

1
2 **BILL NO. R-16-06-23**

3 **RESOLUTION NO. _____**

4 **A RESOLUTION APPROVING THE**
5 **PURCHASE OF CERTAIN REAL**
6 **ESTATE (\$700.00) FOR THE CITY**
7 **OF FORT WAYNE, BY AND**
8 **THROUGH ITS BOARD OF PUBLIC**
9 **WORKS.**

10 **WHEREAS**, the City of Fort Wayne, through its Board of Public
11 Works desires to purchase two (2) parcels of real estate located on the east of
12 Clinton Street and North of Elizabeth Street, Fort Wayne, Indiana, ("see
13 purchase documents attached hereto and made a part hereof); and

14 **WHEREAS**, purchase of these two (2) parcels of real estate is
15 necessary for construction of the Pufferbelly Trail; and

16 **WHEREAS**, the purchase price for the two (2) parcels of real
17 estate located on the east of Clinton Street and North of Elizabeth Street, Fort
18 Wayne, Indiana is SEVEN HUNDRED AND 00/100 DOLLARS – (\$700.00);
19 and

20 **WHEREAS**, Sec. 37-25 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 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON**
24 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

25 **SECTION 1.** The purchase of two (2) parcels real estate by the
26
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1 City of Fort Wayne, through its Board of Public Works, located on the east of
2 Clinton Street and North of Elizabeth Street, Fort Wayne, Indiana is hereby
3 approved and agreed to. The appropriate officials of the City are hereby
4 authorized to execute all documents necessary to accomplish said purchase.
5

6 **SECTION 2.** This Resolution shall be in full force and effect from
7 and after its passage and any and all necessary approval by the Mayor.
8

9 _____
10 Council Member

11 APPROVED AS TO FORM AND LEGALITY
12

13 _____
14 Carol Helton, City Attorney
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Council Agenda Item Submission Form

Staff Contact:

Division: (Select from Drop-down):

Department:

Today's Date:

Issue:

Type of Action: Ordinance ☐ Resolution ☒ Presentation ☐

Anticipated Introduction Date (2nd or 4th Tuesday):

Presenter:

Is there a requirement for a public hearing? ☐ Yes ☒ No

Is there a deadline for your final action? ☐ Yes ☒ No If yes, deadline date:

Do you need to meet with the Mayor and Deputy Mayor regarding this issue? ☐ Yes ☒ No

Do you plan to meet with Councilmembers to educate on issue? ☐ Yes ☒ No

Ritchie, Dawn

DIGEST SHEET

Department: Greenways

Resolution Number: Pufferbelly Trail, Phase 1A, Right of Way Acquisition,
Work Order No. 0010-R

Title of Resolution: Approval of the acquisition of 2 parcels for the Pufferbelly Trail

Current Property Owner: Indiana Department of Transportation

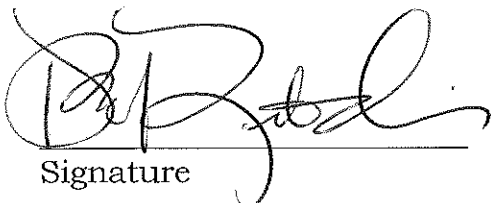
Amount of Acquisition: \$700

Description of Project (Be Specific): The Pufferbelly Trail is the State Visionary Trail from Pokagon State Park in Angola to Ouabache State Park in Bluffton. Twenty-two of the 81 mile long trail has been constructed by the four counties. The City will be constructing the Pufferbelly Trail from State Boulevard to the intersection of Fourth and Clinton in 2017. This will provide trail connections to downtown, Headwaters Park, the Rivergreenway, Lawton Park, the Skate Park and Science Central. INDOT owns the old Huth Tool property along the east side of Clinton Street and is willing to sell the City these parcels for the trail for \$700 total. The acreage is 0.618.

What Are The Implications If Not Approved: We won't be able to construct the Pufferbelly Trail on the east side of Clinton, making a crucial connection to downtown.

If Prior Approval Is Being Requested, Justify:

Additional Comments:

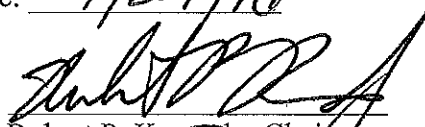

Signature

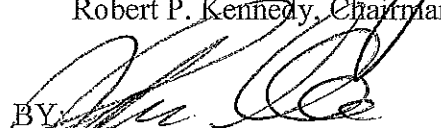
6-9-16
Date

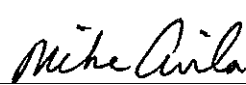
Approval of Agreement between the City of Fort Wayne and INDOT for the purchase of two (2) parcels located on the east of Clinton Street and North of Elizabeth Street for the Pufferbelly Trail in the amount of \$700.00.

