

BILL NO. R-17-11-22

RESOLUTION NO. _____

A RESOLUTION APPROVING THE DONATION OF CERTAIN REAL ESTATE LOCATED AT THE EASTERN HALF OF THE FORMER NEW YORK CENTRAL RAILROAD CORRIDOR BETWEEN LUDWIG ROAD AND INTERSTATE 69, FORT WAYNE, INDIANA FOR THE SMITH FIELD TRAIL (AKA PUFFERBELLY TRAIL) FOR THE CITY OF FORT WAYNE, BY AND THROUGH THE DIVISION OF PUBLIC WORKS.

WHEREAS, the City of Fort Wayne, through its Division of Public Works, passed Resolution #104-11-15-17-1 / Work Order Number 0241R approving the donation to acquire property located at the EASTERN HALF OF THE FORMER NEW YORK CENTRAL RAILROAD CORRIDOR BETWEEN LUDWIG ROAD AND INTERSTATE 69, FORT WAYNE, INDIANA FOR THE SMITH FIELD TRAIL (AKA PUFFERBELLY TRAIL) FORT WAYNE, INDIANA., specifically described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the donation of this property for the Smith Field Trail (aka Pufferbelly Trail) between Ludwig Road and Interstate 69 in Fort Wayne, Indiana is submitted to the Common Council for approval.

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

SECTION 1. The donation for acquisition of real estate by the

1 City of Fort Wayne through its Division of Public Works, located at the Eastern
2 Half of the Former New York Central Railroad Corridor between Ludwig Road
3 and Interstate 69, Fort Wayne, Indiana, for the Smith Field Trail (aka
4 Puffervbelly Trail) is hereby approved and agreed to. The appropriate officials
5 of the City are hereby authorized to execute all documents necessary to
6 accomplish said donation.
7

8 **SECTION 2.** This Resolution shall be in full force and effect from
9 and after its passage and any and all necessary approval by the Mayor.
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11
12 _____
13 Council Member

14
15 APPROVED AS TO FORM AND LEGALITY

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17 _____
18 Carol Helton, City Attorney
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**RESOLUTION #104-11-15-17-1, SUPPORTING THE DONATION OF
THE EASTERN HALF OF THE FORMER NEW YORK CENTRAL
RAILROAD CORRIDOR BETWEEN LUDWIG ROAD AND INTERSTATE
69, FORT WAYNE, INDIANA, FOR THE SMITH FIELD TRAIL (aka
PUFFERBELLY TRAIL), WORK ORDER NUMBER 0241R**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to acquire property located along the eastern half of the former New York Central Railroad Corridor for the Smith Field Trail (also known as the Pufferbelly Trail) from the south side of Ludwig Road to the northern right of way line for Interstate 69 within Fort Wayne, Indiana, and

WHEREAS, Richard Andres acquired the property from Allen County in a recent tax sale and would like to donate this property to the City of Fort Wayne; and

WHEREAS, the donation of this property for the Smith Field Trail (aka Pufferbelly Trail) between Ludwig Road and Interstate 69 in Fort Wayne, Indiana, Work Order #0241R is submitted to the Board of Public Works for approval.

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

SECTION 1. The acquisition of real estate via conveyance and donation by Richard Andres, current property owner, by the City of Fort Wayne through its Division of Public Works of the eastern half of the former New York Central Railroad Corridor for the Smith Field Trail (aka Pufferbelly Trail) of one parcel between the south side of Ludwig Road and the northern right of way line of Interstate 69 in Fort Wayne, Indiana, Right-of-Way Acquisition, Work Order #0241R is hereby approved and

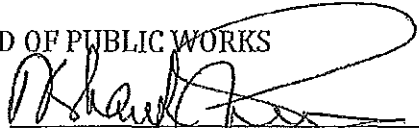
agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said donation and acquisition.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Common Council and Mayor.

Approved this 15 day of November, 2017

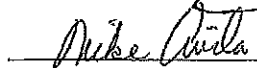
BOARD OF PUBLIC WORKS

BY:



Shan Gunawardena, Interim Director of Board of Public Works.

BY:



Mike Avila, Member

BY:



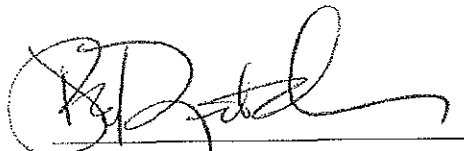
Kumar Menon, Member

ATTEST BY:



Lyndsey L. Richards, Clerk

Additional Comments:


Signature

11-16-17
Date

Exhibit "A"

ALL THAT PROPERTY situate in the County of Allen, State of Indiana, and being all of the right, title, and interest of the Grantor herein and to all those certain pieces or parcels of land and premises, easements, rights-of-way and any other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along that portion of the former Waterloo Branch of said Grantor, described as follows:

BEING part of Sections 23 and 14, Township 31 North, Range 12 East, in the City of Fort Wayne, described as follows:

