

**A RESOLUTION APPROVING THE
ACQUISITION OF CERTAIN REAL
ESTATE LOCATED AT 9056 WAYNE
TRACE (WEST OF), FORT WAYNE,
INDIANA, 46816 FOR THE CITY OF FORT
WAYNE, INDIANA – Board of Public
Works Resolution Number 110-10-3-23-3.**

WHEREAS, the City of Fort Wayne (the "City") wishes to purchase a parcel of real estate, the full legal description of which is set forth in Exhibit "1" attached hereto, incorporated herein by this reference (the "Real Estate"); and

WHEREAS, the Real Estate's owner, the Allen County Community Development Corporation ("ACCDC"), wishes to sell the Real Estate to the City; and

WHEREAS, the Real Estate is improved as a roadway but not part of a public right of way, and abuts and is located immediately adjacent to the western boundary of the Vallyd Acres Second Addition to the City of Fort Wayne; and

WHEREAS, purchasing the Real Estate will facilitate a planned septic elimination project, extending public sanitary sewer services from the Marion Center Lift Station to the Valleyd Acres neighborhood; and

WHEREAS, purchasing the Real Estate is therefore in the best interests of the public health, safety, and welfare; and

WHEREAS, the agreed purchase price for the lot is One Hundred Dollars (\$100.00).

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

SECTION 1. The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the purchase price of One Hundred Dollars (\$100.00) is hereby

1 approved.

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

7 APPROVED AS TO FORM AND LEGALITY
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10 Malak Heiny, City Attorney
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**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF
A 0.467-ACRE ROADWAY WEST OF 9056 WAYNE TRACE
FOR THE VALLYD ACRES SEPTIC ELIMINATION PROJECT**

RESOLUTION NUMBER 110-10-3-23-3

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WHEREAS, purchasing the Real Estate will facilitate a planned septic elimination project, extending public sanitary sewer services from the Marion Center Lift Station to the Valleyd Acres neighborhood; and

WHEREAS, purchasing the Real Estate is therefore in the best interests of the public health, safety, and welfare; and

WHEREAS, the agreed purchase price for the lot is One Hundred Dollars (\$100.00).

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 purchase price of One Hundred Dollars (\$100.00) is hereby approved.

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

APPROVED this 3rd day of October, 2023.

BOARD OF PUBLIC WORKS

BY: [Signature]
Shan Gunawardena, Chair

BY: [Signature]
Kumar Menon, Member

BY: ABSENT
Chris Guerrero, Member

ATTEST: [Signature]
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 3rd day of October, 2023.



Michelle R. Nelson
Notary Public

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

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 PROPERTIES:

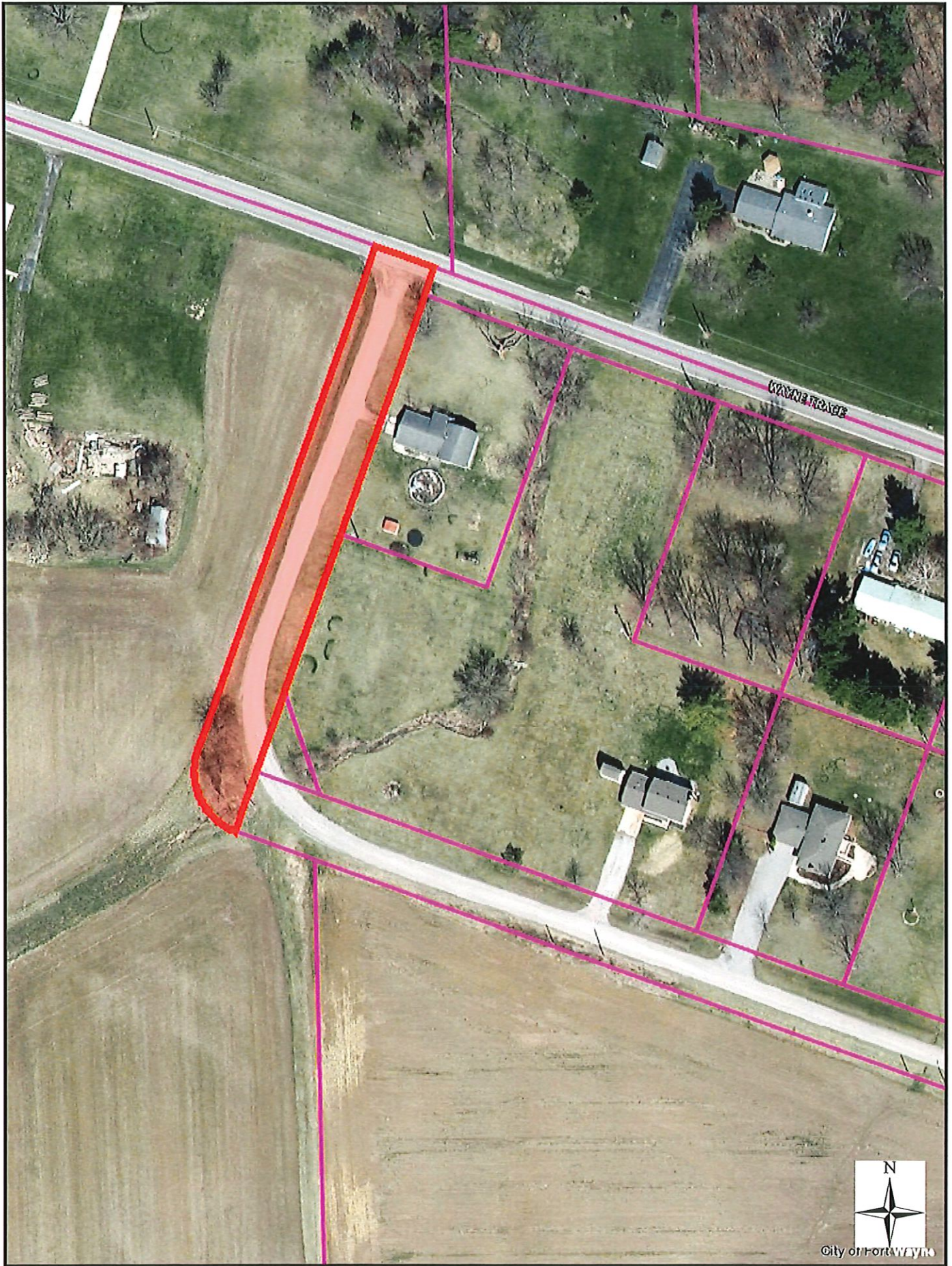
Last deed of record: Allen County Recorder's document number 201087081

