without legal access.

Effect of Non-Passage: The right-of-way will remain as mapped.



Vacation Petition VROW-2026-0003 Shady Brook Drive



Although every reasonable effort has 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, State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/1/2026

LEGAL DESCRIPTION

ABONMARCHE-DONOVAN

229 W. Berry Street, Suite 100

Fort Wayne, IN 46802

T 260.218.2500

abonmarche.com

KENNETH W. HARRIS PS 29500021 IN

MICHAEL W. HARRIS PS 21100018 IN

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of the right-of-way of Shady Brook Drive located in the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, and shown on the plat of Woodland Heights Addition, recorded in Plat Record 6, page 85, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

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Job No.: 26-0212
Job for: PHILLIPS

Date: 02/17/2026

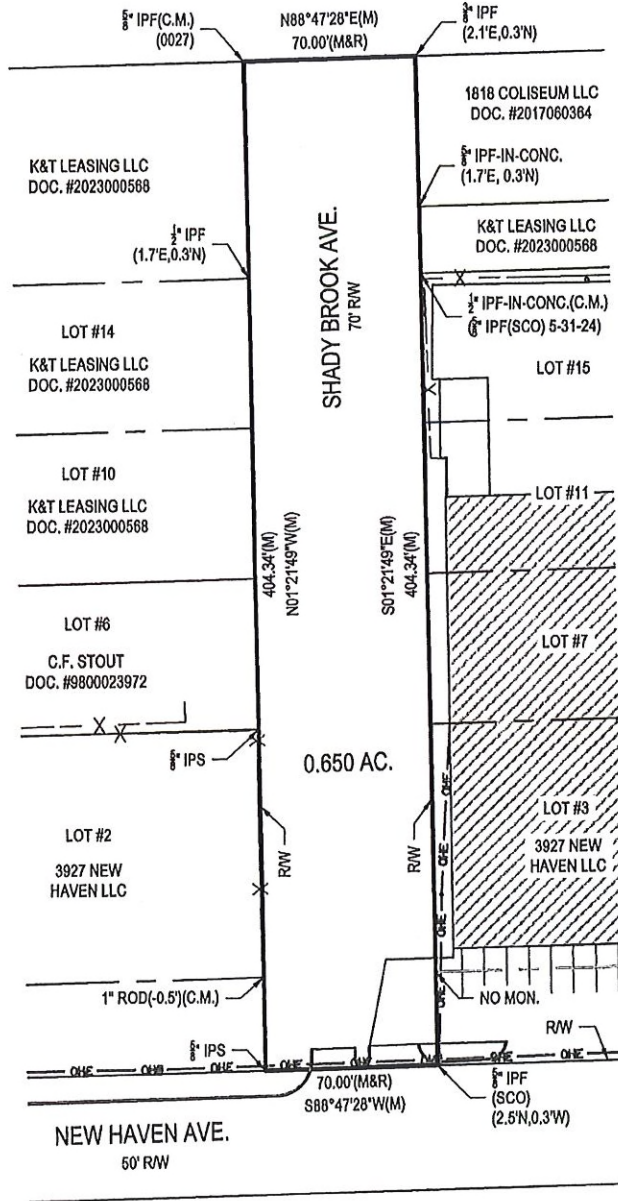
BOUNDARY SKETCH

■ ABONMARCHE-DONOVAN

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KENNETH W. HARRIS PS 29500021 IN

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Job No.: 26-0212
Job for: PHILLIPS

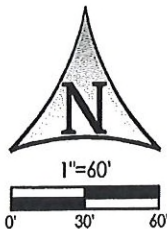
Date: 02/17/2026

LEGEND

- IPF Iron Pin (Rebar) Found
- PIPE Pipe Found
- RRF Railroad Spike Found or (S) Set
- PKF P.K. Nail Found or (S) Set
- MANF MAG Nail Found or (S) Set
- MSF MAG Spike Found or (S) Set
- IRS 5/8" rebar set w/cap stamped "ABONMARCHE FIRM #0050"
- C.M. Controlling Monument
- B.L. Building Line
- (M) Measured (P) Plotted
- (R) Recorded (C) Calculated

All monuments are at grade except as noted.

Date of latest field work: 12/16/2025



Fort Wayne Indiana
Office of the City Clerk
APR 27 2026
FILED

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:

_____ Basement Public Right of Way (street or alley)

More particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION

(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: N/A PAGE(S) NUMBER(S): N/A (This information can be obtained from the Allen County Recorder's Office on the 1st Floor, Rousseau Center, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

STREET IS NO LONGER USED - CITY WISHES TO DISCONTINUE MAINTENANCE OF THIS PROPERTY - APPLICANTS ARE WILLING TO TAKE OVER THIS RESPONSIBILITY

(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

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.

[Handwritten Signature]
Signature

8689 Krum Ave
Address

RICHARD PHILLIPS
Printed Name

3/11/26
Date

GALESBURG, MI 49053
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 #: _____