

BILL NO. R-24-05-08

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE TRANSFER OF THREE PARCELS OF CERTAIN REAL ESTATE LOCATED ALONG EAST TILLMAN RD, EAST PAULDING RD AND ADAMS CENTER RD, FORT WAYNE, INDIANA, FOR THE CITY OF FORT WAYNE, BY AND THROUGH THE BOARD OF PUBLIC WORKS - RESOLUTION #111-5-14-24-1.

**WHEREAS**, the City of Fort Wayne, through its Board of Public Works – Resolution #111-5-14-24-1, desires to acquire properties located along East Tillman Rd., East Paulding Rd and Adams Center Rd, Fort Wayne, Indiana, specifically described in the Resolution, Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the Resolution for the properties located along East Tillman Rd., East Paulding Rd and Adams Center Rd, Fort Wayne, Indiana, is submitted to the Common Council for approval; and

**WHEREAS**, the acquisition of these properties is for the City's Right-of-Way Preservation Plan; and

**WHEREAS**, the purchase price for the properties is ZERO DOLLARS – (\$0.00); and

**WHEREAS**, Sec. 37-25 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any acquisition of real estate by the City.

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

**SECTION 1.** The transfer of three parcels of real estate by the City of Fort Wayne through its Board of Public Works, located along East Tillman Rd.,

1 East Paulding Rd and Adams Center Rd, Fort Wayne, Indiana, specifically  
2 described in the Resolution, Exhibit "A," is hereby approved and agreed to. The  
3 appropriate officials of the City are hereby authorized to execute all documents  
4 necessary to accomplish said acquisition.  
5

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.  
8

9  
10 \_\_\_\_\_  
Council Member

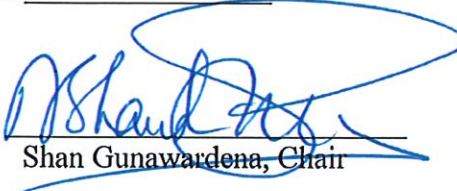
11  
12 APPROVED AS TO FORM AND LEGALITY

13  
14 \_\_\_\_\_  
Malak Heiny, City Attorney  
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Approval of Resolution #111-5-14-24-1, Warranty Deeds for the Conveyance of Property to the City of Fort Wayne for Easement Right-of-Way located along East Tillman Rd, East Paulding Rd and Adams Center Rd.

**BOARD OF PUBLIC WORKS**

Date: 5-14-2024

BY:   
Shan Gunawardena, Chair

BY: ABSENT  
Kumar Menon, Member

BY:   
Chris Guerrero, Member

ATTEST:   
Michelle Fulk-Vondran, Clerk  
Tania Schwarz, Acting Clerk



**WARRANTY DEED**  
**(Fee Simple Right of Way)**

Form WD-1  
Revised 5/2019

Project:	Zodiac
Code:	N/A
Parcel:	N/A
Page:	1 of 12

**THIS INDENTURE WITNESSETH**, That **HATCHWORKS LLC**, a Delaware limited liability company (the "Grantor"), conveys to **THE CITY OF FORT WAYNE, INDIANA**, a municipal corporation (the "City"), for and in consideration of the sum of Zero and 00/100 Dollars (\$0.00) and other valuable consideration, the receipt of which is hereby acknowledged, certain real estate situated in the County of Allen, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted on Exhibit "B", both of which exhibits are incorporated herein by reference (the "Real Estate"). No monetary consideration has been exchanged in connection with this transfer, and the transfer is consequently exempt from the filing of a Sales Disclosure Form under Ind. Code § 6-1.1-5.5.

The conveyance is subject to any and all liens, easements, conditions, matters, agreements and restrictions of record.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes.

The Grantor assumes and agrees to pay the 2023 payable 2024 real estate taxes and assessments on the Real Estate.

This obligation to pay shall survive the said closing and shall be enforceable by the City in the event of any non-payment.

Interests in land acquired by and taxes  
mailed to the City of Fort Wayne:  
City mailing address:  
200 East Berry Street, Room 210  
Fort Wayne, IN 46802  
I.C. 8-23-7-31

In Witness Whereof, the Grantor has executed this instrument this 14<sup>th</sup> day of May, 2024.

[signature page follows]



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HATCHWORKS LLC, a Delaware limited liability company

By:   
Marc Stern, Site Facility Manager



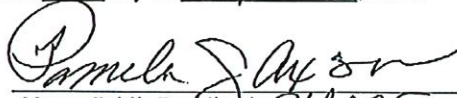
STATE OF Ind )  
COUNTY OF Allen ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marc Stern, Site Facility Manager of Hatchworks LLC, a Delaware limited liability company, who having been duly sworn upon his oath acknowledged the execution of the foregoing Warranty Deed (Fee Simple Right of Way) on behalf of said limited liability company.

Witness my hand and Notarial Seal this 26 day of April, 2024.

My Commission Expires:

1/19/2030

  
Notary Public Residing in Allen County,  
California  
Pamela J. Axson  
(Printed Signature)



PAMELA J AXSON, Notary Public  
Allen County, State of Indiana  
Commission Number NP0738596  
My Commission Expires January 19, 2030

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Project: Zodiac  
Code: N/A  
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**CITY OF FORT WAYNE  
ACCEPTANCE OF DEED**

WHEREAS, Grantor has executed in favor of the City of Fort Wayne, Indiana ("City") the foregoing Warranty Deed (Fee Simple Right of Way) ("Deed") to which this instrument of acceptance is attached, and which Deed conveys certain real property (the "Real Estate") to the City for the sole purpose of public right of way for Adams Center Road;

AND WHEREAS, the City desires to accept such conveyance of the Real Estate.

NOW THEREFORE, the City hereby accepts said Deed, and consents to the Deed being recorded by the Grantor in the Recorder's Office of Allen County, Indiana.

