

VROW-2025-0004

BILL NO. G-25-09-03

GENERAL ORDINANCE NO. G- 19-25

**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:

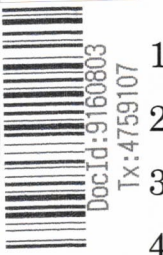
SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

An alley located in Block 22 of Ewing's Addition to the City of Fort Wayne, recorded in Plat Record 2, Page 40 in the Office of the Recorder of Allen County, Indiana. Surveyed by Nana Opoku, Indiana Professional Surveyor #21200012 and shown on the alley survey exhibit certified on August 19, 2025, as Apex Consulting & Surveying, Inc. Job Number 25020027, and more particularly described as follows:

BEGINNING at a Mag Nail found at the Southeast corner of Lot 1 in said Block 22 of Ewing's Addition; thence South 12 degrees 03 minutes 19 seconds (State Plane East Projection bearing and basis of bearings to follow) along the Southerly extension of the East line of said Lot 1, also being the West right-of-way line of Ewing Street, a distance of 14.00 feet to the Northeast corner of Lot 12 in said Block 22 of Ewing's Addition, said corner being referenced by a Mag Nail found 0.4 feet North; thence South 78 degrees 04 minutes 39 seconds West along North lines of Lots 12, 11, 10, 9, 8, and 7 in said Block 22 of Ewing's Addition, a distance of 310.00 feet to a Mag Nail found at the Northwest corner of Lot 7 in said Block 22 of Ewing's Addition; thence North 12 degrees 03 minutes 19 seconds West along the Northerly extension of said Lot 7, also being the East right-of-way line of Fairfield Avenue, a distance of 14.00 feet to a Mag Nail found at the Southwest corner of Lot 6 in said Block 22 of Ewing's Addition; thence North 78 degrees 04 minutes 39 seconds East along the South lines of Lots 6, 5, 4, 3, 2, and 1 in said Block 22 of Ewing's Addition, a distance of 310.00 feet to the Point of Beginning. Containing 0.100 acres (4,340 square feet) of land more or less.

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

DEC 18 2025



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Subject to rights-of-way, easements, and zoning restrictions 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.


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-2025-0004
Bill Number: G-25-09-03
Council District: 5 – Geoff Paddock

Introduction Date: September 9, 2025

Public Hearing Date: September 23, 2025 to be heard by Council

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

Synopsis of Ordinance: To vacate the 14-foot wide east-west alley between Fairfield and Ewing and between West Wayne and West Berry Streets

Location: South of 407 and 431 West Berry Street and north of 402, 420, and 434 West Wayne Street. (Section 2 of Wayne Township)

Reason for Request: To allow for loading dock improvements to the Scottish Rite Theatre

Applicant: Surack Enterprises

Property Owner: Surack Enterprises

Related Petitions: none

Effect of Passage: Vacation of right of way will allow necessary improvements to be made to the Scottish Rite Theatre.

Effect of Non-Passage: The right-of-way will remain as mapped. Improving the theatre to the point of safety and viability will be hindered by retention of the right-of-way.

