

1 #REZ-2026-0001

2 BILL NO. Z-26-01-19

3 ZONING MAP ORDINANCE NO. Z- 1-26

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. S14 (Sec. 32 of Saint Joseph Township)

6
7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby designated as C1/Professional
9 Office and Personal Services Zoning District under the terms of Chapter 157 Title XV of the Code
10 of the City of Fort Wayne, Indiana:

11 **Legal Description**

12 SUBJECT TRACT DEED: (FROM INSTRUMENT NO. 202205383 1):

13 Lot Number 169, Delta Heights Addition to the City of Fort Wayne, Indiana, except that part taken for
14 highway purposes.

15 ALSO:

16 That part of the West Half of the West Half of the Southeast Quarter of Section 32, Township 31 North,
Range 13 East, described as follows:

17 Commencing at the Southeast Corner thereof, thence West on the South line of said section, a distance
of six rods; thence North 20 rods; thence East six rods; thence South 20 rods, to the place of beginning,
being a parcel six rods wide, East and West and 20 rods long North and South.

18 EXCEPT:

19 Part of the West one-half of the west one-half of the Southeast Quarter of Section 32, Township 31
North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

20 Beginning at the Northeast corner of Lot Number 168 in Delta Heights Addition to the City of Fort Wayne,
Indiana; thence East along the South line of vacated Vermont Avenue, 99 feet; thence South and parallel
with the East line of Lot Number 168 in Delta Heights Addition, 150 feet; thence West and parallel with
the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot Number 168;
21 thence North along the East line of said Lot Number 168, a distance of 150 feet to the place of
22 beginning.

23 ALSO EXCEPT: (AS PER INST#93-048557)

24 Part of Lot 169 in Delta Heights Addition to the City at Fort Wayne according to the plat thereof recorded
in Plat Book 11 Page 84 in the Office of the Recorder of Allen County, Indiana:

25 Beginning at the southeast corner of Lot 169 as established by Deed Record 726 Page 166; thence
26 West. along the north right of way line of Lake Avenue a distance of 41 feet to the east right of way line
of Inwood Drive; thence North along the east right of way line of Inwood Drive a distance of 20 feet;
27 thence in a Southeasterly direction a distance of 14.14 feet to a point located 10 feet East and 10 feet
north of the southwest corner of Lot 169 Delta Heights addition as established by Deed Record 726,
Page 116; thence East parallel with the north right line of Lake Avenue A distance of 31 feet to the east
line of Lot #169 Delta Heights Addition; thence south along said east line a distance or 10 feet to the
28 point of beginning and containing 460 square feet more or less.

29 Together with the East 99 feet of the South 1/2 of Vermont Avenue vacated by Declaratory Resolution
No. 1377-1975.

30 Subject to any and all easements, agreements, and restrictions of record, and to legal highways.

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and the symbols of the City of Fort Wayne Zoning Map No. S14 (Sec. 32 of Saint Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

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: Zoning Map Amendment
Case Number: REZ-2026-0001
Bill Number: Z-26-01-19
Council District: 1 – Paul Ensley

Introduction Date: January 27, 2026

Plan Commission
Public Hearing Date: February 9, 2026 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone 0.49 acres from R3/Multiple Family Residential to C1/Professional
Office and Personal Services

Location: 4207 Lake Ave (Section 32 of Saint Joseph Township)