**CITY OF FORT WAYNE, INDIANA**

**BOARD OF PUBLIC WORKS**

By: 

Shan Gunawardena, Chair

**ABSENT**

By: \_\_\_\_\_

Kumar Menon, Member

By: 

Chris Guerrero, Member

**ATTEST:**

By: 

Michelle Fulk-Vondran, Clerk

Tania Schwarz, Acting Clerk

Project: Zodiac  
Code: N/A  
Parcel: N/A  
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Witness my hand and Notarial Seal this 14<sup>th</sup> day of May, 2024.

Karen K Butler  
Signature Notary Public

Karen K Butler  
Printed Name of Notary

This instrument prepared by and 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. Malak B. Heiny, City Attorney, City of Fort Wayne Law Department, 200 E Berry St., FW IN 46802, Attorney Number: 28862.49.

Karen K Butler  
Notary Public Seal State of Indiana  
Allen County  
Commission Number NP0630402  
My Commission Expires 10/23/2027

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Project: Zodiac  
Code: N/A  
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### Exhibit A Legal Description

#### 0.069 ACRE

Situated in the State of Indiana, County of Allen, City of Fort Wayne, lying in the Southeast Quarter of Section 27, Township 30 North, Range 13 East of the Second Principal Meridian and being 0.069 acre out of that 265.204 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002585, said 0.069 acre tract surveyed by Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027 and shown on a plat of survey certified on February 2, 2024 as EML&T Job number 20230659 (all references are to the records of the Recorder's Office, Allen County, Indiana) and being more particularly described as follows:

Beginning, for reference, at a 3/4 inch solid iron pin in a monument box found 0.8 feet below the surface at the southeast corner of the Southeast Quarter of said Section 27, in the centerline of East Tillman Road;

Thence South 87° 48' 19" West, with the centerline of said East Tillman Road, the southerly line of said Southeast Quarter of Section 27, a distance of 962.51 feet to the southwesterly corner of that 0.16 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020587, the southeasterly corner of that 0.11 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020586;

Thence North 01° 11' 21" West, across said East Tillman Road and with the line common to said 0.16 and 0.11 acre tracts, a distance of 40.01 feet to an iron pin set at the northerly common corner thereof, the southeasterly corner of said 265.204 acre tract, the southwesterly corner of that tract conveyed to Charles L. Itt and Jacqueline Lee Itt by deed of record in Document Number 2018035384, in the northerly right-of-way line of said East Tillman Road, the TRUE POINT OF BEGINNING;

Thence South 87° 48' 19" West, with the line common to said 265.204 and 0.11 acre tracts, said northerly right-of-way line, a distance of 119.55 feet to a 5/8 inch iron rebar (cap not legible) found flush with the surface at the westerly common corner thereof, the northeasterly corner of that 0.22 acre tract conveyed to County of Allen, Indiana by deed of record in document Number 77-020958, the southeasterly corner of that 1.157 acre tract conveyed to Frederick A. Hitzemann by deed of record in Document Number 980015911;

Thence North 01° 13' 24" West, with the line common to said 265.204 and 1.157 acre tracts, a distance of 25.00 feet to an iron pin set;

Thence North 87° 48' 19" East, across said 265.204 acre tract, being parallel to, and at a 65.00 foot perpendicular offset from the southerly line of the Southeast Quarter of said Section 27, the centerline of said East Tillman Road, a distance of 119.57 feet to an iron pin set in the line common to said 265.204 acre tract and the remainder of said Itt tract;

Thence South 01° 11' 21" East, with said common line, a distance of 25.00 feet to the TRUE POINT OF BEGINNING, containing 0.069 acre, more or less, none of which is located within the present roadway occupied.



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Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron rebars, five-eighths (5/8) inch diameter, thirty (30) inches long, set flush, with a plastic cap inscribed Firm No. 0086.

The bearings herein are based on the Indiana State Plane Coordinate System, East Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GNSS observations and observations of selected CORS base stations in the National Spatial Reference System. The southerly line of the Southeast Quarter of Section 27, Township 30 North, Range 13 East, having a bearing of South 87° 48' 19" West, and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027, in August-December, 2023 and January, 2024.



EVANS, MECHWART, HAMILTON & TILTON, INC.

A handwritten signature in dark ink, appearing to read "J. Meyer", written over the printed name.

Joshua M. Meyer  
Indiana Registered Land Surveyor No. LS21800027

2-2-2024

Date

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Code: N/A  
Parcel: N/A  
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**0.179 ACRE**

Situated in the State of Indiana, County of Allen, Township of Adams and City of Fort Wayne, lying in the Southeast Quarter of Section 27, Township 30 North, Range 13 East of the Second Principal Meridian and being 0.179 acre comprised of 0.083 acre out of that 265.204 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002585 and 0.096 acre out of that 1.803 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002249, said 0.179 acre tract surveyed by Joshua M. Meyer, Indiana Registered Land Surveyor No. 1521800027 and shown on a plat of survey certified on February 2, 2024 as L&M11&T Job number 20230659 (all references are to the records of the Recorder's Office, Allen County, Indiana) and being more particularly described as follows:

Beginning, for reference, at a 3/4 inch solid iron pin in a monument box found 0.8 feet below the surface at the southeast corner of the Southeast Quarter of said Section 27, in the centerline of East Tillman Road;

Thence South 87° 48' 19" West, with the centerline of said East Tillman Road, the southerly line of said Southeast Quarter of Section 27, a distance of 480.00 feet to the southwesterly corner of that 0.11 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020957, the southeasterly corner of that 0.13 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-021726;

Thence North 01° 28' 48" West, across said East Tillman Road and with the line common to said 0.11 and 0.13 acre tracts, a distance of 40.00 feet to an iron pin set at the northerly common corner thereof, a southeasterly corner of said 265.204 acre tract, the southwesterly corner of that tract conveyed to Dennis J. Adkison and Dorothy A. Adkison by deed of record in Document Number 960023219, in the northerly right-of-way line of said East Tillman Road, the TRUE POINT OF BEGINNING;

