

1
2 **BILL NO. R-15-11-27**

3 **RESOLUTION NO. _____**

4 **A RESOLUTION APPROVING THE**
5 **PURCHASE OF CERTAIN REAL**
6 **ESTATE FOR THE CITY OF FORT**
7 **WAYNE, DIVISION OF CITY**
8 **UTILITIES.**

9 **WHEREAS**, the City of Fort Wayne, through its Division of Public
10 Works, desires to purchase the real estate at 5240 Mount Vernon Park Drive,
11 Fort Wayne, Indiana 46806 specifically described in Resolution of the City of
12 Fort Wayne, Indiana Board of Public Works Resolution Number 102-11-18-15-
13 1, Exhibit "A," attached hereto and made a part hereof; and

14 **WHEREAS**, the City of Fort Wayne, through its Division of Public
15 Works, desires to purchase this real estate for future construction of an
16 underground, approximately 200,000 gallon satellite storage tank; and

17 **WHEREAS**, the purchase price for the real estate located at 5240
18 Mount Vernon Park Drive, Fort Wayne, Indiana 46806 is TWO HUNDRED
19 NINETY AND 00/100 DOLLARS – (\$290.00);

20 **WHEREAS**, Sec. 37-19 of the City of Fort Wayne Code of
21 Ordinances, requires the Common Council approval of any purchase of real
22 estate by the City.

23
24 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON**
25 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

26 **SECTION 1.** The purchase of real estate by the City of Fort
27

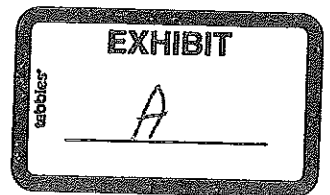
Wayne through its Division of Public Works, located at 5240 Mount Vernon Park Drive, Fort Wayne, Indiana 46806 specifically described in the Resolution of the City of Fort Wayne, Indiana, Board of Public Works Resolution Number 102-11-18-15-1, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF
5240 MOUNT VERNON PARK DRIVE,
FORT WAYNE, INDIANA, 46802**

RESOLUTION NUMBER 102-11-18-15-1

WHEREAS, the City of Fort Wayne (the "City") has an ongoing program of purchasing properties critical to its Capital Improvement Program; and

WHEREAS, the City has need for the property located commonly known as 5240 Mount Vernon Park Drive, Fort Wayne, Indiana, 46806, also known as Lot 239 in Mount Vernon Park Addition, Section 3, to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 18, page 149 (the "Real Estate") in the Office of the Recorder of Allen County, Indiana (the "Office of the Recorder"), as depicted on Exhibit "A" attached hereto and incorporated herein, for the construction of a satellite storage facility to bring the Combined Sewer Overflow (CSO) Structure Number 54 into compliance with the Consent Decree; and

WHEREAS, the City wishes to purchase from the Allen County Community Development Corporation (the "ACCDC") the Real Estate which the ACCDC obtained title to via a Tax Title Deed recorded in Document Number 206064220 in the Office of the Recorder; and

WHEREAS, ACCDC has voluntarily elected to sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Two Hundred Ninety and No/100 Dollars (\$290.00).

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FORT WAYNE, INDIANA BOARD OF PUBLIC WORKS AS FOLLOWS:

SECTION 1. The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the price of Two Hundred Ninety and No/100 Dollars (\$290.00) is hereby approved.

(Remainder of the page intentionally left blank—signature page to follow.)

APPROVED 18th day of November, 2015.

BOARD OF PUBLIC WORKS

BY: [Signature]
Robert P. Kennedy, Chairman

BY: [Signature]
Kumar Menon, Member

BY: [Signature]
Mike Avila, Member

ATTEST: [Signature]
Lyndsey Richards, Clerk

Prepared by: DeWayne J. Nodine, City of Fort Wayne, Program Manager, Capital Project Services

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State personally appeared Robert P. Kennedy, Kumar Menon, and Mike Avila, as Members of the Board of Public Works of the City of Fort Wayne, and Lyndsey Richards, Clerk of the Board of Works, and acknowledged the execution of the foregoing contract as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 18th day of November, 2015.

My Commission Expires:

12/02/2020

[Signature]
Notary Public

Resident of Allen County

Lindsay K Haggerty
Printed Name of Notary

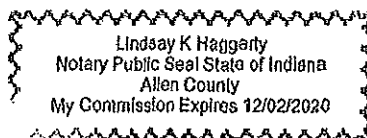




Exhibit "A" - 5240 Mount Vernon Park Drive



Although every effort has been made to ensure the accuracy of this map, the City of Mount Vernon does not warrant or guarantee the accuracy of the information presented herein and shall not be liable for any errors or omissions in this map.

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Proposed Site for Equalization Tank:
5240 Mount Vernon Park Drive



Date: 11/16/2015

Interoffice Memo

Date: November 19, 2015
To: Common Council Members
From: DeWayne Nodine, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Purchase of 5240 Mount Vernon Park Drive, Fort Wayne, Indiana 46806

Council Introduction Date: November 24, 2015—Council District #: 6

Background & supporting information:

City Utilities would like to purchase the empty lot at 5240 Mount Vernon Park Drive for the future construction of an underground, approximately 200,000 gallon satellite storage tank. This project is the last of four projects done over last several years to reduce the number of wet weather combined sewer overflows (CSO) occurring in this area. Per the Long Term Control Plan, a storage tank was part of the solution to reach the goal of only four (4) overflows per year. This empty lot is an ideal location because it is situated relatively close to the regulator located at the intersection of Smith Street and Roosevelt Drive.

A neighborhood meeting was held on October 26, 2015, however, no residents attended the meeting. The neighborhood association was also contacted. This association has recently purchased other lots in the area for community garden projects; City Utilities is considering whether to allow a garden on top of this facility since the tank will be underground.

The Allen County Community Development Corp currently owns this property and is requesting the minimum price of only Two Hundred Ninety (\$290.00) Dollars, plus closing costs of Twenty-Three (\$23.00) Dollars. The parcel is highlighted on the map included with the Resolution approved by the Board of Public Works on November 18, 2015 (copy attached).

Implications of not being approved:

This project is contained in the City's Long Term Control Plan and will reduce the amount of untreated overflows reaching the rivers. Therefore, if this project is not constructed, the City may be in violation of the Consent Decree. Furthermore, if the property is not purchased, at this time, it will most likely cost considerably more to purchase from another entity and lead to overall higher project costs.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Resolution and Map

CC: Matthew Wirtz / Dan Brenner / Diane Brown / Project file