

**A RESOLUTION APPROVING THE
ACQUISITION OF CERTAIN REAL
ESTATE LOCATED AT 2305 ELYETTA
STREET, FORT WAYNE, INDIANA, 46802
FOR THE CITY OF FORT WAYNE,
INDIANA – Board of Public Works
Resolution Number 110-1-24-23-3.**

WHEREAS, the City of Fort Wayne (the “City”) wishes to acquire title to that certain parcel of unimproved real estate having the street address of 2305 Elyetta Street in the City of Fort Wayne, the legal description of which is set forth in Exhibit “1” attached hereto and incorporated herein by this reference (the “Real Estate”), for the purpose of reducing storm drainage issues in the surrounding neighborhood, and in the best interests of the public health, safety, and welfare; and

WHEREAS, the Real Estate was made available for sale at public auction by Allen County at its annual tax sale in 2021, at which time the Allen County Tax Assessor valued the Real Estate at One Thousand, One Hundred Dollars (\$1,100.00), inclusive of costs and fees as the minimum allowed bid amount at the tax sale;

WHEREAS, the City’s designated agent at the tax sale (the “Tax Sale Agent”) submitted that minimum allowable bid of \$1,100.00 for the Real Estate, and such minimum bid amount was the sole and winning bid.

WHEREAS, because the Real Estate was not redeemed by the former property owner during the statutory period of redemption, a tax sale deed for the Real Estate was issued to the Tax Sale Agent, and was recorded as document number 2022060842 in the Office of the Recorder of Allen County, Indiana; and

WHEREAS, the Tax Sale Agent now wishes to transfer the Real Estate to the City by quitclaim deed.

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

SECTION 1. The tax sale purchase of the Real Estate for the price of One Thousand, One Hundred Dollars (\$1,100.00) is hereby ratified, and the transfer of the Real Estate to the City by quitclaim deed is hereby approved.

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

Malak Heiny, City Attorney

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS
APPROVING THE ACQUISITION OF 2305 ELYETTA STREET**

RESOLUTION NUMBER 110-1-24-23-3

WHEREAS, City Utilities for the City of Fort Wayne ("CU") wishes to acquire title to that certain parcel of unimproved real estate having the street address of 2305 Elyetta Street in the City of Fort Wayne, the legal description of which is set forth in Exhibit "1" attached hereto and incorporated herein by this reference (the "Real Estate"), for the purpose of reducing storm drainage issues in the surrounding neighborhood, and in the best interests of the public health, safety, and welfare; and

WHEREAS, the Real Estate was made available for sale at public auction by Allen County at its annual tax sale in 2021, at which time the Allen County Tax Assessor valued the Real Estate at One Thousand, One Hundred Dollars (\$1,100.00), inclusive of costs and fees as the minimum allowed bid amount at the tax sale;

WHEREAS, CU's designated agent at the tax sale (the "Tax Sale Agent") submitted that minimum allowable bid of \$1,100.00 for the Real Estate, and such minimum bid amount was the sole and winning bid.

WHEREAS, because the Real Estate was not redeemed by the former property owner during the statutory period of redemption, a tax sale deed for the Real Estate was issued to the Tax Sale Agent, and was recorded as document number 2022060842 in the Office of the Recorder of Allen County, Indiana; and

WHEREAS, the Tax Sale Agent desires to transfer the Real Estate to CU by quitclaim deed pursuant to a previously established procedure.

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

The tax sale purchase of the Real Estate for the price of One Thousand, One Hundred Dollars (\$1,100.00) is hereby ratified, and the transfer of the Real Estate to CU by quitclaim deed is hereby approved.

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

APPROVED this 24th day of January, 2023.

BOARD OF PUBLIC WORKS

BY: *Shan Gunawardena*
Shan Gunawardena, Chair

BY: *Kumar Menon*
Kumar Menon, Member

BY: ABSENT
Chris Guerrero, Member

ATTEST: *Michelle Fulk-Vondran*
Michelle Fulk-Vondran, 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 ~~Chris Guerrero~~ ^{ABSENT}, as Members of the Board of Public Works of the City of Fort Wayne, and Michelle Fulk-Vondran, 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 24th day of January, 2023.



