

1 BILL NO. R-18-11-08

2 RESOLUTION NO. _____

3
4 A RESOLUTION APPROVING THE
5 ACQUISITION OF CERTAIN REAL ESTATE
6 LOCATED AT 3408 SEQUAYAH PASS, FORT
7 WAYNE INDIANA, FOR THE CITY OF FORT
8 WAYNE, INDIANA – Board of Public Works
9 Resolution Numbers 105-9-11-18-3; 105-10-9-
10 18-1; and 105-10-30-18-1.

11 WHEREAS, the City of Fort Wayne wishes to exercise its power of
12 eminent domain to acquire that certain real property located at 3408 Sequayah
13 Pass, Fort Wayne, Indiana, for the creation of a stormwater detention basin for the
14 Hessen Cassel Rd (Oxford to South of Paulding) Stormwater Improvements
15 project; and

16 WHEREAS, the City of Fort Wayne, through its Board of Public
17 Works, has approved the acquisition of the property and awarded damages to the
18 owner of said real estate, using the process provided by I.C. 32-24-2, et seq.,
19 Procedures for Cities and Towns, as set forth in Resolution Numbers 105-9-11-18-
20 3; 105-10-9-18-1; and 105-10-30-18-1 attached hereto and made a part hereof;
21 and

22 WHEREAS, the amount of damages awarded to the property owner
23 is THIRTY-FOUR THOUSAND NINE HUNDRED THIRTY-SEVEN AND 50/100 –
24 (\$34,937.50); and

25 WHEREAS, Sec. 37-25 of the City of Fort Wayne Code of Ordinances,
26 requires the Common Council approval of any purchase or conveyance of real
27 estate by the City.
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1 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON**
2 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

3 **SECTION 1.** The acquisition of property located at 3408 Sequayah
4 Pass, Fort Wayne, Indiana, by the City of Fort Wayne, Indiana's power of eminent
5 domain is hereby approved and agreed to.

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

11
12 **APPROVED AS TO FORM AND LEGALITY**

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14 _____
15 Carol Helton, City Attorney
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Interoffice Memo

Date: November 7, 2018
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Acquisition of Real Estate at 3408 Sequayah Pass, Fort Wayne, Indiana 46806

Council Introduction Date: November 13, 2018—Council District #: 6

Background & supporting information:

City Utilities needs to acquire the undeveloped parcel of land at 3408 Sequayah Pass for the creation of a stormwater detention basin for the Hessen Cassel Rd (Oxford to South of Paulding) Stormwater Improvements project. The creation of a stormwater detention basin will improve stormwater drainage and reduce the likelihood of flooding along Hessen Cassel Road and downstream property impacts. This specific property is in a location that is critical to the project design.

City Utilities first contacted the property owner, J Wright, LLC, in June of 2018 to discuss the project and the effect on this property. Although the property owner did not oppose the acquisition, neither did they respond to a proposed purchase agreement, which expired on its terms on September 3. To ensure this property will be acquired before City Utilities commits to the final design and solicits bids on the project's first phase, City Utilities staff decided to begin administrative condemnation proceedings. City Utilities has remained open to a voluntary purchase; however, the property owner never accepted City Utilities' offer nor made any counteroffer.

The purchase price offered by City Utilities was \$34,937.50, which is also the amount of damages that was awarded to the property owner by the Board of Public Works. That amount is the fair market value of the property as determined by the average of two independent appraisals, and represents a 16.45% return over the amount that the property owner paid in 2009.

A map is attached to this memorandum highlighting this property along with a copy of each of the three resolutions approved by the Board of Public Works in the eminent domain proceedings.

Implications of not being approved:

If the condemnation does not get approved then City Utilities will need to seek additional funding for the project, and will need to either re-negotiate for the purchase of this property or redesign the project and seek a different property for purchase, all at additional project cost.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Map
- Board of Public Works Resolutions, Minutes

CC: Matthew Wirtz, Mike Kiester, Anne Marie Smrchek, Michael Saadeh, Project file

3408 Sequayah Pass



June 27, 2018

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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**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS
TO ACQUIRE CERTAIN REAL PROPERTY
PURSUANT TO INDIANA CODE SECTION 32-24-2
FOR THE HESSEN CASSEL RD STORMWATER IMPROVEMENTS PROJECT**

