

BILL NO. R-17-08-11

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE, SPECIFICALLY 1.82 ACRES LOCATED IN THE VICINITY OF SMITH ROAD AND ENGLE ROAD, ((PART OF THE AVIATION-WAYNE DALE (TOWPATH) WETLANDS MITIGATION AREA)), FORT WAYNE, INDIANA 46804) (\$25,000.00), FOR THE CITY OF FORT WAYNE, INDIANA – Board of Public Works Resolution Number 104-8-2-17-2.

WHEREAS, the City of Fort Wayne desires to purchase property specifically, 1.82 ACRES LOCATED IN THE VICINITY OF SMITH ROAD AND ENGLE ROAD, ((PART OF THE AVIATION-WAYNE DALE (TOWPATH) WETLANDS MITIGATION AREA)), FORT WAYNE, INDIANA 46804) ((PART OF THE AVIATION-WAYNE DALE (TOWPATH) WETLANDS MITIGATION AREA)), FORT WAYNE, INDIANA 46804), described in "Exhibit "1," attached hereto and made a part hereof; and

WHEREAS, the purchase of this property is necessary to comply with Federal permitting requirements; and

WHEREAS, the purchase price for this property is TWENTY-FIVE THOUSAND AND 00/100 DOLLARS – (\$25,000.00); 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

1 estate by the City.

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

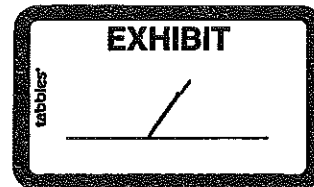
4 **SECTION 1.** The purchase of property, specifically **1.82 ACRES**
5 **LOCATED IN THE VICINITY OF SMITH ROAD AND ENGLE ROAD, FORT**
6 **WAYNE, INDIANA 46804),** by the City of Fort Wayne, Indiana is hereby
7 approved and agreed to.
8

9 **SECTION 2.** This Resolution shall be in full force and effect from
10 and after its passage and any and all necessary approval by the Mayor.
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13 _____
Council Member

14 APPROVED AS TO FORM AND LEGALITY
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17 _____
18 Carol Helton, City Attorney
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Appendix A

Part of the Southwest Quarter of Section 17, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Commencing at a P.R. Nail found at the South Quarter corner of said Section 17; thence North 01 degrees 52 minutes 36 seconds West (state plane bearing and basis of bearings to follow) along the East line of said Southwest Quarter, a distance of 1054.72 feet to the Southeast corner of an existing 20.00 acre tract described in Document Number 2015022965 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 34 minutes 31 seconds West along the South line of said 20.00 acre tract, a distance of 683.13 feet to a 5/8 inch steel mbar with "Opoku" identification cap set at the POINT OF BEGINNING of the herein described tract, thence continuing South 59 degrees 34 minutes 31 seconds West along said South line, a distance of 18128 feet to a 5/8 inch steel rebar with "Opoku" identification cap found on the East line of an existing tract described in Document Number 2015036489 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 25 minutes 33 seconds West along said East line, a distance of 66827 feet to a 5/8 inch steel rebar with "DLZ" identification cap found at the Northeast corner of said existing tract described in Document Number 2015036489; thence North 49 degrees 10 minutes 26 seconds East along the Southerly line of a Trail Easement described to Towpath Troll in Document Number 2008036360 in the Office of the Recorder of Allen County, Indiana, a distance of 26.26 feet to a 5/8 inch steel mbar with "Opoku" identification cap set; thence South 00 degrees 25 minutes 33 seconds East parallel with the East line of said existing tract described in Document Number 2015036489, a distance of 277.98 feet to a 5/8 inch steel rebar with "Opoku" identification cap set; thence North 89 degrees 34 minutes 31 seconds East parallel with the South line of said existing 20.00 acre tract, a distance of 161.28 feet to a 5/8 inch steel rebar with "Opoku" identification cap set; thence South 00 degrees 25 minutes 33 seconds East parallel with the East line of said existing tract described in Document Number 2015036489, a distance of 407.32 feet to the Point of Beginning. Containing 1.82 acres, of land, more or less. Subject to all easements of record.



FORT WAYNE BOARD OF PUBLIC WORKS TRANSMITTAL

Meeting Date: August 2, 2017

Department: City Utilities Administration

Preparer: Weinglass, Seth

Subject: 104-8-2-17-2 Mitigation Site Purchase

Description:

Improvement Resolution: #104-8-2-17-2, Mitigation Site Purchase.