Reason for Request: To align zoning with the use

Applicant: Kevin Babb

Property Owner: Compass Rose Properties LLC

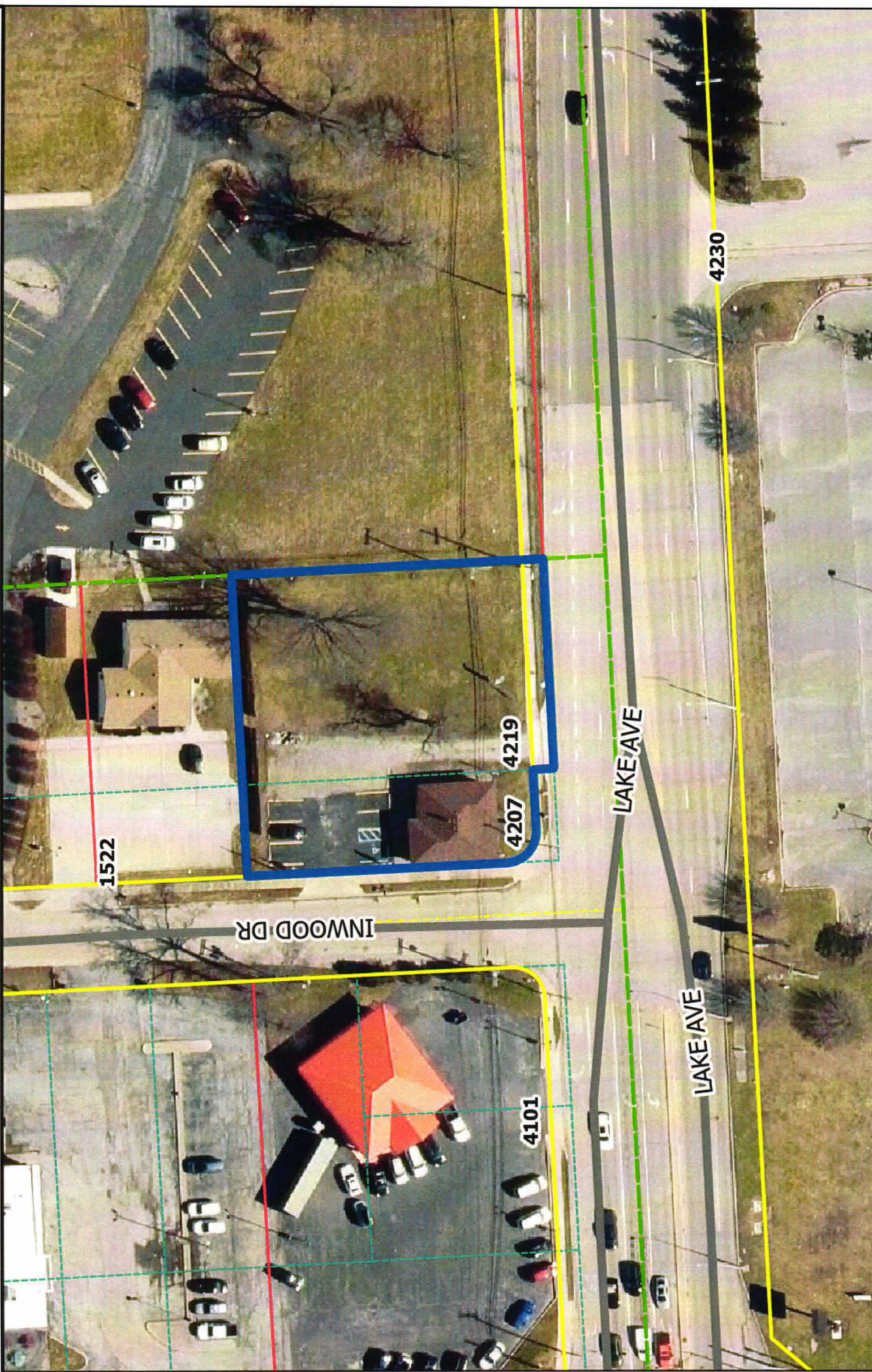
Related Petitions: N/A

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services
to align the zoning with the current use.

Effect of Non-Passage: Property will remain zoned R3/Multiple Family Residential, which does not
permit the current use.



Rezoning Petition REZ-2026-0001 - 4207 Lake Ave



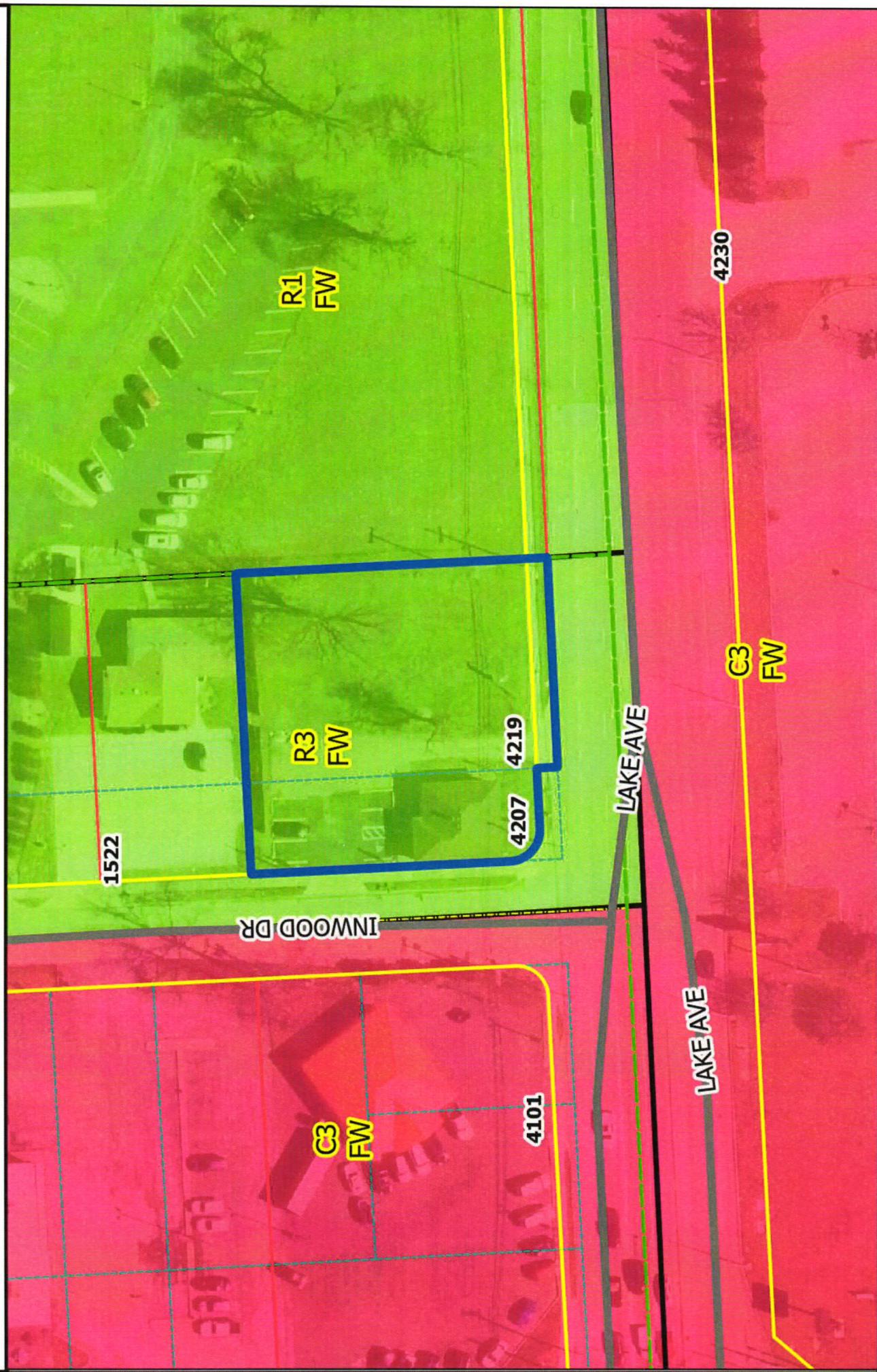
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Rezoning Petition REZ-2026-0001 - 4207 Lake Ave



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SURVEYOR'S REPORT

THEORY OF RETRACEMENT:

In accordance with Title 865, Article II, Chapter 12, Section 1 through 30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on the survey as a result of: VARIANCES in the reference monuments, DISCREPANCIES in record descriptions and plats, INCONSISTENCIES in lines of occupation as related to the surveyed lines, and/or RANDOM ERRORS in measurement (Theoretical Uncertainty). The classification of this survey is as defined in 865 IAC 12-7 is consistent with a suburban survey. As such the acceptable relative positional precision (due to random errors in measurement) of the corners of the subject tract for this survey is 0.13 feet (40 millimeters) plus 100 part per million.