Thence South 87° 48' 19" West, with said northerly right-of-way line, with the southerly lines of said 265.204 and 1.803 acre tracts, the northerly lines of said 0.13 acre tract and that 0.15 acre tract conveyed to County of Allen, Indiana, by deed of record in Document Number 77-023729 (passing a 5/8 inch iron rebar capped "SAUER #048" found flush with the surface at a distance of 145.31 feet), a total distance of 312.31 feet to an iron pin set at the southwesterly corner of said 1.803 acre tract, the northerly common corner of said 0.15 acre tract and that 0.16 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020587, the southeasterly corner of the remainder of that tract conveyed to Charles L. III and Jacqueline Lee III by deed of record in Document Number 2018035384 (reference a 3/4 inch solid iron pin found 0.1 feet below the surface, located South 17° 01' 20" East, at a distance of 0.43 feet from said corner);

Thence North 01° 11' 21" West, with the line common to said 1.803 acre tract and said III tract, a distance of 25.00 feet to an iron pin set;

Thence North 87° 48' 19" East, across said 1.803 and 265.204 acre tracts, being parallel to, and at a 65.00 foot perpendicular offset from the southerly line of the Southeast Quarter of said Section 27, the centerline of said East Tillman Road, a distance of 312.18 feet to an iron pin set in a line common to said 265.204 acre tract and said Adkison tract;

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Thence South 01° 28' 48" East, with said common line, a distance of 25.00 feet to the TRUE POINT OF BEGINNING, containing 0.179 acre, more or less, none of which is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron rebar, five-eighths (5/8) inch diameter, thirty (30) inches long, set flush, with a plastic cap inscribed Firm No. 0086.

The bearings herein are based on the Indiana State Plane Coordinate System, East Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GNSS observations and observations of selected CORS base stations in the National Spatial Reference System. The southerly line of the Southeast Quarter of Section 27, Township 30 North, Range 13 East, having a bearing of South 87° 48' 19" West, and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027, in August-December, 2023 and January, 2024.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature of Joshua M. Meyer in black ink.

2-2-2024

Joshua M. Meyer  
Indiana Registered Land Surveyor No. LS21800027

Date

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Code: N/A  
Parcel: N/A  
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### 2.708 ACRES

Situated in the State of Indiana, County of Allen, City of Fort Wayne and Township of Adams, lying in the Southwest and Southeast Quarters of Section 27, Township 30 North, Range 13 East of the Second Principal Meridian and being 2.708 acres comprised of 2.496 acres out of that 265.204 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002585, 0.101 acre out of that 1.770 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002119, and 0.111 acre out of that 2.000 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002113, said 2.708 acre tract surveyed by Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027 and shown on a plat of survey certified on February 2, 2024 as EMH&T job number 20230659 (all references are to the records of the Recorder's Office, Allen County, Indiana) and being more particularly described as follows:

BEGINNING at a 3/4 inch solid iron pin in a monument box found 0.6 feet below the surface at the southerly common corner of the Southwest and Southeast Quarters of said Section 27, a southwest corner of said 265.204 acre tract, the southeast corner of that 0.37 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020873, in the centerline of East Tillman Road (width varies);

Thence North 01° 06' 29" West, across said East Tillman Road, with a westerly line of said 265.204 acre tract, the easterly line of said 0.37 acre tract, the line common to said Southwest and Southeast Quarters, a distance of 40.01 feet to a common corner of said 265.204 and 0.37 acre tracts, in the northerly right-of-way line of said East Tillman Road (reference a 5/8 inch iron rebar found flush with the surface located South 74° 01' 32" East, at a distance of 0.19 feet from said corner);

Thence with a southerly line of said 265.204 acre tract, the northerly right-of-way line of said East Tillman Road, and the northerly lines of said 0.37 acre tract, that 0.61 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020872, that 0.38 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-024564, and that 0.24 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-024562, the following courses and distances:

South 87° 48' 19" West, distance of 0.76 feet to an iron pin set; and

South 87° 47' 29" West, a distance of 2034.28 feet to a 5/8 inch iron rebar (0.2 feet below the surface) found at a southwesterly corner of said 265.204 acre tract, the southeasterly corner of the remainder of that 1.030 acre tract conveyed to David A. Bulmahn and Jill E. Bulmahn by deed of record in Document Number 205031577;

Thence North 00° 57' 48" West, with a line common to said 265.204 and 1.030 acre tracts, a distance of 25.01 feet to an iron pin set;

Thence across said 265.204, 1.770, and 2.000 acre tracts, the following courses and distances:

North 87° 47' 29" East (being parallel to and at a 65.00 foot perpendicular offset from the southerly line of the Southwest Quarter of said Section 27, the centerline of said East Tillman Road), a distance of 2033.73 feet to an iron pin set; and

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North 87° 48' 19" East (being parallel to and at a 65.00 foot perpendicular offset from the southerly line of the Southeast Quarter of said Section 27, the centerline of said East Tillman Road, passing the line common to the Southwest and Southeast Quarters of said Section 27, at a distance of 1.25 feet), a total distance of 1322.35 feet to an iron pin set in an easterly line of said 265.204 acre tract, the westerly line of that 1.157 acre tract conveyed to Frederick A. Hitzemann by deed of record in Document Number 980015911;

Thence South 01° 13' 24" East, across said East Tillman Road, with said easterly line, said westerly line, and the westerly line of that 0.22 acre tract conveyed to County of Allen, Indiana by deed of record in Document Number 77-020958 (passing a 5/8 inch bent iron rebar found flush with the surface at a distance of 24.81 feet), a total distance of 65.01 feet to a magnetic nail set at a southeasterly corner of said 265.204 acre tract, the southwesterly corner of said 0.22 acre tract, in centerline of said East Tillman Road, the southerly line of said Southeast Quarter;