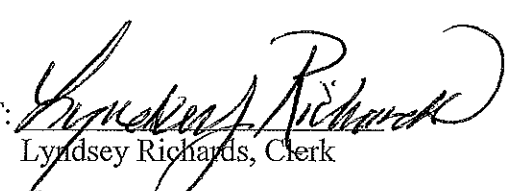
BOARD OF PUBLIC WORKS

Date: 4/27/10

BY: 
Robert P. Kennedy, Chairman

BY: 
Kumar Menon, Member

BY: 
Mike Avila, Member

ATTEST: 
Lyndsey Richards, Clerk



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 234-5818
FAX: (317) 233-3055

Michael R. Pence, Governor
Brandye L. Hendrickson,
Commissioner

December 4, 2015

Dawn Ritchie
City of Fort Wayne
Citizens Square
200 East Berry Street, Suite 210
Fort Wayne, IN 46802

RE: State of Indiana Excess Land Disposition, Code 5388 parcels 9 and 10

Dear Ms. Ritchie,

Thank you for your interest in purchasing excess land from the State of Indiana. Parcels 9 and 10 have a combined acreage of 0.618. The market value of this property is valued at \$700.

Please send the following paperwork back to allow us to complete the transaction:

- Signed and Notarized Quitclaim Deed
- Completed and Signed W-9 form
- Check for \$700, made out to the Indiana Department of Transportation

Please allow this letter to serve as your invoice for the property.

Please contact me with any questions or concerns.

Thank you,

Katie Loggins
Property Management Specialist, Real Estate Division
100 North Senate Ave, Room N642
Indianapolis, IN 46204
Office: (317)234-5818
Email: kloggins@indot.in.gov



www.in.gov/dot/
An Equal Opportunity Employer



Project: 0902299
Road: US 27
County: Allen
Code: 5388
Parcel: 9 and 10

QUITCLAIM DEED

WHEREAS, the Indiana Department of Transportation, by Order of the Commissioner, has determined that the below-described real property will not be needed for highway purposes or purposes incidental thereto; and

WHEREAS, pursuant to the provisions of Indiana Code § 8-23-4-9, the Indiana Department of Transportation has offered the real property for sale to the City of Fort Wayne, a municipality for the sum of Seven Hundred Dollars (\$700.00), which offer has been duly accepted; and

WHEREAS, the City of Fort Wayne, a municipality have paid the full purchase price; and

NOW THEREFORE, the State of Indiana in accordance with Indiana Code § 8-23-4-9 executes this Quitclaim Deed.

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, hereby releases and quitclaims to the City of Fort Wayne, a municipality the real estate situated in Allen County, State of Indiana, to wit:

INDOT
Project 0902299
Road US 27
County Allen
Code 5388
Parcel 9 and 10

which real property is more fully described on "**Exhibit A**", which is attached hereto and incorporated fully herein."

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

Project: 0902299
Road: US 27
County: Allen
Code: 5388
Parcel: 9 and 10

IN WITNESS WHEREOF, the State of Indiana has hereunto set its hand by the Governor of the State of Indiana, and attached the Corporate Seal of the State of Indiana this _____ day of _____ 2015.

STATE OF INDIANA

Mark G. Ahearn, General Counsel &
Designee of Michael R. Pence,
Governor
State of Indiana

State of Indiana)
)ss:
County of Marion)

Before me, a Notary in and for said County and State, personally appeared Mark G. Ahearn, General Counsel and Designee of Michael R. Pence, Governor of the State of Indiana and acknowledged execution of the foregoing Quitclaim Deed for and on behalf of the State of Indiana this _____ day of _____ 2015.

Notary signature: _____

Notary name printed: _____

My commission expires: _____

I reside in _____ County

Parcel: 9 and 10

Project: 0902299
Road: US 27
County: Allen
Code: 5388
Parcel: 9 and 10

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of
the Indiana Department of Transportation this _____ day of _____ 2015.

Jason S. Wasson, Deputy Commissioner of Engineering & Asset Management for
Brandye L. Hendrickson, Commissioner of the Indiana Department of Transportation

State of Indiana)
) ss:
County of Marion)

Before me, a Notary in and for said County and State, personally appeared Jason S. Wasson, Deputy Commissioner of
Engineering & Asset Management for Brandye L. Hendrickson, Commissioner of the Indiana Department of
Transportation, and acknowledged execution of the foregoing Quitclaim Deed this
_____ day of _____ 2015.