- 1) The Basis of Bearings for this survey is based on multiple measurements and readings taken via Global Positioning Satellite receivers on various monuments found and control points set this survey (Geodetic). The bearings displayed on the survey are a reflection of data collected.
 - 2) Found monument types are labeled on the survey drawing. Monuments are approximately level with the ground and are of an unknown origin unless noted otherwise. The approximate age of the monuments that are labeled on this survey as found are consistent with the era in which the original survey of said corners were set or later; if variances in antiquity are determined to exist, notations pertaining to such evidence will appear on the survey drawing. New monuments set will be 5/8-inch round by 2 1/2-inch long steel rebar with orange plastic caps stamped 'LS 20200086'.
 - 3) The intent of this survey to retrace the previous/original survey of the subject tract described in the attached legal description.
 - 4) In the absence of county referenced monumentation and/or verifiable original monumentation I have held the found monumentation and referenced surveys of the subject tract and/or adjoining parcels as best available evidence of the original location of the intended corners of the said subject tract, unless otherwise noted.
 - 5) The theory of location utilized to re-create/re-establish the boundary of the subject parcel is a combination of applied theory as pertaining to the following:
 1. The use of prior surveys to show a common historical usage of the same monuments over a course of time.
 2. Consideration of Parole evidence taken from various property owners throughout the area.
 3. Review of archived and recorded documentation such as the cornerstone records, aerial photographs and the current deeds of record for both the subject tract and the adjoining tracts.
 4. In accordance with Justice Cooley's dictum I have considered the relevancy of 'ancient possession and occupation' such as existing structures and the relationship of those structures with the boundary(s) of the subject and adjoining tracts. Also, fencing, hedge rows, tree lines etc., where evident. In addition, mow lines and other temporary indications of occupation are considered when it is determined to be pertinent.
- 6) Title report was not provided at time of this survey. A title search could reveal easements or rights of way not shown on the survey drawing.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments were held as controlling corners and were used as the foundation of this survey. The found monuments are considered by the undersigned surveyor to be 'local corners held by common report'. These 'local corners' are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tracts are marked as shown on the survey certificate and in conformity with the aforementioned 'local corners'. The uncertainty of the subject tract corners is not determinable due to the use of said local corners. For this survey the found monuments were accepted as the location of the said 'local corners' and as the basis for this survey. Uncertainties due to variances between all found monuments and record distances were determined to be 0.13 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. See Surveyor's Notations and/or the survey drawing for details involving any discrepancies or encroachments. If none are specifically defined, then there are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS: None apparent unless otherwise noted in the Surveyor's Notations.

(D) RELATIVE POSITIONAL PRECISION:

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

GENERAL STATEMENTS:

- 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 interpretation of its deed description the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and 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) 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.
- 4) 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.
- 5) All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- 6) 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.
- 7) Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
- 8) Subsurface and environmental conditions were not examined or considered as a part of this survey.
- 9) Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- 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 theoretical uncertainty stated in part (D) of the Surveyor's Report.
- 11) Since the last date of field work of this survey, conditions beyond the knowledge or control of LOJEK Survey Company, P.C. may have altered the validity and circumstances of matters 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 original signature and seal, full payment of invoice and complete with all pages of survey.
- 13) No statement made by any employee or agent of LOJEK Survey Company, P.C. is valid unless written herein.
- 14) Copies of this survey that do not bear the original signature and seal may be used for archival purposes only.

PAGE 2 OF 3

THIS SURVEY PREPARED FOR:

COMPASS ROSE PROPERTIES, LLC

FIELDWORK COMPLETED: JANUARY 13th, 2026.

JOB NUMBER: 2602-03

LOJEK SURVEY COMPANY, P.C.

LAND SURVEYING - LAND PLANNING & DESIGN
EXCELLENT SERVICE THROUGHOUT ALL OF INDIANA

PO BOX 551, NEW HAVEN, IN 46774
PH: (260) 316-7755

ON THE WEB: www.lojeksurvey.com
E-MAIL: kirk@lojeksurvey.com



THIS SURVEY IS NOT COMPLETE OR VALID WITHOUT ALL PAGES INCLUDED. THIS SURVEY IS INTENDED FOR THE USE OF THE NAMED TITLEHOLDER LISTED ON THE TITLE BLOCK ONLY. ANY OTHER UNAUTHORIZED USE WITHOUT THE EXPRESS WRITTEN CONSENT OF LOJEK SURVEY COMPANY, P.C. IS STRICTLY PROHIBITED!

LEGAL DESCRIPTION

SUBJECT TRACT DEED: (FROM INSTRUMENT NO. 202205383 I)

Lot Number K9, Delta Heights Addition to the City of Fort Wayne, Indiana except that part taken for highway purposes.

ALSO

That part of the West Half of the West Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, described as follows:

Commencing at the Southeast Corner thereof; thence West on the South line of said Section, a distance of six rods; thence North 20 rods; thence East six rods; thence South 20 rods; to the place of beginning, being a parcel six rods wide, East and West and 20 rods long North and South.

EXCEPT:

Part of the West one-half of the west one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Lot Number K8 in Delta Heights Addition to the City of Fort Wayne, Indiana; thence East along the South line of vacated Vermont Avenue, 99 feet; thence South and parallel with the East line of Lot Number K8 in Delta Heights Addition, 150 feet; thence West and parallel with the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot Number K8; thence North along the East line of said Lot Number K8, a distance of 150 feet to the place of beginning.