Thence South 87° 48' 19" West, with a southerly line of said 265.204 acre tract, the centerline of said East Tillman Road, the southerly line of said Southeast Quarter, a distance of 801.23 feet to a magnetic nail set at a southwesterly corner of said 265.204 acre tract, the southeasterly corner of the remainder of that tract conveyed to Fort Wayne National Bank (nku National City Bank), Trustee by deed of record in Document Number 980015574;

Thence North 02° 11' 41" West, across said East Tillman Road, with the line common to said 265.204 acre tract and said Fort Wayne National Bank tract, a distance of 40.00 feet to a 5/8 inch iron rebar flush with the surface (cap not legible) found at the southeasterly corner of said 2.000 acre tract, the northeasterly corner of the remainder of said Fort Wayne National Bank tract, in the northerly right-of-way line of said East Tillman Road;

Thence South 87° 48' 19" West, with said northerly right-of-way line, the southerly lines of said 2.000 and 1.770 acre tracts, a southerly line of said 265.204 acre tract, and the northerly line of the remainder of said Fort Wayne National Bank tract (passing a 5/8 inch iron rebar (cap not legible) 0.1 feet below the surface found at a distance of 193.60 feet and a 5/8 inch iron rebar capped "SAUER" 0.1 feet below the surface found at a distance of 369.22 feet), a total distance of 470.00 feet to a common corner of said 265.204 acre tract and the remainder of said Fort Wayne National Bank tract (reference a 5/8 inch iron rebar capped "ABONMARCHÉ FIRM #0050" found flush with the surface located South 47° 38' 55" East, at a distance of 0.23 feet from said corner);

Thence South 02° 11' 41" East, across said East Tillman Road, with an easterly line of said 265.204 acre tract, the westerly line of the remainder of said Fort Wayne National Bank tract, a distance of 40.00 feet to a magnetic nail set at a common corner thereof, in the centerline of said East Tillman Road, the southerly line of said Southeast Quarter;

Thence South 87° 48' 19" West, with said centerline, the southerly line of said Southeast Quarter Section, the southerly line of said 265.204 acre tract, a distance of 50.00 feet to the POINT OF BEGINNING, containing 2.708 acres, more or less, of which 0.782 acre is within the present roadway occupied.



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Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron rebars, five-eighths (5/8) inch diameter, thirty (30) inches long, set flush, with a plastic cap inscribed Firm No. 0086.

Mag nails set, where indicated, are set flush with shiner inscribed Firm No. 0086.

The bearings shown herein are based on the Indiana State Plane Coordinate System, East Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GNSS observations and observations of selected CORS base stations in the National Spatial Reference System. The southerly line of the Southeast Quarter of Section 27, Township 30 North, Range 13 East, having a bearing of South 87° 48' 19" West, and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027, in August-December, 2023, and January, 2024.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



2-2-2024

Joshua M. Meyer  
Indiana Registered Land Surveyor No. LS21800027

Date

TOWNSHIP 30 NORTH, RANGE 13 EAST, SECOND PRINCIPAL MERIDIAN  
CITY OF FORT WAYNE, COUNTY OF ALLEN, STATE OF INDIANA



11/10/1964

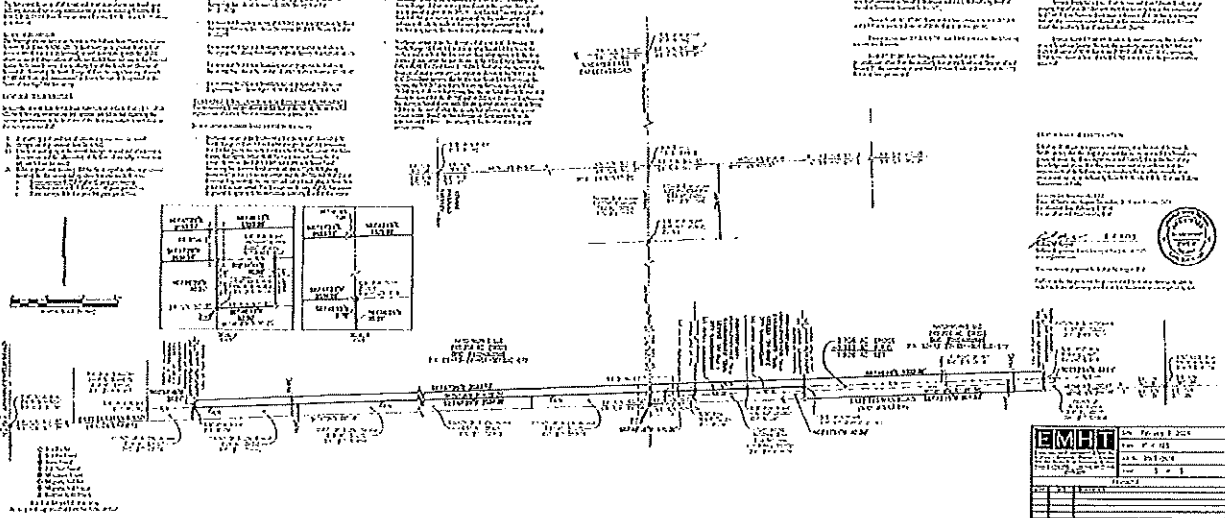
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Project Director: US Army / IC3333-71-127-3



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ON 27  
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**WARRANTY DEED**  
**(Fee Simple Right of Way)**

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Revised 5/2019

Project:	Zodiac
Code:	N/A
Parcel:	N/A
Page:	1 of 7

**THIS INDENTURE WITNESSETH**, That **HATCHWORKS LLC**, a Delaware limited liability company (the "Grantor"), conveys to **THE CITY OF FORT WAYNE, INDIANA**, a municipal corporation (the "City"), for and in consideration of the sum of Zero and 00/100 Dollars (\$0.00) and other valuable consideration, the receipt of which is hereby acknowledged, certain real estate situated in the County of Allen, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted on Exhibit "B", both of which exhibits are incorporated herein by reference (the "Real Estate"). No monetary consideration has been exchanged in connection with this transfer, and the transfer is consequently exempt from the filing of a Sales Disclosure Form under Ind. Code § 6-1.1-5.5.

