

BILL NO. R-22-02-07

RESOLUTION NO. _____

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
APPROVING THE PURCHASE OF LAND BY
THE FORT WAYNE REDEVELOPMENT COMMISSION FOR MORE THAN
THE AVERAGE OF TWO APPRAISALS
(AVENUE OF THE AUTOS)**

WHEREAS, the Fort Wayne Redevelopment Commission (the “Commission”) desires to purchase certain parcels of real property located at 505 Avenue of Autos, Fort Wayne, Wayne Township, Allen County, Indiana 46804 (Parcel Number 02-12-06-402-002.000-076) (“KEL-014 Property”), 633 Avenue of Autos, Fort Wayne, Wayne Township, Allen County, Indiana 46804 (Parcel Number 02-12-06-402-003.000-076) (“KEL-011 Property”), and 811 Avenue of Autos, Fort Wayne, Wayne Township, Allen County, Indiana 46804 (Parcel Number 02-12-06-452-001.000-076) (“KEL-012 Property”), and more particularly described on **Exhibit A** hereto, together with all improvements and landscaping located thereon, and any and all rights, privileges, easements, rights of way, benefits, agreements, development rights and appurtenances thereunto belonging (collectively, the “Property”); and

WHEREAS, the purchase price negotiated with the Real Estate Investment Trust (REIT) that owns the Property is \$7,310,000, which exceeds the greater of the two appraisals of fair market value of the Property by \$330,000; and

WHEREAS, as a result, IC 36-7-14-19.5(b)(2) requires the Common Council (“Common Council”) of the City of Fort Wayne, Indiana (the “City”), acting as the legislative body of the City, to approve the purchase of the Property by the Commission; and

1 WHEREAS, the Common Council also desires to authorize the purchase
2 of the Property pursuant to Fort Wayne Municipal Code §37.18.

3 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
4 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:
5

6 1. The Common Council, in its role as legislative body of the City,
7 hereby authorizes the purchase of the Property pursuant to IC 36-7-14-19.5(b)(2) by the
8 Commission for a price that exceeds the greater of the two appraisals of the fair market
9 value of the Property.

10 2. The Council also authorizes the purchase of the Property and
11 execution of a Real Estate Purchase and Sale Agreement by the Commission pursuant to
12 Fort Wayne Municipal Code §37.18.

13 3. This Resolution shall be binding and in full force and effect from
14 and after the time it has been adopted by Common Council, approved by the Mayor and
15 otherwise executed and delivered in accordance with any and all laws appertaining
16 thereto.
17

18 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its
19 passage and any and all necessary approval by the Mayor.
20

21
22 _____
23 Council Member

24 APPROVED AS TO FORM AND LEGALITY

25
26 
27 _____
28 Carol Helton, City Attorney
29
30

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The Land referred to herein below is situated in the County of Allen, State of Indiana, and is described as follows:

PARCEL 1:

BLOCKS 5 AND 6, EXCEPT THE SOUTH 20 FEET OF BLOCK 5, 14/69 AUTO MALL, SECTION I, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT CABINET A, PAGE 18 AND AS DOCUMENT NUMBER 87-38637 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

PARCEL 2:

BLOCK 4 AND THE SOUTH 20 FEET OF BLOCK 5, 14/69 AUTO MALL, SECTION I, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT CABINET A, PAGE 18 AND AS DOCUMENT NO. 87- 38637 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

PARCEL 3 (EASEMENT PARCEL FOR THE BENEFIT OF PARCEL 1 AND 2):

NON-EXCLUSIVE 20 FOOT WIDE EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTH 20 FEET OF THE WEST $\frac{1}{2}$ WEST $\frac{1}{2}$ WEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 6, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA AS CREATED, LIMITED AND DEFINED IN THAT CERTAIN EASEMENT GRANT DATED JULY 22, 1987, RECORDED JULY 23, 1987 IN INSTRUMENT #87-037695, ALLEN COUNTY RECORDS.

PARCEL 4:

PART OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 6, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 00 SECONDS EAST (BEARINGS IN THIS DESCRIPTION ARE BASED ON THE PLAT BEARINGS FOR 14/69 AUTO MALL, SECTION 1, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET A, PAGE 18, IN THE OFFICE OF THE RECORDER OF SAID COUNTY) ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 206.23 FEET TO A 5/8-INCH REBAR FOUND FLUSH, BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 10 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 450.00 FEET TO A 5/8- INCH REBAR FOUND FLUSH, SAID POINT SITUATED NORTH 00 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 48.00 FEET FROM THE NORTHEAST CORNER OF SAID 14/69 AUTO MALL, SECTION 1; THENCE SOUTH 89 DEGREES 46 MINUTES 00 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID 14/69 AUTO MALL, SECTION 1, A DISTANCE OF 400.00 FEET TO A 5/8-INCH REBAR FOUND FLUSH; THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID EAST LINE, A DISTANCE OF 348.16 FEET TO A 5/8-INCH REBAR WITH A CAP STAMPED TAZIAN ASSOC. FIRM #0020 SET FLUSH AT THE POINT OF CURVATURE OF A REGULAR CURVE TO THE RIGHT HAVING A RADIUS

OF 70.0 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 38.84 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 38.34 FEET AND A BEARING OF NORTH 15 DEGREES 43 MINUTES 39 SECONDS EAST, TO A 5/8-INCH REBAR WITH A CAP STAMPED TAZIAN ASSOC. FIRM #0020 SET FLUSH AT THE POINT OF REVERSE CURVATURE OF A REGULAR CURVE TO THE LEFT HAVING A RADIUS OF 70.0 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 68.25 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 65.58 FEET AND A BEARING OF NORTH 03 DEGREES 41 MINUTES 29 SECONDS EAST, TO A 5/8-INCH REBAR FOUND FLUSH; THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS EAST, NOT TANGENT TO THE LAST COURSE, A DISTANCE OF 385.09 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 4.104 ACRES OF LAND.