Attachments:

BOPW resolution no. 104-8-2-17-2 - AEP mitigation site

**A RESOLUTION OF THE FORT WAYNE, INDIANA BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF PART OF THE AVIATION-WAYNE DALE
(TOWPATH) WETLANDS MITIGATION AREA IN FORT WAYNE, INDIANA**

RESOLUTION NUMBER 104-8-2-17-2

WHEREAS, the City of Fort Wayne (the "City"), is required to engage in compensatory environmental mitigation efforts by acquiring a certain acreage of real property subject to environmentally restrictive covenants, to comply with Federal regulations;

WHEREAS, maintaining certain lands adjacent to publicly protected waters in their natural and undeveloped condition for the protection of their aquatic resources and to preserve their scenic, environmental, and conservation values is in the best interests of the public health, safety, and welfare; and

WHEREAS, the City wishes to purchase from AEP Indiana Michigan Transmission, Inc. some 1.82 acres of real property located in the vicinity of Smith Road and Engle Road in Fort Wayne, Indiana, 46804, also known as part of the Southwest Quarter of Section 17, Township 30 North, Range 12 East, a full legal description of which is attached hereto as "Appendix A" and incorporated herein by this reference (the "Real Estate"); and

WHEREAS, the Real Estate and its parent parcel have been made subject to the requisite environmentally restrictive covenants, as set forth by the instrument designated as document number 2016045965 in the Allen County Recorder's Office; and

WHEREAS, AEP Indiana Michigan Transmission, Inc. wishes to sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Twenty Five Thousand Dollars (\$25,000.00).

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

The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the price Twenty Five Thousand Dollars (\$25,000.00) is hereby

APPROVED this 2 day of August, 2017.

[SIGNATURES BEGIN ON NEXT PAGE]

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BOARD OF PUBLIC WORKS

By: ~~Absent~~ Robert P. Kennedy
Robert P. Kennedy, Chair

By: Kumar Menon
Kumar Menon, Member

By: Mike Avila
Mike Avila, Member

Attest: Lyndsey Richards
Lyndsey 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 2 day of AUGUST, 2017.

My Commission Expires:

12/02/2020

Lindsay K Haggerty
Notary Public

Resident of Allen County

Lindsay K Haggerty
Printed Name of Notary

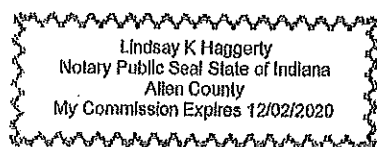


EXHIBIT 1

PROPERTY OWNER NAME AND MAILING ADDRESS:

Landowner: AEP Indiana Michigan Transmission, Inc.
Mailing Address: PO Box 16428, Columbus, OH 43216

AFFECTED PROPERTY:

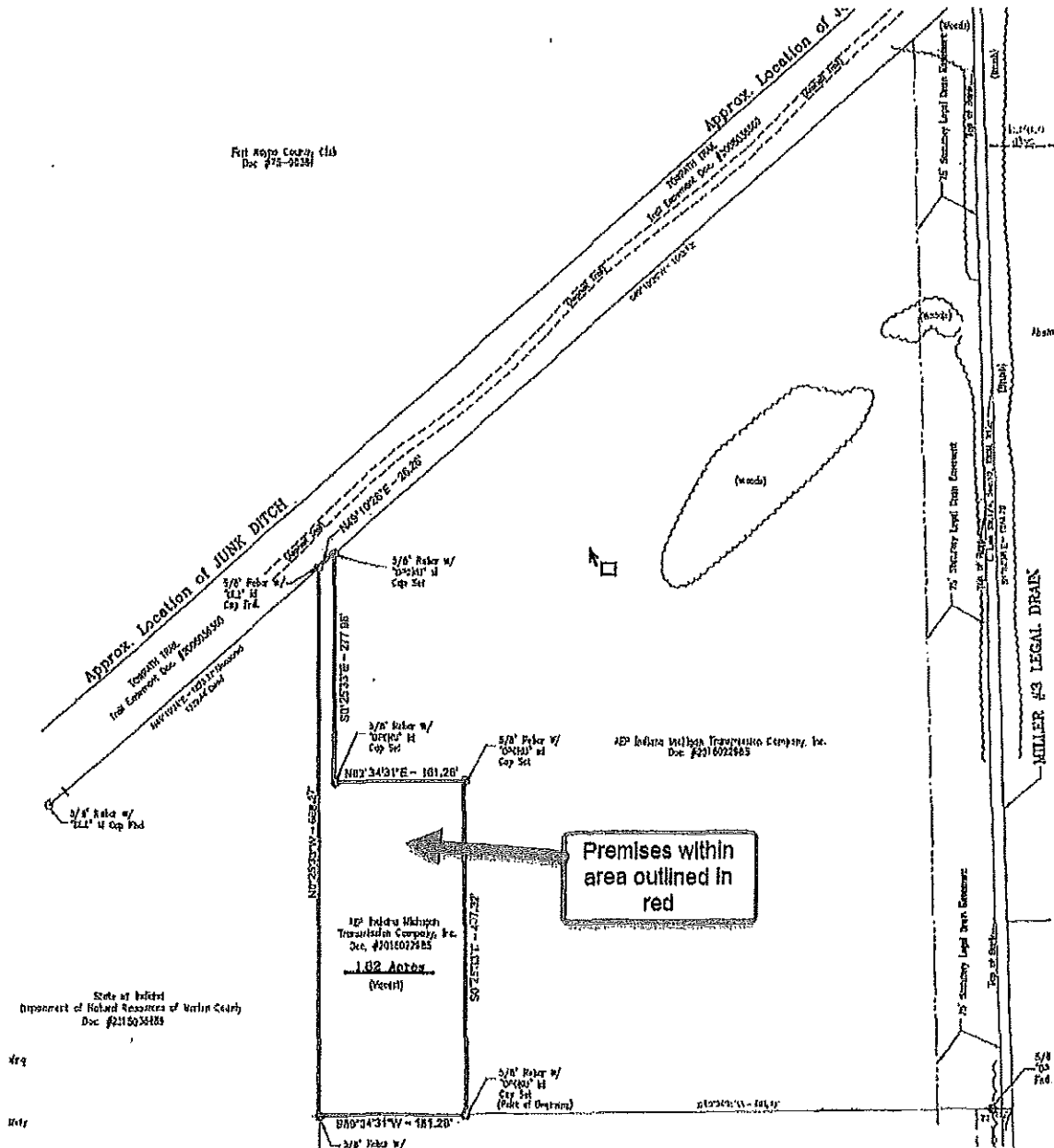
Part of the Southwest Quarter of Section 17, Township 30 North, Range 12 East

