

**A RESOLUTION APPROVING THE
ACQUISITION OF CERTAIN REAL
ESTATE LOCATED ALONG THE
WEST SIDE OF COLDWATER
ROAD, SOUTH OF THE WESTERN
TERMINUS OF PION ROAD IN FORT
WAYNE, INDIANA, 46845 FOR THE
CITY OF FORT WAYNE, INDIANA –
Board of Public Works Resolution
Number 104-2-8-17-1.**

WHEREAS, the City of Fort Wayne desires to acquire 0.186 of an acre of land located along the west side of Coldwater Road, south of the western terminus of Pion Road, in Fort Wayne, Indiana, 46845 specifically described in "Exhibit "1," attached hereto and made a part hereof; and

WHEREAS, the acquisition of this property is necessary to facilitate the installation of a pump station (Coldwater Pump Station) adding a water pressure zone at the northern edge of the City's existing water distribution system to support growth and development in northern Fort Wayne; and

WHEREAS, NWM Corp. is donating this property to the City of Fort Wayne; and

WHEREAS, Sec. 37-25 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any conveyance of real estate to the City.

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

SECTION 1. The donation of 0.186 acre of land located along the west side of Coldwater Road, south of the western terminus of Pion Road, in Fort Wayne, Indiana, 46845 to the City of Fort Wayne, Indiana is hereby approved and agreed to.

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 BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA,
ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY
TO FACILITATE THE
COLDWATER ROAD PUMP STATION PROJECT**

RESOLUTION NUMBER 104-2-8-17-1

WHEREAS, the City of Fort Wayne (the "City") is planning to add a water pressure zone at the northern edge of its existing water distribution system, to support growth and development in northern Fort Wayne, the implementation of which will require the installation of pump station equipment and appurtenances (the "Pump Station"); and

WHEREAS, to facilitate the Pump Station's installation, the City wishes to acquire a fee simple interest in certain real property encompassing 0.186 of an acre of land, located along the west side of Coldwater Road, south of the western terminus of Pion Road, in Fort Wayne, Indiana, 46845, more particularly described and depicted in Exhibit 1 attached hereto, (the "Real Estate"); and

WHEREAS, the present owner of the Real Estate, NWM Corp., has agreed to donate the Real Estate to the City at no cost; and

WHEREAS, City Ordinance section 37.25 requires all real estate acquisitions to be approved by the Common Council for the City of Fort Wayne.

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

Finding that this project is of benefit to the public, this resolution to accept the donation of a fee simple interest in the Real Estate, to the City of Fort Wayne, Indiana is hereby

APPROVED this 8th day of February, 2017.

BOARD OF PUBLIC WORKS

By: _____

Robert P. Kennedy, Chair

By: _____

Kumar Menon, Member

By: _____

Mike Avila, Member

Attest: _____

Lyndsey L. Richards, Clerk

Prepared by: Seth Weinglass, 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, Indiana, and Lyndsey L. Richards, Clerk of the Board of Works, and acknowledged the execution of the foregoing resolution as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 8th day of February, 2017.

My Commission Expires:

12/02/2020

Lindsay K Haggerty
Notary Public

Resident of Allen County

Lindsay K Haggerty
Printed Name of Notary

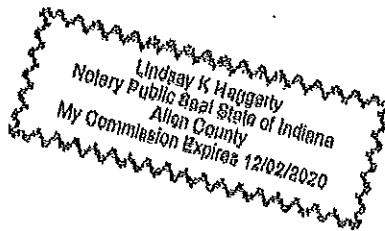


EXHIBIT 1

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowners: NWM Corp.
Mailing Address: 10808 La Cabreah Ln
Fort Wayne, IN 46845

AFFECTED PROPERTY GENERAL LOCATION: Along the west side of Coldwater Road, south of the western terminus of Pion Road, in Fort Wayne, Indiana, 46845

LAST DEED OF RECORD: Allen County Recorder's Office document number 2016038819

INTEREST TO BE ACQUIRED: Part of the above parcel, encompassing an area of 0.186 of an acre (legal description and drawing attached).

Sauer Land Surveying, Inc.