The conveyance is subject to any and all liens, easements, conditions, matters, agreements and restrictions of record.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes.

The Grantor assumes and agrees to pay the 2023 payable 2024 real estate taxes and assessments on the Real Estate. This obligation to pay shall survive the said closing and shall be enforceable by the City in the event of any non-payment.

Interests in land acquired by and taxes  
mailed to the City of Fort Wayne:  
City mailing address:  
200 East Berry Street, Room 210  
Fort Wayne, IN 46802  
I.C. 8-23-7-31

In Witness Whereof, the Grantor has executed this instrument this 14 day of May, 2024,  
2024.

[signature page follows]



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Code: N/A  
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HATCHWORKS LLC, a Delaware limited liability company

By:   
Marc Stern, Site Facility Manager

STATE OF Indiana )  
COUNTY OF Allen ) SS:

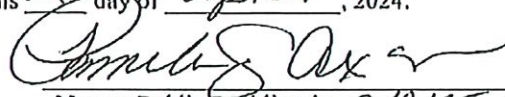


Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marc Stern, Site Facility Manager of Hatchworks LLC, a Delaware limited liability company, who having been duly sworn upon his oath acknowledged the execution of the foregoing Warranty Deed (Fee Simple Right of Way) on behalf of said limited liability company.

Witness my hand and Notarial Seal this 26 day of April, 2024.

My Commission Expires:

1/19/2030

  
Notary Public Residing in Allen County,  
California  
Pamela J. Axson  
(Printed Signature)



PAMELA J AXSON, Notary Public  
Allen County, State of Indiana  
Commission Number NP0738596  
My Commission Expires January 19, 2030

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**CITY OF FORT WAYNE  
ACCEPTANCE OF DEED**

WHEREAS, Grantor has executed in favor of the City of Fort Wayne, Indiana ("City") the foregoing Warranty Deed (Fee Simple Right of Way) ("Deed") to which this instrument of acceptance is attached, and which Deed conveys certain real property (the "Real Estate") to the City for the sole purpose of public right of way for Adams Center Road;

AND WHEREAS, the City desires to accept such conveyance of the Real Estate.

NOW THEREFORE, the City hereby accepts said Deed, and consents to the Deed being recorded by the Grantor in the Recorder's Office of Allen County, Indiana.

**CITY OF FORT WAYNE, INDIANA**


**BOARD OF PUBLIC WORKS**

By:   
Shan Gunawardena, Chair

By: ABSENT  
Kumar Menon, Member

By:   
Chris Guerrero, Member

ATTEST:

By:   
~~Michelle Fulk-Vondran, Clerk~~  
Tania Schwarz, Acting Clerk

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 4 of 7

Karen K Buller  
Notary Public Seal State of Indiana  
Allen County  
Commission Number NP0630402  
My Commission Expires 10/23/2027

Form WD-1  
Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 5 of 7

### Exhibit A Legal Description

#### 6.890 ACRES

Situated in the State of Indiana, County of Allen, City of Fort Wayne, lying in the Southwest Quarter of Section 22 and the Northwest Quarter of Section 27, Township 30 North, Range 13 East of the Second Principal Meridian and being 6.890 acres out of that 590.901 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002585, said 6.890 acre tract surveyed by Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027 and shown on a plat of survey certified on February 2, 2024, as BMH&T job number 20230659 (all references are to the records of the Recorder's Office, Allen County, Indiana) and being more particularly described as follows:

BEGINNING at a cast iron Harrison monument found flush at the southwest corner of the Southwest Quarter of said Section 22, the northwest corner of the Northwest Quarter of said Section 27, being the centerline intersection of Adams Center Road and East Paulding Road, being an angle point in the westerly line of said 590.901 acre tract;

Thence North  $01^{\circ} 14' 03''$  West, with the westerly line of said Southwest Quarter of said Section 22, the centerline of said Adams Center Road, the westerly line of said 590.901 acre tract, a distance of 1973.06 feet to a magnetic nail found 0.5 feet below the surface at the northwesterly corner of said 590.901 acre tract, the southwesterly corner of the remainder of that 328.263 acre tract conveyed to The City of Fort Wayne, Department of Redevelopment by deed of record in Document Number 204021738;

Thence North  $87^{\circ} 41' 44''$  East, across said Adams Center Road and with the northerly line of said 590.901 acre tract and with the southerly line of the remainder of said 328.263 acre tract and with the southerly line of that tract conveyed to FedEx National L.L.C. by deed of record in Document Number 206059426, a distance of 65.01 feet to an iron pin set;

Thence across said 590.901 acre tract, the following courses and distances;

South  $01^{\circ} 14' 03''$  East, (being parallel to and a 65.00 foot perpendicular offset of the westerly line of the Southwest Quarter of said Section 22, the centerline of Adams Center Road) (passing the line common to the Southwest Quarter of said Section 22 and the Northwest Quarter of said Section 27 at a distance of 1973.02 feet) a total distance of 1974.21 feet to a magnetic nail set; and

South  $01^{\circ} 20' 46''$  East, (being parallel to and a 65.00 foot perpendicular offset of the westerly line of the Northwest Quarter of said Section 27, the centerline of Adams Center Road) a distance of 2643.30 feet to an iron pin set in the southerly line of said 590.901 acre tract, the northerly line of that 2.00 acre tract conveyed to Indiana & Michigan Electric Company, the line common to the Northwest and Southwest Quarters of said Section 27;

Thence South  $87^{\circ} 41' 12''$  West, with the line common to said 590.901 and 2.00 acre tracts, said common Quarter Section line and across said Adams Center Road, a distance of 65.01 feet to a  $\frac{5}{8}$  inch iron rebar found 0.3 feet below the surface at the westerly common corner thereof, in the centerline of said Adams Center Road;

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Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
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Thence North  $01^{\circ} 20' 46''$  West, with the westerly line of the Northwest Quarter of said Section 27, the centerline of said Adams Center Road, the westerly line of said 590.901 acre tract, a distance of 2644.46 feet to the POINT OF BEGINNING, containing 6.890 acres, more or less, of which 4.259 acres is within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron rebars, five-eighths ( $5/8$ ) inch diameter, thirty (30) inches long, set flush, with a plastic cap inscribed Firm No. 0086.