BEGINNING at a line which runs parallel to the Southerly line of Washington Center Road at a distance of twenty five (25) feet Southerly at right angles therefrom as extended across the right-of-way of said branch through a point in the centerline thereof at Railroad Valuation Station 366+60, more or less, the same being the lateral outline as identified in Document No. FWES-CRG-RS-1, Exhibit B, Page B-8-Revised of the deed dated April 11, 1976, from Fort Wayne and Jackson Railroad Company as Grantor and Consolidated Rail Corporation as Grantee, said document being recorded in the Office of the Recorder of Deeds of said Allen County in Deed Book 80-04892, Page M13003 on February 29, 1980; thence extending in a Northerly direction along the centerline of said railroad a distance of 2,699 feet, more or less, to the centerline of Ludwig Road as extended across the right-of-way of said branch through a point in the centerline thereof at Railroad Valuation Station 393+59, more or less, the same being the Southerly sale line of property conveyed from said Grantor to City of Fort Wayne Board of Aviation Commissioners by deed dated September 17, 1984, and being the place of ending.

EXCEPTING:

Except all that property lying South of the Northwestery right-of-way line of Interstate Highway 69.

ALSO EXCEPTING:

The westerly 50 feet of that part of the Waterloo Branch of the former Fort Wayne and Jackson Railroad in the Southwest Quarter of Section 14, Township 31 North, Range 12 East of the Second Principal Meridian, from the northwesterly right-of-way line of Interstate Highway 69 to the southerly right-of-way line of Ludwig Road, in Allen County, Indiana, more particularly described as follows:

Commencing at a survey marker nail in the center of Ludwig Road, marking the intersection of said road center with the westerly line of said former railroad; thence South 2 degrees 07 minutes 35 seconds East (assumed bearing derived from the Global Navigation Satellite System and basis of bearings to follow), a distance of 37.5 feet, along said westerly line to a rebar set on the southerly right-of-way line of Ludwig Road and the POINT OF BEGINNING of the herein described tract; thence North 88 degrees 03 minutes 00 seconds East, a distance of 49.94 feet, along said southerly right-of-way line to a rebar set on the centerline of said former railroad; thence South 2 degrees 07 minutes 39 seconds East, a distance of 2,086.50 feet along said centerline to a rebar set on the northwesterly right-of-way line of Interstate Highway 69; thence South 56 degrees 39 minutes 56 seconds West, a distance of 57.27 feet along said northwesterly right-of-way line to a rebar set on the westerly line of said former railroad; thence North 2 degrees 07 minutes 35 seconds West, a distance of 2,114.60 feet along said westerly line to the POINT OF BEGINNING, containing 2,409 acres (104,955,088 square feet), more or less.

Subject to an approach easement for Smith Field, rights-of-way and all other easements of record.



2017056681

RECORDED: 10/27/2017 9:34:37 AM

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

TAX BILL MAILING ADDRESS:
17107 KELL RD
HUNTERTOWN, IN 46748

TAX TITLE DEED

US RAILROAD VEST CORPORATION

WHEREAS, RICHARD ANDRES DID ON THE *25th Day of October* 2017 PRODUCE TO THE UNDERSIGNED, NICHOLAS D. JORDAN, AUDITOR OF THE COUNTY OF ALLEN IN THE STATE OF INDIANA, A CERTIFICATE OF SALE (NUMBER 46562) DATED THE 16TH DAY OF SEPTEMBER, 2016, SIGNED BY TERA K KLUTZ, WHO ON 14TH DAY OF SEPTEMBER, 2016 WAS THE AUDITOR OF SAID COUNTY, FROM WHICH IT APPEARS THAT RICHARD ANDRES DID, ON THE 14TH DAY OF SEPTEMBER, 2016, PURCHASE AT PUBLIC AUCTION, HELD PURSUANT TO LAW, THE REAL PROPERTY DESCRIBED IN THIS INDENTURE FOR THE SUM OF TWO THOUSAND EIGHTY-SIX DOLLARS AND FORTY-SIX CENTS (\$2,086.46), BEING THE AMOUNT DUE ON THE REAL PROPERTY FOR TAXES, SPECIAL ASSESSMENTS, PENALTIES AND COSTS FOR THE YEAR 2015 & PRIOR, NAMELY:

PIN NUMBER: 02-07-14-401-001.000-073 See Exhibit "A"

PROPERTY ADDRESS: I 69, FORT WAYNE, IN 46825

SUCH REAL PROPERTY HAS BEEN RECORDED IN THE OFFICE OF THE ALLEN COUNTY AUDITOR AS DELINQUENT FOR THE NON-PAYMENT OF TAXES, SPECIAL ASSESSMENTS, PENALTIES AND COSTS, AND PROPER NOTICE OF THE SALE HAS BEEN GIVEN. IT APPEARING THAT RICHARD ANDRES IS THE OWNER OF THE CERTIFICATE OF SALE, THAT TIME FOR REDEEMING SUCH REAL PROPERTY HAS EXPIRED, THAT THE PROPERTY HAS NOT BEEN REDEEMED, THAT THE UNDERSIGNED HAS RECEIVED A COURT ORDER FOR THE ISSUANCE OF A DEED FOR THE REAL PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE,