Notary signature: _____

Notary name printed: _____

My commission expires: _____

I reside in _____ County

Project: 0902299
Road: US 27
County: Allen
Code: 5388
Parcel: 9 and 10

APPROVED AS TO FORM AND LEGALITY

Gregory F. Zoeller
Attorney General of Indiana

Date

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.

Katherine A. Loggins

Grantee's Mailing Address:
the City of Fort Wayne
Citizens Square
200 E. Berry Street, Suite 210
Fort Wayne, IN 46802

This instrument prepared by:

Teresa Dashiell Giller, Attorney
Indiana Department of Transportation
100 North Senate Ave. N730, Indianapolis, IN 46204

EXHIBIT "A"

Project: 0101527

Sheet 1 of 1

Code: 5388

Parcel 9 – Excess Land

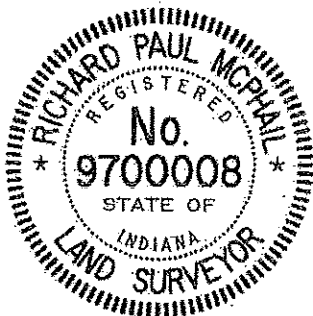
Key Number: 02-07-35-409-007.000-074

Lot 7 in Hofer's First Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 3, page 69 and Lots 1, 2 and 3 in Hofer's Second Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 6, page 43, in the Office of the Recorder of said county, and being that part of the grantor's land depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", containing 26059 square feet, more or less.

EXCEPT that part reserved unto the State of Indiana, described as follows: Beginning at the northwest corner of Lot 3; thence North 75 degrees 44 minutes 01 second East 22.00 feet along the northern line of Lot 3 to the eastern boundary of U.S. 27 and the northwest corner of the grantor's land designated as point "407" on said plat; thence South 10 degrees 47 minutes 53 seconds East 165.30 feet along the eastern boundary of said U.S. 27 and the western line of the grantor's land to the southwest corner of the grantor's land and the southern line of Lot 7 designated as point "405" on said plat; thence South 75 degrees 44 minutes 01 second West 12.00 feet along the southern line of Lot 7 to the southwest corner of Lot 7; thence North 14 degrees 15 minutes 59 seconds West 165.00 feet along the western line of Lot 7 in Hofer's First Addition and Lots 1, 2 and 3 in Hofer's Second Addition, which line is parallel with the centerline of U.S. 27 to the northwest corner of Lot 3 and the point of beginning and containing 2805 square feet, more or less.

Containing, in all, after said exception 23254 square feet.

This description was prepared for the Indiana Department of Transportation by Richard P. McPhail, Indiana Registered Land Surveyor, License Number 9700008, on the 12th day of May, 2015.

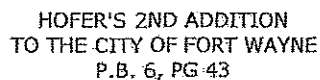


Richard P. McPhail

0 50' 100'



SCALE: 1"=100'



HATCHED AREA IS THE APPROXIMATE EXCESS LAND AREA

DRAWN BY: MAW
CHECKED BY: RPM
DES. NO.: 0101527

Instrument No. 2011004185, Dated August 17, 2010

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

EXHIBIT "B"
RIGHT-OF-WAY PARCEL PLAT
Prepared for Indiana Department of Transportation
by:

SHEET 2 OF 2



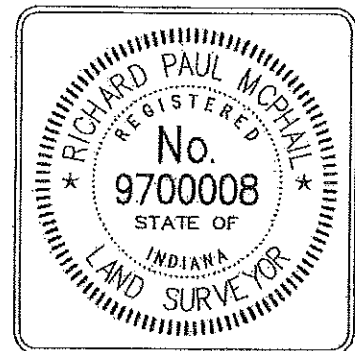
POINT REFERENCE CHART (Feet)

Point	North	East	Station	Offset	CL
4	* SEE LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2008013491				
5					
7					
404	2129601.3040	473291.6754	51+73.57	35.00 R	B
405	2129739.8939	473256.4358	PL(53+16.57)	35.00 R	B
407	2129902.2697	473225.4663	PL(54+81.57)	45.00 R	B
408	2130045.5935	473221.0610	56+37.49	70.00 R	B

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2008013491 in the Office of the Recorder of Allen County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

Richard P. McPhail 5-12-15
Richard P. McPhail Date
Reg. Land Surveyor No. LS9700008
State of Indiana



