

1 **VROW-2022-0009**

2 **BILL NO. G-22-06-23 (as amended)**

3  
4 **GENERAL ORDINANCE NO. G- 19-22**

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,  
10 Indiana; and

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

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

17 That part of South Park Drive (also known as John Street) lying between Elmrow Drive and Fairfax  
18 Avenue in Southern Heights Addition, recorded in Plat Book 11, Page 26 on July 8, 1924 in the Office  
19 of the Allen County Recorder, and as shown on the Right-of-Way Vacation Exhibit prepared by  
20 Bertsch Frank and Associates, and certified by Matthew G. Bertsch (P.S. #20200087) on April 28,  
21 2022 under Project Number 22029.100; being more particularly described as follows:

22 Beginning at the Southwest corner of Lot 228 of said Southern Heights Addition; thence South 89  
23 degrees 06 minutes 43 seconds West, 50 feet along the North right-of-way of Fairfax Avenue to the  
24 Southeast corner of Lot 227; thence North 01 degrees 53 minutes 17 seconds West, 240.70 feet  
25 (245.7 feet record) along the West right-of-way line of South Park Drive to the Northeast corner of Lot  
26 254 of said Southern Heights Addition; thence North 89 degrees 06 minutes 43 seconds East, 50 feet  
27 along the South right-of-way of Elmrow Drive to the Northwest corner of Lot 253; thence South 01  
28 degrees 53 minutes 17 seconds East, 240.7 feet (244.50 feet plat) along the East right-of-way line of  
29 South Park Drive to the Point of Beginning, containing 0.276 acres more or less. Subject to  
30 easements of record.

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

SECTION 2. That, pursuant to I.C. 36-7-3-16(b), there are hereby reserved easements in the  
following described real estate, for the use by public utilities presently occupying and using such real  
estate for the location and operation of their facilities:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**ELECTRIC EASEMENT - 0.112 ACRES**

A PERMANENT EASEMENT OVER, UNDER, AND ACROSS THAT PART OF SOUTH PARK DRIVE (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AS SHOWN ON AN EASEMENT EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON SEPTEMBER 19, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE SOUTHEAST CORNER OF LOT 227 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE NORTH 01 DEGREES 45 MINUTES 47 SECONDS WEST (NAD83 INDIANA STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 244.04 FEET ALONG THE EAST LINES OF LOT 227 AND 254 IN SAID SOUTHERN HEIGHTS ADDITION TO THE NORTHEAST CORNER OF SAID LOT 254; THENCE NORTH 89 DEGREES 20 MINUTES 53 SECONDS EAST, 20.00 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ELMROW DRIVE; THENCE SOUTH 01 DEGREES 45 MINUTES 47 SECONDS EAST, 243.92 FEET TO THE NORTH RIGHT-OF-WAY OF FAIRFAX AVENUE; THENCE SOUTH 89 DEGREES 00 MINUTES 28 SECONDS WEST, 20.00 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 0.112 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

**SANITARY SEWER EASEMENT - 0.113 ACRES**

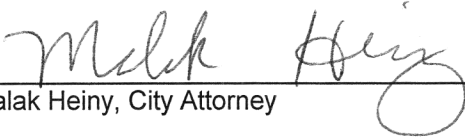
A PERMANENT EASEMENT OVER, UNDER, AND ACROSS THAT PART OF SOUTH PARK DRIVE (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AS SHOWN ON AN EASEMENT EXHIBIT PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH (P.S.#20200087) ON SEPTEMBER 19, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 227 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 00 MINUTES 28 SECONDS EAST (NAD83 INDIANA STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 28.46 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF FAIRFAX AVENUE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 09 DEGREES 00 MINUTES 22 SECONDS WEST, 117.83 FEET; THENCE NORTH 01 DEGREES 45 MINUTES 47 SECONDS WEST, 127.27 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ELMROW DRIVE; THENCE NORTH 89 DEGREES 21 MINUTES 15 SECONDS EAST, 20.01 FEET ALONG SAID SOUTH RIGHT-OF-WAY; THENCE SOUTH 01 DEGREES 45 MINUTES 47 SECONDS EAST 125.62 FEET; THENCE SOUTH 09 DEGREES 00 MINUTES 22 SECONDS EAST, 119.37 FEET TO THE NORTH RIGHT-OF-WAY LINE OF FAIRFAX AVENUE; THENCE SOUTH 89 DEGREES 00 MINUTES 28 SECONDS WEST, 20.20 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 0.113 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