RESOLUTION NUMBER 105-9-11-18-3

WHEREAS, the City of Fort Wayne, by and through its Board of Public Works and City Utilities for the City of Fort Wayne (the "City"), in the interests of the public health, safety, and welfare, is planning a public improvement project that will improve drainage and reduce street flooding along Hessen Cassel Road, entitled the Hessen Cassel Rd (Oxford to S of Paulding) Stormwater Improvements Project (the "Project"); and

WHEREAS, to facilitate construction of the Project, the City needs to acquire certain real property commonly known as 3408 Sequayah Pass, more fully described in Exhibit 1 attached hereto and incorporated herein by this reference (the "Real Estate"); and

WHEREAS, aside from the Real Estate there are no other properties that may be injuriously or beneficially affected; and

WHEREAS, the City having made a good faith offer to purchase the Real Estate for just compensation, and such offer having not been accepted by the owner of the Real Estate within a reasonable time, it is necessary for the City to appropriate the fee simple interest in the Real Estate by exercise of the City's power of eminent domain pursuant to Indiana Code section 32-24-2.

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

1. The Project is for a public purpose and promotes public health, safety, and welfare; and
2. The City needs to acquire the Real Estate for the Project; and
3. On Tuesday, October 2, 2018, at 12:00pm, the Board shall receive or hear remonstrances from any persons interested or affected by the City's acquisition of the Real Estate, and shall thereafter take final action confirming, modifying, or rescinding this Resolution; and
4. The Clerk of the Board is directed to publish notice of the remonstrance hearing in accordance with Indiana Code section 32-24-2-6, and to mail notice of said hearing to those persons listed on Exhibit 1 attached hereto.

EXHIBIT 1

AFFECTED PROPERTY ADDRESS:

3408 Sequayah Pass
Fort Wayne, IN 46806

PARCEL TAX I.D. NUMBER:

02-13-20-301-007.000-070

LEGAL DESCRIPTION OF REAL PROPERTY TO BE ACQUIRED:

Colonial Heritage Place Second Add Lots 94 thru 98 & Lots 129 thru 137, (per latest deed recorded as Document Number 200901240 in the Office of the Recorder of Allen County, Indiana)

INTEREST TO BE ACQUIRED:

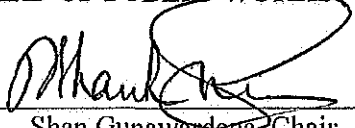
Fee simple in the entire parcel.

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowners:	J Wright LLC
Mailing Address:	827 W Foster Pkwy
	Fort Wayne, IN 46807-2209

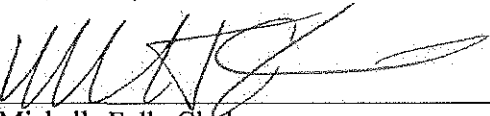
APPROVED this 11th day of September, 2018.

BOARD OF PUBLIC WORKS

By: 
Shan Gunawardena, Chair

By: ABSENT
Kumar Menon, Member

By: 
Mike Avila, Member

Attest: 
Michelle Fulk, Clerk

Prepared by: Seth Weinglass, City of Fort Wayne, Program Manager, Capital Project Services

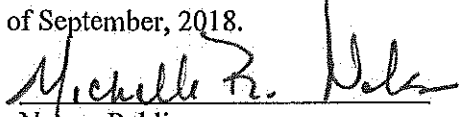
ACKNOWLEDGEMENT

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, Indiana, and Michelle Fulk, Clerk of the Board of Works, and acknowledged the execution of the foregoing resolution as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 11th day of September, 2018.




Notary Public

Resident of Allen County
Michelle R. Nelson
Printed Name of Notary

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS
CONFIRMING RESOLUTION 105-9-11-18-3 AND AWARDING DAMAGES
RE: ADMINISTRATIVE CONDEMNATION OF CERTAIN REAL PROPERTY**

RESOLUTION NUMBER 105-10-9-18-1

WHEREAS, on September 11, 2018, Board of Public Works of the City of Fort Wayne, Indiana (the "Board") adopted Resolution Number 105-9-11-18-3 (the "First Resolution"); and

WHEREAS, the First Resolution stated the Board's intention to exercise its power of eminent domain pursuant to Indiana Code section 32-24-2 to acquire the fee simple interest to certain real property commonly known as 3408 Sequayah Pass, more fully described in Exhibit 1 attached hereto and incorporated herein by this reference (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate will facilitate construction of a public improvement project to improve drainage and reduce street flooding along Hessen Cassel Road, entitled the Hessen Cassel Rd (Oxford to S of Paulding) Stormwater Improvements Project (the "Project"); and