Mag nails set, where indicated, are set flush with shiner inscribed Firm No. 0086.

The bearings herein are based on the Indiana State Plane Coordinate System, East Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GNSS observations and observations of selected CORS base stations in the National Spatial Reference System. The westerly line of Southwest Quarter of Section 22, Township 30 North, Range 13 East, having a bearing of North  $01^{\circ} 14' 03''$  West, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027, in August-December, 2023, and January, 2024.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

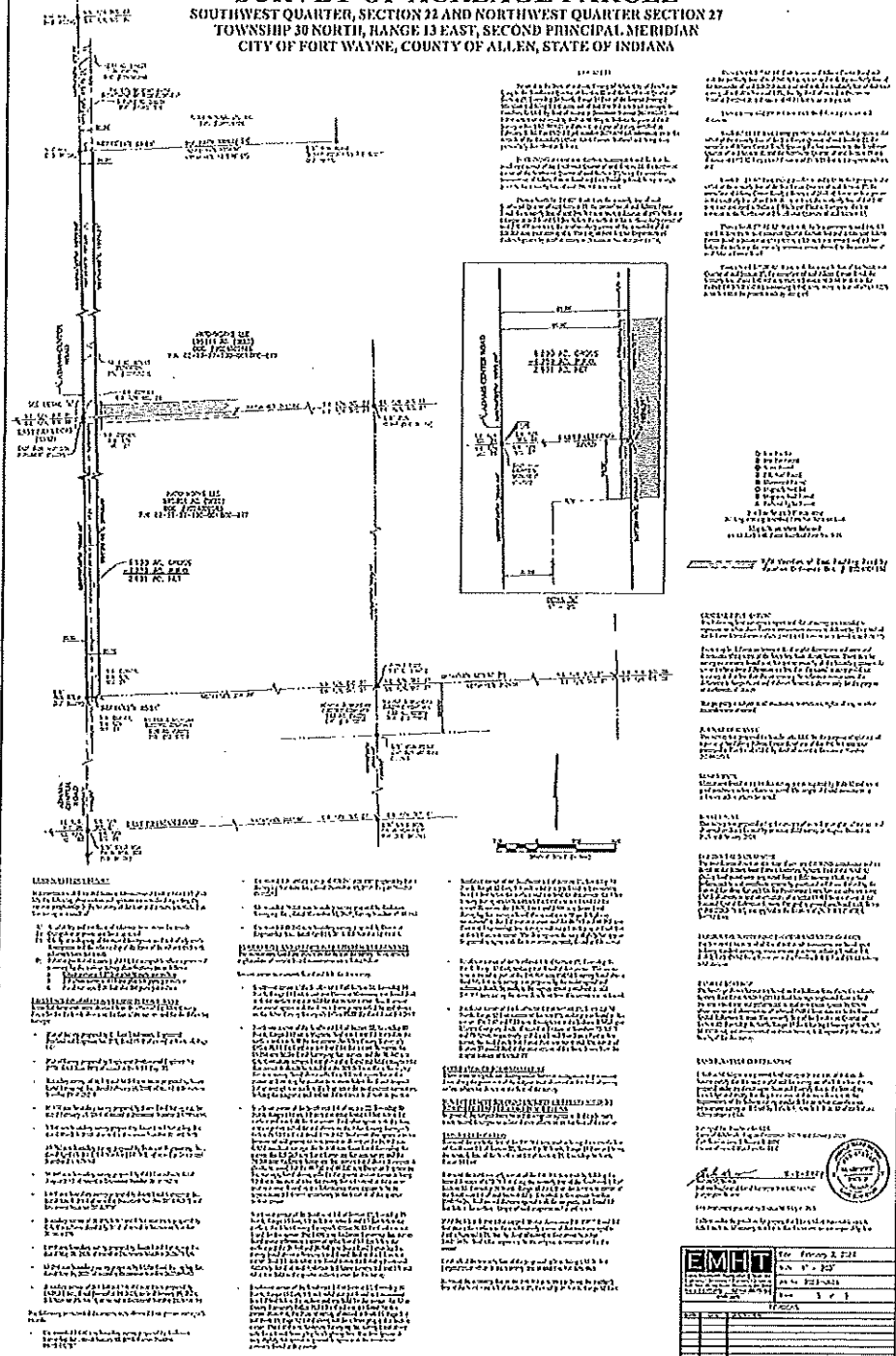
A handwritten signature of Joshua M. Meyer in dark ink.

2-2-2024

Joshua M. Meyer Date  
Indiana Registered Land Surveyor No. LS21800027



**SOUTHWEST QUARTER, SECTION 22 AND NORTHWEST QUARTER SECTION 27  
TOWNSHIP 30 NORTH, RANGE 13 EAST, SECOND PRINCIPAL MERIDIAN  
CITY OF FORT WAYNE, COUNTY OF ALLEN, STATE OF INDIANA**



**RIGHT OF WAY DEED  
(Easement Right of Way)**

Form WD-1  
Revised 5/2019

Project:	Zodiac
Code:	N/A
Parcel:	N/A
Page:	1 of 7

**THIS INDENTURE WITNESSETH**, That **HATCHWORKS LLC**, a Delaware limited liability company (the "Grantor"), conveys to **THE CITY OF FORT WAYNE, INDIANA**, a municipal corporation (the "City"), for and in consideration of the sum of Zero and 00/100 Dollars (\$0.00) and other valuable consideration, the receipt of which is hereby acknowledged, a right of way easement over certain real estate situated in the County of Allen, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted on Exhibit "B", both of which exhibits are incorporated herein by reference (the "Real Estate"). No monetary consideration has been exchanged in connection with this transfer, and the transfer is consequently exempt from the filing of a Sales Disclosure Form under Ind. Code § 6-1.1-5.5.