Not to be used for recording, sale, or any other purpose for transfer

OCT 26 2017

[Signature]
HUNTER TOWN, INDIANA

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NIC

THAT RICHARD ANDRES HAVING DEMANDED A DEED FOR THE REAL PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE, THAT THE RECORDS OF ALLEN COUNTY AUDITOR'S OFFICE STATE THAT THE REAL PROPERTY WAS LEGALLY LIABLE FOR TAXATION, AND THAT THE REAL PROPERTY HAS BEEN DULY ASSESSED AND PROPERLY CHARGED ON THE DUPLICATE WITH THE TAXES AND SPECIAL ASSESSMENTS FOR THE YEARS 2016 & PRIOR; THEREFORE, THIS INDENTURE MADE THE 25TH DAY OF OCTOBER, 2017 BETWEEN THE STATE OF INDIANA, BY NICHOLAS D. JORDAN, AUDITOR OF ALLEN COUNTY, INDIANA, PARTY OF THE FIRST PART, AND RICHARD ANDRES, PARTY OF THE SECOND PART WITNESSETH:

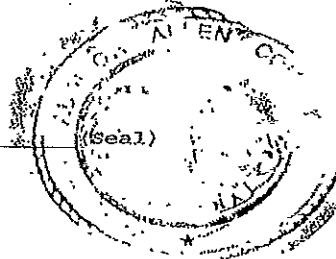
THAT THE PARTY OF THE FIRST PART, FOR AND IN CONSIDERATION OF THE PREMISES, HAS GRANTED, BARGAINED AND SOLD TO THE PARTY OF THE SECOND PART, THE REAL PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE, SITUATED IN THE COUNTY OF ALLEN AND STATE OF INDIANA NAMELY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PIN NUMBER: 02-07-14-401-001.000-073 See Exhibit "A"

TO HAVE AND TO HOLD SUCH REAL PROPERTY, WITH THE AFFURTENANCES BELONGING THERETO, IN AS FULL AND AMPLE A MANNER AS THE AUDITOR OF SAID COUNTY IS EMPOWERED BY LAW TO CONVEY THE SAME. IN TESTIMONY WHEREOF, NICHOLAS D. JORDAN, AUDITOR OF ALLEN COUNTY, STATE OF INDIANA, HAS HEREUNTO SET HIS HAND AND AFFLIXED THE SEAL OF THE AUDITOR OF ALLEN COUNTY, THE DAY AND YEAR LAST ABOVE WRITTEN.

Nicholas D. Jordan

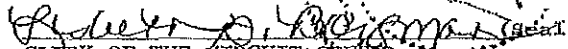
AUDITOR OF ALLEN COUNTY
NICHOLAS D. JORDAN



STATE OF INDIANA)
) ss:
COUNTY OF ALLEN)

BEFORE ME, THE UNDERSIGNED CLERK OF THE CIRCUIT COURT IN AND FOR SAID COUNTY AND STATE, THIS DAY PERSONALLY CAME THE ABOVE NAMED NICHOLAS D. JORDAN, AUDITOR OF SAID COUNTY, AND ACKNOWLEDGED THAT HE SIGNED AND SEALED THE FOREGOING DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL, THIS
25TH DAY OF OCTOBER, 2017.


CLERK OF THE CIRCUIT COURT
OF ALLEN COUNTY, INDIANA
ELSBETH A. BORGMANN

THIS INSTRUMENT PREPARED BY THOMAS A HARDIN, ASSISTANT ALLEN COUNTY ATTORNEY

"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".

Nicholas D. Jordan - Auditor of Allen County

DIGEST SHEET

Department: Greenways

Resolution Number: Pufferbelly Trail: Ludwig Road to Washington Center Road, Right of Way Acquisition, Work Order 0241R

Title of Resolution: Approval of the acquisition of 1 parcel for the Pufferbelly Trail

Current Property Owner: Richard Andres

Amount of Acquisition: \$0

Description of Project (Be Specific): The Pufferbelly Trail is the State Visionary Trail from Pokagon State Park in Angola to Ouabache State Park in Bluffton. The City will be constructing the Pufferbelly Trail (this phase is also known as the Smith Field Trail) from Ludwig Road to Washington Center Road in 2018 along the former New York Central Railroad corridor to Interstate 69 right of way and then parallel to Interstate 69 ROW to Washington Center Road. This will be a 0.56 mile extension of the Pufferbelly Trail that already exists from Life Bridge Church to Ludwig Road (4.15 miles). Connections include numerous neighborhoods, Northrop High School, Shawnee Middle School, Lincoln Elementary, numerous businesses, Smith Field Airport and the Washington Center Road corridor. The City already owns the western half of the railroad corridor. By acquiring the eastern half of the railroad corridor, we can build the trail on the center line of the corridor where the trail ran. So, the subbase would be much better suited for trail construction due to compaction over time by trains. The current property owner is Richard Andres, a trail advocate. He recently acquired the land from Allen County in a tax sale and wishes to donate this eastern half of the railroad corridor to the City.

What Are The Implications If Not Approved: We will have to build the trail on the western half of the railroad corridor, closer to the homes in Stonepoint Addition and the soils won't be as desirable as where the train actually ran.

If Prior Approval Is Being Requested, Justify: