

1 BILL NO. R-16-09-23

2 RESOLUTION NO. \_\_\_\_\_

3  
4 A RESOLUTION APPROVING THE  
5 PURCHASE OF CERTAIN REAL  
6 ESTATE (105 THIRD STREET, FORT  
7 WAYNE, INDIANA 46808) FOR THE  
8 CITY OF FORT WAYNE, INDIANA –  
Board of Public Works Resolution  
Number 103-9-14-16-1.

9 WHEREAS, the City of Fort Wayne desires to purchase property  
10 located at 105 THIRD STREET, FORT WAYNE, INDIANA 46808, specifically  
11 described in "Exhibit "A," attached hereto and made a part hereof; and  
12

13 WHEREAS, the purchase of this property is necessary for the  
14 construction of the Three Rivers Protection and Overflow Reduction Tunnel  
15 (3RPORT); and  
16

17 WHEREAS, the purchase price for this property and other sale  
18 items is TWENTY-FIVE THOUSAND AND 00/100 DOLLARS – (\$25,000.00);  
19 and

20 WHEREAS, Sec. 37-25 of the City of Fort Wayne Code of Ordinances,  
21 requires the Common Council approval of any purchase or conveyance 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 property located at 105 Third  
26  
27

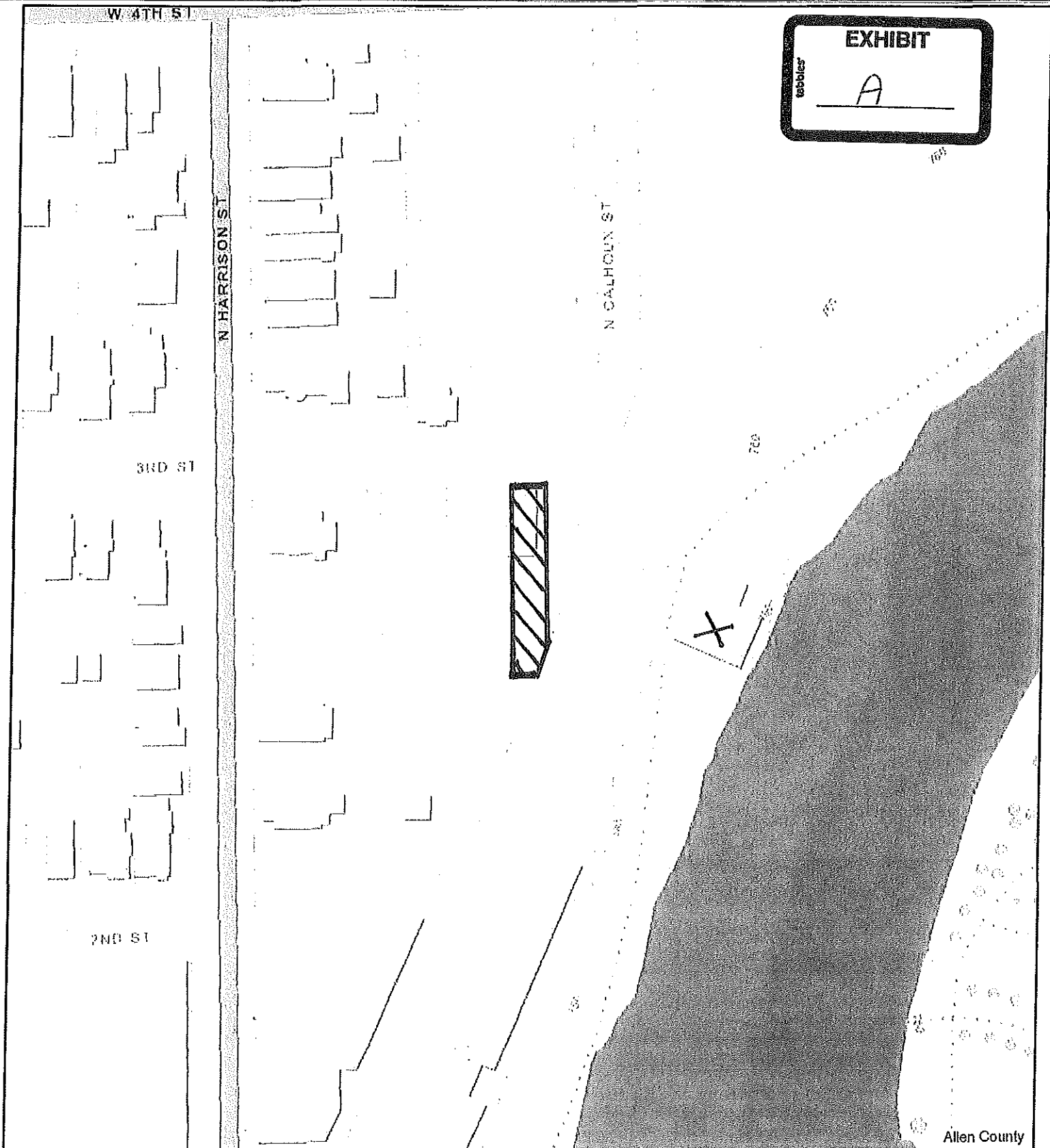
1 Street , Fort Wayne, Indiana 46808, by the City of Fort Wayne, Indiana is  
2 hereby approved and agreed to.