Michelle R. Nelson
Notary Public

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

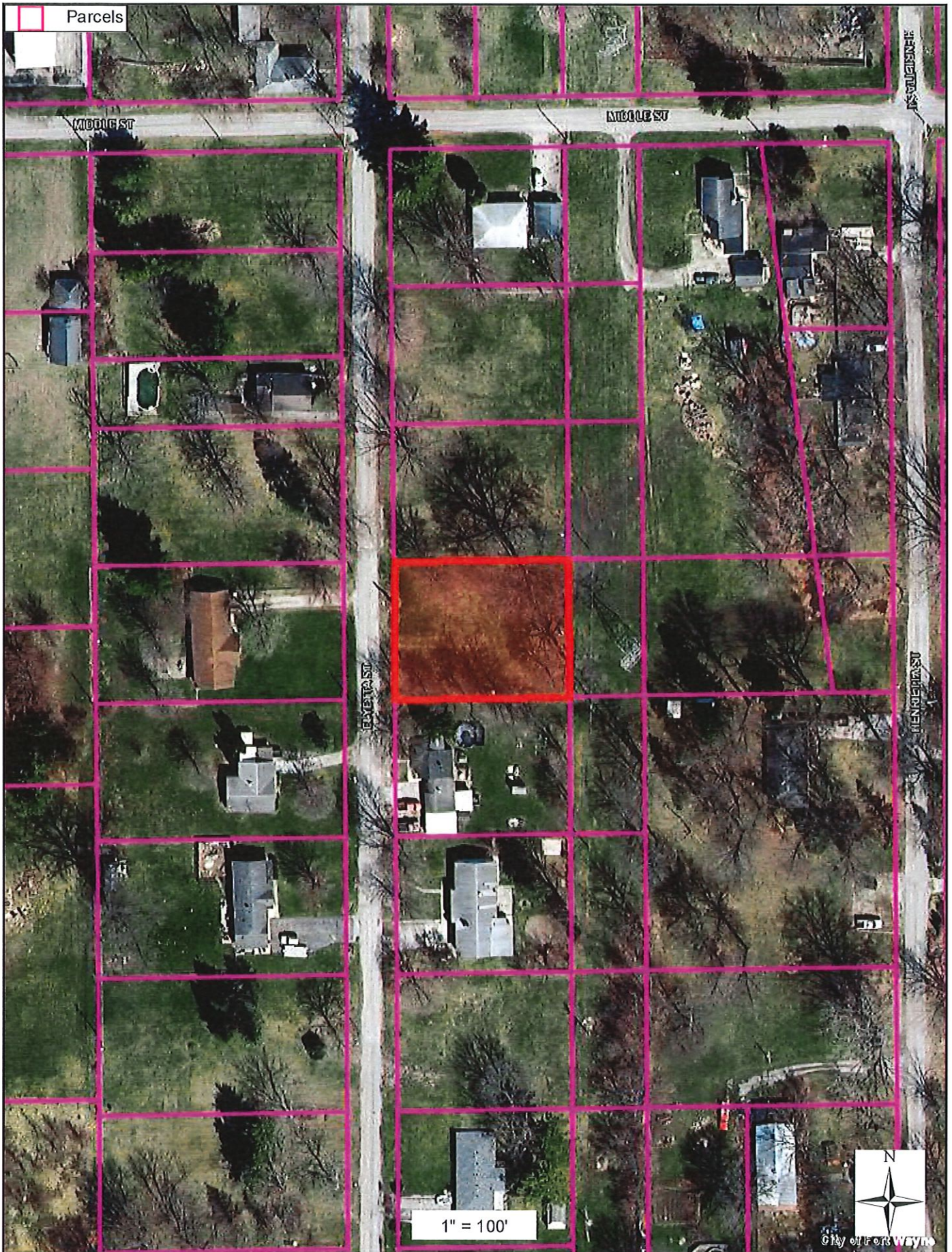
EXHIBIT 1

AFFECTED PROPERTY:

Legal Description: W 140' Lot 61 Interurban Acre Addition
Address: 2305 Elyetta St
Last deed of record: Allen County Recorder's document number 2022060842
Tax parcel no.: 02-12-09-330-004.000-074
Acres: 0.35

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

2305 Elyetta Street



February 8, 2023

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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Interoffice Memo

Date: February 8, 2023
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Acquisition of 2305 Elyetta Street, in Fort Wayne, Indiana 46802

Council Introduction Date: February 14, 2023 - Council District #: 5

Background & supporting information:

City Ordinance 37.25 requires the prior approval or subsequent ratification of any acquisition of real estate. The vacant lot located at 2305 Elyetta Street is needed for storm drainage improvements. This tax-delinquent property was offered for public auction by Allen County in 2021, as part of its annual tax sale. The assessed value of the property at the time was \$2,200, and City Utilities' tax sale agent submitted the high bid for the property in the amount of \$1,100, resulting in a tax lien that the owner had one year to redeem. After the owner allowed such redemption period to lapse, a tax deed was issued to the tax sale agent. City Utilities is now seeking to have the high bid ratified, and for approval of a quitclaim of the tax deed to the City. A map depicting the property's location is attached.

Implications of not being approved:

Any future acquisition of this property is likely to be at a higher price than the amount bid at this auction. This is a vacant property in a floodplain, and is not likely to be useful to a private owner.

Justification if prior approval is being requested: Not applicable

Funding source: Flood funds

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on January 24, 2023

CC: Matthew Wirtz
Jill Helfrich
Patrick Zaharako