

1
2 VALY-2026-0002

3 BILL NO. G-26-07-04

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, Indiana;
10 and

11 WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and
12 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 FORT
14 WAYNE, INDIANA:

15 SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort
16 Wayne, Indiana, more specifically described as follows, to-wit:

17 DESCRIPTION OF PROPOSED ALLEY RIGHT-OF-WAY VACATION (Zollars & Swayne's
18 Addition):

19 The 12 feet wide east west platted alley lying adjacent to Lots 86 through 87 in Zollars
20 & Swayne's Addition, according to the plat thereof, recorded on August 19, 1886, in
21 Plat Book DB101, page 561 in the Office of the Recorder of Allen County, Indiana.

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

24
25 SECTION 2. That after vacation the platted right-of-way shall be subject to a utility easement for
26 providers of utility services to the general public, described as follows:

27 The 12 feet wide east west platted alley lying adjacent to Lots 86 through 87 in Zollars &
28 Swayne's Addition, according to the plat thereof, recorded on August 19, 1886, in Plat Book DB101,
29 page 561 in the Office of the Recorder of Allen County, Indiana.
30

SECTION 3. 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 of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Right of Way Vacation
Case Number: VALY-2026-0002
Bill Number: G-26-07-04
Council District: 5 – Geoff Paddock

Introduction Date: July 14, 2026

Public Hearing Date: July 28, 2026, to be heard by Council

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

Synopsis of Ordinance: To vacate the 12-foot alley located between Lots 86 & 87 in Zollars & Swayne's Addn

Location: Alley located between Lots 86 & 87 in Zollars & Swayne's Addn (Sec 14 of Wayne Township)

Reason for Request: To allow for a new home

Applicant: Ben Gresham

Property Owner: City of Fort Wayne

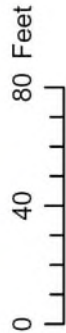
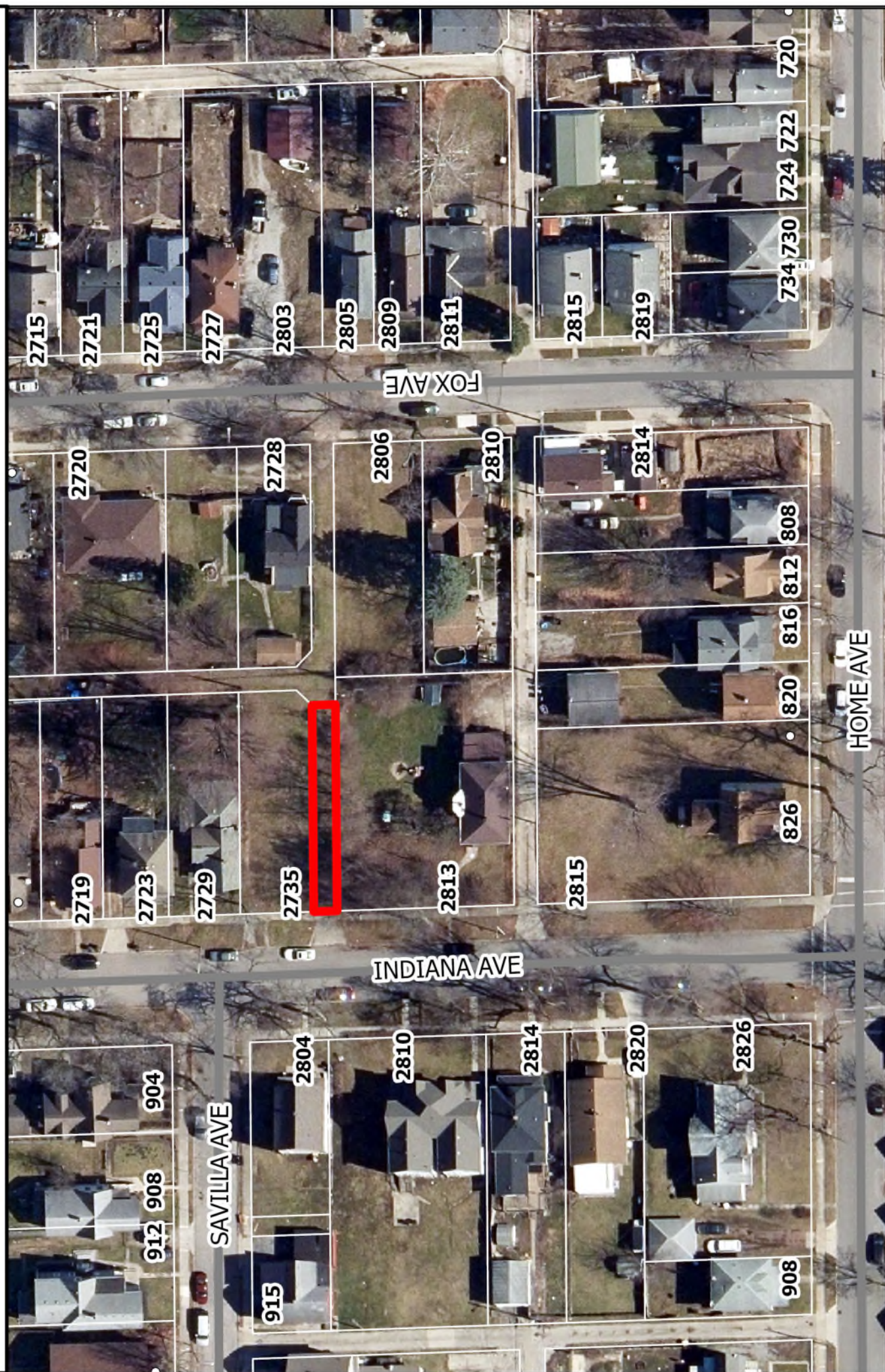
Related Petitions: None

