

BILL NO. R-17-03-29

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL
ESTATE BETWEEN DUPONT ROAD
AND TILL ROAD EAST OF LIMA
ROAD, FORT WAYNE, INDIANA
(\$41,000.00) FOR THE CITY OF
FORT WAYNE, INDIANA – Board of
Public Works Resolution Number
104-3-22-17-1.**

WHEREAS, the City of Fort Wayne desires to purchase property located between Dupont Road and Till Road east of Lima Road, specifically described in "Exhibit "1," attached hereto and made a part hereof; and

WHEREAS, the purchase of this property is necessary for the installation of the Upper Becketts Sewage Equalization Tank Facility ("Equalization Tank Project"); and

WHEREAS, the purchase price for this property is FORTY-ONE THOUSAND AND 00/100 DOLLARS – (\$41,000.00); and

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

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

SECTION 1. The purchase of property located between Dupont

1 Road and Till Road east of Lima Road, Fort Wayne, Indiana by the City of Fort
2 Wayne, Indiana is 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.
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6
7 _____
Council Member

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9 APPROVED AS TO FORM AND LEGALITY

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11 _____
12 Carol Helton, City Attorney
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EXHIBIT 1

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowners: John Houser
Mailing Address: 10834 Birkdale Court
Fort Wayne, IN 46814

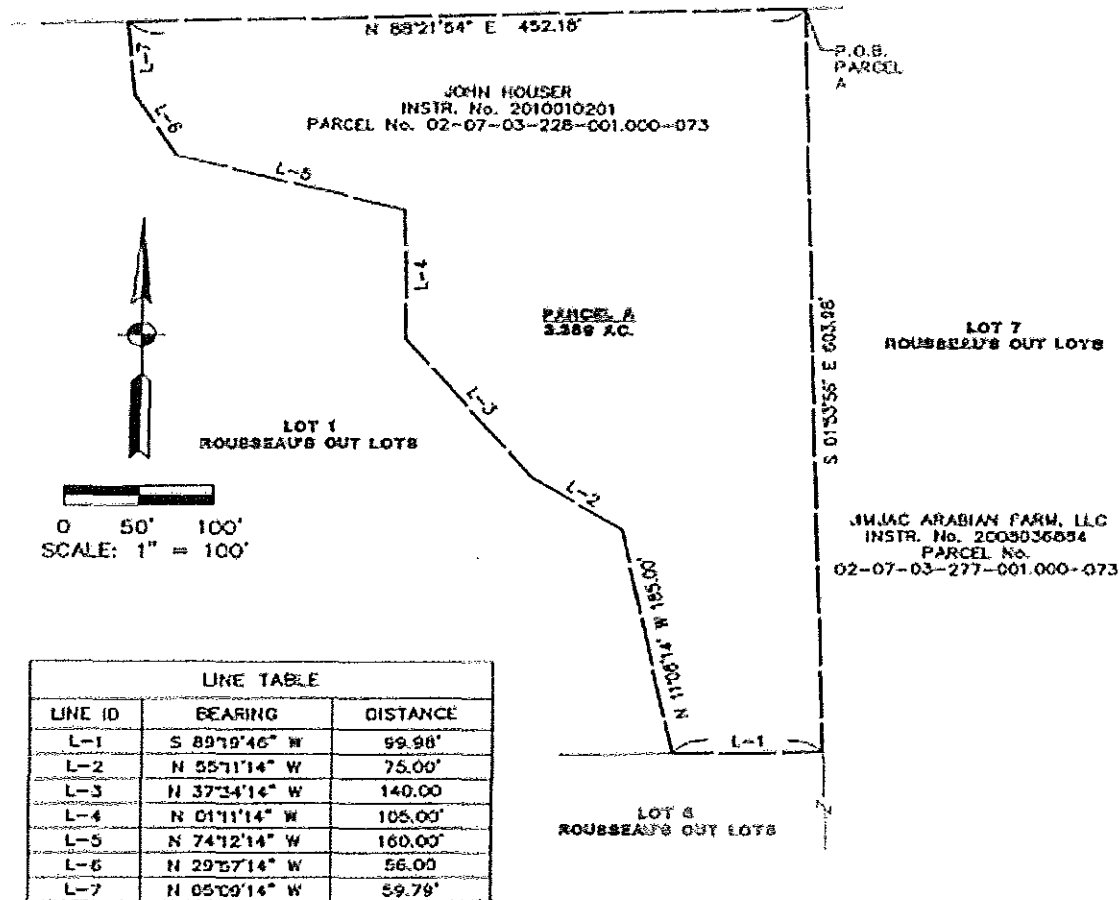
AFFECTED PROPERTY: Parcel number 02-07-03-228-001.000-073

LAST DEED OF RECORD: Allen County Recorder document number 2010010201

INTEREST TO BE ACQUIRED: Fee simple in a 3.389 acre parcel of land (legal description and drawing attached).

EXHIBIT "A"
PAGE 1 OF 2

PARCEL A FROM SURVEY
INSTR. No. 2015042421



NOTES:
HORIZONTAL DATUM IS THE EAST ZONE OF THE INDIANA STATE
PLANE COORDINATE SYSTEM, NAD83(2011). SEE BOUNDARY
SURVEY RECORDED AS INSTRUMENT No. 2015042421,
AUGUST 14, 2015.

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A
RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE
SURVEY, OR A SURVEYOR LOCATION REPORT.

LEGEND

---	PROPERTY LINE
---	PARCEL LINE

PART OF LOT 1 OF ROUSSEAU'S OUT LOTS IN THE
S. 1/2 OF THE NE. 1/4, SEC. 3, T. 31 N., R. 12 E.
CITY OF FORT WAYNE, WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA

JOHN HOUSER
TO
CITY OF FORT WAYNE

Scale: 1" = 100'
Proj. No. 15-3355
Drawn By: RJS
Checked By: MRH
Date: 09/03/2015

THIS EXHIBIT WAS PREPARED BY:



VS ENGINEERING, INC.

4275 N. HIGH SCHOOL RD. INDIANAPOLIS, INDIANA 46254
TEL: (317) 293-3542 FAX: (317) 293-4737

EXHIBIT "A"
PAGE 1 OF 2

PARCEL A FROM SURVEY
INSTR. No. 2015042421

PARCEL A

All that part of Lot 1 in Rousseau's Out Lots (Plat Book 7, Page 50), lying east of the center of Beckett's Run, more particularly described as follows:

Beginning at the northeast corner of Lot 1 in Rousseau's Out Lots, said point being marked by a 5/8-inch rebar with orange cap stamped VSEI 0053, set this survey (hereafter referred to as a rebar set); thence South 01 degrees 53 minutes 56 seconds East (basis of bearings - Indiana State Plane Coordinate System, East Zone NAD83(2011)) 603.98 feet along the east line of said lot to the southeast corner of said lot and a rebar set; thence South 89 degrees 19 minutes 46 seconds West 99.98 feet along the south line of said lot, passing through a rebar set at 69.98 feet to the center of Beckett's Run as defined by the plat of Lima Meadow, Section 1 (Instr. No. 94-63019); thence along the centerline of Beckett's Run, the following seven courses: 1) North 11 degrees 06 minutes 14 seconds West 185.00 feet; 2) North 55 degrees 11 minutes 14 seconds West 75.00 feet; 3) North 37 degrees 34 minutes 14 seconds West 140.00 feet; 4) North 01 degrees 11 minutes 14 seconds West 105.00 feet; 5) North 74 degrees 12 minutes 14 seconds West 160.00 feet; 6) North 29 degrees 57 minutes 14 seconds West 56.00 feet; 7) North 05 degrees 09 minutes 14 seconds West 59.79 feet to the north line of said lot also being the north line of the South Half of the Northeast Quarter of Section 3; thence North 88 degrees 21 minutes 54 seconds East 452.18 feet along said north line, passing through a rebar set at 55.00 feet, to the point of beginning; containing 3.389 acres more or less, subject to all pertinent rights-of-way and easements.