The conveyance is subject to any and all liens, easements, conditions, matters, agreements and restrictions of record.

The Grantor assumes and agrees to pay the 2023 payable 2024 real estate taxes and assessments on the Real Estate. This obligation to pay shall survive the said closing and shall be enforceable by the City in the event of any non-payment.

Interests in land acquired by and taxes  
mailed to the City of Fort Wayne:  
City mailing address:  
200 East Berry Street, Room 210  
Fort Wayne, IN 46802  
I.C. 8-23-7-31

In Witness Whereof, the Grantor has executed this instrument this 14<sup>th</sup> day of May 2024,  
2024.

[signature page follows]

Form WD-1  
Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 2 of 7

HATCHWORKS LLC, a Delaware limited liability company

By: Marc Stern  
Marc Stern, Site Facility Manager



STATE OF Indiana  
COUNTY OF Allen ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marc Stern, Site Facility Manager of Hatchworks LLC, a Delaware limited liability company, who having been duly sworn upon his oath acknowledged the execution of the foregoing Right of Way Deed (Easement Right of Way) on behalf of said limited liability company.

Witness my hand and Notarial Seal this 26 day of April, 2024.

My Commission Expires:

1/19/2030

Pamela J Axson  
Notary Public Residing in Allen County,  
California  
Pamela J. Axson  
(Printed Signature)



PAMELA J AXSON, Notary Public  
Allen County, State of Indiana  
Commission Number NP0738596  
My Commission Expires January 19, 2030

Form WD-1  
Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 3 of 7

**CITY OF FORT WAYNE  
ACCEPTANCE OF DEED**

WHEREAS, Grantor has executed in favor of the City of Fort Wayne, Indiana ("City") the foregoing Warranty Deed (Fee Simple Right of Way) ("Deed") to which this instrument of acceptance is attached, and which Deed conveys certain real property (the "Real Estate") to the City for the sole purpose of public right of way for Adams Center Road;

AND WHEREAS, the City desires to accept such conveyance of the Real Estate.

NOW THEREFORE, the City hereby accepts said Deed, and consents to the Deed being recorded by the Grantor in the Recorder's Office of Allen County, Indiana.

**CITY OF FORT WAYNE, INDIANA**

**BOARD OF PUBLIC WORKS**


By:   
Shan Gunawardena, Chair

**ABSENT**

By: \_\_\_\_\_  
Kumar Menon, Member

By:   
Chris Guerrero, Member

**ATTEST:**

By:   
Michelle Fulk-Vondran, Clerk  
Tania Schwarz, Acting Clerk

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 4 of 7

Karen K Butler  
Notary Public Seal State of Indiana  
Allen County  
Commission Number NP0630402  
My Commission Expires 10/23/2027



Form WD-1  
Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 5 of 7

**Exhibit A  
Legal Description**

**HIGHWAY EASEMENT  
0.433 ACRE**

Situated in the State of Indiana, County of Allen, City of Fort Wayne, lying in Southeast Quarter of Section 22, Township 30 North, Range 13 East, Second Principle Meridian, being a 0.433 acre strip of land on, over, and across that 590.901 acre tract conveyed to Hatchworks LLC by deed of record in Document Number 2024002585, said 0.433 acre strip surveyed by Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027 and shown on a plat of survey certified on March 14, 2024, as BMH&T job number 20230659 (all references are to the records of the Recorder's Office, Allen County, Indiana) and being more particularly described as follows:

Beginning, for reference, at a 5/8 inch rebar found 0.5 feet below the surface at the southeast corner of said Section 22, the southwest corner of Section 23 of said Township, the northwest corner of Section 26 of said Township, the northeast corner of Section 27 of said Township, in the centerline of East Paulding Road;

Thence South 87° 43' 18" West, with said centerline, the southerly line of the Southeast Quarter of said Section 22, a distance of 157.41 feet to a magnetic nail with tag stamped "D&A Firm #0026" found flush in the line common to said 590.901 acre tract and the CSX Transportation Inc. tract (reference a 5/8 inch rebar found 0.4 feet below the surface being South 87° 43' 18" West, a distance of 2421.55 feet, at the southwest corner of the Southeast Quarter of said Section 22);

Thence North 23° 21' 55" West, with said common line, a distance of 32.15 feet to an iron pin set in the northerly right-of-way line of said East Paulding Road, the TRUE POINT OF BEGINNING;

Thence across said 590.901 acre tract, the following courses and distances:

South 87° 43' 18" West, with said northerly right-of-way line, a distance of 227.94 feet to a magnetic nail set at the northeasterly corner of that vacated portion of East Paulding Road, reference Vacation Ordinance of record in Document Number 2024001439 ;

North 02° 16' 42" West, a distance of 53.63 feet to an iron pin set; and

North 66° 39' 41" East, a distance of 193.38 feet to an iron pin set in the line common to said 590.901 acre tract and said CSX Transportation Inc. tract;

Thence South 23° 21' 55" East, with said common line, a distance of 131.95 feet to the TRUE POINT OF BEGINNING, containing 0.433 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron rebars, five-eighths (5/8) inch diameter, thirty (30) inches long, set flush, with a plastic cap inscribed Firm No. 0086. Magnetic nails set, where indicated, are set flush with shiner inscribed Firm No. 0086.