WHEREAS, on September 14 and 21, 2018, in accordance with I.C. 32-24-2-6, the Board published notice of the First Resolution, and of the date and time of a hearing, no sooner than ten days following the last published notice, at which the Board would receive or hear remonstrances from persons interested in or affected by the acquisition of the Real Estate, in a newspaper of general circulation published in Fort Wayne; and

WHEREAS, on October 2, 2018 at 12:00pm, as specified in said published notice, the Board held a public hearing to receive or hear remonstrances from any person interested or affected by the acquisition of the Real Estate; and

WHEREAS, the Board held a remonstrance hearing on October 2, 2018 at 12:00pm, at which time the Board was willing to receive and hear remonstrances from persons interested in or affected by the acquisition of the Real Estate; and

WHEREAS,

☒ there were no remonstrances against the acquisition of the Real Estate.

☐ the following persons remonstrated against the acquisition of the Real Estate:

~~_____~~
~~_____~~
~~_____~~
~~_____~~

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

1. Acquiring the Real Estate to perform the Project is necessary to protect the public health, safety, and welfare.

2. Resolution Number 105-9-11-18-3 is hereby

☒ CONFIRMED.

☐ MODIFIED as follows:

~~_____~~
~~_____~~
~~_____~~
~~_____~~

☐ RESCINDED.

3. The appraised value for the Real Estate set forth in the attached Exhibit 1 accurately reflects its fair market value.

4. The Board hereby awards the total appraised value of the Real Estate to the owner identified on the attached Exhibit 1 as the net amount of damages sustained and benefits accruing to such property.

5. In accordance with Indiana Code section 32-24-2-8(b), the Board shall serve written notice upon such property owner, by personal delivery or by leaving a copy at the owner's last usual place of residence in Fort Wayne, giving notice of such award, as well as of the date and time of a hearing, no sooner than ten days following service of the notice, at which the Board will receive or hear remonstrances from with regard to the amount of their respective awards or assessments.

6. On Wednesday, October 23, 2018, at 12:00pm, the Board will receive or hear remonstrances from persons with regard to the amount of their respective awards or assessments.

[Execution and Attestation on Following Page.]

APPROVED this 9th day of October, 2018.

BOARD OF PUBLIC WORKS

By:

Shan Gunawardena, Chair

By:

Kumar Menon, Member

By:

Mike Avila, Member

Attest:

Michelle Fulk, Clerk

10/9/18

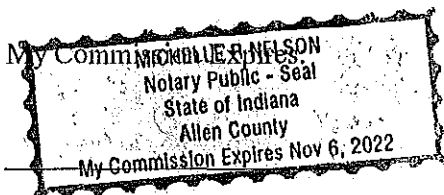
Prepared by: Seth Weinglass, City of Fort Wayne, Program Manager, Capital Project Services

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 Michelle Fulk, 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 9TH day of October, 2018



Printed Name of Notary

Michelle R. Nelson
Notary Public

Resident of Allen County

Michelle R. Nelson

EXHIBIT 1

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowners: J Wright LLC
Mailing Address: 827 W Foster Pkwy
Fort Wayne, IN 46807-2209

AFFECTED PROPERTY ADDRESS: 3408 Sequayah Pass, Fort Wayne, Indiana
46806

PARCEL TAX I.D. NUMBER: 02-13-20-301-007.000-070

LEGAL DESCRIPTION OF REAL PROPERTY TO BE ACQUIRED:

Colonial Heritage Place Second Add Lots 94 thru 98 & Lots 129 thru 137, (per
latest deed recorded as Document Number 2009012420 in the Office of the
Recorder of Allen County, Indiana)

INTEREST TO BE ACQUIRED: Fee simple for all of the lots

TOTAL APPRAISED VALUE: \$34,937.50 (Thirty-Four thousand Nine Hundred
Thirty-Seven dollars and Fifty cents)

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS
SUSTAINING THE AMOUNT OF DAMAGES AWARDED
IN RESOLUTION 105-10-9-18-1
RE: ADMINISTRATIVE CONDEMNATION OF CERTAIN REAL PROPERTY

RESOLUTION NUMBER 105-10-30-18-1**

WHEREAS, on September 11, 2018, Board of Public Works of the City of Fort Wayne, Indiana (the "Board") adopted Resolution Number 105-9-11-18-3 (the "First Resolution"), stating the Board's exercise of eminent domain pursuant to Indiana Code section 32-24-2 to acquire the fee simple interest to certain real property commonly known as 3408 Sequayah Pass, more fully described in Exhibit 1 attached hereto and incorporated herein by this reference (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate will facilitate construction of a public improvement project to improve drainage and reduce street flooding along Hessen Cassel Road, entitled the Hessen Cassel Rd (Oxford to S of Paulding) Stormwater Improvements Project (the "Project"); and