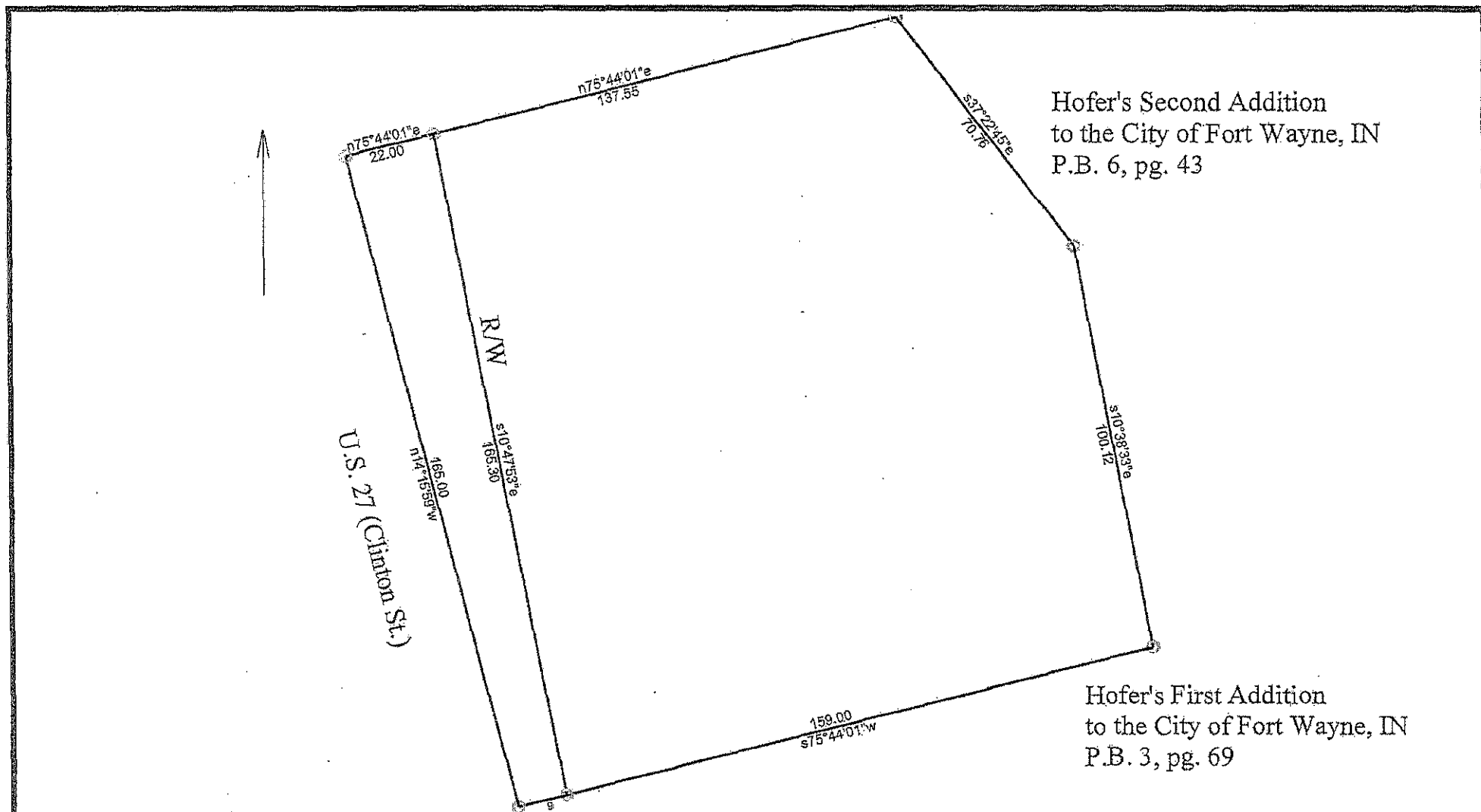
NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.

OWNER: STATE OF INDIANA
PARCEL: 9 Excess Land
CODE: 5388
PROJECT: 0101527
ROAD: U.S. 27
COUNTY: ALLEN
SECTION: 35
TOWNSHIP: 31 NORTH
RANGE: 12 EAST

DRAWN BY: MAW
CHECKED BY: RPM
DES. NO.: 0101527

HANSON PROJECT NO. 14H0001

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.



Parcel 9 - Code 5388 - Des 0101527

5/12/2015

Scale: 1 inch= 34 feet

File: 14H0001.Parcel 09.Code 5388.Closure.ndp

Tract 1: 0.5982 Acres (26059 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/321280), Perimeter=632 ft.

