

**AN ORDINANCE APPROVING BOARD OF
WORKS RESOLUTION NO. 104-2-22-17-1
FOR DEPOSIT OF FUNDS (\$272,500.00) TO
THE COURT TO TAKE POSSESSION OF
CERTAIN REAL PROPERTY (800 GLASGOW
AVENUE) BY WAY OF JUDICIAL
CONDEMNATION FOR USE BY THE CITY OF
FORT WAYNE, INDIANA FOR THE
CONSTRUCTION OF THE THREE RIVERS
PROTECTION AND OVERFLOW REDUCTION
TUNNEL.**

WHEREAS, City Utilities desires to acquire 800 Glasgow Avenue to begin construction on the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project; and

WHEREAS, the City negotiated in good faith in an attempt to purchase this property from its owner; however such negotiations were unsuccessful.

WHEREAS, the City filed for judicial condemnation in the Allen Circuit Court and the City has exhausted all legal prerequisites required by Indiana Code 32-24-1-4 et seq. for the condemnation of the Property located at 800 Glasgow Avenue; and

WHEREAS, in accordance with Indiana Code 32-24-1-9, the Court appointed a panel of appraisers to assess the fair market value of the property. The panel reported that the value is \$272,500.00; and

WHEREAS, In accordance with Indiana Code 32-24-1-10, the City will deposit \$272,500.00 with the Clerk of the Court which will allow the City to take possession of the property and begin construction of the 3RPORT

working shaft; and

WHEREAS, pursuant to Indiana Code section 32-24-1-10, by depositing the amount of the Combined Assessed Value, payable by two separate checks in the respective amounts of \$20,000 and \$252,500, respectively, to the Clerk of the Allen Circuit Court will allow the City to take possession of the Property and begin construction of the 3RPORT working shaft.

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

SECTION 1. That the Board of Works Resolution Number 104-2-22-17-1 (attached hereto and made a part hereof) for the deposit of City funds in the amount of the Combined Assessed Value as determined by the Court-appointed panel of appraisers in the Condemnation Action, to be paid by two separate checks in the respective amounts of \$20,000 and \$252,500 to the Clerk of the Allen Circuit Court, in order to take possession of the Property for construction of the 3RPORT project, is hereby approved.

SECTION 2. This Ordinance 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