3 **SECTION 2.** This Resolution shall be in full force and effect from  
4 and after its passage and any and all necessary approval by the Mayor.  
5

6 \_\_\_\_\_  
7 Council Member

8  
9 APPROVED AS TO FORM AND LEGALITY

10  
11 \_\_\_\_\_  
12 Carol Helton, City Attorney



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East



105 Third Street



Third Street Pump Station



Date: 9/20/2016

1" = 100'

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,  
BOARD OF PUBLIC WORKS  
APPROVING THE PURCHASE OF  
105 THIRD STREET,  
FORT WAYNE, INDIANA**

**RESOLUTION NUMBER 103-9-14-16-1**

**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 at 105 Third Street, Fort Wayne, Indiana (the "Real Property") for the future construction of improvements in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project; and

**WHEREAS**, the City wishes to purchase from the Estate of Robert Harmon Heaston and Mary E. Heaston, husband and wife (both deceased), via Ron Heaston, Personal Representative of the aforesaid Estate, the Real Property, being more particularly described in Exhibit "1" attached hereto; and

**WHEREAS**, the aforesaid Personal Representative has voluntarily elected to sell the Real Property to the City; and

**WHEREAS**, the agreed purchase price for the Real Property is Twenty Five Thousand and No/100 Dollars (\$25,000.00); and

**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 Property by the City of Fort Wayne, Indiana, for the total price of Twenty Five Thousand and No/100 Dollars (\$25,000.00) is hereby approved.

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

APPROVED this 14 day September, 2016.

**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 14 day of September, 2016.

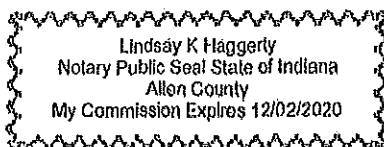
My Commission Expires:

12/02/2020

[Signature]  
Notary Public

Resident of Allen County

Lindsay K Haggerty  
Printed Name of Notary



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**EXHIBIT "1"**

Legal description: West twenty-five (25) feet three (3) inches of Lot Number Two Hundred Four (204) North Side Addition to the City of Fort Wayne, per Deed Book 717, page 172.

Tax ID Number: 02-12-02-204-008.000-074

Interoffice Memo

Date: September 21, 2016  
To: Common Council Members  
From: DeWayne Nodine, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: **Purchase of 105 Third Street, Fort Wayne, Indiana 46808**

**Council Introduction Date: September 27, 2016—Council District #: 5**

Background & supporting information:

City Utilities would like to purchase 105 Third Street for the future construction of improvements that will be in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project.

The owners have voluntarily elected to sell the Real Estate to the City. The purchase price is \$25,000.00. A map is attached to this memo highlighting this property along with a copy of the Resolution approved by the Board of Public Works on September 14, 2016.

Implications of not being approved:

If allowed to remain, the house on this property will be a hindrance to construction of the future drop shaft and consolidation sewer proposed for this area. Furthermore, if the property is not purchased, at this time, it will most likely cost more to purchase at a later date as the real estate market returns to its natural rate of increasing real estate values.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Map
- Resolution

CC: Matthew Wirtz  
Dan Brenner  
Diane Brown  
Project file