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 Attorney

1 **VROW-2022-0009**

2 **BILL NO. G-22-06-23**

3  
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,  
10 Indiana; and

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

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

17 That part of South Park Drive (also known as John Street) lying between Elmrow Drive and Fairfax  
18 Avenue in Southern Heights Addition, recorded in Plat Book 11, Page 26 on July 8, 1924 in the Office  
19 of the Allen County Recorder, and as shown on the Right-of-Way Vacation Exhibit prepared by  
20 Bertsch Frank and Associates, and certified by Matthew G. Bertsch (P.S. #20200087) on April 28,  
21 2022 under Project Number 22029.100; being more particularly described as follows:

22 Beginning at the Southwest corner of Lot 228 of said Southern Heights Addition; thence South 89  
23 degrees 06 minutes 43 seconds West, 50 feet along the North right-of-way of Fairfax Avenue to the  
24 Southeast corner of Lot 227; thence North 01 degrees 53 minutes 17 seconds West, 240.70 feet  
25 (245.7 feet record) along the West right-of-way line of South Park Drive to the Northeast corner of Lot  
26 254 of said Southern Heights Addition; thence North 89 degrees 06 minutes 43 seconds East, 50 feet  
27 along the South right-of-way of Elmrow Drive to the Northwest corner of Lot 253; thence South 01  
28 degrees 53 minutes 17 seconds East, 240.7 feet (244.50 feet plat) along the East right-of-way line of  
29 South Park Drive to the Point of Beginning, containing 0.276 acres more or less. Subject to  
30 easements of record.

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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

---

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney  
*Malak Heiny LES*

1 VROW-2022-0009

2 BILL NO. G-22-06-23 (as amended)

3  
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,  
10 Indiana; and

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

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

17 That part of South Park Drive (also known as John Street) lying between Elmrow Drive and Fairfax  
18 Avenue in Southern Heights Addition, recorded in Plat Book 11, Page 26 on July 8, 1924 in the Office  
19 of the Allen County Recorder, and as shown on the Right-of-Way Vacation Exhibit prepared by  
20 Bertsch Frank and Associates, and certified by Matthew G. Bertsch (P.S. #20200087) on April 28,  
21 2022 under Project Number 22029.100; being more particularly described as follows:

22 Beginning at the Southwest corner of Lot 228 of said Southern Heights Addition; thence South 89  
23 degrees 06 minutes 43 seconds West, 50 feet along the North right-of-way of Fairfax Avenue to the  
24 Southeast corner of Lot 227; thence North 01 degrees 53 minutes 17 seconds West, 240.70 feet  
25 (245.7 feet record) along the West right-of-way line of South Park Drive to the Northeast corner of Lot  
26 254 of said Southern Heights Addition; thence North 89 degrees 06 minutes 43 seconds East, 50 feet  
27 along the South right-of-way of Elmrow Drive to the Northwest corner of Lot 253; thence South 01  
28 degrees 53 minutes 17 seconds East, 240.7 feet (244.50 feet plat) along the East right-of-way line of  
29 South Park Drive to the Point of Beginning, containing 0.276 acres more or less. Subject to  
30 easements of record.