Matthew R. Healy
VS ENGINEERING, INC.
MATTHEW R. HEALY, P.S.
PROFESSIONAL SURVEYOR NO. 21000201
STATE OF INDIANA

9/3/15



PART OF LOT 1 OF ROUSSEAU'S OUT LOTS IN THE
S. 1/2 OF THE NE. 1/4, SEC. 3, T. 31 N., R. 12 E.
CITY OF FORT WAYNE, WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA

JOHN HOUSER
TO
CITY OF FORT WAYNE

N/A

Proj. No. 15-3355

Drawn By: RJS

Checked By: MRH

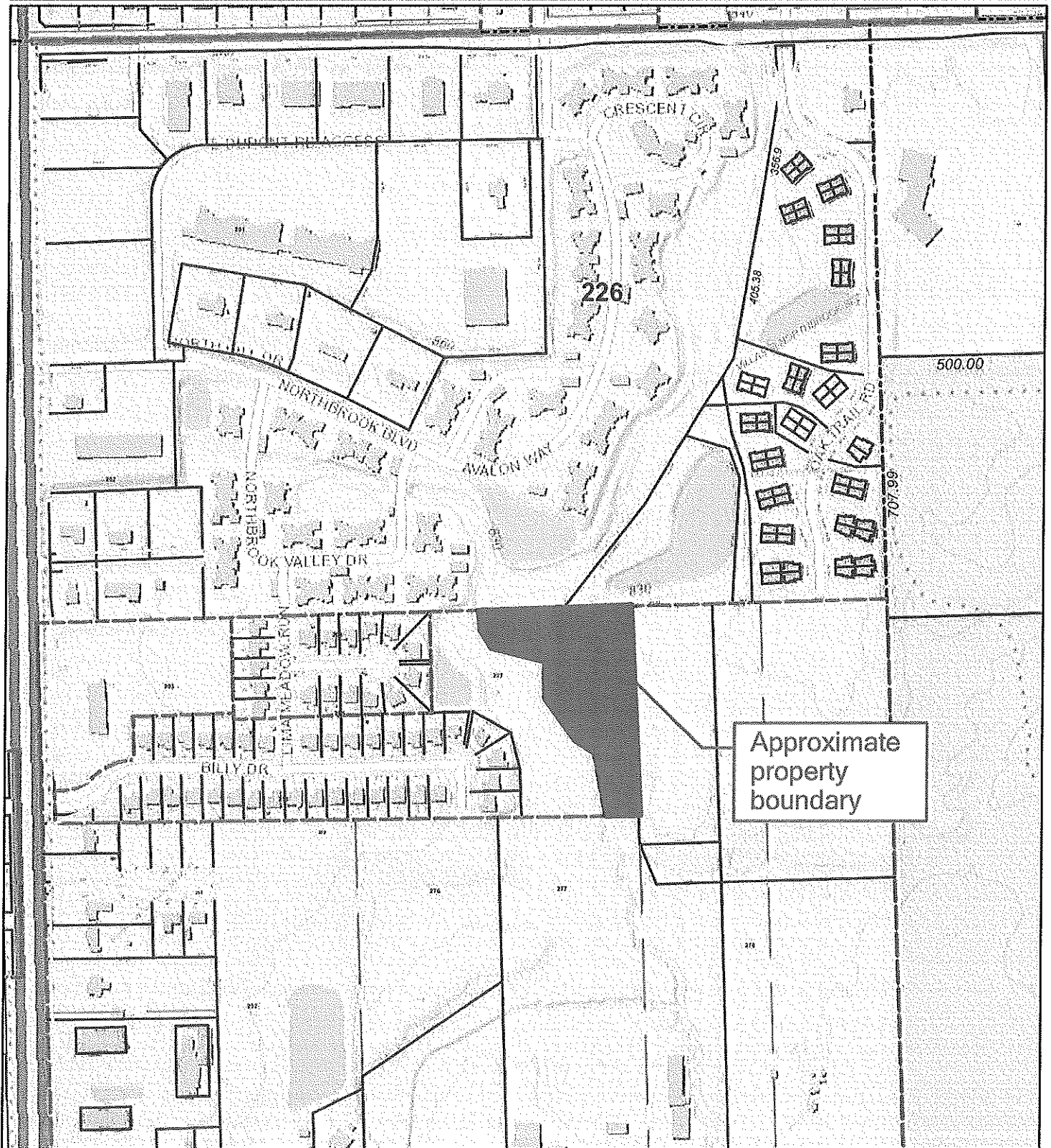
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Approximate
property
boundary