WHEREAS, on October 9, 2018, Board of Public Works of the City of Fort Wayne, Indiana (the "Board") adopted Resolution Number 105-10-9-18-1 (the "Second Resolution"), confirming the First Resolution and making an initial award of damages sustained by the owner of the Real Estate, in the amount of \$34,937.50 (Thirty-Four thousand Nine Hundred Thirty-Seven dollars and Fifty cents) (the "Initial Award"); and

WHEREAS, on October 11, 2018, the Board served written notice upon the owner of the Real Estate, showing the amount of the Initial Award, and naming the date and time of a hearing, no sooner than ten days following service of the notice, at which the Board would receive or hear remonstrances with regard to the amount of the Initial Award (the "Second Remonstrance Hearing"), by delivering a copy to the owner personally, as reflected by the acknowledgement of personal service attached hereto as Exhibit 2 and incorporated herein by this reference; and

WHEREAS, pursuant to said notice, the Board held the Second Remonstrance Hearing on October 23rd, 2018 at 12:00pm, at which time the Board was willing to receive and hear remonstrances from persons against the Initial Award; and

WHEREAS,

☐ there were no remonstrances against the acquisition of the Real Estate.

☒ the following persons remonstrated against the amount of the Initial Award:

Johnny Wright, on behalf of J Wright LLC

WHEREAS, the sign-in sheet from the Second Remonstrance Hearing, reflecting all attendees at such hearing are attached hereto as Exhibit 3 and incorporated herein by this reference; and the and the minutes of such hearing, reflecting the full statements made verbatim, have been submitted for approval concurrently with this Resolution.

1. Acquiring the Real Estate to perform the Project is necessary to protect the public health, safety, and welfare.
2. The amount of the Initial Award made by Resolution Number Resolution Number 105-10-9-18-1 is hereby
☒ SUSTAINED.
☐ MODIFIED, as follows:

The amount of the final damage award to the owner of the Real Estate shall be \$34,937.50 (Thirty-Four thousand Nine Hundred Thirty-Seven dollars and Fifty cents) (the "Final Award"), which is an accurate reflection of the fair market value of such property as determined by two independent appraisals.

3. The Board hereby awards the Final Award to the owner identified on the attached Exhibit 1 as the net amount of damages sustained and benefits accruing to such property.

This Resolution shall be in full force and effect from and after its adoption by the Board of Public Works of the City of Fort Wayne, Indiana.

(SIGNATURES BEGIN ON NEXT PAGE)

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APPROVED this 30th day of October, 2018.

BOARD OF PUBLIC WORKS

By: _____

Shan Gunawardena, Chair

By: _____

Kumar Menon, Member

By: _____

Mike Avila, Member

Attest: _____

Michelle Fulk, Clerk

10-30-18

Prepared by: Seth Weinglass, City of Fort Wayne, Program Manager, Capital Project Services

ACKNOWLEDGEMENT

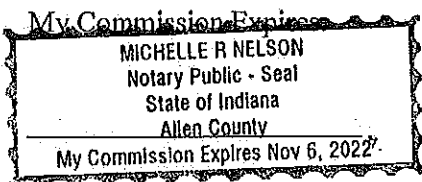
STATE OF INDIANA)

) 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 Michelle Fulk, 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 30th day of October, 2018.



Michelle R. Nelson
Notary Public

Resident of Allen County

Michelle R. Nelson
Printed Name of Notary

EXHIBIT 1

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowner: J Wright LLC
Mailing Address: 827 W Foster Pkwy
Fort Wayne, IN 46807-2209

AFFECTED PROPERTY ADDRESS: 3408 Sequayah Pass
Fort Wayne, IN 46806

PARCEL TAX I.D. NUMBER: 02-13-20-301-007.000-070

LEGAL DESCRIPTION OF REAL PROPERTY TO BE ACQUIRED:

Lots Numbered 94 through 98 inclusive and lots numbered 129 through 137 inclusive in Colonial Heritage Place Second Addition as recorded in plat record 29, pages 129-131, in the office of the Recorder of Allen County, Indiana.