ALSO EXCEPT: (AS PER INST#93-048557)

Part of Lot K9 in Delta Heights Addition to the City at Fort Wayne according to the plat thereof recorded in Plat Book 11 Page 84 in the Office of the Recorder of Allen County, Indiana:

Beginning at the southeast corner of Lot K9 as established by Deed Record 726 Page K6; thence West along the north right of way line of Lake Avenue a distance of 41 feet to the east right of way line of Inwood Drive; thence North along the east right of way line of Inwood Drive a distance of 20 feet; thence in a Southeasterly direction a distance of 1414 feet to a point located 10 feet East and 10 feet north of the southwest corner of Lot K9 Delta Heights Addition as established by Deed Record 726, Page K6; thence East parallel with the north right line of Lake Avenue A distance of 31 feet to the east line of Lot #K9 Delta Heights Addition; thence south along said east line a distance of 10 feet to the point of beginning and containing 460 square feet more or less.

Together with the East 99 feet of the South 1/2 of Vermont Avenue vacated by Declaratory Resolution No. 1377-1975. Subject to any and all easements, agreements, and restrictions of record, and to legal highways.

SURVEYOR'S NOTATIONS

This survey was commissioned by Kevin Babb of Compass Rose Properties, LLC. The purpose was to fulfill requirements made by the Allen County Zoning Department for the proposed change in Zoning sought by Compass Rose Properties, LLC for the purpose of enabling larger signage on the exterior of the improvements located on the subject property.

The foundation of the survey is the found existing monumentation on both the subject and northerly adjoining tracts. The monumentation found this survey cannot be verified as original due mainly to a lack of written information identifying the type of monumentation set, if any, at the time of platting. The location of the monuments found and measured coincide with the geometry defined on the Plat of Delta Heights and the additional metes and bounds portion described on the subject tract deed description as well as the northerly adjoining tract. I believe that it is the best available evidence of the original intent of the plat and description of record.

Occupation is consistent with the boundaries held this survey.

There are no discrepancies in record descriptions noted. However, I am including an exception that is representative of the transfer of a portion of Lot K9 to the City of Fort Wayne for the widening of Lake Avenue. The document that defines this is Titled Street Dedication Deed, and recorded on instrument #93-048557.

REFERENCED DOCUMENTS:

- 1) Current deed descriptions of record for the subject and adjoining tracts.
- 2) The plat of Delta Heights Addition.

SURVEYOR'S CERTIFICATION

I, S. KIRK CASTERLINE, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED BY ME, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF WAS EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SURVEY STANDARDS AS DEFINED IN TITLE 86.5, ARTICLE 1 RULE 12 OF THE INDIANA ADMINISTRATIVE CODE AND LSA DOCUMENT #05-82(F)

DATED THIS 20th Day of JANUARY, 2026.

Certified By: **S. KIRK CASTERLINE**

S. Kirk Casterline, R.L.S. #20200086

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. S. Kirk Casterline.

PAGE 2 OF 3



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COMPASS ROSE PROPERTIES, LLC

FIELDWORK COMPLETED: JANUARY 13th, 2026.

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Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

To updating the zoning to match building use to allow for modifications that match the non-residential use of the building. Current modifications would include additional wall signage future enhancements would be parking lot repairs and repaving.

- (2) Current conditions and the character of current structures and uses in the district;

The building was built as a home in the mid-1950s but remodeled into a dental office in the mid-1980s. A paved parking lot added with an entrance from Inwood Drive at that time. It was sold and used as a sales office for many years. Currently the building is used as a tax office which matches the variance use from the 1980s.

- (3) The most desirable use for which the land in the district is adapted;

The area is near an intersection of two major corridors in Fort Wayne and there are, retail and service businesses as well as other office and medical structures throughout the area. The property use matches that of others in the area.

- (4) The conservation of property values throughout the jurisdiction;

Use is consistent with the surrounding land use pattern and complements the character of neighboring properties. The development's scale, design, and operational characteristics are compatible with existing uses and are expected to maintain—and potentially enhance—property values in the area.

- (5) Responsible development and growth.

The project is responsibly designed and constructed, meeting modern development standards and supporting the community's planned growth.

COMPLETE FILING TO INCLUDE:

- Filing Fee
- Complete application signed by property owner*
- Legal description (in Word document format)*
- Boundary/Utility Survey*
- Rezoning Criteria *
- Written Commitment (if applicable)*

**All documents may be digital*



FACT SHEET

Case # REZ-2026-0001 Bill # Z-26-01-19 Project Start: January 2026

PROPOSAL: Rezoning Petition REZ-2026-0001 – 4207 Lake Ave
APPLICANT: Kevin Babb
REQUEST: To rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services to align zoning with the current use.
LOCATION: 4207 Lake Ave (Section 32 of St Joseph Township)
LAND AREA: 0.49 acres
PRESENT ZONING: R3/Multiple Family Residential
PROPOSED ZONING: C1/Professional Office and Personal Services
COUNCIL DISTRICT: 3 – Nathan Hartman

February 9, 2026 Public Hearing

- No one spoke in support or opposition.
- Paul Sauerteig and Karen Richards were absent.

February 16, 2026 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Patrick Zaharako and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation, to Common Council for their final decision.

6-0 MOTION PASSED

- Karen Richards, Paul Sauerteig, and Rick Briley were absent.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
February 17, 2026

PROJECT SUMMARY

The site is part of Delta Heights Addition which was platted in 1925. The applicant is petitioning to rezone the property from R3/Multiple Family Residential to C1/Professional Office and Personal Services to align zoning with the current use. The immediate adjacent properties to the north and east are zoned R3/Multiple Family Residential and R1/Single Family Residential respectively, and are both part of Concordia Lutheran Church and School. To the west and south is C3/General Commercial zoning district, with an auto dealership and a commercial building. In July 1981, the Board of Zoning Appeals granted Contingent Use for a Professional Office (dentist office). It has continued with professional office uses since that time, and currently is a tax service. The requested rezoning of this property to C1/Professional Office and Personal Services would bring the longstanding use of the real estate as a professional office into compliance with the terms and conditions of the Ordinance. It will also allow for investing in the property and an easier permitting process. This request does not contemplate any change in the current use of the property.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

The project site is located within the Urban Infill Areas.

