

BILL NO. R-17-11-32

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL
ESTATE IN THE VICINITY OF
KENTON LANE AND EDENTON
DRIVE IN FORT WAYNE, INDIANA
(\$500.00) FOR THE CITY OF FORT
WAYNE, INDIANA – Board of Public
Works Resolution Number 104-11-
22-17-1.**

WHEREAS, the City of Fort Wayne desires to purchase property located in the vicinity of Kenton Lane and Edenton Drive in Fort Wayne, Indiana, specifically described in "Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the purchase of this property is necessary to perform drainage channel improvements and flood reduction project along the Lawrence Drain and to maintain the floodway; and

WHEREAS, the purchase price for this property is FIVE HUNDRED AND 00/100 DOLLARS – (\$500.00); 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 in the vicinity of Kenton Lane and Edenton Drive, Fort Wayne, Indiana by 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 THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF A CERTAIN REAL PROPERTY
IN THE VICINITY OF KENTON LANE AND EDENTON DRIVE IN FORT WAYNE
TO FACILITATE THE LAWRENCE DRAIN FLOOD CONTROL PROJECT**

RESOLUTION NUMBER 104-11-22-17-1

WHEREAS, the City of Fort Wayne (the "City") wishes to purchase an additional parcel of real estate, as part of an ongoing program of property purchases immediately adjacent to the east side of Lawrence Drain, in order to perform a drainage channel improvement and flood reduction project, and to maintain to floodway; and

WHEREAS, reduction of flooding in the neighborhood, and continued maintenance of the floodway along Lawrence Drain, is in the best interests of the public health, safety, and welfare; and

WHEREAS, the City thus wishes to purchase from the Allen County Community Development Corporation ("ACCDC") a certain undeveloped real property with the common designation of "5525 Illinois Rd (Beh)" in Fort Wayne, Indiana, 46804, the legal description of which is set forth as Exhibit "A" to Exhibit "1" attached hereto, all incorporated herein by this reference (the "Real Estate"); and

WHEREAS, ACCDC wishes to voluntarily sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Five Hundred Dollars (\$500.00).

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 of Five Hundred Dollars (\$500.00) is hereby approved.

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

APPROVED this 22nd day of November, 2017.

BOARD OF PUBLIC WORKS

BY: _____
Shan Gunawardena, Interim Chair of Public Works

BY: _____
Kumar Menon, Member

BY: _____
Mike Avila, Member

ATTEST: _____
Lindsey 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 Shan Gunawardena, Kumar Menon, and Mike Avila, as Members of the Board of Public Works of the City of Fort Wayne, and Lindsey 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 November, 2017.

My Commission Expires:

Notary Public

Resident of _____ County

Printed Name of Notary

"Exhibit A"

Part of the northeast quarter of section 7, township 30 north, range 12 east, Allen County, Indiana, more particularly described as follows, to-wit: Beginning on the south line of said northeast quarter at a point situated by deed, 1694.13 feet (1694 2/15 feet) east of the southwest corner of said northeast quarter; thence east, on and along said south line, a distance of 504.66 feet; thence northerly, by an interior angle of 88 degrees, 56 minutes, a distance of 1187.2 feet; thence westerly, by an interior angle of 91 degrees, 56 minutes, a distance of 504.8 feet; thence southerly, by an interior angle of 88 degrees, 04 minutes, a distance of 1194.8 feet to the point of beginning, containing 13.796 acres of land.

EXCEPT:

A part of the northeast quarter of section 7, township 30 north, range 12 east, of the Second Principle Meridian, Allen County, Indiana, more particularly described as follows: Commencing at the southwest corner of the northeast quarter of said section 7, also being the intersection of the south line of said northeast quarter and the centerline of Getz Road; thence easterly along the south line, a distance of 1,441.55 feet to the point of beginning, thence north 01 degree, 18 minutes, 48 seconds west, a distance of 375.41 feet; thence south 89 degrees, 56 minute, 06 seconds east, a distance of 265.35 feet to the centerline of an existing ditch, thence south 29 degrees, 12 minutes, 55 seconds east, a distance of 305.97 feet along said centerline of ditch; thence south 70 degrees, 12 minutes, 54 seconds west, a distance of 64.41 feet along said ditch centerline; thence 34 degrees, 26 minutes, 48 seconds west, a distance of 104.98 feet along said centerline of ditch; thence north 89 degrees, 56 minutes, 38 seconds west, a distance of 286.43 feet to the point of beginning, containing 2.88 acres, more or less, and subject to rights-of way and easements of record.

ALSO EXCEPTING:

Breconshire, Phase Three as recorded at Plat Cabinet B, page 17, and Breconshire, Phase Four as recorded at Plat Cabinet B, page 41 and Breconshire, Phase Five as recorded at Plat Cabinet B, page 64 in the Office of the Recorder of Allen County, Indiana.

Lawrence Drain at Kenton Lane/Edenton Drive


$$1'' = 250'$$


Lawrence Drain at Kenton Lane/Edenton Drive



November 15, 2017

This map is intended for general reference purposes only. The information displayed herein is not guaranteed to be completely accurate or all inclusive.

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EXHIBIT 1

PROPERTY OWNER NAME AND MAILING ADDRESS:

Landowner: Allen County Community Development Corporation
Mailing Address: 200 East Berry Street, Suite 170
Fort Wayne, IN 46802

AFFECTED PROPERTY:

Address: 1700 block Nuttman Avenue, Fort Wayne, Indiana 46809
Last deed of record: Allen County Recorder's document number 2009034989
Tax parcel no.: 02-12-07-280-001.000-074
Legal description: See exhibit "A" attached

INTEREST TO BE ACQUIRED: Fee simple in the entire parcel.

Interoffice Memo

Date: November 22, 2017
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: **Purchase of Vacant Lot at Kenton Ln/Edenton Dr, Fort Wayne, Indiana 46804**

Council Introduction Date: November 28, 2017—Council District #:4

Background & supporting information:

To prepare for projects to combat flooding along the Lawrence Drain, around 2008 City Utilities began to purchase and demolish houses in the Westmoor Extended Addition. After acquiring all needed residential properties, City Utilities would now like to acquire the final (19th) property that will be used for this purpose, an undeveloped lot on either side of the Lawrence Drain.

The property is owned by the Allen County Community Development Corp., whose asking price is \$500,000. In comparison, the (significantly smaller) residential parcels were acquired for around \$80,000 to \$90,000.

A map is attached to this memo showing the approximate boundaries of the property being purchased, and a copy of the Resolution approved by the Board of Public Works on November 22, 2017.

Implications of not being approved:

If the property is not purchased at this time, other property rights will need to be acquired from the County in order to perform this project to widen the drain.

Justification if prior approval is being requested: Not applicable

Funding source: Storm Revenue

Attachments:

- Map
- Resolution

CC: Matthew Wirtz
Anne Marie Smrcek
Diane Brown
Project file