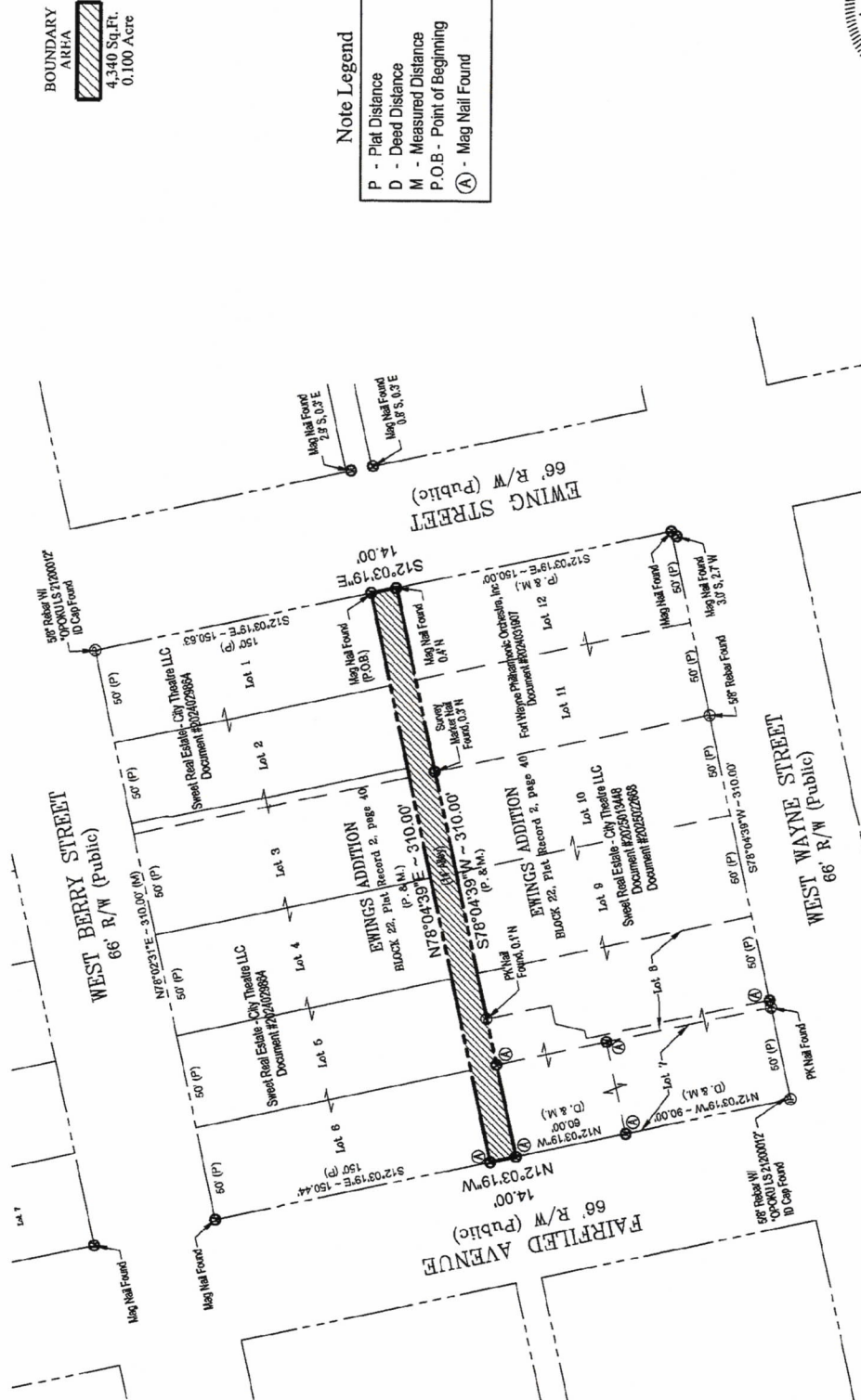


As shown in this illustration of the
 A. The City of Springfield, Illinois, is not responsible for the accuracy of the information contained here
 and the City of Springfield may not be liable for any damages or losses
 that may result from the use of this information.
 Springfield, Illinois, 61801
 City of Springfield, Illinois
 Director of Information Systems, Technology
 and Communications Services, 3000
 North First Street, Springfield, IL 61801



ALLEY SURVEY EXHIBIT

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a survey of the real estate depicted below. Measurements were made and monuments perpetuated as shown, in conformance with the record thereof in the office of the recorder of Allen County, Indiana. No encroachments existed. The description of the real estate is as follows, to wit: SEE ATTACHED

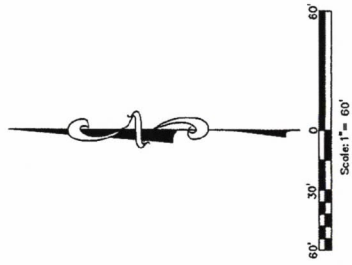


BOUNDARY AREA
4,340 Sq.Ft.
0.100 Acre

- Note Legend
- P - Plat Distance
 - D - Deed Distance
 - M - Measured Distance
 - P.O.B. - Point of Beginning
 - (A) - Mag Nail Found



Nana A. Opoku
Nana A. Opoku
Registered Land Surveyor 21200012
APEX CONSULTING & SURVEYING



DATE: July 14, 2025
For: The City of Fort Wayne
Job No. 25020027

IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS 19TH DAY OF AUGUST, 2025.
I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.

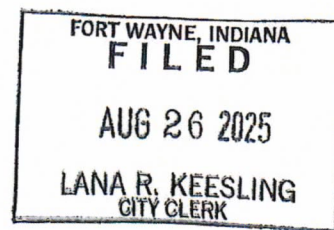
BOUNDARY DESCRIPTION

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Subject to rights-of-way, easements, and zoning restrictions of record.

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:

14' Alley located in the Ewings Addition, Block 22, Plat Record 2, Page 40

The 14' wide alley Alley runs east/west for 310' between Fairfield and Ewing on
the 400 block of Berry and Wayne Streets,

(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: 2 PAGE(S) NUMBER(S): 40 (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:

Renovations and additions to the former Robert Goldstein performing arts theater
(aka Scottish Rite) for purpose of new loading dock.

(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: Sweet Real Estate - City Theater LLC

Street Address: 7100 West Jefferson Blvd

City: Fort Wayne State: IN Zip: 46804 Phone: (260) 432-0370

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.

SAT [Signature]
Signature

Stephen T. YAGGY
Printed Name

8/22/2025
Date

7100 West Jefferson Blvd
Address

Fort Wayne, IN 46804
City/State/Zip

[Signature]
Signature

Nancy Townsend
Printed Name

8/22/2025
Date

7100 West Jefferson Blvd
Address

Fort Wayne, IN 46804
City/State/Zip

If additional space is needed for signatures please attach a separate page.