- The following Goals and Strategies would be applicable:
 - LUD1** - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
 - LUD 1.3** - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities.

Overall Land Use Policies

The following Land Use Policies would be applicable and supportive of this request:

- **LUD Policy 4** - Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Community Commercial generalized land use category.
- Professional Office and Personal Services is a Primary Land Use in this category.

Land Use Related Action Steps

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **HN.1.1.2** – Encourage smart growth development practices to support efficient use of land and resources
- **HN.1.1.4** - Promote residential development with compact block structure, a mix of uses and housing types, and active transportation access to nearby jobs, recreation, fresh and nutritious food, and schools as well as connections to nearby neighborhoods.

Compatibility Matrix

- This proposed rezoning to C1/Professional Office and Personal Services residential is encouraged in the Community Commercial of the comprehensive plan. Both the neighborhood and street are stable and maintain residential character.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Kevin Babb (applicant) presented the request as outlined above.

Public Comments: None

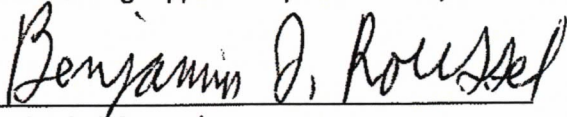
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Findings of Fact • February 2026

PROPOSAL: Rezoning Petition REZ-2026-0001 – 4207 Lake Ave
APPLICANT: Kevin Babb
REQUEST: To rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services to align zoning with the current use.
LOCATION: 4207 Lake Ave (Section 32 of St Joseph Township)
LAND AREA: 0.49 acres
PRESENT ZONING: R3/Multiple Family Residential
PROPOSED ZONING: C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2026-0001 be returned to Council, with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The rezoning would bring the longstanding use of the property as a professional office into compliance with the terms and conditions of the Ordinance.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The applicant intends to continue the use as a professional office, which would only have a positive impact on the surrounding area.
3. Approval is consistent with the preservation of property values in the area. The uniform zoning should allow more consistent development, now and in the future.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by public utilities and no additional burden on infrastructure is planned.

These findings approved by the Fort Wayne Plan Commission on February 16, 2026.



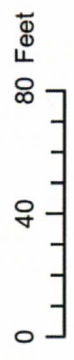
Benjamin J. Roussel
Executive Director
Secretary to the Commission

Rezoning Petition REZ-2026-0001 - 4207 Lake Ave



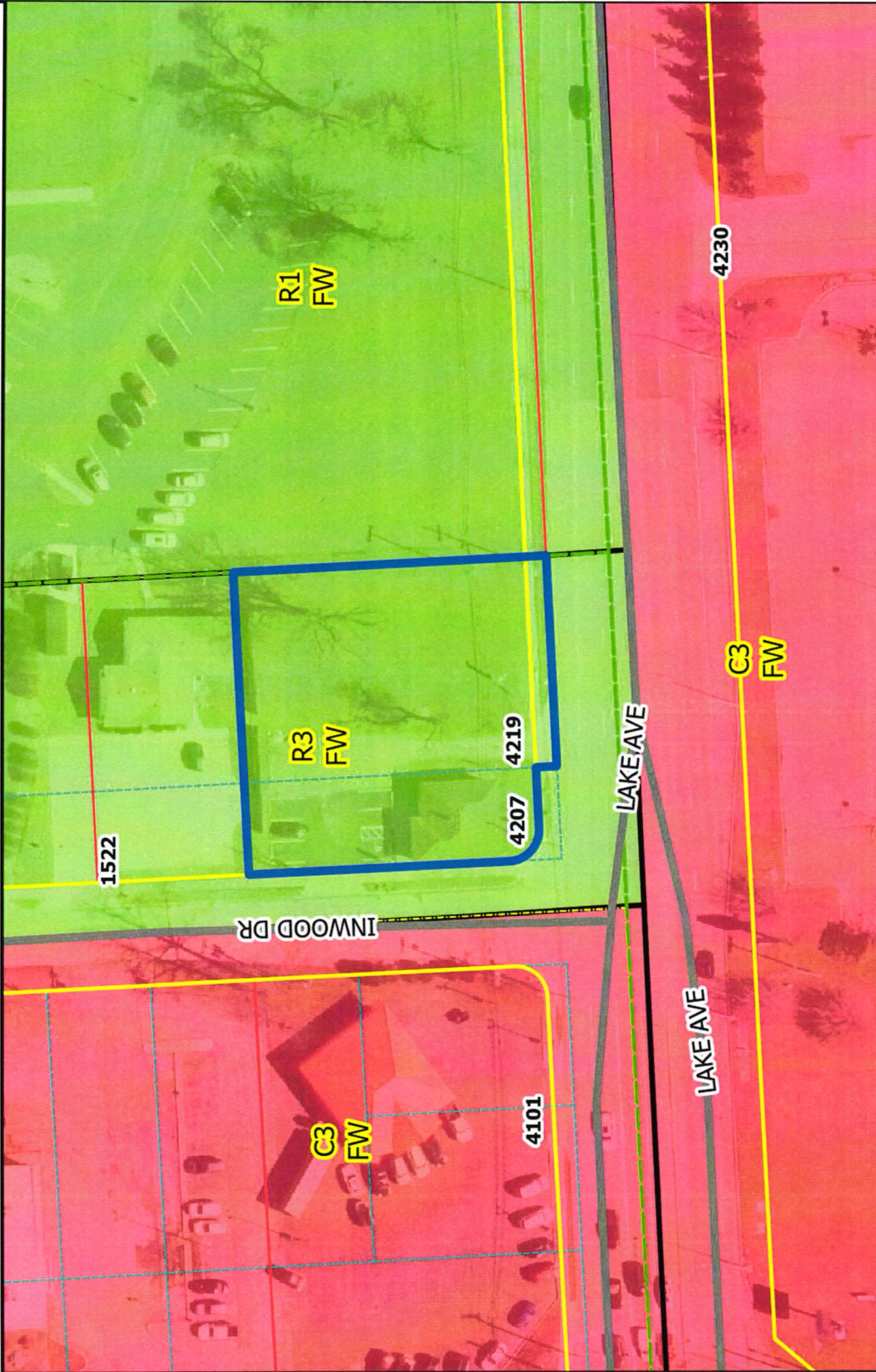
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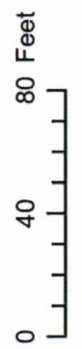