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Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 6 of 7

The bearings herein are based on the Indiana State Plane Coordinate System, East Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GNSS observations and observations of selected CORS base stations in the National Spatial Reference System. The southerly line of the Southeast Quarter of Section 22, Township 30 North, Range 13 East, having a bearing of South 87° 43' 18" West, is designated as the "basis of bearings" for this description.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Indiana Registered Land Surveyor No. LS21800027, in August-December, 2023, January 2024 and March 2024.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in cursive script that reads "Joshua M. Meyer".

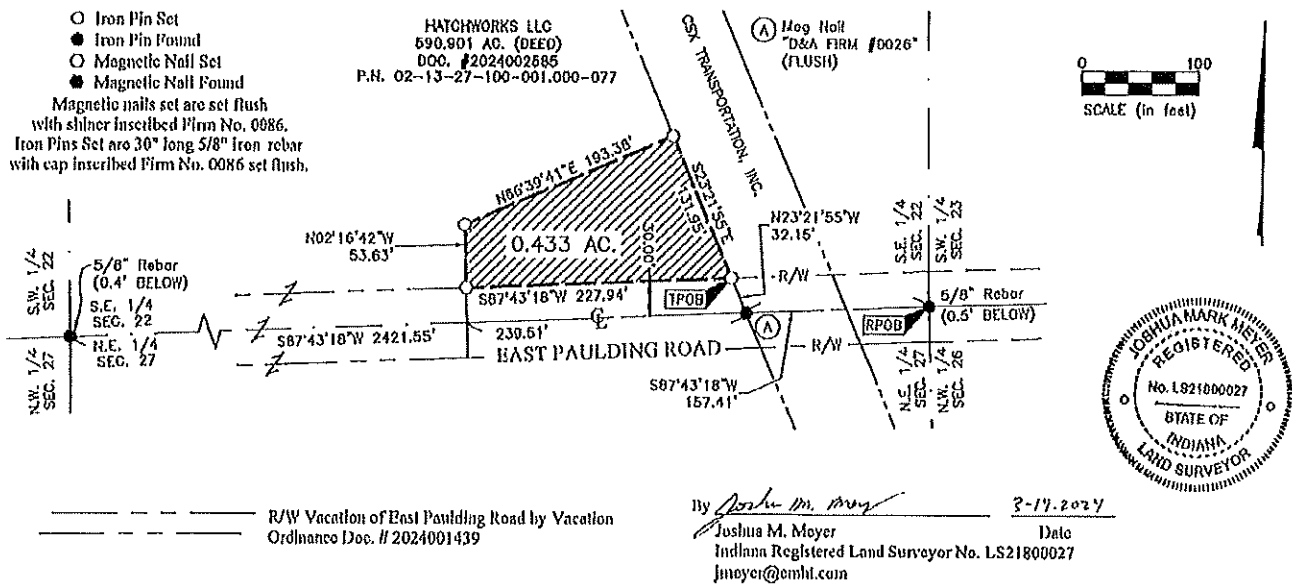
March 14, 2024

Joshua M. Meyer Date  
Indiana Registered Land Surveyor No. LS21800027

Form WD-1  
Revised 5/2019

Project: Zodiac  
Code: N/A  
Parcel: N/A  
Page: 7 of 7

Exhibit B  
Depiction of Real Estate



# COUNCIL DIGEST SHEET

Enclosed with this introduction form is a tab sheet and related material from the vendor(s) who submitted bid(s). Public Works is providing this information to Council as an overview of this award.

## RFPs, BIDS, OTHER PROJECTS

Bid/RFP#/Name of Project	Transfer of property to the City from Hatchworks LLC along E Tillman Rd, E Paulding Rd, and Adams Center Rd
Awarded To	Allen County Community Development Corp
Amount	\$0.00
Conflict of interest on file?	N/A
Number of Registrants	N/A
Number of Bidders	N/A
Required Attachments	

## EXTENSIONS

Date Last Bid Out	N/A
# Extensions Granted To Date	

## SPECIAL PROCUREMENT

Contract #/ID (State, Federal, Piggyback--Authority)	Transfer of property to the City from Hatchworks LLC along E Tillman Rd, E Paulding Rd, and Adams Center Rd
Sole Source/ Compatibility Justification	N/A

## BID CRITERIA *(Take Buy Indiana requirements into consideration.)*

Most Responsible, Responsive Lowest	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If no, explain below</i>
If not lowest, explain	N/A

# COUNCIL DIGEST SHEET

## COST COMPARISON

<i>Increase/decrease amount from prior years For annual purchase (if available).</i>	N/A
--	-----

## DESCRIPTION OF PROJECT / NEED

<i>Identify need for project &amp; describe project; attach supporting documents as necessary.</i>	City acquiring real estate to be included as a part of the City's Right-of Way Preservation Plan.

## REQUEST FOR SUSPENSION OF RULES

<i>Provide justification if prior approval is being requested.</i>	

## FUNDING SOURCE

<i>Account Information.</i>	
	N/A



**FORT WAYNE**  
**Public Works**  
*In Your Neighborhood*

May, 14, 2024

City Council Members  
City of Fort Wayne

RE: Transfer of property to the City from Hatchworks LLC along E Tillman Rd, E Paulding Rd, and Adams Center Rd

Dear Council Members,

The City has agreed to the transfer of properties along E Tillman Rd, E Paulding Rd, and Adams Center Rd in Fort Wayne, Indiana.

The City of Fort Wayne Board of Public Works has approved these acquisitions.

We are asking for Council to approve these acquisitions and suspend the rules for introduction, discussion and passage to occur at the same time. This is requested due to follow on easements and right of entry agreements that must also occur in an expeditious manner.

If you have any questions on the above, please feel free to contact me at 260-427-2789.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Zaharako".

Patrick Zaharako  
City Engineer