LAST DEED OF RECORD: Document Number 2009012420 in the Office of the Recorder of Allen County, Indiana

INTEREST TO BE ACQUIRED: Fee simple for all of the lots

DAMAGES TO BE AWARDED: \$34,937.50 (Thirty-Four thousand Nine Hundred Thirty-Seven dollars and Fifty cents)

EXHIBIT 2
Acknowledgement of Personal Service

I, Johnny Wright, on behalf of J Wright LLC, the owner of that certain real property located at 3408 Sequayah Pass in Fort Wayn, Indiana, acknowledge on that on October 11, 2018, at Suite 250 of Citizens' Square, located at 200 East Berry Street in Fort Wayne, Indiana, I was personally served with a copy of the attached "NOTICE OF AWARD OF DAMAGES AND PUBLIC REMONSTRANCE HEARING BEFORE THE BOARD OF PUBLIC WORKS, CITY OF FORT WAYNE, INDIANA TO ACQUIRE CERTAIN REAL PROPERTY PURSUANT TO INDIANA CODE SECTION 32-24-2 FOR THE HESSEN CASSEL RD STORMWATER IMPROVEMENTS PROJECT" in accordance with Indiana law.

October 11, 2018

Johnny E Wright member
J Wright, LLC

Johnny E Wright
Print Name and Title

NOTICE OF AWARD OF DAMAGES AND PUBLIC REMONSTRANCE HEARING
BEFORE THE BOARD OF PUBLIC WORKS, CITY OF FORT WAYNE, INDIANA
TO ACQUIRE CERTAIN REAL PROPERTY
PURSUANT TO INDIANA CODE SECTION 32-24-2
FOR THE HESSEN CASSEL RD STORMWATER IMPROVEMENTS PROJECT

Please take notice that on October 9, 2018, the Board of Public Works adopted Resolution Number 105-10-9-18-1 entitled "A Resolution Of The City Of Fort Wayne, Indiana Board Of Public Works Confirming Resolution 105-9-11-18-3 And Awarding Damages Re: Administrative Condemnation Of Certain Real Property."

The real property to be so acquired is identified as follows:

AFFECTED PROPERTY ADDRESS:

3408 Sequayah Pass
Fort Wayne, IN 46806

PARCEL TAX I.D. NUMBER:

02-13-20-301-007.000-070

LEGAL DESCRIPTION OF REAL PROPERTY TO BE ACQUIRED:

Colonial Heritage Place Second Add Lots 94 thru 98 & Lots 129 thru 137, (per latest deed recorded as Document Number 200901240 in the Office of the Recorder of Allen County, Indiana)

INTEREST TO BE ACQUIRED:

Fee simple in the entire parcel.

PROPERTY OWNER NAMES AND MAILING ADDRESSES:

Landowner: J Wright LLC
Mailing Address: 827 W Foster Pkwy
Fort Wayne, IN 46807-2209

AMOUNT OF DAMAGES AWARD:

\$34,937.50
(Thirty-Four thousand Nine Hundred Thirty-Seven dollars and Fifty cents)

On October 23, 2015, at 12:00pm, in Room 035 on the Garden Level of Citizens Square, located at 200 E. Berry Street, Fort Wayne, Indiana, the Board of Public Works will hear and receive remonstrances regarding the amount of awards and assessments. After the remonstrances have been received, the Board of Public Works shall either sustain or modify the awards or assessments in the case of remonstrances that have been filed. The Board of Public Works shall sustain the award or assessment in the case of an award or assessment against which a remonstrance has not been filed.

Board of Public Works
Shan Gunawardena, Chair
Kumar Menon, Member
Mike Avila, Member
Michelle Fulk, Clerk

Publish in Journal Gazette: October 12, 2018

EXHIBIT 3

Sign-in Sheet from October 24, 2018 Remonstrance Hearing



2nd Remonstrance Hearing Second Hearing

PROJECT: Resolution #105-9-11-18-3, Administrative Condemnation 3408 Sequayah Pass.

#105-10-9-18-1

ENGINEER/EXTENSION: Seth Weinglass

Hearing Date: October 23, 2018

1. Michelle Weber	11. Michelle Fulk
2. John E. Wright	12.
3. Dan H. Heise	13.
4. Mark V. Leser	14.
5. Angela Erpelding	15.
6. Frank Surges	16.
7. [Signature]	17.
8. Shan Gunawardena	18.
9. Kumar Menon	19.
10. Mike Avila	20.