Rezoning Petition REZ-2026-0001 - 4207 Lake Ave



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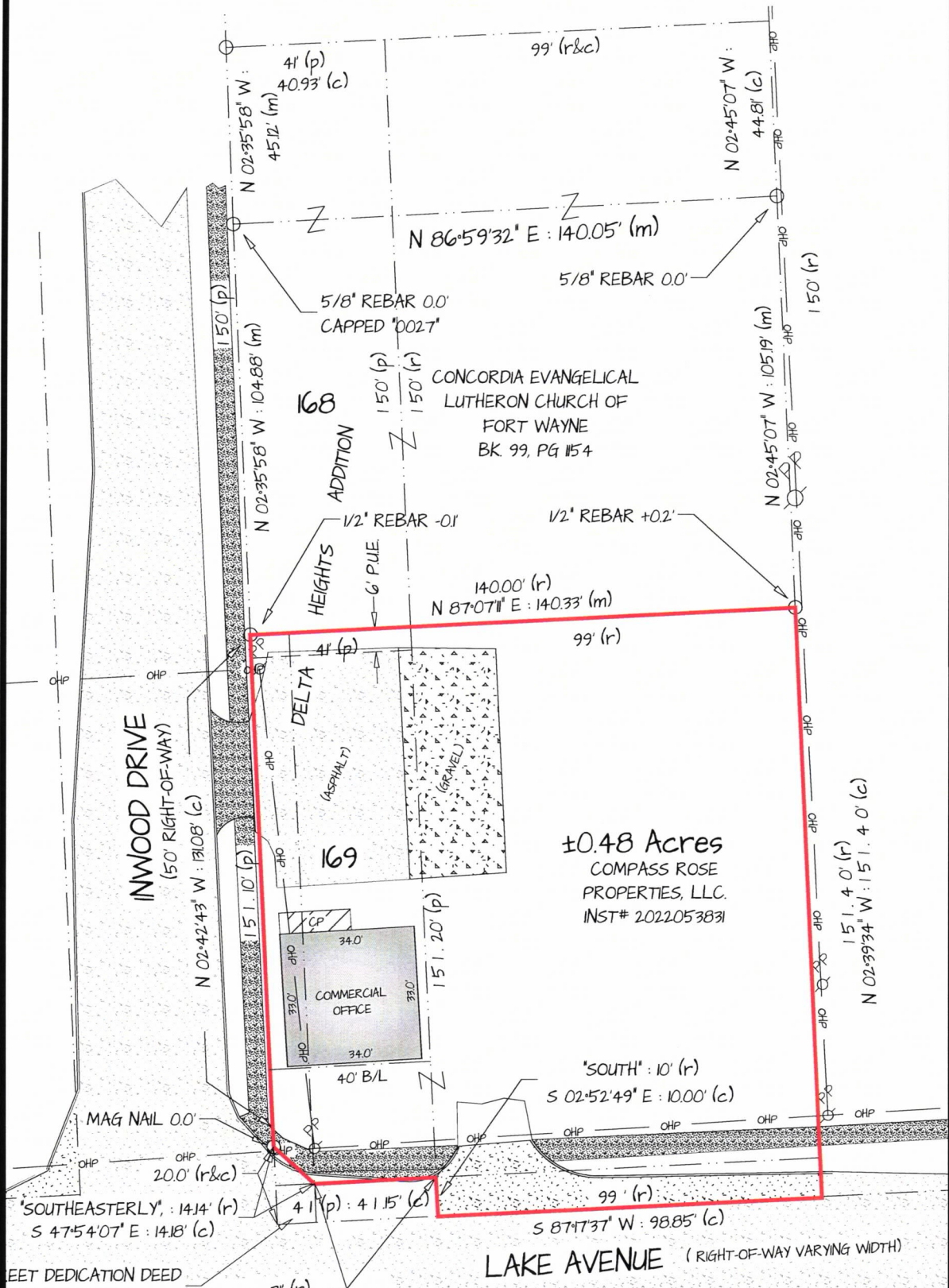




L. O. J. E. K. SURVEY COMPANY, P.C.

ADDRESS: 4207 LAKE AVENUE, NEW HAVEN, INDIANA 46815

THIS SURVEY PREPARED FOR: COMPASS ROSE PROPERTIES, LLC



LAND SURVEYING - LAND PLANNING & DESIGN
EXCELLENT SERVICE THROUGHOUT ALL OF INDIANA

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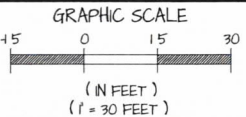
LEGEND :

- (r) = Recorded Distance
- (c) = Calculated Measurement
- (m) = Field Measured
- (p) = Platted
- (r/w) = Right-of-way
- OHP = Overhead Utilities

- = Monument Found
- = 5/8" Rebar capped '20200086'
- = MAG Nail with ID ring '20200086'
- PP = Power / Utility Pole
- ## All Monuments found are +/- 0.3' from the surface unless otherwise noted.

THIS SURVEY IS NOT COMPLETE OR VALID WITHOUT ALL PAGES INCLUDED.