Agent's Name (Print Legibly): EVAN ROSECKER

Street Address: 7100 West Jefferson Blvd

City: Fort Wayne State: IN Zip: 46804 Phone: (812) 890-2145

NOTICE:

- Legal Description is to be the area to be vacated and must be complete ad 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 #: _____



7100 W. Jefferson Blvd. | Fort Wayne, IN 46804
www.surack.com | (260) 432-0370

8/25/2025

City Clerk Citizens Square Building

Suite 110

200 East Berry Street

Fort Wayne, IN 46802

Re: Alley Vacation

Adjacent Property owners other than Sweet Real Estate – City Theater are:

Fort Wayne Philharmonic Orchestra, Inc.

Brittany Hall

President and CEO

4901 Fuller Drive

Fort Wayne, IN 46835

260.481.0775 (direct)

Sincerely,

Evan Bosecker, AIA



Evan Bosecker

Architect | AIA, NCARB, LEED Green Associate

7100 W. Jefferson Blvd. | Fort Wayne, IN 46804

office (260) 432-0370 x8772 | cell (812) 890-2145

www.surack.com



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Journal Gazette**.

Notice ID: WgNu7C8juSVgD5lL3Ctf | **Proof Updated: Sep. 10, 2025 at 08:56am EDT**

Notice Name: G-25-09-03

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

09/12/2025: Government Notice 32.09

Subtotal	\$32.09
Tax %	0
Processing Fee	\$0.00
Total	\$32.09

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

ORDINANCE NO. G-25-09-03

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 23, 2025 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 14-foot wide east-west alley between Fairfield and Ewing and between West Wayne and West Berry Streets, South of 407 and 431 West Berry Street and north of 402, 420, and 434 West Wayne Street. (Section 2 of Wayne Township)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, SEPTEMBER 23, 2025.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY OF FORT WAYNE WILL MAKE REASONABLE ACCOMMODATIONS TO PEOPLE WITH DISABILITIES. ANY PERSON WITH SPECIAL NEEDS SHOULD CONTACT THE ADA COORDINATOR, HEATHER VANWAGNER AT 260-427-1179 AT LEAST 72 HOURS BEFORE THE SCHEDULED MEETING TO DISCUSS NECESSARY SPECIAL ACCOMMODATIONS.

LANA R. KEESLING
CITY CLERK
9--12 hspaxlp

12/18/2025 9:07:59 AM
VALUED CUSTOMER
0.00
NATALIE

TRANSACTION # 4759107
DOCUMENT # 2025057177

ORDINANCE

RECORDING FEES: 25.00
TOTAL: 25.00
CREDIT CARD: 25.00

THANK YOU

NICOLE KEESLING
RECORDER
ALLEN COUNTY, IN

BILL NO. G-25-09-03

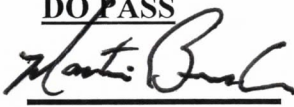
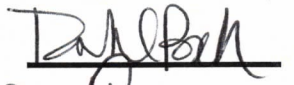


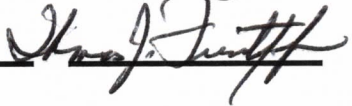
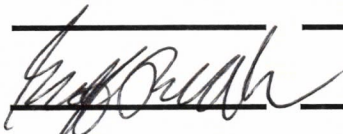
**REPORT OF COMMITTEE ON REGULATIONS
November 25, 2025**

Thomas Freistroffer Chair
Michelle Chambers Co-Chair
All Council Members

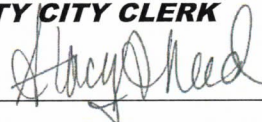
An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way

To vacate the 14-foot wide east-west alley between Fairfield and Ewing and between West Wayne and West Berry Streets to allow for loading dock improvements to the Scottish Rite Theatre

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>
<u>BENDER</u>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**STACY REED
DEPUTY CITY CLERK**



Public Hearing Date: 09-23-2025

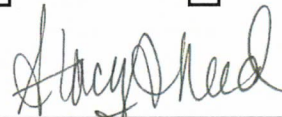
Read the first time in full and on motion by Councilperson Freistroffer.

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MYERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: November 25, 2025

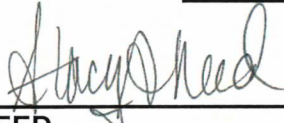


STACY REED, DEPUTY CITY CLERK

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

General Ordinance No. G-25-09-03 on the 25th day of November, 2025

ATTEST:

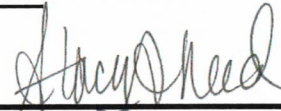


STACY REED
DEPUTY CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of November 2025, at the hour of 8:55 o'clock A.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 1st day of December 2025, at the hour of 4:32 o'clock pm E. S.T.


SHARON TUCKER, MAYOR