REMONSTRANCE HEARING MINUTES

Remonstrance Hearing

Resolution: #105-9-11-18-3 – Administrative Condemnation of 3408 Sequayah Pass

October 23, 2018

**BOARD OF PUBLIC WORKS
ROOM 035 –COUNCIL CHAMBERS
MEETING HELD AT 12:25 P.M.**

**SHAN GUNAWARDENA, CHAIR
KUMAR MENON, MEMBER
MIKE AVILA, MEMBER
MICHELLE FULK, CLERK**

Present: Shan Gunawardena, Kumar Menon, Mike Avila, Michelle Fulk, Michelle Nelson, Angela Erpelding, Patrick Zaharako, Seth Weinglass, Frank Suarez, Johnny Wright.

Shan Gunawardena: Good afternoon Ladies and Gentleman and welcome to the Remonstrance hearing October 23, 2018. My name is Shan Gunawardena Chair to the Board of Public Works, to my right is members Kumar Menon and Mike Avila and to my left is Michelle Fulk, Clerk. Before we begin I would like to ask that all attendees please sign for this hearing. We will call to order the 2nd Remonstrance Hearing is for Resolution #105-10-9-18-1- Administrative Condemnation of 3408 Sequayah Pass.

Seth Weinglass: Good afternoon Board, Seth Weinglass, for City Utilities. This will be the 2nd remonstrance hearing pursuant to the Indiana code section 32-24-2, which is a statutory procedure that allows the Board to acquire real property through an administrative eminent domain process. On October 9, 2018, the board approved resolution #105-10-9-18-1, which made an initial award of damages to the property owner. This hearing will be the property owner's opportunity to remonstrate against the amount of damages. The property that we are taking is the fee simple title to 3408 Sequayah Pass which is an undeveloped 4 ½ acre parcel in Adams Township. Its located East of Hessen Cassel Rd between Paulding and McKinney Ave. The taking is for Hessen Cassel Stormwater Improvements project Phase I. We will be using the property for a Stormwater detention basin. Notice of today's hearing and the amount of the award was personally delivered to the property owner October 11, 2018 in accordance with statute. We also published notice in the Journal Gazette on October 12, 2018. At the next Board of Works hearing City Utilities will be asking the Board to adopt a resolution either sustaining or modifying the amount of the award. With that said I will step aside, I believe the property owner Johnny Wright of J Wright LLC, is present today, I am not sure whether he would like to come up and say a few words today.

Shan Gunawardena: Is there anyone present who is for or against this resolution that would like to speak? If you would please introduce yourself, name and address.

Johnny Wright: Johnny Wright, 827 West Foster Parkway.

Shan Gunawardena: Thank you.

Johnny Wright: As far as the property goes, I have some other expenses as far as the purchase agreement, taxes I believe up to \$4,000 or \$5,000 and also the up keep of the property for the last nine years possibly the same around \$4,000 or \$5,000. With these expenses and the offer I think of \$34,900 somewhere around there, I need a little more time to look over, do my research and come up with a clear number.

Kumar Menon: Seth, do we have any other comments on this? Thank you for speaking Sir, we appreciate it.

Seth Weinglass: I do not have any further comments regarding that. We had the property appraised by two appraisers; the amount that they came up with is just under \$35,000, which represents the fair market value of the property. I do not believe that we are required to account for any taxes or other expenses that may be owed by the property owner. As for the timing of the purchase, the reason we are going through this process now as I have explained to the property owner, is that we need to have title to this property by the end of the year. I did approach them in May 2018 and I have remained open to a voluntary purchase for that entire time.

Kumar Menon: So we still have another week before we have to take any more action right?

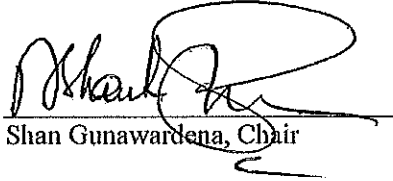
Seth Weinglass: Yes, that is correct. I do also plan to bring this before council, so if we can come to a voluntary agreement before then I would be happy to take a deed rather than an eminent domain taking.

Shan Gunawardena: Is there anyone else present who would like to speak for or against this resolution? Seeing none, I will close this Remonstrance hearing for resolution #105-10-9-18-1.

Kumar Menon: Second.

Shan Gunawardena: The meeting is adjourned.

BOARD OF PUBLIC WORKS

BY: 

Shan Gunawardena, Chair

BY: ABSENT

Kumar Menon, Member

BY: 

Mike Avila, Member

ATTEST: 

Michelle Fulk, Clerk

Date: 10.30.18