Effect of Passage: The vacated land will be returned to the adjacent property owners. Vacation will allow for site redevelopment.

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



VALY-2026-0002 -Alley between Lots 86 & 87 in Zollars and Swayne's Addition



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
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6-29-2026

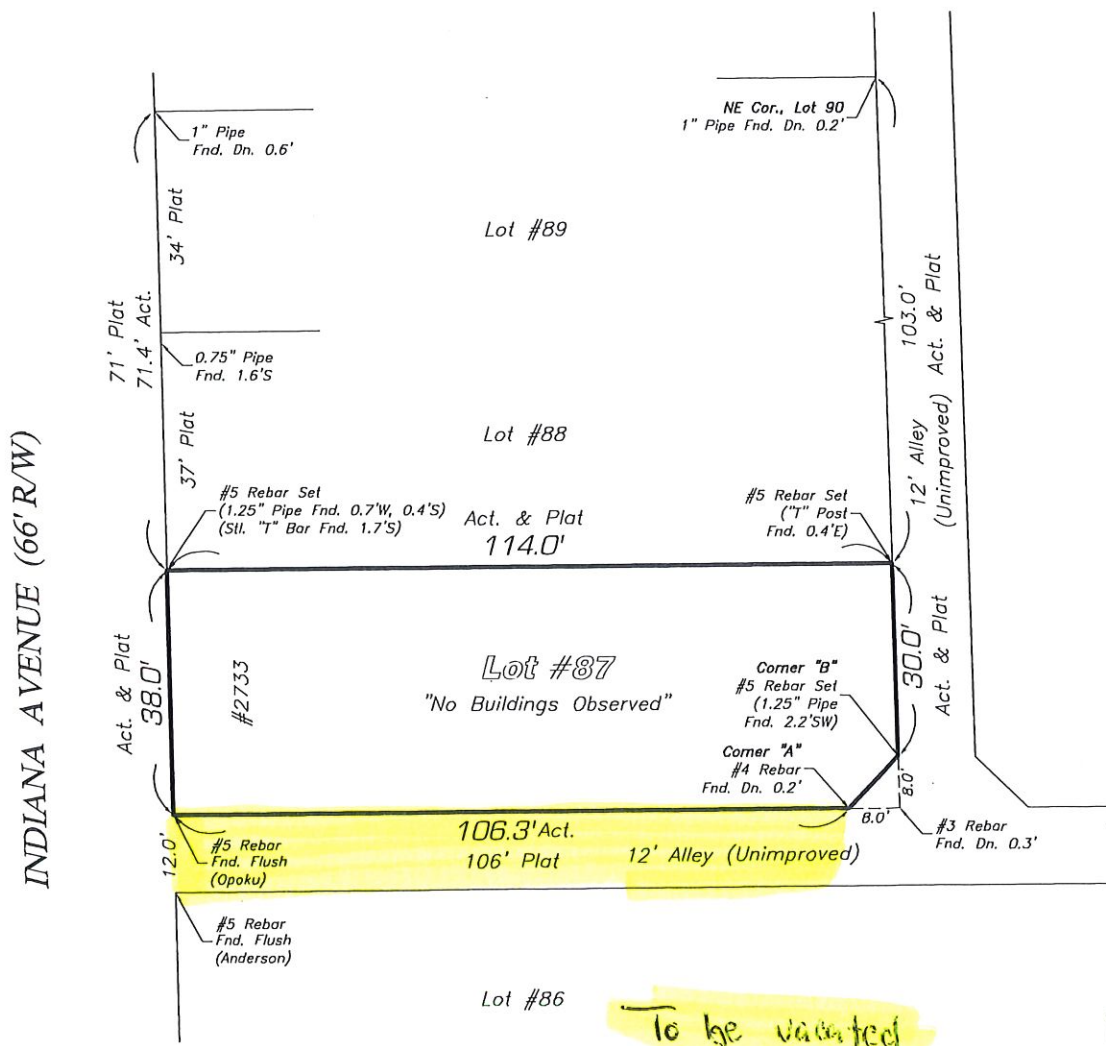
Joseph R. Herendeen, PS, Co-Principal Indiana Firm Number 048
Wade N. Hacker, Co-Principal
Brian W. Jacquay, PS
John C. Sauer, PS - retired

CERTIFICATE OF SURVEY

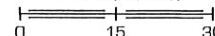
RECORD DESCRIPTION: (as described in Document Number 2025042130)

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map No. 18003C 0292G, effective August 3, 2009.

Source



SCALE IN FEET:



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 2733 Indiana Avenue, Fort Wayne, IN 46807

This survey is intended to retrace the record boundaries of Lot Number 87 in Zollars and Swayne's Addition to South Wayne, as recorded in Deed Record 101, page 561, in the Office of the Recorder of Allen County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:

- The deeds of the subject lot and any adjoining lots, as shown on the plat of survey.
- The plat of Zollars and Swayne's Addition to South Wayne, Deed Record 101, page 561.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The following monuments were accepted and held as controlling monuments at the following locations:

- The Southwest corner of subject tract.....#5 rebar found with Opoku cap.
- Corner "A".....#4 rebar found.
- The Northeast corner of Lot 90.....1 inch diameter pipe found.
- The Northwest corner of Lot 89.....1 inch diameter pipe found.

Uncertainties due to variances between found controlling monuments and plat distances were found to be 0.4 feet in any direction. Uncertainties due to variances between all found monuments and record distances are determined to be 2.2 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity within its record description or with the adjoining descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The Northwest corner of subject tract was established on and along a line between the Southwest corner of subject tract and the Northwest corner of Lot 89, at plat distance from said Southwest corner.
2. The Northeast corner of subject tract was established at the intersection of plat distances from the Northeast corner of Lot 90 and the above-established Northwest corner of subject tract.
3. Corner "B" was established on and along the Southerly projection of a line between the Northeast corners of subject tract and Lot 90, at plat distances from said Northeast corner of subject tract.
4. The lines of subject tract were all established between the above-established corners of said subject tract.

(Continued on Page 3)

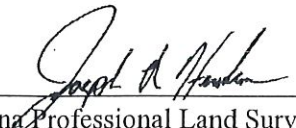
SURVEYOR'S REPORT

(Continued from Page 2)

(F) NOTES:

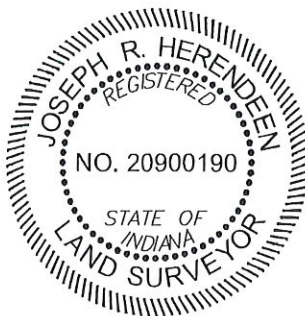
1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of subject tract. As a consequence, another surveyor may arrive at different conclusions resulting in a different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent.
3. The flood statement on Page 1 is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client. As of this date, no title commitment has been provided for review.
6. All documents of record and information from other public sources referred to in the survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
11. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc., may have altered the validity and circumstances shown or noted hereon.
12. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of the survey.
13. No statement made by any employee or agent of Sauer Land Surveying, Inc., is valid unless written herein.

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



Indiana Professional Land Surveyor

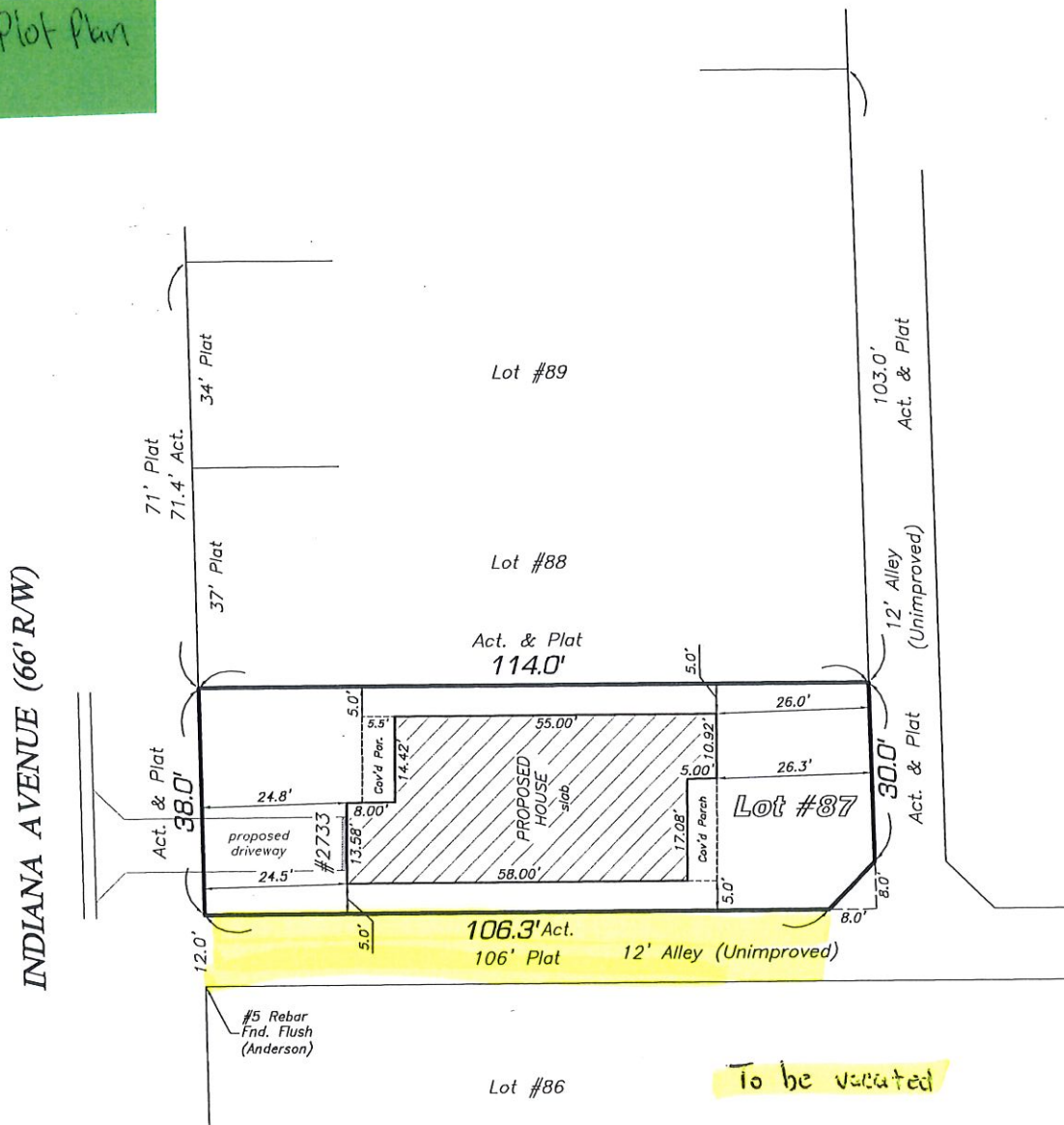
Date: 05/28/2026



Zoning Setback Requirements	
25'	Front Yard
5'	Minimum Side Yard
25'	Rear Yard

Construction Plot Plan

Plot Plan



Lot area per calculation is 4,307 sq. ft. (0.099 acres).

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report. [865 IAC 1-12-12(f)]

Description: Lot #87 in Zollars & Swayne's Addition

Ref. Sauer
Survey 156-124

Address: 2733 Indiana Avenue, Fort Wayne, IN 46807

Builder: Ben Gresham

Tel.: 260/557-5601

Date: 01 JUN 2026

Revised:

Sauer Land Surveying, Inc.
7203 Engle Road, Fort Wayne, IN 46804
Tel: 260/469-3300 Fax: 260/469-3301
Toll Free: 877/625-1037

CITY OF FORT WAYNE

Fort Wayne Indiana
Office of the City Clerk

JUN 29 2026

FILED

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:

The west 106.3 feet of the 12 feet of public alley lying immediately south of lot 87, Zellers & Swayne's Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in the plat thereof, said portion of alley extending from west line of lot 87 easterly 106.3 feet to the east line of said lot 87.

(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: 101 PAGE(S) NUMBER(S): 561 (This information can be obtained from the Allen County Recorder's Office on the 1st Floor, Rousseau Center, One Main Street, Fort Wayne, IN) Document # 2025042130

The reasons for the proposed vacation are as follows:

To facilitate construction of a new single family home by incorporating an unused and unimproved portion of the public alley into the adjacent property. The requested vacation will not impair public access, adjoining property access, or utility service.

(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: _____

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.

BG
Signature

Ben Gresham
Printed Name

6-21-26
Date

7827 Belton Ln
Address

Fort Wayne, In 46805
City/State/Zip

Bengresham25@gmail.com
~~Signature~~ email

260-557-5601
~~Printed Name~~ phone

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 #: _____

RIGHT OF WAY VACATION – PUBLIC HEARING /DISCUSS and PASS
Department of Planning Services

VALY-2026-0002	Bill # G-26-07-04	Project Start: June 2026
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APPLICANT:	Ben Gresham
REQUEST:	To vacate the 12-foot alley located between Lots 86 & 87 in Zollars & Swayne's Addn
LOCATION:	Alley located between Lots 86 & 87 in Zollars & Swayne's Addn (Sec 14 of Wayne Township)
COUNCIL DISTRICT:	5 – Geoff Paddock
PUBLIC HEARING DATE:	July 28, 2026

PROJECT SUMMARY

The petitioner, Ben Gresham, wishes to vacate the 12-foot alley located between Lots 86 & 87 in Zollars & Swayne's Addn. The purpose of this vacation is to allow for a new home. This vacation will allow for site redevelopment. Staff sent requests for comments from all affected access and utility agencies. The vacation ordinance was written with a general utility and access easement, which satisfied all agencies needed easements.

City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Public Works (Trans Eng., Traffic, ROW):	Approved
Land Acquisition Agent:	Approved
Stormwater Engineering:	Approved with easement
Water Engineering:	Approved with easement
Sanitary Engineering	Approved with easement
Fire Department:	Approved
Frontier:	Approved
Comcast:	Approved
AEP:	Approved
NIPSCO:	Approved