LAST DEED OF RECORD:

Allen County Recorder's deed reference number 2016022985
Tax parcel no. 02-12-17-326-001.002-074

INTERESTS TO BE ACQUIRED: Fee simple in 1.82 acres of the above 20.00-acre parent parcel (Scale drawing and full legal description attached on following pages).

EXHIBIT "A"



**A RESOLUTION OF THE FORT WAYNE, INDIANA BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF PART OF THE AVIATION-WAYNE DALE
(TOWPATH) WETLANDS MITIGATION AREA IN FORT WAYNE, INDIANA**

RESOLUTION NUMBER 104-8-2-17-2

WHEREAS, the City of Fort Wayne (the "City"), is required to engage in compensatory environmental mitigation efforts by acquiring a certain acreage of real property subject to environmentally restrictive covenants, to comply with Federal regulations;

WHEREAS, maintaining certain lands adjacent to publicly protected waters in their natural and undeveloped condition for the protection of their aquatic resources and to preserve their scenic, environmental, and conservation values is in the best interests of the public health, safety, and welfare; and

WHEREAS, the City wishes to purchase from AEP Indiana Michigan Transmission, Inc. some 1.82 acres of real property located in the vicinity of Smith Road and Engle Road in Fort Wayne, Indiana, 46804, also known as part of the Southwest Quarter of Section 17, Township 30 North, Range 12 East, a full legal description of which is attached hereto as "Appendix A" and incorporated herein by this reference (the "Real Estate"); and

WHEREAS, the Real Estate and its parent parcel have been made subject to the requisite environmentally restrictive covenants, as set forth by the instrument designated as document number 2016045965 in the Allen County Recorder's Office; and

WHEREAS, AEP Indiana Michigan Transmission, Inc. wishes to sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Twenty Five Thousand Dollars (\$25,000.00).

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

The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the price Twenty Five Thousand Dollars (\$25,000.00) is hereby

APPROVED this ____ day of _____, 2017.

[SIGNATURES BEGIN ON NEXT PAGE]

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BOARD OF PUBLIC WORKS

By: _____
Robert P. Kennedy, Chair

By: _____
Kumar Menon, Member

By: _____
Mike Avila, Member

Attest: _____
Lyndsey 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 ____ day of _____, 2017.

My Commission Expires:

Notary Public

Resident of _____ County

Printed Name of Notary

EXHIBIT 1

PROPERTY OWNER NAME AND MAILING ADDRESS:

Landowner: AEP Indiana Michigan Transmission, Inc.
Mailing Address: PO Box 16428, Columbus, OH 43216

AFFECTED PROPERTY:

Part of the Southwest Quarter of Section 17, Township 30 North, Range 12 East

LAST DEED OF RECORD:

Allen County Recorder's deed reference number 2016022985
Tax parcel no. 02-12-17-326-001.002-074

INTERESTS TO BE ACQUIRED: Fee simple in 1.82 acres of the above 20.00-acre parent parcel (Scale drawing and full legal description attached on following pages).



Interoffice Memo

Date: August 2, 2017
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: **Purchase of part of the Towpath Wetlands Environmental Mitigation Area, Fort Wayne, Indiana 46804**

Council Introduction Date: August 8, 2017 - Council District #: 4

Background & supporting information:

In order to comply with federal permitting requirements, City Utilities needs to acquire an area of protected, development-restricted wetlands. City Utilities has negotiated to purchase 1.82 acres of land within an approximately 13-acre area that is subject to the needed restrictive environmental covenants. That protected wetland is part of a larger 20-acre parcel in the vicinity of Smith Road and Engle Road, the entirety of which is presently owned by AEP Indiana Michigan Transmission Company. The agreed-upon purchase price is \$25,000.

Implications of not being approved:

If this purchase is not approved, City Utilities will not be in compliance with the conditions of its development permit, necessitating that a different environmental mitigation site be acquired, and risking the imposition of federal fines and penalties.

Justification if prior approval is being requested: Not applicable

Funding source: Storm Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on August 2, 2017

CC: Matthew Wirtz
Diane Brown
Project file