PAGE 1 OF 3



LOT 169, DELTA HEIGHTS ADDITION & PT OF W/2, SE/4 SEC. 32, T31N, R13E, ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA
 JOB NUMBER: 2512-03 FIELDWORK COMPLETED: JANUARY 13th, 2026

SURVEYOR'S REPORT

THEORY OF RETRACEMENT:

In accordance with Title 865, Article II, Chapter 12, Section 1 through 30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on the survey as a result of: VARIANCES in the reference monuments, DISCREPANCIES in record descriptions and plats, INCONSISTENCIES in lines of occupation as related to the surveyed lines, and/or RANDOM ERRORS in measurement (theoretical uncertainty). The classification of this survey is as defined in 865 IAC 12-7 is consistent with a suburban survey. As such the acceptable relative positional precision (due to random errors in measurement) of the corners of the subject tract for this survey is 0.13 feet (40 millimeters) plus 100 part per million.

- 1) The Basis of Bearings for this survey is based on multiple measurements and readings taken via Global Positioning Satellite receivers on various monuments found and control points set this survey. (Geodetic). The bearings displayed on the survey are a reflection of data collected.
 - 2) Found monument types are labeled on the survey drawing. Monuments are approximately level with the ground and are of an unknown origin unless noted otherwise. The approximate age of the monuments that are labeled on this survey as found are consistent with the era in which the original survey of said corners were set or later; if variances in antiquity are determined to exist, notations pertaining to such evidence will appear on the survey drawing. New monuments set will be 5/8-inch round by 2 1/4-inch long steel rebar with orange plastic caps stamped 'LS 20200086'.
 - 3) The intent of this survey is to retrace the previous/original survey of the subject tract described in the attached legal description.
 - 4) In the absence of county referenced monumentation and/or verifiable original monumentation I have held the found monumentation and referenced surveys of the subject tract and/or adjoining parcels as best available evidence of the original location of the intended corners of the said subject tract, unless otherwise noted.
 - 5) The theory of location utilized to re-create/re-establish the boundary of the subject parcel is a combination of applied theory as pertaining to the following:
 1. The use of prior surveys to show a common historical usage of the same monuments over a course of time.
 2. Consideration of Parole evidence taken from various property owners throughout the area.
 3. Review of archived and recorded documentation such as the cornerstone records, aerial photographs and the current deeds of record for both the subject tract and the adjoining tracts.
 4. In accordance with Justice Cooley's dictum I have considered the relevancy of 'ancient possession and occupation' such as existing structures and the relationship of those structures with the boundary(s) of the subject and adjoining tracts. Also, fencing, hedge rows, tree lines etc, where evident. In addition, mow lines and other temporary indications of occupation are considered when it is determined to be pertinent.
- 6) Title report was not provided at time of this survey. A title search could reveal easements or rights of way not shown on the survey drawing.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments were held as controlling corners and were used as the foundation of this survey. The found monuments are considered by the undersigned surveyor to be 'local corners held by common report'. These 'local corners' are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tracts are marked as shown on the survey certificate and in conformity with the aforementioned 'local corners'. The uncertainty of the subject tract corners is not determinable due to the use of said local corners. For this survey the found monuments were accepted as the location of the said 'local corners' and as the basis for this survey. Uncertainties due to variances between all found monuments and record distances were determined to be 0.13 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 plot 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. See Surveyor's Notations and/or the survey drawing for details involving any discrepancies or encroachments. If none are specifically defined, then there are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS: None apparent unless otherwise noted in the Surveyor's Notations.

(D) RELATIVE POSITIONAL PRECISION:

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

GENERAL STATEMENTS:

- 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 interpretation of its deed description the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and 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) 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.
- 4) 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.
- 5) All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- 6) 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.
- 7) Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
- 8) Subsurface and environmental conditions were not examined or considered as a part of this survey.
- 9) Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- 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 theoretical uncertainty stated in part (D) of the Surveyor's Report.
- 11) Since the last date of field work of this survey, conditions beyond the knowledge or control of LOJEK Survey Company, P.C. may have altered the validity and circumstances of matters shown or noted hereon.
 - 1.) 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 original signature and seal, full payment of invoice and complete with all pages of survey.
 - 12) No statement made by any employee or agent of LOJEK Survey Company, P.C. is valid unless written herein.
 - 14) Copies of this survey that do not bear the original signature and seal may be used for archival purposes only.

PAGE 2 OF 3

THIS SURVEY PREPARED FOR:

COMPASS ROSE PROPERTIES, LLC

FIELDWORK COMPLETED: JANUARY 13TH, 2026.

JOB NUMBER: 2602-03

LOJEK SURVEY COMPANY, P.C.

LAND SURVEYING - LAND PLANNING & DESIGN
EXCELLENT SERVICE THROUGHOUT ALL OF INDIANA

P.O. BOX 551, NEW HAVEN, IN 46774
PH: (260) 316-7755

ON THE WEB: www.lojeksurvey.com
E-MAIL: kirk@lojeksurvey.com



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LEGAL DESCRIPTION

SUBJECT TRACT DEED: (FROM INSTRUMENT NO. 202205383 I.)

Lot Number K69, Delta Heights Addition to the City of Fort Wayne, Indiana except that part taken for highway purposes.

ALSO:

That part of the West Half of the West Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, described as follows:

Commencing at the Southeast Corner thereof, thence West on the South line of said Section, a distance of six rods; thence North 20 rods; thence East six rods; thence South 20 rods, to the place of beginning, being a parcel six rods wide, East and West and 20 rods long North and South.

EXCEPT:

Part of the West one-half of the west one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Lot Number K68 in Delta Heights Addition to the City of Fort Wayne, Indiana, thence East along the South line of vacated Vermont Avenue, 99 feet; thence South and parallel with the East line of Lot Number K68 in Delta Heights Addition, 150 feet; thence West and parallel with the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot Number K68; thence North along the East line of said Lot Number K68, a distance of 150 feet to the place of beginning.