John C. Sauer, RPS - Indiana & Ohio Indiana Firm Number 049
Joseph R. Herendeen, RPS - Indiana

14033 Illinois Road, Suite C
Fort Wayne, IN 46814
TEL: 260/469-3300 FAX: 260/469-3301
Toll Free: 877-625-1037
www.sauersurveying.com

CERTIFICATE OF SURVEY

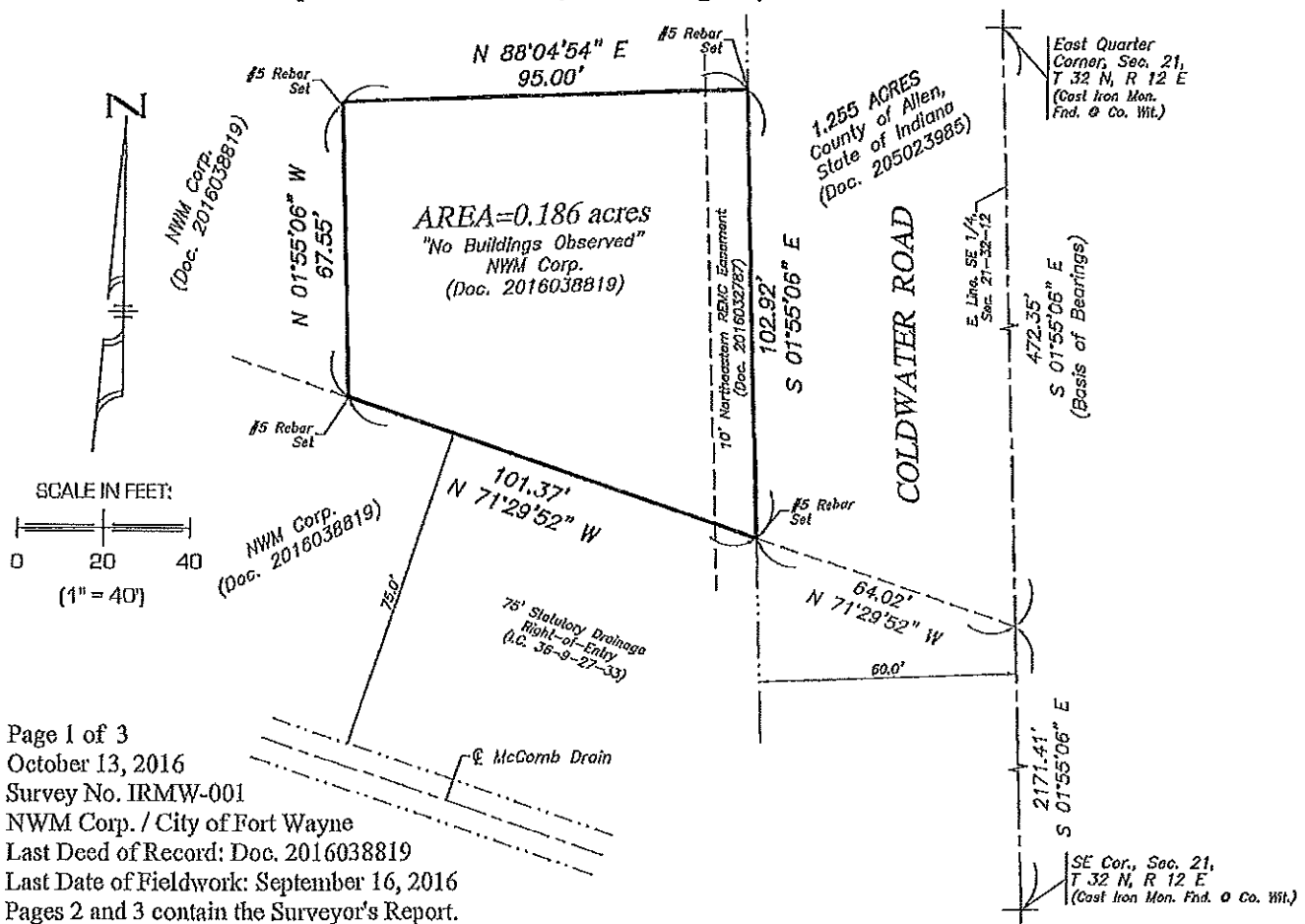
This document is an original survey of real estate prepared under IAC 885 Rule 12 in conformity with established practices of surveying and made in accordance with the records on file in the Office of the Recorder of Allen County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from visible encroachments either way across boundary lines unless specifically stated below. Corners were perpetuated as indicated.