Tract 2: 0.0644 Acres (2805 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/131522), Perimeter=364 ft.

01 n75.4401e 137.55

10.n14.1559w 165.00

02 s37.2245e 70.76

03 s10.3833e 100.12

04 s75.4401w 159.00

05 n14.1559w 165.00

06 @0

07 n75.4401e 22.00

08 s10.4753e 165.30

09 s75.4401w 12.00

EXHIBIT "A"

Project: 0101527

Sheet 1 of 1

Code: 5388

Parcel 10 – Excess Land

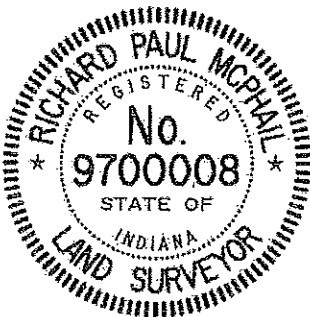
Key Number: 02-07-35-409-005.000-074

Lot 4 in Hofer's Second Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 6, page 43, in the Office of the Recorder of said county, and being that part of the grantor's land depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", containing 4,553 square feet, more or less.

EXCEPT that part reserved unto the State of Indiana, described as follows: Beginning at the southwest corner of said lot; thence North 14 degrees 15 minutes 59 seconds West 35.00 feet parallel with the centerline of U.S. 27 and along the western line of said lot to the northwest corner of said lot; thence North 75 degrees 44 minutes 01 second East 29.76 feet to the eastern boundary of U.S. 27 and the northwest corner of the grantor's land; thence South 1 degree 45 minutes 38 seconds East 35.85 feet along the eastern boundary of said U.S. 27 and the western line of the grantor's land to the southwest corner of the grantor's land and the southern line of said lot designated as point "407" on said plat; thence South 75 degrees 44 minutes 01 second West 22.00 feet along the southern line of said lot to the southwest corner of said lot and the point of beginning and containing 906 square feet, more or less.

Containing, in all, after said exception 3,647 square feet.

This description was prepared for the Indiana Department of Transportation by Richard P. McPhail, Indiana Registered Land Surveyor, License Number 9700008, on the 12th day of May, 2015.

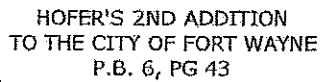


Richard P. McPhail

0 50' 100'



SCALE: 1"=100'



HATCHED AREA IS THE APPROXIMATE EXCESS LAND AREA

DRAWN BY: MAW
CHECKED BY: RPM
DES. NO.: 0101527

Instrument No. 2010056691, Dated September 20, 2010

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

EXHIBIT "B"
RIGHT-OF-WAY PARCEL PLAT
Prepared for Indiana Department of Transportation
by:



SHEET 2 OF 2

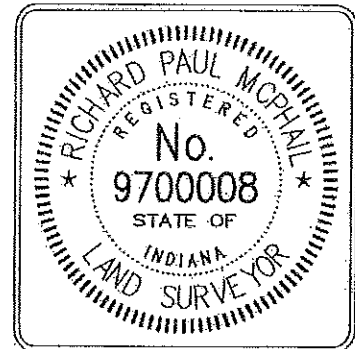
POINT REFERENCE CHART (Feet)

Point	North	East	Station	Offset	℄
4	* SEE LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2008013491				
5					
7					
404	2129601.3040	473291.6754	51+73.57	35.00 R	B
405	2129739.8939	473256.4358	53+16.57	35.00 R	B
407	2129902.2697	473225.4663	PL(54+81.57)	45.00 R	B
408	2130045.5935	473221.0610	56+37.49	70.00 R	B

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2008013491 in the Office of the Recorder of Allen County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

Richard P. McPhail 5-12-15
Richard P. McPhail Date
Reg. Land Surveyor No. LS9700008
State of Indiana