ALSO EXCEPT: (AS PER INST#93-048557)

Part of Lot K69 in Delta Heights Addition to the City at Fort Wayne according to the plat thereof recorded in Plat Book 11 Page 84 in the Office of the Recorder of Allen County, Indiana:

Beginning at the southeast corner of Lot K69 as established by Deed Record 726 Page K66; thence West, along the north right of way line of Lake Avenue a distance of 41 feet to the east right of way line of Inwood Drive; thence North along the east right of way line of Inwood Drive a distance of 20 feet; thence in a Southeasterly direction a distance of 144 feet to a point located 10 feet East and 10 feet north of the southwest corner of Lot K69 Delta Heights Addition as established by Deed Record 726, Page K6; thence East parallel with the north right line of Lake Avenue A distance of 31 feet to the east line of Lot #K69 Delta Heights Addition; thence south along said east line a distance of 10 feet to the point of beginning and containing 460 square feet more or less.

Together with the East 99 feet of the South 1/2 of Vermont Avenue vacated by Declaratory Resolution No. 1377-1975. Subject to any and all easements, agreements, and restrictions of record, and to legal highways.

SURVEYOR'S NOTATIONS

This survey was commissioned by Kevin Bobb of Compass Rose Properties, LLC. The purpose was to fulfill requirements made by the Allen County Zoning Department for the proposed change in Zoning sought by Compass Rose Properties, LLC for the purpose of enabling larger signage on the exterior of the improvements located on the subject property.

The foundation of the survey is the found existing monumentation on both the subject and northerly adjoining tracts. The monumentation found this survey cannot be verified as original due mainly to a lack of written information identifying the type of monumentation set, if any, at the time of platting. The location of the monuments found and measured coincide with the geometry defined on the Plat of Delta Heights and the additional metes and bounds portion described on the subject tract deed description as well as the northerly adjoining tract. I believe that it is the best available evidence of the original intent of the plat and description of record.

Occupation is consistent with the boundaries held this survey.

There are no discrepancies in record descriptions noted. However, I am including an exception that is representative of the transfer of a portion of Lot K69 to the City of Fort Wayne for the widening of Lake Avenue. The document that defines this is Titled Street Dedication Deed, and recorded on instrument #93-048557.

REFERENCED DOCUMENTS:

- 1) Current deed descriptions of record for the subject and adjoining tracts.
- 2) The plat of Delta Heights Addition.

SURVEYOR'S CERTIFICATION

I, S. KIRK CASTERLINE, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED BY ME, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF WAS EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SURVEY STANDARDS AS DEFINED IN TITLE 86.5, ARTICLE 1, RULE 2 OF THE INDIANA ADMINISTRATIVE CODE AND LSA DOCUMENT #05-82(F)

DATED THIS 20th Day of JANUARY, 2026.

Certified By: **S. KIRK CASTERLINE**
S. Kirk Casterline, R.L.S. #20200086

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. S. Kirk Casterline
PAGE 2 OF 3



THIS SURVEY PREPARED FOR:		LOJEK SURVEY COMPANY, P.C. LAND SURVEYING - LAND PLANNING & DESIGN EXCELLENT SERVICE THROUGHOUT ALL OF INDIANA P.O. BOX 551, NEW HAVEN IN 46774 PH: (260) 316-7755 ON THE WEB: www.lojeksurvey.com E-MAIL: kirk@lojeksurvey.com
COMPASS ROSE PROPERTIES, LLC		
FIELDWORK COMPLETED: JANUARY 13th, 2026.	JOB NUMBER: 2612-03	

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BILL NO. Z-26-01-19

REPORT OF COMMITTEE ON REGULATIONS

March 3, 2026

Scott Myers Chair

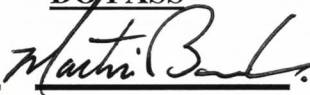
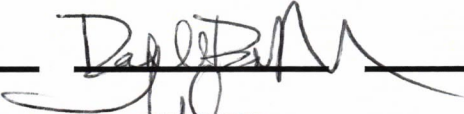


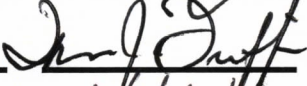


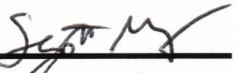

Rohli Booker Co-Chair

All Council Members

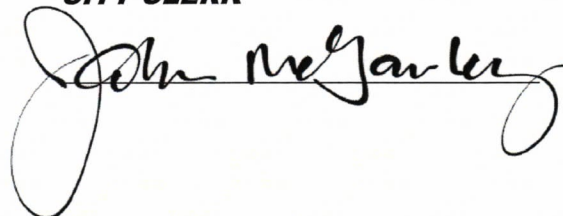
An Ordinance amending the City of Fort Wayne Zoning Map No. S14 (Sec. 32 of Saint Joseph Township)

To rezone 0.49 acres from R3/Multiple Family Residential to C1/Professional Office and Personal Services at 4207 Lake Ave

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>			

**JOHN D. MCGAULEY
CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson Myers, 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 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"/>
MYERS	<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"/>

DATED: March 10, 2026

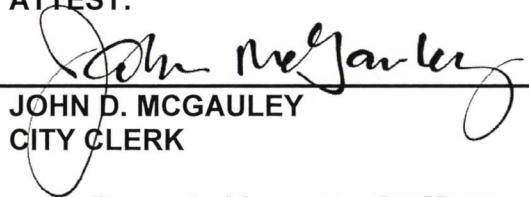


 JOHN D. MCGAULEY, CITY CLERK

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

Zoning Ordinance No. Z-26-01-19 on the 10th day of March, 2026

ATTEST:



 JOHN D. MCGAULEY
 CITY CLERK



 PRESIDING OFFICER

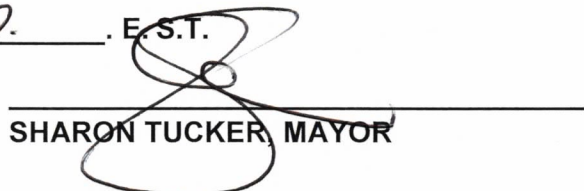
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of March 2026, at the hour of 10:40 o'clock A.M. E.S.T.



 JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 12th day of March 2026, at the hour of 9:49 o'clock A.M. E.S.T.

Fort Wayne Indiana
 Office of the City Clerk
 MAR 12 2026
 RECEIVED



 SHARON TUCKER, MAYOR