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



Date: 3/23/2017

1" = 375'

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA,
ACQUIRING CERTAIN REAL PROPERTY
FOR USE BY THE CITY OF FORT WAYNE, INDIANA
TO FACILITATE THE
UPPER BECKETTS EQUALIZATION FACILITY PROJECT**

RESOLUTION NUMBER 104-3-22-17-1

WHEREAS, the City of Fort Wayne (the "City") intends to install an equalization tank facility in the area of Till Road and Lima Road in Fort Wayne in order to improve sewer service to the area during wet weather events (the "Equalization Tank Project"); and

WHEREAS, the City wishes to purchase a certain parcel of real property, located between W. DuPont Road & W. Till Road, to the east of Lima Road, Fort Wayne, Indiana, being more particularly depicted and described in Exhibit "1" attached hereto (the "Real Property"), which will be the location of the Equalization Tank Project; and

WHEREAS, the Real Property is owned by John Houser, who has voluntarily elected to sell the Real Property to the City; and

WHEREAS, the agreed-upon purchase price for the Real Property is Forty One Thousand and No/100 Dollars (\$41,000.00) which is the average value of two independent appraisals of the Real Property; 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 the Equalization Tank Project is of benefit to the public, the purchase of a fee simple interest in the Real Property by the City of Fort Wayne, Indiana, for the price of Forty One Thousand and No/100 Dollars (\$41,000.00) is hereby approved.

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

APPROVED this 22nd day March 2017.

BOARD OF PUBLIC WORKS

By: [Signature]
Robert P. Kennedy, Chair

By: [Signature]
Kumar Menon, Member

By: [Signature]
Mike Avila, Member

Attest: [Signature]
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, 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.

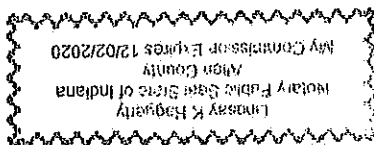
WITNESS my hand and notarial seal this 22nd day of March 2017.

My Commission Expires:

12/02/2020

[Signature]
Notary Public

Resident of Allen County
Lindsay K Haggerty
Printed Name of Notary



Interoffice Memo

Date: March 23, 2017
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: **Purchase of Property for Upper Becketts Sewage Equalization Facility**

Council Introduction Date: March 28, 2017—Council District #: 3

Background & supporting information:

City Utilities plans to install a sanitary sewage facility in northern Fort Wayne to improve sewer service to the area during wet weather events. The facility will store sanitary sewage during wet weather events and release it back into the sewage interceptor line for treatment at the Water Pollution Control Plant after the interceptor has returned to normal levels.

The facility will be installed on a parcel of land located between Dupont Road and Till Road, east of Lima Road. The purchase price of the property is \$41,000.00, which is the average of two appraisals. An exhibit is attached describing and depicting the exact property being acquired.

Implications of not being approved:

This project will reduce surcharging in the sanitary sewage system thus reducing the likelihood of basement backups for customers in this area.

Justification if prior approval is being requested: Not applicable

Funding source: 2013 Sewer Revenue Bond

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on February 22, 2017

CC: Matthew Wirtz
Nathan Baggett
DeWayne Nodine
Diane Brown