NEW ORIGINAL DESCRIPTION: (part of a tract described in Document Number 2016038819)

Part of the Southeast Quarter of Section 21, Township 32 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the East Quarter corner of said Section 21, being marked by a cast iron monument; thence South 01 degrees 55 minutes 06 seconds East (deed bearing and basis of all bearings in this description), on and along the East line of said Southeast Quarter, being within the right-of-way of Coldwater Road, a distance of 472.35 feet; thence North 71 degrees 29 minutes 52 seconds West, a distance of 64.02 feet to a #5 rebar on the West right-of-way line of Coldwater Road, as described in Document Number 205023985 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence continuing North 71 degrees 29 minutes 52 seconds West, a distance of 101.37 feet to a #5 rebar; thence North 01 degrees 55 minutes 06 seconds West and parallel with said East line, a distance of 67.55 feet to a #5 rebar; thence North 88 degrees 04 minutes 54 seconds East, a distance of 95.00 feet to a #5 rebar on said West right-of-way line; thence South 01 degrees 55 minutes 06 seconds East, on and along said West right-of-way line, a distance of 102.92 feet to the true point of beginning, containing 0.186 acres of land, and subject to all easements of record. This description is based on an original survey by Sauer Land Surveying, Inc., Survey No. IRMW-001, dated October 13, 2016.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18003C 0160G, effective August 3, 2009.



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: Coldwater Road, Fort Wayne, IN 46845

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate described in a Warranty Deed from IRM Partnership, LLC, to NWM Corp., dated July 15, 2016, and recorded in Document Number 2016038819 in the Office of the Recorder of Allen County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:

- The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
- Allen County Surveyor's Office Section corner records.
- A survey of the base tract by Sauer Land Surveying, Inc., Document Number 2016012598.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The East Quarter corner of Section 21.....County witnessed cast iron monument.
- The Southeast corner of Section 21.....County witnessed cast iron monument.

The East line of the Southeast Quarter was established by using the above-referenced monuments. Uncertainties due to variances between all found monuments and record distances were determined to be less than the relative positional accuracy hereon and, therefore, negligible.

(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. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoining's descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

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

(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The East line of subject tract was established on and along the West right-of-way line of Coldwater Road, being established parallel with and 60 feet normally distant Westward from the East line of the Southeast Quarter.
2. The remaining lines of subject tract were all established at the direction of the client.

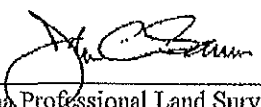
(Continued on Page 3)

SURVEYOR'S REPORT
(Continued from Page 2)

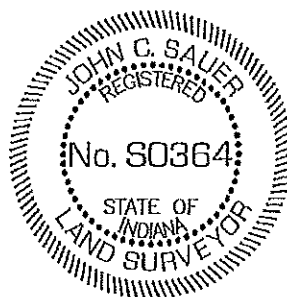
(F) NOTES:

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 the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of subject tract. As a consequence, another surveyor may arrive at different conclusions resulting in a 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. The flood statement on Page 1 is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. 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.
5. 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. As of this date, no title commitment has been provided for review.
6. All documents of record and information from other public sources referred to in the survey are hereby incorporated as part of this survey as if fully set out.
7. 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.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. 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.
11. 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 relative positional accuracy stated in Part (D) of the Surveyor's Report.
12. Since the last date of field work of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances shown or noted hereon.
13. 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 the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

I, John C. Sauer, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.



Indiana Professional Land Surveyor Date: 10/13/2016





Coldwater Pump Station acquisition



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

 - APPROXIMATE
PROPERTY
BOUNDARY



Date: 2/6/2017

1" = 200'

Interoffice Memo

Date: February 6, 2017
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: **Coldwater Pump Station – Acceptance of Donated Property Located Along Coldwater Road in Fort Wayne, IN 46845**

Council Introduction Date: February 14, 2017—Council District #: N/A [north]

Background & supporting information:

City Utilities is planning to add a water pressure zone at the northern edge of its existing water distribution system, to support growth and development in northern Fort Wayne. Once implemented, the pump station will increase the water hydraulic gradeline, fire flows, and reliability to our water customers. This new pressure zone will require the installation of pump station equipment and appurtenances.

City Utilities would like to install this new infrastructure on part of a parcel located along the west side of Coldwater Road, south of the western terminus of Pion Road, in Fort Wayne, Indiana, 46845. The owner of the parent parcel, NWM Corporation, has agreed to donate the land to the City at no cost.

Implications of not being approved:

Common Council previously approved a procurement agreement for the equipment and materials that will be installed at this location, by passing Bill Number S-17-01-17 on January 24, 2017. This donated land is a suitable location for installation of the pump station. If the City does not accept this donation, a new location will need to be found and acquired.

Justification if prior approval is being requested: Not applicable

Funding source: Water Revenue

Attachments:

- Map
- Surveyor's report
- Resolution for purchase approved by Board of Public Works on February 7, 2017

CC: Matthew Wirtz
Justin Brugger
Diane Brown
Project file