Tax parcel no.: 02-18-03-102-002.000-051

Legal description: Part of the Fractional Northwest Quarter of Section 3, Township 29 North, Range 13 East, Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number LS20900190 of Sauer Land Surveying, Inc., Survey No. 146-118, dated September 14, 2023, and being more particularly described as follows, to-wit:

Commencing at the Northwest closing corner of said Section 3, being marked by a cast iron monument; thence North 87 degrees 28 minutes 34 seconds East (GPS grid bearing and basis of all bearings in this description), a distance of 39.40 feet to a point on the centerline of Wayne Trace; thence South 71 degrees 42 minutes 42 seconds East, on and along said centerline, a distance of 1022.00 feet to a survey nail at the most Easterly corner of a 6.0 acre tract of real estate described in a deed to James A. Graber and Bianca C. Graber, as Trustees, in Document Number 2013059537 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence South 71 degrees 42 minutes 42 seconds East, continuing on and along said centerline, a distance of 51.10 feet to a survey nail at the most Northerly corner of Vallyd Acres Second Addition, as recorded in Plat Record 20, page 37, in the Office of said Recorder; thence South 19 degrees 27 minutes 15 seconds West, on and along the Northwest line of said Vallyd Acres Second Addition, a distance of 446.21 feet to a #5 rebar at a point on a Northeast line of a 45.99 acre tract of real estate described in a deed to James A. Graber and Bianca C. Graber, as Trustees, in Document Number 2013057598 in the Office of said Recorder; thence North 45 degrees 01 minutes 44 seconds West, on and along said Northeast line, a distance of 47.03 feet to a #5 rebar at an East corner thereof, also being the most Southerly corner of said 6.0 acre tract; thence North 18 degrees 17 minutes 18 seconds East, on and along the Southeast line of said 6.0 acre tract, a distance of 425.00 feet to the true point of beginning, containing 0.467 acres of land, subject to legal right-of-way for Wayne Trace, and subject to all easements of record.

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



Interoffice Memo

Date: October 3, 2023
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Purchase of 9056 Wayne Trace (West of) from ACCDC

Council Introduction Date: October 10, 2023 - Council District #: n/a

Background & supporting information:

City Utilities is seeking to purchase a parcel of land immediately adjacent to the western boundary of the Vallyd Acres Second Addition subdivision, located east of Marion Center Road, southeast of City limits. The property is improved with a roadway, but it is not part of a recorded right of way. The current owner is Allen County Community Development Corporation (ACCDC), which took title after the previous owner defaulted on their property taxes.

The parcel is needed for a septic elimination project, to connect the neighborhood to the existing public sewer along Marion Center Road. ACCDC has agreed to sell the parcel to City Utilities for a purchase price of \$100.00. The map attached to this memo shows the parcel that City Utilities intends to purchase.

Implications of not being approved:

Any future acquisition of this or neighboring interests in land needed for the project is likely to be at a higher price than the amount presently offered. This parcel is not likely to be useful to a private owner.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on October 3, 2023

CC: Matthew Wirtz
Nathan Baggett
Jill Helfrich