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.~~

1                   That, pursuant to I.C. 36-7-3-16(b), there are hereby reserved easements in the following  
2 described real estate, for the use by public utilities presently occupying and using such real estate for  
3 the location and operation of their facilities:

4                   **ELECTRIC EASEMENT - 0.112 ACRES**

5                   A PERMANENT EASEMENT OVER, UNDER, AND ACROSS THAT PART OF SOUTH PARK DRIVE  
6 (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE  
7 IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924  
8 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AS SHOWN ON AN EASEMENT EXHIBIT  
9 PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH  
10 (P.S.#20200087) ON SEPTEMBER 19, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE  
11 PARTICULARLY DESCRIBED AS FOLLOWS:

12                   BEGINNING AT THE SOUTHEAST CORNER OF LOT 227 OF SAID SOUTHERN HEIGHTS  
13 ADDITION; THENCE NORTH 01 DEGREES 45 MINUTES 47 SECONDS WEST (NAD83 INDIANA  
14 STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 244.04 FEET ALONG  
15 THE EAST LINES OF LOT 227 AND 254 IN SAID SOUTHERN HEIGHTS ADDITION TO THE  
16 NORTHEAST CORNER OF SAID LOT 254; THENCE NORTH 89 DEGREES 20 MINUTES 53  
17 SECONDS EAST, 20.00 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ELMROW DRIVE;  
18 THENCE SOUTH 01 DEGREES 45 MINUTES 47 SECONDS EAST, 243.92 FEET TO THE NORTH  
19 RIGHT-OF-WAY OF FAIRFAX AVENUE; THENCE SOUTH 89 DEGREES 00 MINUTES 28  
20 SECONDS WEST, 20.00 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING,  
21 CONTAINING 0.112 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

22                   **SANITARY SEWER EASEMENT - 0.113 ACRES**

23                   A PERMANENT EASEMENT OVER, UNDER, AND ACROSS THAT PART OF SOUTH PARK DRIVE  
24 (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE  
25 IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924  
26 IN THE OFFICE OF THE ALLEN COUNTY RECORDER, AS SHOWN ON AN EASEMENT EXHIBIT  
27 PREPARED BY BERTSCH FRANK & ASSOCIATES, AND CERTIFIED BY MATTHEW G. BERTSCH  
28 (P.S.#20200087) ON SEPTEMBER 19, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE  
29 PARTICULARLY DESCRIBED AS FOLLOWS:

30                   COMMENCING AT THE SOUTHEAST CORNER OF LOT 227 OF SAID SOUTHERN HEIGHTS  
1 ADDITION; THENCE NORTH 89 DEGREES 00 MINUTES 28 SECONDS EAST (NAD83 INDIANA  
2 STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 28.46 FEET ALONG  
3 THE NORTH RIGHT-OF-WAY LINE OF FAIRFAX AVENUE TO THE POINT OF BEGINNING OF THE  
4 HEREIN DESCRIBED EASEMENT; THENCE NORTH 09 DEGREES 00 MINUTES 22 SECONDS  
5 WEST, 117.83 FEET; THENCE NORTH 01 DEGREES 45 MINUTES 47 SECONDS WEST, 127.27  
6 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ELMROW DRIVE; THENCE NORTH 89  
7 DEGREES 21 MINUTES 15 SECONDS EAST, 20.01 FEET ALONG SAID SOUTH RIGHT-OF-WAY;  
8 THENCE SOUTH 01 DEGREES 45 MINUTES 47 SECONDS EAST 125.62 FEET; THENCE SOUTH  
9 09 DEGREES 00 MINUTES 22 SECONDS EAST, 119.37 FEET TO THE NORTH RIGHT-OF-WAY  
10 LINE OF FAIRFAX AVENUE; THENCE SOUTH 89 DEGREES 00 MINUTES 28 SECONDS WEST,  
11 20.20 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 0.113  
12 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

13                   SECTION 3. That this Ordinance shall be in full force and effect from and after its passage,  
14 any and all necessary approval by the Mayor.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
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-2022-0009  
Bill Number: G-22-06-23  
Council District: 6-Sharon Tucker

---

Introduction Date: June 28, 2022

Public Hearing Date: July 12, 2022 to be heard by Council

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

---

Synopsis of Ordinance: To vacate the right-of-way of South Park Drive between Elmrow Drive and Fairfax Avenue (aka John Street).

Location: South of Elmrow Drive and north of Fairfax Avenue.

Reason for Request: To allow for additional parking to serve a new Early Learning and Community Health Center in conjunction with Bridge of Grace development.

Applicant: Bridge of Grace, Inc

Property Owners: Bridge of Grace, Inc.

---

Related Petitions: Primary Development Plan, PDP-2022-0018 Bridge of Grace Early Learning Center

---

Effect of Passage: The vacation of the right-of-way will allow for redevelopment of the property for an early learning center and additional parking to serve the new development and existing church. The development covers both sides of the right-of-way.

Effect of Non-Passage: The right of way will remain as platted. The applicant is utilizing both sides of the right-of-way and failure to vacate will affect the viability of redevelopment of the property. The other adjacent property owner will also use the proposed parking lot.

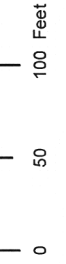


Vacation of Right of Way VROW-2022-0009 South Park Drive



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: 6/23/2022



1 inch = 100 feet



# 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       Public Right of Way (street or alley)

More particularly described as follows:

See Attachment 1 (survey with legal description incorporated therein as Exhibit "A" thereto). Commonly known as South Park Dr. 50' RW (AKA John Street).

---

---

---

(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:** \_\_\_\_\_ **PAGE(S) NUMBER(S):** \_\_\_\_\_ (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) See Attachment 1 (survey with Ownership Legend attached as Exhibit "B" thereto).

The reasons for the proposed vacation are as follows:  
See Attachment 2.

---

---

---

---

(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.

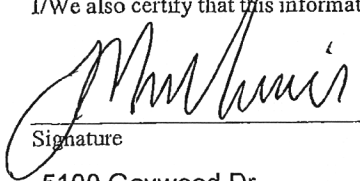
Applicant's name(s) if different from property owner(s): See Attachment 3

Name: N/A \_\_\_\_\_

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 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.



Bridge of Grace, Inc.  
Javier Mondragon, CEO

Signature

Printed Name

Date

5100 Gaywood Dr

Fort Wayne, IN 46806

Address

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): Tom Trent, Rothberg Logan & Warsco LLP

Street Address: 505 East Washington Boulevard

City: Fort Wayne State: IN Zip: 46802 Phone: (260) 422-9454

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

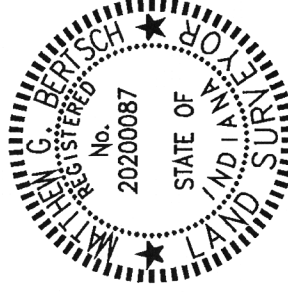
Attachment 1

Exhibit "A"

Right-of-way Vacation Description

THAT PART OF SOUTH PARK DRIVE (ALSO KNOWN AS JOHN STREET) LYING BETWEEN ELMROW DRIVE AND FAIRFAX AVENUE IN SOUTHERN HEIGHTS ADDITION, RECORDED IN PLAT BOOK 11, PAGE 26 ON JULY 8, 1924 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 MATTHEW G. BERTSCH (P.S.#20200087) ON APRIL 28, 2022 UNDER PROJECT NUMBER 22029.100; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 228 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE SOUTH 89 DEGREES 06 MINUTES 43 SECONDS WEST, 50.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF FAIRFAX AVENUE TO THE SOUTHEAST CORNER OF LOT 227; THENCE NORTH 01 DEGREES 53 MINUTES 17 SECONDS WEST, 240.70 FEET (245.1 FEET RECORD) ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH PARK DRIVE TO THE NORTHEAST CORNER OF LOT 254 OF SAID SOUTHERN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 06 MINUTES 43 SECONDS EAST, 50.00 FEET ALONG THE SOUTH RIGHT-OF-WAY OF ELMROW DRIVE TO THE NORTHWEST CORNER OF LOT 253; THENCE SOUTH 01 DEGREES 53 MINUTES 17 SECONDS EAST, 240.70 FEET (244.5 FEET PLAT) ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH PARK DRIVE TO THE POINT OF BEGINNING, CONTAINING 0.276 ACRES MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.