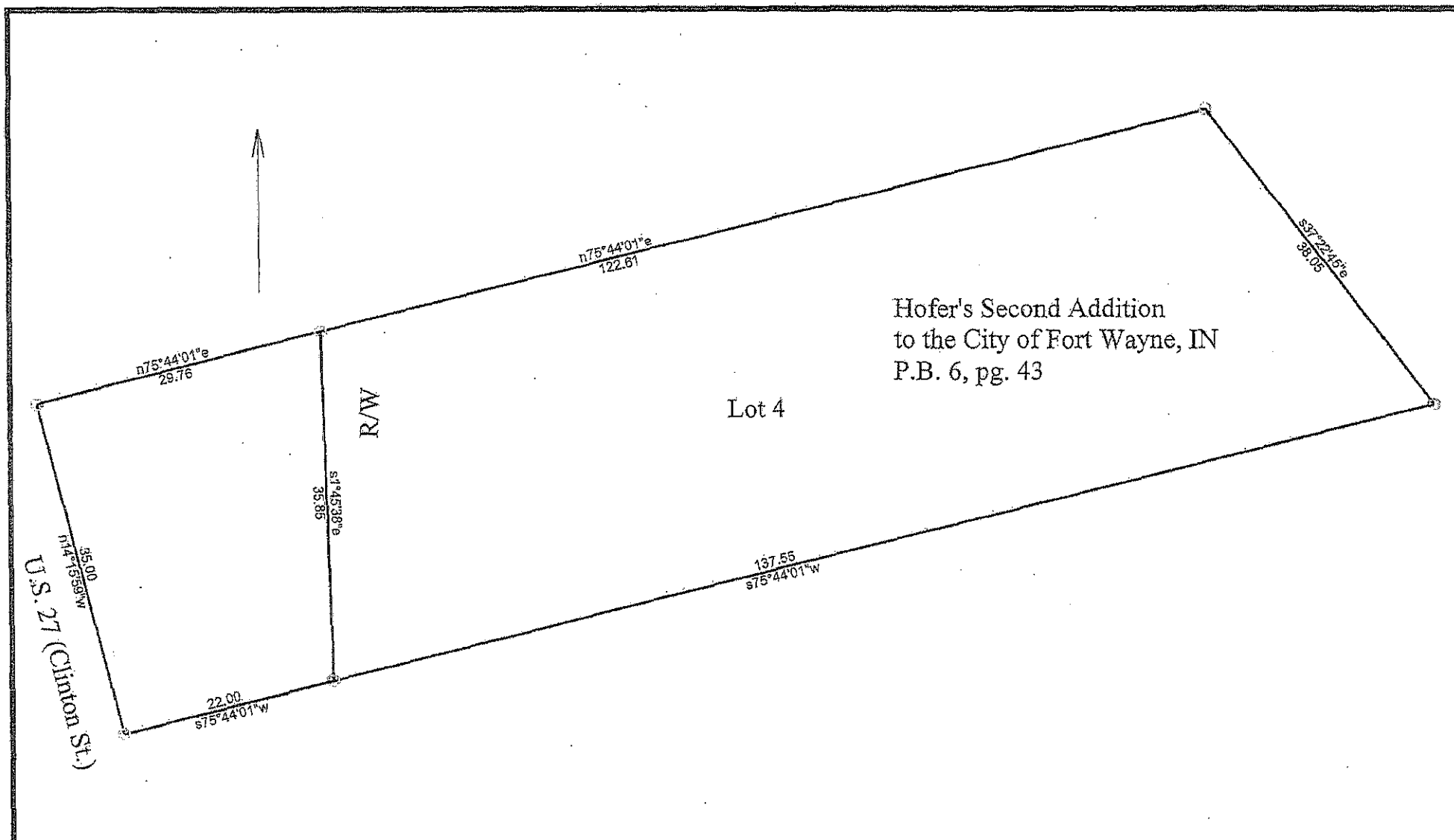
NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.

OWNER: STATE OF INDIANA
PARCEL: 10 Excess Land
CODE: 5388
PROJECT: 0101527
ROAD: U.S. 27
COUNTY: ALLEN
SECTION: 35
TOWNSHIP: 31 NORTH
RANGE: 12 EAST

DRAWN BY: MAW
CHECKED BY: RPM
DES. NO.: 0101527

HANSON PROJECT NO. 14H0001

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.



Parcel 10 - Code 5388 - Des 0101527		5/12/2015
Scale: 1 inch= 14 feet		File: 14H0001.Parcel 10.Code 5388.Closure.ndp
Tract 1: 0.1045 Acres (4553 Sq. Feet), Closure: s56.4140e 0.01 ft. (1/59655), Perimeter=333 ft. Tract 2: 0.0208 Acres (906 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/41128), Perimeter=123 ft.		
01 n14.1559w 35.00	09 s75.4401w 22.00	
02 n75.4401e 122.61		
03 s37.2245e 38.05		
04 s75.4401w 137.55		
05 @0		
06 n14.1559w 35.00		
07 n75.4401e 29.76		
08 s1.4538e 35.85		