Matthew G. Bertsch

Matthew G. Bertsch, P.L.S.  
Indiana Registered Land Surveyor No. 20200087

This description was prepared for Bridge of Grace, Inc., by Bertsch-Frank & Associates, LLC. and certified by Matthew G. Bertsch, P.L.S. Indiana Registered Land Surveyor No. 20200087.

<p><b>BFA</b>   <b>BERTSCH-FRANK &amp; ASSOCIATES</b> LAND SURVEYING &amp; CONSULTING</p> <p>LAND PLANNING   LAND SURVEYING</p> <p>811 LAWRENCE DRIVE PHONE: (260) 459-9393 FORT WAYNE, IN 46804 FAX: (260) 459-9303</p>	<p><b>BRIDGE OF GRACE</b> <b>R/W Vacation Ex. "A"</b> <b>South Park Dr.</b> <b>Fort Wayne, Allen County, IN</b></p>	<table border="1"> <thead> <tr> <th colspan="2">REVISIONS</th> </tr> <tr> <th>MARK</th> <th>DATE DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	REVISIONS		MARK	DATE DESCRIPTION											<p>CAD FILE: 22029_RW_Vac.dwg DRAWN BY: ZLS CHECKED BY: MGB DATE: 04/28/2022 PRJCT. NO.: 22029.100</p>
REVISIONS																	
MARK	DATE DESCRIPTION																



## **Attachment 2**

Bridge of Grace, Inc. is proposing to construct an Early Learning and Community Health Center on the property directly east of South Park Drive (a/k/a John Street). The Early Learning Center will serve approximately 200 children daily. Vacating the street will avoid traffic and prevent potential accidents. (The Levan Scott Academy at Southern Heights Elementary School is also adding to their facility and anticipates serving 680 children). In addition, there will be a new parking lot located on the North side of the Canaan Baptist Church that will be used for parking by the new Early Learning Center during the week. The road vacation and removal will provide additional space for the proposed parking lot for the Early Learning Center, which will be needed to better serve the proposed Bridge of Grace development generally.

### **Attachment 3**

Adjacent Property Owner:

Canaan Baptist Church  
827 E. Fairfax Ave.  
Fort Wayne, IN 46806  
Telephone: (260) 744-2568

See Attachment 1, Exhibit B

# The Journal Gazette

Allen County, Indiana

Account Name  
Gov: Fort Wayne City Clerk's Office

### PUBLISHER'S CLAIM

Notice ID: QFY\kh4SqbdyPs3hgMKIIF

LINE COUNT  
 Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines \_\_\_\_\_  
 Head -- number of lines \_\_\_\_\_  
 Body -- number of lines \_\_\_\_\_  
 Tail -- number of lines \_\_\_\_\_  
 Total number of lines in notice 59

### COMPUTATION OF CHARGES

59 lines, 1 column(s) wide equal: \$29.44  
59 equivalent lines at \$ 0.4990 cents per line

Additional charges for notices containing rule or tabular work (50 percent of above amount) \$

Electronic processing fee \$ 0.00

TOTAL AMOUNT OF CLAIM \$29.44

### DATA FOR COMPUTING COST

Width of single column in picas . . . . . 9.8      Size of type . . . . . 7point.

Number of Insertions . . . . . 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper.

The dates of publication being as follows:

7/1/22 \_\_\_\_\_

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Date: 7/1/2022

  
 Legal Clerk

ATTACH COPY OF ADVERTISEMENT

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-22-06-23**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 12, 2022 AT 5:30 P.M. IN ROOM 035 - COUNCIL CHAMBERS COURTROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802. A REQUEST TO VACATE AN AREA KNOWN AS:

**LOCATION:** To vacate the right-of-way of South Park Drive between Elmrow Drive and Fairfax Avenue (aka John Street), to allow for additional parking to serve a new Early Learning and Community Health Center in conjunction with Bridge of Grace development

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED OR RESCINDED ON TUESDAY, JULY 12, 2022.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 130.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING  
CITY CLERK  
7--1

hspaxlp

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

ORDINANCE NO. 6-22-06-23

NOTICE IS HEREBY GIVEN THAT THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 12, 2022, AT CHAMBERS COURTROOM - 2ND FLOOR, 200 E. BERRY ST., FORT WAYNE, INDIANA 46702.

**LOCATION:** To locate the building of South Park Drive between Purcell Drive and Fairfax Avenue (then John Street), to allow for additional parking to serve the Health Center in conjunction with Bridge of Grace development.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE PASSED AND ENFORCED ON TUESDAY, JULY 12, 2022.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN SUITE 301E, 200 E. BERRY ST., FORT WAYNE, INDIANA 46702.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING. REASONABLE ACCOMMODATIONS WILL BE PROVIDED. REQUESTORS SHOULD CONTACT THE DEPARTMENT OF PLANNING SERVICES AT 317.444.7200 TO REQUEST ACCOMMODATIONS. PUBLIC INFORMATION OFFICE (317.444.7200) MUST BE CONTACTED AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA B. KEESLING  
CITY CLERK  
7-1 hspaxlp

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
ORDINANCE NO. G-22-06-23

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF INDIANA WILL CONDUCT A PUBLIC HEARING ON JULY 12, 2022 AT 5:30 P.M. IN ROOM 035 - COUNCIL CHAMBERS, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802, A REQUEST TO VACATE AN AREA KNOWN AS:

**LOCATION:** To vacate the right-of-way of South Park Drive between Elmrog Drive and Elmrog Drive, and to allow for additional parking to serve a new Early Learning and Community Health Center in conjunction with Bridge of Grace development.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING OF THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR DENIED ON TUESDAY, JULY 12, 2022.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE OFFICE OF PLANNING SERVICES, 200 E. BERRY ST., SUITE 150.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABILITY SHOULD BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD CONTACT THE PUBLIC INFORMATION OFFICE (PIO) AT 427.1120, TTY (260) 427.1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING  
CITY CLERK  
7-1 hspaxtp



# The Journal Gazette

Account Name  
Gov: Fort Wayne City Clerk's Office  
Notice ID: QFYkh4SqbdyPs3hgMKIF

Allen County, Indiana

### PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

#### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines \_\_\_\_\_

Head -- number of lines \_\_\_\_\_

Body -- number of lines \_\_\_\_\_

Tail -- number of lines \_\_\_\_\_

Total number of lines in notice 59

#### COMPUTATION OF CHARGES

59 lines, 1 column(s) wide equal

59 equivalent lines at \$ 0.4990 cents per line \$ 29.44

Additional charges for notices containing rule or tabular work (50 percent of above amount) \$ \_\_\_\_\_

Electronic processing fee \$ 0.00

TOTAL AMOUNT OF CLAIM \$ 29.44

#### DATA FOR COMPUTING COST

Width of single column in picas . . . . . 9.8 Size of type . . . . . 7point.

Number of Insertions . . . . . 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper.

The dates of publication being as follows:

7/1/22 \_\_\_\_\_  
\_\_\_\_\_

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Date: 7/1/2022

Brenda McCune  
Legal Clerk



AllPaid  
7820 Innovation Boulevard Suite 250  
Indianapolis, IN 46278  
24hr. Customer Service #: 888-604-7888

**Document Fees Payment Confirmation (Ref #: 36465914)**

**PLC:** Allen County Recorder  
**7357** 1 E Main Street #100  
Fort Wayne, Indiana 48625  
**For: Document Fees**

**Date:** 11/03/2022 15:40 EDT

**TRANSACTION INFORMATION**

**Name:** Stacy Reed **Transaction Reference #:** 36465914  
**Transaction #:** Ljd **Transaction Date/Time:** 11/03/2022 15:40 EDT  
**Document Type:** Ordinance

**BILLING INFORMATION**

**Name:** Stacy A Reed  
**Address:** Msr  
Msr  
**City, State Zip:** Msr, In 46804  
**Phone #:** (260)427-1221  
**Card #:** xxxx-xxxx-xxxx-7625

**PAYMENT INFORMATION**

**Approval #:** 035546  
**Payment Amount:** \$25.00  
**Service Fee:** \$1.00  
**Total Amount:** \$26.00

**The service fee is not refundable.**

**ATTENTION CARDHOLDER**  
If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid



DocId:8927736

Tx: 4591821

2022059390

RECORDED: 11/03/2022 03:50:59 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

# General Ordinance Recording Cover Page

G-19-22

11/03/2022 3:50:59 PM  
CITY OF FT WAYNE CLERKS OFFICE  
0.00  
LINDAD

TRANSACTION # 4591821  
DOCUMENT # 2022059390

ORDINANCE

RECORDING FEES: 25.00  
TOTAL: 25.00  
CREDIT CARD: 25.00

AUDITOR'S OFFICE  
Duly entered for taxation. Subject  
to final acceptance for transfer.

THANK YOU

NOV 03 2022

ANITA MATHER  
RECORDER  
ALLEN COUNTY, IN

  
AUDITOR OF ALLEN COUNTY

23

25

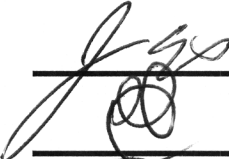

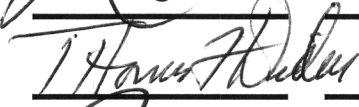

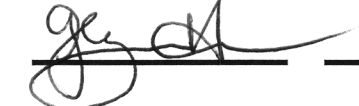

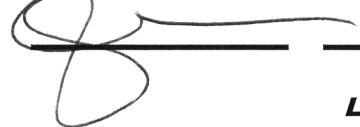
**REPORT OF COMMITTEE ON REGULATIONS  
October 18, 2022**

***Paul Ensley Chair  
Tom Freistroffer Co-Chair  
All Council Members***

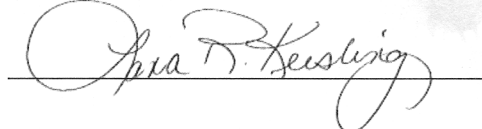
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

*To vacate the right-of-way of South Park Drive between Elmrow Drive and Fairfax Avenue (aka John Street), to allow for additional parking to serve a new Early Learning and Community Health Center in conjunction with Bridge of Grace development*

**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: July 12, 2022

Read the first time in full and on motion by Councilperson Ensley.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Ensley, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: October 25, 2022

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-22-06-23AA on the 25th day of October, 2022

ATTEST:

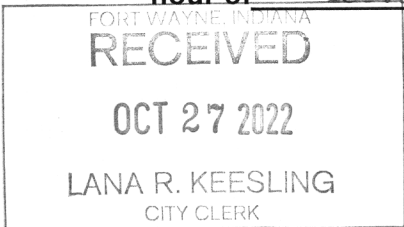
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

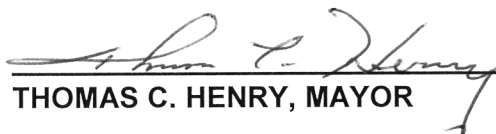
\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of October 2022, at the hour of 9:50 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28<sup>th</sup> day of October 2022, at the hour of 2:00 o'clock P.M. E.S.T.



  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR